

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION.

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

1           SECTION 1. Chapter 206M, Hawaii Revised Statutes, is  
2 amended by adding two new parts to be appropriately designated  
3 and to read as follows:

4                   "PART       .   DIVISION OF AEROSPACE DEVELOPMENT

5           §206M-     Definitions. As used in this part:

6           "Director" means the director of the division of aerospace  
7 development.

8           "Division" means the division of aerospace development.

9           §206M-     Division of aerospace development; establishment;  
10 director. (a) There is established within the Hawaii  
11 technology development corporation a division of aerospace  
12 development.

13           (b) The division shall be headed by a director, who shall  
14 be appointed by, and serve at the pleasure of the board. The  
15 director shall have experience, knowledge, and expertise in  
16 space-related activities and development.



1 (c) The director may hire staff necessary to carry out the  
2 purposes of this part.

3 (d) The director and employees of the office shall be  
4 exempt from chapter 76 but shall be included in any benefit  
5 program generally applicable to the officers and employees of  
6 the State.

7 **§206M- Hawaii unmanned aerial systems test site;**

8 **administrator.** (a) The director shall manage the operations of  
9 Hawaii's unmanned aerial systems test site as its administrator.

10 The director shall:

11 (1) Monitor, oversee, and recommend operations of unmanned  
12 aerial systems test site activities;

13 (2) Facilitate opportunities for public and private use of  
14 unmanned aerial systems test site facilities;

15 (3) Assist unmanned aerial systems test ranges;

16 (4) Leverage aerospace and related technological  
17 capabilities in the State's academic, public, and  
18 private sectors to support testing and evaluation at  
19 Hawaii's unmanned aerial systems test ranges;

20 (5) Promote innovative education and workforce development  
21 programs to enhance public awareness of the benefits



- 1           and opportunities that unmanned aerial systems  
2           technologies and applications can bring to the State;
- 3       (6) Monitor national and global trends in unmanned aerial  
4           systems development and testing, and recommend  
5           policies and programs to advance unmanned aerial  
6           systems testing in Hawaii;
- 7       (7) Establish and maintain a public website with updated  
8           information on the program and provide information on  
9           the Hawaii unmanned aerial systems test site  
10          initiative;
- 11       (8) Contract for services and implement agreements,  
12           subject to chapter 103D, as may be necessary to  
13           conduct operations at Hawaii's unmanned aerial systems  
14           test ranges;
- 15       (9) Serve as Hawaii's representative on the Pan-Pacific  
16           Unmanned Aerial Systems Test Range Complex management  
17           team; and
- 18       (10) Submit an annual report to the legislature no later  
19           than twenty days prior to the convening of each  
20           regular session, which shall include the status of



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1 work, expenditures, and trends regarding Hawaii's  
2 unmanned aerial systems test site.

3 (b) The director may employ one administrative assistant  
4 for Hawaii's unmanned aerial systems test site operations and  
5 activities.

6 **§206M- Powers and duties of director.** In addition to  
7 any other powers and duties provided in this part, the director  
8 shall:

- 9 (1) Oversee, supervise, and direct the planning,  
10 evaluation, and coordination of space-related  
11 activities, and identify and promote opportunities for  
12 expanding and diversifying aerospace-related  
13 industries in the State;
- 14 (2) Initiate discussions for private and international  
15 involvement in space-related activities in the State;
- 16 (3) Assist the University of Hawaii, local companies,  
17 research institutions, and other interested  
18 organizations to establish partnerships with  
19 corporate, government, and university entities that  
20 can promote and enhance the State's aerospace  
21 industry; and where possible, help to generate



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1 additional revenue for the University of Hawaii and  
2 create classes and other educational opportunities for  
3 students;

4 (4) Work with local universities and community colleges to  
5 facilitate internships for students with associated  
6 companies;

7 (5) Work with the University of Hawaii on course  
8 development, teaching, workforce development, and  
9 outreach;

10 (6) Leverage aerospace and related technological  
11 capabilities in the State's academic, public, and  
12 private sectors to enhance the State's ability to  
13 procure federal and private research and development  
14 grants and increase the State's competitiveness in  
15 national and global aerospace markets;

16 (7) Promote innovative educational and workforce  
17 development programs that will enhance public  
18 awareness of the State's aerospace potential and  
19 enable residents to pursue employment in Hawaii's  
20 aerospace industry;



