
A BILL FOR AN ACT

RELATING TO GOVERNMENT OPERATIONS.

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

1 SECTION 1. The purpose of this Act is to foster meaningful
2 discourse regarding certain University of Hawaii matters, as
3 matters of intense public interest and statewide concern.

4 SECTION 2. Section 89C-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§89C-4 Adjustments for excluded employees exempt from**
7 **civil service.** Each appropriate authority shall determine the
8 adjustments that are relevant for their respective excluded
9 employees who are exempt from civil service in consideration of
10 the compensation and benefit packages provided for other
11 employees in comparable agencies. For administrative positions
12 in the University of Hawaii system filled by excluded employees,
13 proposed compensation or any change in compensation shall be
14 disclosed in open meeting for purposes of public comment."

15 SECTION 3. Section 92-5, Hawaii Revised Statutes, is
16 amended to read as follows:



1 **"§92-5 Exceptions.** (a) A board may hold a meeting closed
2 to the public pursuant to section 92-4 for one or more of the
3 following purposes:

4 (1) To consider and evaluate personal information relating
5 to individuals applying for professional or vocational
6 licenses cited in section 26-9 or both;

7 (2) To consider the hire, evaluation, dismissal, or
8 discipline of an officer or employee or of charges
9 brought against the officer or employee, where
10 consideration of matters affecting privacy will be
11 involved; provided that proposed compensation or any
12 change in compensation for administrative positions in
13 the University of Hawaii system filled by excluded
14 employees under chapter 89C shall be disclosed in open
15 meeting for purposes of public comment; provided
16 further that if the individual concerned requests an
17 open meeting, an open meeting shall be held;

18 (3) To deliberate concerning the authority of persons
19 designated by the board to conduct labor negotiations
20 or to negotiate the acquisition of public property, or
21 during the conduct of such negotiations;



- 1 (4) To consult with the board's attorney on questions and
- 2 issues pertaining to the board's powers, duties,
- 3 privileges, immunities, and liabilities;
- 4 (5) To investigate proceedings regarding criminal
- 5 misconduct;
- 6 (6) To consider sensitive matters related to public safety
- 7 or security;
- 8 (7) To consider matters relating to the solicitation and
- 9 acceptance of private donations; and
- 10 (8) To deliberate or make a decision upon a matter that
- 11 requires the consideration of information that must be
- 12 kept confidential pursuant to a state or federal law,
- 13 or a court order.
- 14 (b) In no instance shall the board make a decision or
- 15 deliberate toward a decision in an executive meeting on matters
- 16 not directly related to the purposes specified in subsection
- 17 (a) [-]; provided that in no instance shall the board of regents
- 18 of the University of Hawaii withhold recommendations, draft
- 19 documents, proposals, suggestions, or other opinion materials
- 20 that comprise part of the deliberative process by which the
- 21 board of regents formulates its decisions and policies,
- 22 including decisions relating to the budget of the University of



1 Hawaii system, any of its campuses, or any of its divisions. No
2 chance meeting, permitted interaction, or electronic
3 communication shall be used to circumvent the spirit or
4 requirements of this part to make a decision or to deliberate
5 toward a decision upon a matter over which the board has
6 supervision, control, jurisdiction, or advisory power."

7 SECTION 4. Section 304A-1001, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§304A-1001[+] **Exempt personnel.** Personnel of the
10 university not subject to chapter 76 shall be under the
11 direction of the president of the University of Hawaii. The
12 board of regents shall appoint deans, directors, members of the
13 faculty, and other employees as may be required to carry out the
14 purposes of the institution, prescribe their salaries and terms
15 of service when the salaries and terms of service are not
16 specifically fixed by legislative enactment, and make and
17 enforce rules governing sabbatical and professional improvement
18 leaves with or without pay, consistent with the practice of
19 similar institutions in the United States and notwithstanding
20 the laws of the State relating to leaves of absence of the
21 officers and employees of the State. Notwithstanding any other
22 law to the contrary, the board of regents, for administrative



1 positions in the University of Hawaii system filled by excluded
2 employees, shall publicly disclose, no later than six business
3 days before any related open meeting convened for purposes of
4 public comment, compensation offered to newly hired employees
5 and changes in compensation offered to existing employees under
6 chapter 89C."

7 SECTION 5. Section 304A-1004, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~**304A-1004**~~§~~ **Annual report; executive, managerial,**
10 **and faculty salaries**~~[-]~~; proposed compensation. (a) The board
11 of regents shall submit an annual report to the legislature
12 containing the salaries paid to all executive, managerial, and
13 faculty members of the university, including that paid to the
14 president of the university, not fewer than twenty days prior to
15 the convening of each regular session.

16 (b) The board of regents shall disclose in open meeting,
17 for purposes of public comment, proposed compensation or any
18 change in compensation for administrative positions in the
19 University of Hawaii system filled by excluded employees under
20 chapter 89C."

21 SECTION 6. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.



Report Title:

UH; Operations

Description:

Requires proposed compensation or any change in compensation for administrative positions in the UH system filled by excluded employees under chapter 89C, Hawaii Revised Statutes, be disclosed no later than 6 business days before any open meeting, and in open meeting for purposes of public comment. Prohibits the UH Board of Regents (BOR) from withholding recommendations, draft documents, proposals, suggestions, or other opinion materials that comprise part of the deliberative process by which the BOR formulates its decisions and policies. (HB2583 HD1)

