

Honolulu, Hawaii

APR 09 2009

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

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

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 1174, H.D. 3, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide the Board of Regents of the University of Hawaii with greater authority over the management of the Mauna Kea lands.

Specifically, this measure:

- (1) Authorizes the Board of Regents to charge fees and enter into lease agreements for the Mauna Kea lands;
- (2) Authorizes the Board of Regents, in consultation with the Office of Hawaiian Affairs, to adopt rules to regulate public and commercial activities on Mauna Kea lands;
- (3) Authorizes the Board of Regents, in consultation with the Office of Hawaiian Affairs, to establish and collect administrative fines for violations of rules;
- (4) Requires annual reports to the Legislature; and
- (5) Establishes the Mauna Kea lands management special fund to be managed by the University of Hawaii.



Your Committee received one hundred forty-five written comments on this measure. The written comments may be reviewed on the Legislature's website.

Your Committee finds that the Department of Land and Natural Resources has adopted administrative rules governing the use of lands within the conservation district lands of Mauna Kea consisting of the forest reserve, the natural area reserves system, and the Mauna Kea Science Reserve. The Mauna Kea Science Reserve is currently under lease to the University of Hawaii. While the Department's conservation district rules apply to the Mauna Kea Science Reserve, there have not been any administrative rules adopted to specifically cover activities within the reserve area.

Your Committee believes that it is necessary to clarify the authority of the University of Hawaii to manage and adopt rules for the Mauna Kea lands under lease from the Department of Land and Natural Resources to remove any ambiguity regarding the University's rulemaking authority. This measure will also promote better management of public uses and activities and protect Mauna Kea's unique cultural and natural resources.

Your Committee has amended this measure by making a technical amendment to clarify a statutory cross reference.

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

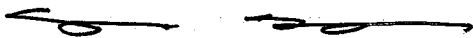
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1174 HD3 SD1	HRE/WTL, WAM	APRIL 6, 2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne			/	
ENGLISH, J. Kalani		/		
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood			/	
HEE, Clayton			/	
HOOSER, Gary L.		/		
KIDANI, Michelle N.		/		
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
TOTAL	6	3	3	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes