
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 **PART I**

2 SECTION 1. (a) The auditor, with regard to the University
3 of Hawaii's activities related to Mauna Kea, shall:

4 (1) Conduct a financial audit of the office of Mauna Kea
5 management, reviewing all revenues and expenditures,
6 the Mauna Kea land management special fund, commercial
7 tour operations, and all appropriations from the
8 University of Hawaii at Hilo for operations and
9 staffing for the period of 2010 through 2017;

10 (2) Conduct a performance audit of the research
11 corporation of the University of Hawaii, as it relates
12 to the Mauna Kea observatory support services and the
13 Mauna Kea observatories and all grants, revenues,
14 expenditures, and funding of personnel, as it relates
15 to those organizations, evaluating its efficiency and
16 whether or not they are effectively utilizing best
17 practice operations;



1 (3) Conduct a performance audit on the University of
2 Hawaii system, limited to the legal affairs and the
3 university general counsel office, as it relates to
4 all revenues and expenditures associated with the
5 research and training revolving fund, as it relates to
6 Mauna Kea since 2010, as well as determining whether
7 or not patents and revenue-generating patents exist,
8 as it relates to scientific technologies associated
9 with the international observatories and the
10 University of Hawaii institute for astronomy, as a
11 result of ground-based astronomical observations and
12 discoveries; and

13 (4) Conduct an organizational management structure audit
14 of the multiple governmental and non-governmental
15 agencies and entities that have jurisdictional
16 authority on Mauna Kea, evaluating its efficiency and
17 whether or not they are effectively utilizing best
18 practice operations and have clear lines of authority.

19 (b) The auditor shall have all the powers established
20 pursuant to chapter 23, Hawaii Revised Statutes, including the
21 power to subpoena any related licenses, grants, commercial



1 activities, patents, intellectual property, and astronomical
2 observation time at the University of Hawaii related to Mauna
3 Kea, and anyone who has a financial interest in Mauna Kea
4 permitted by state law.

5 SECTION 2. The auditor shall submit a report of its
6 findings and any recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the regular session of 2020.

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$200,000 or so much
11 thereof as may be necessary for fiscal year 2018-2019 for the
12 auditor to conduct the audit of the University of Hawaii's
13 activities related to Mauna Kea pursuant to this Act.

14 The sum appropriated shall be expended by the office of the
15 auditor for the purposes of this Act.

16 **PART II**

17 SECTION 4. Section 304A-1903, Hawaii Revised Statutes, is
18 amended to read as follows:

19 " ~~§304A-1903~~ **Mauna Kea lands**; ~~rules~~. The board
20 of regents ~~may~~ shall adopt rules pursuant to chapter 91 to
21 regulate public and commercial activities on Mauna Kea lands.



1 In adopting these rules, the board shall:

2 (1) Strive for consistency with the administrative rules
3 of the division of forestry and wildlife of the
4 department of land and natural resources related to
5 forest reserves and natural area reserves;

6 (2) Consult with the office of Hawaiian affairs to ensure
7 that these rules shall not affect any right,
8 customarily and traditionally exercised for
9 subsistence, cultural, and religious purposes and
10 possessed by ahupuaa tenants who are descendants of
11 native Hawaiians who inhabited the Hawaiian Islands
12 prior to 1778, subject to the right of the State to
13 regulate such rights; and

14 (3) Hold at least one public hearing, in addition to the
15 public hearing at which decision-making on the
16 proposed rule is made, on the island of Hawaii."

17 SECTION 5. The University of Hawaii office of Maunakea
18 management shall:

19 (1) Implement all management actions identified in the
20 following documents:



- 1 (A) Mauna Kea comprehensive management plan, dated
- 2 April 2009; and
- 3 (B) Implementing and evaluating the comprehensive
- 4 management plan for University of Hawaii managed
- 5 lands on Mauna Kea, dated February 2010;
- 6 (2) Complete an environmental impact statement pursuant to
- 7 chapter 343, Hawaii Revised Statutes, for land
- 8 authorizations regarding long-term continuation of
- 9 astronomy within the Mauna Kea science reserve area;
- 10 and
- 11 (3) Secure a new master lease that extends beyond
- 12 December 31, 2033, from the State of Hawaii for the
- 13 continued land authorization of the Mauna Kea science
- 14 reserve area.

15 SECTION 6. All new construction within the Mauna Kea
16 science reserve area is prohibited; provided that "new
17 construction" shall not include the decommissioning of
18 telescopes or activities related to the repair, maintenance, and
19 upkeep of existing telescopes; provided further that this
20 section shall not apply after a proclamation is issued by the
21 governor that the:



- 1 (1) Auditor has submitted the report pursuant to part I of
- 2 this Act;
- 3 (2) University of Hawaii has adopted rules pursuant to
- 4 section 304A-1903, Hawaii Revised Statutes; and
- 5 (3) The office of Maunakea management has complied with
- 6 the requirements established pursuant to section 5 of
- 7 this Act.

8 For purposes of this section, "Mauna Kea science reserve
9 area" shall mean the real property as described in Exhibit A to
10 general lease no. S-4191, dated June 21, 1968, between the State
11 of Hawaii and the University of Hawaii.

12 **PART III**

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on December 31,
16 2033.



Report Title:

UH; Mauna Kea; Audit; Management Actions; Environmental Impact Statement; Master Lease; Appropriation

Description:

Requires the Auditor to conduct a financial, performance, and management audit of the University of Hawaii's activities related to Mauna Kea. Requires the University of Hawaii Board of Regents to adopt rules to regulate public and commercial activities on Mauna Kea lands. Requires the University of Hawaii Office of Maunakea Management to complete the management actions established by the various comprehensive management plans, complete an environmental impact statement for land authorizations regarding long-term continuation of astronomy within the Mauna Kea science reserve area, and secure a new master lease regarding Mauna Kea. Prohibits all new construction at Mauna Kea until the requirements of this measure are met. Takes effect on 12/31/2033. (SD3)

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

