

1 supports both the continuance of traditional and customary
2 practices and science and technology.

3 The legislature further finds that the protection and
4 preservation of Mauna Kea through proper management and
5 stewardship is of statewide concern. Since 1998, four audits by
6 the state auditor have been critical of the management,
7 stewardship, and protection of Mauna Kea. Although significant
8 changes have occurred on Mauna Kea since the 1998 audit,
9 negative experiences over the past fifty years have eroded
10 public confidence and demonstrated the critical need for fresh
11 leadership centered on a new organizational structure,
12 management system, and procedures.

13 Accordingly, the legislature finds that there is a clear
14 need for one entity to serve as a single focal point of
15 management, responsibility, communication, and enforcement
16 regarding Mauna Kea. This new entity will increase the
17 accountability of all tenants on Mauna Kea and will ensure that
18 each tenant is aware of its obligations and responsibilities.
19 This entity will also provide the necessary stewardship for the
20 sustainable use of Mauna Kea and the proper generation of
21 revenue from that use. This entity will be headquartered on the



1 island of Hawaii and will be recognized by the general public
2 and the State as the single point of contact for Mauna Kea's
3 summit region and midlevel facilities. The legislature intends
4 that this new entity will be led by a board whose members have
5 no inherent conflicts of interest regarding Mauna Kea, and who
6 will provide the requisite level of independence, objectivity,
7 competence, relevant expertise, commitment, and willingness to
8 be engaged in order for the new entity to achieve its goals. In
9 addition, it is the legislature's intent that the authority
10 shall be self-funded and not require appropriations from the
11 State's general fund. Revenues generated by the authority will
12 primarily be used for the management and proper stewardship of
13 the approximately eleven thousand four hundred acres of lands on
14 Mauna Kea under the authority's jurisdiction. The legislature
15 further intends for the new entity to supersede all existing
16 entities that are responsible for the management and stewardship
17 of Mauna Kea.

18 The purpose of this Act is to establish a Mauna Kea
19 management authority.

20 § -2 **Definitions.** As used in this chapter, unless the
21 context otherwise requires:



1 "Authority" means the Mauna Kea management authority.

2 "Chairperson" means the chairperson of the Mauna Kea
3 management authority.

4 "Holder of record having a security interest" means a
5 person who is the owner or possessor of a security interest in
6 any land covered in section 171-10 and who has filed with the
7 bureau of conveyances of the State and with the authority a copy
8 of the interest; provided that for the purposes of this chapter,
9 all references in section 171-10 to the board of land and
10 natural resources shall be construed as referring to the Mauna
11 Kea management authority and that section shall apply
12 accordingly.

13 "Land" includes all interests therein and natural resources
14 including water, minerals, and all things connected with land,
15 unless expressly provided otherwise.

16 "Land license" means a privilege granted to enter land for
17 a certain special purpose such as the removal of timber, soil,
18 sand, gravel, stone, hapuu, and plants, but not including water
19 rights, ground or surface, nor removal of minerals.

20 "Lease" means the right to possess and use land for a term
21 of years.



1 "Mauna Kea" means all real property identified in part II
2 of this Act that is situated on the mountain on the island of
3 Hawaii, known variously as Mauna Kea, Maunakea, Mauna a Wakea,
4 Mauna O Wakea, Ka Mauna a Kea, or Mauna Akea.

5 "Mauna Kea lands" means all lands held in trust or
6 otherwise controlled by the Mauna Kea management authority.

7 "Person" includes individual, partnership, corporation, and
8 association, except as otherwise defined in this chapter.

9 "Vice chairperson" means the vice chairperson of the Mauna
10 Kea management authority.

11 **§ -3 Mauna Kea management authority; established. (a)**

12 There is established the Mauna Kea management authority, which
13 shall be a body corporate and a public instrumentality of the
14 State for the purpose of implementing this chapter. The
15 authority shall be attached to the department of accounting and
16 general services for administrative purposes.

17 (b) The authority shall consist of seven voting members
18 who shall be subject to section 26-34. The members shall
19 include:



- 1 (1) An expert in astronomy who is not currently employed
- 2 at an astronomy facility or the University of Hawaii's
- 3 institute for astronomy;
- 4 (2) A land management expert;
- 5 (3) Two business experts whose expertise is in real
- 6 estate, property appraisal, accounting, finance,
- 7 economics, or innovation;
- 8 (4) An environmental expert whose expertise is in
- 9 environmental sciences of relevance to the natural
- 10 resources and ecological attributes of Mauna Kea, as
- 11 evidenced by a college or post-graduate degree in
- 12 biology, ecology, or other relevant field, or work
- 13 history that demonstrates an appropriate level of
- 14 knowledge in Mauna Kea's natural resources and
- 15 ecological attributes;
- 16 (5) A practitioner or lineal descendant of practitioners
- 17 of Native Hawaiian traditional and customary practices
- 18 associated with Mauna Kea; provided that such
- 19 representative shall have been appointed from a list
- 20 of nominees submitted to the governor by the office of
- 21 Hawaiian affairs; and



1 (6) An individual with demonstrated expertise in Native
2 Hawaiian traditional and customary practices or
3 Hawaiian history, as evidenced by:

4 (A) A college or post-graduate degree in a relevant
5 field, such as Hawaiian studies, native Hawaiian
6 law, native Hawaiian traditional and customary
7 practices, or related subject area;

8 (B) Work history that demonstrates an appropriate
9 level of knowledge in native Hawaiian traditional
10 and customary practices or native Hawaiian
11 history; or

12 (C) Substantial experience as a native Hawaiian
13 traditional and customary practitioner;
14 provided that such representative shall have been
15 appointed from a list of nominees submitted to the
16 governor by the office of Hawaiian affairs;

17 provided that four members of the authority shall be residents
18 of the county of Hawaii.

19 A majority of all members shall constitute a quorum to do
20 business, and the concurrence of a majority of all members shall
21 be necessary to make any action of the authority valid. All



1 members shall continue in office until their respective
2 successors have been selected, or appointed and confirmed.

3 (c) The authority shall annually elect the chairperson and
4 vice chairperson from among its members.

5 (d) The members of the authority shall serve for a term of
6 four years and shall not serve more than two terms; provided
7 that the initial terms shall be staggered, as determined by the
8 governor.

9 (e) The members of the authority appointed under
10 subsection (b) shall be compensated commensurately with trustees
11 of the office of Hawaiian affairs pursuant to section 10-9;
12 provided that salary and all expenses under this subsection
13 shall be paid exclusively from the Mauna Kea management
14 revolving fund under section -35.

15 (f) The authority's day-to-day operations shall be led by
16 the chairperson. The authority's organizational structure shall
17 include but not be limited to six divisions as follows:

18 (1) Enforcement, which shall be led by a chief enforcement
19 officer and include communication center operators,
20 rangers and other law enforcement officers pursuant to
21 section -41, and other staff. This division shall



1 be responsible for the health, safety, and welfare of
2 visitors to Mauna Kea, including responding to
3 emergencies of a medical or law enforcement nature,
4 and for the protection of natural resources;

5 (2) Culture and the environment, which shall be led by a
6 chief culture and environment officer and be
7 responsible for the protection, preservation, and
8 appreciation of cultural and environmental resources
9 within the authority's managed areas. This division
10 shall work with lineal descendants, community members,
11 environmentalists, and individuals traditionally
12 associated with cultural resources on Mauna Kea
13 through appropriate programs of research, planning,
14 and stewardship. This division shall also work with
15 the state historic preservation division and the
16 Hawaii island burial council, as necessary;

17 (3) Revenue management, which shall be led by a chief
18 financial officer and be responsible for the fiscal
19 management of all financial resources associated with
20 the Mauna Kea summit, observatories, Hale Pohaku,
21 visitor center, and all commercial activities,



1 including budget and accounting functions. A
2 certified public accountant shall be a member of the
3 division staff;

4 (4) Operations, which shall be led by a chief operations
5 officer and be responsible for planning and organizing
6 operations to achieve maximum efficiency and for the
7 daily management and oversight of Mauna Kea's
8 facilities, parks, trails, and natural and cultural
9 resources. This division shall also manage the entry
10 and access center, cultural and visitor center, all
11 infrastructure within the authority's jurisdiction,
12 the Mauna Kea access road, and all water, wastewater,
13 and power functions associated with summit and Hale
14 Pohaku operations;

15 (5) Legal, which shall be led by a chief legal officer and
16 general counsel and shall be responsible for
17 overseeing all applications of all laws, court
18 decisions, and rules pertaining to the authority, and
19 shall include attorneys who shall be responsible for
20 the management of contracts, subleases, memoranda of



1 understanding, and memoranda of agreement entered into
2 by the authority; and
3 (6) Community relations, which shall be led by a chief
4 community relations officer and be responsible for
5 strengthening community engagement and education
6 through grants, scholarships, and community benefits
7 programs. Community relations staff shall work in
8 coordination with community and business groups, the
9 department of education, and the University of Hawaii
10 to prepare local residents for careers in the science,
11 technology, engineering, and mathematics fields. This
12 division shall also coordinate interactive educational
13 opportunities for Mauna Kea visitors and develop a
14 summit access program and a peace park concept at Hale
15 Pohaku.

16 **§ -4 Powers and responsibilities; generally.** (a) The
17 authority shall hold title to the lands situated on Mauna Kea as
18 identified in section -2 and shall establish access,
19 stewardship, and management policies for Mauna Kea lands,
20 including but not limited to policies pertaining to the



1 protection of natural and cultural resources, all recreational
2 activities, and all commercial uses.

