

1 (b) The space center may employ, subject to chapter 76,
2 technical experts and officers, agents, and employees, permanent
3 and temporary, as required. The space center may also employ
4 officers, agents, and employees, prescribe their duties and
5 qualifications, and fix their salaries, without regard to
6 chapter 76, when in the determination of the board, the services
7 to be performed by those employed are unique and essential to
8 the execution of the functions of the space center.

9 §304A- Pacific international space center for
10 exploration systems; board of directors; establishment; duties.

11 (a) There is established the board of directors of the Pacific
12 international space center for exploration systems, consisting
13 of nine members, to include:

14 (1) The director of business, economic development, and
15 tourism, or the director's designated representative;

16 (2) The president of the University of Hawaii, or the
17 president's designated representative;

18 (3) The chancellor of the University of Hawaii at Hilo, or
19 the chancellor's designated representative; and



1 (4) Six members from government, industry, and academia,
2 both national and international, with appropriate
3 professional interests and backgrounds;
4 provided that of the members appointed under paragraph (4), two
5 members shall be appointed from a list of nominees submitted by
6 the president of the senate, two members shall be appointed from
7 a list of nominees submitted by the speaker of the house of
8 representatives, and two members shall be appointed by the
9 governor; provided further that the members appointed pursuant
10 to paragraph (4) shall be subject to section 26-34.

11 The board shall select a chairperson from among its
12 members.

13 (b) Five members shall constitute a quorum, whose
14 affirmative vote shall be necessary for all actions by the space
15 center. The members of the board shall serve without
16 compensation, but shall be entitled to reimbursement for
17 necessary expenses, including travel expenses, incurred in the
18 performance of their duties.

19 (c) The board shall appoint an executive director to the
20 space center who shall be exempt from chapter 76. The board
21 shall set the salary and duties of the executive director.



1 **§304A- General powers.** (a) The board may:
2 (1) Sue and be sued;
3 (2) Adopt a seal and alter the seal at pleasure;
4 (3) Make and execute contracts and other instruments
5 necessary or convenient to the exercise of its powers;
6 and
7 (4) Adopt bylaws and rules, which shall be exempt from
8 chapter 91, for its organization and internal
9 management, and to carry into effect its purposes,
10 powers, and programs.

11 (b) In addition to other powers conferred upon it, the
12 board may do all things necessary and convenient to carry out
13 the powers expressly provided in this subpart.

14 **§304A- Powers and duties of the Pacific international**
15 **space center for exploration systems executive director.** In
16 addition to any other powers and duties provided in this
17 subpart, the executive director shall:

18 (1) Oversee, supervise, and direct the planning,
19 evaluation, and coordination of space-related
20 activities, and identify and promote opportunities for
21 expanding and diversifying aerospace-related



- 1 industries in the State pertaining to the space
2 center;
- 3 (2) Establish partnerships with corporate, government, and
4 University of Hawaii entities that can promote and
5 enhance the State's aerospace industry; and where
6 possible, help to generate additional revenue for the
7 University of Hawaii and create classes and other
8 educational opportunities for students;
- 9 (3) Work with local universities and community colleges to
10 facilitate internships for students with the space
11 center and associated companies;
- 12 (4) Continue to work with the University of Hawaii on
13 course development, teaching, workforce development,
14 and outreach;
- 15 (5) Promote innovative educational and workforce
16 development programs that will enhance public
17 awareness of the space center and enable residents to
18 pursue employment in Hawaii's aerospace industry;
- 19 (6) Act as the public representative of the space center;



- 1 (7) Monitor national and global trends in the aerospace
2 industry and promote global awareness of the space
3 center;
- 4 (8) Pursue projects in the aerospace sector that can be
5 leveraged for improvements to the State's broadband
6 and alternative energy capabilities;
- 7 (9) Serve as a clearinghouse for information on the space
8 center and associated activities;
- 9 (10) Target existing businesses that can provide products
10 or services of importance to the space center and its
11 projects to support the expansion of these businesses
12 in Hawaii;
- 13 (11) Increase contact and maintain liaison with the
14 National Aeronautics and Space Administration, related
15 aerospace organizations, and other federal agencies
16 and facilities;
- 17 (12) Maintain and expand liaisons with local business and
18 citizen groups;
- 19 (13) Adopt, amend, and repeal rules pursuant to chapter 91
20 necessary to carry out this subpart;



