
A BILL FOR AN ACT

RELATING TO THE HAWAII TOURISM AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the managing agency
2 of the State's top economic driver is in need of an overhaul as
3 public discourse and perception have grown more critical of the
4 increasing number of visitors to the State and their impact on
5 the State's environment, resources, and infrastructure. While
6 the Hawaii tourism authority under its board of directors has
7 proven to be successful in attracting visitors from around the
8 world, the legislature believes it is time to revamp the
9 management of the authority and redirect its mission to be
10 focused on efforts specifically related to tourism. The
11 legislature further believes that establishing a steering
12 committee to act as an advisor to a chief tourism officer will
13 centralize the responsibilities of the authority and allow the
14 authority to focus on tourism-related activities and managing
15 over-tourism.

16 The legislature acknowledges the work of the existing
17 Hawaii tourism authority and its efforts in perpetuating native



1 Hawaiian culture and practices. However, the various
2 responsibilities of the existing authority have contributed to
3 the growing concerns of residents regarding the negative impacts
4 of over-tourism. Transferring certain responsibilities, such as
5 perpetuating certain aspects of the native Hawaiian culture, of
6 the current Hawaii tourism authority to a more appropriate state
7 agency not only allows the Hawaii tourism authority to focus its
8 efforts on managing tourism and its impact on the State, but
9 also ensures that the important job of perpetuating the
10 uniqueness of the native Hawaiian culture to residents and
11 visitors alike continues under a more appropriate state agency.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Change the board of directors of the Hawaii tourism
14 authority, including their powers, to a steering
15 committee to assist the chief tourism officer;
- 16 (2) Rename the president and chief executive officer as
17 the chief tourism officer and makes the chief tourism
18 officer head of the Hawaii tourism authority;
- 19 (3) Repeal certain powers of the former board and the
20 Hawaii tourism authority; and



1 (4) Transfer the function of awarding and administering
2 any cultural grants that perpetuate the uniqueness of
3 the native Hawaiian culture and community from the
4 Hawaii tourism authority to the state foundation on
5 culture and the arts.

6 SECTION 2. Section 201B-2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§201B-2 Hawaii tourism authority; establishment; [beard;
9 president and chief executive officer.] chief tourism officer;
10 steering committee. (a) There is established the Hawaii
11 tourism authority, which shall be a body corporate and a public
12 instrumentality of the State, for the purpose of implementing
13 this chapter. The authority shall be placed within the
14 department of business, economic development, and tourism for
15 administrative purposes only[-] and shall be headed by the chief
16 tourism officer. The chief tourism officer shall be appointed
17 by the governor as provided in section 26-34 and shall report
18 directly to the governor. The salary of the chief tourism
19 officer shall be no more than one hundred per cent of the salary
20 of the director of business, economic development, and tourism.



1 (b) The authority shall be ~~[headed]~~ assisted by a ~~[policy-~~
2 ~~making board of directors]~~ steering committee that shall assist
3 the chief tourism officer in carrying out the duties of the
4 authority and shall consist of ~~[twelve]~~ the following nine
5 members~~;~~ provided that:

6 ~~-(1) The members shall be appointed by the governor as~~
7 ~~provided in section 26-34, except as provided by this~~
8 ~~section;~~

9 ~~-(2) The members shall include at least one representative~~
10 ~~each from the city and county of Honolulu and the~~
11 ~~counties of Hawaii, Kauai, and Maui;~~

12 ~~-(3) Three members shall be appointed by the governor from~~
13 ~~a list of three names submitted for each appointment~~
14 ~~by the president of the senate, and three members~~
15 ~~shall be appointed by the governor from a list of~~
16 ~~three names submitted for each appointment by the~~
17 ~~speaker of the house of representatives; provided that~~
18 ~~if fewer than three names are submitted for each~~
19 ~~appointment, the governor may disregard the list;~~

20 ~~-(4) At least six members shall have knowledge, experience,~~
21 ~~and expertise in the area of accommodations,~~



1 ~~transportation, retail, entertainment, or attractions,~~
2 ~~and at least one member appointed by the governor~~
3 ~~shall have knowledge, experience, and expertise in the~~
4 ~~area of Hawaiian cultural practices; provided that no~~
5 ~~more than three members shall represent, be employed~~
6 ~~by, or be under contract to any sector of the industry~~
7 ~~represented on the board;~~

8 ~~(5) One member shall be the director of business, economic~~
9 ~~development, and tourism, or the director's designee,~~
10 ~~who shall be an ex officio voting member;~~

11 ~~(6) The governor shall make appointments to ensure the~~
12 ~~fulfillment of all requirements of paragraphs (2) and~~
13 ~~(4); provided that upon the occurrence of a vacancy~~
14 ~~subject to paragraph (3), the governor shall notify~~
15 ~~the president of the senate and the speaker of the~~
16 ~~house of representatives of any unfulfilled~~
17 ~~requirements pursuant to paragraphs (2) and (4), and~~
18 ~~the president of the senate or the speaker of the~~
19 ~~house of representatives, as appropriate, shall submit~~
20 ~~nominees who fulfill those requirements; and~~



1 ~~(7) No person who has served as a member of the board of~~
2 ~~directors of the Hawaii Visitors and Convention Bureau~~
3 ~~shall be eligible to sit as a member of the board of~~
4 ~~directors of the Hawaii tourism authority until at~~
5 ~~least two years have expired between the person's~~
6 ~~termination from service on the Hawaii Visitors and~~
7 ~~Convention Bureau board and the person's appointment~~
8 ~~to the authority's board of directors.]~~

9 (1) The chief tourism officer, who shall serve as an ex
10 officio member and as the chair of the steering
11 committee;

12 (2) Four members appointed by the governor pursuant to
13 section 26-34;

14 (3) Two members appointed by the president of the senate;
15 and

16 (4) Two members appointed by the speaker of the house of
17 representatives.

18 (c) Members shall be appointed [~~by the governor~~] for terms
19 of four years; provided that membership on the board shall not
20 exceed eight consecutive years; provided further that each



1 member shall hold office until the member's successor is
2 appointed and qualified.

3 ~~[(d) The board shall elect a chairperson from among the~~
4 ~~members.~~

5 ~~(e) Seven members shall constitute a quorum and a minimum~~
6 ~~of seven affirmative votes shall be necessary for all actions by~~
7 ~~the authority. The members shall serve without compensation,~~
8 ~~but shall be reimbursed for expenses, including traveling~~
9 ~~expenses, necessary for the performance of their duties.~~

10 ~~(f) The board shall appoint one person to serve as~~
11 ~~president and chief executive officer, exempt from chapters 76~~
12 ~~and 88 who shall oversee the authority staff; provided further~~
13 ~~that the compensation package shall not include private sector~~
14 ~~moneys or other contributions. The board shall set the~~
15 ~~president and chief executive officer's duties,~~
16 ~~responsibilities, holidays, vacations, leaves, hours of work,~~
17 ~~and working conditions. It may grant other benefits as it deems~~
18 ~~necessary.] "~~

19 SECTION 3. Section 201B-2.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "[+]§201B-2.5[+] **Authority, private attorneys.** (a) The
 2 [beard] chief tourism officer may appoint or retain by contract
 3 one or more attorneys who are independent of the attorney
 4 general to provide legal services for the [beard] authority
 5 solely in cases of contract negotiations in which the attorney
 6 general lacks sufficient expertise; provided that the
 7 independent attorney shall consult and work in conjunction with
 8 the designated deputy attorney general assigned to the Hawaii
 9 tourism authority.

10 (b) The [beard] chief tourism officer may fix the
 11 compensation of the attorneys appointed or retained pursuant to
 12 this section. Attorneys appointed or retained by contract shall
 13 be exempt from chapters 76, 78, and 88."

14 SECTION 4. Section 201B-3, Hawaii Revised Statutes, is
 15 amended by amending subsection (a) to read as follows:

16 "(a) Except as otherwise limited by this chapter, the
 17 authority may:

- 18 [~~(1)~~] ~~Sue and be sued;~~
- 19 ~~(2) Have a seal and alter the same at its pleasure;~~
- 20 ~~(3) Through its president and chief executive officer,~~
 21 ~~make and execute contracts and all other instruments~~



1 ~~necessary or convenient for the exercise of its powers~~
2 ~~and functions under this chapter; provided that the~~
3 ~~authority may enter into contracts and agreements for~~
4 ~~a period of up to five years, subject to the~~
5 ~~availability of funds; and provided further that the~~
6 ~~authority may enter into agreements for the use of the~~
7 ~~convention center facility for a period of up to ten~~
8 ~~years;~~

9 ~~(4)~~ (1) Make and alter bylaws for its organization and
10 internal management;

11 ~~(5)~~ (2) Unless otherwise provided in this chapter, adopt
12 rules in accordance with chapter 91 with respect to
13 its projects, operations, properties, and facilities;

14 ~~(6)~~ (3) Through its [~~president and~~] chief [~~executive~~]
15 tourism officer, represent the authority in
16 communications with the governor and the legislature;

17 ~~(7)~~ ~~Through its president and chief executive officer,~~
18 ~~provide for the appointment of officers, agents, a~~
19 ~~sports coordinator, and employees, subject to the~~
20 ~~approval of the board, prescribing their duties and~~
21 ~~qualifications, and fixing their salaries, without~~



1 ~~regard to chapters 76 and 78, if funds have been~~
2 ~~appropriated by the legislature and allotted as~~
3 ~~provided by law;~~

4 ~~(8)]~~ (4) Through its [~~president and~~] chief [~~executive~~]
5 tourism officer, purchase supplies, equipment, or
6 furniture;

7 ~~(9)]~~ (5) Through its [~~president and~~] chief [~~executive~~]
8 tourism officer, allocate the space or spaces that are
9 to be occupied by the authority and appropriate staff;

10 ~~(10)]~~ (6) Through its [~~president and~~] chief [~~executive~~]
11 tourism officer, engage the services of qualified
12 persons to implement the State's tourism marketing
13 plan or portions thereof as determined by the
14 authority;

15 ~~(11)]~~ (7) Through its [~~president and~~] chief [~~executive~~]
16 tourism officer, engage the services of consultants on
17 a contractual basis for rendering professional and
18 technical assistance and advice;

19 ~~(12)~~ ~~Procure insurance against any loss in connection with~~
20 ~~its property and other assets and operations in~~
21 ~~amounts and from insurers as it deems desirable;~~



- 1 ~~(13)~~ (8) Contract for or accept revenues, compensation,
2 proceeds, and gifts or grants in any form from any
3 public agency or any other source;
- 4 ~~[(14)]~~ (9) Develop, coordinate, and implement state policies
5 and directions for tourism and related activities
6 taking into account the economic, social, and physical
7 impacts of tourism on the State, Hawaii's natural
8 environment, and areas frequented by visitors;
- 9 ~~[(15)]~~ (10) Have a permanent, strong focus on Hawaii brand
10 management;
- 11 ~~[(16)]~~ (11) Coordinate all agencies and advise the private
12 sector in the development of tourism-related
13 activities and resources;
- 14 ~~[(17)]~~ (12) Work to eliminate or reduce barriers to travel
15 to provide a positive and competitive business
16 environment, including coordinating with the
17 department of transportation on issues affecting
18 airlines and air route development;
- 19 ~~[(18)]~~ (13) Market and promote sports-related activities and
20 events;