3 Except as otherwise limited by this chapter, the authority
4 may:

- 5 (1) Sue and be sued;
- 6 (2) Have a seal and alter the same at pleasure;
- 7 (3) Make and execute contracts, leases, and all other
8 instruments necessary or convenient for the exercise
9 of its powers and functions under this chapter;
- 10 (4) Make and alter bylaws for its organization and
11 internal management;
- 12 (5) Adopt rules pursuant to chapter 91 for the purposes of
13 this chapter;
- 14 (6) Appoint officers, agents, and employees, prescribe
15 their duties and qualifications, and fix their
16 salaries, subject to chapters 76 and 89;
- 17 (7) Prepare or cause to be prepared a current and
18 comprehensive management plan for all aspects of
19 public and private access and use of Mauna Kea lands,
20 which shall include benchmarks;



- 1 (8) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;
- 8 (9) Procure insurance against any loss in connection with
9 its property and other assets and operations in
10 amounts and from insurers as it deems desirable;
- 11 (10) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;
- 13 (11) Adopt rules governing the procurement and purchase of
14 goods, services, and construction, subject to the
15 requirements of chapter 103D;
- 16 (12) Prevent illegal activities on, unlawful occupation of,
17 or trespassing on Mauna Kea lands;
- 18 (13) Cause all trespassers and persons unlawfully occupying
19 Mauna Kea lands, and their effects, and all animals
20 trespassing on the lands to be removed therefrom and
21 to impound the animals according to law;



- 1 (14) Enter any Mauna Kea lands in order to take possession
- 2 thereof, and to resume possession of any Mauna Kea
- 3 lands in case of surrender, forfeiture, or escheat;
- 4 (15) Enforce contracts respecting sales, leases, licenses,
- 5 permits, or other disposition of Mauna Kea lands;
- 6 (16) Recover money due the authority for damage done to any
- 7 Mauna Kea lands by wrongful entry and occupation or by
- 8 wrongful removal therefrom or destruction of any
- 9 property;
- 10 (17) Bring actions and proceedings as may be necessary to
- 11 carry out the powers and duties of the authority in
- 12 the name of the State and to defend actions brought
- 13 against the State as may be authorized;
- 14 (18) Enforce laws and rules within all Mauna Kea lands,
- 15 pursuant to sections -3(f)(1), -39, and -40;
- 16 (19) Do any and all things necessary to carry out its
- 17 purposes and exercise the powers given and granted in
- 18 this chapter;
- 19 (20) Review, revise, and update as necessary all management
- 20 plans for Mauna Kea, including but not limited to the
- 21 2000 Mauna Kea science reserve master plan, the 2009



1 Mauna Kea comprehensive management plan, the cultural
2 resources management plan, the natural resources
3 management plan, the public access plan, and the
4 decommissioning plan; and

5 (21) Adopt advisory committees to advise the authority on
6 culture, science, environment, education, astronomy,
7 and business.

8 (b) Notwithstanding any other law to the contrary:

9 (1) The authority may grant easement, by direct
10 negotiation or otherwise, for particular purposes in
11 perpetuity on terms as may be set by the board,
12 subject to revert to the authority upon termination
13 or abandonment of the specific purpose for which it
14 was granted; provided the sale price of the easement
15 shall be determined pursuant to section -8; and

16 (2) No person who has had a previous sale, lease, license,
17 permit, or easement covering Mauna Kea lands canceled,
18 during the five years preceding the date of
19 disposition, for failure to satisfy the terms and
20 conditions thereof shall be eligible to purchase or



1 lease Mauna Kea lands or to be granted a license,
2 permit, or easement covering Mauna Kea lands.

3 § -5 **Auction.** Except as otherwise specifically
4 provided, all disposition of lands by the authority shall be
5 made at public auction after public notice as provided in
6 section -7. All applicable auctions shall be held at the
7 door of the office of the land agent or at a place that is
8 convenient in the district in which the land is located, and
9 shall be conducted by the land agent or by any authorized
10 employee of the authority under the direction of the authority,
11 all of whom shall perform this service without extra
12 compensation.

13 § -6 **Drawing.** Whenever Mauna Kea lands are to be leased
14 by drawing, the authority shall notify by publication of
15 applications for the drawing as provided in section -7 with
16 all details concerning the drawing as it shall deem necessary
17 and desirable. Applications to participate in the drawing shall
18 be filed with the authority within two weeks after the last
19 publication date. Within forty-five days after the closing date
20 for applications, the authority shall screen the qualifications
21 of the applicants, select those qualified to participate, notify



1 all applicants of the selection, and conduct a drawing. The
2 date of the drawing shall be published as set forth in section
3 -7. The award shall be made within one week and all
4 applicants shall be notified of the result of the drawing. The
5 lease shall be issued within ninety days after the drawing or
6 when conditions of sale are fulfilled.

7 **§ -7 Notices.** (a) Auctions. Public notice of any
8 proposed disposition by auction shall be given at least once
9 statewide and once in the county where the land being disposed
10 of is located. Notice of the auction shall contain the
11 following:

- 12 (1) Time and place of the auction;
- 13 (2) General description of the land, including the address
14 and tax map key;
- 15 (3) Specific use for which the disposition is intended;
16 and
- 17 (4) Rental price to be charged. The maps showing the
18 metes and bounds description and the classification of
19 the land shall be kept in the office of the authority
20 and of its land agent in the county in which the land



1 is situated, and shall be open for inspection at all
2 reasonable hours.

3 (b) Drawings. Whenever a disposition by drawing by lots
4 is proposed, public notice inviting applications to participate
5 in the drawing shall be given once statewide and once in the
6 county where the land being disposed of is located. The notice
7 shall contain:

8 (1) The qualifications required of applicants;

9 (2) A general description of the land, including the
10 address and tax map key;

11 (3) Specific use for which the disposition is intended;
12 and

13 (4) Date by which all applications must be filed, which
14 shall be not less than fourteen days after the last
15 notice.

16 Within forty-five days after the closing date for applications,
17 the authority shall select those qualified to participate in the
18 drawing, notify all applicants as to whether or not they
19 qualified, and conduct the drawing.

20 The notice of selection of applicants qualified to
21 participate in the drawing, together with the notice of drawing,



1 shall be mailed to each applicant, whether or not the applicant,
2 in fact, qualified. The notice of the drawing shall state the
3 time and place of the drawing. Upon completion of the drawing,
4 the award shall be announced within one week, and the lease
5 issued within ninety days after the drawing or when the
6 conditions of the sale are fulfilled.

7 (c) Negotiation. Public notice of a proposed disposition
8 by negotiation shall be given at least once statewide and once
9 in the county where the land being disposed of is located;
10 provided that the notices are not required for permits. The
11 notice shall invite proposals and state in general terms the
12 size, location, and prices or rental of lots to be leased, the
13 terms of lease, and the last date upon which application will be
14 received by the authority, which shall not be less than thirty
15 days after the last date of the notice. The notice shall also
16 state the times and places at which more detailed information
17 with respect to the lease may be secured by interested persons.

18 (d) In addition to giving public notice, any public notice
19 required under this section shall also be posted on the Internet
20 in an easily-located manner.



1 **§ -8 Appraisals.** (a) The appraisal of Mauna Kea lands
2 for lease at public auction for the determination of the upset
3 price may be performed by an employee of the authority qualified
4 to appraise lands, or by at least one but not more than three
5 disinterested appraisers whose services shall be contracted for
6 by the authority; provided that the upset rental shall be
7 determined by disinterested appraisal whenever prudent
8 management so dictates. No lands shall be leased for a sum less
9 than the value fixed by appraisal; provided that for any lease
10 at public auction, the authority board may establish the rental
11 price at less than the appraisal value set by an employee of the
12 authority and the lands may be leased at that price. The
13 authority shall be reimbursed by the lessee for the cost of any
14 appraisal required to be made by a disinterested appraiser or
15 appraisers contracted for by the authority.

16 (b) The lease rental of lands to be disposed of by drawing
17 or by negotiation shall be no less than the value determined by:

18 (1) An employee of the authority qualified to appraise
19 lands; or

20 (2) A disinterested appraiser or appraisers whose services
21 shall be contracted for by the authority, and the



1 appraisal and any further appraisal with the approval
2 of the authority, shall be at the cost of the lessee;
3 provided that the lease rental shall be determined by
4 disinterested appraisal whenever prudent management so dictates;
5 provided further that if the lessee does not agree upon the
6 lease rental, the lessee may appoint an appraiser who shall
7 conduct an appraisal on behalf of the lessee. If, after the
8 lessee's appraisal, the authority and the lessee do not agree on
9 the lease rental, the parties shall make a good faith effort to
10 resolve the dispute through nonbinding mediation by a single
11 mediator, appointed by mutual agreement of the parties. The
12 cost of mediation shall be borne equally by the parties. If
13 mediation does not resolve the dispute, the lessee's appraiser
14 together with the authority's appraiser shall appoint a third
15 appraiser, and the lease rental shall be determined by
16 arbitration as provided for in chapter 658A, which shall be
17 final and binding. The lessee shall pay for all appraisal
18 costs, except that the cost of the third appraiser shall be
19 borne equally by the lessee and the authority.

