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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 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 of Hawaii that  
6 require the hiring of nutrition program assistants who  
7 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 Commission  
20 on Accreditation for Law Enforcement Agencies, Inc.,  
21 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-1, Hawaii Revised Statutes, is  
12   amended by amending the definition of "convention center  
13   facility" to read as follows:

14        "Convention center facility" or "convention center" means  
15   any combination of land, buildings, and improvements thereon,  
16   acquired or developed by the State, and includes exhibition  
17   halls, meeting rooms, a plenary session hall, and support space  
18   that reflect a ~~Hawaiian~~ Hawaii sense of place; any other  
19   structure or facility required or useful for the operation of a  
20   convention center, including commercial, office, community  
21   service, parking, garage, and other supporting service



1 structures; and, all necessary, useful, and related equipment,  
2 furnishings, and appurtenances."

3 SECTION 3. Section 201B-2, Hawaii Revised Statutes, is  
4 amended as follows:

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

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

9 (1) The members shall be appointed by the governor as  
10 provided in section 26-34, except as provided by this  
11 section;

12 (2) The members shall include at least one representative  
13 each from the city and county of Honolulu and the  
14 counties of Hawaii, Kauai, and Maui;

15 (3) Three members shall be appointed by the governor from  
16 a list of three names submitted for each appointment  
17 by the president of the senate, and three members  
18 shall be appointed by the governor from a list of  
19 three names submitted for each appointment by the  
20 speaker of the house of representatives; provided that



1 if fewer than three names are submitted for each  
2 appointment, the governor may disregard the list;

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

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

15 (6) The governor shall make appointments to ensure the  
16 fulfillment of all requirements of paragraphs (2) and  
17 (4); provided that upon the occurrence of a vacancy  
18 subject to paragraph (3), the governor shall notify  
19 the president of the senate and the speaker of the  
20 house of representatives of any unfulfilled  
21 requirements pursuant to paragraphs (2) and (4), and

1 the president of the senate or the speaker of the  
2 house of representatives, as appropriate, shall submit  
3 nominees who fulfill those requirements[, and

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

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

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





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

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

5       (1)   Sue and be sued;

6       (2)   Have a seal and alter the same at its pleasure;

7       (3)   Through its president and chief executive officer,  
8 make and execute contracts and all other instruments  
9 necessary or convenient for the exercise of its powers  
10 and functions under this chapter; provided that the  
11 authority may enter into contracts and agreements for  
12 a period of up to five years, subject to the  
13 availability of funds; provided further that the  
14 authority may enter into agreements for the use of the  
15 convention center facility for a period of up to ten  
16 years;

17       (4)   Make and alter bylaws for its organization and  
18 internal management;

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



1 (6) Through its president and chief executive officer,  
2 represent the authority in communications with the  
3 governor and legislature;

4 (7) Through its president and chief executive officer,  
5 provide for the appointment of officers, agents, a  
6 sports coordinator, and employees, subject to the  
7 approval of the board; prescribing their duties and  
8 qualifications, and fixing their salaries, without  
9 regard to chapters 76 and 78, if funds have been  
10 appropriated by the legislature and allotted as  
11 provided by law;

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

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

17 (10) Through its president and chief executive officer,  
18 engage the services of qualified persons to implement  
19 the State's strategic tourism management plan or  
20 portions thereof as determined by the authority;



- 1 (11) Through its president and chief executive officer,  
2 engage the services of consultants on a contractual  
3 basis for rendering professional and technical  
4 assistance and advice;
- 5 (12) Procure insurance against any loss in connection with  
6 its property and other assets and operations in  
7 amounts and from insurers as it deems desirable;
- 8 (13) Contract for or accept revenues, compensation,  
9 proceeds, and gifts or grants in any form from any  
10 public agency or any other source;
- 11 (14) Develop, coordinate, and implement state policies and  
12 directions for tourism and related activities taking  
13 into account the economic, social, and physical  
14 impacts of tourism on the State, Hawaii's natural  
15 environment, and areas frequented by visitors;
- 16 (15) Have a permanent, strong focus on Hawaii brand  
17 management;
- 18 (16) Coordinate all agencies and advise the private sector  
19 in the development of tourism-related activities and  
20 resources;



- 1 (17) Work to eliminate or reduce barriers to travel to  
2 provide a positive and competitive business  
3 environment, including coordinating with the  
4 department of transportation on issues affecting  
5 airlines and air route development;
- 6 (18) Market and promote sports-related activities and  
7 events;
- 8 (19) Coordinate the development of new products with the  
9 counties and other persons in the public sector and  
10 private sector, including the development of sports,  
11 culture, health and wellness, education, technology,  
12 agriculture, and nature tourism;
- 13 (20) Establish a public information and educational program  
14 to inform the public of tourism and tourism-related  
15 problems;
- 16 (21) Coordinate the development of tourism educational,  
17 training, and career counseling programs;
- 18 (22) Establish a program to monitor, investigate, and  
19 respond to complaints about problems resulting  
20 directly or indirectly from the tourism industry and  
21 taking appropriate action as necessary;

1 (23) Develop and implement emergency measures to respond to  
2 any adverse effects on the tourism industry, pursuant  
3 to section 201B-9;

4 (24) Set and collect rents, fees, charges, or other  
5 payments for the lease, use, occupancy, or disposition  
6 of the convention center facility without regard to  
7 chapter 91;

8 (25) Notwithstanding chapter 171, acquire, lease as lessee  
9 or lessor, own, rent, hold, and dispose of the  
10 convention center facility in the exercise of its  
11 powers and the performance of its duties under this  
12 chapter;

13 (26) Acquire by purchase, lease, or otherwise, and develop,  
14 construct, operate, own, manage, repair, reconstruct,  
15 enlarge, or otherwise effectuate, either directly or  
16 through developers, a convention center facility;

17 (27) Enhance the tourism industry in the State to grow its  
18 positive contributions to residents of the State;  
19 provided that the authority's initiatives shall follow  
20 destination management practices and integrate  
21 regenerative tourism; and



1       (28) Focus on perpetuating the uniqueness of the Hawaiian  
2       culture and community and their significance to the  
3       quality of the visitor experience by ensuring that:

4       (A) The Hawaiian culture is accurately portrayed by  
5       Hawaii's visitor industry;

6       (B) The Hawaiian language is supported and normalized  
7       as an official language of the State;

8       (C) Hawaiian cultural practitioners and cultural  
9       sites are supported, nurtured, and engaged in  
10      sustaining the visitor industry; and

11      (D) A Hawaiian cultural education and training  
12      program is provided for the members of the  
13      visitor industry workforce who have direct  
14      contact with visitors."

15      SECTION 5. Section 226-8, Hawaii Revised Statutes, is  
16      amended by amending subsection (b) to read as follows:

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

19      (1) Support and assist in the promotion of Hawaii's  
20      visitor attractions and facilities;



- 1       (2)   Ensure that visitor industry activities are in keeping
- 2           with the social, economic, and physical needs and
- 3           aspirations of Hawaii's people;
- 4       (3)   Improve the quality of existing visitor destination
- 5           areas by utilizing Hawaii's strengths in science and
- 6           technology;
- 7       (4)   Encourage cooperation and coordination between the
- 8           government and private sectors in developing and
- 9           maintaining well-designed, adequately serviced visitor
- 10          industry and related developments that are sensitive
- 11          to neighboring communities and activities;
- 12       (5)   Develop the industry in a manner that will:
- 13           (A)   Continue to provide new job opportunities and
- 14               steady employment for Hawaii's people;
- 15           (B)   Commit to building the capacity of Hawaii's
- 16               people; and
- 17           (C)   Offer career opportunities to ultimately increase
- 18               the percentage of Hawaii's people who hold
- 19               management and leadership positions in the
- 20               visitor industry;



- 1 (6) Provide opportunities for Hawaii's people to obtain  
2 job training and education that will allow for upward  
3 mobility within the visitor industry;
- 4 (7) Foster a recognition of the contribution of the  
5 visitor industry to Hawaii's economy and the need to  
6 perpetuate the aloha spirit;
- 7 (8) Foster an understanding by visitors of the aloha  
8 spirit and of the unique and sensitive character of  
9 Hawaii's cultures and values;
- 10 (9) ~~[Form]~~ Allow the formation of community partnerships  
11 to ensure Native Hawaiian cultural integrity by:
- 12 (A) Supporting Hawaii's people and communities and  
13 their efforts to care for the land and protect  
14 the cultural and natural resources of the land,  
15 oceans, streams, and skies;
- 16 (B) Strengthening the relationships between the place  
17 and Hawaii's people and visitors alike;
- 18 (C) Engaging in collaborative efforts that provide  
19 visitors with genuine and meaningful experiences  
20 in Hawaii;





1 (D) Ensuring that kapu (prohibited) and  
2 environmentally sensitive contexts are protected  
3 from visitor traffic;

4 (E) Positioning local business owners and  
5 entrepreneurs in the economic value chain to  
6 ensure more meaningful visitor and resident  
7 engagement as well as economic benefit to local  
8 communities; and

9 (F) Acknowledging and, where appropriate, protecting  
10 Native Hawaiian cultural intellectual property,  
11 traditional knowledge, and traditional cultural  
12 expressions that contribute to Hawaii's economy;

13 (10) Apply innovative financial policies as well as data  
14 collection and analysis to incentivize and facilitate  
15 a shift to a regenerative visitor industry that has a  
16 smaller ecological footprint by implementing policies  
17 such as decreasing the impacts on beaches, reefs, and  
18 ocean life, and that aims to sustain and improve the  
19 quality of life for Hawaii's people by implementing  
20 policies such as decreasing the impacts of transient



1 accommodations, vacation rentals, bed and breakfast  
2 operations, and rental cars;

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

6 (12) Actively support and encourage other economic sectors  
7 and clusters to reduce the State's dependence on  
8 tourism to support Hawaii's overall economic  
9 prosperity;

10 (13) Minimize negative economic, environmental, and social  
11 impacts to the State;

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

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

18 (16) Make positive contributions to the conservation of  
19 natural and cultural heritage for the maintenance of  
20 Hawaii's diversity;



1 (17) Provide more enjoyable experiences and a greater  
2 understanding of local cultural, social, and  
3 environmental issues for visitors through more  
4 meaningful connections with Hawaii's people; and

5 (18) Provide equitable access for individuals with  
6 disabilities and sociologically disadvantaged people  
7 that is culturally sensitive, engenders respect  
8 between visitors and Hawaii's people, and builds pride  
9 and confidence in Hawaii."

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

12 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Tourism; HTA; Powers; Administration

**Description:**

Exempts all positions within the Hawaii Tourism Authority from the state civil service law. Provides that the powers described in section 201B-3, HRS, shall be granted to the Hawaii Tourism Authority except as otherwise provided by law. Amends the definition of "convention center facility" for purposes of chapter 201B, HRS. Amends the eligibility requirements to serve on the Hawaii Tourism Authority board of directors. Effective 7/1/2050. (SD1)

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

