
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII RULEMAKING.

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

1 SECTION 1. Section 304A-105, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The board of regents shall have management and
4 control of the general affairs, and exclusive jurisdiction over
5 the internal structure, management, and operation of the
6 university. The board may:

7 (1) Appoint a treasurer and other officers as it deems
8 necessary;

9 (2) Authorize any officer, elected or appointed by it, to
10 approve and sign on its behalf any voucher or other
11 document that the board may approve and sign;

12 (3) Delegate to the president or the president's designee
13 the authority to render the final decision in
14 contested case proceedings subject to chapter 91, as
15 it deems appropriate;

16 (4) Purchase or otherwise acquire lands, buildings,
17 appliances, and other property for the purposes of the
18 university; and



1 (5) Expend any sums of money as, from time to time, may be
2 placed at the disposal of the university from whatever
3 source; provided that notwithstanding any other law to
4 the contrary, all documents regarding expenditures and
5 changes thereto, made by the board shall be disclosed
6 in open meetings for the purpose of public comment;
7 provided further that all expenditure requests,
8 proposals, and any other budgetary documents used by
9 the board at an open meeting shall be made available
10 to the public at least six calendar days before the
11 meeting.

12 All lands, buildings, appliances, and other property so
13 purchased or acquired shall be and remain the property of the
14 university to be used in perpetuity for the benefit of the
15 university. The board, in accordance with this section and
16 other law, shall manage the inventory, equipment, surplus
17 property, and expenditures of the university and, [~~subject to~~
18 ~~chapter 91, may adopt rules, further~~] at an open public meeting
19 held pursuant to chapter 92, may adopt regulations controlling
20 and regulating the same."



1 SECTION 2. Section 304A-402, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[§304A-402]~~ **Residence for tuition purposes; basic**
4 ~~[rule.]~~ principle. The board of regents shall adopt the
5 necessary ~~[rules]~~ regulations, at an open public meeting held
6 pursuant to chapter 92, defining residence for tuition purposes
7 ~~[herein];~~ provided that the basic ~~[rule]~~ principle shall be that
8 a student shall qualify for the resident tuition fee at the
9 University of Hawaii only if the following criteria are met:

- 10 (1) The adult student, or in the case of a minor student,
11 the student's parents or guardians, has or have been a
12 bona fide resident of this State for at least twelve
13 consecutive months next preceding the student's first
14 day of officially scheduled instruction for any
15 semester or term in which the student is enrolling at
16 the particular college or campus; and
- 17 (2) The adult or minor student has not been claimed as a
18 dependent for tax purposes for at least twelve months
19 next preceding the student's first day of officially
20 scheduled instruction for any semester or term in
21 which the student is enrolling at the particular



1 college or campus by the student's parents or
2 guardians who are nonresidents of the State; provided
3 that this provision shall not apply in cases where the
4 parent claiming the student as a dependent is entitled
5 to do so under a child support order or agreement
6 issued or entered into in conjunction with a divorce
7 proceeding or legal separation agreement and the other
8 parent and the student meet the criteria set forth in
9 paragraph (1)."

10 SECTION 3. Section 304A-604, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~§~~304A-604~~§~~ ~~[Rules]~~ Regulations governing state
13 higher education loan fund. The board of regents shall ~~[have~~
14 ~~the power, in accordance with chapter 91, to],~~ at an open public
15 meeting held pursuant to chapter 92, adopt ~~[rules]~~ regulations
16 necessary for the administration of the state higher education
17 loan fund."

18 SECTION 4. Section 304A-2160, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "~~§~~304A-2160~~§~~ State higher education loan fund. There
21 is established a special fund to be known as the state higher



1 education loan fund. The fund shall be a revolving fund and all
2 interest and payments received on account of principal shall be
3 credited to the fund. The fund shall be administered by the
4 board of regents and shall be disbursed to needy students that
5 meet eligibility requirements under section [†]304A-601[†]
6 pursuant to [~~rules~~] regulations adopted by the board."

7 SECTION 5. Section 304A-2353, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

9 "(d) The board of regents [~~shall adopt rules~~] may adopt
10 regulations, at an open public meeting held pursuant to chapter
11 92, to implement the Senator Hiram L. Fong scholarship program.
12 [~~The rules shall be adopted pursuant to chapter 91 but shall be~~
13 ~~exempt from the public notice and public hearing requirements.]"~~

14 SECTION 6. Section 304A-2354, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) The board of regents [~~shall adopt rules~~] may adopt
17 regulations, at an open meeting pursuant to chapter 92, to
18 implement the Senator Oren E. Long scholarship program. [~~The~~
19 ~~rules shall be adopted pursuant to chapter 91 but shall be~~
20 ~~exempt from the public notice and public hearing requirements.]"~~



1 SECTION 7. Section 304A-2601, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§304A-2601[+] **Parking; control by board of regents.**

4 (a) The board of regents may [~~make rules~~] establish regulations
5 governing the traffic and parking conditions on the roadways and
6 other areas under the jurisdiction of the university. All
7 regulations established pursuant to this section shall be
8 adopted at open public meetings held pursuant to chapter 92.

9 (b) The board may[+] establish regulations for the:

10 (1) [~~Assess~~] Assessment of fees for parking on roadways
11 and in the parking areas under the jurisdiction of the
12 university; and

13 (2) [~~Install~~] Installation of parking meters on roadways
14 and in parking areas[+and

15 ~~(3) Make rules relating to the assessments of fees for~~
16 ~~parking and the installation of parking meters. The~~
17 ~~rules shall be adopted pursuant to chapter 91].~~

18 The fees shall be deposited in the university parking
19 revolving fund established under section [+]304A-2275[+].



1 (c) For the purposes of this subpart, parking facilities
2 shall be considered university projects, and the board shall
3 possess all powers conferred by [†]subpart D[†]."

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.



Report Title:

University of Hawaii; Rulemaking; Adoption of Regulations

Description:

Exempts adoption of selected regulations, by the University of Hawaii board of regents, from chapter 91 and requires adoption of selected regulations to be subject to chapter 92. (SD1)

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