

JAN 22 2021

A BILL FOR AN ACT

RELATING TO AEROSPACE.

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

1 SECTION 1. The legislature finds that aerospace has played
2 a pivotal role in expanding and diversifying the national
3 economy by forging new inroads to scientific discovery,
4 advancing national engineering and manufacturing expertise,
5 pioneering innovations in communications and computer
6 technologies, enhancing surveillance of our home planet, and
7 enabling better understanding of weather systems and climate
8 change. Today, the aerospace industry holds great potential to
9 enable future innovation in science and technology. Hawaii's
10 strategic near-equatorial location, substantial telemetry, space
11 surveillance, Moon- and Mars-like terrain, resident expertise in
12 a broad range of aerospace-related technologies, and long-
13 standing ties with space-faring nations throughout the Asia-
14 Pacific region are strategic assets and capabilities that can be
15 leveraged to help realize humankind's full potential in space,
16 and in so doing establish the State as a major contributor to
17 and beneficiary of global space enterprise. Historically,



1 Hawaii has played a seminal role in developing the nation's
2 space program through astronaut training and the development of
3 world-class observatories. Today, Hawaii continues to support
4 national space efforts through a wide range of aerospace-related
5 activities on all major islands, including the Mauna Kea science
6 reserve on Hawaii island, the Air Force Maui optical and
7 supercomputing observatory on Maui, the University of Hawaii's
8 institute for astronomy and Hawaii institute for geophysics and
9 planetology on Oahu, and the Pacific missile range facility on
10 Kauai.

11 The legislature further finds that the Hawaii office of
12 aerospace development, in the department of business, economic
13 development, and tourism, provides a focal point within state
14 government to facilitate dialogue and coordination among
15 Hawaii's public, private, and academic sectors, and between
16 state-based entities and public and private overseas
17 organizations to promote the growth and diversification of
18 Hawaii's aerospace industry. However, there is a need to
19 collect baseline and historical data regarding the aerospace
20 industry's contribution to job creation, further developing a
21 strong aerospace industry in the State. By combining the office



1 of aerospace development and Pacific international space center
2 for exploration systems, the State can more efficiently direct
3 its resources in the field of aerospace to further address these
4 needs.

5 The purpose of this Act is to:

- 6 (1) Establish the office of aerospace development in the
7 Hawaii technology development corporation, rather than
8 the department of business, economic development, and
9 tourism;
- 10 (2) Repeal the Pacific international space center for
11 exploration systems; and
- 12 (3) Transfer the rights, powers, functions, and duties of
13 the Pacific international space center for exploration
14 systems to the office of aerospace development.

15 SECTION 2. Chapter 206M, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 "PART . OFFICE OF AEROSPACE DEVELOPMENT

19 §206M- Definitions. As used in this part:

20 "Director" means the director of the office of aerospace
21 development.



1 "Office" means the office of aerospace development.

2 **§206M- Office of aerospace development; establishment.**

3 (a) There is established an office of aerospace development in
4 the Hawaii technology development corporation.

5 (b) The director shall have experience, knowledge, and
6 expertise in space-related activities and development. The
7 director shall be nominated and appointed by the governor
8 without regard to chapter 76.

9 (c) The director shall hire staff necessary to carry out
10 the purposes of this part.

11 (d) The director and employees of the office shall be
12 included in any benefit program generally applicable to the
13 officers and employees of the State.

14 **§206M- Aerospace advisory committee.** (a) There is
15 established an aerospace advisory committee within the office of
16 aerospace development of the Hawaii technology development
17 corporation for administrative purposes. The committee shall be
18 composed of thirteen members appointed by the governor, as
19 provided in section 26-34, except as otherwise provided in this
20 section. Of the thirteen members:



- 1 (1) Three members shall be representatives of the
2 aerospace industry. Of these members, one shall be
3 appointed from a list of nominees submitted by the
4 president of the senate, and one member shall be
5 appointed from a list of nominees submitted by the
6 speaker of the house of representatives;
- 7 (2) Three members shall be representatives of the
8 aerospace industry in this State. Of these members,
9 one shall be appointed from a list of nominees
10 submitted by the president of the senate, and one
11 member shall be appointed from a list of nominees
12 submitted by the speaker of the house of
13 representatives;
- 14 (3) Four members shall represent the economic development
15 boards of Hawaii, Kauai, Maui, and Oahu respectively,
16 to be appointed, respectively, from a list of nominees
17 submitted by each of these economic development
18 boards; and
- 19 (4) Three members shall represent the University of Hawaii
20 at Manoa, University of Hawaii at Hilo, and University
21 of Hawaii community college system, respectively, to



1 be appointed, one each, from a list of nominees
2 submitted by the University of Hawaii at Manoa,
3 University of Hawaii at Hilo, and University of Hawaii
4 community college system, respectively.

