
A BILL FOR AN ACT

RELATING TO MAUNA KEA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that Mauna Kea serves as
3 an important cultural and genealogical site to the people of
4 Hawaii, particularly to Native Hawaiians. The summit region of
5 Mauna Kea is a spiritual and special place of significance that
6 is home to cultural landscapes, fragile habitats, and historical
7 and archaeological artifacts. Due to its topographical
8 prominence, Mauna Kea is also a highly valued site for
9 astronomical study, which produces many significant discoveries
10 that contribute to humanity's study and understanding of the
11 universe. However, in recent years, Mauna Kea has come to
12 symbolize a rigid dichotomy between culture and science, often
13 leading to polarization between stakeholders on Mauna Kea and
14 local communities. Therefore, resolving the management issues
15 of Mauna Kea is an issue of the highest priority in the State.
16 The legislature further finds that on March 4, 2021, the
17 Hawaii house of representatives adopted House Resolution No. 33,



1 H.D. 1, Regular Session of 2021, to reconcile this
2 mismanagement, mistrust, and polarization by convening a working
3 group to develop recommendations, building on the findings of
4 the Independent Evaluation of the Implementation of the Mauna
5 Kea Comprehensive Management Plan, for a new governance and
6 management structure for Mauna Kea that collaboratively engages
7 with all stakeholders, particularly the Native Hawaiian
8 community, while also balancing the University of Hawaii's
9 continuing academic and research activities and facilities on
10 Mauna Kea.

11 The purpose of this Act is to establish the Mauna Kea
12 stewardship and oversight authority as a joint authority with
13 the University of Hawaii for the management of Mauna Kea lands
14 with:

- 15 (1) The University of Hawaii as having jurisdiction over
16 approximately five hundred fifty acres, comprising the
17 astronomy precinct, Halepōhaku complex, and the Mauna
18 Kea access road; and
19 (2) The Mauna Kea stewardship and oversight authority as
20 having jurisdiction over the other approximately 9,450
21 acres of Mauna Kea under the state lease.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

6 § -1 Definitions. As used in this chapter, unless the
7 context otherwise requires:

8 "Authority" means the Mauna Kea stewardship and oversight
9 authority.

10 "Astronomy research lands" means the area of approximately
11 five hundred fifty acres, which comprises the astronomy
12 precinct, Halepōhaku complex, and the Mauna Kea access road
13 under the University of Hawaii, as lessee to the board of land
14 and natural resources.

15 "Chairperson" means the chairperson of the authority.

16 "Lease" means the contractual right to possess and use a
17 specified portion of land for a term of years.

18 "Mauna Kea conservation lands" means approximately 9,450
19 acres of land under the state lease, as defined in this chapter,
20 excluding those lands of approximately five hundred fifty acres



1 that include the astronomy precinct, Halepōhaku complex, and the
2 Mauna Kea access road.

3 "Person" includes an individual, a partnership, a
4 corporation, or an association, except as otherwise defined in
5 this chapter.

6 "State lease" means that certain lease by and between the
7 board of land and natural resources and the University of Hawaii
8 entered into in June 21, 1968, as General Lease S-4191, as
9 amended on September 21, 1999, as General Lease S-5529. The
10 state lease includes both astronomy research lands and the Mauna
11 Kea conservation lands as defined in this chapter.

12 **§ -2 Mauna Kea stewardship and oversight authority;**
13 **established.** (a) There is established the Mauna Kea
14 stewardship and oversight authority, which shall be a body
15 corporate and a public instrumentality of the State for the
16 purpose of implementing this chapter. The authority shall serve
17 jointly with the University of Hawaii in fulfilling the
18 obligations and duties under the state lease. The University of
19 Hawaii shall sublease the lands comprising the Mauna Kea
20 conservation lands to the authority within a period not
21 exceeding one year from the formation and operation of the



1 authority. The authority shall be placed within the University
2 of Hawaii at Hilo, for administrative purposes.

3 (b) The authority shall consist of eleven voting members;
4 provided that all members shall be appointed by the governor,
5 subject to section 26-34. The chancellor of the University of
6 Hawaii at Hilo shall serve as an ex officio, nonvoting member.
7 The voting members shall include:

- 8 (1) The chairperson of the board of land and natural
9 resources, or the chairperson's designee;
- 10 (2) The chairperson of the board of trustees of the office
11 of Hawaiian affairs, or the chairperson's designee;
- 12 (3) The chairperson of the board of regents of the
13 University of Hawaii, or a member of the board of
14 regents to serve as the designee;
- 15 (4) An individual with `āina (land) resource management
16 expertise and specific experience with Hawaii island-
17 based management;
- 18 (5) An individual who is recognized as possessing
19 expertise in the fields of p-12 public education or
20 post-secondary education;
- 21 (6) A representative selected by Maunakea Observatories;



1 (7) An individual with business and finance experience who
2 has previous administrative experience in managing a
3 large private-sector business;

4 (8) An individual who is a lineal descendent of a
5 practitioner of native Hawaiian traditional and
6 customary practices associated with Mauna Kea;

7 (9) An individual who is a recognized practitioner of
8 native Hawaiian traditional and customary practices;
9 and

10 (10) Two members who shall be appointed by the governor
11 from a list of three names submitted for each
12 appointment by the president of the senate and speaker
13 of the house of representatives; provided that if
14 fewer than three names are submitted for either
15 appointment, the governor may disregard the list;

16 provided further that not less than three of the eleven members
17 of the authority shall be residents of the county of Hawaii.

18 A majority of all members shall constitute a quorum to do
19 business, and the concurrence of a majority of all members shall
20 be necessary to make any action of the authority valid. All
21 members shall continue in office until their respective



1 successors have been selected, or appointed and confirmed by the
2 senate; provided that a member shall not holdover beyond the
3 first legislative session following the expiration of the
4 member's term of service.

5 (c) The authority shall elect the chairperson from among
6 its voting members.

7 (d) Notwithstanding section 26-34(a), with respect to
8 length and amount of terms, the members of the authority shall
9 serve for a term of three years and shall not serve more than
10 three partial or full terms; provided that the initial terms
11 shall be staggered, as determined by the governor.

12 (e) The authority shall be financially self-sustaining
13 after the fourth year following the transitional period pursuant
14 to section -4. The authority's day-to-day operations shall
15 be led by the existing executive director of the center of Mauna
16 Kea stewardship for the transition period established in
17 section -4.

18 (f) The authority shall utilize the existing University of
19 Hawaii center for Mauna Kea stewardship staff and organization
20 during the transitional period, and may engage other services as
21 needed; provided that the authority shall appoint a board



1 secretary, who shall also serve as executive assistant to the
2 authority, without regard to chapter 76; provided further that
3 not more than five per cent of the authority's budget shall be
4 expended on administrative expenses.

5 (g) The authority shall establish its offices at the
6 University of Hawaii at Hilo, `Imiloa astronomy center or
7 another suitable location or facility within the county of
8 Hawaii.

9 **§ -3 Powers and responsibilities; generally. (a)**

10 Except as otherwise limited by this chapter, the authority, as
11 it pertains to the Mauna Kea conservation land area, may:

12 (1) Make and execute contracts, leases, and all other
13 instruments necessary or convenient for the exercise
14 of its powers and functions under this chapter;

15 (2) Make and alter bylaws for its organization and
16 internal management;

17 (3) Adopt rules pursuant to chapter 91 for the purposes of
18 this chapter;

19 (4) Conduct meetings in accordance with chapter 92 for the
20 purposes of this chapter;



- 1 (5) Appoint officers, agents, and employees who may be
2 exempt from chapter 76, prescribe their duties and
3 qualifications, and fix their salaries;
- 4 (6) Provide advisory, consultative, training, and
5 educational services; technical assistance; and advice
6 to any person, partnership, or corporation, either
7 public or private, to carry out the purposes of this
8 chapter, and engage the services of consultants on a
9 contractual basis for rendering professional and
10 technical assistance and advice;
- 11 (7) Procure insurance against any loss in connection with
12 its property and other assets and operations in
13 amounts and from insurers as it deems desirable;
- 14 (8) Contract for and accept gifts or grants in any form
15 from any public agency or from any other source;
- 16 (9) Adopt rules governing the procurement and purchase of
17 goods, services, and construction, subject to the
18 requirements of chapter 103D; and
- 19 (10) Do any and all things necessary to carry out its
20 purposes and exercise the powers granted in this
21 chapter.



1 (b) Notwithstanding any other law to the contrary, the
2 authority shall within the Mauna Kea conservation land area:

3 (1) Be the principal authority in conjunction with the
4 department of land and natural resources for the
5 management of state-managed lands within the Mauna Kea
6 conservation lands;

7 (2) Provide oversight and protect traditional and
8 customary native Hawaiian rights, as set forth in the
9 Hawaii State Constitution, and not unduly burden
10 individuals exercising these rights;

11 (3) Establish a process that provides and ensures
12 transparency, analysis, and justification for lease
13 terms of its land and monetary consideration that is
14 equitable, feasible, and financially sustainable;

15 (4) Be prohibited from selling, gifting, transferring, or
16 exchanging land under its control;

17 (5) Engage in community dialogue, outreach, engagement,
18 and consultation processes, as appropriate, on
19 significant matters on at least an annual basis and
20 more frequently, as needed; and



(6) Consider various supplemental revenue sources to be deposited into the Mauna Kea management special fund, to the extent permitted by law.

§ -4 Transition; management plan. (a) The authority shall have a transition period of three years beginning July 1, 2023; provided that all of the initial members have been confirmed by the senate; provided further that the initial authority members elect a chairperson pursuant to section -2(c) to assume management and oversight of the Mauna Kea conservation land area.

(b) The authority shall assume management of Mauna Kea conservation lands and develop a management plan to govern land uses; human activities, other uses, and access, including permitted uses for frequent and seasonal users; stewardship; education; research; disposition; and overall operations. The management plan may:

- (1) Be developed during the transition period;
- (2) Be finalized, approved, and operational by the end of the transition period;

- 1 (3) Be updated at least every ten years with a focus on
2 long-term, comprehensive, coordinated planning for all
3 of the Mauna Kea conservation lands;
- 4 (4) Consider the State's energy and sustainability goals,
5 as well as impacts to climate change, including
6 adapting to climate change and developing mitigation
7 measures to climate change;
- 8 (5) Incorporate indigenous management and cultural
9 processes and values; and
- 10 (6) Include an aspirational statement to acknowledge and
11 contextualize unresolved social justice issues that
12 underpin the conservation, preservation, and public
13 use of Mauna Kea.

14 **§ -5 Astronomy development; declaration of policy;**
15 **framework.** (a) It is declared that the support of astronomy is
16 a policy of the State.

17 (b) The University of Hawaii shall be responsible for the
18 management and care of the astronomy research lands and shall
19 develop a framework for astronomy development on Mauna Kea that
20 may include limitations on the number of observatories and
21 astronomy-related facilities or an astronomy facility footprint



1 limitation; provided that in establishing a framework for
2 astronomy development on Mauna Kea, the University of Hawaii may
3 establish a set of principles for returning the astronomy
4 research lands to their natural state at such time that ground-
5 based observatories lose their academic or research value.

6 (c) The University of Hawaii shall continue to:

7 (1) Prepare and complete the Mauna Kea master plan and
8 comprehensive management plan for the astronomy
9 research lands and Mauna Kea conservation lands; and

10 (2) Prepare for and apply for a renewal of the state lease
11 for both the University of Hawaii and the authority.

