

STAND. COM. REP. NO. 3963

Honolulu, Hawaii

APR 08 2022

RE: H.B. No. 2024  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 2024, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MAUNA KEA,"

begs leave to report as follows:

The purpose and intent of this measure is to establish an entity to oversee state-managed lands above the nine thousand two hundred foot elevation line on Mauna Kea.

Specifically, this measure:

- (1) Establishes the Mauna Kea Stewardship and Oversight Authority (Authority);
- (2) Establishes the composition and powers of the Authority;
- (3) Provides for a transition period for the Authority to assume management of Mauna Kea lands;
- (4) Requires the Authority to develop a framework for astronomy development on Mauna Kea that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation;



- (5) Authorizes the Authority to limit commercial use and activities of Mauna Kea lands to astronomy use and activities;
- (6) Specifies requirements and restrictions for leases issued by the Authority;
- (7) Requires the Auditor to conduct a performance and financial audit of the Mauna Kea stewardship and oversight authority; and
- (8) Appropriates moneys to establish the Authority.

Your Committee received written comments in support of this measure from the members of the Mauna Kea Working Group, 'Ahahui o na Kauka - Association of Native Hawaiian Physicians, and two individuals.

Your Committee received written comments in opposition to this measure from the University of Hawaii, Office of Hawaiian Affairs, Department of Land and Natural Resources, Center for Hawaiian Sovereignty Studies, Mauna Kea Hui, Kona-Kohala Chamber of Commerce, Hawaii Business Roundtable, Hawaii Island Economic Development Board, and numerous individuals.

Your Committee received written comments on this measure from the Office of the Auditor; Department of Budget and Finance; Maunakea Observatories; Association of Hawaiian Civic Clubs - Moku o Keawe, Hawaii Council; Kamehameha Schools; Council for Native Hawaiian Advancement; and one individual.

Your Committee finds that separating the management of Mauna Kea between the University of Hawaii and a newly created entity creates a management structure that balances the diverse interests of the community and stakeholders regarding conservation, protection, and the regulation of current and future uses of Mauna Kea.

Your Committee has amended this measure by:

- (1) Amending section -1 to define the terms "astronomy research lands", "Mauna Kea conservation lands", and "state lease" and delete the definition of "land";



- (2) Establishing joint authority between the Authority and the University of Hawaii to effectuate the obligations and duties under the state lease;
- (3) Requiring the University of Hawaii to sublease the lands comprising the Mauna Kea conservation lands to the Authority within a period not exceeding one year from the formation and operation of the Authority;
- (4) Limiting members of the Authority to three partial or full terms;
- (5) Inserting provisions regarding the use of personnel and the establishment of the Authority's offices;
- (6) Defining the Authority's purview, responsibilities, and duties to encompass lands under the Mauna Kea conservation area to include:
  - (A) A requirement for the Authority to be financially self-sustaining after the fourth year following the transitional period; and
  - (B) Establishment of a process that provides and ensures transparency, analysis, and justification for lease terms and monetary consideration that is equitable, feasible, and financially sustainable;
- (7) Defining the University of Hawaii's role as manager and caretaker of astronomy research lands to include:
  - (A) Authorization to develop a framework that may limit the number of observatories and astronomy-related facilities;
  - (B) Authorization to establish a set of principles for returning the astronomy research lands to their natural state upon the loss of academic or research value of ground-based observatories;
  - (C) Requiring the University of Hawaii to:



- (i) Continue preparations for the completion of the Mauna Kea Master Plan and Comprehensive Management Plan for astronomy research lands and Mauna Kea conservation lands; and
  - (ii) Prepare and apply for a renewal of the state lease for both the University of Hawaii and the Authority;
- (D) Authorization to enter into cooperative agreements, easements, subleases, or other contracts with the Authority, any state agency, any county agency, and any private owner of lands within the jurisdictional boundaries of the astronomy research lands; and
- (E) Commencement and completion of the timely decommissioning of certain telescopes;
- (8) Declaring that astronomy is a policy of the State;
- (9) Clarifying that the Authority's guiding values shall perpetuate native Hawaiian traditional and customary practices;
- (10) Requiring the submission of separate annual reports from the Authority and the University of Hawaii;
- (11) Deleting the Authority's authorization to establish an appropriate entryway to Mauna Kea and specifications to the University of Hawaii's minimum viewing time at the telescopes;
- (12) Requiring the sublease between the University of Hawaii and the Authority to contain specific provisions regarding any sub-sublease issued by the Authority;
- (13) Deleting proposed sections related to general lease restrictions and planning;
- (14) Requiring the University of Hawaii to negotiate a \$1 per year lease with the Authority for the purposes of

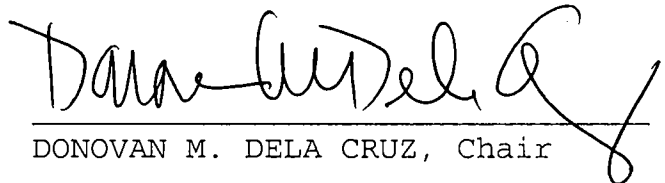


establishing the Authority's office, pursuant to  
section -2(g);

- (15) Amending section 76-16(b), Hawaii Revised Statutes, to exempt positions under the Authority from civil service requirements;
- (16) Making conforming amendments to section 1 to reflect the amended purpose of the measure;
- (17) Changing the appropriation for Authority startup costs from \$12,000,000 to \$14,000,000;
- (18) Inserting other necessary provisions to effectuate the enactment of this measure and to comport with other legal requirements; and
- (19) Making technical nonsubstantive amendments for the purposes of clarity and consistency.

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. 2024, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2024, H.D. 1, S.D. 2.

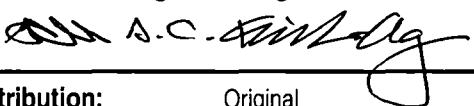
Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>HB 2024, HDL, SD1</b>	Committee Referral: <b>HRE, WAM</b>	Date: <b>4/8/22</b>		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUE, Lorraine R.				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>10</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes