STAND. COM. REP. NO. 169

Honolulu, Hawaii

Fe411, 2009

RE: H.B. No. 1174 H.D. 1

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

Sir:

Your Committee on Higher Education, to which was referred H.B. No. 1174 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 help protect the state's precious cultural and natural resources and ensure public health and safety, by allowing the University of Hawaii (UH) to adopt administrative rules to regulate activities at and within the Mauna Kea lands, or the lands UH leases from the Board of Land and Natural Resources. Additionally, the bill allows UH to provide for procedures to enforce these rules, and to assess and collect administrative fines for violations of these rules.

The bill also establishes the Mauna Kea Management Special Fund, into which shall be deposited all revenues, rents, fees, charges, assessments, fines, and other moneys collected by UH in connection with its oversight and management of the Mauna Kea lands.

UH testified in support of this bill. The Office of Hawaiian Affairs, KAHEA, and a concerned individual opposed this measure.

Your Committee has amended this bill by:

- (1) Clarifying that the UH Board of Regents shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes, in its establishment and revision of rents, fees, and charges payable in connection with the lease or use of UH real property and facilities as related to the oversight and management of the Mauna Kea lands; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1174, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1174, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Higher Education,

JERRY L. CHANG, Chair

## State of Hawaii House of Representatives The Twenty-fifth Legislature

## **Record of Votes of the Committee on Higher Education**

Bill/Resolution No.:	nmittee Referral:	FIN Dat	2/5/09	
☐ The committee is reconsidering its previous d	ecision on the measure.			
The recommendation is to: Pass, unamed Pass short for	ended (as is) Pa	ss, with amendments		
<b>HED Members</b>	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)				
2. NAKASHIMA, Mark M. (VC)				
3. BERG, Lyla B.				
4. BERTRAM, Joe, III				
5. HANOHANO, Faye P.		4,000,000	V	
6. MANAHAN, Joey				
7. RHOADS, Karl		V		
<ol> <li>SAIKI, Scott K.</li> <li>SHIMABUKURO, Maile S.L.</li> </ol>		1 97 HOLE 9885		<u> </u>
10. TAKAI, K. Mark			<b>Y</b>	<u>n isyras ramas attilis 1916</u>
11. TAKUMI, Roy M.				
12. YAMANE, Ryan I.				
13. CHING, Corinne W.L.		a de aproparación de la company de la co La company de la company d		
14. FINNEGAN, Lynn				
<b>TOTAL</b> (14)	7		3	2
The recommendation is: Adopted If joint referral	Not Adopt	did not suppo	ort recommendatio	n.
Vice Chair's or designee's signature:	rkestime			
<b>Distribution:</b> Original (White) – Committee	Duplicate (Yellow) -	- Chief Clerk's Office	e Duplicate (l	Pink) – HMSO