12 (d) The University of Hawaii shall commence and complete
13 the timely decommissioning of the California Institute of
14 Technology (Caltech) Submillimeter Telescope and the University
15 of Hawaii at Hilo Hōkū Ke`a Teaching Telescope.

16 **§ -6 Joint oversight jurisdiction.** (a) The authority
17 shall have primary oversight jurisdiction of the Mauna Kea
18 conservation lands.

19 (b) For the astronomy research lands, the University of
20 Hawaii shall be primarily responsible for the conservation and
21 protection of those lands while allowing for the responsible



1 continuation of the astronomy research at Mauna Kea, consistent
2 with the obligations and duties under the state lease, Mauna Kea
3 master plan, and comprehensive management plan.

4 (c) The University of Hawaii may enter into cooperative
5 agreements, easements, subleases, or other contracts, as
6 necessary, with the authority, any state agency, any county
7 agency, and private landowners whose lands are within the
8 jurisdictional boundaries of the astronomy research lands.

9 **§ -7 Advisory groups; Native Hawaiian culture.** (a) The
10 authority shall establish advisory groups to advise the
11 authority in its management of Mauna Kea conservation lands;
12 provided that the authority shall establish an astronomy
13 advisory group and Native Hawaiian advisory group, with
14 preference for Hawaii island resident participation, to provide
15 advice and guidance to the authority on their respective subject
16 matters; provided further, for the transitional period pursuant
17 to section -4, the authority shall utilize the directors of
18 the institutions comprising the Maunakea Observatories, Maunakea
19 management board, and Kahu Kū Mauna to serve and advise the
20 University of Hawaii at Hilo and the authority.



1 (b) Any advisory groups established pursuant to this
2 section shall convene regularly and be consulted on a broad
3 range of issues relating to their respective purview.

4 (c) The authority may adopt and shall be guided by the
5 following operational values and principles:

6 (1) Mauna Aloha - Understanding the reciprocal value of
7 the mauna and a long-term commitment to maintaining
8 the integrity of Mauna Kea;

9 (2) `Ōpū Kupuna - Understanding and embracing a duty and
10 accountability to Mauna Kea, the natural environment,
11 and to perpetuate the native Hawaiian traditional and
12 customary practices embedded in the landscape of the
13 mauna; and

14 (3) Holomua `Ōi Kelakela - Driven by creativity and
15 innovation, constantly challenging the status quo,
16 with a stewardship of Mauna Kea that is informed based
17 on existing knowledge and traditions, as well as on
18 new and expanding knowledge. The authority shall be
19 mindful and observant of needs, trends, and
20 opportunities and seek new knowledge and opportunities



1 in ways that enhance the ability to serve as stewards
2 without jeopardizing the foundation of `āina aloha.

3 **§ -8 Annual report.** The authority and the University of
4 Hawaii shall each submit a separate annual report to the
5 legislature at least twenty days prior to the convening of each
6 regular session, beginning with the regular session of 2024.

7 Each annual report shall include:

- 8 (1) A review of the authority's and University of Hawaii's
9 management actions;
- 10 (2) A review of the implementation of all legislatively
11 required plans, including financial and management
12 plans;
- 13 (3) A review of the impacts of human uses on the natural
14 and cultural resources of Mauna Kea;
- 15 (4) An assessment of cumulative impacts to Mauna Kea;
- 16 (5) A review of all community dialogue, outreach,
17 engagement, and consultation; and
- 18 (6) Identification of any areas or issues that present an
19 obstacle or are problematic between the authority and
20 the University of Hawaii.



§ -9 Access and use; restrictions; orientation;

entryway. (a) The University of Hawaii may limit commercial use and activities of the astronomy research lands, and the authority may do the same for the Mauna Kea conservation lands, and each may adopt rules pursuant to chapter 91 to designate areas for permissible use.