1 (14) Contract for services as may be necessary for the
2 purposes of this subpart;

3 (15) Oversee and manage the unmanned aircraft systems
4 program; and

5 (16) Do all other things necessary or proper to carry out
6 the purposes of this subpart.

7 **§304A- Pacific international space center for**
8 **exploration systems special fund.** (a) There is established in
9 the state treasury the Pacific international space center for
10 exploration systems special fund, into which shall be deposited:

11 (1) Revenues, moneys, and fees from services, rentals,
12 publications, royalties, and patents generated under
13 this subpart;

14 (2) Gifts, donations, and grants received by the Pacific
15 international space center for exploration systems;
16 and

17 (3) Proceeds from revenue bonds issued by the director of
18 finance.

19 (b) Moneys in the fund shall be used by the Pacific
20 international space center for exploration systems for the
21 operation, maintenance, and management of its projects,



1 facilities, services, and publications and for the design and
2 construction of new facilities and the renovation of or addition
3 to existing facilities.

4 (c) All moneys remaining in the Pacific international
5 space center for exploration systems special fund at the close
6 of each fiscal year that are deemed, by the director of finance,
7 to be in excess of the moneys necessary to carry out the
8 purposes of this section in the next fiscal year shall lapse to
9 the credit of the state general fund."

10 SECTION 2. Part V of chapter 201, Hawaii Revised Statutes,
11 is repealed.

12 SECTION 3. The Pacific international space center for
13 exploration systems special fund established in section
14 201-80.2, Hawaii Revised Statutes, and repealed by section 2 of
15 this Act is abolished and any remaining unencumbered balance
16 shall lapse to the Pacific international space center for
17 exploration systems special fund established under section 1 of
18 this Act.

19 PART II

20 SECTION 4. (a) The Challenger center Hawaii program shall
21 be transferred from the office of aerospace development and



1 placed within the department of education for administrative
2 purposes.

3 (b) All appropriations, records, equipment, machines,
4 files, supplies, contracts, books, papers, documents, maps, and
5 other personal property heretofore made, used, acquired, or held
6 by the office of aerospace development for the Challenger center
7 Hawaii program shall be transferred to the department of
8 education with the functions to which they relate.

9 (c) All rights, powers, functions, and duties of the
10 office of aerospace development as they relate to the Challenger
11 center Hawaii program are transferred to the department of
12 education.

13 All employees who occupy civil service positions and whose
14 functions are transferred to the department of education by this
15 Act shall retain their civil service status, whether permanent
16 or temporary. Employees shall be transferred without loss of
17 salary, seniority (except as prescribed by applicable collective
18 bargaining agreements), retention points, prior service credit,
19 any vacation and sick leave credits previously earned, and other
20 rights, benefits, and privileges, in accordance with state
21 personnel laws and this Act; provided that the employees possess



1 the minimum qualifications and public employment requirements
2 for the class or position to which transferred or appointed, as
3 applicable; provided further that subsequent changes in status
4 may be made pursuant to applicable civil service and
5 compensation laws.

6 Any employee who, prior to this Act, is exempt from civil
7 service and is transferred as a consequence of this Act may
8 retain the employee's exempt status, but shall not be appointed
9 to a civil service position as a consequence of this Act. An
10 exempt employee who is transferred by this Act shall not suffer
11 any loss of prior service credit, vacation or sick leave credits
12 previously earned, or other employee benefits or privileges as a
13 consequence of this Act; provided that the employees possess
14 legal and public employment requirements for the position to
15 which transferred or appointed, as applicable; provided further
16 that subsequent changes in status may be made pursuant to
17 applicable employment and compensation laws. The superintendent
18 of the department of education may prescribe the duties and
19 qualifications of these employees and fix their salaries without
20 regard to chapter 76, Hawaii Revised Statutes.



1 SECTION 5. On July 1, 2021, the budget of the office of
2 aerospace development that is specifically allocated to the
3 Challenger center Hawaii program shall be transferred to the
4 department of education.

5 PART III

6 SECTION 6. Section 201B-2, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Members shall be appointed by the governor for terms
9 of four years; provided that membership on the board shall not
10 exceed eight consecutive years; provided further that each
11 member shall ~~[hold office until the member's successor is~~
12 ~~appointed and qualified.]~~ not continue as a holdover member
13 beyond the beginning of the next regular legislative session,
14 following the expiration of the member's term."

15 SECTION 7. Section 201B-3, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

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

- 19 (1) Sue and be sued;
20 (2) Have a seal and alter the same at pleasure;



- 1 (3) Through its president and chief executive officer,
2 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 president and chief executive officer,
17 represent the authority in communications with the
18 governor and the legislature;
- 19 (7) Through its president and chief executive officer,
20 provide for the appointment of officers, agents, a
21 sports coordinator, and employees, subject to the



1 approval of the board, prescribing their duties and
2 qualifications, and fixing their salaries, without
3 regard to chapters 76 and 78, if there is no
4 anticipated revenue shortfall in the tourism special
5 fund and funds have been appropriated by the
6 legislature and allotted as provided by law;

7 (8) Through its president and chief executive officer,
8 purchase supplies, equipment, or furniture;

9 (9) Through its president and chief executive officer,
10 allocate the space or spaces that are to be occupied
11 by the authority and appropriate staff;

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

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



- 1 (12) Procure insurance against any loss in connection with
2 its property and other assets and operations in
3 amounts and from insurers as it deems desirable;
- 4 (13) Contract for or accept revenues, compensation,
5 proceeds, and gifts or grants in any form from any
6 public agency or any other source;
- 7 ~~[(14) Develop, coordinate, and implement state policies and~~
8 ~~directions for tourism and related activities taking~~
9 ~~into account the economic, social, and physical~~
10 ~~impacts of tourism on the State, Hawaii's natural~~
11 ~~environment, and areas frequented by visitors,~~
- 12 ~~(15)]~~ (14) Have a permanent, strong focus on Hawaii brand
13 management;
- 14 ~~[(16)]~~ (15) 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 to~~
20 ~~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)]~~ (16) 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 sector and~~
7 ~~private sector, including the development of sports,~~
8 ~~culture, health and wellness, education, technology,~~
9 ~~agriculture, and nature tourism;~~
- 10 ~~(21)]~~ (17) Establish a public information and educational
11 program to inform the public of tourism and tourism-
12 related problems;
- 13 ~~[(22) Encourage the development of tourism educational,~~
14 ~~training, and career counseling programs;~~
- 15 ~~(23) Establish a program to monitor, investigate, and~~
16 ~~respond to complaints about problems resulting~~
17 ~~directly or indirectly from the tourism industry and~~
18 ~~taking appropriate action as necessary;~~
- 19 ~~(24)]~~ (18) Develop and implement emergency measures to
20 respond to any adverse effects on the tourism
21 industry, pursuant to section 201B-9;



1 ~~[(+25)]~~ (19) Set and collect rents, fees, charges, or other
2 payments for the lease, use, occupancy, or disposition
3 of the convention center facility without regard to
4 chapter 91;

5 ~~[(+26)]~~ (20) Notwithstanding chapter 171, acquire, lease as
6 lessee or lessor, own, rent, hold, and dispose of the
7 convention center facility in the exercise of its
8 powers and the performance of its duties under this
9 chapter; and

10 ~~[(+27)]~~ (21) Acquire by purchase, lease, or otherwise, and
11 develop, construct, operate, own, manage, repair,
12 reconstruct, enlarge, or otherwise effectuate, either
13 directly or through developers, a convention center
14 facility."

15 SECTION 8. Section 201B-7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§201B-7 Tourism-related activities.** (a) The authority
18 may enter into contracts and agreements that include the
19 following:

- 20 (1) Tourism promotion, marketing, and development;
- 21 (2) Market development-related research;



- 1 (3) Product development and diversification issues focused
2 on visitors;
- 3 (4) Promotion, development, and coordination of sports-
4 related activities and events;
- 5 (5) Promotion of Hawaii, through a coordinated statewide
6 effort, as a place to do business, including high
7 technology business, and as a business destination;
- 8 ~~[(6) Reduction of barriers to travel;~~
- 9 ~~(7)]~~ (6) Marketing, management, use, operation, or
10 maintenance of the convention center facility,
11 including the purchase or sale of goods or services,
12 logo items, concessions, sponsorships, and license
13 agreements, or any use of the convention center
14 facility as a commercial enterprise; provided that
15 effective January 1, 2020, and thereafter, contracts
16 issued pursuant to this paragraph for the marketing of
17 all uses of the convention center facility may be
18 issued separately from the management, use, operation,
19 or maintenance of the facility;
- 20 ~~[(8)]~~ (7) Tourism research and statistics to:
21 (A) Measure and analyze tourism trends;



- 1 (B) Provide information and research to assist in the
2 development and implementation of state tourism
3 policy; and
- 4 (C) Provide tourism information on:
- 5 (i) Visitor arrivals, visitor characteristics,
6 and expenditures;
- 7 (ii) The number of transient accommodation units
8 available, occupancy rates, and room rates;
- 9 (iii) Airline-related data including seat capacity
10 and number of flights;
- 11 (iv) The economic, social, and physical impacts
12 of tourism on the State; and
- 13 (v) The effects of the marketing programs of the
14 authority on the measures of effectiveness
15 developed pursuant to section 201B-6(b); and
- 16 ~~[(+9)]~~ (8) Any and all other activities necessary to carry
17 out the intent of this chapter;
- 18 provided that the authority shall periodically submit a report
19 of the contracts and agreements entered into by the authority to
20 the governor, the speaker of the house of representatives, and
21 the president of the senate.



- 1 (b) The authority shall be responsible for:
- 2 (1) Creating a vision and developing a long-range
- 3 strategic plan for tourism in Hawaii;
- 4 (2) Promoting, marketing, and developing the tourism
- 5 industry in the State; and
- 6 (3) Arranging for the conduct of research through
- 7 contractual services with the University of Hawaii or
- 8 any agency or other qualified persons concerning
- 9 social, economic, and environmental aspects of tourism
- 10 development in the State[~~;~~
- 11 ~~(4) Providing technical or other assistance to agencies~~
- 12 ~~and private industry upon request;~~
- 13 ~~(5) Perpetuating the uniqueness of the native Hawaiian~~
- 14 ~~culture and community, and their importance to the~~
- 15 ~~quality of the visitor experience, by ensuring that:~~
- 16 ~~(A) The Hawaiian culture is accurately portrayed by~~
- 17 ~~Hawaii's visitor industry;~~
- 18 ~~(B) Hawaiian language is supported and normalized as~~
- 19 ~~both an official language of the State as well as~~
- 20 ~~the foundation of the host culture that draws~~
- 21 ~~visitors to Hawaii;~~



1 ~~(C) Hawaiian cultural practitioners and cultural~~
2 ~~sites that give value to Hawaii's heritage are~~
3 ~~supported, nurtured, and engaged in sustaining~~
4 ~~the visitor industry, and~~

5 ~~(D) A native Hawaiian cultural education and training~~
6 ~~program is provided for the visitor industry~~
7 ~~workforce having direct contact with visitors,~~
8 ~~and~~

9 ~~(6) Reviewing annually the expenditure of public funds by~~
10 ~~any visitor industry organization that contracts with~~
11 ~~the authority to perform tourism promotion, marketing,~~
12 ~~and development and making recommendations necessary~~
13 ~~to ensure the effective use of the funds for the~~
14 ~~development of tourism.~~

15 ~~(c) The authority may delegate to staff the responsibility~~
16 ~~for soliciting, awarding, and executing contracts and for~~
17 ~~monitoring and facilitating any and all functions developed in~~
18 ~~accordance with this section.~~

19 ~~(d) Where public disclosure of information gathered or~~
20 ~~developed by the authority may place a business at a competitive~~
21 ~~disadvantage or may impair or frustrate the authority's ability~~



1 ~~to either compete as a visitor destination or obtain or utilize~~
2 ~~information for a legitimate government function, the authority~~
3 ~~may withhold from public disclosure competitively sensitive~~
4 ~~information including:~~

- 5 ~~(1) Completed survey forms and questionnaire forms,~~
6 ~~(2) Coding sheets; and~~
7 ~~(3) Database records of the information]."~~

8 SECTION 9. Section 201B-10, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Moneys in the special fund shall be used exclusively
11 to provide for the development and implementation of emergency
12 measures that directly relate to safety and security initiatives
13 necessary to respond to any tourism emergency pursuant to
14 section 201B-9, including providing emergency assistance to
15 tourists during the tourism emergency."

16 SECTION 10. Section 201B-11, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) Moneys in the tourism special fund shall be used by
19 the authority for the purposes of this chapter, provided that[+
20 ~~(1) Not]~~ not more than 3.5 per cent of this amount shall
21 be used for administrative expenses, including:



- 1 (1) All governance and employment expenses;
2 (2) Organization-wide costs; and
3 (3) \$15,000 for a protocol fund to be expended at the
4 discretion of the president and chief executive
5 officer[-
6 ~~(2) At least \$1,000,000 shall be made available to support~~
7 ~~efforts to manage, improve, and protect Hawaii's~~
8 ~~natural environment and areas frequented by~~
9 ~~visitors]."~~

10 SECTION 11. Section 201B-13, Hawaii Revised Statutes, is
11 repealed:

12 ~~["§201B-13 Assistance by state and county agencies,~~
13 ~~advisory group. (a) Any state or county agency may render~~
14 ~~services upon request of the authority.~~

15 ~~(b) The authority may establish an advisory group that may~~
16 ~~meet monthly or as the authority deems necessary, which may~~
17 ~~include the director of business, economic development, and~~
18 ~~tourism, director of transportation, chairperson of the board of~~
19 ~~land and natural resources, and executive director of the state~~
20 ~~foundation on culture and the arts to advise the authority on~~



1 ~~matters relating to their respective departments or agency in~~
2 ~~the preparation and execution of suggested:~~

3 ~~(1) Measures to respond to tourism emergencies pursuant to~~
4 ~~section 201B-9;~~

5 ~~(2) Programs for the management, improvement, and~~
6 ~~protection of Hawaii's natural environment and other~~
7 ~~areas frequented by visitors;~~

8 ~~(3) Measures to address issues affecting airlines, air~~
9 ~~routes, and barriers to travel to Hawaii; and~~

10 ~~(4) Programs to perpetuate the cultures of Hawaii and~~
11 ~~engage local communities to sustain and preserve the~~
12 ~~native Hawaiian culture.] "~~

13 SECTION 12. Section 237D-6.5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Except for the revenues collected pursuant to section
16 237D-2(e), revenues collected under this chapter shall be
17 distributed in the following priority, with the excess revenues
18 to be deposited into the general fund:

19 (1) \$1,500,000 shall be allocated to the Turtle Bay
20 conservation easement special fund beginning July 1,
21 2015, for the reimbursement to the state general fund



1 of debt service on reimbursable general obligation
2 bonds, including ongoing expenses related to the
3 issuance of the bonds, the proceeds of which were used
4 to acquire the conservation easement and other real
5 property interests in Turtle Bay, Oahu, for the
6 protection, preservation, and enhancement of natural
7 resources important to the State, until the bonds are
8 fully amortized;

9 (2) \$16,500,000 shall be allocated to the convention
10 center enterprise special fund established under
11 section 201B-8;

12 ~~[(3) \$79,000,000 shall be allocated to the tourism special
13 fund established under section 201B-11; provided that:~~

14 ~~(A) Beginning on July 1, 2012, and ending on June 30,
15 2015, \$2,000,000 shall be expended from the
16 tourism special fund for development and
17 implementation of initiatives to take advantage
18 of expanded visa programs and increased travel
19 opportunities for international visitors to
20 Hawaii;~~

21 ~~(B) Of the \$79,000,000 allocated:~~



1 ~~(i) \$1,000,000 shall be allocated for the~~
2 ~~operation of a Hawaiian center and the~~
3 ~~museum of Hawaiian music and dance; and~~
4 ~~(ii) 0.5 per cent of the \$79,000,000 shall be~~
5 ~~transferred to a sub account in the tourism~~
6 ~~special fund to provide funding for a safety~~
7 ~~and security budget, in accordance with the~~
8 ~~Hawaii tourism strategic plan 2005-2015; and~~
9 ~~(C) Of the revenues remaining in the tourism special~~
10 ~~fund after revenues have been deposited as~~
11 ~~provided in this paragraph and except for any sum~~
12 ~~authorized by the legislature for expenditure~~
13 ~~from revenues subject to this paragraph,~~
14 ~~beginning July 1, 2007, funds shall be deposited~~
15 ~~into the tourism emergency special fund,~~
16 ~~established in section 201B-10, in a manner~~
17 ~~sufficient to maintain a fund balance of~~
18 ~~\$5,000,000 in the tourism emergency special fund;~~
19 ~~(4)]~~ (3) \$103,000,000 shall be allocated as follows:
20 Kauai county shall receive 14.5 per cent, Hawaii
21 county shall receive 18.6 per cent, city and county of



1 Honolulu shall receive 44.1 per cent, and Maui county
2 shall receive 22.8 per cent; provided that commencing
3 with fiscal year 2018-2019, a sum that represents the
4 difference between a county public employer's annual
5 required contribution for the separate trust fund
6 established under section 87A-42 and the amount of the
7 county public employer's contributions into that trust
8 fund shall be retained by the state director of
9 finance and deposited to the credit of the county
10 public employer's annual required contribution into
11 that trust fund in each fiscal year, as provided in
12 section 87A-42, if the respective county fails to
13 remit the total amount of the county's required annual
14 contributions, as required under section 87A-43; and
15 [~~5~~] (4) \$3,000,000 shall be allocated to the special land
16 and development fund established under section 171-19;
17 provided that the allocation shall be expended in
18 accordance with the Hawaii tourism authority strategic
19 plan for:



- 1 (A) The protection, preservation, maintenance, and
- 2 enhancement of natural resources, including
- 3 beaches, important to the visitor industry;
- 4 (B) Planning, construction, and repair of facilities;
- 5 and
- 6 (C) Operation and maintenance costs of public lands,
- 7 including beaches, connected with enhancing the
- 8 visitor experience.

9 All transient accommodations taxes shall be paid into the
 10 state treasury each month within ten days after collection and
 11 shall be kept by the state director of finance in special
 12 accounts for distribution as provided in this subsection.

13 As used in this subsection, "fiscal year" means the twelve-
 14 month period beginning on July 1 of a calendar year and ending
 15 on June 30 of the following calendar year."

16 PART IV

17 SECTION 13. Chapter 202, Hawaii Revised Statutes, is
 18 amending by adding a new section to be appropriately designated
 19 and to read as follows:

20 "§202- Conflicts of interest, state and local boards.

21 (a) The state and local board shall develop written conflict of



1 interest policies pursuant to title 29 U.S.C. section 3111,
2 title 29 U.S.C. section 3122, and chapter 84, Hawaii Revised
3 Statutes.

4 (b) A member of the state or local boards shall not:

5 (1) Vote on a matter under consideration by the board:

6 (A) Regarding the provision of services by the
7 member, or by an entity the board member
8 represents; or

9 (B) That would provide direct financial benefit to
10 the member or the member's immediate family; or

11 (2) Engage in any other activity that constitutes a
12 conflict of interest as specified in the state plan."

13 SECTION 14. Section 202-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§202-3 Powers of council. (a) [~~The workforce~~
16 ~~development council~~] The governor, or the governor's designee,
17 shall appoint and fix the compensation of an executive director,
18 who shall be exempt from chapter 76 [~~, and may employ any other~~
19 personnel as it deems advisable within chapter 76]. Staff
20 support shall be provided by the department of labor and
21 industrial relations.



1 (b) The council, or on the authorization of the council,
2 any subcommittee or panel thereof, may, for the purpose of
3 carrying out its functions and duties, hold such hearings and
4 sit and act at such times and places as the council may deem
5 advisable.

6 (c) The council may negotiate and enter into contracts
7 with public agencies or private organizations to carry out its
8 studies and to prepare reports that the council determines to be
9 necessary to the fulfillment of its duties.

10 (d) The council may secure through the governor's office,
11 any information from any executive department, agency, or
12 independent instrumentality of the State it deems necessary to
13 carry out its functions.

14 (e) The council may convene such public conferences and
15 forums as it deems useful to keep the public informed of
16 workforce development needs, developments, and initiatives.

17 (f) The council [~~may administer funds allocated for its~~
18 ~~work and~~] may accept, disburse, and allocate funds which may
19 become available from other governmental and private sources;
20 provided that all the funds shall be disbursed or allocated in



1 compliance with the objectives set forth herein, and applicable
2 laws."

3 SECTION 15. Section 202-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§202-5 Organizational relationships. The workforce
6 development council is placed within the department of labor and
7 industrial relations [~~for administrative purposes~~] and shall act
8 in an advisory capacity to the governor."

9 SECTION 16. All rules, policies, procedures, guidelines,
10 and other material adopted or developed by the workforce
11 development council to implement provisions of the Hawaii
12 Revised Statutes that are reenacted or made applicable to the
13 workforce development council by this Act shall remain in full
14 force and effect until amended or repealed by the department of
15 labor and industrial relations pursuant to chapter 91, Hawaii
16 Revised Statutes. In the interim, every reference to the
17 workforce development council in those rules, policies,
18 procedures, guidelines, and other material is amended to refer
19 to the department of labor and industrial relations.

20 SECTION 17. All deeds, leases, contracts, loans,
21 agreements, permits, or other documents executed or entered into



1 by or on behalf of the workforce development council, pursuant
 2 to the provisions of the Hawaii Revised Statutes, that are
 3 reenacted or made applicable to the workforce development
 4 council by this Act shall remain in full force and effect.
 5 Effective July 1, 2021, every reference to the workforce
 6 development council or the executive director of the workforce
 7 development council in those deeds, leases, contracts, loans,
 8 agreements, permits, or other documents shall be construed as a
 9 reference to the department of labor and industrial relations.

PART V

11 SECTION 18. Section 269-3, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "§269-3 Employment of professional staff; assistants. (a)
 14 The [~~chairperson of the~~] public utilities commission may appoint
 15 and employ professional staff and other assistants for the
 16 public utilities commission as [~~the chairperson finds~~] found
 17 necessary for the performance of the commission's functions and
 18 define their powers and duties. Notwithstanding section 26-
 19 35(a)(4) to the contrary and subject to applicable personnel
 20 laws, the employment, appointment, applicable salary schedules,
 21 promotion, transfer, demotion, discharge, and job descriptions



1 of all officers and employees of or under the jurisdiction of
2 the commission shall be determined by the [~~chairperson~~]
3 commission and [~~may~~] shall be delegated to the executive officer
4 appointed and employed pursuant to subsection [~~(b)7~~] (c);
5 provided that determinations concerning personnel matters made
6 by the [~~chairperson~~] commission or the executive officer, as
7 delegated by the chairperson, may be reviewed by the director of
8 commerce and consumer affairs for completeness and for
9 compliance and conformance with applicable administrative
10 processes and procedures of the department of commerce and
11 consumer affairs. The executive officer shall ensure that each
12 commissioner is provided sufficient access to staff resources as
13 is necessary in fulfilling the professional and decision-making
14 responsibilities of the commission. The [~~chairperson~~]
15 commission may appoint and, at pleasure, dismiss a chief
16 administrator and attorneys as may be necessary, and who shall
17 be exempt from chapter 76. The [~~chairperson~~] commission may
18 also appoint other staff, including a fiscal officer and a
19 personnel officer, with or without regard to chapter 76.

20 (b) The executive officer of the commission shall appoint
21 an administrative assistant, a research assistant, and legal



1 counsel to assist each of the members of the public utilities
2 commission. Staff appointed under this subsection shall report
3 to the commissioner to whom they are assigned and,
4 notwithstanding any law to the contrary, the executive officer
5 shall not dismiss or re-assign any assigned staff member without
6 prior written approval of the affected commissioner.

7 ~~(b)~~ (c) The chairperson of the commission shall appoint,
8 employ, and dismiss, at pleasure, an executive officer who shall
9 be responsible for managing the operations of the commission.
10 The responsibilities of the executive officer shall include
11 oversight of all divisions, offices and branches of the
12 commission, management and recruitment of personnel, budget
13 planning and implementation, strategic planning and
14 implementation, procurement and contract administration, and
15 implementation of administrative programs and projects. The
16 executive officer shall be exempt from chapter 76.

17 ~~(e)~~ (d) Notwithstanding section 91-13, the commission
18 may consult with its officers, assistants, and employees
19 appointed under authority of this section in any contested case
20 or agency hearing concerning any issue of facts. Neither the
21 commission nor any of its assistants shall in such proceeding



1 consult with any other person or party except upon notice and an
2 opportunity for all parties to participate, save to the extent
3 required for the disposition of ex parte matters authorized by
4 law."

5 PART VI

6 SECTION 19. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 20. This Act shall take effect on July 1, 2050.



Report Title:

Pacific International Space Center for Exploration Systems; University of Hawaii at Hilo; Imiloa; Unmanned Aircraft Systems Program; Challenger Center Hawaii Program; Hawaii Tourism Authority; Tourism Emergency Special Fund; Tourism Special Fund; Holdover Board Members; Hawaii Workforce Development Council; Public Utilities Commission; Conflict of Interest Policies; State and Local Boards

Description:

Abolishes the office of aerospace development (OAD), aerospace advisory committee, and the Hawaii unmanned aerial systems test site advisory board. Transfers administration of the Pacific international space center for exploration systems (PISCES) from DBEDT to the University of Hawaii at Hilo Imiloa. Transfers the administration, along with all rights, powers, functions, and duties of the Challenger center Hawaii program (CCHI) from OAD to the department of education (DOE). Transfers all appropriations for CCHI from OAD to DOE. Specifies that the executive director of PISCES shall oversee the unmanned aircraft systems program. Prohibits holdover board members of the Hawaii Tourism Authority (HTA). Specifies that moneys in the tourism emergency special fund are to be used exclusively for emergency measures. Requires that the 3.5 per cent cap on spending from the tourism special fund include all governance and employment expenses and organization-wide costs as administrative expenses. Repeals the allocation from transient accommodations tax to the tourism and tourism emergency special funds. Repeals HTA authorization to establish an advisory group. Requires state and local boards to develop written conflict of interest policies. Requires the Governor to fix the compensation for the Hawaii Workforce Development Council's (Council) executive director and requires the Department of Labor and Industrial Relations (DLIR) to provide support staff to the Council. Transfers the Council to DLIR. Clarifies the employment of professional staff by the public utilities commission. Effective 7/1/2050. (Proposed SD2)

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