20 (c) If a reopening of the rental to be paid on a lease
21 occurs, the rental for any ensuing period shall be the fair



1 market rental at the time of reopening. At least six months
2 prior to the time of reopening, the fair market rental shall be
3 determined by:

4 (1) An employee of the authority qualified to appraise
5 lands; or

6 (2) A disinterested appraiser whose services shall be
7 contracted for by the authority,

8 and the lessee shall be promptly notified of the determination
9 and provided with the complete appraisal prepared by the
10 authority or the authority's appraiser; provided that if the
11 lessee does not agree upon the fair market rental, the lessee
12 may appoint the lessee's own appraiser and the lessee shall
13 provide the authority with the complete appraisal prepared by
14 the lessee's appraiser. Each party shall pay for its own
15 appraiser. If the authority's and the lessee's appraisers do
16 not agree upon the lease rental, the lessee and the authority
17 shall in good faith attempt to resolve the dispute by nonbinding
18 mediation by a single mediator mutually agreed upon by the
19 parties. If the dispute is not resolved by the mediation, the
20 fair market rental shall be determined by arbitration as
21 provided in chapter 658A, which shall be final and binding.



1 Either the authority or the lessee may initiate arbitration by a
2 written demand to the other party. The arbitration shall be
3 conducted by a single arbitrator, who shall be an attorney
4 licensed in the State, a person with experience in contracts and
5 real estate valuation, or another qualified person, who shall be
6 mutually agreed upon by the parties. If an arbitrator is not
7 selected within fifteen days of the demand for arbitration,
8 appointment of an arbitrator may be requested by either party by
9 motion made to the circuit court in the circuit in which the
10 land is located. The cost of mediation or arbitration shall be
11 borne equally by the lessee and the authority. Any language in
12 present leases to the contrary notwithstanding, the provisions
13 of this subsection, when possible and notwithstanding the six-
14 month notice required, shall apply to leases with original lease
15 rental reopening dates effective before and after July 1, 1996.

16 (d) Complete appraisal reports, including all comparables
17 relied upon in the appraisal reports, shall be available for
18 study by the public. All complete appraisal reports shall be
19 provided to the opposing party prior to the commencement of
20 mediation or arbitration, if applicable, of the valuation
21 dispute.



1 § -9 Notice of breach or default. Except as otherwise
2 specifically provided in this chapter, if a breach or default of
3 any term, covenant, restriction, or condition of any lease
4 heretofore or hereafter issued under this chapter occurs, the
5 authority shall deliver a written notice of the breach or
6 default by personal service or by registered or certified mail
7 to the party in default and to each holder of record having any
8 security interest in the land covered by or subject to the lease
9 making demand upon the party to cure or remedy the breach or
10 default within sixty days from the date of receipt of the
11 notice; provided that where the breach involves a failure to
12 make timely rental payments pursuant to the lease heretofore or
13 hereafter issued under this chapter, the written notice shall
14 include a demand upon the party to cure the breach within less
15 than sixty days, but not less than five business days, after
16 receipt of the notice. Upon failure of the party to cure or
17 remedy the breach or default within the time period provided
18 herein or within an additional period as the authority may allow
19 for good cause, the authority may exercise rights it may have at
20 law or as set forth in the lease, subject to section 171-10.



1 § -10 Rights of holder of security interest. Whenever
2 any notice of breach or default is given to any party under
3 section -9, or under the terms of any lease, license,
4 agreement, or other instrument issued or to be issued under this
5 chapter, a copy of the notice shall be delivered by the
6 authority to all holders of record of any security interest in
7 the land or interest covered by the lease, license, agreement,
8 or other instrument whose security interest has been recorded
9 with the authority. If the authority seeks to forfeit the
10 privilege, interest, or estate created by the lease, license,
11 agreement, or other instrument, each holder, at the holder's
12 option, may cure or remedy the breach or default, if it can be
13 cured or remedied, by the payment of money or by performing or
14 undertake in writing to perform all the terms, covenants,
15 restrictions, or conditions of any lease, patent, license,
16 agreement, or other instrument capable of performance by the
17 holder, as determined by the board, within the time period
18 provided in section -9 or within an additional period as the
19 authority may allow for good cause and add the cost thereof to
20 the mortgage debt and the lien of the mortgage. Any lease,
21 license, agreement, or other instrument transferred pursuant to



1 this section shall not be subject to the requirements in section

2 -5. Upon failure of the holder to exercise the holder's
3 option, the authority may:

- 4 (1) Pay to the holder from any moneys at its disposal,
5 including the Mauna Kea management revolving fund,
6 which is made available for that purpose, the amount
7 of the mortgage debt, together with interest and
8 penalties, and secure an assignment of the debt and
9 mortgage from the holder, or if ownership of the
10 interest or estate has vested in the holder by way of
11 foreclosure or action in lieu thereof, the authority
12 shall be entitled to a conveyance of the interest or
13 estate upon payment to the holder of the amount of the
14 mortgage debt, including interest and penalties, and
15 all reasonable expenses incurred by the holder in
16 connection with the foreclosure and preservation of
17 its security interest, less appropriate credits,
18 including income received from the privilege,
19 interest, or estate subsequent to the foreclosure; or
- 20 (2) If the property cannot be reasonably reassigned
21 without loss to the State, then terminate the



1 outstanding privilege, interest, or estate without
2 prejudice to any other right or remedy for arrears of
3 rent or for any preceding or other breach or default,
4 and use its best efforts to redispense of the affected
5 land to a qualified and responsible person free and
6 clear of the mortgage and the debt thereby secured;
7 provided that a reasonable delay by the authority in
8 instituting or prosecuting any right or remedy it may
9 have under this section shall not operate as a waiver
10 of the right or deprive it of the remedy when it may
11 still attempt otherwise to resolve the problems
12 created by the breach or default involved.

13 The proceeds of any redispense under paragraph (2) shall be
14 applied: first, to reimburse the authority for costs and
15 expenses in connection with the redispense; second, to
16 discharge in full any unpaid purchase price or other
17 indebtedness owing the State in connection with the privilege,
18 interest, or estate terminated; third, to the mortgagee to the
19 extent of the value received by the State upon redispense
20 that exceeds the fair market lease value of the land as
21 previously determined by the State's appraiser; and fourth, to



1 the owner of the privilege, interest, or estate. Nothing
2 contained in this section shall be construed in a manner as to
3 infringe upon or prejudice in any way the rights of a holder of
4 record having a security interest that has vested prior to the
5 effective date of this chapter.

6 **§ -11 Report to legislature.** (a) The authority shall
7 submit a written report annually to the legislature, no later
8 than ten days prior to the convening of each regular session.
9 The report shall include an update on the status of all
10 administrative rules, including rules on the management,
11 stewardship, and protection of Mauna Kea lands and cultural
12 resources; an update on the preparation, update, amendment, and
13 implementation of a comprehensive management plan; and a
14 description of all land dispositions made in the preceding year,
15 including leases, licenses, concessions, and permits, the
16 persons to whom made, the size of each disposition, the purpose
17 for which made, the land classification of each, the tax map key
18 number, the per unit price paid or set, and whether the
19 disposition was by auction, drawing, or negotiation. When land
20 originally leased by the authority is, in turn, subleased by the
21 authority's lessee or sublessee, the report shall include, in



1 addition to the foregoing information, the reason for the
2 approval of the sublease by the authority and the estimated net
3 economic result accruing to the State, lessee, and sublessee.

4 (b) Whenever in this chapter any lease, easement, license,
5 executive order, quitclaim, or other disposition is made subject
6 to disapproval of the legislature, a written report thereof
7 containing the information required in subsection (a) shall be
8 submitted to the legislature in the session next following the
9 date of the disposition, provided the report shall be submitted
10 no later than ten days prior to the convening of the session.

11 § -12 Policy. Unless otherwise specifically authorized
12 in this chapter or by subsequent legislative acts, all
13 dispositions shall be by lease only, disposed of by public
14 auction in accordance with the procedure set forth in sections
15 -5 and -7.

16 § -13 Planning; generally. Prior to any notice of
17 intended disposition, the authority shall:

- 18 (1) Classify the land according to its use or uses as
19 provided in this chapter;
- 20 (2) Determine the specific use or uses for which the
21 disposition is intended;



- 1 (3) Parcel land into units of minimum size areas related
2 to the intended specific use or uses and sufficient
3 for an economic operation, hereinafter called an
4 "economic unit";
- 5 (4) Determine the requirements for the construction of any
6 building or other improvements, which are necessary or
7 desirable to encourage the highest use of the land;
- 8 (5) Determine the lease rental, based upon the fair market
9 value of the land employed to the specific use or uses
10 for which the disposition is being made, with due
11 consideration for all of the terms and conditions of
12 the disposition;
- 13 (6) Determine the necessary conditions of disposition that
14 will discourage speculation;
- 15 (7) In the case of leases, determine the minimum tenure
16 necessary to support the intended use or uses and the
17 necessity for periodic rent openings in long-term
18 leases to assure the State a fair return;
- 19 (8) Prepare the proposed documents and make them available
20 for public inspection; and



1 (9) Determine, two years before the expiration of the term
2 of any lease, whether the premises are to be demised
3 for the same use or uses under a new lease or whether
4 all or any part thereof is to be reserved for other
5 use or uses and then promptly notify the lessee of the
6 determination.

7 § -14 Lease provisions; generally. Every lease issued
8 by the authority shall contain:

- 9 (1) The specific use or uses to which the land is to be
10 employed;
- 11 (2) The improvements required; provided that a minimum
12 reasonable time be allowed for the completion of the
13 improvements;
- 14 (3) Restrictions against alienation as set forth in
15 section -15;
- 16 (4) The rent, as established by the authority or at public
17 auction, which shall be payable not more than one year
18 in advance, in monthly, quarterly, semiannual, or
19 annual payments;
- 20 (5) Where applicable, adequate protection of forests,
21 watershed areas, game management areas, wildlife



1 sanctuaries, and public hunting areas, reservation of
2 rights-of-way and access to other Mauna Kea lands,
3 public hunting areas, game management areas, or public
4 beaches, and prevention of nuisance and waste; and
5 (6) Any other terms and conditions as the authority deems
6 advisable to more nearly effectuate the purposes of
7 the state constitution and of this chapter.

