



**GOV. MSG. NO. 1272**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 27, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

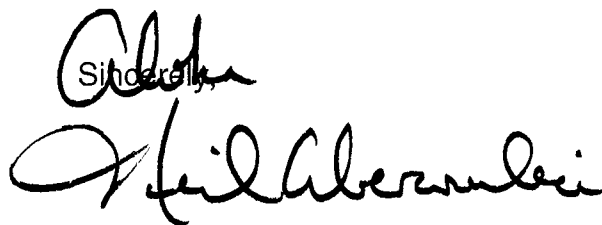
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 27, 2012, the following bill was signed into law:

HB2873 HD2 SD2 CD1

RELATING TO THE PACIFIC INTERNATIONAL  
SPACE CENTER FOR EXPLORATION  
SYSTEMS.

**Act 169 (12)**

*Sincerely,*  


NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

JUN 27 2012

ORIGINAL

ACT 169

on

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

H.B. NO. 2873  
H.D. 2  
S.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR  
EXPLORATION SYSTEMS.

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

1           SECTION 1. The legislature finds that the Pacific  
2 international space center for exploration systems, including  
3 its proposed aerospace technology research and development park  
4 project, is an economic driver for the island of Hawaii that  
5 promotes the establishment and growth of new sustainable and  
6 green industries along with associated jobs, workforce  
7 development, internships, and science, technology, engineering,  
8 and math education programs. The legislature also finds that  
9 the Pacific international space center for exploration systems  
10 aerospace technology research and development park project will  
11 attract investment that will help to leverage costs of expanding  
12 the island of Hawaii's broadband capacity.

13           The legislature further finds there is a continued need for  
14 the Pacific international space center for exploration systems  
15 to work closely with the University of Hawaii, but also  
16 recognizes the center's need for the flexibility to make swift  
17 and independent decisions and take actions in the rapidly



1 evolving aerospace sector to keep Hawaii competitive and  
2 attractive to industry partners. Therefore, a transfer of  
3 positions from the University of Hawaii to the department of  
4 business, economic development, and tourism is needed. This is  
5 especially critical with the recent emergence of private  
6 commercial space access and a resurgence of global space  
7 initiatives. Supporting these initiatives will involve  
8 significant private sector investment in the development,  
9 testing, and evaluation of robotics, broadband, energy  
10 production, energy storage, recycling, and other innovative  
11 technologies that can have immediate application for the Hawaii  
12 economy and the general well-being of the State.

13 The purpose of this Act is to transfer the Pacific  
14 international space center for exploration systems from the  
15 University of Hawaii to the department of business, economic  
16 development, and tourism.

17 SECTION 2. Chapter 201, Hawaii Revised Statutes, is  
18 amended by adding to part V a new subpart to be appropriately  
19 designated and to read as follows:

20 " . Pacific International Space Center for  
21 Exploration Systems



1           §201-       Pacific international space center for  
2 exploration systems. (a) There is established the Pacific  
3 international space center for exploration systems, to be  
4 administratively attached to the office of aerospace development  
5 in the department of business, economic development, and  
6 tourism.

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

15         §201-       Pacific international space center for  
16 exploration systems; board of directors; establishment; duties.

17 (a) There is established the board of directors of the Pacific  
18 international space center for exploration systems, consisting  
19 of ten members, to include:

20           (1) The executive director of the space center as an ex  
21           officio voting member;



1           (2) The director of business, economic development, and  
2           tourism, or the director's designated representative;  
3           (3) The president of the University of Hawaii, or the  
4           president's designated representative;  
5           (4) Six members from government, industry, and academia,  
6           both national and international, with appropriate  
7           professional interests and backgrounds; and  
8           (5) An invited representative from the National  
9           Aeronautics and Space Administration as an ex officio  
10          non-voting member,  
11 to be appointed by the governor, pursuant to section 26-34;  
12 provided that of the members appointed under paragraph (4), two  
13 members shall be appointed from a list of nominees submitted by  
14 the president of the senate, two members shall be appointed from  
15 a list of nominees submitted by the speaker of the house of  
16 representatives, and two members shall be appointed by the  
17 governor.

