
A BILL FOR AN ACT

RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.

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

1 SECTION 1. All rights, powers, functions, and duties of
2 the University of Hawaii relating to the operational functions
3 of the makai research pier located at the southeast corner of
4 Oahu near Makapuu point are transferred to the natural energy
5 laboratory of Hawaii authority.

6 All employees who occupy civil service positions and whose
7 functions are transferred to the natural energy laboratory of
8 Hawaii authority by this Act shall retain their civil service
9 status, whether permanent or temporary. Employees shall be
10 transferred without loss of salary, seniority (except as
11 prescribed by applicable collective bargaining agreements),
12 retention points, prior service credit, any vacation and sick
13 leave credits previously earned, and other rights, benefits, and
14 privileges, in accordance with state personnel laws and this
15 Act; provided that the employees possess the minimum
16 qualifications and public employment requirements for the class
17 or position to which transferred or appointed, as applicable;



1 provided further that subsequent changes in status may be made
2 pursuant to applicable civil service and compensation laws.

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

19 SECTION 2. All appropriations, records, equipment,
20 machines, files, supplies, contracts, books, papers, documents,
21 maps, and other personal property heretofore made, used,



1 acquired, or held by the University of Hawaii relating to the
2 functions transferred to the natural energy laboratory of Hawaii
3 authority shall be transferred with the functions to which they
4 relate.

5 SECTION 3. All rights and obligations of the University of
6 Hawaii relating to leases for the use and occupancy of any
7 portion of the makai research pier as of the date this Act takes
8 effect are transferred to the natural energy laboratory of
9 Hawaii authority and the natural energy laboratory of Hawaii
10 authority shall assume all such rights and obligations. In
11 connection therewith, such leases shall not be terminated nor
12 shall the tenants' use, possession, or enjoyment of the leased
13 premises under said leases be disturbed or interfered with as a
14 result of said transfer, and said tenants shall attorn to
15 natural energy laboratory of Hawaii authority as the lessor
16 under said leases. Current tenants shall be given first right
17 to long-term lease extensions to be negotiated with the natural
18 energy laboratory of Hawaii authority.

19 SECTION 4. The director of finance is authorized to issue
20 general obligation bonds in the sum of \$5,000,000 or so much
21 thereof as may be necessary and the same sum or so much thereof



1 as may be necessary is appropriated for fiscal year 2021-2022 to
2 be expended by the natural energy laboratory of Hawaii authority
3 to repair and upgrade the makai research pier.

4 SECTION 5. The appropriation made for the capital
5 improvement project authorized by this Act shall not lapse at
6 the end of the fiscal biennium for which the appropriation is
7 made; provided that all moneys from the appropriation
8 unencumbered as of June 30, 2024, shall lapse as of that date.

9 SECTION 6. This Act shall take effect on July 1, 2021.



Report Title:

Director of Finance; University of Hawaii; NELHA; Makai Research Pier; Transfer; GO Bonds

Description:

Transfers operational authority of the Makai Research Pier (Pier) to the Natural Energy Laboratory of Hawaii Authority (NELHA). Grandfathers in the current leases of the Pier. Authorizes the director of finance to issue general obligation bonds for the NELHA to repair and upgrade the Pier. (SD1)

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