

1 SECTION 4. All rights, powers, functions, and duties of
2 branches of the research and economic analysis division of the
3 department of business, economic development, and tourism, as
4 listed in section 3, are transferred to the research corporation
5 of the University of Hawaii.

6 SECTION 5. Section 304A-3001, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~§~~304A-3001~~§~~ **Establishment of the research**

9 **corporation; purpose.** (a) There is established as a body
10 corporate, the research corporation of the University of Hawaii.
11 The research corporation shall be a public instrumentality and
12 shall be a part of the University of Hawaii for administrative
13 purposes pursuant to section 26-35.

14 (b) The purposes of the research corporation shall
15 include, but not be limited to, the promotion of all
16 educational, scientific, and literary pursuits by:

17 (1) Encouraging, initiating, aiding, developing, and
18 conducting training, research, and study in the
19 physical, biological, and social sciences, humanities,
20 and all other branches of learning;

- 1 (2) Encouraging and aiding in the education and training
2 of persons for the conduct of the training,
3 investigations, research, and study;
- 4 (3) Furnishing of means, methods, and agencies by which
5 the training, investigation, research, and study may
6 be conducted;
- 7 (4) Assisting in the dissemination of knowledge by
8 establishing, aiding, and maintaining professorships
9 or other staff positions, fellowships, scholarships,
10 publications, and lectures;
- 11 (5) Engaging in other means of making the benefits of
12 training, investigations, research, and study
13 available to the public; [~~and~~]
- 14 (6) Establishing and updating biennially a self-
15 sufficiency standard that shall incorporate existing
16 methods of calculation and shall reflect, at a
17 minimum, costs relating to housing, food, child care,
18 transportation, health care, clothing and household
19 expenses, federal and state tax obligations, family
20 size, children's ages, geography, and the number of
21 household wage earners. The corporation shall report
22 to the legislature concerning the self-sufficiency

1 standard no later than twenty days prior to the
2 convening of the regular session of 2011, and every
3 odd-numbered year thereafter. The recommendations
4 shall address, among other things, the utilization of
5 any federal funding that may be available for the
6 purposes of establishing and updating the self-
7 sufficiency standard;

8 (7) Cooperating with the United States Census Bureau by
9 providing any data required by law; and

10 ~~[(6)]~~ (8) Taking any and all other actions reasonably
11 designed to promote these purposes in the interest of
12 promoting the general welfare of the people of the
13 State."

14 SECTION 6. Section 201-9, Hawaii Revised Statutes, is
15 repealed.

16 ~~["§201-9 Cooperation with other agencies; acceptance and~~
17 ~~spending of grants; dissemination of findings. The department~~
18 ~~of business, economic development, and tourism shall seek the~~
19 ~~widest possible cooperation, under law, with public and private~~
20 ~~agencies and the federal government in achieving the purpose of~~
21 ~~this part. It may accept funds from individuals and other~~
22 ~~agencies, public and private, and agree to such lawful and~~

1 ~~reasonable conditions and terms as the donor of funds may~~
2 ~~require, all toward the end of furthering the purposes of this~~
3 ~~part. The funds may be expended by the department on vouchers~~
4 ~~approved by its director, or may be transferred to other state~~
5 ~~agencies for expenditure by them in effectuating the purposes of~~
6 ~~this part.~~

7 ~~To the end of stimulating cooperation toward the economic~~
8 ~~development of Hawaii and of disseminating useful information~~
9 ~~which it obtains, the department shall from time to time publish~~
10 ~~the results of its research, its findings, and~~
11 ~~recommendations."]~~

12 SECTION 7. Section 201-13.8, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§201-13.8 Data or information collection. (a) The~~
15 ~~director, in consultation with all affected governmental~~
16 ~~agencies, shall assess the need for statistics and other~~
17 ~~information as to the number, characteristics, needs, and~~
18 ~~movement of people into, out of, or within Hawaii, including~~
19 ~~residents, migrants, and visitors, and such other information as~~
20 ~~the director may deem necessary, for the purposes of sound~~
21 ~~economic research and analysis. The director shall be~~
22 ~~responsible for collecting, analyzing, and disseminating such~~

~~1 information to governmental agencies on a timely basis, and is
2 authorized to use any appropriate method to collect the
3 information, including but not limited to conducting an entry
4 and exit census or survey of all individuals entering, leaving,
5 or living within the State, and obtaining data or information
6 acquired by other agencies, both public and private. All
7 governmental agencies shall cooperate with and assist the
8 director to implement this section.~~

~~9 (b) To the extent that it is identifiable to an
10 individual, information obtained by the department or its agents
11 through surveys, questionnaires, or other information gathering
12 efforts shall be held confidential and not disclosed or opened
13 to public inspection, except that such information may be shared
14 with other government agencies as provided in section 92F-19.~~

~~15 (c) Public disclosure of information gathered by the
16 department could place businesses at a competitive disadvantage.
17 Consequently, where disclosure would result in the impairment of
18 the department's ability to obtain such information and the
19 frustration of a legitimate government function, the department
20 may withhold from public disclosure competitively sensitive
21 information including:~~

~~22 (1) Completed survey and questionnaire forms;~~

1 ~~(2) Coding sheets; and~~

2 ~~(3) Database records of such information.~~

3 ~~(d) The director may adopt necessary rules pursuant to~~
4 ~~chapter 91, to administer this section."]~~

5 SECTION 8. Section 201-19, Hawaii Revised Statutes, is
6 repealed.

7 ~~["~~§201-19~~ **Research and statistics for growth industries.**~~

8 ~~(a) The department shall maintain a program for the purpose of:~~

9 ~~(1) Measuring and analyzing new economic development~~
10 ~~trends within growth industries such as:~~

11 ~~(A) Ocean sciences and technology;~~

12 ~~(B) Biotechnology and life sciences;~~

13 ~~(C) Astronomy;~~

14 ~~(D) Technology and information services;~~

15 ~~(E) Film and creative media;~~

16 ~~(F) Diversified agriculture;~~

17 ~~(G) Aquaculture; and~~

18 ~~(H) Specialty tourism;~~

19 ~~(2) Providing economic information to policy makers, the~~
20 ~~public, and the various growth industries under~~

21 ~~paragraph (1) for use in setting policies, objectives,~~

22 ~~and goals. This includes collecting, analyzing, and~~

1 ~~publishing available data on an annual basis relating~~
2 ~~but not limited to:~~

3 ~~(A) Economic diversification, income and income~~
4 ~~distribution, and issues and measures of the~~
5 ~~State's natural resources in relation to state~~
6 ~~sustainable economy goals;~~

7 ~~(B) The technology sector of the State, including but~~
8 ~~not limited to defining the sector, estimating~~
9 ~~employment, and compiling available information~~
10 ~~on patents registered in Hawaii;~~

11 ~~(C) Technology change in the economy, including but~~
12 ~~not limited to technical jobs outside the~~
13 ~~technology sector, and the changing applications~~
14 ~~of technology in the private economy and~~
15 ~~government;~~

