

JAN 22 2008

A BILL FOR AN ACT

RELATING TO GOVERNMENT OPERATIONS.

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

1 SECTION 1. Section 92-5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) In no instance shall the board make a decision or
4 deliberate toward a decision in an executive meeting on matters
5 not directly related to the purposes specified in subsection
6 (a) ~~[-]~~; provided further that in no instance shall the board of
7 regents of the University of Hawaii withhold recommendations,
8 draft documents, proposals, suggestions, or other opinion
9 materials that comprise part of the deliberative process by
10 which the board of regents formulates its decisions and
11 policies, including but not limited to, decisions relating to
12 the budget of the University of Hawaii system, any of its
13 campuses, or any of its divisions. No chance meeting, permitted
14 interaction, or electronic communication shall be used to
15 circumvent the spirit or requirements of this part to make a
16 decision or to deliberate toward a decision upon a matter over
17 which the board has supervision, control, jurisdiction, or
18 advisory power."



1 SECTION 2. Section 304A-1001, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§304A-1001[+] **Exempt personnel.** Personnel of the
4 university not subject to chapter 76 shall be under the
5 direction of the president of the University of Hawaii. The
6 board of regents shall appoint deans, directors, members of the
7 faculty, and other employees as may be required to carry out the
8 purposes of the institution, prescribe their salaries and terms
9 of service when the salaries and terms of service are not
10 specifically fixed by legislative enactment, and make and
11 enforce rules governing sabbatical and professional improvement
12 leaves with or without pay, consistent with the practice of
13 similar institutions in the United States and notwithstanding
14 the laws of the State relating to leaves of absence of the
15 officers and employees of the State. Notwithstanding any other
16 law to the contrary, the board of regents shall publicly
17 disclose, no later than six business days before any related
18 open meeting convened for purposes of public comment, the range
19 of proposed compensation offered to persons under consideration
20 for executive positions and head athletic coaching positions in
21 the University of Hawaii system."



1 SECTION 3. Section 304A-1004, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§304A-1004[+] **Annual report; executive, managerial,**
4 ~~[and faculty salaries.]~~ and other salaries. The board of
5 regents shall submit an annual report to the legislature
6 containing the salaries paid to all executive, managerial, and
7 faculty members of the university, including that paid to the
8 president of the university[7] and the head athletic coaches,
9 not fewer than twenty days prior to the convening of each
10 regular session."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY:

Norman Sakamoto



Report Title:

Government Operations

Description:

Denies the University of Hawaii the use of the deliberative process privilege in closing an agency meeting to the public. Specifies that the deliberative process privilege does not cover meetings related to the budget of the University of Hawaii. Requires the University of Hawaii to disclose beforehand the range of proposed compensation to executives, including head athletic coaches. Extends annual salary reporting requirement to include salaries of head athletic coaches.

