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## HOUSE RESOLUTION

REQUESTING THAT THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY PROVIDE A WRITTEN REPORT OF VIEWING TIME IN LIEU OF LEASE RENT AND FOR THE USE OF PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA.

1 WHEREAS, the Mauna Kea summit is home to unique cultural  
2 and historic resources that are designated national landmarks  
3 and carry protections under federal and state historic  
4 preservation laws; and

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6 WHEREAS, the Mauna Kea aquifer is the major source of fresh  
7 water for the island of Hawaii and provides residents with  
8 drinking water; and

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10 WHEREAS, the lands on the summit of Mauna Kea are public  
11 trust lands subject to the legal restrictions regarding land use  
12 and requirements to receive fair market lease rent from the use  
13 of these lands; and

14  
15 WHEREAS, in 1961, the Mauna Kea summit, forest, and  
16 watershed lands were designated as a conservation district; and

17  
18 WHEREAS, in 1968, the Board of Land and Natural Resources  
19 leased approximately 13,320 acres of public trust lands to the  
20 University of Hawaii Institute for Astronomy for a sixty-five  
21 year term at a nominal \$1 per year; and

22  
23 WHEREAS, since 1968, the University of Hawaii Institute for  
24 Astronomy entered into multiple sub-lease and use agreements  
25 with private third parties for the development of telescope  
26 facilities on Mauna Kea's summit, allegedly at a nominal \$1 per  
27 year in sub-lease rent without assessing, charging, or  
28 collecting fair-market value for these agreements; and

29  
30 WHEREAS, the University of Hawaii Institute for Astronomy  
31 negotiated sub-leases with foreign entities, such as France and  
32 Canada, to construct the Canada-France-Hawaii Telescopes, as  
33 well as with public and private institutions including the



1 California Institute of Technology, the University of California  
2 Berkeley, the California Association of Research Astronomy, and  
3 the William M. Keck Foundation; and  
4

5 WHEREAS, the Board of Land and Natural Resources and the  
6 University of Hawaii Institute for Astronomy required these  
7 entities to pay \$1 per year in exchange for ten to twenty per  
8 cent of observation viewing time on the telescopes; and  
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10 WHEREAS, observation viewing time is valuable to the  
11 astronomy community, and some entities pay extraordinary amounts  
12 for each observation viewing night to use Mauna Kea telescope  
13 facilities; and  
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15 WHEREAS, in 2009, Yale University agreed to pay \$12,000,000  
16 to the William M. Keck Foundation for fifteen observing nights  
17 over a ten year period, which breaks down to \$80,000 per  
18 observation viewing night; and  
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20 WHEREAS, under agreements executed by the University of  
21 Hawaii Institute for Astronomy, each astronomy facility on Mauna  
22 Kea is required to provide approximately thirty-six to fifty-  
23 four observing nights per year; and  
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25 WHEREAS, the University of Hawaii Institute for Astronomy  
26 claims to hold numerous patents on technologies developed and  
27 tested at the facilities on Mauna Kea and Haleakala; and  
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29 WHEREAS, these patents are often leased to the private high  
30 tech companies for substantial monetary value; and  
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32 WHEREAS, there has been no public accounting of the patent  
33 or lease contracts held by foreign and out-of-state entities;  
34 and  
35

36 WHEREAS, contracts and use agreements held by foreign and  
37 out-of-state entities that benefit from the use of taxpayer  
38 support should be reviewed to prevent waste or mismanagement of  
39 public funds; now, therefore,  
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41 BE IT RESOLVED by the House of Representatives of the  
42 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
43 of 2010, that the University of Hawaii Institute for Astronomy  
44 is requested to submit a written accounting and report to the



1 Auditor and the Legislature no later than fourteen calendar days  
2 after the effective date of this concurrent resolution; and  
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4 BE IT FURTHER RESOLVED that the Legislature requests that  
5 the report include:  
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7 (1) A list of the total viewing time provided to the  
8 University of Hawaii and the University of Hawaii  
9 Institute for Astronomy, their employees, faculty,  
10 researchers, agents and any person or entity operating  
11 since 1968;  
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13 (2) A determination of the financial value of the viewing  
14 time for each facility since 1968;  
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16 (3) A list of all value including viewing time, financial  
17 and in-kind exchanges, and any other benefits received  
18 by the University of Hawaii and the University of  
19 Hawaii Institute for Astronomy regarding each facility  
20 on Mauna Kea since 1968; and  
21

22 (4) A copy of every contract, working or use agreement,  
23 and any other writing entered into by the University  
24 of Hawaii and the University of Hawaii Institute for  
25 Astronomy for the use of Mauna Kea since 1968; and  
26

27 BE IT FURTHER RESOLVED that the Auditor is requested to  
28 conduct a review of the University of Hawaii Institute for  
29 Astronomy's report and submit any findings and recommendations  
30 to the Legislature no later than thirty days following the  
31 receipt of the report; and  
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33 BE IT FURTHER RESOLVED that certified copies of this  
34 Resolution be transmitted to the State Auditor, the Chairperson  
35 of the Board of Land and Natural Resources, the  
36 President of the University of Hawaii, and the Executive  
37 Director of the University of Hawaii Institute for Astronomy.  
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39  
40

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