16 ~~(D) The technology-based workforce, including but not~~
17 ~~limited to management, technical, and~~
18 ~~professional jobs, and technology education and~~
19 ~~training;~~

20 ~~(E) Innovation and enterprise, including but not~~
21 ~~limited to available information on startup~~
22 ~~companies, venture capital investment, private~~

1 ~~and government research and development~~
2 ~~activities, small business innovation research~~
3 ~~grants, and technology licensing;~~
4 ~~(F) The dollar value of research and development~~
5 ~~conducted at, or in association with, the~~
6 ~~University of Hawaii;~~
7 ~~(G) Global connections, including but not limited to~~
8 ~~diversification of export and visitor markets,~~
9 ~~foreign business travel, and the manufacturing of~~
10 ~~export products; and~~
11 ~~(H) Venture capital investments in Hawaii, including~~
12 ~~but not limited to the size of local venture~~
13 ~~investments and their annual growth.~~
14 ~~(b) The department shall submit to the legislature no~~
15 ~~later than twenty days prior to the convening of each regular~~
16 ~~legislative session, a written performance report on the impact~~
17 ~~of activities of the department and attached agencies that~~
18 ~~demonstrate their efforts to support, promote, and facilitate~~
19 ~~the expansion and long-term viability of emerging growth~~
20 ~~industries including those identified in subsection (a) (1)."]~~

1 PART II

2 SECTION 9. The purpose of this part is to abolish the
3 Aloha Tower development corporation and to transfer jurisdiction
4 over and responsibility for the harbors modernization functions
5 of the Aloha Tower development corporation to the harbors
6 division of the department of transportation.

7 SECTION 10. Chapter 206J, Hawaii Revised Statutes, is
8 repealed.

9 SECTION 11. Chapter 266, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§266- Partnership between department of transportation,
13 harbors division, and the United States Department of
14 Transportation, Maritime Administration; commercial harbors
15 modernization plan. (a) On July 1, 2009, the department of
16 transportation, harbors division, shall assume jurisdiction over
17 the harbors modernization project from the Aloha Tower
18 development corporation, to undertake projects for the
19 commercial harbors modernization plan in subsection (b);
20 provided that the department of transportation shall be the
21 successor in interest to all assets and debts, liabilities, or
22 other obligations incurred by the Aloha Tower development

1 corporation. All projects, prior to implementation, shall be
2 approved by the director of transportation and the governor.

3 For purposes of this subsection, the department of
4 transportation, harbors division, shall seek the input and
5 guidance of the United States Department of Transportation,
6 Maritime Administration, in the management of the harbors
7 modernization project; provided that the department of
8 transportation, harbors division, may enter into an agreement
9 with Maritime Administration for the purpose of infrastructure
10 improvements of harbors statewide.

11 (b) The harbors modernization group established under
12 subsection (d) shall have jurisdiction over harbors projects
13 that shall collectively be known as the commercial harbors
14 modernization plan. These harbor projects shall be as follows:

15 (1) Honolulu harbor. Development of infrastructure,
16 expansion of facilities, and tenant relocations,
17 including the development of the new Kapalama
18 container terminal;

19 (2) Kahului harbor. Development of infrastructure,
20 expansion of facilities, tenant relocations, and
21 acquisition of lands, including the West harbor barge
22 or ferry slip or both, West harbor dredging and

- 1 breakwater, West harbor cruise terminal, Pier 1 fuel
2 line replacement and upgrade, East harbor breakwater,
3 and Pier 2B strengthening;
- 4 (3) Hana Harbor. Development of infrastructure,
5 demolition, as necessary, and expansion of facilities
6 and acquisition of lands;
- 7 (4) Hilo harbor. Development of infrastructure, expansion
8 of facilities, tenant relocations, and acquisition of
9 lands, including the Pier 4 interisland cargo
10 terminal;
- 11 (5) Kawaihae harbor. Development of infrastructure,
12 expansion of facilities, tenant relocations,
13 acquisition of lands, including the Pier 2 terminal
14 and barge improvements, Pier 2 extension and terminal,
15 and Pier 4 and liquid bulk terminals;
- 16 (6) Kalaeloa harbor. Development of infrastructure,
17 expansion of facilities, tenant relocations, and
18 acquisition of lands, including the West harbor
19 infrastructure, Pier 4 dedicated fuel pier, and
20 extension of the fuel line; and
- 21 (7) Nawiliwili harbor. Development of infrastructure,
22 expansion of facilities, tenant relocations, and

1 acquisition of lands, including the new multi-use
2 pier.

3 (c) Land disposition matters in projects identified in the
4 commercial harbors modernization plan, including land
5 acquisition, leasing, and conveyance, and acquisition of
6 easements or right-of-ways, shall continue to be under the
7 jurisdiction of the board of land and natural resources pursuant
8 to chapter 171.

9 (d) Except as otherwise provided in this subsection, the
10 harbors modernization group shall be comprised of thirteen
11 members, as follows:

12 (1) The following ex-officio voting members or their
13 designees:

14 (A) The director of transportation;

15 (B) The director of business, economic development,
16 and tourism;

17 (C) The director of finance;

18 (D) The mayor of the city and county of Honolulu and
19 the mayors of the counties of Hawaii, Maui, and
20 Kauai; and

21 (E) The chairperson of the board of land and natural
22 resources; and

1 (2) The following voting members, appointed by the
2 governor pursuant to section 26-34:

3 (A) Two public members from the maritime industry who
4 shall be directly involved with a harbor or
5 offshore mooring facility that is primarily for
6 the movement of commercial cargo, passenger, and
7 fishing vessels entering, leaving, or traveling
8 within the state harbor system, or directly
9 involved with an activity that requires and is
10 directly related to the loading, offloading,
11 storage, or distribution of goods and services by
12 means of seaborne transportation; and

13 (B) Three members from the public at large, for
14 staggered terms pursuant to section 26-34;
15 provided that no member from the public at large
16 shall be an officer or employee of the State or
17 its political subdivisions.

18 Except as provided in paragraph (2), regarding staggered
19 terms, the members of the harbors modernization group shall
20 serve for four year terms and shall continue in office until
21 their respective successors have been appointed. The director

1 of transportation shall serve as the chairperson of the harbors
2 modernization group.

3 Members shall serve without compensation, but each member
4 shall be reimbursed for expenses, including travel expenses,
5 incurred in the performance of their duties.

6 (e) The department of transportation may apply any
7 revenues derived from commercial development projects in the
8 state harbors to defray the cost of harbor infrastructure
9 improvements incurred within the State."

10 SECTION 12. Members as of July 1, 2009, of the harbor
11 modernization group, established pursuant to section 206J-5.5,
12 Hawaii Revised Statutes, shall continue their service under the
13 jurisdiction of the department of transportation pursuant to
14 this Act.

15 SECTION 13. All appropriations, records, equipment,
16 machines, files, supplies, contracts, books, papers, documents,
17 maps, and other personal property heretofore made, used,
18 acquired, or held by the Aloha Tower development corporation
19 with regard to harbor projects and development relating to the
20 functions transferred to the department of transportation shall
21 be transferred with the functions to which they relate.