(b) Both the authority and the University of Hawaii, respectively, may require an application for all recreational uses, including fees, and create guidelines on potential limits by monitoring the social, safety, and conservation impacts of recreational use over time.

(c) The authority may require all individuals accessing Mauna Kea conservation lands to undergo an annual orientation anchored by the authority's guiding operational values and principles; provided that all employees, contractors, leaseholders, and others who regularly access Mauna Kea shall have more extensive training on the authority's guiding operational values and principles pursuant to section -7(c).

§ -10 Lease provisions; generally. The sublease by and between the University of Hawaii and the authority shall contain



1 the following provisions with regard to any sub-sublease issued
2 by the authority:

3 (1) The specific use or uses to which the land is to be
4 employed;

5 (2) The improvements required; provided that a minimum
6 reasonable time be allowed for the completion of the
7 improvements;

8 (3) Restrictions against alienation;

9 (4) The rent, as established by the authority or at public
10 auction, which shall be payable not more than one year
11 in advance, in monthly, quarterly, semiannual, or
12 annual payments;

13 (5) Where applicable, adequate protection of forests,
14 watershed areas, game management areas, wildlife
15 sanctuaries, and public hunting areas, reservation of
16 rights-of-way and access to other public lands, public
17 hunting areas, game management areas, or public
18 beaches, and prevention of nuisance and waste; and

19 (6) Other terms and conditions as the authority deems
20 advisable to more nearly effectuate the purposes of
21 the Hawaii State Constitution and of this chapter.



1 **§ -11 Rules.** In addition to any other rulemaking powers
2 authorized under this chapter, the authority, after the
3 transitional three-year period established in section -4, may
4 adopt rules pursuant to chapter 91 on the management,
5 stewardship, oversight, and protection of Mauna Kea conservation
6 lands and cultural resources. The rules adopted under this
7 section shall follow existing laws, rules, ordinances, and
8 regulations as closely as is consistent with standards to meet
9 minimum requirements of good design, health, safety, and
10 coordinated development.

11 **§ -12 Mauna Kea management special fund.** (a) There is
12 established the Mauna Kea management special fund into which
13 shall be deposited:

- 14 (1) Appropriations from the legislature;
15 (2) Moneys from supplemental sources as authorized by the
16 authority pursuant to the powers granted by this
17 chapter;
18 (3) Any grant or donation made to the special fund; and
19 (4) Any interest earned on the balance of the special
20 fund.



(b) Proceeds from the special fund shall be used for administration, capital improvement projects, and other purposes pursuant to this chapter.

§ -13 Issuance of bonds. The director of finance, from time to time, may issue general obligation bonds pursuant to chapter 39 in amounts authorized by the legislature for the purposes of this chapter.

§ -14 Mauna Kea stewardship and oversight authority offices; University of Hawaii lease; negotiation. (a) The University of Hawaii shall negotiate a lease of \$1 per year with the authority for the purposes of establishing an office, pursuant to section -2(g)."

SECTION 3. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal



1 laws or regulations or orders of the National Guard to
2 be filled from those commissioned or enlisted
3 personnel;

4 (2) Positions filled by persons employed by contract where
5 the director of human resources development has
6 certified that the service is special or unique or is
7 essential to the public interest and that, because of
8 circumstances surrounding its fulfillment, personnel
9 to perform the service cannot be obtained through
10 normal civil service recruitment procedures. Any such
11 contract may be for any period not exceeding one year;

12 (3) Positions that must be filled without delay to comply
13 with a court order or decree if the director
14 determines that recruitment through normal recruitment
15 civil service procedures would result in delay or
16 noncompliance, such as the Felix-Cayetano consent
17 decree;

18 (4) Positions filled by the legislature or by either house
19 or any committee thereof;



1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;

4 (6) Positions filled by popular vote;

5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;

9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;