18          The board shall select a chairperson from among its  
19 members.

20          (b) Five members shall constitute a quorum, whose  
21 affirmative vote shall be necessary for all actions by the space  
22 center. The members of the board shall serve without



1 compensation, but shall be entitled to reimbursement for  
2 necessary expenses, including travel expenses, incurred in the  
3 performance of their duties.

4 (c) The director of business, economic development, and  
5 tourism shall appoint an executive director to the space center,  
6 subject to confirmation by the board, who shall be exempt from  
7 chapter 76. The board shall set the salary and duties of the  
8 executive director.

9 §201- General powers. (a) The board may:

- 10 (1) Sue and be sued;
- 11 (2) Adopt a seal and alter the seal at pleasure;
- 12 (3) Make and execute contracts and other instruments  
13 necessary or convenient to the exercise of its powers;  
14 and
- 15 (4) Adopt bylaws and rules, which shall be exempt from  
16 chapter 91, for its organization and internal  
17 management, and to carry into effect its purposes,  
18 powers, and programs.

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



1           §201-       Powers and duties of the Pacific international  
2 space center for exploration systems executive director. In  
3 addition to any other powers and duties provided in this  
4 subpart, the executive director shall:

- 5           (1)   Oversee, supervise, and direct the planning,  
6                   evaluation, and coordination of space-related  
7                   activities, and identify and promote opportunities for  
8                   expanding and diversifying aerospace-related  
9                   industries in the State pertaining to the space  
10                  center;
- 11          (2)   Establish partnerships with corporate, government, and  
12                  University of Hawaii entities that can promote and  
13                  enhance the State's aerospace industry; and where  
14                  possible, help to generate additional revenue for the  
15                  University of Hawaii and create classes and other  
16                  educational opportunities for students;
- 17          (3)   Work with local universities and community colleges to  
18                  facilitate internships for students with the space  
19                  center and associated companies;
- 20          (4)   Continue to work with the University of Hawaii on  
21                  course development, teaching, workforce development,  
22                  and outreach;



- 1 (5) Promote innovative educational and workforce  
2 development programs that will enhance public  
3 awareness of the space center and enable residents to  
4 pursue employment in Hawaii's aerospace industry;
- 5 (6) Act as the public representative of the space center;
- 6 (7) Monitor national and global trends in the aerospace  
7 industry and promote global awareness of the space  
8 center;
- 9 (8) Pursue projects in the aerospace sector that can be  
10 leveraged for improvements to the State's broadband  
11 and alternative energy capabilities;
- 12 (9) Serve as a clearinghouse for information on the space  
13 center and associated activities;
- 14 (10) Target existing businesses that can provide products  
15 or services of importance to the space center and its  
16 projects to support the expansion of these businesses  
17 in Hawaii;
- 18 (11) Increase contact and maintain liaison with the  
19 National Aeronautics and Space Administration, related  
20 aerospace organizations, and other federal agencies  
21 and facilities;





1 (12) Maintain and expand liaisons with local business and  
2 citizen groups;

3 (13) Work with private landowners in the vicinity to expand  
4 opportunities and physical space and appurtenances for  
5 the participants in the space center's aerospace  
6 technology research and development park;

7 (14) Adopt, amend, and repeal rules pursuant to chapter 91  
8 necessary to carry out this subpart;

9 (15) Contract for services as may be necessary for the  
10 purposes of this subpart; and

11 (16) Do all other things necessary or proper to carry out  
12 the purposes of this subpart."

13 SECTION 3. Chapter 201, part V, Hawaii Revised Statutes,  
14 is amended by designating sections 201-71 to 201-75 as subpart A  
15 and inserting a title before section 201-71 to read as follows:

16 "A. General Provisions"

17 SECTION 4. Section 201-71, Hawaii Revised Statutes, is  
18 amended by adding two new definitions to be appropriately  
19 inserted and to read as follows:

20 "Board" means the board of directors of the Pacific  
21 international space center for exploration systems.



1       "Space center" means the Pacific international space center  
2 for exploration systems."

3       SECTION 5. Notwithstanding any law to the contrary, all  
4 responsibilities of the University of Hawaii heretofore held  
5 with regard to the Pacific international space center for  
6 exploration systems are transferred to the office of aerospace  
7 development of the department of business, economic development,  
8 and tourism.