1 PART III

2 SECTION 14. The purpose of this part is to abolish the
3 Hawaii occupational safety and health law, with the exception of
4 the hoisting machine operators advisory board and the hoisting
5 machine operators' certification revolving fund, effective on
6 October 1, 2010.

7 SECTION 15. Chapter 371, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 "PART . HOISTING MACHINES

11 §371- Hoisting machine operators advisory board. (a)

12 There is created a hoisting machine operators advisory board,
13 which shall be placed in the department for administrative
14 purposes, to be composed of five members to serve without
15 compensation and without reimbursement for expenses. Members
16 shall be appointed by the governor under section 26-34.

17 The board shall adopt rules pursuant to chapter 91 for the
18 certification of hoisting machine operators.

19 (b) The hoisting machine operators advisory board may
20 employ a 0.5 full-time equivalent executive director, without
21 regard to chapters 76 and 89 and may dismiss such person as it
22 finds necessary for the performance of its function and duties.

1 The board shall have the authority to fix the executive
2 director's compensation.

3 **§371- Hoisting machine operators' certification**

4 **revolving fund.** (a) There is established in the state treasury
5 a revolving fund to be known as the hoisting machine operators'
6 certification revolving fund into which shall be deposited all
7 fees, penalties, fines, and interest collected from:

- 8 (1) Certification of hoisting machine operators;
- 9 (2) Interest and investment moneys earned on any moneys in
10 the fund; and
- 11 (3) All moneys received for the fund from any source.

12 The moneys in the fund may be used to carry out the purposes of
13 this section. The director of finance shall disburse the moneys
14 in the fund in accordance with instructions from the director.

15 (b) The fund may be used for:

- 16 (1) Personnel and operating expenses for an executive
17 director for the hoisting machine operators advisory
18 board;
- 19 (2) All necessary board costs and reimbursements;
- 20 (3) Preparation and dissemination of public information on
21 hoisting machine operators' certification and
22 training;

1 (4) Preparation of annual reports on certification program
2 activities and accomplishments and on the fund; and

3 (5) Any reimbursements to the state general fund for funds
4 appropriated by the legislature to establish the
5 revolving fund.

6 (c) The director shall submit an annual report to the
7 legislature on the status of the fund, including expenditures
8 and program results, not less than twenty days prior to the
9 convening of each regular session."

10 SECTION 16. Chapter 396, Hawaii Revised Statutes, is
11 repealed.

12 PART IV

13 SECTION 17. The purpose of this part is to transfer the
14 position of tourism liaison from the department of business,
15 economic development, and tourism to the office of the governor.

16 SECTION 18. Chapter 27, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 "PART . TOURISM

20 §27- Special advisor for tourism. (a) There is
21 established within the office of the governor a special advisor
22 for tourism who shall be appointed by the governor without

1 regard to section 26-34. The special advisor shall not be
2 subject to chapters 76 and 89.

3 (b) The special advisor for tourism shall serve as the
4 liaison between the governor and the Hawaii tourism authority,
5 department of business, economic development, and tourism, and
6 other public and private parties on matters relating to
7 tourism."

8 PART V

9 SECTION 19. The purpose of this part is to transfer the
10 small business regulatory review board, with its statutory
11 duties and powers, from the department of business, economic
12 development, and tourism to the department of commerce and
13 consumer affairs.

14 SECTION 20. Section 201M-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§201M-5 Small business regulatory review board; powers.**

17 (a) There shall be established within the department of
18 [~~business, economic development, and tourism,~~] commerce and
19 consumer affairs for administrative purposes[7] a small business
20 regulatory review board to review any proposed new or amended
21 rule or to consider any request from small business owners for
22 review of any rule adopted by a state agency and to make

1 recommendations to the agency or the legislature regarding the
2 need for a rule change or legislation. For requests regarding
3 county ordinances, the board may make recommendations to the
4 county council or the mayor for appropriate action.

5 (b) The board shall consist of eleven members, who shall
6 be appointed by the governor pursuant to section 26-34.
7 Nominations to fill vacancies shall be made from names submitted
8 by the review board. The appointments shall reflect
9 representation of a variety of businesses in the State; provided
10 that no more than two members shall be representatives from the
11 same type of business, and that there shall be at least two
12 representatives from each county.

13 (c) All members of the board shall be either a current or
14 former owner or officer of a business and shall not be an
15 officer or employee of the federal, state, or county government.
16 A majority of the board shall elect the chairperson. The
17 chairperson shall serve a term of not more than one year, unless
18 removed earlier by a two-thirds vote of all members to which the
19 board is entitled.

20 (d) A majority of all the members to which the board is
21 entitled shall constitute a quorum to do business, and the
22 concurrence of a majority of all the members to which the board

1 is entitled shall be necessary to make any action of the board
2 valid.

3 (e) In addition to any other powers provided by this
4 chapter, the board may:

5 (1) Adopt any rules necessary to implement this chapter;

6 (2) Organize and hold conferences on problems affecting
7 small business; and

8 (3) Do any and all things necessary to effectuate the
9 purposes of this chapter.

10 (f) The board shall submit an annual report to the
11 legislature twenty days prior to each regular session detailing
12 any requests from small business owners for review of any rule
13 adopted by a state agency, and any recommendations made by the
14 board to an agency or the legislature regarding the need for a
15 rule change or legislation. The report shall also contain a
16 summary of the comments made by the board to agencies regarding
17 its review of proposed new or amended rules.

18 (g) The expenses of the board shall be funded entirely
19 from the compliance resolution fund; provided that this
20 provision shall not require the board to charge any fee for its
21 service. The director of commerce and consumer affairs shall
22 include, as part of any other fee charged to a person or

1 organization, an amount with a reasonable nexus to the small
2 business regulatory review activities of the board.

3 For the purpose of this subsection, "expenses" includes
4 operating expenses, cash capital expenses, and debt service
5 attributable to the board."

6 PART VI

7 SECTION 21. The purpose of this part is to transfer the
8 land use commission, with its statutory duties and powers, from
9 the department of business, economic development, and tourism to
10 the department of land and natural resources.

11 SECTION 22. Section 205-1, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§205-1 Establishment of the commission.** There shall be a
14 state land use commission, hereinafter called the commission.
15 The commission shall consist of nine members who shall hold no
16 other public office and shall be appointed in the manner and
17 serve for the term set forth in section 26-34. One member shall
18 be appointed from each of the counties and the remainder shall
19 be appointed at large; provided that one member shall have
20 substantial experience or expertise in traditional Hawaiian land
21 usage and knowledge of cultural land practices. The commission
22 shall elect its chairperson from one of its members. The

1 members shall receive no compensation for their services on the
2 commission, but shall be reimbursed for actual expenses incurred
3 in the performance of their duties. Six affirmative votes shall
4 be necessary for any boundary amendment.

5 The commission shall be a part of the department of
6 [~~business, economic development, and tourism~~] land and natural
7 resources for administration purposes [~~, as provided for in~~
8 ~~section 26-35~~].

9 The commission may engage employees necessary to perform
10 its duties, including administrative personnel and an executive
11 officer. The executive officer shall be appointed by the
12 commission and the executive officer's position shall be exempt
13 from civil service. Departments of the state government shall
14 make available to the commission such data, facilities, and
15 personnel as are necessary for it to perform its duties. The
16 commission may receive and utilize gifts and any funds from the
17 federal or other governmental agencies. It shall adopt rules
18 guiding its conduct, maintain a record of its activities and
19 accomplishments, and make recommendations to the governor and to
20 the legislature through the governor."

1 PART VII

2 SECTION 23. The purpose of this part is to transfer the
3 high technology development corporation and high technology
4 innovation corporation, with their statutory duties and powers,
5 from the department of business, economic development, and
6 tourism to the University of Hawaii.

7 SECTION 24. Section 206M-2, Hawaii Revised Statutes, is
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) There is established the high technology development
10 corporation, which shall be a public body corporate and politic
11 and an instrumentality and agency of the State. The development
12 corporation shall be placed within the [~~department of business,
13 economic development, and tourism~~] University of Hawaii for
14 administrative purposes, pursuant to section 26-35. The purpose
15 of the development corporation shall be to facilitate the growth
16 and development of the commercial high technology industry in
17 Hawaii. Its duties shall include, but not be limited to:

18 (1) Developing and encouraging industrial parks as high
19 technology innovation centers and developing or
20 assisting with the development of projects within or
21 outside of industrial parks, including participating
22 with the private sector in such development;

- 1 (2) Providing financial and other support and services to
2 Hawaii-based high technology companies;
- 3 (3) Collecting and analyzing information on the state of
4 commercial high technology activity in Hawaii;
- 5 (4) Promoting and marketing Hawaii as a site for
6 commercial high technology activity; and
- 7 (5) Providing advice on policy and planning for
8 technology-based economic development.

9 (b) The governing body of the development corporation
10 shall consist of a board of directors having eleven voting
11 members. Seven of the members shall be appointed by the
12 governor for staggered terms pursuant to section 26-34. Six of
13 the appointed members shall be from the general public and
14 selected on the basis of their knowledge, interest, and proven
15 expertise in, but not limited to, one or more of the following
16 fields: finance, commerce and trade, corporate management,
17 marketing, economics, engineering, and telecommunications, and
18 other high technology fields. The other appointed member shall
19 be selected from the faculty of the University of Hawaii. All
20 appointed members of the board shall continue in office until
21 their respective successors have been appointed. The [~~director~~
22 ~~of business, economic development, and tourism,~~] president of

1 the University of Hawaii, the director of finance, an appointed
2 member from the board of the Hawaii strategic development
3 corporation, and an appointed member from the board of the
4 natural energy laboratory of Hawaii authority, or their
5 designated representatives, shall serve as ex officio voting
6 members of the board. The [~~director of business, economic~~
7 ~~development, and tourism~~] president of the University of Hawaii
8 shall serve as the chairperson until such time as a chairperson
9 is elected by the board from the membership. The board shall
10 elect such other officers as it deems necessary."

11 SECTION 25. Chapter 304A, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 **"§304A- University of Hawaii high technology special**
15 **fund.** (a) There is established the University of Hawaii high
16 technology special fund, into which shall be deposited, except
17 as otherwise provided by sections 206M-15, 206M-15.6, and 206M-
18 17, all moneys, fees, and equity from tenants, qualified
19 persons, or other users of the development corporation's
20 industrial parks, projects, other leased facilities, and other
21 services and publications. The moneys in the fund shall be
22 expended for the administration and operation of the high

1 technology development corporation, the operation, maintenance,
2 and management of its industrial parks, projects, facilities,
3 services, and publications, and the expenses in administering
4 the special purpose revenue bonds of the high technology
5 development corporation or in carrying out its project
6 agreements.

7 (b) Subsection (a) shall not require the expenses of the
8 development corporation to be exclusively funded from the
9 moneys, fees, and equity deposited into the special fund. Other
10 moneys of the University of Hawaii may be appropriated and
11 expended for the development corporation. The president of the
12 University of Hawaii may include, as part of any other fee
13 charged to a person or organization, an amount with a reasonable
14 nexus to high technology development activities of the
15 corporation."

16 SECTION 26. Section 206M-15.5, Hawaii Revised Statutes, is
17 repealed.

18 SECTION 27. Section 206M-51, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) There is established, as a body corporate, the high
21 technology innovation corporation. The high technology
22 innovation corporation shall be a public, not-for-profit

1 organization under section 501(c)(3) of the Internal Revenue
2 Code of 1986, as amended. The high technology innovation
3 corporation shall be [~~attached to the department of business,~~
4 ~~economic development, and tourism~~] placed within the University
5 of Hawaii for administrative purposes."

6 PART VIII

7 SECTION 28. The purpose of this part is to transfer the
8 office of planning, with its statutory duties and powers, from
9 the department of business, economic development, and tourism to
10 the department of land and natural resources.

11 SECTION 29. Section 225M-2, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established within the department of
14 [~~business, economic development, and tourism an~~] land and
15 natural resources, the office of planning. The head of the
16 office shall be known as the director of the office of planning,
17 referred to in this chapter as director. The director shall
18 have: training in the field of urban or regional planning,
19 public administration, or other related fields; experience in
20 programs or services related to governmental planning; and
21 experience in a supervisory, consultative, or administrative
22 capacity. The director shall be nominated by the governor and,

1 by and with the advice and consent of the senate, appointed by
2 the governor without regard to chapter 76, and shall be
3 compensated at a salary level set by the governor. The director
4 shall be included in any benefit program generally applicable to
5 the officers and employees of the State. The director shall
6 retain such staff as may be necessary for the purposes of this
7 chapter, in conformity with chapter 76. The director shall
8 report to the director of business, economic development, and
9 tourism and shall not be required to report directly to any
10 other principal executive department."

11 SECTION 30. Section 205-3.1, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) The county land use decision-making authority shall
14 serve a copy of the application for a district boundary
15 amendment to the land use commission and the [~~department of~~
16 ~~business, economic development, and tourism~~] office of planning
17 and shall notify the commission and [~~the department~~] office of
18 the time and place of the hearing and the proposed amendments
19 scheduled to be heard at the hearing. A change in the state
20 land use district boundaries pursuant to this subsection shall
21 become effective on the day designated by the county land use
22 decision-making authority in its decision. Within sixty days of

1 the effective date of any decision to amend state land use
2 district boundaries by the county land use decision-making
3 authority, the decision and the description and map of the
4 affected property shall be transmitted to the land use
5 commission and the [~~department of business, economic~~
6 ~~development, and tourism~~] office of planning by the county
7 planning director."