1 [~~(19)~~] (14) Coordinate the development of new products with
2 the counties and other persons in the public sector
3 and private sector, including the development of
4 sports, culture, health and wellness, education,
5 technology, agriculture, and nature tourism;
6 [~~(20)~~] (15) Establish a public information and educational
7 program to inform the public of tourism and tourism-
8 related problems;
9 [~~(21)~~] (16) Encourage the development of tourism
10 educational, training, and career counseling programs;
11 [~~(22)~~] (17) Establish a program to monitor, investigate, and
12 respond to complaints about problems resulting
13 directly or indirectly from the tourism industry and
14 taking appropriate action as necessary;
15 [~~(23)~~] (18) Develop and implement emergency measures to
16 respond to any adverse effects on the tourism
17 industry, pursuant to section 201B-9;
18 [~~(24)~~] (19) Set and collect rents, fees, charges, or other
19 payments for the lease, use, occupancy, or disposition
20 of the convention center facility without regard to
21 chapter 91;



1 [~~(25)~~] (20) Notwithstanding chapter 171, acquire, lease as
2 lessee or lessor, own, rent, hold, and dispose of the
3 convention center facility in the exercise of its
4 powers and the performance of its duties under this
5 chapter; and

6 [~~(26)~~] (21) Acquire by purchase, lease, or otherwise, and
7 develop, construct, operate, own, manage, repair,
8 reconstruct, enlarge, or otherwise effectuate, either
9 directly or through developers, a convention center
10 facility."

11 SECTION 5. Section 201B-7, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

- 13 "(b) The authority shall be responsible for:
- 14 (1) Creating a vision and developing a long-range
15 strategic plan for tourism in Hawaii;
 - 16 (2) Promoting, marketing, and developing the tourism
17 industry in the State;
 - 18 (3) Arranging for the conduct of research through
19 contractual services with the University of Hawaii or
20 any agency or other qualified persons concerning



1 social, economic, and environmental aspects of tourism
2 development in the State;

3 (4) Providing technical or other assistance to agencies
4 and private industry upon request;

5 (5) Perpetuating the uniqueness of the [native] Hawaiian
6 culture and community^[7] as it relates to tourism, and
7 their importance to the quality of the visitor
8 experience, by ensuring that:

9 (A) The Hawaiian culture is accurately portrayed by
10 Hawaii's visitor industry; and

11 ~~[(B) Hawaiian language is supported and normalized as
12 both an official language of the State as well as
13 the foundation of the host culture that draws
14 visitors to Hawaii;~~

15 ~~-(C) Hawaiian cultural practitioners and cultural
16 sites that give value to Hawaii's heritage are
17 supported, nurtured, and engaged in sustaining
18 the visitor industry; and~~

19 ~~-(D)-~~ (B) A [native] Hawaiian cultural education and
20 training program is provided for the visitor



1 industry workforce having direct contact with
2 visitors; and
3 (6) Reviewing annually the expenditure of public funds by
4 any visitor industry organization that contracts with
5 the authority to perform tourism promotion, marketing,
6 and development and making recommendations necessary
7 to ensure the effective use of the funds for the
8 development of tourism."

9 SECTION 6. Section 225P-3, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) The commission shall include the following members:

- 12 (1) The chairs of the standing committees of the
13 legislature with subject matter jurisdiction
14 encompassing environmental protection and land use;
- 15 (2) The chairperson of the board of land and natural
16 resources or the chairperson's designee, who shall be
17 the co-chair of the commission;
- 18 (3) The director of the office of planning and sustainable
19 development or the director's designee, who shall be
20 the co-chair of the commission;



