

[\$304A-2153] University of Hawaii tuition and fees special fund. (a) There is established the University of Hawaii tuition and fees special fund into which shall be deposited all revenue collected by the university for regular, summer, and continuing education credit tuition, tuition-related course and fee charges, and any other charges to students, except as provided by law. Moneys deposited into the fund shall be expended to maintain or improve the university's programs and operations and shall not be:

- (1) Used as a justification for reducing any budget request or allotment to the university unless the university requests such a reduction;
- (2) Transferred unless otherwise authorized by the legislature; and
- (3) Restricted by the governor or the director of finance without the prior approval of the legislature.

Any rule, policy, or action of any agency or individual in contravention of this subsection shall be void as against public policy.

(b) Any law to the contrary notwithstanding, the board of regents may authorize expenditures of up to \$3,000,000 annually, excluding in-kind services, from this fund for the purposes of promoting alumni relations and generating private donations for deposit into the University of Hawaii Foundation for the purposes of the university. Any expenditure authorized pursuant to this subsection shall be for a public purpose and shall not be subject to chapters 42F, 103, 103D, and 103F. The university shall submit a comprehensive report to the legislature detailing the use of any funds authorized by the board under this subsection no later than twenty days prior to the convening of each regular session.

The report shall:

- (1) Identify each department of the University of Hawaii Foundation supported by moneys from the fund;
- (2) Describe the purposes and activities of each department identified in paragraph (1) and how it participates in fundraising activities and benefits the university;
- (3) Provide the total expenditures of each department identified in paragraph (1) by primary expense categories;
- (4) Identify all moneys from the fund transferred to any fund of the university and provide a justification of how these moneys are used to benefit the university;
- (5) Provide a financial summary of the operating activities of the University of Hawaii Foundation, including revenues and expenditures by major reporting categories; and
- (6) Identify amounts and purposes of all expenditures from the University of Hawaii support fund.

(c) Any law to the contrary notwithstanding, the university may transfer funds from the University of Hawaii tuition and fees

special fund into the scholarship and assistance special fund established pursuant to section [304A-2159]. [L 2006, c 75, pt of §2]

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[\$304A-2155] Library special fund. There is established a library special fund for the libraries of the University of Hawaii into which shall be deposited all fines, fees, and other revenue derived from the libraries' operations. Moneys deposited in this fund may be expended to replace or repair lost, damaged, stolen, or outdated books, serials, and periodicals or to support and improve the services provided by the libraries. The amounts allocated to each campus library from the special fund shall be proportionate to the amount of revenues generated by each library. [L 2006, c 75, pt of §2]

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[\$304A-2156] University of Hawaii community services special fund. (a) There is established the University of Hawaii community services special fund. Except as otherwise provided by law, all revenues, including interest, derived and collected from the university's provision of public service programs shall be deposited into the University of Hawaii community services special fund. The university may establish and collect fees and charges for public service programs. All revenues deposited into the University of Hawaii community services special fund shall be used exclusively for the costs of providing public service programs. The university may establish accounts under the community services special fund to facilitate the administration of this fund among the various campuses and operating units of the University of Hawaii system. All expenditures from this fund shall be subject to legislative appropriation.

(b) As used in this section, "public service programs" means:

- (1) Noncredit educational programs in professional development and training, personal growth, and cultural enrichment; and
- (2) Cooperative extension and consultative services. [L 2006, c 75, pt of §2]

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[\$304A-2157] University of Hawaii auxiliary enterprises special fund. (a) There is established the University of Hawaii auxiliary enterprises special fund. Except as otherwise provided by law, all revenues, including interest, derived and collected from the university's provision of auxiliary services shall be deposited into the University of Hawaii auxiliary enterprises special fund and shall be expended solely for the costs of providing these services. The university may establish and collect fees and charges for the costs of providing these services. The university also may transfer other funds into the University of Hawaii auxiliary enterprises special fund to offset the cost of these services. The university may establish accounts under the University of Hawaii auxiliary enterprises special fund to facilitate the administration of this fund among the various campuses and operating units of the University of Hawaii system. All expenditures from this fund shall be subject to legislative appropriation.

