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## A BILL FOR AN ACT

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RELATING TO THE UNIVERSITY OF HAWAII.

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

1       SECTION 1. On August 29, 2012, pursuant to senate rule 20,  
2       the senate president appointed a senate special committee on  
3       accountability to conduct informational briefings to review the  
4       oversight, accountability, and transparency of the operational  
5       and financial management of the University of Hawaii system,  
6       including but not limited to the University of Hawaii's athletic  
7       department.

8       The committee held informational briefings on September 24,  
9       2012, and October 2, 2012. The committee found, among other  
10      things, that members of the board of regents would benefit from  
11      receiving training to better understand its own policies and  
12      procedures as well as training on Hawaii's sunshine and open  
13      records laws.

14      The purpose of this Act is to adopt the committee's  
15      recommendations that the board of regents be required to receive  
16      annual training and certification on:

17      (1) Board of regents policies and procedures; and



(2) Chapters 92 and 92F, Hawaii Revised Statutes, to ensure greater openness and transparency.

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§304A- Regents; mandatory training; certification. (a)

All regents shall be required to complete annual training on:

(1) All board of regents policies and procedures, including but not limited to the regents' fiduciary duty to set aside competing interests to protect the assets of the institution; protect and develop the financial and intellectual resources, personnel, reputation, and other assets of the University of Hawaii; and advance the mission of the University of Hawaii;

(2) Chapter 92, including but not limited to the following:

(A) Requirements governing the discussions, deliberations, decisions, and actions of the board and its members;

(B) Notice requirements for public meetings;

(C) Penalties for noncompliance; and



1           (D) Intent of the legislature that provisions in  
2           chapter 92:

3           (i) Requiring open meetings be liberally  
4           construed; and

5           (ii) Providing exceptions to open meeting  
6           requirements be strictly construed; and

7       (3) Chapter 92F, including but not limited to the  
8       following:

9           (A) Requirements governing the disclosure of  
10          government records; and

11          (B) Conditions under which disclosure of government  
12          records is excepted.

13       (b) The training required by subsection (a) shall be  
14       completed no later than August 1 of each year; provided that new  
15       regents shall complete the training within three months of their  
16       confirmation to the board of regents.

17       (c) The training required by subsection (a) (2) and (3)  
18       shall be conducted by an agency outside of the university, such  
19       as the office of information practices.

20       (d) For the training required by subsection (a) (1), the  
21       university general counsel shall provide each regent with a  
22       certification that the regent successfully completed the



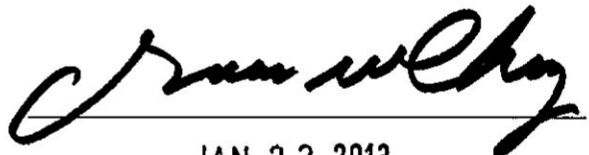
1 training. For the training required by subsection (a) (2) and  
2 (3), the training agency shall provide each regent with a  
3 certification that the regent successfully completed the  
4 training. For purposes of this subsection, certification may  
5 include requiring that each regent pass a test on the training's  
6 subject matter. The university general counsel and the training  
7 agency may develop appropriate test questions and determine what  
8 shall constitute a passing score.

9 (e) If a regent fails to meet the annual training  
10 requirements of this section more than once during the regent's  
11 term, the governor shall immediately remove the regent and shall  
12 nominate and, with the advice and consent of the senate, appoint  
13 a new regent who will serve the remainder of the term."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16 INTRODUCED BY:



JAN 23 2013



**Report Title:**

University of Hawaii; Board of Regents; Sunshine Law; Open Records Law; Training

**Description:**

Requires the board of regents of the University of Hawaii to undergo annual training on board policies and procedures, chapter 92, Hawaii's sunshine law, and chapter 92F, Hawaii's open records law. Requires the board of regents to receive certification that the regent successfully completed the training. Provides that the certification may include passing a test on the training's subject matter. Requires members of the board of regents to be removed from office if they do not meet the annual training requirements more than once during their term.

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



# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Higher Education

From: Cheryl Kakazu Park, Director

Date: February 5, 2013, 2:00 p.m.  
State Capitol, Conference Room 309

Re: Testimony on H.B. No. 1070  
Relating to the University of Hawaii

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices ("OIP") takes no position on the substance of this bill, which would require the Board of Regents of the University of Hawaii to be trained annually on topics including the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes ("HRS"), and the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes ("UIPA"), and suggests that OIP be the agency to conduct the training.

OIP is willing to provide the annual Sunshine Law and UIPA training proposed by this bill. OIP administers both laws and regularly provides training on them. OIP already has training materials (including videos, written guides, and other guidance on specific topics) available online for government agencies and boards and the general public to easily access and study at their convenience.

OIP notes, however, that the Sunshine Law is only part I of chapter 92. This bill as written requires training on the entirety of chapter 92. The remainder of chapter 92 addresses miscellaneous other matters such as default quorum requirements, special provisions for neighborhood boards, and copying fees

for government records, which is not under OIP's jurisdiction. **If this Committee's intent is to require chapter 92 training only as to the Sunshine Law portion of the chapter, which addresses the issues specifically mentioned in this bill, then OIP suggests amending the references to chapter 92 in the bill to instead refer to part I of chapter 92 (at bill page 2, lines 1 and 16, and page 3, line 2).**

Additionally, OIP notes that the bill requires the training agency to provide each regent with a certification that the regent successfully completed the training and states that such certification may include the passage of a test. While OIP is in the process of developing tests, they may not be completed when the bill goes into effect, which is "upon its approval." Therefore, **OIP recommends that the effective date of the bill be changed to July 1, 2013.**

Thank you for the opportunity to testify.