8 SECTION 31. Section 205-5.2, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) After the board has completed a county-by-county
11 assessment of all areas with geothermal potential or after any
12 subsequent update or review, the board shall compare all areas
13 showing geothermal potential within each county, and shall
14 propose areas for potential designation as geothermal resource
15 subzones based upon a preliminary finding that the areas are
16 those sites which best demonstrate an acceptable balance between
17 the factors set forth in subsection (b). Once a proposal is
18 made, the board shall conduct public hearings pursuant to this
19 subsection, notwithstanding any contrary provision related to
20 public hearing procedures. Contested case procedures are not
21 applicable to these hearings.

1 (1) Hearings shall be held at locations which are in close
2 proximity to those areas proposed for designation. A
3 public notice of hearing, including a description of
4 the proposed areas, an invitation for public comment,
5 and a statement of the date, time, and place where
6 persons may be heard shall be given and mailed no less
7 than twenty days before the hearing. The notice shall
8 be given on three separate days statewide and in the
9 county in which the hearing is to be held. Copies of
10 the notice shall be mailed to the [~~department of~~
11 ~~business, economic development, and tourism,~~] office
12 of planning, to the planning commission and planning
13 department of the county in which the proposed areas
14 are located, and to all owners of record of real
15 estate within, and within one thousand feet of, the
16 area being proposed for designation as a geothermal
17 resource subzone. The notification shall be mailed to
18 the owners and addresses as shown on the current real
19 property tax rolls at the county real property tax
20 office. Upon that action, the requirement for
21 notification of owners of land is completed. For the

1 purposes of this subsection, notice to one co-owner
2 shall be sufficient notice to all co-owners;

3 (2) The hearing shall be held before the board, and the
4 authority to conduct hearings shall not be delegated
5 to any agent or representative of the board. All
6 persons and agencies shall be afforded the opportunity
7 to submit data, views, and arguments either orally or
8 in writing. The [~~department of business, economic~~
9 ~~development, and tourism~~] office of planning and the
10 county planning department shall be permitted to
11 appear at every hearing and make recommendations
12 concerning each proposal by the board; and

13 (3) At the close of the hearing, the board may designate
14 areas as geothermal resource subzones or announce the
15 date on which it will render its decision. The board
16 may designate areas as geothermal resource subzones
17 only upon finding that the areas are those sites which
18 best demonstrate an acceptable balance between the
19 factors set forth in subsection (b). Upon request,
20 the board shall issue a concise statement of its
21 findings and the principal reasons for its decision to
22 designate a particular area."

1 PART IX

2 SECTION 32. The purpose of this part is to the transfer
3 the natural energy laboratory of Hawaii authority, with its
4 statutory duties and powers, from the department of business,
5 economic development, and tourism to the University of Hawaii.

6 SECTION 33. Section 227D-2, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) There is established the natural energy laboratory of
9 Hawaii authority, which shall be a body corporate and politic
10 and an instrumentality and agency of the State. The authority
11 shall be placed within the [~~department of business, economic
12 development, and tourism~~] University of Hawaii for
13 administrative purposes[~~, pursuant to section 26-35~~]. The
14 purpose of the natural energy laboratory of Hawaii authority
15 shall be to facilitate research, development, and
16 commercialization of natural energy resources and ocean-related
17 research, technology, and industry in Hawaii and to engage in
18 retail, commercial, or tourism activities that will financially
19 support that research, development, and commercialization at a
20 research and technology park in Hawaii. Its duties shall
21 include:

- 1 (1) Establishing, managing, and operating facilities that
- 2 provide sites for:
- 3 (A) Research and development;
- 4 (B) Commercial projects and businesses utilizing
- 5 natural resources, such as ocean water or
- 6 geothermal energy;
- 7 (C) Compatible businesses engaged in scientific and
- 8 technological investigations, or retail,
- 9 commercial, and tourism activities; and
- 10 (D) Businesses or educational facilities that support
- 11 the primary projects and activities;
- 12 (2) Providing support, utilities, and other services to
- 13 facility tenants and government agencies;
- 14 (3) Maintaining the physical structure of the facilities;
- 15 (4) Promoting and marketing these facilities;
- 16 (5) Promoting and marketing the reasonable utilization of
- 17 available natural resources;
- 18 (6) Supporting ocean research and technology development
- 19 projects that support national and state interests,
- 20 use facilities and infrastructure in Hawaii, and
- 21 foster potential commercial development; and

1 (7) Engaging in retail, commercial, and tourism activities
2 that are not related to facilitating research,
3 development, and commercialization of natural energy
4 resources in Hawaii; provided that all income derived
5 from these activities shall be deposited in the
6 natural energy laboratory of Hawaii authority special
7 fund.

8 (b) The governing body of the authority shall consist of a
9 board of directors having eleven voting members. Three members
10 from the general public shall be appointed by the governor for
11 staggered terms pursuant to section 26-34, except that one of
12 these members shall be a resident of the county of Hawaii. The
13 members shall be selected on the basis of their knowledge,
14 interest, and proven expertise in, but not limited to, one or
15 more of the following fields: finance, commerce and trade,
16 corporate management, marketing, economics, engineering, energy
17 management, real estate development, property management,
18 aquaculture, and ocean science. The chairperson and secretary
19 of the research advisory committee shall serve on the board.
20 The [~~director of business, economic development, and tourism,~~]
21 president of the University of Hawaii, the chairperson of the
22 board of land and natural resources, the [~~president of the~~

1 ~~University of Hawaii,~~] director of business, economic
2 development, and tourism, the mayor of the county of Hawaii, an
3 appointed member from the board of the high technology
4 development corporation, and an appointed member from the board
5 of the Hawaii strategic development corporation, or their
6 designated representatives, shall serve as ex officio, voting
7 members of the board. The [~~director of business, economic~~
8 ~~development, and tourism~~] president of the University of Hawaii
9 shall serve as the chairperson until such time as a chairperson
10 is elected by the board from the membership. The board shall
11 elect other officers as it deems necessary."

12 PART X

13 SECTION 34. The purpose of this part is to transfer the
14 measurement standards program, with its statutory authority,
15 from the department of agriculture to the department of commerce
16 and consumer affairs.

17 SECTION 35. Chapter 486, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§486- Funding of measurement standards branch. The
21 expenses of the measurement standards branch shall be funded
22 entirely from the compliance resolution fund. For this purpose,

1 "expenses" includes operating expenses, cash capital expenses,
2 and debt service attributable to the branch.

3 The department shall establish sufficient fees to comply
4 with this section."

5 SECTION 36. Section 486-1, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By adding a new definition of "director" to read:

8 "Director" means the director of commerce and consumer
9 affairs."

10 2. By amending the definition of "department" to read:

11 "Department" means department of [~~agriculture.~~] commerce
12 and consumer affairs."

13 3. By amending the definition of "inspector" to read:

14 "Inspector" means any employee or official of the
15 department authorized by the [~~board~~] director to administer and
16 enforce the provisions of this [~~law.~~] chapter."

17 4. By repealing the definition of "administrator".