8 § -15 Lease restrictions; generally. (a) Except as
9 otherwise provided, the following restrictions shall apply to
10 all leases:

- 11 (1) Options for renewal of terms are prohibited;
- 12 (2) No lease shall be for a longer term than sixty-five
13 years;
- 14 (3) No lease shall be made for any land under a lease that
15 has more than two years to run;
- 16 (4) No lease shall be made to any person who is in arrears
17 in the payment of taxes, rents, or other obligations
18 owing the State or any county;
- 19 (5) No lease shall be transferable or assignable, except
20 by devise, bequest, or intestate succession; provided
21 that with the approval of the authority, the



1 assignment and transfer of a lease or unit thereof may
2 be made in accordance with current industry standards,
3 as determined by the authority; provided further that
4 prior to the approval of any assignment of lease, the
5 authority shall have the right to review and approve
6 the consideration to be paid by the assignee and may
7 condition its consent to the assignment of the lease
8 on payment by the lessee of a premium based on the
9 amount by which the consideration for the assignment,
10 whether by cash, credit, or otherwise, exceeds the
11 depreciated cost of improvements and trade fixtures
12 being transferred to the assignee; provided further
13 that with respect to state agricultural leases, in the
14 event of foreclosure or sale, the premium, if any,
15 shall be assessed only after the encumbrances of
16 record and any other advances made by the holder of a
17 security interest are paid;

- 18 (6) The lessee shall not sublet the whole or any part of
19 the demised premises except with the approval of the
20 authority; provided that prior to the approval, the
21 authority shall have the right to review and approve



1 the rent to be charged to the sublessee; provided
2 further that in the case where the lessee is required
3 to pay rent based on a percentage of its gross
4 receipts, the receipts of the sublessee shall be
5 included as part of the lessee's gross receipts;
6 provided further that the authority shall have the
7 right to review and, if necessary, revise the rent of
8 the demised premises based upon the rental rate
9 charged to the sublessee including the percentage
10 rent, if applicable, and provided that the rent may
11 not be revised downward;

12 (7) The lease shall be for a specific use or uses and
13 shall not include waste lands, unless it is
14 impractical to provide otherwise; and

15 (8) Mineral and metallic rights and surface and ground
16 water shall be reserved to the State.

17 (b) The authority, from time to time, may:

18 (1) Modify or eliminate any of the restrictions specified
19 in subsection (a);

20 (2) Extend or modify the fixed rental period of the lease;
21 provided that the aggregate of the initial term and



1 any extension granted shall not exceed sixty-five
2 years; or

3 (3) Extend the term of the lease,
4 to the extent necessary to qualify the lease for mortgage
5 lending or guaranty purposes with any federal mortgage lending
6 agency; to qualify the lessee for any state or private lending
7 institution loan, private loan guaranteed by the State, or any
8 loan in which the State and any private lender participates; or
9 to amortize the cost of substantial improvements to the demised
10 premises that are paid for by the lessee without institutional
11 financing, the extension being based on the economic life of the
12 improvements as determined by the authority or an independent
13 appraiser; provided that the approval of any extension shall be
14 subject to the following:

15 (1) The demised premises have been used substantially for
16 the purpose for which they were originally leased;

17 (2) The aggregate of the initial term and any extension
18 granted shall not be for more than sixty-five years;

19 (3) If a reopening occurs, the rental for any ensuing
20 period shall be the fair market rental at the time of
21 reopening;



1 (4) Any federal or private lending institution shall be
2 qualified to do business in the State;

3 (5) Proceeds of any mortgage or loan shall be used solely
4 for the operations or improvements on the demised
5 premises;

6 (6) Where improvements are financed by the lessee, the
7 lessee shall submit receipts of expenditures within a
8 time period specified by the authority, otherwise the
9 lease extension shall be canceled; and

10 (7) The rules of the authority, setting forth any
11 additional terms and conditions, which shall ensure
12 and promote the purposes of the demised lands.

13 (c) The authority, from time to time, during the term of
14 any lease, may modify or eliminate any of the restrictions
15 specified in subsection (a), extend or modify the fixed rental
16 period of the lease, or extend the term of the lease upon a
17 showing of significant economic hardship directly caused by:

18 (1) State disaster, pursuant to chapter 209, including
19 seismic or tidal wave, tsunami, hurricane, volcanic
20 eruption, typhoon, earthquake, flood, or severe
21 drought; or



1 (2) A taking of a portion of the area of the lease by
2 government action by eminent domain, withdrawal, or
3 conservation easement; provided that the portion taken
4 shall not be less than ten per cent of the entire
5 leased area unless otherwise approved by the
6 authority; and provided further that the authority
7 determines that the lessee will not be adequately
8 compensated pursuant to the lease provisions.

9 (d) The approval of any extension granted pursuant to
10 subsection (c) shall be subject to the following:

11 (1) The demised premises has been used substantially for
12 the purposes for which they were originally leased;

13 (2) The aggregate of the initial term and any extension
14 granted shall not be for more than fifty-five years;

15 (3) The rental shall not be less than the rental for the
16 preceding term;

17 (4) The rules of the authority, setting forth any
18 additional terms and conditions that shall ensure and
19 promote the purposes of the demised lands; and



1 (5) The length of the extension shall not exceed a
2 reasonable length of time for the purpose of providing
3 relief and shall in no case exceed five years.

4 § -16 Reservation of rights to prehistoric and historic
5 remains on leased lands. The authority, in leases of lands,
6 shall retain the rights to all prehistoric and historic remains
7 found on those lands.

8 § -17 Lands for historic preservation and restoration.

9 (a) Any law to the contrary notwithstanding, the authority may
10 lease lands for use in historic preservation and restoration
11 projects:

12 (1) Through negotiations; and

13 (2) For a price that shall be determined by the authority.

14 (b) The authority shall adopt rules pursuant to chapter 91
15 to determine what constitutes historic preservation and
16 restoration projects for the purposes of this section; provided
17 that no definition or criteria established shall conflict with
18 any federal, state, or county law.

19 (c) All subleases of land disposed of pursuant to this
20 section shall be subject to the approval of the authority.



1 **§ -18 Condemnation of leases.** Every lease issued by the
2 authority shall provide that whenever a portion of the public
3 land under lease is condemned for public purposes by the State,
4 any county or city and county, or any other governmental agency
5 or subdivision, the rental shall be reduced in proportion to the
6 value of the portion of the premises condemned and the lessee
7 shall be entitled to receive from the condemning authority the
8 proportionate value of the lessee's permanent improvements taken
9 in the proportion that it bears to the unexpired term of the
10 lease. The lessee, in the alternative, may remove and relocate
11 the lessee's improvements to the remainder of the lands occupied
12 by the lessee. The foregoing rights of the lessee shall not be
13 exclusive of any other to which the lessee may be entitled by
14 law. Where the portion taken renders the remainder unsuitable
15 for the uses for which the land was leased, the lessee shall
16 have the option to surrender the lessee's lease and be
17 discharged for any further liability therefor; provided that the
18 lessee may remove the lessee's permanent improvements within a
19 reasonable period allowed by the authority.

20 **§ -19 Leases; forfeiture.** Upon the violation of any
21 condition or term of any lease to be observed or performed by



1 the lessee or tenant, the authority, after the notice of default
2 as provided in section -9, and subject to the rights of each
3 holder of record having a security interest as provided in
4 section -10, shall terminate the lease or tenancy and take
5 possession of the leased land, without demand or previous entry
6 and without legal process, together with all improvements placed
7 thereon and shall retain all rent paid in advance as damages for
8 the violations.

9 § -20 Expired leases; holdover. Upon expiration of the
10 lease term, if the leased land is not otherwise disposed of, the
11 authority may allow the lessee to continue to hold the land for
12 a period not exceeding one year upon the rent, terms, and
13 conditions as the authority may prescribe.

14 Upon expiration of the one-year extension, if the authority
15 has not yet decided upon the re-lease of the land or reservation
16 for other purposes, the authority may issue a temporary permit
17 to the lessee, subject to the rent and other terms and
18 conditions as the authority may prescribe.

19 § -21 Lessees within the last ten years of their lease
20 terms; requests for interest. (a) Notwithstanding any other
21 law to the contrary, and except as otherwise provided in section



1 -15(b) and (c), a lessee of public land that is classified as
2 conservation lands pursuant to section 171-10, and that is
3 subject to the management, administration, or control of the
4 authority, during the last ten years of the term of the original
5 lease, may submit a written request to the authority to initiate
6 a request for interest process as provided in this section.

7 (b) Within one hundred eighty days of a lessee's written
8 request to initiate a request for interest, the authority shall:

9 (1) Appraise the value of the land and any improvements to
10 the land that existed as of the date of the written
11 request pursuant to section -8(a) and require the
12 awardee of a new lease executed pursuant to this
13 section to reimburse the department for the appraisal;
14 and

15 (2) Publish a request for interest and request for
16 qualifications notice inviting persons to express
17 their interest in leasing the land and their
18 qualifications as potential lessees and describing any
19 improvements to the land that exist as of the date of
20 the written request. The notice shall be given at



1 least once statewide and at least once in the county
2 where the land is located and shall contain:

3 (A) The qualifications required of eligible lessees;

4 (B) A general description of the land, including the
5 address and tax map key, and of any improvements
6 to the land that existed as of the date of the
7 written request;

8 (C) That the land to be leased is classified as
9 conservation lands pursuant to section 171-10;

10 (D) The appraised value of the land and of any
11 improvements to the land that existed as of the
12 date of the written request;

13 (E) The closing date and manner by which a person
14 shall indicate interest and submit a statement of
15 qualifications; and

16 (F) Notice that a business plan is a prerequisite to
17 participate at time of auction or direct
18 negotiation, if applicable, and shall be made a
19 term of the lease.

20 (c) Within ninety days after the closing date specified in
21 the notice, the authority shall determine if any persons have



1 qualified under the terms of the request for qualifications and
2 shall notify all persons who expressed interest as to whether
3 they qualified. The authority shall also notify the current
4 lessee as to whether any other persons qualified.

5 (d) The authority shall enter into direct negotiation with
6 the current lessee immediately upon notification if no other
7 qualified persons have expressed interest in the property.

8 (e) If the land is not leased pursuant to subsection (d)
9 within three years before the termination date of the lease, the
10 authority shall dispose of the land by public auction as
11 provided in this chapter; provided that the authority has
12 determined that at least one person, who:

13 (1) Is not the current lessee;

14 (2) Has been determined by the authority to be qualified;
15 and

16 (3) Has submitted a business plan prior to the date of the
17 auction,

18 has expressed interest in leasing the land and any improvements
19 to the land that existed as of the date of the written request
20 in subsection (a). The auction upset price shall be the greater
21 of the current rent or the fair market rent pursuant to



1 section -8(d) based upon the appraised value of the land and
2 any improvements to the land that existed as of the date of the
3 written request.

4 The current lessee may bid on a new lease at the public
5 auction. The current lessee's business plan shall be deemed
6 acceptable to the authority and the current lessee shall not be
7 required to submit a new business plan; provided that the
8 current lessee is in compliance with the terms of the existing
9 lease and has submitted a business plan prior to the date of the
10 auction.

11 (f) Lease terms for any new lease executed pursuant to
12 this section shall be determined by the authority and shall:

13 (1) Not commence prior to the termination of the current
14 lease;

15 (2) Establish the rent at no less than the greater of the
16 current rent or the fair market rent pursuant to
17 section -8(d) based upon the appraised value of the
18 land and any improvements to the land that existed as
19 of the date of the written request;

20 (3) If the lease is awarded after public auction to any
21 person other than the current lessee, include a



1 premium equal to the value of any improvements to the
2 land made after the date of the written request in
3 subsection (a), which shall be paid to the current
4 lessee prior to transfer of the land and improvements
5 to the new lessee; and

6 (4) Include the previously submitted business plan.

7 (g) Unless specifically required to do so by the
8 authority, the current lessee shall not be required to remove
9 improvements or restore the land to a vacant condition at the
10 expiration of the lease; provided that, without prejudice to any
11 other rights or remedies that the current lessee or State may
12 have, this subsection shall not alter any obligation of a
13 current lessee to indemnify, defend, and hold the State harmless
14 from any claims regarding pollution or contamination of the land
15 with potentially hazardous substances.

16 (h) This section shall not apply to:

17 (1) Any lessee who is in arrears in the payment of taxes,
18 rents, or other obligations owing to the State or any
19 county or who has had, during the five years preceding
20 the anticipated disposition of the applicable land at
21 a public auction or direct negotiation, a sale, lease,



1 license, permit, or easement covering other Mauna Kea
2 lands canceled for failure to satisfy the terms and
3 conditions thereof; or

4 (2) Any lease that is subject to cancellation for failure
5 to satisfy the terms or conditions of a lease,
6 license, permit, or easement covering Mauna Kea lands.

7 (i) As used in this section, "improvements" means all
8 physical improvements constructed, owned, or constructed and
9 owned by the lessee during the lease term and shall exclude all
10 infrastructure constructed, owned, or constructed and owned by
11 third parties, such as water and sewer pipes, electricity and
12 telephone lines and cables, or other infrastructure.

13 § -22 Lease to eleemosynary organizations. The
14 authority may lease, at a nominal consideration, by direct
15 negotiation and without recourse to public auction, public lands
16 to an eleemosynary organization that has been certified to be
17 tax exempt under section 501(c)(1) or 501(c)(3) of the Internal
18 Revenue Code of 1986, as amended. The lands shall be used by
19 the eleemosynary organizations for the purposes for which their
20 charter was issued and for which they were certified by the
21 Internal Revenue Service.



1 § -23 **Land license.** The authority may issue land
2 licenses affecting Mauna Kea lands for a period not exceeding
3 twenty years. No land license shall be disposed of except at
4 public auction as provided in this chapter; provided that the
5 authority, after publication of notice in accordance with
6 section -7, may dispose of a land license by negotiation,
7 without recourse to public auction, if it determines that the
8 public interest will best be served thereby. The disposition of
9 a land license by negotiation shall be upon such terms and
10 conditions as the authority determines shall best serve the
11 public interest.

12 § -24 **Permits.** Notwithstanding any other law to the
13 contrary, the authority may issue permits for the temporary
14 occupancy of state lands or an interest therein on a month-to-
15 month basis by direct negotiation without public auction, under
16 conditions and rent that will serve the best interests of the
17 State, subject, however, to those restrictions as may from time
18 to time be expressly imposed by the authority. A permit on a
19 month-to-month basis may continue for a period not to exceed one
20 year from the date of its issuance; provided that the authority



1 may allow the permit to continue on a month-to-month basis for
2 additional one-year periods.

3 **§ -25 Contract or license for concessions or concession**
4 **space.** The authority, subject to chapter 102, may dispose of
5 concessions, as defined in chapter 102, and shall enter into
6 contracts or issue licenses for those concessions; provided that
7 the duration of the contract or license shall be related to the
8 investment required, but in no event to exceed fifteen years.

9 **§ -26 Minerals and water rights.** Except as provided in
10 this section, the right to any mineral or surface or ground
11 water shall not be included in any lease, agreement, or sale,
12 this right being reserved to the State; provided that the
13 authority may make provisions in the lease, agreement, or sale,
14 for the payment of just compensation to the surface owner for
15 improvements taken as a condition precedent to the exercise by
16 the State of any reserved rights to enter, sever, and remove
17 minerals or to capture, divert, or impound water.

18 **§ -27 Disposition by negotiation.** A lease of Mauna Kea
19 lands may be disposed of through negotiation upon a finding by
20 the authority that the public interest demands it.



1 After a determination is made to negotiate the disposition
2 of a lease, the authority shall:

3 (1) Give public notice as in public auction, in accordance
4 with the procedure set forth in section -7(a), of
5 its intention to lease Mauna Kea lands through
6 negotiation setting forth the minimum conditions
7 thereunder, the use for which the land will be leased.
8 Any person interested in securing the lease shall file
9 an application with the authority not later than
10 forty-five days after the first publication of the
11 notice;

12 (2) Establish reasonable criteria for the selection of the
13 lessee; provided that where the intended use of the
14 land is agriculture, the department of agriculture
15 shall establish the criteria; and

16 (3) Determine the applicants who meet the criteria for
17 selection set by the authority or the department of
18 agriculture, as the case may be, and notify all
19 applicants of its determination. Any applicant may
20 examine the basis of the determination, which shall be
21 in writing, to ascertain whether or not the conditions



1 and criteria established by the authority or the
2 department of agriculture were followed; provided that
3 if any applicant does not notify the authority of the
4 applicant's objections, and the grounds therefor, in
5 writing, within twenty days of the receipt of the
6 notice, the applicant shall be barred from proceeding
7 to seek legal remedy for any alleged failure of the
8 authority to follow the conditions and criteria.

9 If only one applicant meets the criteria for selection of
10 the lessee, the authority, after notice as provided in paragraph
11 (3) may dispose of the lease by negotiation.

12 If two or more applicants meet the criteria for the
13 selection of the lessee, the authority shall select the lessee
14 who submits the highest offer contained in a sealed bid
15 deposited with the authority.

16 **§ -28 Covenants against discrimination.** The authority
17 shall provide in every deed, lease, agreement, license, or
18 permit that the use and enjoyment of the premises being granted
19 shall not be in support of any policy that discriminates against
20 anyone based upon race, creed, color, national origin, sex, or a
21 physical disability. The authority shall not dispose of any



1 Mauna Kea lands to any person who practices discrimination based
2 upon race, creed, color, national origin, sex, or a physical
3 disability. As used in this section, "physical disability"
4 means a physical impairment that substantially limits one or
5 more of a person's major life activities.

6 § -29 Disposition to governments, governmental agencies,
7 public utilities, and renewable energy producers. (a)

8 Notwithstanding any limitations to the contrary, the authority,
9 without public auction, may:

10 (1) Lease Mauna Kea lands to governments, agencies, public
11 utilities, and renewable energy producers for terms up
12 to, but not in excess of, sixty-five years at rental
13 and other terms and conditions as the authority may
14 determine;

15 (2) Grant licenses and easements to governments, agencies,
16 public utilities, and renewable energy producers on
17 terms and conditions as the authority may determine
18 for road, pipeline, utility, communication cable, and
19 other rights-of-way;

20 (3) Execute quitclaim deeds to governments and agencies,
21 with or without consideration, releasing any claim to



1 the property involved made upon disputed legal or
2 equitable grounds, whenever the authority in its
3 discretion deems it beneficial to the State; and

4 (4) Waive or modify building and other requirements and
5 conditions contained in deeds, sales agreements, or
6 leases held by governments and agencies whenever such
7 waiver or modification is beneficial to the State.

