

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY-RELATED PROPOSED LEGISLATION

As of 2.4.25,10:50 a.m.

BILL NUMBER	TITLE	INTRODUCER(S)	COMPANION	BILL LINK	REFERRAL	HEARINGS	REPORT TITLE
HB143	RELATING TO MAUNA KEA	TARNAS, KAHALOA	SB769	https://www.capitol.hawaii.gov/session2025/bills/HB143 .pdf	WAL, JHA		Mauna Kea Stewardship and Oversight Authority; BLNR; UH; Lessees; Conservation District Use Permits; Applications
SB769	RELATING TO MAUNA KEA	RICHARDS, CHANG	HB143	https://www.capitol.hawaii.gov/session2025/bills/SB769 .pdf	WTL, JDC		Mauna Kea Stewardship and Oversight Authority; BLNR; UH; Lessees; Conservation District Use Permits; Applications
HB144	RELATING TO MAUNA KEA	TARNAS, GARRETT, KAHALOA, KILA, MATAYOSHI, TAKAYAMA	SB770	https://www.capitol.hawaii.gov/session2025/bills/HB144 .pdf	WAL, JHA	Feb. 6, 2025, 9:00 a.m., Room 411	Mauna Kea Stewardship and Oversight Authority; Meetings; Sunshine Law; Exemption
SB770	RELATING TO MAUNA KEA	RICHARDS, AQUINO, CHANG	HB144	https://www.capitol.hawaii.gov/session2025/Bills/SB770 .PDF	WTL, JDC		Mauna Kea Stewardship and Oversight Authority; Meetings; Sunshine Law; Exemption
SB6	RELATING TO NATURAL RESOURCE MANAGEMENT	INOUE, CHANG		https://www.capitol.hawaii.gov/session2025/bills/SB6 .pdf	WTL/HWN, JDC		BLNR; DLNR; DOCARE; Mauna Kea Stewardship and Oversight Authority; Conservation District; Natural Resource Management; Emergency Response
SB197	RELATING TO PUBLIC NOTICE	FEVELLA, DECORTE		https://www.capitol.hawaii.gov/session2025/bills/SB197 .pdf	WTL/HWN/HRE, WAM/JDC		LUC; DHHL; DLNR; UH; Public Notice; Land Use; Appropriations (\$)

A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

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

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

16 The legislature further finds that the creation of the
17 Mauna Kea stewardship and oversight authority was meant to be a



1 pivot point in the history of Mauna Kea, rather than a final
2 resolution. Section 195H-1, Hawaii Revised Statutes, expressly
3 recognizes that additional amendments relating to the Mauna Kea
4 stewardship and oversight authority would be necessary to
5 address principles and details surrounding Mauna Kea that had
6 not yet been ascertained when Act 255 became law.

7 Accordingly, this Act makes certain amendments relating to
8 the Mauna Kea stewardship and oversight authority, as
9 contemplated under section 195H-1, Hawaii Revised Statutes, to
10 ensure that a mutually beneficial balance is maintained for
11 Mauna Kea and the people of Hawaii.

12 The purpose of this Act is to clarify that:

13 (1) The Mauna Kea stewardship and oversight authority
14 shall not apply for a conservation district use permit
15 pursuant to chapter 183C, Hawaii Revised Statutes, on
16 behalf of or jointly with a lessee, and that the
17 lessee shall serve as the applicant for any
18 conservation district use permit that may be required
19 for conservation district lands subject to the
20 lessee's lease;



1 (2) Following the end of the transition period pursuant to
2 section 195H-6, Hawaii Revised Statutes, the Mauna Kea
3 stewardship and oversight authority shall be the
4 regulatory authority responsible for approving or
5 denying a conservation district use permit and
6 ensuring each lessee's compliance with a conservation
7 district use permit;

8 (3) The Mauna Kea stewardship and oversight authority may
9 apply to the board of land and natural resources for a
10 conservation district use permit for proposed uses
11 that do not solely benefit a specific lessee,
12 including for improvements and repairs of common
13 elements; and

14 (4) Certain conservation district use permits that are in
15 effect as of July 1, 2028, to which the university of
16 Hawaii is a permittee or other named party, shall not
17 be transferred to the Mauna Kea stewardship and
18 oversight authority.

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



1 "§195H- Conservation district use permits;
2 applications; roles of the authority and lessees. (a) The
3 authority shall not apply for a conservation district use permit
4 pursuant to chapter 183C on behalf of, or jointly with, a
5 lessee. Each lessee shall:
6 (1) Serve as the applicant; and
7 (2) Be responsible for applying,
8 for any conservation district use permit that may be required by
9 law for any conservation district lands subject to the lessee's
10 lease, except as provided in subsection (c).
11 (b) After the end of the transition period pursuant to
12 section 195H-6, the authority, rather than the board of land and
13 natural resources, shall serve as the regulatory body that
14 approves or denies conservation district use permits requested
15 under subsection (a) and ensures each lessee's compliance with
16 the requirements of the conservation district use permit.
17 (c) Notwithstanding subsections (a) and (b), the authority
18 may apply to the board of land and natural resources for a
19 conservation district use permit pursuant to chapter 183C for
20 uses that do not solely benefit a specific lessee, including
21 improvements and repairs of common elements. The board of land



1 and natural resources shall have the authority to approve or
2 deny a permit requested under this subsection and shall serve as
3 the regulatory body that ensures the authority's compliance with
4 the requirements of the conservation district use permit.

5 (d) As used in this section, "lessee" means a person to
6 whom a lease is issued under section 195H-12."

7 SECTION 3. Act 255 Session Laws of Hawaii 2022, is amended
8 by amending section 7 to read as follows:

9 "SECTION 7. (a) On July 1, 2028, all rights, powers,
10 functions, and duties of the [~~University~~] university of Hawaii
11 relating to the powers and responsibilities granted to the Mauna
12 Kea stewardship and oversight authority under part I of this Act
13 are transferred to the Mauna Kea stewardship and oversight
14 authority.

15 (b) Notwithstanding the transfer of all rights, powers,
16 functions, and duties pursuant to subsection (a), the state
17 lease by and between the board of land and natural resources and
18 the [~~University~~] university of Hawaii entered into on June 21,
19 1968, as General Lease S-4191, as amended on September 21, 1999,
20 as General Lease S-5529, shall remain in full force and effect
21 until its expiration unless otherwise specifically amended



1 pursuant to an agreement by the Mauna Kea stewardship and
2 oversight authority and the [University] university of Hawaii.

3 (c) Upon the assignment of all rights, powers, and duties
4 of the [University] university of Hawaii to the Mauna Kea
5 stewardship and oversight authority pursuant to subsection (a),
6 the university of Hawaii shall be released from any and all
7 obligations under the state lease by and between the board of
8 land and natural resources and the [University] university of
9 Hawaii entered into on June 21, 1968, as General Lease S-4191,
10 as amended on September 21, 1999, as General Lease S-5529, and
11 any conservation district use application permits appertaining
12 thereto, unless otherwise specifically agreed upon pursuant to
13 an agreement by the Mauna Kea stewardship and oversight
14 authority and the [University] university of Hawaii; provided
15 that the transfer and release authorized under this subsection
16 shall not apply to any litigation pending on June 30, 2028,
17 relating to General Lease S-4191, as amended on September 21,
18 1999, as General Lease S-5529, or any conservation district use
19 application permit appertaining thereto, to which the
20 [University] university of Hawaii is a party.



1 (d) Notwithstanding subsection (b) or any action that is a
2 consequence of this Act, including a merger of interests,
3 effective July 1, 2028, every reference to the department of
4 land and natural resources, board of land and natural resources,
5 or the chairperson of the board of land and natural resources in
6 those deeds, leases, subleases, contracts, loans, agreements,
7 permits, or other documents relating to Mauna Kea lands shall be
8 construed as a reference to the Mauna Kea stewardship and
9 oversight authority or the chairperson of the authority, as
10 appropriate; provided that all deeds, leases, subleases,
11 contracts, loans, agreements, permits, or other documents
12 executed or entered into prior to the effective date of this
13 Act, by or on behalf of the department of land and natural
14 resources or the board of land and natural resources pursuant to
15 the Hawaii Revised Statutes that are reenacted or made
16 applicable to the Mauna Kea stewardship and oversight authority
17 by this Act, shall remain in full force and effect until its
18 expiration unless otherwise specifically amended pursuant to an
19 agreement by the Mauna Kea stewardship and oversight authority
20 and the [~~University~~] university of Hawaii.



1 (e) Notwithstanding subsections (a) through (d) to the
2 contrary, the following conservation district use permits in
3 effect as of July 1, 2028, to which the university of Hawaii is
4 a permittee or other named party, shall not be transferred to
5 the Mauna Kea stewardship and oversight authority:

6 (1) Conservation district use permit 0954 (Air Force
7 Telescope, Planetary Patrol Telescope, 2.2 Meter
8 Telescope);

9 (2) Conservation district use permit 1515 (James Clerk
10 Maxwell Telescope);

11 (3) Conservation district use permit 0653 (United Kingdom
12 Infrared Telescope);

13 (4) Conservation district use permit 0527
14 (Canada-France-Hawaii Telescope);

15 (5) Conservation district use permit 1492 (Caltech
16 Submillimeter Observatory);

17 (6) Conservation district use permit 2691 (Gemini North);

18 (7) Conservation district use permit 2462 (Subaru
19 Telescope);

20 (8) Conservation district use permit 2728 (Submillimeter
21 Array);



- 1 (9) Conservation district use permit 3568 (Thirty Meter
- 2 Telescope);
- 3 (10) Conservation district use permit 0653 (Infrared
- 4 Telescope Facility);
- 5 (11) Conservation district use permit 2174 (Very Long
- 6 Baseline Array);
- 7 (12) Conservation district use permit 1646 (W. M. Keck
- 8 Observatory I); and
- 9 (13) Conservation district use permit 2509 (W. M. Keck
- 10 Observatory II).

11 The university of Hawaii shall continue to serve as the named
12 permittee or other named party as provided under the permit,
13 subject to the oversight and regulatory authority of the Mauna
14 Kea stewardship and oversight authority pursuant to section
15 195H- ."

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Dan Carnas

JAN 14 2025



H.B. NO. 143

Report Title:

Mauna Kea Stewardship and Oversight Authority; BLNR; UH; Lessees; Conservation District Use Permits; Applications

Description:

Amends the conservation district use permit application, approval, and oversight responsibilities of the Board of Land and Natural Resources, Mauna Kea Stewardship and Oversight Authority, and lessees. Provides that certain conservation district use permits that are in effect as of 7/1/2028, to which the University of Hawaii is a permittee or other named party, shall not be transferred to the Mauna Kea Stewardship and Oversight Authority.

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



JAN 17 2025

A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

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

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

16 The legislature further finds that the creation of the
17 Mauna Kea stewardship and oversight authority was meant to be a



1 pivot point in the history of Mauna Kea, rather than a final
2 resolution. Section 195H-1, Hawaii Revised Statutes, expressly
3 recognizes that additional amendments relating to the Mauna Kea
4 stewardship and oversight authority would be necessary to
5 address principles and details surrounding Mauna Kea that had
6 not yet been ascertained when Act 255 became law.

7 Accordingly, this Act makes certain amendments relating to
8 the Mauna Kea stewardship and oversight authority, as
9 contemplated under section 195H-1, Hawaii Revised Statutes, to
10 ensure that a mutually beneficial balance is maintained for
11 Mauna Kea and the people of Hawaii.

12 The purpose of this Act is to clarify that:

13 (1) The Mauna Kea stewardship and oversight authority
14 shall not apply for a conservation district use permit
15 pursuant to chapter 183C, Hawaii Revised Statutes, on
16 behalf of or jointly with a lessee, and that the
17 lessee shall serve as the applicant for any
18 conservation district use permit that may be required
19 for conservation district lands subject to the
20 lessee's lease;



S.B. NO. 769

1 (2) Following the end of the transition period pursuant to
2 section 195H-6, Hawaii Revised Statutes, the Mauna Kea
3 stewardship and oversight authority shall be the
4 regulatory authority responsible for approving or
5 denying a conservation district use permit and
6 ensuring each lessee's compliance with a conservation
7 district use permit;

8 (3) The Mauna Kea stewardship and oversight authority may
9 apply to the board of land and natural resources for a
10 conservation district use permit for proposed uses
11 that do not solely benefit a specific lessee,
12 including for improvements and repairs of common
13 elements; and

14 (4) Certain conservation district use permits that are in
15 effect as of July 1, 2028, to which the university of
16 Hawaii is a permittee or other named party, shall not
17 be transferred to the Mauna Kea stewardship and
18 oversight authority.