18 [~~"Administrator" means the administering officer of the~~
19 ~~quality assurance division, or any qualified person so~~
20 ~~designated by the chairperson."]~~

21 5. By repealing the definition of "board".

22 [~~"Board" means board of agriculture."]~~

1 6. By repealing the definition of "chairperson".

2 [~~"Chairperson" includes the chairperson of the board of~~
3 ~~agriculture and when specifically designated by the chairperson~~
4 ~~for the purpose of effectuating this chapter, the deputy to the~~
5 ~~chairperson."~~]

6 SECTION 37. Section 486-7, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) These rules may include:

- 9 (1) Standards of net measure, and reasonable standards of
10 fill for any package;
- 11 (2) The technical and reporting procedures to be followed,
12 the report and record forms to be used by persons
13 subject to the provisions of this chapter, and the
14 marks of approval and rejection to be used by the
15 administrator, inspectors, and measurement standards
16 personnel in the discharge of their official duties;
- 17 (3) Exemptions from the sealing, labeling, marking, or
18 other requirements of the respective parts of this
19 chapter;
- 20 (4) The voluntary registration of service persons and
21 service agencies for commercial weighing and measuring
22 devices. These rules may include, but are not limited

- 1 to, provisions for registration fees, period of
2 registration, requirements for test equipment,
3 privileges and responsibilities of a voluntary
4 registrant, reports required, qualification
5 requirements, examinations to be administered,
6 certificates of registration, and means for revocation
7 of registration;
- 8 (5) Schedules and fees for licensing measuring devices;
- 9 (6) Schedules and fees for calibrating or testing
10 measurement standards, and registration of the
11 products covered by such measurement standards;
- 12 (7) Specifications, tolerances, and other technical
13 requirements with respect to the packaging,
14 registering, handling, storing, advertising, labeling,
15 dispensing, and selling of petroleum products;
- 16 (8) Specifications, tolerances, and other technical
17 requirements for weighing and measuring devices;
- 18 (9) Practices to assure that amounts of commodities or
19 services sold are determined in accordance with good
20 commercial practice and are so determined and
21 represented as to be accurate and informative to all
22 parties at interest;

- 1 (10) Requirements for type evaluation;
- 2 (11) Definitions, applicability, use, units, standards, and
3 tolerances relating to the International System of
4 Units; [and]
- 5 (12) Requirements for the weighing of coffee before
6 shipment out-of-state and certification of the weight
7 of the coffee; and
- 8 [~~(12)~~] (13) Such other rules as the board deems necessary
9 for the enforcement of this chapter."

10 SECTION 38. Section 141-4, Hawaii Revised Statutes, is
11 repealed.

12 [~~"§141-4 Weights of coffee; rules. The department of~~
13 ~~agriculture may make rules respecting the weighing of coffee~~
14 ~~prior to its shipment to points outside the State, and providing~~
15 ~~for the certification of weights thereof. Further, a reasonable~~
16 ~~schedule of fees to defray the expense of administering this~~
17 ~~section shall be established by the department, which fees shall~~
18 ~~be collected and deposited with the state director of finance to~~
19 ~~the credit of the general fund; provided that the department~~
20 ~~shall consult the appropriate industries, organizations, and~~
21 ~~agencies prior to the promulgation of the rules."~~]

1 SECTION 39. The following sections of the Hawaii Revised
2 Statutes are amended by replacing the term "board" with the term
3 "department" wherever the former occurs: 486-2, 486-4, 486-6,
4 486-7, 486-31, 486-36, 486-53, 486-54, 486-56, 486-105, 486-108,
5 486-109, 486-118, 486-122, 486-132, 486-135, and 486-137.

6 SECTION 40. (a) Section 486-33, Hawaii Revised Statutes,
7 is amended by replacing the term "chairperson" with the term
8 "director" wherever the former occurs.

9 (b) The following sections of the Hawaii Revised Statutes
10 are amended by replacing the term "administration" with the term
11 "director" wherever the former occurs: 486-4, 486-5, 486-6,
12 486-23, 486-24, 486-31, 486-36, 486-54, 486-78, 486-79, 486-80,
13 486-81, 486-83, and 486-118.

14 PART XI

15 SECTION 41. The purpose of this part is to transfer the
16 arts and culture development branch within the department of
17 business, economic development, and tourism to the state
18 foundation on culture and the arts, which is placed within the
19 department of accounting and general services for administrative
20 purposes.

21 SECTION 42. All rights, powers, functions, and duties of
22 the arts and culture branch of the department of business,

1 economic development, are transferred to the state foundation on
2 culture and the arts.

3 PART XII

4 SECTION 43. The purpose of this part is to transfer the
5 film industry branch within the department of business, economic
6 development, and tourism to the Hawaii tourism authority.

7 SECTION 44. Chapter 201B, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 "PART . HAWAII TELEVISION AND FILM DEVELOPMENT

11 §201B-A Definitions. As used in this part:

12 "Applicant" means a person applying for a grant or venture
13 capital investment from the authority under this part.

14 "Board" means the Hawaii television and film development
15 board.

16 "Eligible Hawaii project" or "project" means an
17 entertainment project in which at least seventy-five per cent of
18 the budget for the production costs, excluding salaries and
19 costs for the producer, director, writer, screenplay, and actors
20 in the project, is dedicated for the purchase or lease of goods
21 or services from a vendor or supplier who is located and doing
22 business in the State.

1 "Fund" means the Hawaii television and film development
2 special fund.

3 "Venture capital investment" means any of the following
4 investments in a project:

- 5 (1) Common or preferred stock and equity securities
6 without a repurchase requirement for at least five
7 years;
- 8 (2) A right to purchase stock or equity securities;
- 9 (3) Any debenture, whether or not convertible or having
10 stock purchase rights, which is subordinated, together
11 with security interests against the assets of the
12 borrower, by their terms to all borrowings of the
13 borrower from other institutional lenders, and that is
14 for a term of not less than three years, and that has
15 no part amortized during the first three years; and
- 16 (4) General or limited partnership interests.

17 **§201B-B Hawaii television and film development board.** (a)

18 There is established the Hawaii television and film development
19 board. The board shall be attached to the Hawaii tourism
20 authority for administrative purposes only. The board shall
21 administer the grant and venture capital investment programs and
22 the Hawaii television and film development special fund

1 established under this part. The board shall also assess and
2 consider the overall viability and development of the television
3 and film industries and make recommendations to appropriate
4 state or county agencies.

5 (b) The board shall be composed of nine members, four of
6 whom shall be appointed by the governor pursuant to section
7 26-34, and all of whom shall serve four-year staggered terms.
8 One of the governor's appointments shall be made from a list of
9 nominees submitted by the president of the senate and another
10 appointment shall be made from a list of nominees submitted by
11 the speaker of the house of representatives. The four appointed
12 members shall possess a current working knowledge of the film,
13 television, or entertainment industry. The executive director
14 of the Hawaii tourism authority and the chairs of the four
15 county film commissions, or their equivalent, shall serve as ex
16 officio voting members, who may be represented on the board by
17 designees.

