



money into the Tuition and Fees Special Fund, but UH would lack the authority to fill the appropriate instructional position.

Similar examples might be found with research positions funded by non-general funds (Research and Training Revolving Fund and/or Federal Funds). Again, UH has a current exception in statute that is still generally preserved by S.B. 1361, however, complying with the requirement at 37-74(e) would be difficult without such exemption. This testimony provides the committee with some insight to the practical operating difficulties, but would probably be more significant to other departments or agencies that do not have existing exceptions as UH.

The University recommends that should the committee decide to pass S.B. 1361, that language in the last paragraph of Section 8 (page 40), be amended striking out the last sentence.

~~“This subsection shall not be construed as granting express statutory authorization for the creation of any position referenced above. Such a position may be created only by an act or statute other than this subsection that expressly authorizes the position and for which funding has been provided by the legislature.”~~

This language is redundant to the sentence preceding it and states what is already provided for in other sections of statute.

The University of Hawai'i appreciates the opportunity to express its concerns.