8 (b) In any disposition to public utilities under this
9 section:

10 (1) The lease rental shall be no less than the value
11 determined in accordance with section -8(b);
12 provided that the lease rental may be on a nominal
13 basis if the authority finds that an easement is
14 required in connection with a government project;

15 (2) Disposition shall not be made to any public utility if
16 the utility has suitable lands of its own; and

17 (3) The disposition to public utilities shall be subject
18 to disapproval by the legislature by two-thirds vote
19 of either the senate or the house of representatives
20 or by majority vote of both, in any regular or special
21 session next following the date of the disposition.



1 (c) For the purposes of this section:

2 "Public utility" shall have the same meaning as in section
3 269-1.

4 "Renewable energy producer" means:

5 (1) Any producer or developer of electrical or thermal
6 energy produced by wind, solar energy, hydropower,
7 geothermal resources, landfill gas, waste-to-energy,
8 ocean thermal energy conversion, cold seawater, wave
9 energy, biomass, including municipal solid waste,
10 biofuels or fuels derived from organic sources,
11 hydrogen fuels derived primarily from renewable
12 energy, or fuel cells where the fuel is derived
13 primarily from renewable sources that sell all of the
14 net power produced from the demised premises to an
15 electric utility company regulated under chapter 269
16 or that sells all of the thermal energy it produces to
17 customers of district cooling systems; provided that
18 up to twenty-five per cent of the power produced by a
19 renewable energy producer and sold to the utility or
20 to district cooling system customers may be derived
21 from fossil fuels; or



1 (2) Any grower or producer of plant or animal materials
2 used primarily for the production of biofuels or other
3 fuels; provided that nothing herein is intended to
4 prevent the waste product or by-product of the plant
5 or animal material grown or produced for the
6 production of biofuel, other fuels, electrical energy,
7 or thermal energy, from being used for other useful
8 purposes.

9 § -30 Telescopes; leases; impacts. In addition to any
10 other requirements under this chapter and other applicable law,
11 and notwithstanding the eleemosynary, governmental, or public
12 utility natures of any lessee, the authority shall take into
13 account, in issuing any lease pertaining to telescopes on Mauna
14 Kea lands, the value of land use, telescope viewing time, and
15 impacts to natural and cultural resources and traditional and
16 customary cultural practices, including the costs of preventing
17 and remediating any anticipated and potential unanticipated
18 impacts to land, natural and cultural resources, and cultural
19 sites that may result both directly and indirectly from those
20 land uses as a result of telescope-related activities.



1 **§ -31 Telescopes; limitations.** No more than thirteen
2 telescopes shall be present on Mauna Kea lands at any time;
3 provided that no more than nine telescopes shall be present on
4 Mauna Kea lands by January 1, 2028.

5 **§ -32 Footprint; limitations.** At no time shall the
6 total combined footprint of all improvements, including
7 buildings, roads, telescopes, decommissioned telescope
8 structures, and all infrastructure, on Mauna Kea lands exceed
9 the total developed footprint of improvements, including
10 buildings, roads, telescopes, and all infrastructure present on
11 Mauna Kea as of December 31, 2031.

12 **§ -33 Rules; management, stewardship, and protection of**
13 **cultural resources.** The authority shall expedite the
14 establishment of rules pursuant to chapter 91 on the management,
15 stewardship, and protection of lands and cultural resources, and
16 any fees and fee waivers under its jurisdiction; provided that
17 the authority shall consult with the office of Hawaiian affairs
18 to ensure that any rules shall not affect any right, customarily
19 and traditionally exercised for subsistence, cultural, and
20 religious purposes, by descendants of native Hawaiians who
21 inhabited the Hawaiian Islands prior to 1778, subject to the



1 right of the State to regulate such rights. Rules adopted under
2 this section shall follow existing law, rules, ordinances, and
3 regulations as closely as is consistent with standards to meet
4 minimum requirements of good design, health, safety, and
5 coordinated development; provided that the rules, at a minimum,
6 shall require that:

7 (1) A nominal fee shall be charged for all passenger and
8 commercial vehicles traveling to the Hale Pohaku
9 Visitor Center; and

10 (2) No privately owned vehicles shall travel to the Mauna
11 Kea summit unless they are:

12 (A) Four-wheel-drive vehicles; and

13 (B) Used to provide access for customarily and
14 traditionally exercised practices protected under
15 article XII, section 7, of the Hawaii State
16 Constitution or as otherwise provided by permit
17 or rule;

18 provided that no fee shall be charged for a private
19 vehicle to travel to the Mauna Kea summit for purposes
20 of providing access for customarily and traditionally



1 exercised practices protected under article XII,
2 section 7, of the Hawaii State Constitution.

3 On the effective date of the initial rules adopted pursuant
4 to this section, all rules pertaining to Mauna Kea lands,
5 established by the University of Hawaii, including but not
6 limited to the office of Mauna Kea management, Mauna Kea
7 management authority board, and Kahu Ku Mauna, shall be void.
8 The authority shall coordinate and enter into memoranda of
9 agreement as necessary with other government entities, including
10 the office of Hawaiian affairs, department of Hawaiian home
11 lands, department of land and natural resources, department of
12 transportation, and county of Hawaii with regard to the use and
13 maintenance of the portions of the Mauna Kea summit access road
14 that traverse lands controlled by those entities.

15 § -34 **Project approval authorization.** The authority is
16 authorized to approve or disapprove all projects, including but
17 not limited to design review, on all Mauna Kea lands; provided
18 that all land use complies with relevant conservation district
19 rules.

20 § -35 **Mauna Kea management revolving fund.** There is
21 established the Mauna Kea management revolving fund into which



1 all receipts and revenues of the authority shall be deposited.
2 Proceeds from the fund shall be used for administration, capital
3 improvement projects, and other purposes pursuant to this
4 chapter.

5 § -36 Expenditures of revolving funds under the
6 authority exempt from appropriation and allotment. Except as to
7 administrative expenditures, and except as otherwise provided by
8 law, expenditures from any revolving fund administered by the
9 authority may be made by the authority without appropriation or
10 allotment of the legislature; provided that no expenditure shall
11 be made from and no obligation shall be incurred against any
12 revolving fund in excess of the amount standing to the credit of
13 the fund or for any purpose for which the fund may not lawfully
14 be expended. Nothing in sections 37-31 to 37-41 shall require
15 the proceeds of any revolving fund administered by the authority
16 to be reappropriated annually.

17 § -37 Transfer and renegotiation of leases, subleases,
18 easements, permits, and licenses. All leases, subleases,
19 easements, permits, and licenses executed by the University of
20 Hawaii or department of land and natural resources, and
21 pertaining to Mauna Kea, shall be transferred to the authority



1 and shall be subject to renegotiation upon mutual agreement of
2 the parties. The authority shall renegotiate subleases
3 pertaining to telescopes on Mauna Kea in accordance with section
4 171-17 and take into account the value of land use and telescope
5 viewing time. In addition, any future leases shall include, at
6 a minimum, a stewardship component, community benefits package,
7 and conversion of the applicable facility to a self-contained,
8 zero-discharge waste system.

9 § -38 **Managed access.** The authority shall develop a
10 visitor center along the Mauna Kea summit access road that shall
11 include, at a minimum, a kiosk entrance to manage access to
12 Mauna Kea. All visitors who travel beyond the visitor center
13 shall be required to register at the visitor center, pay
14 applicable fees there, and receive orientation regarding safety,
15 environmental protection, and cultural traditions and
16 sensitivities. Except as provided under section -33 or this
17 section, all visitors who travel to the summit shall be required
18 to use a shuttle service established by the authority. The
19 authority shall establish a policy that allows reasonable access
20 without an entrance fee to visitors seeking to exercise Native



1 Hawaiian traditional and customary practices protected under
2 article XII, section 7, of the Hawaii State Constitution.

3 § -39 **Mauna Kea management authority; police powers.**

4 (a) The authority shall have police powers and may appoint and
5 commission enforcement officers, who shall be known as rangers.

6 Persons appointed and commissioned under this section shall have
7 and may exercise all of the powers and authority of a police
8 officer, including the power of arrest, and may enforce all
9 state laws and rules and county ordinances and rules within all
10 Mauna Kea lands; provided that those powers shall remain in
11 force and effect only while in actual performance of their
12 duties, which shall include off-duty employment when that
13 employment is for other state departments or agencies. These
14 enforcement officers shall consist of personnel whose primary
15 duty will be the protection of the health, safety, and welfare
16 of visitors to Mauna Kea, the enforcement of laws related to
17 crimes against property rights under parts II and III of chapter
18 708, protection of natural resources, and the enforcement of
19 other laws and rules as necessary.

20 (b) An enforcement officer, upon arresting any person, may
21 immediately take the person arrested to a police station or



1 before a district judge, or take the name, address, and the
 2 number of the licenses or permits, if any, of the person, and
 3 note the violation of the law or rule by the person, and issue
 4 the person a summons or citation, printed in the form described
 5 in section -41, warning the person to appear and to answer to
 6 the charge against the person at a certain place and time within
 7 seven days after the arrest. Any person failing to obey a
 8 summons issued pursuant to this section shall be subject to
 9 section -42.

10 § -40 Enforcement; rangers; powers; duties. (a)

11 Pursuant to section -3(f)(1), the authority shall establish a
 12 unit of rangers who shall enforce laws and rules within Mauna
 13 Kea lands.

