

ACT 33

H.B. NO. 1912

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. Section 201-76, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the Pacific international space center for exploration systems, to be ~~[administratively attached to the office of aerospace development in]~~ placed within the department of business, economic development, and tourism~~[-] for administrative purposes only.~~”

SECTION 2. Section 201-77, Hawaii Revised Statutes, is amended to read as follows:

“**§201-77 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 nine members, to include:

- ~~[(1) The executive director of the space center as an ex officio, voting member;~~
- ~~(2)]~~ (1) The director of business, economic development, and tourism, or the director's designated representative;
- ~~[(3)]~~ (2) The president of the University of Hawaii, or the president's designated representative; [and]
- (3) The chancellor of the University of Hawaii at Hilo, or the chancellor's designated representative; and
- (4) Six members from government, industry, and academia, both national and international, with appropriate professional interests and backgrounds;

~~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~~[-];~~ provided further that the members appointed pursuant to paragraph (4) shall be subject to section 26-34.

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] board~~ shall appoint an executive director to the space center~~[-, subject to confir-~~

mation by the board,] who shall be exempt from chapter 76. The board shall set the salary and duties of the executive director.”

SECTION 3. Section 201-80, Hawaii Revised Statutes, is amended to read as follows:

“[H]§201-80[H] Pacific international space center for exploration systems; reporting requirement. The Pacific international space center for exploration systems shall submit, no later than September 1 of each year, an annual report to the legislature that includes:

- ~~(1) An updated business plan regarding the aerospace technology research and development park project;~~
- ~~(2) Details on any progress made toward the development of a world-class space center in Hawaii;~~
- ~~(3) The development of technologies and any concomitant effect on the level of resource imports into the State;~~
- ~~(4) The status of all working relationships with educational and research institutions and federal agencies;~~
- ~~(5) Details on any progress made toward the development of a robotic operator training and certification program;~~
- ~~(6) The level of private sector investment in aerospace and related industries, including the number and nature of any partnerships with private industry to facilitate state-based manufacturing and operations related to green energy technology;~~
- ~~(7) The status of the memorandum of understanding with Hawaii Techworks and the east Hawaii community development corporation regarding the cultivation of a skilled local workforce to support planned manufacturing operations; and]~~
- (1) A detailed description of each of the space center’s active economic development projects, the status of each project, and any potential impact each project may have on the economy of the State;
- (2) A detailed description of each of the space center’s applied research projects, related research grants applied for and received, the status of each applied research project, and any potential impact each project may have on the economy of the State;
- (3) A description of the space center’s workforce development and outreach programs and events;
- (4) The status of all memoranda of understanding or any other agreements with third parties established to facilitate the space center’s ability to meet its obligations and objectives; and
- ~~(8)]~~ (5) A detailed statement of assets, liabilities, revenues, and expenses for each fiscal year ending June 30.”

SECTION 4. Beginning in fiscal year 2021-2022, the department of business, economic development, and tourism shall establish the Pacific international space center for exploration systems as a separate line item within the department’s budget. Exempt positions shall be created within this separate line item to match any current position of the Pacific international space center for exploration that exists on the effective date of this Act pursuant to the current contract with the research corporation of the University of Hawaii. These positions shall be filled pursuant to section 201-76(b), Hawaii Revised Statutes.

SECTION 5. Upon the expiration of the existing operating contract between the Pacific international space center for exploration systems and the research corporation of the University of Hawaii, all rights, powers, functions, duties, and employees of the Pacific international space center for exploration

systems that are under contract on the effective date of this Act with the research corporation of the University of Hawaii are transferred to the department of business, economic development, and tourism.

All employees employed under contract on the effective date of this Act with the research corporation of the University of Hawaii and whose functions are transferred to the department of business, economic development, and tourism pursuant to this Act shall be placed in exempt positions that are otherwise equivalent to the employees' current positions in rights, powers, functions, and duties. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The executive director of the Pacific international space center for exploration systems may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

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 research corporation of the University of Hawaii relating to the functions transferred to 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 research corporation of the University of Hawaii to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of business, economic development, and tourism by 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. In the interim, every reference to the research corporation of the University of Hawaii, executive director of the research corporation of the University of Hawaii, or the board of the research corporation of the University of Hawaii in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of business, economic development, and tourism or the director of business, economic development, and tourism, as appropriate.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved September 15, 2020.)