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



S.B. NO. 769

1 "§195H- Conservation district use permits;
2 applications; roles of the authority and lessees. (a) The
3 authority shall not apply for a conservation district use permit
4 pursuant to chapter 183C on behalf of, or jointly with, a
5 lessee. Each lessee shall:
6 (1) Serve as the applicant; and
7 (2) Be responsible for applying,
8 for any conservation district use permit that may be required by
9 law for any conservation district lands subject to the lessee's
10 lease, except as provided in subsection (c).
11 (b) After the end of the transition period pursuant to
12 section 195H-6, the authority, rather than the board of land and
13 natural resources, shall serve as the regulatory body that
14 approves or denies conservation district use permits requested
15 under subsection (a) and ensures each lessee's compliance with
16 the requirements of the conservation district use permit.
17 (c) Notwithstanding subsections (a) and (b), the authority
18 may apply to the board of land and natural resources for a
19 conservation district use permit pursuant to chapter 183C for
20 uses that do not solely benefit a specific lessee, including
21 improvements and repairs of common elements. The board of land



1 and natural resources shall have the authority to approve or
2 deny a permit requested under this subsection and shall serve as
3 the regulatory body that ensures the authority's compliance with
4 the requirements of the conservation district use permit.

5 (d) As used in this section, "lessee" means a person to
6 whom a lease is issued under section 195H-12."

7 SECTION 3. Act 255 Session Laws of Hawaii 2022, is amended
8 by amending section 7 to read as follows:

9 "SECTION 7. (a) On July 1, 2028, all rights, powers,
10 functions, and duties of the [~~University~~] university of Hawaii
11 relating to the powers and responsibilities granted to the Mauna
12 Kea stewardship and oversight authority under part I of this Act
13 are transferred to the Mauna Kea stewardship and oversight
14 authority.

15 (b) Notwithstanding the transfer of all rights, powers,
16 functions, and duties pursuant to subsection (a), the state
17 lease by and between the board of land and natural resources and
18 the [~~University~~] university of Hawaii entered into on June 21,
19 1968, as General Lease S-4191, as amended on September 21, 1999,
20 as General Lease S-5529, shall remain in full force and effect
21 until its expiration unless otherwise specifically amended



1 pursuant to an agreement by the Mauna Kea stewardship and
2 oversight authority and the [University] university of Hawaii.

3 (c) Upon the assignment of all rights, powers, and duties
4 of the [University] university of Hawaii to the Mauna Kea
5 stewardship and oversight authority pursuant to subsection (a),
6 the university of Hawaii shall be released from any and all
7 obligations under the state lease by and between the board of
8 land and natural resources and the [University] university of
9 Hawaii entered into on June 21, 1968, as General Lease S-4191,
10 as amended on September 21, 1999, as General Lease S-5529, and
11 any conservation district use application permits appertaining
12 thereto, unless otherwise specifically agreed upon pursuant to
13 an agreement by the Mauna Kea stewardship and oversight
14 authority and the [University] university of Hawaii; provided
15 that the transfer and release authorized under this subsection
16 shall not apply to any litigation pending on June 30, 2028,
17 relating to General Lease S-4191, as amended on September 21,
18 1999, as General Lease S-5529, or any conservation district use
19 application permit appertaining thereto, to which the
20 [University] university of Hawaii is a party.



1 (d) Notwithstanding subsection (b) or any action that is a
2 consequence of this Act, including a merger of interests,
3 effective July 1, 2028, every reference to the department of
4 land and natural resources, board of land and natural resources,
5 or the chairperson of the board of land and natural resources in
6 those deeds, leases, subleases, contracts, loans, agreements,
7 permits, or other documents relating to Mauna Kea lands shall be
8 construed as a reference to the Mauna Kea stewardship and
9 oversight authority or the chairperson of the authority, as
10 appropriate; provided that all deeds, leases, subleases,
11 contracts, loans, agreements, permits, or other documents
12 executed or entered into prior to the effective date of this
13 Act, by or on behalf of the department of land and natural
14 resources or the board of land and natural resources pursuant to
15 the Hawaii Revised Statutes that are reenacted or made
16 applicable to the Mauna Kea stewardship and oversight authority
17 by this Act, shall remain in full force and effect until its
18 expiration unless otherwise specifically amended pursuant to an
19 agreement by the Mauna Kea stewardship and oversight authority
20 and the [~~University~~] university of Hawaii.



1 (e) Notwithstanding subsections (a) through (d) to the
2 contrary, the following conservation district use permits in
3 effect as of July 1, 2028, to which the university of Hawaii is
4 a permittee or other named party, shall not be transferred to
5 the Mauna Kea stewardship and oversight authority:

6 (1) Conservation district use permit 0954 (Air Force
7 Telescope, Planetary Patrol Telescope, 2.2 Meter
8 Telescope);

9 (2) Conservation district use permit 1515 (James Clerk
10 Maxwell Telescope);

11 (3) Conservation district use permit 0653 (United Kingdom
12 Infrared Telescope);

13 (4) Conservation district use permit 0527
14 (Canada-France-Hawaii Telescope);

15 (5) Conservation district use permit 1492 (Caltech
16 Submillimeter Observatory);

17 (6) Conservation district use permit 2691 (Gemini North);

18 (7) Conservation district use permit 2462 (Subaru
19 Telescope);

20 (8) Conservation district use permit 2728 (Submillimeter
21 Array);



- 1 (9) Conservation district use permit 3568 (Thirty Meter
- 2 Telescope);
- 3 (10) Conservation district use permit 0653 (Infrared
- 4 Telescope Facility);
- 5 (11) Conservation district use permit 2174 (Very Long
- 6 Baseline Array);
- 7 (12) Conservation district use permit 1646 (W. M. Keck
- 8 Observatory I); and
- 9 (13) Conservation district use permit 2509 (W. M. Keck
- 10 Observatory II).

11 The university of Hawaii shall continue to serve as the named
 12 permittee or other named party as provided under the permit,
 13 subject to the oversight and regulatory authority of the Mauna
 14 Kea stewardship and oversight authority pursuant to section
 15 195H- ."

16 SECTION 4. This Act does not affect rights and duties that
 17 matured, penalties that were incurred, and proceedings that were
 18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.

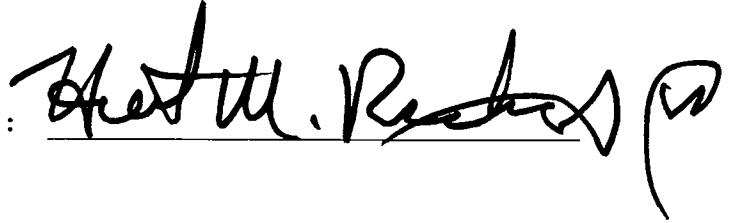


S.B. NO. 769

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Keith M. Rusk 



S.B. NO. 769

Report Title:

Mauna Kea Stewardship and Oversight Authority; BLNR; UH; Lessees; Conservation District Use Permits; Applications

Description:

Amends the conservation district use permit application, approval, and oversight responsibilities of the Board of Land and Natural Resources, Mauna Kea Stewardship and Oversight Authority, and lessees. Provides that certain conservation district use permits that are in effect as of 7/1/2028, to which the University of Hawaii is a permittee or other named party, shall not be transferred to the Mauna Kea Stewardship and Oversight Authority.

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



A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

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

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

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



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

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

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



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

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

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

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



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

- 3 (1) No commitment to vote is made or sought; and
- 4 (2) Decision-making, if any, occurs only at a duly noticed
5 meeting of the authority.

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

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

- 16 (1) No commitment to vote shall be made or sought; and
- 17 (2) Decision-making, if any, shall occur at a duly noticed
18 meeting of the authority held pursuant to chapter 92.

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

1 SECTION 3. New statutory material is underscored.

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

3

INTRODUCED BY:

Doug Lamas

JAN 14 2025



H.B. NO. 144

Report Title:

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

Description:

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

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



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



MKSOA BOARD

JOHN KOMEIJI
Chairperson

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

*ex-officio

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

600 'Imiloa Place, Hilo, HI 96720

Telephone (808) 272-0259

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

Testimony of

DR. NOE NOE WONG-WILSON

First Vice-Chairperson

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY BOARD

and

RICH MATSUDA

Second Vice-Chairperson

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY BOARD

and

JOHN A. L. DE FRIES

Executive Director

MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

**Before the House Committee on
WATER AND LAND**

Thursday, February 6, 2025

9:00 a.m.

State Capitol, Conference Room 441 and Via Videoconference

**In consideration of
HOUSE BILL 144
RELATING TO MAUNA KEA**

House Bill 144 authorizes two (2) or more members of the Mauna Kea Stewardship and Oversight Authority Board to meet during its 5-year transition period regarding any matter relating to the Authority's business, provided that no commitment to vote is made or sought and no decision-making action is taken. **The Mauna Kea Stewardship and Oversight Authority strongly supports the measure.**

With HB144, the Authority is seeking a partial exemption from the Sunshine Law. The exemption sought would allow more than two Authority Board members to meet and discuss matters, allowing engagement in learning and understanding processes, and developing relationships with each other. The members would not be permitted to solicit votes on a matter and all decision-making would remain during Authority Board meetings, with full public discussion. This exemption would be time-limited, sunseting at the end of the mandate five-year transition period, ending June 30, 2028. Thereafter, all requirements of the current Sunshine Law will be adhered to.

Act 255, which created the Mauna Kea Stewardship and Oversight Authority, recognizes that Mauna Kea is an important cultural and genealogical site to the people of Hawai‘i, particularly to Native Hawaiians. The summit region of Mauna Kea is a spiritual and special place of significance. Mauna Kea is also a highly valued site for astronomical study which produces significant discoveries that contribute to the understanding of the universe. In addition, access for community, cultural practitioners, visitors, education, the study of environmental and conservation sciences and financial sustainability are some of the important topics which must be considered in a new management plan.

The Authority was created to enable a new paradigm of decision-making and governance. The membership of the Authority was specifically crafted to ensure that members with different perspectives were empaneled, bringing a new model of shared governance based on Native Hawaiian concepts, principles, and world view of natural law. These individuals were selected for their expertise in specific disciplines, cultural and lineal backgrounds, and community perspective, brought together to share their different views, understand and appreciate differing viewpoints, and ultimately seek consensus on the many issues surrounding Mauna Kea.

In addition, Authority members recognize that creating opportunities to effectively engage in dialogue with our community is critical to sharing information and gaining trust in the process. Moving forward, to gain community trust, the Authority is committed to increased communication and transparency by hosting community meetings and engaging in earnest dialogue and feedback.

The Authority appreciates and understands the intent and importance of the Sunshine Law, and is completely committed to seeking public input, as well as having full and public discussion and decision-making. However, current rules and procedures make it extremely difficult for the Authority Board members to participate in briefings and meetings to learn and understand the complexities involved in transferring governing protocols from the University of Hawai‘i to the

Authority. In addition, board members are unable to engage in dialogue to draw on expertise, share, and learn from each other. Permitted Interaction Groups, while an option, remain narrowly restricted in focus by design, and limit participation which does not enable all the board members to gain information and understanding of the numerous issues in a timely manner.

The inability to discuss operational formation challenges and solutions with more than one other member hampers the necessary communication needed to achieve transition within the five-year period. Limiting discussion to formally noticed meetings or through the creation of permitted interaction groups are not practical and hamper efficient operations. Further, the inability to have informal discussions to exchange ideas, discuss novel and innovative approaches or “brainstorm” solutions on a “real-time” basis precludes needed functional discussions.

