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# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1           SECTION 1. (a) Pursuant to the constitution and statutes  
2 of the State of Hawaii, the University of Hawaii is vested with  
3 autonomous authority to control and manage its educational and  
4 proprietary affairs. This authority extends to the use and  
5 oversight of lands and real property owned by the University of  
6 Hawaii or leased, demised, or transferred to the University of  
7 Hawaii from various owners, including state, federal, or private  
8 entities, for the furtherance of the University of Hawaii's  
9 educational, research, and agricultural activities.

10           Such autonomous authority presumably carries with it the  
11 necessary legal means to supervise, oversee, and permit public  
12 activities on lands it leases and controls on Mauna Kea,  
13 including the Mauna Kea Science Reserve, Hale Pohaku, and the  
14 connecting roadway corridor between Hale Pohaku and the Mauna  
15 Kea Science Reserve (collectively the Mauna Kea lands), and may  
16 be implied from the autonomous character of the University of  
17 Hawaii. Nevertheless, the purpose of this Act is to clarify and

1 add certainty to the law relating to the University of Hawaii's  
2 authority to manage and control public activities on the Mauna  
3 Kea lands by granting express authority to the University of  
4 Hawaii to adopt rules pursuant to chapter 91, Hawaii Revised  
5 Statutes, relating to public activities permitted or occurring  
6 on the Mauna Kea lands. In adopting the rules, the University  
7 of Hawaii shall address and reconcile any conflicts with other  
8 statutes or rules that are applicable to the Mauna Kea lands.

9 Administrative rules governing public and commercial  
10 activities on the Mauna Kea lands are necessary to provide  
11 effective protection of cultural and natural resources from  
12 certain public activities, and to help ensure public health and  
13 safety. Administrative rules currently in effect for the  
14 surrounding forest reserve and natural area reserve lands  
15 managed by the department of land and natural resources do not  
16 apply to the Mauna Kea lands. Examples of public and commercial  
17 activities that could be covered by administrative rules  
18 include:

- 19 (1) General access to sensitive resource areas, such as  
20 specific cultural features and identified natural  
21 resource habitat areas;
- 22 (2) Traffic and off-road vehicle management and control;

- 1 (3) Alcohol consumption;
- 2 (4) Snow play activities; and
- 3 (5) Commercial tour activities.

4 Access for traditional and customary native Hawaiian  
5 cultural and religious purposes shall be accommodated. The  
6 University of Hawaii shall encourage and foster a process of  
7 collaboration and involvement with the Mauna Kea lands advisory  
8 bodies and community interests to ensure that the process of  
9 developing administrative rules is accomplished with community  
10 participation and input.

11 (b) The purpose of this Act is to authorize the board of  
12 regents of the University of Hawaii to:

- 13 (1) Charge fees and enter into lease agreements for the  
14 Mauna Kea lands;
- 15 (2) In consultation with the office of Hawaiian affairs,  
16 adopt rules to regulate public and commercial  
17 activities on Mauna Kea lands; consistent with the  
18 provisions of the administrative rules of the division  
19 of forestry and wildlife of the department of land and  
20 natural resources related to forest reserves and  
21 natural area reserves;

1 (3) In consultation with the office of Hawaiian affairs,  
2 establish and collect administrative fines for  
3 violations;

4 (4) Submit annual reports to the legislature; and

5 (5) Establish a Mauna Kea lands management special fund to  
6 assist the University of Hawaii in its task of  
7 regulating the use of the Mauna Kea lands.

8 SECTION 2. Chapter 304A, part IV, Hawaii Revised Statutes,  
9 is amended by adding a new subpart to be appropriately  
10 designated and to read as follows:

11 " . Mauna Kea Lands

12 **§304A-A Definitions.** As used in this subpart:

13 "Board of regents" means the board of regents of the  
14 University of Hawaii.

15 "Fees" includes rents on leases of Mauna Kea lands, moneys  
16 received for use of Mauna Kea lands, moneys attributable to  
17 commercial activities on Mauna Kea lands, and moneys received  
18 for the use of facilities and programs on Mauna Kea lands.

19 "Mauna Kea lands" means the lands that the University of  
20 Hawaii is leasing from the board of land and natural resources,  
21 including the Mauna Kea Science Reserve, Hale Pohaku, the  
22 connecting roadway corridor between Hale Pohaku and the Mauna

1 Kea Science Reserve, and any other lands on Mauna Kea that the  
2 University of Hawaii leases or over which the University of  
3 Hawaii acquires control or jurisdiction.

4 **§304A-B Mauna Kea lands; fees; lease agreements.** (a) The  
5 board of regents may charge a fee for use of the Mauna Kea lands  
6 and for the use of facilities and programs related to the Mauna  
7 Kea lands.

8 (b) The board of regents may enter into lease agreements  
9 for the Mauna Kea lands; provided that the University of Hawaii  
10 shall comply with all statutory requirements in the disposition  
11 of ceded lands.

12 (c) In establishing the fees, the board of regents shall  
13 be exempt from the public notice, public hearing, and  
14 gubernatorial approval requirements of chapter 91; provided that  
15 the fees shall be established at an open public meeting subject  
16 to the requirements of chapter 92. The fees shall be deposited  
17 into the Mauna Kea lands management special fund established  
18 under section 304A-F.

19 **§304A-C Mauna Kea lands rules.** The board of regents may  
20 adopt rules pursuant to chapter 91 to regulate public and  
21 commercial activities on Mauna Kea lands.

22 In adopting these rules, the board shall:

1 (1) Strive for consistency with the provisions of the  
2 administrative rules of the division of forestry and  
3 wildlife of the department of land and natural  
4 resources related to forest reserves and natural area  
5 reserves; and

6 (2) Consult with the office of Hawaiian affairs to ensure  
7 that these rules shall not affect any right,  
8 customarily and traditionally exercised for  
9 subsistence, cultural, and religious purposes and  
10 possessed by ahupuaa tenants who are descendants of  
11 native Hawaiians who inhabited the Hawaiian Islands  
12 prior to 1778, subject to the right of the State to  
13 regulate such rights.

14 **§304A-D Violations; penalties; costs; collection.** (a) In  
15 consultation with the office of Hawaiian affairs, the board of  
16 regents may set and provide for the assessment and collection of  
17 administrative fines for violations; provided that the fines  
18 shall be set as follows:

19 (1) For the first violation, not more than \$2,500;

20 (2) For the second violation within five years of a  
21 previous violation, not more than \$5,000; and

1           (3) For the third violation and any subsequent violation  
2                    within five years of a prior violation, not more than  
3                    \$10,000.

4           (b) Each day that the violation continues shall constitute  
5 a separate offense.

6           (c) The costs of any enforcement proceedings, including  
7 the costs of contested case proceedings, may be assessed against  
8 a party found to be in violation.

9           (d) Any action taken to impose or collect the penalty  
10 provided for in this section shall be considered a civil action.

11           **§304A-E Mauna Kea lands; reporting requirements.** The  
12 board of regents shall report annually to the legislature, no  
13 later than twenty days prior to the convening of each regular  
14 session, on the Mauna Kea lands activities, current and pending  
15 lease agreements and fees, the status of current and pending  
16 administrative rules, income and expenditures of the Mauna Kea  
17 lands special fund established in section 304A-F, and any other  
18 issues that may impact the activities of the Mauna Kea lands."

19           SECTION 3. Chapter 304A, part V, Hawaii Revised Statutes,  
20 is amended by adding a new section to be appropriately  
21 designated and to read as follows:

1           "§304A-F Mauna Kea lands management special fund. (a)

2           There is established the Mauna Kea lands management special  
3           fund. The proceeds of the special fund shall be used for the  
4           following purposes:

5           (1) Managing the Mauna Kea lands including maintenance,  
6           administrative expenses, salaries and benefits of  
7           employees, contractor services, supplies, security,  
8           equipment, janitorial services, insurance, utilities,  
9           and other operational expenses; and

10          (2) Enforcement of the administrative rules adopted  
11          relating to the Mauna Kea lands.

12          (b) The following shall be deposited into the special  
13          fund:

14          (1) Appropriations by the legislature to the special fund;

15          (2) All net rents from leases, licenses, and permits,  
16          including fees and charges for the use of land and  
17          facilities within the Mauna Kea lands;

18          (3) All moneys collected for violations of subpart            ;  
19          and

20          (4) Interest earned or accrued on moneys in the special  
21          fund.



1           (c) No moneys deposited into the Mauna Kea lands  
2 management special fund may be used by the governor or the  
3 director of finance as a justification for reducing any budget  
4 request or allotment to the University of Hawaii unless the  
5 University of Hawaii requests the reduction.

6           (d) The University of Hawaii may establish separate  
7 accounts within the special fund for major program activities.

8           (e) All expenditures from this special fund shall be  
9 subject to legislative appropriation.

10           (f) For the purposes of this section, "Mauna Kea lands"  
11 means the same as defined in section 304A-A."

12           SECTION 4. In codifying the new sections added by sections  
13 2 and 3 of this Act, the revisor of statutes shall substitute  
14 appropriate section numbers for the letters used in designating

15           SECTION 5. New statutory material is underscored.

16           SECTION 6. This Act shall take effect on July 1, 2025.

**Report Title:**

University of Hawaii; Mauna Kea Management; Special Fund

**Description:**

Authorizes the board of regents to charge fees and enter into lease agreements for the Mauna Kea lands, adopt rules to regulate public and commercial activities on Mauna Kea lands, establish and collect administrative fines for violations; establishes a Mauna Kea lands management special fund for the University of Hawaii to manage Mauna Kea lands; requires annual reports to the legislature. (SD1)