

ACT 169

H.B. NO. 2873

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:

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

The legislature further finds there is a continued need for the Pacific international space center for exploration systems to work closely with the University of Hawaii, but also recognizes the center's need for the flexibility to make swift and independent decisions and take actions in the rapidly evolving aerospace sector to keep Hawaii competitive and attractive to industry partners. Therefore, a transfer of positions from the University of Hawaii to the department of business, economic development, and tourism is needed. This is especially critical with the recent emergence of private commercial space access and a resurgence of global space initiatives. Supporting these initiatives will involve significant private sector investment in the development, testing, and evaluation of robotics, broadband, energy production, energy storage, recycling, and other innovative technologies that can have immediate application for the Hawaii economy and the general well-being of the State.

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

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

**“ . Pacific International Space Center for
Exploration Systems**

§201- Pacific international space center for exploration systems. (a) There is established the Pacific international space center for exploration sys-

tems, to be administratively attached to the office of aerospace development in the department of business, economic development, and tourism.

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

§201- Pacific international space center for exploration systems; board of directors; establishment; duties. (a) There is established the board of directors of the Pacific international space center for exploration systems, consisting of ten members, to include:

- (1) The executive director of the space center as an ex officio voting member;
- (2) The director of business, economic development, and tourism, or the director's designated representative;
- (3) The president of the University of Hawaii, or the president's designated representative;
- (4) Six members from government, industry, and academia, both national and international, with appropriate professional interests and backgrounds; and
- (5) An invited representative from the National Aeronautics and Space Administration as an ex officio non-voting member,

to be appointed by the governor, pursuant to section 26-34; provided that of the members appointed under paragraph (4), two members shall be appointed from a list of nominees submitted by the president of the senate, two members shall be appointed from a list of nominees submitted by the speaker of the house of representatives, and two members shall be appointed by the governor.

The board shall select a chairperson from among its members.

(b) Five members shall constitute a quorum, whose affirmative vote shall be necessary for all actions by the space center. The members of the board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses, including travel expenses, incurred in the performance of their duties.

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

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

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

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

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

- (1) Oversee, supervise, and direct the planning, evaluation, and coordination of space-related activities, and identify and promote opportunities for expanding and diversifying aerospace-related industries in the State pertaining to the space center;
- (2) Establish partnerships with corporate, government, and University of Hawaii entities that can promote and enhance the State's aerospace industry; and where possible, help to generate additional revenue for the University of Hawaii and create classes and other educational opportunities for students;
- (3) Work with local universities and community colleges to facilitate internships for students with the space center and associated companies;
- (4) Continue to work with the University of Hawaii on course development, teaching, workforce development, and outreach;
- (5) Promote innovative educational and workforce development programs that will enhance public awareness of the space center and enable residents to pursue employment in Hawaii's aerospace industry;
- (6) Act as the public representative of the space center;
- (7) Monitor national and global trends in the aerospace industry and promote global awareness of the space center;
- (8) Pursue projects in the aerospace sector that can be leveraged for improvements to the State's broadband and alternative energy capabilities;
- (9) Serve as a clearinghouse for information on the space center and associated activities;
- (10) Target existing businesses that can provide products or services of importance to the space center and its projects to support the expansion of these businesses in Hawaii;
- (11) Increase contact and maintain liaison with the National Aeronautics and Space Administration, related aerospace organizations, and other federal agencies and facilities;
- (12) Maintain and expand liaisons with local business and citizen groups;
- (13) Work with private landowners in the vicinity to expand opportunities and physical space and appurtenances for the participants in the space center's aerospace technology research and development park;
- (14) Adopt, amend, and repeal rules pursuant to chapter 91 necessary to carry out this subpart;
- (15) Contract for services as may be necessary for the purposes of this subpart; and
- (16) Do all other things necessary or proper to carry out the purposes of this subpart."

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

"A. General Provisions"

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

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

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

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

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

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

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

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

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

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or

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employee possesses the minimum qualifications for the position to which transferred or appointed.

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

SECTION 10. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

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

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

SECTION 13. New statutory material is underscored.

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

(Approved June 27, 2012.)