The limited exemption from the Sunshine Law will assist the Authority in meeting its goals in a timely manner, engage more earnestly with community and support a smoother and more efficient transfer of responsibility from the University of Hawai‘i.

For these reasons, the Mauna Kea Stewardship and Oversight Authority requests that the Committee pass House Bill 144.

Mahalo for the opportunity to provide testimony in support of this measure.

JAN 17 2025

A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

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

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

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



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

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

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



S.B. NO. 770

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

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

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

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



S.B. NO. 770

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

- 3 (1) No commitment to vote is made or sought; and
- 4 (2) Decision-making, if any, occurs only at a duly noticed
5 meeting of the authority.

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

9 **"§195H- Transition period; authority meetings;**
10 **permitted interactions; restrictions.** (a) Notwithstanding
11 section 92-2.5(b) or any other law to the contrary, two or more
12 members of the authority, including a number of members that
13 would constitute a quorum of the authority, may meet during the
14 transition period described in section 195H-6 regarding any
15 matter relating to the authority's business; provided that:
16 (1) No commitment to vote shall be made or sought; and
17 (2) Decision-making, if any, shall occur at a duly noticed
18 meeting of the authority held pursuant to chapter 92.
19 (b) An interaction of authority members described in
20 subsection (a) shall not constitute a meeting for the purposes
21 of part I of chapter 92."



S.B. NO. 770

1 SECTION 3. New statutory material is underscored.

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

3

INTRODUCED BY: Hunt M. Redman *HP*



S.B. NO. 770

Report Title:

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

Description:

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

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



JAN 15 2025

A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that the protection of
2 the State's natural resources is of paramount importance.
3 Article XI, section 2, of the Hawaii State Constitution,
4 requires the legislature to "vest in one or more executive
5 boards or commissions powers for the management of natural
6 resources owned or controlled by the State". Presently, the
7 department of land and natural resources, under the direction of
8 the board of land and natural resources, is the principal agency
9 tasked with natural resource management. However, other
10 executive boards or commissions may share overlapping
11 responsibilities related to natural resource management.

12 With the enactment of Act 255, Session Laws of Hawaii 2022,
13 codified as chapter 195H, Hawaii Revised Statutes, the
14 legislature vested certain natural resource management powers to
15 the newly established Mauna Kea stewardship and oversight
16 authority for certain lands identified and defined as "Mauna Kea
17 lands". Following a five-year transition period, the Mauna Kea



1 stewardship and oversight authority will acquire the powers and
2 duties previously held by the board of land and natural
3 resources pursuant to chapter 171, Hawaii Revised Statutes, and
4 the land use commission pursuant to chapter 205, Hawaii Revised
5 Statutes, pertaining to the Mauna Kea lands. However, this
6 transition period is unclear as to the board of land and natural
7 resources and department of land and natural resources'
8 responsibility for lands within the state conservation district,
9 including lands identified and defined as "Mauna Kea lands".
10 Therefore, further clarification between the Mauna Kea
11 stewardship and oversight authority's and the board of land and
12 natural resources' jurisdiction is needed to protect the State's
13 precious natural resources.

14 Accordingly, the purpose of this Act is to clarify that:

15 (1) All powers and duties of the board of land and natural
16 resources and the department of land and natural
17 resources pursuant to chapters 171 and 183C, Hawaii
18 Revised Statutes, pertaining to areas designated under
19 the state conservation district on Mauna Kea lands,
20 shall be retained and shall not be transferred to the
21 Mauna Kea stewardship and oversight authority upon the



1 expiration of the five-year transition period pursuant
 2 to section 195H-6, Hawaii Revised Statutes; and
 3 (2) The natural resource management enforcement and
 4 emergency response over Mauna Kea lands shall remain
 5 the responsibility of the division of conservation and
 6 resources enforcement of the department of land and
 7 natural resources beyond the expiration of the five-
 8 year transition period.

9 SECTION 2. Section 183C-3, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "~~§~~183C-3~~§~~ **Powers and duties of the board and**
 12 **department.** (a) The board and department shall:

- 13 (1) Maintain an accurate inventory of lands classified
 14 within the state conservation district by the state
 15 land use commission, pursuant to chapter 205;
- 16 (2) Identify and appropriately zone those lands classified
 17 within the conservation district;
- 18 (3) Adopt rules~~§~~ in compliance with chapter 91~~§~~, which
 19 shall have the force and effect of law;
- 20 (4) Set, charge, and collect reasonable fees in an amount
 21 sufficient to defray the cost of processing



1 applications for zoning, use, and subdivision of
2 conservation lands;

3 (5) Establish categories of uses or activities on
4 conservation lands, including allowable uses or
5 activities for which no permit shall be required;

6 (6) Establish restrictions, requirements, and conditions
7 consistent with the standards set forth in this
8 chapter on the use of conservation lands; and

9 (7) Establish and enforce land use regulations on
10 conservation district lands including the collection
11 of fines for violations of land use and terms and
12 conditions of permits issued by the department.

13 (b) All powers and duties of the board and department
14 pursuant to this chapter and chapter 171, pertaining to areas
15 designated under the state conservation district on Mauna Kea
16 lands, shall be retained and shall not be transferred to the
17 Mauna Kea stewardship and oversight authority or any other
18 entity upon the expiration of the five-year transition period
19 pursuant to section 195H-6."

20 SECTION 3. Section 195H-3, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) There is established the Mauna Kea stewardship and
2 oversight authority, which shall be a body corporate and a
3 public instrumentality of the State for the purpose of
4 implementing this chapter. The authority shall serve jointly
5 with the University of Hawaii in fulfilling the obligations and
6 duties under the state lease for a period of five years as
7 established in section 195H-6. The authority shall be placed
8 within the department of land and natural resources for
9 administrative purposes [~~; provided that section 26-35 shall not~~
10 ~~apply to the authority~~]."

11 SECTION 4. Section 195H-5, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Notwithstanding any other law to the contrary, the
14 authority shall:

15 (1) Be the principal authority for the management of
16 state-managed lands within the Mauna Kea lands;
17 provided that the natural resource management
18 enforcement and emergency response over these lands
19 shall remain the responsibility of the division of
20 conservation and resources enforcement of the
21 department of land and natural resources beyond the



1 expiration of the five-year transition period pursuant
2 to section 19H-6;

3 (2) Provide oversight and protect traditional and
4 customary Native Hawaiian rights, as set forth in the
5 Hawaii State Constitution, and not unduly burden
6 individuals exercising these rights;

7 (3) Establish a process that provides and ensures
8 transparency, analysis, and justification for lease
9 terms of its land and monetary consideration that is
10 equitable, feasible, and financially sustainable;

11 (4) Be prohibited from selling, gifting, transferring, or
12 exchanging land under its control;

13 (5) Engage in community dialogue, outreach, engagement,
14 and consultation processes, as appropriate, on
15 significant matters on at least an annual basis and
16 more frequently, as needed; and

17 (6) Consider various supplemental revenue sources to be
18 deposited into the Mauna Kea management special fund,
19 to the extent permitted by law."

20 SECTION 5. Section 195H-7, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Notwithstanding any law to the contrary, all powers
2 and duties of the board of land and natural resources pursuant
3 to chapter 171, and the land use commission pursuant to chapter
4 205, concerning permits, dispositions, land use approvals, and
5 any other approvals pertaining to the Mauna Kea lands are
6 transferred to the authority upon the expiration of the
7 transition period; provided that the transfer of ~~[such]~~ the
8 powers and duties from the board of land and natural resources
9 and the land use commission may occur earlier, upon approval of
10 the authority, the board of land and natural resources, and the
11 land use commission. Upon the expiration of the transition
12 period, the authority shall carry out the powers and duties
13 otherwise conferred upon the board of land and natural resources
14 pursuant to chapter 171, and the land use commission pursuant to
15 chapter 205, with regard to permits, dispositions, land use
16 approvals, and any other approvals pertaining to the Mauna Kea
17 lands~~[-]~~; provided that all powers and duties of the board of
18 land and natural resources and the department of land and
19 natural resources pursuant to chapters 171 and 183C, pertaining
20 to areas designated under the state conservation district on
21 Mauna Kea lands, shall be retained and shall not be transferred



1 to the Mauna Kea stewardship and oversight authority upon the
2 expiration of the transition period; provided further that the
3 board of land and natural resources shall uphold its affirmative
4 and non-transferable duty to protect the traditional and
5 customary rights of native Hawaiians as provided in article 12,
6 section 7, of the Hawaii State Constitution; provided further
7 that the natural resource management enforcement and emergency
8 response over Mauna Kea lands shall remain the responsibility of
9 the division of conservation and resources enforcement of the
10 department of land and natural resources beyond the expiration
11 of the transition period."

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2026.

15

INTRODUCED BY: *Samuel R. Jones*



Report Title:

BLNR; DLNR; DOCARE; Mauna Kea Stewardship and Oversight Authority; Conservation District; Natural Resource Management; Emergency Response

Description:

Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district; provided that the Board of Land and Natural Resources upholds its affirmative and non-transferable duty to protect the traditional and customary rights of native Hawaiians as articulated in the Hawaii State Constitution. Clarifies that the natural resource management enforcement and emergency response over Mauna Kea lands shall remain the responsibility of the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources. Takes effect 7/1/2026.

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



JAN 15 2025

A BILL FOR AN ACT

RELATING TO PUBLIC NOTICE.

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

1 PART I

2 SECTION 1. The legislature finds that the State's
3 construction permitting process should be more transparent. In
4 some cases, affected neighborhoods and communities have not been
5 adequately informed about a project's impacts on health and
6 safety, cultural practices, wildlife, the ecosystem, or the
7 environment. The protests that occurred in response to the
8 Kahuku windmill project, Thirty Meter Telescope, and other
9 construction projects demonstrated the consequences of foregoing
10 community involvement and input.

11 Accordingly, the purpose of this Act is to encourage
12 transparency by requiring the department of Hawaiian home lands,
13 department of land and natural resources, and university of
14 Hawaii to inform and obtain the approval of affected
15 neighborhoods and cultural communities before proceeding with
16 certain construction projects.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

PART II

SECTION 2. Hawaiian Homes Commission Act, 1920, as amended, is amended by adding a new section to read as follows:

"§ Land use; enhanced public notice requirements; referendum. (a) For each project involving a change in land

use by the commission, the commission shall:

(1) Within thirty days of filing a permit application, provide public notice pursuant to subsection (b) and as otherwise required by law;

(2) Within four months of filing a permit application, conduct no fewer than three public meetings or hearings. Notice of the public meetings or hearings shall be made pursuant to subsection (b) and as otherwise required by law; and

(3) Before proceeding with the project, obtain the community's approval of the project through a referendum. Notice of the referendum shall be made pursuant to subsection (b) and as otherwise required by law. All adult residents of parcels within five miles of any portion of the proposed project shall be eligible to vote on the referendum. Any proposed



1 project that does not receive approval by a majority
2 of the votes cast shall be denied; provided that any
3 blank, spoiled, or invalid ballot shall not be tallied
4 as a vote cast. The office of elections shall assist
5 the commission in conducting the referendum and may
6 adopt rules pursuant to chapter 91, Hawaii Revised
7 Statutes, to effectuate the purposes of this section.
8 The rules may authorize referendum voting to be
9 conducted by mail. All costs associated with the
10 referendum shall be borne by the commission.

11 (b) In addition to any other requirements provided by law
12 or rule, public notice for purposes of subsection (a) shall be
13 provided by:

- 14 (1) Publishing once a week for four successive weeks in a
15 newspaper of general circulation serving areas within
16 five miles of the proposed project;
17 (2) Mailing notice to each residence within five miles of
18 the proposed project;
19 (3) Posting notice in multiple publicly accessible
20 locations at the proposed project site, if any; and



1 by law. All adult residents of parcels within five
2 miles of any portion of the proposed project shall be
3 eligible to vote on the referendum. Any proposed
4 project that does not receive approval by a majority
5 of the votes cast shall be denied; provided that any
6 blank, spoiled, or invalid ballot shall not be tallied
7 as a vote cast. The office of elections shall assist
8 the department in conducting the referendum and may
9 adopt rules pursuant to chapter 91, Hawaii Revised
10 Statutes, to effectuate the purposes of this section.
11 The rules may authorize referendum voting to be
12 conducted by mail. All costs associated with the
13 referendum shall be borne by the department.

14 (b) In addition to any other requirements provided by law
15 or rule, public notice for purposes of subsection (a) shall be
16 provided by:

- 17 (1) Publishing once a week for four successive weeks in a
18 newspaper of general circulation serving areas within
19 five miles of the proposed project;
20 (2) Mailing notice to each residence within five miles of
21 the proposed project;



- 1 (3) Posting notice in multiple publicly accessible
- 2 locations at the proposed project site, if any; and
- 3 (4) Posting notice on an easily accessible page of the
- 4 department's website."

PART IV

6 SECTION 4. Section 205-4, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§205-4 Amendments to district boundaries involving land**
9 **areas greater than fifteen acres.** (a) Any department or agency
10 of the State, any department or agency of the county in which
11 the land is situated, or any person with a property interest in
12 the land sought to be reclassified, may petition the land use
13 commission for a change in the boundary of a district. This
14 section applies to all petitions for changes in district
15 boundaries of lands within conservation districts, lands
16 designated or sought to be designated as important agricultural
17 lands, and lands greater than fifteen acres in the agricultural,
18 rural, and urban districts, except as provided in section
19 201H-38. The land use commission shall adopt rules pursuant to
20 chapter 91 to implement section 201H-38.



1 (b) Upon proper filing of a petition pursuant to
2 subsection (a) the commission shall, within not less than sixty
3 and not more than one hundred and eighty days, conduct a hearing
4 on the appropriate island in accordance with the provisions of
5 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

6 (c) Any other provision of law to the contrary
7 notwithstanding, notice of the hearing together with a copy of
8 the petition shall be served on the county planning commission
9 and the county planning department of the county in which the
10 land is located and all persons with a property interest in the
11 land as recorded in the county's real property tax records. In
12 addition, notice of the hearing shall be mailed to all persons
13 who have made a timely written request for advance notice of
14 boundary amendment proceedings[~~, and public~~] and each residence
15 within five miles of the land sought to be reclassified. Public
16 notice shall be given at least once in the county in which the
17 land sought to be [~~redistricted~~] reclassified is situated as
18 well as once statewide at least thirty days in advance of the
19 hearing. Notice shall also be posted in multiple publicly
20 accessible locations on the land sought to be reclassified, if
21 any, and on an easily accessible page of the commission's



1 website. The notice shall comply with section 91-9, shall
2 indicate the time and place that maps showing the proposed
3 district boundary may be inspected, and further shall inform all
4 interested persons of their rights under subsection (e).

5 (d) Any other provisions of law to the contrary
6 notwithstanding, prior to hearing of a petition the commission
7 and its staff may view and inspect any land [~~which~~] that is the
8 subject of the petition.

9 (e) Any other provisions of law to the contrary
10 notwithstanding, agencies and persons may intervene in the
11 proceedings in accordance with this subsection.

12 (1) The petitioner, the office of planning and sustainable
13 development, and the county planning department shall
14 in every case appear as parties and make
15 recommendations relative to the proposed boundary
16 change;

17 (2) All departments and agencies of the State and of the
18 county in which the land is situated shall be admitted
19 as parties upon timely application for intervention;

20 (3) All persons who have some property interest in the
21 land, who lawfully reside on the land, or who



1 otherwise can demonstrate that they will be so
2 directly and immediately affected by the proposed
3 change that their interest in the proceeding is
4 clearly distinguishable from that of the general
5 public shall be admitted as parties upon timely
6 application for intervention;

7 (4) All other persons may apply to the commission for
8 leave to intervene as parties. Leave to intervene
9 shall be freely granted; provided that the commission
10 or its hearing officer, if one is appointed, may deny
11 an application to intervene when in the commission's
12 or hearing officer's sound discretion it appears that:

13 (A) The position of the applicant for intervention
14 concerning the proposed change is substantially
15 the same as the position of a party already
16 admitted to the proceeding; and

17 (B) The admission of additional parties will render
18 the proceedings inefficient and unmanageable.

19 A person whose application to intervene is denied may
20 appeal the denial to the circuit court pursuant to
21 section 91-14; and



1 (5) The commission, pursuant to chapter 91, shall adopt
2 rules governing the intervention of agencies and
3 persons under this subsection. The rules shall
4 without limitation establish:

5 (A) The information to be set forth in any
6 application for intervention;

7 (B) The limits within which applications shall be
8 filed; and

9 (C) Reasonable filing fees to accompany applications.

10 (f) Together with other witnesses that the commission may
11 desire to hear at the hearing, it shall allow a representative
12 of a citizen or a community group to testify who indicates a
13 desire to express the view of [~~such~~] that citizen or community
14 group concerning the proposed boundary change.

15 (g) If at any time prior to or during the hearing, a
16 representative of a citizen or community group, the petitioner,
17 a party, or an intervenor requests that the commission obtain
18 the community's approval of the proposed boundary change, the
19 commission shall conduct a referendum. Notice of the referendum
20 shall be mailed to any person, entity, or residence entitled to
21 receive notice pursuant to subsection (c) and shall be posted in



1 the same manner as notices pursuant to subsection (c). All
2 adult residents of parcels within five miles of any portion of
3 the land sought to be reclassified shall be eligible to vote on
4 the referendum. Any proposed boundary change that does not
5 receive approval by a majority of votes cast shall be denied;
6 provided that any blank, spoiled, or invalid ballot shall not be
7 tallied as a vote cast. The office of elections shall assist
8 the commission in conducting the referendum and may adopt rules
9 pursuant to chapter 91 to effectuate the purposes of this
10 section. The rules may authorize referendum voting to be
11 conducted by mail. All costs associated with the referendum
12 shall be borne by the commission.

