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# A BILL FOR AN ACT

RELATING TO TOURISM.

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

1           SECTION 1. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The civil service to which this chapter applies shall  
4 comprise all positions in the State now existing or hereafter  
5 established and embrace all personal services performed for the  
6 State, except the following:

- 7           (1) Commissioned and enlisted personnel of the Hawaii  
8           National Guard and positions in the Hawaii National  
9           Guard that are required by state or federal laws or  
10           regulations or orders of the National Guard to be  
11           filled from those commissioned or enlisted personnel;
- 12           (2) Positions filled by persons employed by contract where  
13           the director of human resources development has  
14           certified that the service is special or unique or is  
15           essential to the public interest and that, because of  
16           circumstances surrounding its fulfillment, personnel  
17           to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any  
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply  
4 with a court order or decree if the director  
5 determines that recruitment through normal recruitment  
6 civil service procedures would result in delay or  
7 noncompliance, such as the Felix-Cayetano consent  
8 decree;
- 9 (4) Positions filled by the legislature or by either house  
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of  
12 the lieutenant governor, and household employees at  
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,  
16 commission, or other state agency whose appointments  
17 are made by the governor or are required by law to be  
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries  
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special  
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court  
4 who shall have the powers and duties of a court  
5 officer and bailiff under section 606-14; one  
6 secretary or clerk for each justice of the supreme  
7 court, each judge of the intermediate appellate court,  
8 and each judge of the circuit court; one secretary for  
9 the judicial council; one deputy administrative  
10 director of the courts; three law clerks for the chief  
11 justice of the supreme court, two law clerks for each  
12 associate justice of the supreme court and each judge  
13 of the intermediate appellate court, one law clerk for  
14 each judge of the circuit court, two additional law  
15 clerks for the civil administrative judge of the  
16 circuit court of the first circuit, two additional law  
17 clerks for the criminal administrative judge of the  
18 circuit court of the first circuit, one additional law  
19 clerk for the senior judge of the family court of the  
20 first circuit, two additional law clerks for the civil  
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal  
2 motions judge of the circuit court of the first  
3 circuit, and two law clerks for the administrative  
4 judge of the district court of the first circuit; and  
5 one private secretary for the administrative director  
6 of the courts, the deputy administrative director of  
7 the courts, each department head, each deputy or first  
8 assistant, and each additional deputy, or assistant  
9 deputy, or assistant defined in paragraph (16);  
10 (10) First deputy and deputy attorneys general, the  
11 administrative services manager of the department of  
12 the attorney general, one secretary for the  
13 administrative services manager, an administrator and  
14 any support staff for the criminal and juvenile  
15 justice resources coordination functions, and law  
16 clerks;  
17 (11) (A) Teachers, principals, vice-principals, complex  
18 area superintendents, deputy and assistant  
19 superintendents, other certificated personnel,  
20 and no more than twenty noncertificated



1 administrative, professional, and technical  
2 personnel not engaged in instructional work;  
3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual or bicultural  
5 school-home assistants, school psychologists,  
6 psychological examiners, speech pathologists,  
7 athletic health care trainers, alternative school  
8 work study assistants, alternative school  
9 educational or supportive services specialists,  
10 alternative school project coordinators, and  
11 communications aides in the department of  
12 education;  
13 (C) The special assistant to the state librarian and  
14 one secretary for the special assistant to the  
15 state librarian; and  
16 (D) Members of the faculty of the [University]  
17 university of Hawaii, including research workers,  
18 extension agents, personnel engaged in  
19 instructional work, and administrative,  
20 professional, and technical personnel of the  
21 university;



- 1           (12) Employees engaged in special, research, or
- 2                   demonstration projects approved by the governor;
- 3           (13) (A) Positions filled by inmates, patients of state
- 4                   institutions, and persons with severe physical or
- 5                   mental disabilities participating in the work
- 6                   experience training programs;
- 7                   (B) Positions filled with students in accordance with
- 8                   guidelines for established state employment
- 9                   programs; and
- 10           (C) Positions that provide work experience training
- 11                   or temporary public service employment that are
- 12                   filled by persons entering the workforce or
- 13                   persons transitioning into other careers under
- 14                   programs such as the federal Workforce Investment
- 15                   Act of 1998, as amended, or the Senior Community
- 16                   Service Employment Program of the Employment and
- 17                   Training Administration of the United States
- 18                   Department of Labor, or under other similar state
- 19                   programs;
- 20           (14) A custodian or guide at Iolani Palace, the Royal
- 21                   Mausoleum, and Hulihee Palace;



