

JAN 17 2025

A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

1 SECTION 1. The legislature finds that, in recent years,
2 Mauna Kea has symbolized a rigid dichotomy between culture and
3 science, often leading to polarization between Mauna Kea
4 stakeholders. Many people perceived that Mauna Kea was being
5 managed without sufficient and genuine consultation with the
6 Native Hawaiian community, which had the cumulative effect of
7 degrading trust between the community and those responsible for
8 managing Mauna Kea.

9 To overcome this dichotomy and facilitate a more harmonious
10 coexistence of activities atop Mauna Kea in a culturally
11 sensitive manner, the legislature enacted Act 255, Session Laws
12 of Hawaii 2022 (Act 255), which established the Mauna Kea
13 stewardship and oversight authority. The major reforms offered
14 by Act 255 were intended to be a step toward restoring trust and
15 balance in the stewardship of Mauna Kea.

16 The legislature recognizes that the Mauna Kea stewardship
17 and oversight authority has been asked to help a very diverse



1 group of stakeholders overcome decades of distrust to find
2 solutions to very difficult and complex issues. The legislature
3 believes that to promote trust and engagement between these
4 stakeholders, the stakeholders must be able to have frank and
5 open discussions to reach an understanding. The task of
6 crafting reconciliation will likely require countless hours of
7 open discussion and education.

8 The legislature further recognizes that it may be difficult
9 for authority members to conduct these activities within the
10 inflexible confines of the State's public agency meeting laws.
11 The legislature also recognizes that the authority has a limited
12 amount of time to resolve the issues before it: Section 195H-6,
13 Hawaii Revised Statutes, provides for a transition period of
14 five years, during which the authority must develop detailed
15 management and financial plans, establish a framework for
16 astronomy-related development, adopt administrative rules, and
17 prepare to assume full management of Mauna Kea.

18 Accordingly, the legislature believes that the authority
19 should be granted some flexibility during the transition period
20 to conduct meetings without strictly complying with chapter 92,
21 Hawaii Revised Statutes. This flexibility should be narrowly



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1 tailored to allow authority members to discuss challenging
2 issues in a culturally sensitive manner. Public transparency
3 and accountability must be maintained by prohibiting the
4 authority from taking any decision-making actions at these types
5 of meetings.

6 The legislature further finds that the creation of the
7 Mauna Kea stewardship and oversight authority was meant to be a
8 pivot point in the history of Mauna Kea, rather than a final
9 resolution. Section 195H-1, Hawaii Revised Statutes, expressly
10 recognizes that additional amendments relating to the Mauna Kea
11 stewardship and oversight authority would be necessary to
12 address principles and details surrounding Mauna Kea that had
13 not yet been ascertained when Act 255 became law.

14 Accordingly, this Act makes certain amendments relating to
15 the Mauna Kea stewardship and oversight authority, as
16 contemplated under section 195H-1, Hawaii Revised Statutes, to
17 ensure that a mutually beneficial balance is maintained for
18 Mauna Kea and the people of Hawaii.

19 Specifically, the purpose of this Act is to authorize two
20 or more members of the Mauna Kea stewardship and oversight



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1 authority, including a number of members that would constitute a
2 quorum, to meet during the transition period; provided that:

3 (1) No commitment to vote is made or sought; and

4 (2) Decision-making, if any, occurs only at a duly noticed
5 meeting of the authority.

6 SECTION 2. Chapter 195H, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 **"§195H- Transition period; authority meetings;**
10 **permitted interactions; restrictions.** (a) Notwithstanding
11 section 92-2.5(b) or any other law to the contrary, two or more
12 members of the authority, including a number of members that
13 would constitute a quorum of the authority, may meet during the
14 transition period described in section 195H-6 regarding any
15 matter relating to the authority's business; provided that:

16 (1) No commitment to vote shall be made or sought; and

17 (2) Decision-making, if any, shall occur at a duly noticed
18 meeting of the authority held pursuant to chapter 92.

19 (b) An interaction of authority members described in
20 subsection (a) shall not constitute a meeting for the purposes
21 of part I of chapter 92."



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1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Hunt M. Reardon* *JP*



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Report Title:

Mauna Kea Stewardship and Oversight Authority; Meetings;
Sunshine Law; Exemption

Description:

Authorizes 2 or more members of the Mauna Kea Stewardship and Oversight Authority to meet during its transition period regarding any matter relating to the Authority's business; provided that no commitment to vote is made or sought and no decision-making action is taken.

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