18 The chairperson and vice chairperson of the board shall be
19 selected by the board by majority vote. Five members shall
20 constitute a quorum, whose affirmative vote shall be necessary
21 for all actions by the board. The members shall serve without

1 compensation but shall be reimbursed for expenses, including
2 travel expenses, necessary for the performance of their duties.

3 (c) The film industry branch development manager shall
4 serve as the executive secretary of the board.

5 (d) The board may adopt rules pursuant to chapter 91 to
6 effectuate the purposes of this part.

7 **§201B-C Hawaii television and film development special**

8 **fund.** (a) There is established in the state treasury the
9 Hawaii television and film development special fund into which
10 shall be deposited:

11 (1) Appropriations by the legislature;

12 (2) Donations and contributions made by private
13 individuals or organizations for deposit into the
14 fund;

15 (3) Grants provided by governmental agencies or any other
16 source; and

17 (4) Any profits or other amounts received from venture
18 capital investments.

19 (b) The fund shall be used by the board to assist in, and
20 provide incentives for, the production of eligible Hawaii
21 projects that are in compliance with criteria and standards
22 established by the board in accordance with rules adopted by the

1 board pursuant to chapter 91. In particular, the board shall
2 adopt rules to provide for the implementation of the following
3 programs:

4 (1) A grant program. The board shall adopt rules pursuant
5 to chapter 91 to provide conditions and qualifications
6 for grants. Applications for grants shall be made to
7 the board and shall contain such information as the
8 board shall require by rules adopted pursuant to
9 chapter 91. At a minimum, the applicant shall agree
10 to the following conditions:

- 11 (A) The grant shall be used exclusively for eligible
12 Hawaii projects;
- 13 (B) The applicant shall have applied for or received
14 all applicable licenses and permits;
- 15 (C) The applicant shall comply with applicable
16 federal and state laws prohibiting discrimination
17 against any person on the basis of race, color,
18 national origin, religion, creed, sex, age, or
19 physical handicap;
- 20 (D) The applicant shall comply with other
21 requirements as the board may prescribe;

- 1 (E) All activities undertaken with funds received
2 shall comply with all applicable federal, state,
3 and county statutes and ordinances;
- 4 (F) The applicant shall indemnify and save harmless
5 the State of Hawaii and its officers, agents, and
6 employees from and against any and all claims
7 arising out of or resulting from activities
8 carried out or projects undertaken with funds
9 provided hereunder, and procure sufficient
10 insurance to provide this indemnification if
11 requested to do so by the department;
- 12 (G) The applicant shall make available to the board
13 all records the applicant may have relating to
14 the project, to allow the board to monitor the
15 applicant's compliance with the purpose of this
16 chapter; and
- 17 (H) The applicant, to the satisfaction of the board,
18 shall establish that sufficient funds are
19 available for the completion of the project for
20 the purpose for which the grant is awarded; and
- 21 (2) A venture capital program. The board shall adopt
22 rules pursuant to chapter 91 to provide conditions and

1 qualifications for venture capital investments in
2 eligible Hawaii projects. The program may include a
3 written agreement between the borrower and the board,
4 as the representative of the State, that as
5 consideration for the venture capital investment made
6 under this part, the borrower shall share any
7 royalties, licenses, titles, rights, or any other
8 monetary benefits that may accrue to the borrower
9 pursuant to terms and conditions established by the
10 board by rule pursuant to chapter 91. Venture capital
11 investments may be made on such terms and conditions
12 as the board shall determine to be reasonable,
13 appropriate, and consistent with the purposes and
14 objectives of this part.

15 **§201B-D Inspection of premises and records.** The board
16 shall have the right to inspect, at reasonable hours, the plant,
17 physical facilities, equipment, premises, books, and records of
18 any applicant in connection with the processing of a grant to
19 the applicant."

20 SECTION 45. Part IX of chapter 201, Hawaii Revised
21 Statutes, is repealed.

1 PART XIII

2 SECTION 46. The purpose of this part is to conform various
3 sections of the Hawaii Revised Statutes to the amendments made
4 under more than one of the previous parts.

5 SECTION 47. Section 26-18, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§26-18 Department of business, economic development, and**
8 **tourism.** [~~a~~] The department of business, economic
9 development, and tourism shall be headed by a single executive
10 to be known as the director of business, economic development,
11 and tourism.

12 The department shall undertake statewide business and
13 economic development activities, undertake energy development
14 and management, [~~provide economic research and analysis,~~] plan
15 for the use of Hawaii's ocean resources, and encourage the
16 development and promotion of industry and international commerce
17 through programs established by law.

18 [~~b~~] The following are placed in the department of
19 business, economic development, and tourism for administrative
20 purposes as defined by section 26-35: [~~Aloha Tower development~~
21 ~~corporation,~~] Hawaii community development authority, Hawaii
22 housing finance and development corporation, [~~high technology~~

1 ~~development corporation, land use commission, natural energy~~
2 ~~laboratory of Hawaii authority,~~] and any other boards and
3 commissions as shall be provided by law.

4 ~~[The department of business, economic development, and~~
5 ~~tourism shall be empowered to establish, modify, or abolish~~
6 ~~statistical boundaries for cities, towns, or villages in the~~
7 ~~State and shall publish, as expeditiously as possible, an up-to-~~
8 ~~date list of cities, towns, and villages after changes to~~
9 ~~statistical boundaries have been made.]"~~

10 SECTION 48. Section 201-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§201-2 General objective, functions, and duties of**
13 **department.** It shall be the objective of the department of
14 business, economic development, and tourism to make broad policy
15 determinations with respect to economic development in the State
16 and to stimulate through research and demonstration projects
17 those industrial and economic development efforts that offer the
18 most immediate promise of expanding the economy of the State.
19 The department shall endeavor to gain an understanding of those
20 functions and activities of other governmental agencies and of
21 private agencies that relate to the field of economic
22 development. ~~[It shall,]~~ The department, at all times, shall

1 encourage initiative and creative thinking in harmony with the
2 objectives of the department.

3 ~~[The department of business, economic development, and~~
4 ~~tourism shall have sole jurisdiction over the land use~~
5 ~~commission under chapter 205, state planning under chapter 225M,~~
6 ~~and the Hawaii State Planning Act under chapter 226. Due to the~~
7 ~~inherently interdependent functions of development, planning,~~
8 ~~and land use, these functions shall not be transferred by~~
9 ~~executive order, directive, or memorandum, to any other~~
10 ~~department, nor shall these functions be subject to review or~~
11 ~~approval by any other department.]"~~

12 SECTION 49. Section 201-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§201-3 Specific research and promotional functions of the**
15 **department.** Without prejudice to its general functions and
16 duties the department of business, economic development, and
17 tourism shall have specific functions in the following areas:

18 (1) Industrial development. The department shall
19 determine through technical and economic surveys the
20 profit potential of new or expanded industrial
21 undertakings; develop through research projects and
22 other means new and improved industrial products and

1 processes; promote studies and surveys to determine
2 consumer preference as to design and quality and to
3 determine the best methods of packaging, transporting,
4 and marketing the State's industrial products;
5 disseminate information to assist the present
6 industries of the State, to attract new industries to
7 the State, and to encourage capital investment in
8 present and new industries in the State; assist
9 associations of producers and distributors of
10 industrial products to introduce these products to
11 consumers; and make grants or contracts as may be
12 necessary or advisable to accomplish the foregoing;

13 ~~[-(2) Land development. The department shall encourage the~~
14 ~~most productive use of all land in the State in~~
15 ~~accordance with a general plan developed by the~~
16 ~~department; encourage the improvement of land tenure~~
17 ~~practices on leased private lands; promote an~~
18 ~~informational program directed to landowners,~~
19 ~~producers of agricultural and industrial commodities,~~
20 ~~and the general public regarding the most efficient~~
21 ~~and most productive use of the lands in the State; and~~

1 ~~make grants or contracts as may be necessary or~~
2 ~~advisable to accomplish the foregoing;~~

3 ~~(3)]~~ (2) Credit development. The department shall conduct
4 a continuing study of agricultural and industrial
5 credit needs; encourage the development of additional
6 private and public credit sources for agricultural and
7 industrial enterprises; promote an informational
8 program to acquaint financial institutions with
9 agricultural and industrial credit needs and the
10 potential for agricultural and industrial expansion,
11 and inform producers of agricultural and industrial
12 products as to the manner in which to qualify for
13 loans; and make grants or contracts as may be
14 necessary or advisable to accomplish the foregoing;
15 and

16 ~~[(4)]~~ (3) Promotion. The department shall disseminate
17 information developed for or by the department
18 pertaining to economic development to assist present
19 industry in the State, attract new industry and
20 investments to the State, and assist new and emerging
21 industry with good growth potential or prospects in
22 jobs, exports, and new products. The industrial and

1 economic promotional activities of the department may
2 include the use of literature, advertising,
3 demonstrations, displays, market testing, lectures,
4 travel, motion picture and slide films, and other
5 promotional and publicity devices as may be
6 appropriate[~~;~~

7 ~~(5) Tourism research and statistics. The department shall~~
8 ~~maintain a program of research and statistics for the~~
9 ~~purpose of:~~

10 ~~(A) Measuring and analyzing tourism trends;~~

11 ~~(B) Providing information and research to assist in~~
12 ~~the development and implementation of state~~
13 ~~tourism policy;~~

14 ~~(C) Encouraging and arranging for the conduct of~~
15 ~~tourism research and information development~~
16 ~~through voluntary means or through contractual~~
17 ~~services with qualified agencies, firms, or~~
18 ~~persons; and~~

19 ~~(D) Providing tourism information to policy makers,~~
20 ~~the public, and the visitor industry. This~~
21 ~~includes:~~

- 1 ~~(i) Collecting and publishing visitor-related~~
2 ~~data including visitor arrivals, visitor~~
3 ~~characteristics and expenditures;~~
- 4 ~~(ii) Collecting and publishing hotel-related~~
5 ~~statistics including the number of units~~
6 ~~available, occupancy rates, and room rates;~~
- 7 ~~(iii) Collecting and publishing airline-related~~
8 ~~data including seat capacity and number of~~
9 ~~flights;~~
- 10 ~~(iv) Collecting information and conducting~~
11 ~~analyses of the economic, social, and~~
12 ~~physical impacts of tourism on the State;~~
- 13 ~~(v) Conducting periodic studies of the impact of~~
14 ~~ongoing marketing programs of the Hawaii~~
15 ~~tourism authority on Hawaii's tourism~~
16 ~~industry, employment in Hawaii, state taxes,~~
17 ~~and the State's lesser known and~~
18 ~~underutilized destinations; and~~
- 19 ~~(vi) Cooperate with the Hawaii tourism authority~~
20 ~~and provide it with the above information in~~
21 ~~a timely manner; and~~

1 transferred under parts I, II, IV, V, VI, VII, VIII, IX, X, XI,
2 and XII of this Act.

3 SECTION 51. (a) All rights, powers, functions, and duties
4 of the agencies, divisions, or programs transferred under parts
5 I, II, IV, V, VI, VII, VIII, IX, X, XI, and XII are transferred
6 to the successor agencies as provided under those parts.

7 (b) All officers and employees whose functions are
8 transferred by this Act shall be transferred with their
9 functions and shall continue to perform their regular duties
10 upon their transfer, subject to the state personnel laws and
11 this Act; except that an officer or employee whose position is
12 no longer authorized under the General Appropriations Act of
13 2009 shall not be transferred.

14 (c) No officer or employee who has been transferred
15 pursuant to subsection (b) and who has tenure shall suffer any
16 loss of salary, seniority, prior service credit, vacation, sick
17 leave, or other employee benefit or privilege as a consequence
18 of this Act.

19 (d) If a position held by an officer or employee having
20 tenure is no longer authorized under the General Appropriations
21 Act of 2009, the movement of an officer or employee to another

1 position shall be subject to the appropriate collective
2 bargaining agreement.

3 SECTION 52. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by an agency, division,
5 or program transferred under parts I, II, IV, V, VI, VII, VIII,
6 IX, X, XI, and XII shall be transferred to the successor agency
7 and shall remain in full force and effect until amended or
8 repealed by the successor agency.

9 SECTION 53. All records, equipment, machines, files,
10 supplies, contracts, books, papers, documents, maps, and other
11 personal property heretofore made, used, or acquired or held by
12 an agency, division, or program transferred under parts I, II,
13 IV, V, VI, VII, VIII, IX, X, XI, and XII shall be transferred to
14 the successor agency.

15 SECTION 54. (a) Unless specifically required by this Act,
16 this Act shall not affect the membership or term of any
17 appointed member of a board or other policy-making or advisory
18 body transferred under parts I, II, IV, V, VI, VII, VIII, IX, X,
19 XI, and XII. Such a member shall continue to serve on the board
20 or other body for the member's term without necessity of
21 reappointment.

1 (b) Subsection (a) shall not apply to any change made by
2 parts II and VII to the ex officio membership of the board of
3 the Aloha tower development corporation and high technology
4 development corporation.

5 SECTION 55. The legislative reference bureau shall review
6 this Act for the purpose of making recommendations as to the
7 appropriate placement of parts or chapters of the Hawaii Revised
8 Statutes affected by this Act. The legislative reference bureau
9 shall submit its findings and recommendations, accompanied by
10 any necessary proposed legislation, to the legislature by
11 January 1, 2010.

12 SECTION 56. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 PART XV

16 SECTION 57. In codifying the new sections added by section
17 44 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 58. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 59. This Act shall take effect on July 1, 2090.

Report Title:

Executive Branch Reorganization

Description:

Reorganizes certain executive branch agencies by abolishing or transferring various agencies and programs to correspond with H.B. No. 200, H.D. 1, the general appropriations act of 2009.
(SD1)