HB 18 RELATING TO THE MANAGEMENT OF UNIVERSITY OF HAWAII LANDS

Testimony Presented Before the Committee on Higher Education

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By

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H.B. 18 Relating to the Management of University of Hawaii Lands

Good afternoon, Chair Waters and Vice Chair Shimabukuro and Committee Members:

I am Ruth Tsujimura, University Deputy General Counsel, University of Hawai‘i, and I am here this afternoon to testify in support of H.B. 18.

The purpose of H.B. 18 is to provide express statutory authority to the University to allow it to adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes (HRS), to manage and regulate public activity on lands it controls. By rules, the University will be able to regulate activities to ensure safety and to charge administrative fines for violation of those rules. Currently, section 304-4, HRS, authorizes the University to adopt rules pursuant to chapter 91, HRS, to “manage the inventory, equipment, surplus property, and expenditures of the university” and to control and regulate the same. The University also has authority to promulgate rules pursuant to chapter 91 for purposes of defining “residence” for tuition purposes. It currently does not have express authority to regulate public or commercial activity on lands it controls.

The University receives land or interests in land from various sources, such as private donors, the state or the federal government, and by various means, including long term leases, executive orders, and deeds. Often, within the context of its primary mission as the sole public institution for higher education for the State, limited public and commercial activity is permitted on the lands. Although it may be argued that the University has the implied authority to adopt rules to regulate public or commercial
activity occurring on lands it controls, to avoid uncertainty, the University seeks express
authority to adopt rules pursuant to chapter 91.

The University of Hawai‘i has worked with the Department of Land and Natural
Resources (DLNR) to also allow the University to impose administrative fines similar to
those of the DLNR. Please amend this bill by adding language that would authorize
administrative fines. The imposition of administrative fines for violation of regulatory
rules would allow the University to maintain order in the use of lands granted to it and
used for public or commercial activities. We have attached draft language as
suggested.

The University supports the passage of this bill.

I would be happy to respond to any questions. Thank you for your thoughtful
consideration of this bill.