
A BILL FOR AN ACT

RELATING TO WORKFORCE DEVELOPMENT.

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

1 PART I

2 SECTION 1. The legislature finds that state workforce
3 development boards assist the governors by reviewing statewide
4 policies and programs, and making recommendations to align
5 workforce, education, training, and employment funding programs
6 in a state in a manner that supports a comprehensive and
7 streamlined workforce development system in the state. As part
8 of the statewide review function in assisting the governors, the
9 Workforce Innovation and Opportunity Act and related regulations
10 outline requirements regarding conflicts of interest for
11 recipients and subrecipients of federal awards as well as for
12 state and local workforce development board and standing
13 committee members.

14 The legislature further finds that Act 88, Session Laws of
15 Hawaii 2021, also known as the General Appropriations Act of
16 2021, eliminated the program identification number for the
17 workforce development council and transferred its appropriation



1 and positions to the workforce development division of the
2 department of labor and industrial relations.

3 The legislature also finds that reports on the activities
4 of the K-12 agriculture workforce development pipeline
5 initiative are no longer needed and that the requirement should
6 be repealed from section 371-21, Hawaii Revised Statutes.

7 The purpose of this Act is to amend the workforce
8 development council law to be consistent with the state budget
9 as enacted in Act 88, Session Laws of Hawaii 2021, and to
10 conform the state workforce development board statute to the
11 nomenclature and conflict of interest provisions found in the
12 Workforce Innovation and Opportunity Act and related regulations
13 in the Code of Federal Regulations.

14 PART II

15 SECTION 2. Chapter 202, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§202- Conflict of interest. (a) The Hawaii workforce
19 development board and local workforce development boards shall
20 develop written conflict of interest policies consistent with
21 P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)), title 29 Code of



1 Federal Regulations section 97.36, title 20 Code of Federal
2 Regulations parts 679 and 683, title 2 Code of Federal
3 Regulations parts 200 and 2900, as amended, and chapter 84.
4 (b) Separate from and in addition to any standards of
5 conduct set forth in chapter 84, a member or standing committee
6 member of the Hawaii workforce development board, or a member or
7 standing committee member of a local workforce development board
8 shall not:
9 (1) Vote on or participate in a discussion about a matter
10 under consideration by the board or standing
11 committee:
12 (A) Regarding the provision of services by such
13 member, or by an entity such member represents;
14 or
15 (B) That would provide direct financial benefit to
16 such member or such member's immediate family; or
17 (2) Engage in any other activity determined by the
18 governor to constitute a conflict of interest under
19 P.L. 113-128 (29 U.S.C. 3111(f) and 3122(h)), title 29
20 Code of Federal Regulations section 97.36, title 20
21 Code of Federal Regulations parts 679 and 683, and



1 title 2 Code of Federal Regulations parts 200 and
2 2900, as amended."

3 SECTION 3. Chapter 202, Hawaii Revised Statutes, is
4 amended by amending its title to read as follows:

5 "CHAPTER 202

6 HAWAII WORKFORCE DEVELOPMENT [COUNCIL] BOARD"

7 SECTION 4. Section 202-1, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§202-1 [Council,]~~ Hawaii workforce development board;
10 appointment; tenure. [~~+~~](a) [~~+~~—The advisory commission on
11 employment and human resources is hereby constituted as the
12 workforce development council.] The [~~council~~] Hawaii workforce
13 development board is established and placed within the
14 department of labor and industrial relations and shall [also]
15 fulfill the functions of the state workforce development board
16 for purposes of the federal Workforce Innovation and Opportunity
17 Act of 2014, P.L. No. 113-128[~~-~~] (29 U.S.C. 3101 et. seq.).

18 (b) Except for the ex officio members or their designees,
19 the [~~council~~] board members shall be appointed by the governor
20 for four-year staggered terms as provided for in section 26-34.
21 The governor shall [~~appoint~~] select the chairperson of the



1 ~~[council.]~~ board from among the private sector members set forth
2 in paragraph (4). The ~~[council]~~ board shall be constituted as
3 provided by the federal Workforce Innovation and Opportunity Act
4 of 2014, P.L. 113-128 (29 U.S.C. 3111), of the following
5 members:

- 6 (1) The directors of labor and industrial relations and of
7 business, economic development, and tourism; the
8 superintendent of education; and the president of the
9 University of Hawaii or their designees, as ex
10 officio, voting members;
- 11 (2) The administrator of the division of vocational
12 rehabilitation, department of human services, as an ex
13 officio, voting member;
- 14 (3) The private sector chairpersons of the four ~~[county]~~
15 local workforce development boards, or their designees
16 from the private sector membership of their respective
17 boards, as ex officio, voting members;
- 18 (4) Seventeen representatives from the private sector,
19 including nonprofit organizations and businesses in
20 the State, appointed from individuals nominated by



- 1 state business organizations and business trade
2 associations;
- 3 (5) Eight representatives from labor organizations and
4 workforce training organizations, two or more of whom
5 shall be representatives of labor organizations who
6 have been nominated by state labor federations, and
7 one of whom shall be a labor representative from a
8 community-based native Hawaiian organization that
9 operates workforce development programs;
- 10 (6) A member of each house of the legislature, for two-
11 year terms beginning in January of odd-numbered years,
12 appointed by the appropriate presiding officer of each
13 house, as ex officio, voting members;
- 14 (7) The four mayors or their designees, as ex officio,
15 voting members; and
- 16 (8) The governor or the governor's designee.
- 17 ~~[+](c) [-] Council]~~ Board members shall serve without
18 compensation but shall be reimbursed for travel expenses ,
19 necessary for the performance of their duties.
- 20 ~~[+(d)] From June 6, 2016, and until such time that the~~
21 ~~council has forty-one members, sixteen council members shall~~



1 ~~constitute a quorum to do business, and the concurrence of at~~
2 ~~least sixteen council members shall be necessary to make any~~
3 ~~action of the council valid.~~

4 ~~{(e)}~~ (d) All [~~council~~] board members may continue to
5 serve on the [~~council~~] board until their respective successors
6 have been appointed. A person appointed to fill a vacancy shall
7 serve the remainder of the term of the person's predecessor."

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

10 "**§202-3 Powers of [~~council~~] board.** (a) The Hawaii
11 workforce development [~~council~~] board shall appoint and fix the
12 compensation of an executive director, who shall be exempt from
13 [~~chapter~~] chapters 76[, ~~and may employ any other personnel as it~~
14 ~~deems advisable within chapter 76.~~] and 89.

15 [~~(b) The council, or on the authorization of the council,~~
16 ~~any subcommittee or panel thereof, may, for the purpose of~~
17 ~~carrying out its functions and duties, hold such hearings and~~
18 ~~sit and act at such times and places as the council may deem~~
19 ~~advisable.~~

20 ~~(c) The council may negotiate and enter into contracts~~
21 ~~with public agencies or private organizations to carry out its~~



1 ~~studies and to prepare reports that the council determines to be~~
2 ~~necessary to the fulfillment of its duties.~~

3 ~~(d)]~~ (b) The [council] board may secure through the
4 governor's office, any information from any executive
5 department, agency, or independent instrumentality of the State
6 it deems necessary to carry out its functions.

7 ~~(e)]~~ (c) The [council] board may convene such public
8 conferences and forums as it deems useful to keep the public
9 informed of workforce development needs, developments, and
10 initiatives.

11 ~~[(f) The council may administer funds allocated for its~~
12 ~~work and may accept, disburse, and allocate funds which may~~
13 ~~become available from other governmental and private sources;~~
14 ~~provided that all the funds shall be disbursed or allocated in~~
15 ~~compliance with the objectives set forth herein, and applicable~~
16 ~~laws.]"~~

17 SECTION 6. Section 304A-303, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) There is established a career and technical education
20 coordinating advisory council, which shall serve in an advisory
21 capacity to the board of regents. The council shall consist of



1 eleven members, nine appointed and two ex officio[+],[+] voting
2 members. Of the nine appointed members:

3 (1) Three shall be appointed from the board of regents by
4 the chairperson of that body;

5 (2) Three shall be appointed from the board of education
6 by the chairperson of that body; and

7 (3) Three shall be appointed from the Hawaii workforce
8 development [~~council~~] board by that [~~council~~.] board.

9 Of the three members appointed from the Hawaii workforce
10 development [~~council~~.] board, one member shall represent
11 management, one member shall represent labor, and the third
12 shall represent the public. Of the two ex officio members, one
13 shall be the president of the university and the other shall be
14 the superintendent of education."

15 SECTION 7. Section 371-21, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§371-21[+] **K-12 agriculture workforce development**
18 **pipeline initiative.** (a) There shall be created in the
19 department a k-12 agriculture workforce development pipeline
20 initiative to conduct training sessions for teachers and school



1 administrators on the islands of Oahu, Hawaii, Maui, Molokai,
2 Lanai, and Kauai, regarding agricultural self-sufficiency.

3 (b) The k-12 agriculture workforce development pipeline
4 initiative shall be headed by a coordinator who shall be
5 appointed by the director, subject to chapter 76, to carry out
6 the purposes of this section, which may include developing and
7 proposing scholarships, travel offsets, course credits, and
8 stipends. The coordinator may hire, subject to chapter 76,
9 necessary staff, including a workforce development specialist,
10 to carry out the purposes of this section.

11 (c) Course material for the training sessions under
12 subsection (a) shall be approved by the Hawaii agriculture
13 workforce advisory board established pursuant to section 371-19.

14 [~~(d) The department shall submit annual reports to the~~
15 ~~legislature on the activities of the k-12 agriculture workforce~~
16 ~~development pipeline initiative.]"~~

17 SECTION 8. Section 202-5, Hawaii Revised Statutes, is
18 repealed.

19 [~~"§202-5 Organizational relationships. The workforce~~
20 ~~development council is placed within the department of labor and~~



1 ~~industrial relations for administrative purposes and shall act~~
2 ~~in an advisory capacity to the governor."]~~

3 PART III

4 SECTION 9. Sections 201-16, 202-10, 304A-1143, 304A-3252,
5 373C-23, and 394-5, Hawaii Revised Statutes, are amended by
6 substituting the words "Hawaii workforce development board"
7 wherever the words "workforce development council" appear, as
8 the context requires.

9 SECTION 10. Sections 202-2 and 202-4, Hawaii Revised
10 Statutes, are amended by substituting the word "board" wherever
11 the word "council" appears and substituting the words "Hawaii
12 workforce development board" wherever the words "workforce
13 development council" appear, as the context requires.

14 SECTION 11. Section 348-8, Hawaii Revised Statutes, is
15 amended by substituting the words "Hawaii workforce development
16 board" wherever the words "state workforce development council"
17 appear, as the context requires.

18 PART IV

19 SECTION 12. All rules, policies, procedures, guidelines,
20 and other material adopted or developed by the workforce
21 development council to implement provisions of the Hawaii



1 Revised Statutes that are reenacted or made applicable to the
2 department of labor and industrial relations by this Act shall
3 remain in full force and effect until amended or repealed by the
4 department of labor and industrial relations pursuant to chapter
5 91, Hawaii Revised Statutes, as appropriate. In the interim,
6 every reference to the workforce development council in those
7 rules, policies, procedures, guidelines, and other material is
8 amended to refer to the department of labor and industrial
9 relations, as appropriate.

10 SECTION 13. All deeds, leases, contracts, loans,
11 agreements, permits, or other documents executed or entered into
12 by or on behalf of the workforce development council, pursuant
13 to the provisions of the Hawaii Revised Statutes, that are
14 reenacted or made applicable to the department of labor and
15 industrial relations by this Act shall remain in full force and
16 effect. Upon the effective date of this Act, every reference to
17 the workforce development council or the executive director of
18 the workforce development council in those deeds, leases,
19 contracts, loans, agreements, permits, or other documents shall
20 be construed as a reference to the department of labor and
21 industrial relations, as appropriate.



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PART V

SECTION 14. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect on June 30, 3000.



Report Title:

Hawaii Workforce Development Council; Hawaii Workforce Development Board; Conflict of Interest; Chairperson of Board; K-12 Agriculture Workforce Development Pipeline Initiative

Description:

Amends chapter 202, Hawaii Revised Statutes, to be consistent with the General Appropriations Act of 2021, Act 88, Session Laws of Hawaii 2021. Renames "Workforce Development Council" "Hawaii Workforce Development Board" and "county workforce development board" "local workforce development board". Requires the Hawaii Workforce Development Board and local workforce development boards to develop written conflict of interest policies consistent with federal law and regulations. Requires the Governor to select the chairperson of the state board among the private sector members set forth in section 202-1(b)(4), Hawaii Revised Statutes. Repeals the requirement in 371-21(d), Hawaii Revised Statutes, for the DLIR to submit an annual report to the legislature on the activities of the K-12 agriculture workforce development pipeline initiative. Effective 6/30/3000. (HD1)

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