- 1 (15) Positions filled by persons employed on a fee,  
2 contract, or piecework basis, who may lawfully perform  
3 their duties concurrently with their private business  
4 or profession or other private employment and whose  
5 duties require only a portion of their time, if it is  
6 impracticable to ascertain or anticipate the portion  
7 of time to be devoted to the service of the State;
- 8 (16) Positions of first deputies or first assistants of  
9 each department head appointed under or in the manner  
10 provided in section 6, article V, of the Hawaii State  
11 Constitution; three additional deputies or assistants  
12 either in charge of the highways, harbors, and  
13 airports divisions or other functions within the  
14 department of transportation as may be assigned by the  
15 director of transportation, with the approval of the  
16 governor; one additional deputy in the department of  
17 human services either in charge of welfare or other  
18 functions within the department as may be assigned by  
19 the director of human services; four additional  
20 deputies in the department of health, each in charge  
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources  
2 administration, including other functions within the  
3 department as may be assigned by the director of  
4 health, with the approval of the governor; two  
5 additional deputies in charge of the law enforcement  
6 programs, administration, or other functions within  
7 the department of law enforcement as may be assigned  
8 by the director of law enforcement, with the approval  
9 of the governor; three additional deputies each in  
10 charge of the correctional institutions,  
11 rehabilitation services and programs, and  
12 administration or other functions within the  
13 department of corrections and rehabilitation as may be  
14 assigned by the director of corrections and  
15 rehabilitation, with the approval of the governor; two  
16 administrative assistants to the state librarian; and  
17 an administrative assistant to the superintendent of  
18 education;

19 (17) Positions specifically exempted from this part by any  
20 other law; provided that:



1 (A) Any exemption created after July 1, 2014, shall  
2 expire three years after its enactment unless  
3 affirmatively extended by an act of the  
4 legislature; and

5 (B) All of the positions defined by paragraph (9)  
6 shall be included in the position classification  
7 plan;

8 (18) Positions in the state foster grandparent program and  
9 positions for temporary employment of senior citizens  
10 in occupations in which there is a severe personnel  
11 shortage or in special projects;

12 (19) Household employees at the official residence of the  
13 president of the [~~University~~] university of Hawaii;

14 (20) Employees in the department of education engaged in  
15 the supervision of students during meal periods in the  
16 distribution, collection, and counting of meal  
17 tickets, and in the cleaning of classrooms after  
18 school hours on a less than half-time basis;

19 (21) Employees hired under the tenant hire program of the  
20 Hawaii public housing authority; provided that no more  
21 than twenty-six per cent of the authority's workforce



1 in any housing project maintained or operated by the  
2 authority shall be hired under the tenant hire  
3 program;

4 (22) Positions of the federally funded expanded food and  
5 nutrition program of the [~~University~~] university of  
6 Hawaii that require the hiring of nutrition program  
7 assistants who live in the areas they serve;

8 (23) Positions filled by persons with severe disabilities  
9 who are certified by the state vocational  
10 rehabilitation office that they are able to perform  
11 safely the duties of the positions;

12 (24) The sheriff;

13 (25) A gender and other fairness coordinator hired by the  
14 judiciary;

15 (26) Positions in the Hawaii National Guard youth and adult  
16 education programs;

17 (27) In the Hawaii state energy office in the department of  
18 business, economic development, and tourism, all  
19 energy program managers, energy program specialists,  
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the  
2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human  
4 services, the division administrator, finance officer,  
5 health care services branch administrator, medical  
6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human  
8 services, the enterprise officer, information security  
9 and privacy compliance officer, security and privacy  
10 compliance engineer, security and privacy compliance  
11 analyst, information technology implementation  
12 manager, assistant information technology  
13 implementation manager, resource manager, community or  
14 project development director, policy director, special  
15 assistant to the director, and limited English  
16 proficiency project manager or coordinator;
- 17 (31) The Alzheimer's disease and related dementia services  
18 coordinator in the executive office on aging;
- 19 (32) In the Hawaii emergency management agency, the  
20 executive officer, public information officer, civil  
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point  
2 personnel; provided that for state warning point  
3 personnel, the director shall determine that  
4 recruitment through normal civil service recruitment  
5 procedures would result in delay or noncompliance;  
6 (33) The executive director and seven full-time  
7 administrative positions of the school facilities  
8 authority;  
9 (34) Positions in the Mauna Kea stewardship and oversight  
10 authority;  
11 (35) In the office of homeland security of the department  
12 of law enforcement, the statewide interoperable  
13 communications coordinator;  
14 (36) In the social services division of the department of  
15 human services, the business technology analyst;  
16 (37) The executive director and staff of the 911 board;  
17 [+] (38) [+] Senior software developers in the department of  
18 taxation;  
19 [+] (39) [+] In the department of law enforcement, five  
20 Commission on Accreditation for Law Enforcement  
21 Agencies, Inc., coordinator positions;



1    [+] (40) [+] The state fire marshal; [~~and~~  
2    ~~+~~] (41) [+] The administrator for the law enforcement standards  
3                    board[~~-~~]; and

4            (42) All positions filled by the Hawaii tourism authority  
5                    within the department of business, economic  
6                    development, and tourism.

7            The director shall determine the applicability of this  
8 section to specific positions.

9            Nothing in this section shall be deemed to affect the civil  
10 service status of any incumbent as it existed on July 1, 1955."

11           SECTION 2. Section 201B-2, Hawaii Revised Statutes, is  
12 amended as follows:

13           1. By amending subsection (b) to read:

14           "(b) The authority shall be headed by a policy-making and  
15 advisory board of directors that shall consist of twelve  
16 members; provided that:

17           (1) The members shall be appointed by the governor as  
18                provided in section 26-34, except as provided by this  
19                section;



- 1           (2) The members shall include at least one representative  
2           each from the city and county of Honolulu and the  
3           counties of Hawaii, Kauai, and Maui;
- 4           (3) Three members shall be appointed by the governor from  
5           a list of three names submitted for each appointment  
6           by the president of the senate, and three members  
7           shall be appointed by the governor from a list of  
8           three names submitted for each appointment by the  
9           speaker of the house of representatives; provided that  
10          if fewer than three names are submitted for each  
11          appointment, the governor may disregard the list;
- 12          (4) At least six members shall have knowledge, experience,  
13          and expertise in the area of accommodations,  
14          transportation, retail, entertainment, or attractions,  
15          and at least one member appointed by the governor  
16          shall have knowledge, experience, and expertise in the  
17          area of Hawaiian cultural practices; provided that no  
18          more than three members shall represent, be employed  
19          by, or be under contract to any sector of the industry  
20          represented on the board;



1 (5) One member shall be the director of business, economic  
2 development, and tourism, or the director's designee,  
3 who shall be an ex officio voting member; and

4 (6) The governor shall make appointments to ensure the  
5 fulfillment of all requirements of paragraphs (2) and  
6 (4); provided that upon the occurrence of a vacancy  
7 subject to paragraph (3), the governor shall notify  
8 the president of the senate and the speaker of the  
9 house of representatives of any unfulfilled  
10 requirements pursuant to paragraphs (2) and (4), and  
11 the president of the senate or the speaker of the  
12 house of representatives, as appropriate, shall submit  
13 nominees who fulfill those requirements [~~;~~ and

14 ~~(7) No person who has served as a member of the board of~~  
15 ~~directors of the Hawaii Visitors and Convention Bureau~~  
16 ~~shall be eligible to sit as a member of the board of~~  
17 ~~directors of the Hawaii tourism authority until at~~  
18 ~~least two years have expired between the person's~~  
19 ~~termination from service on the Hawaii Visitors and~~  
20 ~~Convention Bureau board and the person's appointment~~  
21 ~~to the authority's board of directors]."~~



1           2. By amending subsection (f) to read:

2           "(f) The board shall appoint one person to serve as  
3 president and chief executive officer, exempt from chapters 76  
4 and 88 who shall oversee the authority staff; provided [~~further~~]  
5 that the compensation package shall not include private sector  
6 moneys or other contributions. The board shall set the  
7 president and chief executive officer's duties,  
8 responsibilities, holidays, vacations, leaves, hours of work,  
9 and working conditions. It may grant other benefits as it deems  
10 necessary."

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

13           "(a) Except as otherwise [~~limited by this chapter,~~]  
14 provided by law, the authority may:

- 15           (1) Sue and be sued;
- 16           (2) Have a seal and alter the same at its pleasure;
- 17           (3) Through its president and chief executive officer,  
18           make and execute contracts and all other instruments  
19           necessary or convenient for the exercise of its powers  
20           and functions under this chapter; provided that the  
21           authority may enter into contracts and agreements for



1 a period of up to five years, subject to the  
2 availability of funds; provided further that the  
3 authority may enter into agreements for the use of the  
4 convention center facility for a period of up to ten  
5 years;

6 (4) Make and alter bylaws for its organization and  
7 internal management;

8 (5) Unless otherwise provided in this chapter, adopt rules  
9 in accordance with chapter 91 with respect to its  
10 projects, operations, properties, and facilities;

11 (6) Through its president and chief executive officer,  
12 represent the authority in communications with the  
13 governor and legislature;