- 1           (8) Monitor national and global trends in the aerospace  
2           industry and recommend programs and policies that can  
3           support aerospace industry development statewide;
- 4           (9) Review the effectiveness of present publications,  
5           pamphlets, and other sources of information about  
6           Hawaii's space-related activities produced and  
7           distributed by the State;
- 8           (10) Serve as a clearinghouse for information on Hawaii's  
9           space-related activities, including but not be limited  
10          to those of the University of Hawaii and federal  
11          agencies located in Hawaii;
- 12          (11) Target existing businesses that can provide products  
13          or services of importance to the space industry to  
14          support the expansion of these businesses in Hawaii;
- 15          (12) Increase contact and maintain liaison with the  
16          National Aeronautics and Space Administration and  
17          other federal agencies and facilities;
- 18          (13) Institute procedures by which citizen input on  
19          proposed space facilities development shall be invited  
20          at the earliest possible time in the development  
21          process;



- 1           (14) Pursue projects in the aerospace sector that can be  
2                    leveraged for improvements to the State's broadband  
3                    and alternative energy capabilities;
- 4           (15) Maintain and expand liaisons with local businesses and  
5                    citizen groups;
- 6           (16) Serve as the administrator for the unmanned aerial  
7                    systems test site;
- 8           (17) Adopt, amend, and repeal rules pursuant to chapter 91  
9                    necessary to carry out this part;
- 10          (18) Contract for services as may be necessary for the  
11                    purposes of this part; and
- 12          (19) Do all other things necessary or proper to carry out  
13                    the purposes of this part.

14           **§206M-       Space vehicles; prohibitions.** Any vehicle  
15 launched into space from the land or ocean territory of the  
16 State shall not carry weapons of destruction, nuclear waste  
17 materials, or use radioactive materials as a power source.

18           **§206M-       Division of aerospace development special fund.**

19          (a) There is established in the state treasury the division of  
20 aerospace development special fund, into which shall be  
21 deposited:



1           (1) Revenues, moneys, and fees from services, rentals,  
2                   publications, royalties, and patents generated under  
3                   this part;

4           (2) Gifts, donations, and grants received by the division;  
5                   and

6           (3) Proceeds from revenue bonds issued by the director of  
7                   finance.

8           (b) Moneys in the fund shall be used by the division for  
9           the operation, maintenance, and management of its projects,  
10           facilities, services, and publications and for the design and  
11           construction of new facilities and the renovation of or addition  
12           to existing facilities.

13           (c) All moneys remaining in the division of aerospace  
14           development special fund at the close of each fiscal year that  
15           are deemed, by the director of finance, to be in excess of the  
16           moneys necessary to carry out the purposes of this section in  
17           the next fiscal year shall lapse to the credit of the state  
18           general fund.

19                                   **PART       .   HAWAII BROADBAND OFFICE**

20           **§206M-   Definitions.** As used in this part:





1 "Broadband" means high-speed internet access that is always  
2 on, including mobile and fixed technologies.

3 "Corporation" means the Hawaii technology development  
4 corporation.

5 "Office" means the Hawaii broadband office.

6 **§206M- Hawaii broadband office; establishment; state**  
7 **broadband strategy officer; staff.** (a) There is established  
8 the Hawaii broadband office within the Hawaii technology  
9 development corporation.

10 (b) The chief executive officer of the Hawaii technology  
11 development corporation shall appoint, exempt from chapter 76, a  
12 state broadband strategy officer to head the office. The  
13 corporation shall employ any staff as may be necessary for the  
14 purposes of this part; provided that any staff employed pursuant  
15 to this section shall be exempt from chapter 76.

16 **§206M- Hawaii broadband office; duties.** In furtherance  
17 of the State's objectives and policies for the economy pursuant  
18 to section 226-10.5, the office shall:

19 (1) Develop and implement specific strategies and plans to  
20 aggressively increase broadband affordability,



- 1 penetration, and competitive availability in the  
2 State;
- 3 (2) Support the efforts of both public and private  
4 entities in Hawaii to enhance or facilitate the  
5 deployment of and access to competitively priced,  
6 advanced electronic communications services, including  
7 broadband and its products and services and internet  
8 access services of general application throughout  
9 Hawaii;
- 10 (3) Promote the landing of trans-Pacific submarine cable,  
11 including the development of a shared access cable  
12 station and associated terrestrial connectivity to  
13 reduce barriers to fiber landing in Hawaii;
- 14 (4) Promote, advocate, and facilitate the implementation  
15 of the findings and recommendations of the Hawaii  
16 broadband task force established by Act 2, First  
17 Special Session Laws of Hawaii 2007; and
- 18 (5) Actively seek out funding from private and public  
19 sources in furtherance of the office's duties pursuant  
20 to this chapter.

21 §206M- Broadband planning and coordination; cooperation.