- 1 (4) The director of business, economic development, and
- 2 tourism or the director's designee;
- 3 (5) The [~~chairperson of the board of directors~~] chief
- 4 tourism officer of the Hawaii tourism authority or the
- 5 [~~chairperson's~~] chief tourism officer's designee;
- 6 (6) The chairperson of the board of agriculture or the
- 7 chairperson's designee;
- 8 (7) The chief executive officer of the office of Hawaiian
- 9 affairs or the officer's designee;
- 10 (8) The chairperson of the Hawaiian homes commission or
- 11 the chairperson's designee;
- 12 (9) The director of transportation or the director's
- 13 designee;
- 14 (10) The director of health or the director's designee;
- 15 (11) The adjutant general or the adjutant general's
- 16 designee;
- 17 (12) The chairperson of the board of education or the
- 18 chairperson's designee;
- 19 (13) The directors of each of the county planning
- 20 departments, or the directors' designees; and
- 21 (14) The manager of the coastal zone management program."



1 SECTION 7. Section 201B-1, Hawaii Revised Statutes, is
2 amended by deleting the definition of "board".

3 [~~"Board" means the board of directors of the Hawaii
4 tourism authority established in section 201B-2, and any
5 successor thereto."~~]

6 SECTION 8. Section 201B-4, Hawaii Revised Statutes, is
7 repealed.

8 [~~**S201B-4 Meetings of the board.** (a) The meetings of the
9 board shall be open to the public as provided in section 92-3,
10 except that when it is necessary for the board to receive:~~

11 ~~(1) Information that is proprietary to a particular
12 enterprise or the disclosure of which might be harmful
13 to the business interests of the enterprise; or~~

14 ~~(2) Information that is necessary to protect Hawaii's
15 competitive advantage as a visitor destination;
16 provided that information relating to marketing plans
17 and strategies may be disclosed after the execution of
18 the marketing plans and strategies,~~

19 ~~the board may enter into an executive meeting that is closed to
20 the public in accordance with the procedures provided for
21 holding an executive meeting under part I of chapter 92.~~



1 ~~(b) The board shall be subject to the procedural~~
2 ~~requirements of section 92-4, and this authorization shall be in~~
3 ~~addition to the exceptions listed in section 92-5, to enable the~~
4 ~~board to respect the proprietary requirements of enterprises~~
5 ~~with which it has business dealings."]~~

6 SECTION 9. Section 201B-5, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§201B-5 Exemption of Hawaii tourism authority from~~
9 ~~administrative supervision of boards and commissions.~~

10 ~~Notwithstanding any law to the contrary, the authority shall be~~
11 ~~exempt from section 26-35 with the exception of section 26-~~
12 ~~35(a)(2), (3), (7), (8) and subsection (b)."]~~

13 SECTION 10. All appropriations, records, equipment,
14 machines, files, supplies, contracts, books, papers, documents,
15 maps, and other personal property heretofore made, used,
16 acquired, or held by the Hawaii tourism authority relating to
17 awarding and administering cultural grants that perpetuate the
18 uniqueness of the native Hawaiian culture and community shall be
19 transferred to the state foundation on culture and the arts.

20 SECTION 11. Sections 84-18 and 88-9, Hawaii Revised
21 Statutes, are amended by substituting the word "chief tourism



1 officer", or similar term, wherever the word "president and
2 chief executive officer", or similar term, appears, as the
3 context requires.

4 SECTION 12. Sections 201B-9 and 201B-10, Hawaii Revised
5 Statutes, are amended by substituting the word "chief tourism
6 officer", or similar term, wherever the word "board", or similar
7 term, appears, as the context requires.

8 SECTION 13. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 14. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____



JAN 24 2024



H.B. NO. 2735

Report Title:

HTA; Steering Committee; Chief Tourism Officer

Description:

Changes the board of directors of the Hawaii Tourism Authority, including their powers, to a steering committee to assist the chief tourism officer. Renames the president and chief executive officer as the chief tourism officer and makes the chief tourism officer head of the Hawaii Tourism Authority. Repeals certain powers of the former board and the Hawaii Tourism Authority. Transfers certain functions relating to cultural grants from the Hawaii Tourism Authority to the State Foundation on Culture and the Arts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