14 (b) Rangers employed pursuant to this section shall be law
 15 enforcement officers who shall:

- 16 (1) Be responsible for the health, safety, and welfare of
- 17 visitors to Mauna Kea, including responding to
- 18 emergencies of a medical or law enforcement nature,
- 19 enforcement of laws related to crimes against property
- 20 rights under parts II and III of chapter 708, the



- 1 protection of natural resources, and the enforcement
2 of other laws and rules as necessary;
- 3 (2) Investigate complaints, gather evidence, conduct
4 investigations, and conduct field observations and
5 inspections as required or assigned;
- 6 (3) Cooperate with enforcement authorities of the State,
7 counties, and the federal government in the
8 development of programs and mutual aid agreements for
9 the protection of Mauna Kea and the enforcement of
10 applicable laws;
- 11 (4) Cooperate with established search and rescue agencies
12 of the State, counties, and the federal government in
13 developing plans and programs and mutual aid
14 agreements for search and rescue activities within the
15 State;
- 16 (5) Check and verify all leases, permits, and licenses
17 issued by the authority;
- 18 (6) Enforce the laws relating to firearms, ammunition, and
19 dangerous weapons contained in chapter 134; and
- 20 (7) Carry out other duties and responsibilities as the
21 authority shall direct.



1 (c) The authority may establish memoranda of agreement
2 with:

3 (1) The department of land and natural resources to
4 provide assistance from the division of conservation
5 and resources enforcement with applicable training and
6 certification of rangers; and

7 (2) The county of Hawaii police department to provide
8 assistance such as access to holding cells and
9 fingerprinting and other processing of persons
10 detained by rangers;

11 provided that the memoranda may provide for reimbursement by the
12 authority for applicable expenses.

13 (d) Rangers may also serve as interpretive officers who
14 provide information to Mauna Kea visitors.

15 § -41 **Summons or citation.** There shall be a form of
16 summons or citation for use in citing violators for violations
17 that do not mandate the physical arrest of the violators. The
18 summons or citation shall be printed in a form commensurate with
19 the form of other summons or citation used in modern methods of
20 arrest and shall be so designed to include all necessary
21 information to make it valid and legal within the laws and rules



1 of the State. The form and content of the summons or citation
2 shall be adopted or prescribed by the district courts.

3 In every case where a summons or citation is issued, the
4 original of the same shall be given to the violator; provided
5 that the district courts may prescribe the issuance to the
6 violator of a carbon copy of the summons or citation and provide
7 for the disposition of the original and any other copies. Every
8 summons or citation shall be consecutively numbered and each
9 carbon copy shall bear the number of its respective original.

10 § -42 Failure to obey a summons. (a) Any person who
11 fails to appear at the place and within the time specified in
12 the summons or citation issued by the officers or their agents
13 or subordinates, upon that person's arrest, shall be guilty of a
14 petty misdemeanor and, upon conviction, shall be fined not more
15 than \$500 or be imprisoned not more than thirty days, or both.

16 (b) If any person fails to comply with a summons or
17 citation issued, or if any person fails or refuses to deposit
18 bail as required and within the time permitted, the officers
19 shall cause a complaint to be entered against the person and
20 secure the issuance of a warrant for the person's arrest.



1 (c) When a complaint is made to any prosecuting officer of
2 the violation, the officer who issued the summons or citation
3 shall subscribe to it under oath administered by another
4 official or officials of the authority whose names have been
5 submitted to the prosecuting officer and who have been
6 designated by the executive director of the authority to
7 administer the same.

8 § -43 Search and seizure; forfeiture of property. (a)
9 Any law enforcement officer or agent of the authority upon whom
10 the authority has conferred powers of law enforcement officers,
11 shall have the authority to conduct searches on probable cause
12 as provided by law and to seize any equipment, article,
13 instrument, aircraft, vehicle, vessel, business records, or
14 natural resource used or taken in violation of the laws of the
15 State, or any rules adopted thereunder. For purposes of this
16 section, "natural resource" includes any archaeological
17 artifacts, minerals, any aquatic life or wildlife or parts
18 thereof, including their eggs, and any land plants or parts
19 thereof, including seeds.

20 (b) Any equipment, article, instrument, aircraft, vehicle,
21 vessel, business records, or natural resource seized is subject



1 to forfeiture pursuant to chapter 712A. Unless otherwise
2 directed by the environmental court pursuant to chapter 712A,
3 any item, other than a natural resource, seized shall be ordered
4 forfeited to the State for disposition as determined by the
5 department, or may be destroyed, or may be kept and retained and
6 utilized by the authority or any other state agency. If not
7 needed or required by the authority or other state agency, the
8 forfeited items shall be disposed of as provided by chapter
9 712A. Notwithstanding any other law to the contrary, any live
10 natural resource seized may be immediately returned to its
11 natural environment or suitable habitat or may be disposed of as
12 determined by the authority; provided that if the natural
13 resource disposed of was unlawfully seized, the authority shall
14 be liable to the owner for the fair market value of the items
15 disposed of.

16 (c) The authority shall compile a list of all equipment,
17 articles, instruments, aircraft, vehicles, vessels, or any
18 natural resource forfeited as provided in this section and shall
19 publish the list in its annual report.

20 (d) Notwithstanding any other law to the contrary, the
21 authority may sell or take actions to cause the sale of any



1 perishable natural resource that is seized to prevent the waste
2 of the natural resource and to ensure the economic value of the
3 natural resource; provided that the authority may not sell or
4 cause the sale of any threatened or endangered species or any
5 other species whose sale is prohibited by law. The authority
6 may require the person or persons who took the natural resources
7 to sell the seized natural resources at fair market value. The
8 authority may require any person purchasing any seized natural
9 resource to deliver the proceeds of the sale to the authority or
10 its authorized representative. Any person who refuses to sell
11 the seized natural resources at fair market value or any person
12 who fails to deliver the proceeds of the sale, as directed by
13 the authority, shall be in violation of this subsection and
14 punishable as provided by law. The authority shall deposit and
15 keep the proceeds of the sale in an interest-bearing account
16 until the suspected violation is settled between the person or
17 persons who took the natural resource, consignee or consignees,
18 if any, and the authority. Should a settlement not be reached,
19 the authority shall submit the proceeds of the sale to the
20 environmental court. The proceeds of the sale, after deducting
21 any reasonable costs of the sale incurred by the authority,



1 shall be subject to any administrative or judicial proceedings
2 in the same manner as the seized natural resource would have
3 been, including an action in rem for the forfeiture of the
4 proceeds. Seizure and sale of a natural resource is without
5 prejudice to any other remedy or sanction authorized by law.

6 **§ -44 Fees and surcharges.** (a) The authority shall
7 establish an annual fee for each visitor to Mauna Kea; provided
8 that the fee shall be waived for visitors who access Mauna Kea
9 to exercise their customary and traditional practice rights
10 under article XII, section 7, of the Hawaii State Constitution;
11 provided further that the authority shall establish rules for
12 fee waivers, pursuant to section -33.

13 (b) The authority shall establish an annual fee for
14 commercial tour operators to access Mauna Kea, the total annual
15 net revenues of which shall be calculated to approximately equal
16 the authority's annual operations and maintenance costs.

17 (c) The authority may establish a commercial tour fee
18 surcharge, net revenues of which shall be used for cultural and
19 educational programs related to activities on Mauna Kea.



1 (d) The University of Hawaii shall not be exempt from any
2 fee that is associated with access to Mauna Kea and established
3 pursuant to this chapter.

4 (e) For the purposes of this section, "net revenues" means
5 the revenues realized by the authority after the amount
6 collected and owed to the office of Hawaiian affairs pursuant to
7 section -45 has been deducted.

8 **§ -45 Revenue to be shared with the office of Hawaiian**
9 **affairs.** The authority and the University of Hawaii shall
10 transfer to the office of Hawaiian affairs twenty per cent of
11 all receipts collected by the authority or university as a
12 result of lease rent, fees, penalties, commercial activities,
13 technology transfers, monetization of intellectual properties or
14 discoveries, and other revenue sources; provided that any funds
15 transferred to the office of Hawaiian affairs pursuant to this
16 section shall be deemed income and proceeds from the use of
17 public land trust lands by the authority and university to be
18 expended by the office of Hawaiian affairs under section
19 10-13.5.



1 § -46 **Exemption from taxation.** The authority shall not
2 be required to pay assessments levied by any county, nor shall
3 the authority be required to pay state taxes of any kind.

4 § -47 **Assistance by state and county agencies.** Any
5 state or county agency may render services upon request of the
6 authority.

7 § -48 **Annual report.** No later than twenty days prior to
8 the convening of each regular session, the authority shall
9 submit to the governor and the legislature, a complete and
10 detailed report of its activities, including but not limited to:

- 11 (1) The status of transfers of title to lands from the
- 12 department of land and natural resources to the
- 13 authority pursuant to part II of this Act;
- 14 (2) The status of all leases and subleases of Mauna Kea
- 15 lands; and
- 16 (3) An accounting of all revenue collected and expended by
- 17 the authority.

18 The report submitted prior to the 2019 session shall
19 include the status of rulemaking pursuant to section -33.

20 § -49 **Court proceedings; preferences; venue.** (a) Any
21 action or proceeding to which the authority, the State, or a



1 county may be a party, in which any question arises as to the
2 validity of this chapter or any portion of this chapter, shall
3 be brought in the circuit court of the circuit where the case or
4 controversy arises, which court is hereby vested with original
5 jurisdiction over the action or proceeding. The action or
6 proceeding shall be heard and determined in preference to all
7 other civil cases pending therein except election cases,
8 irrespective of position on the calendar. Upon application of
9 counsel to the authority, the same preference shall be granted
10 in any action or proceeding questioning the validity of this
11 chapter in which the authority may be allowed to intervene.

12 (b) Notwithstanding any provision of law to the contrary,
13 declaratory relief may be obtained for an action or proceeding
14 under this section.