(b) As used in this section, "auxiliary services" means those services provided by the university to students, faculty, staff, and others that are ancillary to, but facilitate the instruction, research, and public service missions of the university and may include food services, transportation services, counseling and guidance, and laboratory animal services. [L 2006, c 75, pt of §2]

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[§304A-2159] University of Hawaii scholarship and assistance special fund. (a) There is established the University of Hawaii scholarship and assistance special fund to be administered by the University of Hawaii. The special fund shall be administered pursuant to the authority of the board of regents to grant, modify, or suspend the scholarship and assistance under section [304A-501]. This fund shall be used to provide financial assistance to qualified students enrolled at any campus of the University of Hawaii.

(b) Revenues deposited into this fund shall include but not be limited to state, federal, and private funds, funds transferred by the university from the tuition and fees special fund pursuant to section [304A-2153], and appropriations for the state scholars program; provided that state funds appropriated for any scholarship program, including but not limited to the B Plus scholarship program, the Hawaii state scholars program, and the workforce development scholarship program, shall be kept in a separate and distinct account.

(c) The annual report for the special fund shall include but not be limited to the number of tuition waivers, scholarships, and stipends. The report shall also include but not be limited to the number of tuition waivers granted under section [304A-503] through the Hawaii opportunity program in education. The report shall also include recommendations as appropriate to the legislature on all tuition waivers.

(d) This fund is not intended to provide loans or keep track of payback provisions. [L 2006, c 75, pt of §2 and c 257, §4]

Revision Note

The amendment by L 2006, c 257, §4 to repealed §304-16.6 is included in this section pursuant to L 2006, c 75, §18.

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[§304A-2167.5] University revenue-undertakings fund. (a)

There is established a special fund for the University of Hawaii to be known as the university revenue-undertakings fund into which all revenue of the university under subpart D of part VI, including any appropriation allocated pursuant to this section received from, or related to, university projects, university systems, or networks or any combination thereof, constructed or maintained by the board under subpart D of part VI shall be deposited. At the direction of the board, there may be established accounts in the university revenue-undertakings fund as required by the resolution authorizing revenue bonds.

If revenue bonds are issued under subpart D of part VI payable from the revenue of a university parking facility or the revenue of a university system that includes a university parking facility, the board in the resolution authorizing revenue bonds may direct that all or any part of the moneys required by this chapter to be paid into the university parking revolving fund created by section 304A-2275 shall be deposited in the university revenue-undertakings fund in lieu of being deposited in the university parking revolving fund.

(b) All moneys in the university revenue-undertakings fund shall be applied in accordance with the resolution of the board authorizing the issuance of revenue bonds under subpart D of part VI, as follows:

- (1) To provide for all costs of construction, operation, repair, and maintenance of a university project, university system, network, or any combination thereof, including reserves therefor;
- (2) To pay when due all revenue bonds and interest thereon, for the payment of which all or any part of the revenue of the university is or has been pledged, charged, or otherwise encumbered, including reserves therefor;
- (3) To reimburse the university for all moneys advanced to pay the expenses incurred in making the preparation for the initial issuance of revenue bonds under subpart D of part VI;
- (4) To reimburse the general fund of the State for principal and interest on general obligation bonds issued for all university projects, university systems, networks, or any combination thereof, or issued to refund any of such general obligation bonds, to the extent required by law; and
- (5) To provide a reserve for betterments and improvements to and renewals and replacements of, university projects, university systems, networks, or any combination thereof.

If adequate provision is made for all the foregoing purposes, and if permitted by law and the covenants in the resolution authorizing the issuance of revenue bonds under subpart D of part VI, any moneys remaining in the university revenue-undertakings fund at the end of a fiscal year may be expended by the board in subsequent years in furtherance of any of the purposes of the university.

(c) The following terms used in this section shall be as

defined in section 304A-2671: "appropriation", "board", "construction", "cost of construction", "cost of maintenance", "maintenance", "network", "reserves", "revenue bonds", "revenue of the university", "university project", and "university system". [L 2007, c 161, §2]

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[§304A-2170] Mauna Kea lands management special fund. (a)

There is established the Mauna Kea lands management special fund, into which shall be deposited:

- (1) Appropriations by the legislature;
- (2) All net rents from leases, licenses, and permits, including fees and charges for the use of land and facilities within the Mauna Kea lands;
- (3) All moneys collected for violations of subpart O of part IV; and
- (4) Interest earned or accrued on moneys in the special fund.

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

- (1) Managing the Mauna Kea lands, including maintenance, administrative expenses, salaries and benefits of employees, contractor services, supplies, security, equipment, janitorial services, insurance, utilities, and other operational expenses; and
- (2) Enforcing administrative rules adopted relating to the Mauna Kea lands.

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

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

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

(f) For the purposes of this section, "Mauna Kea lands" shall mean the same as defined in section 304A-1901. [L 2009, c 132, pt of §3]

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[\$304A-2172] University of Hawaii capital improvements program project assessment special fund. (a) There shall be established in the university a special fund to be known as the University of Hawaii capital improvements program project assessment special fund for the purpose of defraying the costs involved in:

- (1) Carrying out capital improvements program projects managed by the university;
- (2) Equitably assessing, collecting, and distributing moneys for current and other expenses associated with capital improvements program projects, repair and maintenance projects, and major renovation projects;
- (3) Managing the payment of expenses assessable against capital improvements program projects managed by or through the university, such as printing, employee transportation requirements, project-related travel costs, travel per diem, and car mileage reimbursements, in accordance with applicable laws and collective bargaining agreements; and
- (4) Managing funds representing accumulated vacation and sick leave credits and retirement benefits for non-general funded employees under the capital improvements program projects managed by the university.

(b) The president or the president's designee shall make reasonable assessments on capital improvements program projects, repair and maintenance projects, and major renovation projects managed by the university to carry out the program of centralized management, oversight, and administration of the projects. The assessments shall be based on the evaluation by the president or the president's designee of the reasonable historic and projected costs of providing such services. All assessments collected shall be deposited into the University of Hawaii capital improvements program project assessment special fund.

(c) The University of Hawaii capital improvements program project assessment special fund shall be administered by the office of capital improvements of the university.

(d) All expenditures from the University of Hawaii capital improvements program project assessment special fund shall be made by the president or the president's designee in accordance with applicable laws and rules. [L 2010, c 202, §1]

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[\$304A-2176] University of Hawaii at Manoa intercollegiate athletics special fund and University of Hawaii at Hilo intercollegiate athletics special fund. Notwithstanding any other law to the contrary, there are established the University of Hawaii at Manoa intercollegiate athletics special fund and the University of Hawaii at Hilo intercollegiate athletics special fund for the intercollegiate athletic programs of the University of Hawaii at Manoa and the University of Hawaii at Hilo, which shall be used to receive, deposit, disburse, and account for funds from the activities of the intercollegiate athletic programs. The university may establish appropriate charges for activities related to its athletic programs and the use of its athletic facilities, the proceeds from which shall be deposited into these special funds.

The university shall maintain the financial integrity and viability of these special funds, including the maintenance of an adequate reserve to cope with the various factors that impact the revenue structure of an intercollegiate athletic program. [L 2006, c 75, pt of §2; am L 2011, c 124, §8]

Revision Note

Section was renumbered from §304A-2261 pursuant to §23G-15.

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[\$304A-2178] University of Hawaii-Hilo theatre special fund.

There is established the University of Hawaii-Hilo theatre special fund, which shall consist of admissions, advertising sales, corporate sponsorships, marketing, merchandising, donations, fund-raising, fees, charges, and other moneys collected in conjunction with the University of Hawaii-Hilo theatre program. The special fund shall be administered by the office of administrative affairs of the University of Hawaii at Hilo. Funds may be expended for all costs associated with the theatre program, including artists' fees, production costs, personnel costs, honoraria, per diem, hotel and room rentals, food and refreshments, printing and mailing, advertising, airfare, leis, rental or purchase of equipment, and theater supplies and materials. [L 2006, c 75, pt of §2; am L 2011, c 124, §10]

Revision Note

Section was renumbered from §304A-2271 pursuant to §23G-15.