14 (7) Through its president and chief executive officer,  
15 provide for the appointment of officers, agents, a  
16 sports coordinator, and employees, subject to the  
17 approval of the board, prescribing their duties and  
18 qualifications, and fixing their salaries, without  
19 regard to chapters 76 and 78, if funds have been  
20 appropriated by the legislature and allotted as  
21 provided by law;



- 1       (8) Through its president and chief executive officer,  
2             purchase supplies, equipment, or furniture;
- 3       (9) Through its president and chief executive officer,  
4             allocate the space or spaces that are to be occupied  
5             by the authority and appropriate staff;
- 6       (10) Through its president and chief executive officer,  
7             engage the services of qualified persons to implement  
8             the State's strategic tourism management plan or  
9             portions thereof as determined by the authority;
- 10       (11) Through its president and chief executive officer,  
11            engage the services of consultants on a contractual  
12            basis for rendering professional and technical  
13            assistance and advice;
- 14       (12) Procure insurance against any loss in connection with  
15            its property and other assets and operations in  
16            amounts and from insurers as it deems desirable;
- 17       (13) Contract for or accept revenues, compensation,  
18            proceeds, and gifts or grants in any form from any  
19            public agency or any other source;
- 20       (14) Develop, coordinate, and implement state policies and  
21            directions for tourism and related activities taking



- 1           into account the economic, social, and physical  
2           impacts of tourism on the State, Hawaii's natural  
3           environment, and areas frequented by visitors;  
4       (15) Have a permanent, strong focus on Hawaii brand  
5           management;  
6       (16) Coordinate all agencies and advise the private sector  
7           in the development of tourism-related activities and  
8           resources;  
9       (17) Work to eliminate or reduce barriers to travel to  
10          provide a positive and competitive business  
11          environment, including coordinating with the  
12          department of transportation on issues affecting  
13          airlines and air route development;  
14       (18) Market and promote sports-related activities and  
15          events;  
16       (19) Coordinate the development of new products with the  
17          counties and other persons in the public sector and  
18          private sector, including the development of sports,  
19          culture, health and wellness, education, technology,  
20          agriculture, and nature tourism;



- 1           (20) Establish a public information and educational program  
2                   to inform the public of tourism and tourism-related  
3                   problems;
- 4           (21) Coordinate the development of tourism educational,  
5                   training, and career counseling programs;
- 6           (22) Establish a program to monitor, investigate, and  
7                   respond to complaints about problems resulting  
8                   directly or indirectly from the tourism industry and  
9                   taking appropriate action as necessary;
- 10          (23) Develop and implement emergency measures to respond to  
11                   any adverse effects on the tourism industry, pursuant  
12                   to section 201B-9;
- 13          (24) Set and collect rents, fees, charges, or other  
14                   payments for the lease, use, occupancy, or disposition  
15                   of the convention center facility without regard to  
16                   chapter 91;
- 17          (25) Notwithstanding chapter 171, acquire, lease as lessee  
18                   or lessor, own, rent, hold, and dispose of the  
19                   convention center facility in the exercise of its  
20                   powers and the performance of its duties under this  
21                   chapter;



- 1           (26) Acquire by purchase, lease, or otherwise, and develop,  
2                   construct, operate, own, manage, repair, reconstruct,  
3                   enlarge, or otherwise effectuate, either directly or  
4                   through developers, a convention center facility;
- 5           (27) Enhance the tourism industry in the State to grow its  
6                   positive contributions to residents of the State;  
7                   provided that the authority's initiatives shall follow  
8                   destination management practices and integrate  
9                   regenerative tourism; and
- 10          (28) Focus on perpetuating the uniqueness of the Hawaiian  
11                   culture and community and their significance to the  
12                   quality of the visitor experience by ensuring that:
  - 13                   (A) The Hawaiian culture is accurately portrayed by  
14                               Hawaii's visitor industry;
  - 15                   (B) The Hawaiian language is supported and normalized  
16                               as an official language of the State;
  - 17                   (C) Hawaiian cultural practitioners and cultural  
18                               sites are supported, nurtured, and engaged in  
19                               sustaining the visitor industry; and
  - 20                   (D) A Hawaiian cultural education and training  
21                               program is provided for the members of the



1 visitor industry workforce who have direct  
2 contact with visitors."