5 The committee shall elect one of its members to serve as
6 chairperson.

7 (b) All members shall serve for a term of four years. Any
8 vacancies occurring in the membership of the committee shall be
9 filled for the remainder of the unexpired term in the same
10 manner as the original appointments.

11 (c) The purpose of the aerospace advisory committee shall
12 be to advise and assist the legislature and state agencies in
13 monitoring, assessing, and promoting aerospace development
14 statewide by:

- 15 (1) Tracking state, national, and global trends and
16 priorities in aerospace development;
- 17 (2) Assisting in identifying and promoting opportunities
18 to expand and diversify aerospace development and
19 aerospace-related industries in the State;
- 20 (3) Supporting the office's effort in networking with
21 national and international aerospace agencies,



1 institutions, and organizations to develop public-
2 private partnerships to support the growth of
3 aerospace development and aerospace-related industries
4 in the State;

5 (4) Recommending innovative scientific, educational, and
6 economic strategies and government and education
7 policies to promote the growth and diversification of
8 the aerospace industry in this State; and

9 (5) Appointing temporary working groups, as deemed
10 appropriate in the committee's discretion, to assist
11 the office in research and analysis activities
12 required to complete any report to be submitted to the
13 legislature and the governor by the office.

14 (d) Members of the aerospace advisory committee shall
15 receive no compensation but may be reimbursed for necessary
16 expenses, including travel expenses, incurred in the performance
17 of their duties as members of the committee.

18 (e) The committee shall convene for quarterly meetings in
19 the city and county of Honolulu; provided that any member who is
20 not a state resident may attend a meeting by teleconference.



1 (f) Administrative support to the committee, including the
2 development and dissemination of reports and advisory opinions,
3 shall be provided by the Hawaii technology development
4 corporation.

5 **§206M- Powers and duties of director.** In addition to
6 any other powers and duties provided in this part, the director
7 shall:

- 8 (1) Oversee, supervise, and direct the planning,
9 evaluation, and coordination of space-related
10 activities and identify and promote opportunities for
11 expanding and diversifying aerospace-related
12 industries in the State, which may include the
13 planning and operations of any unmanned aerial systems
14 in the State;
- 15 (2) Initiate discussions for private and international
16 involvement in space-related activities in the State;
- 17 (3) Assist the University of Hawaii, local companies,
18 research institutions, and other interested
19 organizations in establishing partnerships with
20 corporate, government, and university entities that



1 can promote and enhance the State's aerospace
2 industry;

3 (4) Leverage aerospace and related technological
4 capabilities in the State's academic, public, and
5 private sectors to enhance the State's ability to
6 procure both federal and private research and
7 development grants and to increase the State's
8 competitiveness in national and global aerospace
9 markets;

10 (5) Promote innovative education and workforce development
11 programs that will enhance public awareness of the
12 State's aerospace potential and enable residents to
13 pursue employment in Hawaii's aerospace industry;

14 (6) Monitor national and global trends in the aerospace
15 industry and recommend programs and policies that can
16 support aerospace industry development statewide;

17 (7) Review the effectiveness of present publications,
18 pamphlets, and other sources of information about
19 Hawaii's space-related activities produced and
20 distributed by the State;



- 1 (8) Serve as a clearinghouse for information on Hawaii's
2 space-related activities to include but not be limited
3 to those of the University of Hawaii and federal
4 agencies located in Hawaii;
- 5 (9) Target existing businesses that can provide products
6 or services of importance to the space industry to
7 support the expansion of these businesses in Hawaii;
- 8 (10) Increase contact and maintain liaison with the
9 National Aeronautics and Space Administration and
10 other federal agencies and facilities;
- 11 (11) Institute procedures by which citizen input on
12 proposed space facilities development shall be invited
13 at the earliest possible time in the development
14 process;
- 15 (12) Adopt, amend, and repeal rules pursuant to chapter 91
16 necessary to carry out this part;
- 17 (13) Contract for services as may be necessary for the
18 purposes of this part, including for services and
19 implement agreements, subject to chapter 103D, as may
20 be necessary to conduct operations at Hawaii's
21 unmanned aerial system test ranges; and



1 (14) Do all other things necessary or proper to carry out
2 the purposes of this part.