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D. REVOLVING FUNDS

§304A-2251 University of Hawaii commercial enterprises revolving fund. There is established the University of Hawaii commercial enterprises revolving fund into which shall be deposited all revenues derived from the operation of commercial enterprises by university programs. Revenues deposited into this fund may be expended by the university for all costs and expenses associated with the operation of the enterprises, including hiring personnel, renovating commercial space, and purchasing merchandise, supplies, and equipment, without regard to chapters 76, 78, 89, 103, and 103D. Any law to the contrary notwithstanding, the university may transfer all funds at its disposal, with the exception of general funds and University of Hawaii tuition and fees special fund moneys, into the revolving fund to finance the establishment of new commercial enterprises; except that no more than ten per cent of the tuition and fees special fund moneys may be loaned to the revolving fund to finance the establishment of new commercial enterprises. Revenues not expended as provided in this section may be transferred to other university funds to be expended for the general benefit of the university. [L 2006, c 75, pt of §2; am L 2008, c 106, §§1, 3; am L 2009, c 11, §13; am L 2010, c 42, §1]

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§304A-2253 Research and training revolving fund. (a) There is established a University of Hawaii research and training revolving fund into which shall be deposited one hundred per cent of the total amount of indirect overhead revenues generated by the university from research and training programs. The board of regents is authorized to expend one hundred per cent of the revenues deposited in the fund for:

- (1) Research and training purposes that may result in additional research and training grants and contracts;
- (2) Facilitating research and training at the university; and
- (3) Further deposit into the discoveries and inventions special fund.

(b) The annual report required to be made for this revolving fund shall include but not be limited to a breakdown of travel expenses.

(c) Notwithstanding sections 304A-107 and [304A-2174] to the contrary, the board of regents or its designee, may establish a separate account within the research and training revolving fund for the purpose of providing advance funding to meet reimbursable costs incurred in connection with federally financed research and training projects. Any reimbursement received as a result of providing advance funding shall be deposited into the research and training revolving fund to be used for the purpose of meeting reimbursable costs incurred in connection with federally financed projects.

(d) Revenues deposited into the fund shall not be used as a basis for reducing any current or future budget request or allotment to the university unless the university requests such a reduction. [L 2006, c 75, pt of §2; am L 2011, c 124, §5]

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[\$304A-2256] Transcript and diploma revolving fund. There is established the transcript and diploma revolving fund that shall be used to defray the cost of transcripts and diplomas and that shall be replenished through charges made for transcripts and diplomas or through transfers from other accounts or funds. [L 2006, c 75, pt of §2]

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[§304A-2257] University of Hawaii student activities revolving fund. (a) There is established the University of Hawaii student activities revolving fund into which shall be deposited all funds assessed as compulsory student activity fees and collected by the University of Hawaii on behalf of chartered student organizations and student activity programs of the several campuses of the University of Hawaii system. All revenues received by chartered student organizations and student activity programs from student activities and programs, except those revenues to which other special funds have prior claim, shall also be deposited into the revolving fund.

(b) Separate accounts shall be maintained for each chartered student organization and student activity program. Funds from the accounts may be withdrawn and expended by each respective chartered student organization or student activity program for any purpose that it deems necessary and proper to carry out and achieve its educational responsibilities, programs, and related activities; provided that approval for the expenditure is first obtained from the board of regents or its designated representative, except that approval is not required for expenditures for the purchase of flowers, leis, food, refreshments, and prizes if the purchases do not exceed an amount determined by policies adopted by the board of regents; and provided further that the amount shall not exceed the funds available to any chartered student organization or student activity program annually.

(c) Other laws to the contrary notwithstanding, any chartered student organization may be permitted to withdraw and expend funds from the special accounts to employ or retain, by contract or otherwise, an attorney or attorneys only for the purpose of defending such organization in any litigation. Any chartered student organization specifically organized to provide student publications or broadcast communications may also be permitted to withdraw and expend funds from the special accounts to employ or retain, by contract or otherwise, an attorney for the purpose of rendering legal advice to avoid lawsuits. The expenditures in this subsection shall be approved by, and in accordance with policies adopted by, the board of regents. No funds expended under this subsection may be used to defend chartered student organizations for any wilful or malicious act or to pay for any claim for loss or damage arising from the activities of the chartered student organizations, including costs, expenses, and liabilities incurred in connection with any claim or proceeding brought against a chartered student organization for damages resulting from the act or omission of a chartered student organization or any member thereof. All moneys received for the University of Hawaii student activities revolving fund shall be deposited in a depository maintained by the university in accordance with policies that shall be adopted by the board of regents. [L 2006, c 75, pt of §2]

[\$304A-2268] Career and technical training projects revolving fund; University of Hawaii at Hilo. There is established the career and technical training projects revolving fund for the career and technical training projects of the community colleges and the University of Hawaii at Hilo into which shall be deposited the receipts from fees for services, supplies, and use of equipment provided by or in connection with these projects. Funds deposited in this account shall be expended for vocational and technical training projects, and supplies, equipment, and services related thereto. [L 2006, c 75, pt of §2]

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[\$304A-2270] Hawaiian language college revolving fund. There is established the Hawaiian language college revolving fund into which revenues from the sale of Hawaiian language materials shall be deposited. Moneys deposited into this fund shall be expended to support the Hawaiian language college at the University of Hawaii at Hilo established under section [304A-1301]. [L 2006, c 75, pt of §2]

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[\$304A-2272] Conference center revolving fund; University of Hawaii at Hilo. There is established the conference center revolving fund for the conference center program in the college of continuing education and community service of the University of Hawaii at Hilo. All fees, charges, and other moneys collected in conjunction with the conference center program shall be deposited in the revolving fund. The dean of the college of continuing education and community service is authorized to expend funds from the revolving fund for all costs associated with conducting conferences, seminars, and courses by the conference center program, including but not limited to expenses for honoraria, hotel and room rentals, food and refreshment, printing and mailing, airfare and per diem, leis, rental of audiovisual equipment, and conference supplies and materials. [L 2006, c 75, pt of §2]

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[\$304A-2274] University of Hawaii real property and facilities use revolving fund. (a) There is established the University of Hawaii real property and facilities use revolving fund into which shall be deposited all revenues collected by the university for the use of university real property and facilities, except as otherwise provided by law. The board of regents may establish prices, fees, and charges, including those for the sale, lease, or use of university real property and facilities, which include land, buildings, grounds, furnishings, and equipment; provided that the university shall comply with all statutory and common law requirements in the disposition of ceded lands. The board of regents shall be exempt from the public notice and public hearing requirements of chapter 91 in establishing and amending the fees and charges. The university may establish separate accounts within the revolving fund for major program activities. Funds deposited into the revolving fund accounts shall be expended to pay the costs of operating university facilities, including maintenance, administrative expenses, salaries, wages, and benefits of employees, contractor services, supplies, security, furnishings, equipment, janitorial services, insurance, utilities, and other operational expenses. Revenues not expended as provided in this section may be transferred to other university funds to be invested or expended for the administrative or overhead costs of the university. All expenditures from this revolving fund shall be subject to legislative appropriation.

(b) As used in this section, "maintenance" includes repairs, replacement, renewals, operation, and administration. [L 2006, c 75, pt of §2]

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[\$304A-2275] University parking revolving fund. There is established the university parking revolving fund. All fees, fines, or other moneys collected under subpart B of part VI shall be deposited into this fund. All moneys in the fund are hereby appropriated for the purposes of, and shall be expended by the board of regents in the manner specified by, section [304A-2167.5]. [L 2006, c 75, pt of §2]

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