

STAND. COM. REP. NO. 437

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 1174
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1174, H.D. 1, entitled:

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

begs leave to report as follows:

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 eliminates any ambiguity and uncertainty regarding UH's rule making authority by granting express authority for UH to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes (HRS), relating to public activities that take place on the Mauna Kea lands. This bill also:

- (1) Authorizes the UH Board of Regents to establish rents, fees, and charges relating to the lease or use of UH property as well as administrative fines for violations of any administrative rules; and
- (2) Establishes the Mauna Kea Management Special Fund for the deposit and use of these revenues.

UH testified in support of this bill. The Association of Hawaiian Civic Clubs supported this measure with amendments.

HB1174 HD2 HSCR JUD HMS 2009-2256



KAHEA, Na Koa Ikaika o Ka Lahui Hawaii, Mauna Kea Anaina Hou, Sierra Club - Hawaii Island Chapter, Temple of Lono, Life of the Land, and numerous concerned individuals opposed this bill.

Your Committee recognizes that this bill raises important issues regarding UH's role with respect to the use and regulation of activities that take place on Mauna Kea.

Members were also concerned that not all rules allowed under this bill require compliance with the administrative rulemaking authority under Chapter 91, HRS.

Your Committee has amended this bill by:

- (1) Deleting the amounts of the administrative fines for violation of rules relating to Mauna Kea lands;
- (2) Changing the effective date to January 1, 2046, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for style and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1174, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1174, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



