



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2003, S.D. 1, RELATING TO NATURAL RESOURCE MANAGEMENT.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 25, 2026 **TIME:** 10:57 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Linda L.W. Chow,
Deputy Attorney General, at (808) 587-2978)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of this bill is to have the State Auditor perform an audit of the Mauna Kea Stewardship and Oversight Authority (MKSOA) and have the Auditor recommend whether the MKSOA is unfit to continue management of Mauna Kea lands. If the Auditor finds the MKSOA unfit to continue management, then parts II, III, and IV of Act 255, Session Laws of Hawaii 2022 (Act 255), shall be repealed and management over Mauna Kea lands shall revert back to the University of Hawaii. The bill also extends the general leases of Mauna Kea lands and the associated subleases to astronomical observatories for an additional ten-year period.

The Department has concerns that section 2 of this bill (page 3, line 13, through page 5, line 14) may be deemed special legislation in violation of article XI, section 5, of the Hawaii Constitution.

Article XI, section 5, of the Hawaii Constitution provides:

The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof.

By extending the term of the master lease and related subleases, the bill exercises legislative power over lands owned by or under the control of the State. The

relevant constitutional question, therefore, is whether the bill is a general law or a special law.

In *Sierra Club v. Dep't of Transp. of State of Haw.*, 120 Hawai'i 181, 202 P.3d 1226 (2009), as amended (May 13, 2009), the Hawai'i Supreme Court adopted a two-step analysis to determine whether a law was special legislation.

First, the court considers "whether the classification adopted by the legislature is a real or potential class, or whether it is logically and factually limited to a class of one and thus illusory." *Id.* at 203-04, 202 P.3d at 1248-49. A class is not illusory if it has potential future applicability and could include other members in the future. *See id.* at 204, 202 P.3d at 1249. In making this determination, the court considers the actual probability of other members joining the class. *See id.* at 214, 202 P.3d at 1259.

Second, if the class is illusory, the court determines whether the class is reasonable. *Id.* To be reasonable, the classification must be based on a distinguishing peculiarity and must reasonably relate to the purpose of the statute. *See In re Interrogatory Propounded by Governor Roy Romer on House Bill 91S-1005*, 814 P.2d 875, 887 (Colo. 1991).

This bill relates only to the master lease of Mauna Kea lands that is set to expire on December 31, 2033, and subleases of Mauna Kea lands to astronomical observatories. There appears to be little probability that other lands would fall within this classification in the future. As such, the class created by the bill may be deemed illusory, and this bill may be subject to challenge as special legislation.

To address this concern, the Department recommends that, instead of amending the master lease and subleases for the Mauna Kea lands, the bill amend section 195H-7, Hawaii Revised Statutes (HRS), to provide general authority for the Mauna Kea Stewardship and Oversight Authority to issue or extend leases and consent to subleases up to a maximum term of 75 years. For example, section 195H-7(b), HRS, could be amended as follows:

(b) Notwithstanding any law to the contrary, all powers and duties of the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, concerning permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands are transferred to the

authority upon the expiration of the transition period; provided that the authority may extend existing leases and subleases before the transfer for up to an additional ten-year term; provided further that the transfer of such powers and duties from the board of land and natural resources and the land use commission may occur earlier, upon approval of the authority, the board of land and natural resources, and the land use commission. Upon the expiration of the transition period, the authority shall carry out the powers and duties otherwise conferred upon the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, with regard to permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands.

The Department further notes that the bill references **December 31, 3031**, as the date triggering repeal of parts II, III, and IV of Act 255 and the reversion of management authority over Mauna Kea lands to the University of Hawaii (page 1, line 10). This date appears to be a typographical error. Because this date serves as the operative trigger for the repeal and reversion provisions, it should be clarified to ensure the bill functions as intended.

We respectfully ask the Committee to consider the recommended amendments. Thank you for the opportunity to testify on the bill.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Ways and Means
February 25, 2026 at 10:57 a.m.

By

Vassilis L. Syrmos, Interim Provost
University of Hawai'i Manoa

and

Doug Simons, Director
Institute for Astronomy

and

Gregory Chun, Executive Director
Center for Maunakea Stewardship

SB 2003 SD1 – RELATING TO NATURAL RESOURCE MANAGEMENT

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The University of Hawai'i (University) supports the intent behind this bill and acknowledges the Senate's demonstration of support for astronomy on Maunakea. The University continues to honor its kuleana to work closely with the Mauna Kea Stewardship and Oversight Authority (MKSOA) and other invested entities for the timely transition of stewardship of Maunakea, in accordance with Act 255 (2022). The University respectfully submits the following **comments** to SB 2003 SD1, as amended.

In the latest amendment, an additional substantive provision was added to extend, by operation of law, the terms of certain leases for Maunakea lands. As we have indicated in prior testimony, evidence of the State's commitment to astronomy as a matter of State policy is critically important at this juncture for continued investment by the countries and universities that own and operate the astronomical observatories on Maunakea. And while extension of the leases would be evidence of that support, it is unclear when the lease extensions are intended to go into effect, a detail that will be important to maintaining and measuring forward progress. Detailing how and when any of these lease extensions would be effectuated will provide needed clarity given the impending expiration of UH's 65-year master lease in less than eight years.

Another important clarification, which was discussed at the University of Hawai'i Board of Regents' meeting on February 19, 2026, is the range of milestones MKSOA needs to reach for UH to responsibly transfer stewardship of Maunakea lands on or before July 1, 2028. The University encourages the inclusion of meaningful milestones for all parties, including UH and MKSOA, to evaluate timely progress leading up to the July 1, 2028 transition date and beyond, including for the use, management, operations, funding and stewardship of Maunakea lands destined to be transferred to MKSOA. Setting clear,

mutually agreed milestones will promote transparent decision making, and trust-building among the many interested stakeholders caring for the mauna.

Thank you for the opportunity to provide testimony.

SB-2003-SD-1

Submitted on: 2/23/2026 12:25:50 PM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Carmela Resuma	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-2003-SD-1

Submitted on: 2/23/2026 8:02:18 PM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE!

SB2003 SD 1

Dana Keawe

Moku O Keawe

SB-2003-SD-1

Submitted on: 2/24/2026 8:42:21 AM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am testifying in opposition to SB2003 SD1, and recommend amendments.

I fully agree with previous testimony and the previous committee's assessment that the auditor should NOT be the one evaluate and decide if the MKSOA is fit to continue managing Mauna Kea's lands, I do not, however, believe that automatically extending leases for another 10 years is called for and appropriate to be adding to this bill. There is no justification in this bill for the extension, and it negates the established process of extended leases.

I do not believe it is in the legislature's authority to be extending land leases. Has the legislature done any sort of environmental assessment on each lease? Has the legislature done any other type of proper assessment that should occur when evaluating leases for extensions?

With all the controversy around Mauna Kea over the last decade, it is hewa (wrong and inappropriate) for the legislature to be making this decision.

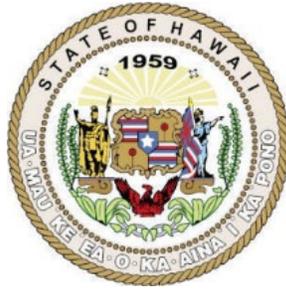
I recommend removing the extensions that were included as amendments from the WLA/EDU committee hearing.

Allowing the authority to decide on the extension of leases makes more sense, as they are heavily involved with evaluating the future and appropriate use/stewardship of this place.

Mahalo for your consideration,
Keoni Shizuma

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JOHN KOMEIJI
Chairperson

KIMO ALAMEDA
POMAI BERTELMANN
NEIL HANNAHS
PAUL HORNER
*BONNIE IRWIN
RYAN KANAKA'OLE
KALEHUA KRUG
BEN KUDO
LANAKILA MANGAUIL
RICH MATSUDA
NOE NOE WONG-WILSON

*ex-officio

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

688 Kino'ole Street #212, Hilo, HI 96720
Telephone (808) 272-0259

Website: <http://dlnr.hawaii.gov/maunakea-authority/>

TESTIMONY OF THE MAUNA KEA STEWARDSHIP OVERSIGHT AUTHORITY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS February 25, 2026 10:57 A.M. State Capitol, Room 211

COMMENTS FOR SB 2003, SD1 RELATING TO NATURAL RESOURCE MANAGEMENT

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

The Mauna Kea Stewardship and Oversight Authority (MKSOA) provides the following comments on SB 2003, SD1.

Established by Act 255 (2022), the Authority was charged with assuming management authority for Mauna Kea lands and implementing a new stewardship framework grounded in long-term planning, public accountability, and responsible land management. Since its formation, the Authority has been actively advancing its statutory responsibilities.

To date, the Authority has:

- Launched and is actively developing the Comprehensive Management Plan required by Act 255;
- Conducted statewide community workshops to gather input from residents across O'ahu, Maui, Moloka'i, Kaua'i, and Hawai'i Island;
- Coordinated with the University of Hawai'i and the Department of Land and Natural Resources on transition planning;
- Initiated discussions regarding environmental review processes necessary for future lease considerations; and
- Begun evaluating equitable, feasible, and financially sustainable lease structures, as required by statute.

The Authority is comprised of volunteer board members who have been working to stand up a new state entity with limited administrative infrastructure and staffing support. Establishing governance systems, operational procedures, and staffing capacity while simultaneously advancing statutory mandates has presented challenges. Notwithstanding these constraints, the Authority has delivered substantive progress and continues to implement Act 255 in a steady and deliberate manner.

SB 2003, SD1 provides that if the State Auditor determines the transfer of authority, responsibilities, and duties is not substantially complete, management authority would revert to the University of Hawai'i. The measure also extends existing observatory leases and subleases for an additional ten years.

The Authority recognizes and respects the Legislature's role in ensuring accountability and clarity during this transition period. At the same time, the Authority respectfully requests clarification regarding the criteria that will be used to determine whether the transfer is "substantially complete"; and, how a reversion of management authority would affect ongoing planning efforts, community engagement processes, and implementation of the Comprehensive Management Plan currently underway.

The Authority remains committed to transparent reporting, measurable progress, and continued collaboration with state partners and the public. Our focus remains on fulfilling the responsibilities entrusted to us under Act 255 and advancing a stewardship framework that provides long-term stability, continuity, and responsible land management for Mauna Kea.

Mahalo for the opportunity to provide these comments.