13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



1 associate justice of the supreme court and each judge
2 of the intermediate appellate court, one law clerk for
3 each judge of the circuit court, two additional law
4 clerks for the civil administrative judge of the
5 circuit court of the first circuit, two additional law
6 clerks for the criminal administrative judge of the
7 circuit court of the first circuit, one additional law
8 clerk for the senior judge of the family court of the
9 first circuit, two additional law clerks for the civil
10 motions judge of the circuit court of the first
11 circuit, two additional law clerks for the criminal
12 motions judge of the circuit court of the first
13 circuit, and two law clerks for the administrative
14 judge of the district court of the first circuit; and
15 one private secretary for the administrative director
16 of the courts, the deputy administrative director of
17 the courts, each department head, each deputy or first
18 assistant, and each additional deputy, or assistant
19 deputy, or assistant defined in paragraph (16);
20 (10) First deputy and deputy attorneys general, the
21 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 not more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual/bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational/supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;



1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and

4 (D) Members of the faculty of the University of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;

9 (12) Employees engaged in special, research, or
10 demonstration projects approved by the governor;

11 (13) (A) Positions filled by inmates, patients of state
12 institutions, persons with severe physical or
13 mental disabilities participating in the work
14 experience training programs;

15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and

18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under



1 programs such as the federal Workforce Investment
2 Act of 1998, as amended, or the Senior Community
3 Service Employment Program of the Employment and
4 Training Administration of the United States
5 Department of Labor, or under other similar state
6 programs;

7 (14) A custodian or guide at Iolani Palace, the Royal
8 Mausoleum, and Hulihee Palace;

9 (15) Positions filled by persons employed on a fee,
10 contract, or piecework basis, who may lawfully perform
11 their duties concurrently with their private business
12 or profession or other private employment and whose
13 duties require only a portion of their time, if it is
14 impracticable to ascertain or anticipate the portion
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of
17 each department head appointed under or in the manner
18 provided in section 6, article V, of the Hawaii State
19 Constitution; three additional deputies or assistants
20 either in charge of the highways, harbors, and
21 airports divisions or other functions within the



1 department of transportation as may be assigned by the
2 director of transportation, with the approval of the
3 governor; four additional deputies in the department
4 of health, each in charge of one of the following:
5 behavioral health, environmental health, hospitals,
6 and health resources administration, including other
7 functions within the department as may be assigned by
8 the director of health, with the approval of the
9 governor; an administrative assistant to the state
10 librarian; and an administrative assistant to the
11 superintendent of education;

12 (17) Positions specifically exempted from this part by any
13 other law; provided that:

14 (A) Any exemption created after July 1, 2014, shall
15 expire three years after its enactment unless
16 affirmatively extended by an act of the
17 legislature; and

18 (B) All of the positions defined by paragraph (9)
19 shall be included in the position classification
20 plan;



- 1 (18) Positions in the state foster grandparent program and
2 positions for temporary employment of senior citizens
3 in occupations in which there is a severe personnel
4 shortage or in special projects;
- 5 (19) Household employees at the official residence of the
6 president of the University of Hawaii;
- 7 (20) Employees in the department of education engaged in
8 the supervision of students during meal periods in the
9 distribution, collection, and counting of meal
10 tickets, and in the cleaning of classrooms after
11 school hours on a less than half-time basis;
- 12 (21) Employees hired under the tenant hire program of the
13 Hawaii public housing authority; provided that not
14 more than twenty-six per cent of the authority's
15 workforce in any housing project maintained or
16 operated by the authority shall be hired under the
17 tenant hire program;
- 18 (22) Positions of the federally funded expanded food and
19 nutrition program of the University of Hawaii that
20 require the hiring of nutrition program assistants who
21 live in the areas they serve;



- 1 (23) Positions filled by persons with severe disabilities
2 who are certified by the state vocational
3 rehabilitation office that they are able to perform
4 safely the duties of the positions;
- 5 (24) The sheriff;
- 6 (25) A gender and other fairness coordinator hired by the
7 judiciary;
- 8 (26) Positions in the Hawaii National Guard youth and adult
9 education programs;
- 10 (27) In the state energy office in the department of
11 business, economic development, and tourism, all
12 energy program managers, energy program specialists,
13 energy program assistants, and energy analysts;
- 14 (28) Administrative appeals hearing officers in the
15 department of human services;
- 16 (29) In the Med-QUEST division of the department of human
17 services, the division administrator, finance officer,
18 health care services branch administrator, medical
19 director, and clinical standards administrator;
- 20 (30) In the director's office of the department of human
21 services, the enterprise officer, information security



1 and privacy compliance officer, security and privacy
2 compliance engineer, and security and privacy
3 compliance analyst;

4 (31) The Alzheimer's disease and related dementia services
5 coordinator in the executive office on aging;

6 (32) In the Hawaii emergency management agency, the
7 executive officer, public information officer, civil
8 defense administrative officer, branch chiefs, and
9 emergency operations center state warning point
10 personnel; provided that, for state warning point
11 personnel, the director shall determine that
12 recruitment through normal civil service recruitment
13 procedures would result in delay or noncompliance;

14 [~~and~~

15 +](33)[+] The executive director and seven full-time
16 administrative positions of the school facilities
17 authority[-]; and

18 (34) Positions in the Mauna Kea stewardship and oversight
19 authority.

20 The director shall determine the applicability of this
21 section to specific positions.



1 Nothing in this section shall be deemed to affect the civil
2 service status of any incumbent as it existed on July 1, 1955."

3 SECTION 4. Audit. The auditor shall conduct a performance
4 and financial audit of the Mauna Kea stewardship and joint
5 oversight of the Mauna Kea stewardship and oversight authority
6 and University of Hawaii, and shall submit a report on findings
7 and recommendations to the legislature on or before the
8 convening of the regular session of 2029.

9 PART II

10 SECTION 5. On July 1, 2023, all rights, powers, functions,
11 and duties of the University of Hawaii relating to the powers
12 and responsibilities granted to the Mauna Kea stewardship and
13 oversight authority under part I of this Act are transferred to
14 the Mauna Kea stewardship and oversight authority.

15 All employees who occupy civil service positions and whose
16 functions are transferred to the Mauna Kea stewardship and
17 oversight authority by this Act shall retain their civil service
18 status, whether permanent or temporary. Employees shall be
19 transferred without loss of salary, seniority (except as
20 prescribed by applicable collective bargaining agreements),
21 retention points, prior service credit, any vacation and sick



1 leave credits previously earned, and other rights, benefits, and
2 privileges, in accordance with state personnel laws and this
3 Act; provided that the employees possess the minimum
4 qualifications and public employment requirements for the class
5 or position to which transferred or appointed, as applicable;
6 provided further that subsequent changes in status may be made
7 pursuant to applicable civil service and compensation laws.

8 Any employee who, prior to this Act, is exempt from civil
9 service and is transferred as a consequence of this Act may
10 retain the employee's exempt status, but shall not be appointed
11 to a civil service position as a consequence of this Act. An
12 exempt employee who is transferred by this Act shall not suffer
13 any loss of prior service credit, vacation or sick leave credits
14 previously earned, or other employee benefits or privileges as a
15 consequence of this Act; provided that the employees possess
16 legal and public employment requirements for the position to
17 which transferred or appointed, as applicable; provided further
18 that subsequent changes in status may be made pursuant to
19 applicable employment and compensation laws. The executive
20 director of the center for Mauna Kea stewardship may prescribe



1 the duties and qualifications of these employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 SECTION 6. All appropriations, records, equipment,
4 machines, files, supplies, contracts, books, papers, documents,
5 maps, and other personal property heretofore made, used,
6 acquired, or held by the University of Hawaii relating to the
7 functions transferred to the Mauna Kea stewardship and oversight
8 authority shall be transferred with the functions to which they
9 relate.

10 PART III

11 SECTION 7. The University of Hawaii board of regents and
12 president shall exercise the authority granted to them by part
13 IV, subpart O, of chapter 304A, Hawaii Revised Statutes, only to
14 the extent as necessary to allow the Mauna Kea stewardship and
15 oversight authority, established pursuant to part I of this Act,
16 to assume authority of the Mauna Kea conservation lands and for
17 lands under the jurisdiction of the University of Hawaii
18 pursuant to section -5 in part I, section 2, of this Act;
19 provided that the University of Hawaii board of regents and the
20 president of the University of Hawaii shall cooperate and work
21 collaboratively with the authority to support and ensure the



1 successful transition of stewardship and oversight of the Mauna
2 Kea conservation lands; provided further that the University of
3 Hawaii at Hilo shall provide all necessary support to the Mauna
4 Kea stewardship and joint oversight consistent with the purposes
5 of this Act, including equitably funding the authority and
6 University of Hawaii.

7 PART IV

8 SECTION 8. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$14,000,000 or so
10 much thereof as may be necessary for fiscal year 2022-2023 for
11 startup costs for the Mauna Kea stewardship and oversight
12 authority.

13 The sum appropriated shall be expended by the University of
14 Hawaii at Hilo for the purposes of this Act.

15 SECTION 9. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2022-2023 for
18 one full-time equivalent (1.0 FTE) executive assistant position,
19 who shall also serve as secretary to the authority, and who
20 shall be exempt from chapter 76, Hawaii Revised Statutes, to
21 support the Mauna Kea stewardship and oversight authority.



1 The sum appropriated shall be expended by the University of
2 Hawaii at Hilo for the purposes of this Act.

3 SECTION 10. All moneys in the Mauna Kea lands management
4 special fund established pursuant to section 304A-2170, Hawaii
5 Revised Statutes, shall be deposited in the Mauna Kea management
6 special fund established pursuant to section -12 in part I,
7 section 2, of this Act.

8 PART V

9 SECTION 11. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 12. This Act shall take effect on January 1, 2055;
12 provided that if the auditor finds, in the report required under
13 section 4 of this Act, that the Mauna Kea stewardship and joint
14 oversight between the Mauna Kea stewardship and oversight
15 authority and the University of Hawaii required by this Act is
16 unfit to continue, then on December 31, 2029:

(1) Parts I, II, and III of this Act shall be repealed and section 76-16(a), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act; and



1 (2) The management authority over Mauna Kea lands, as
2 defined in section 304A-1901, Hawaii Revised Statutes,
3 shall revert back to the University of Hawaii board of
4 regents and president.



Report Title:

Mauna Kea Stewardship and Oversight Authority; Established;
Appropriation

Description:

Establishes the Mauna Kea Stewardship and Oversight Authority as a joint authority with the University of Hawaii. Defines the astronomy research lands under the jurisdiction of the University of Hawaii. Defines the Mauna Kea conservation lands under the jurisdiction of the Authority. Requires the Authority and the University of Hawaii to manage land uses; human activities, other uses, and access; stewardship; education; research; disposition; and overall operations on its respective lands. Authorizes the University of Hawaii to develop a framework to allow astronomy development on Mauna Kea. Declares astronomy as a state policy. Requires the Authority to establish advisory groups. Allows the Authority and the University of Hawaii to limit certain commercial use and activities on Mauna Kea on its respective jurisdictional lands. Provides certain restrictions on leases. Requires the timely decommissioning of certain telescopes. Requires an application and fee for all recreational users of Mauna Kea. Establishes the Mauna Kea Management Special Fund. Transfers rights, duties, and positions from the University of Hawaii to the Authority. Exempts positions under the Authority from civil service requirements. Requires an audit of the Mauna Kea Stewardship and Oversight Authority. Reverts management to the University of Hawaii Board of Regents and President if the audit finds the Authority unfit to continue. Appropriates funds. Effective 1/1/2055. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