13 [~~g~~] (h) Within a period of not more than three hundred
14 sixty-five days after the proper filing of a petition, unless
15 otherwise ordered by a court, or unless a time extension, which
16 shall not exceed ninety days, is established by a two-thirds
17 vote of the members of the commission, the commission, by filing
18 findings of fact and conclusions of law, shall act to approve
19 the petition, deny the petition, or to modify the petition by
20 imposing conditions necessary to uphold the intent and spirit of
21 this chapter or the policies and criteria established pursuant



1 to section 205-17 or to assure substantial compliance with
2 representations made by the petitioner in seeking a boundary
3 change. The commission may provide by condition that absent
4 substantial commencement of use of the land in accordance with
5 such representations, the commission shall issue and serve upon
6 the party bound by the condition an order to show cause why the
7 property should not revert to its former land use classification
8 or be changed to a more appropriate classification. [~~Such~~] The
9 conditions, if any, shall run with the land and be recorded in
10 the bureau of conveyances.

11 [~~(h)~~] (i) No amendment of a land use district boundary
12 shall be approved unless the commission finds upon the clear
13 preponderance of the evidence that the proposed boundary is
14 reasonable, not violative of section 205-2 and part III of this
15 chapter, and consistent with the policies and criteria
16 established pursuant to sections 205-16 and 205-17. Six
17 affirmative votes of the commission shall be necessary for any
18 boundary amendment under this section.

19 [~~(i)~~] (j) Parties to proceedings to amend land use
20 district boundaries may obtain judicial review thereof in the
21 manner set forth in section 91-14, provided that the court may



1 also reverse or modify a finding of the commission if [~~such~~] the
 2 finding appears to be contrary to the clear preponderance of the
 3 evidence.

4 [~~(j)~~] (k) At the hearing, all parties may enter into
 5 appropriate stipulations as to findings of fact, conclusions of
 6 law, and conditions of reclassification concerning the proposed
 7 boundary change. The commission may but shall not be required
 8 to approve [~~such~~] the stipulations based on the evidence
 9 adduced."

10 PART V

11 SECTION 5. Chapter 304A, Hawaii Revised Statutes, is
 12 amended by adding a new section to part VI, subpart D, to be
 13 appropriately designated and to read as follows:

14 "§304A- Land use; enhanced public notice requirements;
 15 referendum. (a) For each project involving a change in land use
 16 by the university or the construction of a new project, execution
 17 of a new lease, or extension of an existing lease within the Mauna
 18 Kea science reserve, the university shall:

19 (1) Within thirty days of filing a permit application,
 20 provide public notice pursuant to subsection (b) and
 21 as otherwise required by law;



- 1 (2) Within four months of filing a permit application,
2 conduct no fewer than three public meetings or
3 hearings. Notice of the public meetings or hearings
4 shall be made pursuant to subsection (b) and as
5 otherwise required by law; and
- 6 (3) Before proceeding with the project, obtain the
7 community's approval of the project through a
8 referendum. Notice of the referendum shall be made
9 pursuant to subsection (b) and as otherwise required
10 by law. All adult residents of parcels within five
11 miles of any portion of the proposed project shall be
12 eligible to vote on the referendum. For referendums
13 concerning the Mauna Kea science reserve, all adult
14 residents of the county in which the Mauna Kea science
15 reserve is located shall be eligible to vote on the
16 referendum. Any proposed project that does not
17 receive approval by a majority of the votes cast shall
18 be denied; provided that any blank, spoiled, or
19 invalid ballot shall not be tallied as a vote cast.
20 The office of elections shall assist the university in
21 conducting the referendum and may adopt rules pursuant



1 to chapter 91, Hawaii Revised Statutes, to effectuate
2 the purposes of this section. The rules may authorize
3 referendum voting to be conducted by mail. All costs
4 associated with the referendum shall be borne by the
5 university.

6 (b) In addition to any other requirements provided by law
7 or rule, public notice for purposes of subsection (a) shall be
8 provided by:

9 (1) Publishing once a week for four successive weeks in a
10 newspaper of general circulation serving areas within
11 five miles of the proposed project;

12 (2) Mailing notice to each residence within five miles of
13 the proposed project; provided that this paragraph
14 shall not apply to referendums concerning the Mauna
15 Kea science reserve;

16 (3) Posting notice in multiple publicly accessible
17 locations at the proposed project site, if any; and

18 (4) Posting notice on an easily accessible page of the
19 university's website."



1 PART VI

2 SECTION 6. There is appropriated out of the general
3 revenues of the State of Hawaii the sum of \$ or so much
4 thereof as may be necessary for fiscal year 2025-2026 and the
5 same sum or so much thereof as may be necessary for fiscal year
6 2026-2027 to fund the enhanced public notice requirements
7 established by this Act.

8 The sums appropriated shall be expended by the department
9 of Hawaiian home lands for the purposes of this Act.

10 SECTION 7. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2025-2026 and the
13 same sum or so much thereof as may be necessary for fiscal year
14 2026-2027 to fund the enhanced public notice requirements
15 established by this Act.

16 The sums appropriated shall be expended by the department
17 of land and natural resources for the purposes of this Act.

18 SECTION 8. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so much
20 thereof as may be necessary for fiscal year 2025-2026 and the
21 same sum or so much thereof as may be necessary for fiscal year



1 2026-2027 to fund the enhanced notice requirements established
2 by this Act.

3 The sums appropriated shall be expended by the land use
4 commission for the purposes of this Act.

5 SECTION 9. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2026-2027 to fund the enhanced notice requirements established
10 by this Act.

11 The sums appropriated shall be expended by the university
12 of Hawaii for the purposes of this Act.

13 PART VII

14 SECTION 10. This Act does not affect rights and duties
15 that matured, penalties that were incurred, and proceedings that
16 were begun before its effective date.

17 SECTION 11. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



1 SECTION 12. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY: Kurt Fevella



S.B. NO. 197

Report Title:

LUC; DHHL; DLNR; UH; Public Notice; Land Use; Appropriations

Description:

Establishes enhanced public notice requirements for changes in land use by the Department of Hawaiian Home Lands, Department of Land and Natural Resources, or University of Hawaii and boundary changes by the Land Use Commission. Requires approval of the project by the community through a referendum of nearby adult residents except for projects within the Mauna Kea science reserve, which require a referendum by all adult residents of the country in which the Mauna Kea science reserve is located. Appropriates moneys.

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