1 (a) The office shall:

2 (1) Seek input and the widest possible cooperation from  
3 public and private agencies and individuals to achieve  
4 the purposes of this chapter;

5 (2) Promote coordinated broadband planning; and

6 (3) To the extent feasible, incorporate the ideas and  
7 suggestions of broadband stakeholders in the office's  
8 planning directives.

9 (b) Nothing in this part shall be construed to delegate or  
10 detract in any way from the functions, powers, and duties  
11 conferred by law or rule on any department or agency of the  
12 State or county."

13 SECTION 2. Chapter 201, part V, Hawaii Revised Statutes,  
14 is repealed.

15 SECTION 3. All rights, powers, functions, and duties of  
16 the office of aerospace development and Pacific international  
17 space center for exploration systems are transferred to the  
18 division of aerospace development within the Hawaii technology  
19 development corporation.

20 All employees who occupy civil service positions and whose  
21 functions are transferred to the division of aerospace



1 development by this Act shall retain their civil service status,  
2 whether permanent or temporary. Employees shall be transferred  
3 without loss of salary, seniority (except as prescribed by  
4 applicable collective bargaining agreements), retention points,  
5 prior service credit, any vacation and sick leave credits  
6 previously earned, and other rights, benefits, and privileges,  
7 in accordance with state personnel laws and this Act; provided  
8 that the employees possess the minimum qualifications and public  
9 employment requirements for the class or position to which  
10 transferred or appointed, as applicable; provided further that  
11 subsequent changes in status may be made pursuant to applicable  
12 civil service and compensation laws.

13 Any employee who, prior to this Act, is exempt from civil  
14 service and is transferred as a consequence of this Act may  
15 retain the employee's exempt status, but shall not be appointed  
16 to a civil service position as a consequence of this Act. An  
17 exempt employee who is transferred by this Act shall not suffer  
18 any loss of prior service credit, vacation or sick leave credits  
19 previously earned, or other employee benefits or privileges as a  
20 consequence of this Act; provided that the employees possess  
21 legal and public employment requirements for the position to



1 which transferred or appointed, as applicable; provided further  
2 that subsequent changes in status may be made pursuant to  
3 applicable employment and compensation laws. The director of  
4 division of aerospace development may prescribe the duties and  
5 qualifications of these employees and fix their salaries without  
6 regard to chapter 76, Hawaii Revised Statutes. A transferred  
7 employee shall retain their job title or as close thereto that  
8 reflects their position after transfer.

9 SECTION 4. 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 office of aerospace development and  
13 Pacific international space center for exploration systems  
14 relating to the functions transferred to the division of  
15 aerospace development within the Hawaii technology development  
16 corporation shall be transferred with the functions to which  
17 they relate.

18 SECTION 5. All unencumbered and unexpended moneys  
19 remaining on balance at the close of June 30, 2020, in the  
20 Pacific international space center for exploration systems  
21 special fund established under section 201-80.2, Hawaii Revised



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1 Statutes, as that section read on the day prior to the effective  
 2 date of this Act, shall be transferred to the credit of the  
 3 division of aerospace development special fund established in  
 4 section 1 of this Act.

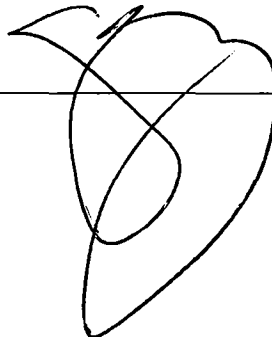
5 SECTION 6. There is appropriated out of the general  
 6 revenues of the State of Hawaii the sum of \$ or so  
 7 much thereof as may be necessary for fiscal year 2020-2021 for  
 8 the creation and staffing of the Hawaii broadband office,  
 9 including the establishment of three full-time equivalent (3.00  
 10 FTE) positions that are exempt from chapter 76, Hawaii Revised  
 11 Statutes.

12 The sum appropriated shall be expended by the Hawaii  
 13 technology development corporation for the purposes of this Act.

14 SECTION 7. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

17 SECTION 8. This Act shall take effect on July 1, 2020.  
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INTRODUCED BY: \_\_\_\_\_




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**Report Title:**

Hawaii Technology Development Corporation; Division of Aerospace Development; Established; Office of Aerospace Development; Pacific International Space Center for Exploration Systems; Transfer; Hawaii Broadband Office; Appropriation

**Description:**

Establishes the division of aerospace development within the Hawaii technology development corporation to grow investments and job opportunities in the aerospace industry and for workforce development. Transfers all rights, powers, functions, and duties of the office of aerospace development and Pacific international space center for exploration systems to the division of aerospace development. Provides for the transfer of employees. Repeals the office of aerospace development and Pacific international space center for exploration systems within DBEDT. Establishes the Hawaii broadband office within the Hawaii technology development corporation. Appropriates funds.

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

