



GOV. MSG. NO. 971

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 20, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 20, 2007, the following bill was signed into law:

HB575 HD1 SD2 CD1

A BILL FOR AN ACT RELATING TO EMERGENCIES.
(ACT 201)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written over a faint circular stamp.

JAMES R. AIONA, JR.
Acting Governor

A BILL FOR AN ACT

RELATING TO EMERGENCIES.

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

1 SECTION 1. Chapter 201B, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§201B-A Tourism emergency. (a) If the board determines
5 that the occurrence of a world conflict, terrorist threat,
6 natural disaster, outbreak of disease, or other catastrophic
7 event, regardless of when or where it occurs, adversely affects
8 Hawaii's tourism industry by resulting in a substantial
9 interruption in the commerce of the state and adversely
10 affecting the welfare of its people, the board shall submit a
11 request to the governor to declare that a tourism emergency
12 exists.

13 (b) Upon declaration by the governor that a tourism
14 emergency exists pursuant to subsection (a), the authority shall
15 develop and implement measures to respond to the tourism
16 emergency, including providing assistance to tourists during the
17 emergency; provided that any tourism emergency response measure
18 implemented pursuant to this subsection shall not include any



1 provision that would adversely affect the organized labor force
2 in tourism-related industries.

3 **§201B-B Tourism emergency trust fund.** (a) There is
4 established outside the state treasury a tourism emergency trust
5 fund to be administered by the board as trustee, into which
6 shall be deposited the revenues prescribed by section
7 237D-6.5(b). All investment earnings from moneys in the trust
8 fund shall be credited to the tourism special fund.

9 (b) Moneys in the trust fund shall be used exclusively to
10 provide for the development and implementation of emergency
11 measures to respond to any tourism emergency pursuant to section
12 201B-A, including providing emergency assistance to tourists
13 during the tourism emergency.

14 (c) Use of the trust fund, consistent with subsection (b),
15 shall be provided for in articles, bylaws, resolutions, or other
16 instruments executed by the board as trustee for the trust
17 fund."

18 SECTION 2. Section 201B-3, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

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

22 (1) Sue and be sued;



- 1 (2) Have a seal and alter the same at pleasure;
- 2 (3) Make and execute contracts and all other instruments
3 necessary or convenient for the exercise of its powers
4 and functions under this chapter; provided that the
5 authority may enter into contracts and agreements for
6 a period of up to five years, subject to the
7 availability of funds; and provided further that the
8 authority may enter into agreements for the use of the
9 convention center facility for a period of up to ten
10 years;
- 11 (4) Make and alter bylaws for its organization and
12 internal management;
- 13 (5) Unless otherwise provided in this chapter, adopt rules
14 in accordance with chapter 91 with respect to its
15 projects, operations, properties, and facilities;
- 16 (6) Through its executive director represent the authority
17 in communications with the governor and ~~with~~ the
18 legislature;
- 19 (7) Through its executive director, provide for the
20 appointment of officers, agents, and employees,
21 subject to the approval of the board, prescribing
22 their duties and qualifications, and fixing their



- 1 salaries, without regard to chapters 76 and 78, if
2 there is no anticipated revenue shortfall in the
3 tourism special fund and funds have been appropriated
4 by the legislature and allotted as provided by law;
- 5 (8) Through its executive director purchase supplies,
6 equipment, or furniture;
- 7 (9) Through its executive director allocate the space or
8 spaces [~~which~~] that are to be occupied by the
9 authority and appropriate staff;
- 10 (10) Engage the services of qualified persons to implement
11 the State's tourism marketing plan or portions thereof
12 as determined by the authority;
- 13 (11) Engage the services of consultants on a contractual
14 basis for rendering professional and technical
15 assistance and advice;
- 16 (12) Procure insurance against any loss in connection with
17 its property and other assets and operations in [~~such~~]
18 amounts and from [~~such~~] insurers as it deems
19 desirable;
- 20 (13) Contract for or accept revenues, compensation,
21 proceeds, and gifts or grants in any form from any
22 public agency or any other source, including any



- 1 revenues or proceeds arising from the operation or use
2 of the convention center;
- 3 (14) Develop, coordinate, and implement state policies and
4 directions for tourism and related activities taking
5 into account the economic, social, and physical
6 impacts of tourism on the State and its natural
7 resources infrastructure; provided that the authority
8 shall support the efforts of other state and county
9 departments or agencies to manage, improve, and
10 protect Hawaii's natural environment and areas
11 frequented by visitors;
- 12 (15) Have a permanent, strong focus on marketing and
13 promotion;
- 14 (16) Conduct market development-related research as
15 necessary;
- 16 (17) Coordinate all agencies and advise the private sector
17 in the development of tourism-related activities and
18 resources;
- 19 (18) Work to eliminate or reduce barriers to travel in
20 order to provide a positive and competitive business
21 environment, including coordinating with the



- 1 department of transportation on issues affecting
2 airlines and air route development;
- 3 (19) Market and promote sports-related activities and
4 events;
- 5 (20) Coordinate the development of new products with the
6 counties and other persons in the public [~~sectors~~]
7 sector and private [~~sectors,~~] sector, including the
8 development of sports, culture, health and wellness,
9 education, technology, agriculture, and nature
10 tourism;
- 11 (21) Establish a public information and educational program
12 to inform the public of tourism and tourism-related
13 problems;
- 14 (22) Encourage the development of tourism educational,
15 training, and career counseling programs;
- 16 (23) Establish a program to monitor, investigate, and
17 respond to complaints about problems resulting
18 directly or indirectly from the tourism industry and
19 taking appropriate action as necessary;
- 20 (24) Develop and implement emergency measures to respond to
21 any adverse effects on the tourism industry, pursuant
22 to section 201B-A;



1 201B-8; provided that beginning January 1, 2002, if
2 the amount of the revenue collected under this
3 paragraph exceeds \$33,000,000 in any calendar year,
4 revenues collected in excess of \$33,000,000 shall be
5 deposited into the general fund;

6 (2) 34.2 per cent of the revenues collected under this
7 chapter shall be deposited into the tourism special
8 fund established under section 201B-11 for tourism
9 promotion and visitor industry research; provided that
10 beginning on July 1, 2002[+],
11 [~~(A)~~ ~~of~~] of the first \$1,000,000 in revenues
12 deposited:

13 [~~(i)~~] (A) Ninety per cent shall be deposited into the
14 state parks special fund established in section
15 184-3.4; and

16 [~~(ii)~~] (B) Ten per cent shall be deposited into the
17 special land and development fund established in
18 section 171-19 for the Hawaii statewide trail and
19 access program;

20 provided that of the 34.2 per cent, 0.5 per cent shall
21 be transferred to a sub-account in the tourism special
22 fund to provide funding for a safety and security



1 budget, in accordance with the Hawaii tourism
2 strategic plan 2005-2015; provided further that of the
3 revenues remaining in the tourism special fund after
4 revenues have been deposited as provided in this
5 paragraph and except for any sum authorized by the
6 legislature for expenditure from revenues subject to
7 this paragraph, beginning July 1, 2007, funds shall be
8 deposited into the tourism emergency trust fund,
9 established in section 201B-B, in a manner sufficient
10 to maintain a fund balance of \$5,000,000 in the
11 tourism emergency trust fund; and

- 12 (3) 44.8 per cent of the revenues collected under this
13 chapter shall be transferred as follows: Kauai county
14 shall receive 14.5 per cent, Hawaii county shall
15 receive 18.6 per cent, city and county of Honolulu
16 shall receive 44.1 per cent, and Maui county shall
17 receive 22.8 per cent.

18 All transient accommodations taxes shall be paid into the
19 state treasury each month within ten days after collection and
20 shall be kept by the state director of finance in special
21 accounts for distribution as provided in this subsection."




1 SECTION 4. In codifying the new sections added by section
2 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2007.

APPROVED this 20 day of JUN, 2007


ACTING GOVERNOR OF THE STATE OF HAWAII
JAMES R. AIONA JR.