9       SECTION 6. All appropriations, records, equipment,  
10 machines, files, supplies, contracts, books, papers, documents,  
11 maps, and other personal property heretofore made, used,  
12 acquired, or held by the University of Hawaii relating to the  
13 functions transferred to the office of aerospace development of  
14 the department of business, economic development, and tourism  
15 shall be transferred with the functions to which they relate.

16       SECTION 7. All rules, policies, procedures, guidelines,  
17 and other material adopted or developed by the agencies,  
18 divisions, or officers transferred to or placed for  
19 administrative purposes under this Act, shall remain in full  
20 force and effect until amended or repealed by the department of  
21 business, economic development, and tourism pursuant to chapter  
22 91, Hawaii Revised Statutes.



1 SECTION 8. All deeds, leases, contracts, loans,  
2 agreements, permits, or other documents executed or entered into  
3 by or on behalf of the agencies, division, or offices  
4 transferred to or placed for administrative purposes with the  
5 department of business, economic development, and tourism by  
6 this Act, shall remain in full force and effect.

7 SECTION 9. All rights, powers, functions, and duties of  
8 the University of Hawaii as they relate to the Pacific  
9 international space center for exploration systems are  
10 transferred to the department of business, economic development,  
11 and tourism.

12 All officers and employees whose functions are transferred  
13 by this Act shall be transferred with their functions and shall  
14 continue to perform their regular duties upon their transfer,  
15 subject to the state personnel laws and this Act.

16 No officer or employee of the State having tenure shall  
17 suffer any loss of salary, seniority, prior service credit,  
18 vacation, sick leave, or other employee benefit or privilege as  
19 a consequence of this Act, and such officer or employee may be  
20 transferred or appointed to a civil service position without the  
21 necessity of examination; provided that the officer or employee  
22 possesses the minimum qualifications for the position to which



1 transferred or appointed; and provided that subsequent changes  
2 in status may be made pursuant to applicable civil service and  
3 compensation laws.

4 An officer or employee of the State who does not have  
5 tenure and who may be transferred or appointed to a civil  
6 service position as a consequence of this Act shall become a  
7 civil service employee without the loss of salary, seniority,  
8 prior service credit, vacation, sick leave, or other employee  
9 benefits or privileges and without the necessity of examination;  
10 provided that such officer or employee possesses the minimum  
11 qualifications for the position to which transferred or  
12 appointed.

13 If an office or position held by an officer or employee  
14 having tenure is abolished, the officer or employee shall not  
15 thereby be separated from public employment, but shall remain in  
16 the employment of the State with the same pay and classification  
17 and shall be transferred to some other office or position for  
18 which the officer or employee is eligible under the personnel  
19 laws of the State as determined by the head of the department or  
20 the governor.

21 SECTION 10. It is the intent of this Act not to jeopardize  
22 the receipt of any federal aid nor to impair the obligation of



1 the State or any agency thereof to the holders of any bond  
2 issued by the State or by any such agency, and to the extent,  
3 and only to the extent, necessary to effectuate this intent, the  
4 governor may modify the strict provisions of this Act, but shall  
5 promptly report any such modification with reasons therefor to  
6 the legislature at its next session thereafter for review by the  
7 legislature.

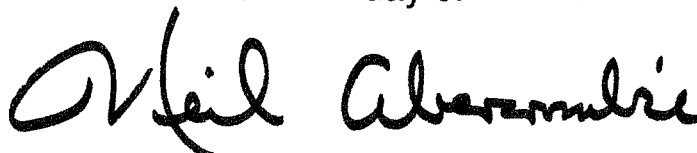
8 SECTION 11. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$500,000 or so much  
10 thereof as may be necessary for fiscal year 2012-2013 for the  
11 purpose of operating the Pacific international space center for  
12 exploration systems aerospace technology research and  
13 development park project.

14 SECTION 12. The sum appropriated under section 11 shall be  
15 expended by the department of business, economic development,  
16 and tourism for the purposes of this Act.

17 SECTION 13. New statutory material is underscored.

18 SECTION 14. This Act shall take effect on July 1, 2012.

APPROVED this 27 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII

