

---

---

# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 PART I

2 SECTION 1. Section 37-74, Hawaii Revised Statutes, is  
3 amended by amending subsections (c) to (d) to read as follows:

4 "(c) The department of budget and finance shall:

5 (1) Review each operations plan to determine:

6 (A) That it is consistent with the policy decisions  
7 of the governor and appropriations by the  
8 legislature;

9 (B) That it reflects proper planning and efficient  
10 management methods; and

11 (C) That appropriations have been made for the  
12 planned purpose and will not be exhausted before  
13 the end of the fiscal year;

14 ~~[provided that the department of budget and finance~~  
15 ~~shall review the operations plan submitted by the~~  
16 ~~University of Hawaii solely for consistency with the~~  
17 ~~allotment ceilings established by the governor under~~  
18 ~~section 37-34, appropriations by the legislature, the~~



1 ~~requirements of chapter 37D, and the status of~~  
2 ~~revenues to support operations plans for all state~~  
3 ~~programs;]~~

4 (2) Approve the operations plan if satisfied that it meets  
5 the requirements under paragraph (1). Otherwise, the  
6 department of budget and finance shall require  
7 revision of the operations plan in whole or in part;  
8 and

9 (3) Modify or withhold the planned expenditures at any  
10 time during the appropriation period if the department  
11 of budget and finance finds that the expenditures are  
12 greater than those necessary to execute the programs  
13 at the level authorized by the governor and the  
14 legislature, or that state receipts and surpluses will  
15 be insufficient to meet the authorized expenditure  
16 levels[~~; provided that the planned expenditures for~~  
17 ~~the University of Hawaii may be modified or withheld~~  
18 ~~only in accordance with sections 37-36 and 37-37].~~

19 (d) No appropriation transfers or changes between programs  
20 or agencies shall be made without legislative authorization;  
21 provided that:



- 1 (1) Authorized transfers or changes, when made, shall be  
2 reported to the legislature;
- 3 (2) Except [~~with respect to appropriations to fund~~  
4 ~~financing agreements under chapter 37D, the University~~  
5 ~~of Hawaii shall have the flexibility to transfer~~  
6 ~~appropriated funds and positions for the operating~~  
7 ~~cost category among programs, among cost elements in a~~  
8 ~~program, and between quarters, as applicable; except]~~  
9 with respect to appropriations to fund financing  
10 agreements under chapter 37D, the department of  
11 education shall have the flexibility to transfer  
12 appropriated funds and positions for the operating  
13 cost category among programs and among cost elements  
14 in a program, and between quarters, as applicable; and  
15 the Hawaii health systems corporation and its regional  
16 system boards shall have the flexibility to transfer  
17 special fund appropriations among regional system  
18 hospital facilities as applicable and as mutually  
19 agreed to by the corporation and the respective  
20 regional system board; provided that the Hawaii health  
21 systems corporation and the regional system boards  
22 shall maintain the integrity and services of each



1 individual regional system and shall not transfer  
2 appropriations out of any regional system that would  
3 result in a reduction of services offered by the  
4 regional system, with due regard for statutory  
5 requirements, changing conditions, the needs of the  
6 programs, and the effective utilization of resources;  
7 and

8 (3) The [~~university and the~~] department of education shall  
9 account for each transfer implemented under this  
10 subsection in quarterly reports to the governor and  
11 annual reports at the end of each fiscal year to the  
12 legislature and the governor, which shall be prepared  
13 in the form and manner prescribed by the governor and  
14 shall include information on the sources and uses of  
15 the transfer."

16 PART II

17 SECTION 2. The University of Hawaii acquired lands for the  
18 University of Hawaii at West Oahu through a land exchange  
19 approved in Act 294, Session Laws of Hawaii 1996. Subsequently,  
20 the University of Hawaii at West Oahu campus has grown and  
21 continues to grow according to the university's long-range  
22 development plans. However, the legislature finds that there



1 remains significant acreage that could be used for revenue-  
2 generating purposes for the support of the University of Hawaii  
3 at West Oahu. As such, the legislature further finds that the  
4 disposition of such lands is an issue of statewide concern.

5 Accordingly, the purpose of this part is to prohibit the  
6 sale or gift of the University of Hawaii at West Oahu land  
7 acquired pursuant to Act 294, Session Laws of Hawaii 1996,  
8 without the prior consent of the legislature.