15 (c) Any party aggrieved by the decision of the circuit
16 court may appeal in accordance with part I of chapter 641 and
17 the appeal shall be given priority.

18 § -50 Contested cases; conservation district use. (a)
19 Notwithstanding any law to the contrary, conservation district
20 rules applicability shall maintain contested case opportunities
21 in the conversation district use application process.



1 (b) Notwithstanding any law to the contrary, any decisions
2 by the authority, insofar as they impact constitutional rights,
3 including but not limited to Native Hawaiian traditional and
4 customary rights and right to a healthful environment, shall
5 require the granting of contested case hearings.

6 § -51 **Issuance of bonds.** The director of finance may,
7 from time to time, issue general obligation bonds pursuant to
8 chapter 39 in amounts authorized by the legislature, for the
9 purposes of this chapter.

10 § -52 **General administrative penalties.** (a) Except as
11 otherwise provided by law, the authority or its authorized
12 representative by proper delegation may set, charge, and collect
13 administrative fines or bring legal action to recover
14 administrative fees and costs as documented by receipts or
15 affidavit, including attorneys' fees and costs; or bring legal
16 action to recover administrative fines, fees, and costs,
17 including attorneys' fees and costs, or payment for damages
18 resulting from a violation of this chapter or any rule adopted
19 pursuant to this chapter. The administrative fines shall be as
20 follows:

21 (1) For a first violation, a fine of not more than \$2,500;



1 (2) For a second violation within five years of a previous
2 violation, a fine of not more than \$5,000; and

3 (3) For a third or subsequent violation within five years
4 of the last violation, a fine of not more than
5 \$10,000.

6 (b) Any criminal action against a person for any violation
7 of this chapter or any rule adopted pursuant to this chapter
8 shall not preclude the State from pursuing civil legal action
9 against that person. Any civil legal action against a person to
10 recover administrative fines and costs for any violation of this
11 chapter or any rule adopted pursuant to this chapter shall not
12 preclude the State from pursuing any criminal action against
13 that person. Each day of each violation shall constitute a
14 separate offense.

15 § -53 **Violations and penalties.** (a) The authority may
16 set, charge, and collect reasonable fines for a violation of
17 this chapter or any rule adopted pursuant to chapter 91.

18 (b) Any person found guilty of a violation of this chapter
19 or any rules adopted thereunder shall be guilty of a petty
20 misdemeanor and shall be punished as follows:



- 1 (1) For a first offense, by a mandatory fine of not less
2 than \$500 or imprisonment of not more than thirty days
3 or both;
- 4 (2) For a second offense within five years of a previous
5 conviction under this section, by a mandatory fine of
6 not less than \$1,000 or imprisonment of not more than
7 thirty days or both; and
- 8 (3) For a third or subsequent offense within five years of
9 two prior convictions under this section, by a
10 mandatory fine of not less than \$2,000 or imprisonment
11 of not more than thirty days or both.
- 12 (c) Any criminal action against a person for any violation
13 under this section shall not preclude the State from pursuing
14 civil legal action to recover administrative fines and costs
15 against the person. Any civil legal action against a person to
16 recover administrative fines and costs for any violation of this
17 chapter or any rules adopted thereunder shall not preclude the
18 State from pursuing any criminal action against that person
19 pursuant to this section.



1 (d) The authority may maintain an action for an injunction
2 to restrain any violation of this chapter and may take any other
3 lawful action to prevent or remedy any violation.

4 (e) The continuance of a violation after conviction shall
5 be deemed a new offense for each day of a violation's
6 continuance."

7 SECTION 2. Section 171-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§171-2 Definition of public lands. "Public lands" means
10 all lands or interest therein in the State classed as government
11 or crown lands previous to August 15, 1895, or acquired or
12 reserved by the government upon or subsequent to that date by
13 purchase, exchange, escheat, or the exercise of the right of
14 eminent domain, or in any other manner; including lands accreted
15 after May 20, 2003, and not otherwise awarded, submerged lands,
16 and lands beneath tidal waters that are suitable for
17 reclamation, together with reclaimed lands that have been given
18 the status of public lands under this chapter, except:

19 (1) Lands designated in section 203 of the Hawaiian Homes
20 Commission Act, 1920, as amended;



- 1 (2) Lands set aside pursuant to law for the use of the
2 United States;
- 3 (3) Lands being used for roads and streets;
- 4 (4) Lands to which the United States relinquished the
5 absolute fee and ownership under section 91 of the
6 Hawaiian Organic Act prior to the admission of Hawaii
7 as a state of the United States unless subsequently
8 placed under the control of the board of land and
9 natural resources and given the status of public lands
10 in accordance with the state constitution, the
11 Hawaiian Homes Commission Act, 1920, as amended, or
12 other laws;
- 13 (5) Lands to which the University of Hawaii holds title;
- 14 (6) Lands to which the Hawaii housing finance and
15 development corporation in its corporate capacity
16 holds title;
- 17 (7) Lands to which the Hawaii community development
18 authority in its corporate capacity holds title;
- 19 (8) Lands to which the department of agriculture holds
20 title by way of foreclosure, voluntary surrender, or



- 1 otherwise, to recover moneys loaned or to recover
2 debts otherwise owed the department under chapter 167;
- 3 (9) Lands that are set aside by the governor to the Aloha
4 Tower development corporation; lands leased to the
5 Aloha Tower development corporation by any department
6 or agency of the State; or lands to which the Aloha
7 Tower development corporation holds title in its
8 corporate capacity;
- 9 (10) Lands that are set aside by the governor to the
10 agribusiness development corporation; lands leased to
11 the agribusiness development corporation by any
12 department or agency of the State; or lands to which
13 the agribusiness development corporation in its
14 corporate capacity holds title; ~~and~~
- 15 (11) Lands to which the Hawaii technology development
16 corporation in its corporate capacity holds title; and
- 17 (12) Lands to which the Mauna Kea management authority
18 holds title, that the authority controls by lease from
19 any state department or agency, or that are designated
20 by the governor under section 171-11 for management by
21 the authority;

1 provided that, except as otherwise limited under federal law and
2 except for state land used as an airport as defined in section
3 262-1, public lands shall include the air rights over any
4 portion of state land upon which a county mass transit project
5 is developed after July 11, 2005."

6 SECTION 3. Chapter 304A, part IV, subpart O, is repealed.

7 SECTION 4. Section 304A-2170, Hawaii Revised Statutes, is
8 repealed.

9 ~~["~~§304A-2170~~ Mauna Kea lands management special fund.~~

10 ~~(a) There is established the Mauna Kea lands management special~~
11 ~~fund, into which shall be deposited:~~

12 ~~(1) Appropriations by the legislature;~~

13 ~~(2) All net rents from leases, licenses, and permits,~~
14 ~~including fees and charges for the use of land and~~
15 ~~facilities within the Mauna Kea lands;~~

16 ~~(3) All moneys collected for violations of subpart O of~~
17 ~~part IV; and~~

18 ~~(4) Interest earned or accrued on moneys in the special~~
19 ~~fund.~~

20 ~~(b) The proceeds of the special fund shall be used for:~~



1 ~~(1) Managing the Mauna Kea lands, including maintenance,~~
2 ~~administrative expenses, salaries and benefits of~~
3 ~~employees, contractor services, supplies, security,~~
4 ~~equipment, janitorial services, insurance, utilities,~~
5 ~~and other operational expenses; and~~

6 ~~(2) Enforcing administrative rules adopted relating to the~~
7 ~~Mauna Kea lands.~~

8 ~~(c) No moneys deposited into the Mauna Kea lands~~
9 ~~management special fund may be used by the governor or the~~
10 ~~director of finance as a justification for reducing any budget~~
11 ~~request or allotment to the University of Hawaii unless the~~
12 ~~University of Hawaii requests the reduction.~~

13 ~~(d) The University of Hawaii may establish separate~~
14 ~~accounts within the special fund for major program activities.~~

15 ~~(e) All expenditures from the special fund shall be~~
16 ~~subject to legislative appropriation.~~

17 ~~(f) For the purposes of this section, "Mauna Kea lands"~~
18 ~~shall mean the same as defined in section 304A-1901."]~~

19 SECTION 5. All moneys in the Mauna Kea lands management
20 special fund established pursuant to section 304A-2170, Hawaii
21 Revised Statutes, shall be deposited in the Mauna Kea management



1 revolving fund established pursuant to section -35, Hawaii
2 Revised Statutes, in section 1 of this Act.

3 **PART II**

4 SECTION 6. Title to all lands held in trust by the State
5 and identified as government lands of Kaohe, Hamakua District,
6 Hawaii, tax map keys:

7 (1) (3)4-4-015:09;

8 (2) (3) 4-4-015:12; and

9 (3) That portion of (3)4-4-015:01 serving as a road

10 easement comprising 70.798 acres,

11 are transferred by the department of land and natural resources
12 to the Mauna Kea management authority established pursuant to
13 section 1 of this Act.

14 **PART III**

15 SECTION 7. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2018-2019 for
18 start up costs for the Mauna Kea management authority.

19 The sum appropriated shall be expended by the Mauna Kea
20 management authority for the purposes of this Act.



Report Title:

Mauna Kea Management Authority; Established; Appropriation

Description:

Establishes the Mauna Kea Management Authority. Limits the number of telescopes that may be authorized on Mauna Kea. Authorizes the renegotiation of leases, subleases, easements, permits, and licenses pertaining to Mauna Kea. Requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs. Excludes Mauna Kea lands from the definition of "public lands." Provides for free access to Mauna Kea for traditional cultural purposes. Establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority. Appropriates funds. Effective 12/31/2033. (SD1)

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