

SB 1385

Testimony

Measure Title: RELATING TO THE UNIVERSITY OF HAWAII.

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.

Companion: HB1070

Package: None

Current Referral: HRE/JDL, WAM

Introducer(s): KIM, ESPERO, GABBARD, IHARA, KIDANI, NISHIHARA, RUDERMAN, SLOM, Baker, English, Ige, Kahele, Keith-Agaran, Kouchi, Taniguchi, L. Thielen, Wakai

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To: Senate Committee on Higher Education
Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 12, 2013, 2:45 p.m.
State Capitol, Conference Room 414

Re: Testimony on S.B. No. 1385
Relating to the University of Hawaii

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 24/7. OIP also provides specialized in-person training, subject to OIP's staffing resources.

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

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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 responding to UIPA record requests is typically a matter handled by the staff, such that the individual regents' need for training in on this law may be minimal.

OIP further 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 can readily certify whether someone has attended its in-person training (as it does for continuing legal education courses), it is still in the process of developing tests to verify that someone has completed OIP's online training. Because the tests may not be completed when the bill goes into effect, which is "upon its approval." **OIP recommends that the effective date of the bill be changed to July 1, 2013.**

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 5:20 PM
To: HRETestimony
Cc: glenn@hawaiiintel.net
Subject: Submitted testimony for SB1385 on Feb 12, 2013 14:45PM

SB1385

Submitted on: 2/8/2013

Testimony for HRE/JDL on Feb 12, 2013 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
"Glenn"	Individual	Support	No

Comments: In addition, Administrative Directive 09-01, Rule-Making..

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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