

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1174
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 1174, H.D. 2, 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 ambiguities and uncertainty regarding UH's rulemaking powers by granting authority for the UH Board of Regents (BOR) to adopt administrative 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 BOR 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, the Hawaii Island Chamber of Commerce, Japanese Chamber of Commerce and Industry of Hawaii, The Chamber of Commerce of



Hawaii, Kahu Ku Mauna Council, Mauna Kea Management Board, Kanoiehua Industrial Area Association, Inc., Laborers International Union of North America Local 368, Hawaii Island Economic Development Board, Hawaii Leeward Planning Conference, and Pacific Resource Partnership supported this bill. KAHEA, Mauna Kea Anaina Hou, Sierra Club Hawaii Island Chapter, Royal Order of Kamehameha I, and numerous concerned individuals opposed this measure. The Office of Hawaiian Affairs and Mauna Kea Ranger Corps Program offered comments.

Your Committee has amended this bill by:

- (1) Specifying that the BOR's authority to adopt rules to regulate activities at and within the Mauna Kea lands relates to public and commercial activities;
- (2) Removing the exemption from the public notice, public hearing, and gubernatorial approval requirements of Chapter 91, HRS, for the BOR's establishment and amendment of rents, fees, and charges payable in connection with the lease or use of university real property and facilities as related to the oversight and management of the Mauna Kea lands;
- (3) Adding definitions for "commercial activity" and "public activities"; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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

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


MARCUS R. OSHIRO, Chair



