

STAND. COM. REP. NO.

2923

Honolulu, Hawaii

MAR 30 2010

RE: S.R. No. 118
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Higher Education, to which was referred
S.R. No. 118 entitled:

"SENATE RESOLUTION REQUESTING, FOR REVIEW BY THE LEGISLATURE
AND THE AUDITOR, AN ACCOUNTING AND REPORT CONCERNING ITEMS OF
VALUE, INCLUDING VIEWING TIME ON MAUNA KEA TELESCOPES,
PROVIDED TO THE UNIVERSITY OF HAWAII AND ITS INSTITUTE FOR
ASTRONOMY FOR THE LEASE OR USE OF FACILITIES ON PUBLIC TRUST
LANDS ON THE SUMMIT OF MAUNA KEA, "

begs leave to report as follows:

The purpose of this measure is to request, for review by the
Legislature and the Auditor, an accounting and report concerning
items of value, including viewing time on Mauna Kea telescopes,
provided to the University of Hawaii and its Institute for
Astronomy for the lease or use of facilities on public trust lands
on the summit of Mauna Kea.

Testimony in support of this measure was submitted by the
Office of Hawaiian Affairs, Mauna Kea Anaina Hou, the Royal Order
of Kamehameha I, Na Koa Ikaika o Ka Lahui Hawaii, the Sierra Club
Hawaii Chapter, KAHEA, Life of the Land, and 178 individuals. The
University of Hawaii System and the Hawaii Island Economic
Development Board provided comments. Written testimony presented
to the Committee may be reviewed on the Legislature's website.

Your Committee recognizes that Mauna Kea is a unique place
with significant cultural, economic, and intellectual value and
that numerous individuals and groups have varying interests and

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ideas regarding the appropriate and fair use of Mauna Kea lands. Your Committee believes that the reporting of accurate data requested by this measure can help build cohesiveness and encourage discussion among these individuals and groups to ultimately promote equality and agreement in the use of Mauna Kea lands.

Based upon submitted testimony, your Committee has questions regarding the accuracy of some of the claims asserted in this measure. Additionally, your Committee finds that several amendments to this measure would better encourage this measure's intent of promoting equality and sharing of the use of Mauna Kea lands.

Accordingly, your Committee has amended this measure as follows:

- (1) Removing language for which your Committee is unable to verify accuracy at this time; recognizing that although some of the stricken language indicated that large amounts of fees are collected for viewing time on Mauna Kea telescopes, a large portion of the fees are used for the operating costs of the telescopes;
- (2) Removing language that your Committee deems as inessential to promoting collaboration and advancing the intent of this measure;
- (3) Requesting that information be reported on viewing time and value received from the University of Hawaii (UH) in every year since 2007, rather than from 1968;
- (4) Extending the deadline by which UH must submit its requested information to the Legislature to no later than twenty days prior to the convening of the Regular Session of 2011, to ensure that the data submitted is accurate and as complete as possible;
- (5) Adding to the requested materials a plan of action that will ensure UH will develop a self-sustaining model to meet its obligation to the community while working to preserve and protect the Mauna Kea lands, including a process and considerations for the negotiation of future lease agreements;



- (6) Removing language requesting the Auditor to conduct a review of UH's report; noting that the Legislature may request an audit in the future as a follow-up upon receipt of the information requested by this measure;
- (7) Amending the title to reflect its amended purpose; and
- (8) Making technical, nonsubstantive changes for the purposes, of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 118, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.R. No. 118, S.D. 1.

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



JILL TOKUDA, Chair