3 **§206M- Space vehicles; prohibitions.** Any vehicle
4 launched into space from the land or ocean territory of the
5 State shall not carry weapons of destruction, nuclear waste
6 materials, or use radioactive materials as a power source."

7 SECTION 3. Chapter 201, part V, Hawaii Revised Statutes,
8 is repealed.

9 SECTION 4. All rights, powers, functions, and duties of
10 the Pacific international space center for exploration systems
11 are transferred to the office of aerospace development.

12 All employees who occupy civil service positions and whose
13 functions are transferred to the office of aerospace development
14 by this Act shall retain their civil service status, whether
15 permanent or temporary. Employees shall be transferred without
16 loss of salary, seniority (except as prescribed by applicable
17 collective bargaining agreements), retention points, prior
18 service credit, any vacation and sick leave credits previously
19 earned, and other rights, benefits, and privileges, in
20 accordance with state personnel laws and this Act; provided that
21 the employees possess the minimum qualifications and public



1 employment requirements for the class or position to which
2 transferred or appointed, as applicable; provided further that
3 subsequent changes in status may be made pursuant to applicable
4 civil service and compensation laws.

5 Any employee who, prior to this Act, is exempt from civil
6 service and is transferred as a consequence of this Act may
7 retain the employee's exempt status, but shall not be appointed
8 to a civil service position as a consequence of this Act. An
9 exempt employee who is transferred by this Act shall not suffer
10 any loss of prior service credit, vacation or sick leave credits
11 previously earned, or other employee benefits or privileges as a
12 consequence of this Act; provided that the employees possess
13 legal and public employment requirements for the position to
14 which transferred or appointed, as applicable; provided further
15 that subsequent changes in status may be made pursuant to
16 applicable employment and compensation laws. The director of
17 the office of aerospace development may prescribe the duties and
18 qualifications of these employees and fix their salaries without
19 regard to chapter 76, Hawaii Revised Statutes.

20 SECTION 5. All rules, policies, procedures, guidelines,
21 and other material adopted or developed by the Pacific



1 international space center for exploration systems to implement
2 provisions of the Hawaii Revised Statutes that are reenacted or
3 made applicable to the office of aerospace development by this
4 Act shall remain in full force and effect until amended or
5 repealed by the office of aerospace development pursuant to
6 chapter 91, Hawaii Revised Statutes. In the interim, every
7 reference to the Pacific international space center for
8 exploration systems and board of directors of the Pacific
9 international space center for exploration systems in those
10 rules, policies, procedures, guidelines, and other material is
11 amended to refer to the office of aerospace development or the
12 aerospace advisory committee of the office of aerospace
13 development, as appropriate.

14 SECTION 6. All deeds, leases, contracts, loans,
15 agreements, permits, or other documents executed or entered into
16 by or on behalf of the Pacific international space center for
17 exploration systems, pursuant to the provisions of the Hawaii
18 Revised Statutes that are reenacted or made applicable to the
19 office of aerospace development by this Act shall remain in full
20 force and effect. Effective July 1, 2021, every reference to
21 the Pacific international space center for exploration systems



1 or board of directors of the Pacific international space center
2 for exploration systems in those deeds, leases, contracts,
3 loans, agreements, permits, or other documents shall be
4 construed as a reference to the office of aerospace development
5 or the aerospace advisory committee of the office of aerospace
6 development, respectively.

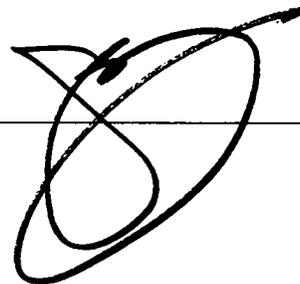
7 SECTION 7. All appropriations, records, equipment,
8 machines, files, supplies, contracts, books, papers, documents,
9 maps, and other personal property heretofore made, used,
10 acquired, or held by the Pacific international space center for
11 exploration systems relating to the functions transferred to the
12 office of aerospace development shall be transferred with the
13 functions to which they relate.

14 SECTION 8. 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 9. This Act shall take effect on July 1, 2021.

18

INTRODUCED BY: _____

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S.B. NO. 935

Report Title:

Office of Aerospace Development; Pacific International Space Center for Exploration Systems; Transfer

Description:

Establishes the Office of Aerospace Development in the Hawaii Technology Development Corporation instead of the Department of Business, Economic Development, and Tourism. Repeals the Pacific International Space Center for Exploration Systems. Transfers the rights, powers, functions, and duties of the Pacific International Space Center for Exploration Systems to the Office of Aerospace Development.

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