3 SECTION 4. Section 226-8, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) To achieve the visitor industry objective, it shall  
6 be the policy of the State to:

- 7 (1) Support and assist in the promotion of Hawaii's  
8 visitor attractions and facilities;
- 9 (2) Ensure that visitor industry activities are in keeping  
10 with the social, economic, and physical needs and  
11 aspirations of Hawaii's people;
- 12 (3) Improve the quality of existing visitor destination  
13 areas by utilizing Hawaii's strengths in science and  
14 technology;
- 15 (4) Encourage cooperation and coordination between the  
16 government and private sectors in developing and  
17 maintaining well-designed, adequately serviced visitor  
18 industry and related developments that are sensitive  
19 to neighboring communities and activities;
- 20 (5) Develop the industry in a manner that will:



- 1 (A) Continue to provide new job opportunities and
- 2 steady employment for Hawaii's people;
- 3 (B) Commit to building the capacity of Hawaii's
- 4 people; and
- 5 (C) Offer career opportunities to ultimately increase
- 6 the percentage of Hawaii's people who hold
- 7 management and leadership positions in the
- 8 visitor industry;
- 9 (6) Provide opportunities for Hawaii's people to obtain
- 10 job training and education that will allow for upward
- 11 mobility within the visitor industry;
- 12 (7) Foster a recognition of the contribution of the
- 13 visitor industry to Hawaii's economy and the need to
- 14 perpetuate the aloha spirit;
- 15 (8) Foster an understanding by visitors of the aloha
- 16 spirit and of the unique and sensitive character of
- 17 Hawaii's cultures and values;
- 18 (9) ~~Form~~ Allow the formation of community partnerships
- 19 to ensure Native Hawaiian cultural integrity by:
- 20 (A) Supporting Hawaii's people and communities and
- 21 their efforts to care for the land and protect



- 1                   the cultural and natural resources of the land,  
2                   oceans, streams, and skies;
- 3           (B)   Strengthening the relationships between the place  
4                   and Hawaii's people and visitors alike;
- 5           (C)   Engaging in collaborative efforts that provide  
6                   visitors with genuine and meaningful experiences  
7                   in Hawaii;
- 8           (D)   Ensuring that kapu (prohibited) and  
9                   environmentally sensitive contexts are protected  
10                  from visitor traffic;
- 11          (E)   Positioning local business owners and  
12                  entrepreneurs in the economic value chain to  
13                  ensure more meaningful visitor and resident  
14                  engagement as well as economic benefit to local  
15                  communities; and
- 16          (F)   Acknowledging and, where appropriate, protecting  
17                  Native Hawaiian cultural intellectual property,  
18                  traditional knowledge, and traditional cultural  
19                  expressions that contribute to Hawaii's economy;
- 20   (10)   Apply innovative financial policies as well as data  
21                  collection and analysis to incentivize and facilitate



1 a shift to a regenerative visitor industry that has a  
2 smaller ecological footprint by implementing policies  
3 such as decreasing the impacts on beaches, reefs, and  
4 ocean life, and that aims to sustain and improve the  
5 quality of life for Hawaii's people by implementing  
6 policies such as decreasing the impacts of transient  
7 accommodations, vacation rentals, bed and breakfast  
8 operations, and rental cars;

9 (11) Target markets that have a high probability of  
10 alignment with the goal of cultivating a regenerative  
11 visitor industry;

12 (12) Actively support and encourage other economic sectors  
13 and clusters to reduce the State's dependence on  
14 tourism to support Hawaii's overall economic  
15 prosperity;

16 (13) Minimize negative economic, environmental, and social  
17 impacts to the State;

18 (14) Generate greater economic benefits for Hawaii's  
19 people, enhance the well-being of Hawaii's indigenous  
20 communities, and improve the working conditions of and  
21 access to the visitor industry;



1 (15) Involve Hawaii's people in decisions that affect their  
2 lives and life changes;

3 (16) Make positive contributions to the conservation of  
4 natural and cultural heritage for the maintenance of  
5 Hawaii's diversity;

6 (17) Provide more enjoyable experiences and a greater  
7 understanding of local cultural, social, and  
8 environmental issues for visitors through more  
9 meaningful connections with Hawaii's people; and

10 (18) Provide equitable access for individuals with  
11 disabilities and sociologically disadvantaged people  
12 that is culturally sensitive, engenders respect  
13 between visitors and Hawaii's people, and builds pride  
14 and confidence in Hawaii."

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

17 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Tourism; Hawaii Tourism Authority; Positions; Convention Center Facility; Administration

**Description:**

Exempts all positions filled by the Hawaii Tourism Authority within the Department of Business, Economic Development, and Tourism from the state civil service law. Designates the Board of Directors of the Hawaii Tourism Authority as an advisory board. Amends the eligibility requirements to serve on the Hawaii Tourism Authority board of directors by repealing the two-year waiting period for former Hawaii Visitors and Convention Bureau board members. Effective 7/1/3000. (HD2)

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

