

Honolulu, Hawaii

May 1, 2009

RE: H.B. No. 1174
H.D. 3
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1174, H.D. 3, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to enable the University of Hawaii (UH) to better carry out its management obligations regarding activities and uses that take place on the Mauna Kea lands that it leases or over which it acquires control or jurisdiction. This bill clarifies and adds certainty to the law relating to UH's authority to manage and control public and commercial activities on the Mauna Kea lands by:

- (1) Authorizing the UH Board of Regents (BOR) 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, and establish and collect administrative fines for violations;

- (2) Establishing the Mauna Kea Lands Management Special Fund for UH to manage the Mauna Kea lands; and
- (3) Requiring annual reports to the Legislature.

Your Committee on Conference has amended this bill by:

- (1) Including any recreational activities, rather than only snow play activities, in the types of public and commercial activities that could be covered by administrative rules;
- (2) Requiring the BOR to hold at least one public hearing, in addition to the public hearing at which decision-making on the proposed rule is made, on the island of Hawaii;
- (3) Clarifying that the penalty for the third violation of a rule within five years of a prior violation and any subsequent violation, shall not exceed \$10,000;
- (4) Changing its effective date to July 1, 2009; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1174, H.D. 3, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1174, H.D. 3, S.D. 2, C.D. 1.

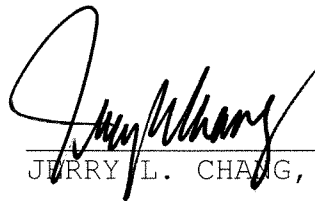
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



JILL TOKUDA, Chair

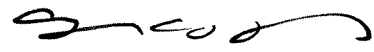



JERRY L. CHANG, Co-Chair




RUSSELL S. KOKUBUN, Co-Chair


JON RIKI KARAMATSU, Co-Chair


SHAN S. TSUTSUI, Co-Chair


MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature

CCR 49

Record of Votes of a
Conference Committee

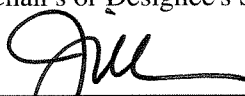
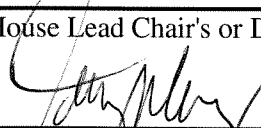
Bill / Concurrent Resolution No.: HB 1174, HD 3, SD 2	Date/Time: <i>4/30/09 11:42a</i>
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- The recommendation of the House and Senate managers is to pass with amendments (CD).
- The Committee is reconsidering its previous decision.
- | | |
|---|---|
| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. |
|---|---|

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	/				CHANG, Jerry L., Co-Chr.	/			
KOKUBUN, Russell S., Co-Chr.	/				KARAMATSU, Jon Riki, Co-Chr.	/			
TSUTSUI, Shan S., Co-Chr.				/	OSHIRO, Marcus R., Co-Chr.	/			
TAKAMINE, Dwight Y.	/				NAKASHIMA, Mark M.	/			
HEMMINGS, Fred	/				TSUJI, Clift	/			
					CHING, Corinne W.L.	/			
TOTAL	<i>4</i>			<i>1</i>	TOTAL	<i>6</i>			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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