9 SECTION 3. Section 304A-2166, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11 "(b) The following shall be deposited into the special  
12 fund:

13 (1) Appropriations by the legislature to the special fund;

14 (2) All net proceeds from the sale of public lands, all  
15 net rents from leases, licenses, and permits, or all  
16 net proceeds derived from development rights for  
17 public lands:

18 (A) Proposed for large lot subdivision as a five  
19 hundred acre parcel and designated as Lot 10077  
20 in Land Court Application 1069; and

21 (B) Obtained from the Campbell Estate in the land  
22 exchange described in section 2 of Act 294,



1                   Session Laws of Hawaii 1996, located mauka of the  
2                   H-1 Freeway and consisting of nine hundred forty-  
3                   one acres, more or less; [~~and~~]  
4                   provided that notwithstanding section 304A-105 to the  
5                   contrary, no sale of lands that are described in this  
6                   paragraph in fee simple, including land sold for roads  
7                   and streets, or gift of lands that are described in  
8                   this paragraph in fee simple, to the extent the gift  
9                   is otherwise permitted by law, shall occur without the  
10                   prior approval of the sale or gift by the legislature  
11                   by concurrent resolution to be adopted by at least a  
12                   two-thirds majority vote of both houses; and

13           (3) Interest earned or accrued on moneys in the special  
14           fund."

15           SECTION 4. Section 304A-2274, Hawaii Revised Statutes, is  
16           amended by amending subsection (a) to read as follows:

17           "(a) There is established the University of Hawaii real  
18           property and facilities use revolving fund into which shall be  
19           deposited all revenues collected by the university for the use  
20           of university real property and facilities, except as otherwise  
21           provided by law. The board of regents may establish prices,  
22           fees, and charges, including those for the sale, lease, or use



1 of university real property and facilities, which include land,  
2 buildings, grounds, furnishings, and equipment; provided that  
3 the university shall comply with all statutory and common law  
4 requirements in the disposition of ceded lands[-] and those  
5 lands described in section 304A-2166(b)(2)(A) and (B). The  
6 board of regents shall be exempt from the public notice and  
7 public hearing requirements of chapter 91 in establishing and  
8 amending the fees and charges. The university may establish  
9 separate accounts within the revolving fund for major program  
10 activities. Funds deposited into the revolving fund accounts  
11 shall be expended to pay the costs of operating university  
12 facilities, including maintenance, administrative expenses,  
13 salaries, wages, and benefits of employees, contractor services,  
14 supplies, security, furnishings, equipment, janitorial services,  
15 insurance, utilities, and other operational expenses. Revenues  
16 not expended as provided in this section may be transferred to  
17 other university funds to be invested or expended for the  
18 administrative or overhead costs of the university. All  
19 expenditures from this revolving fund shall be subject to  
20 legislative appropriation."



## 1 PART III

2 SECTION 5. The legislature finds the 2012 National  
3 Association for Student Professionals Associations book, *Asian*  
4 *Americans and Pacific Islanders in Higher Education*, documents  
5 the growth, diversity, and underrepresentation in various levels  
6 of education among Asian Americans and Pacific Islanders. The  
7 book has received local and national recognition for identifying  
8 issues and policies that must be addressed by researchers,  
9 universities, and state and federal policy makers. In  
10 particular, there is a need for research to address the  
11 underrepresentation of Asian Americans and Pacific Islanders in  
12 higher education institutions.

13 The purpose of this part is to:

- 14 (1) Fund five part-time graduate assistant and student  
15 employee (2.5 FTE) positions in the office of student  
16 equity, excellence, and diversity at the University of  
17 Hawaii at Manoa to conduct and disseminate research  
18 relating to Asian American and Pacific Islander  
19 students in higher education; and
- 20 (2) Provide direct services to undergraduate and graduate  
21 students interested in diversity careers in student  
22 affairs and higher education.





1 SECTION 6. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2014-2015 to:

4 (1) Fund five part-time graduate student assistant and  
5 student employee (2.5 FTE) positions in the office of  
6 student equity, excellence, and diversity at the  
7 University of Hawaii at Manoa to conduct and  
8 disseminate research relating to Asian American and  
9 Pacific Islander students in higher education; and

10 (2) Provide direct services to undergraduate and graduate  
11 students interested in diversity careers relating to  
12 student affairs and higher education.

13 The sum appropriated shall be expended by the University of  
14 Hawaii for the purposes of this part.

15 PART IV

16 SECTION 7. Section 304A-2603, Hawaii Revised Statutes, is  
17 repealed.

18 [~~"§304A-2603 Revenue bonds. The board of regents is~~  
19 ~~authorized to issue sufficient amounts of revenue bonds pursuant~~  
20 ~~to [subpart D] for the purpose of providing adequate parking~~  
21 ~~structures or other facilities."~~]





# S.B. NO.

2905  
S.D. 1  
H.D. 1  
Proposed

**Report Title:**

UH; Budget; Program Execution; UH-West Oahu; Sale or Gift of Land; Asian Americans; Pacific Islanders; Appropriation; Revenue Bonds

**Description:**

Removes program execution exceptions provisions that are specific to the UH. Prohibits the sale or gift of land currently being used for the permanent campus of the UH-West Oahu without the prior consent of the Legislature. Appropriates moneys to fund positions in SEED, and to provide direct services relating to student affairs and higher education. Repeals the authority of UH to issue revenue bonds. Effective 7/1/2014.  
(HD1 Proposed)

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

