

JAN 24 2013

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# A BILL FOR AN ACT

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



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

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

6 "§304A- Regents; mandatory training; certification. (a)

7 All regents shall be required to complete annual training on:

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

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

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

21 (B) Notice requirements for public meetings;

22 (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.

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S.B. NO. 1385

Mike Hubbard  
D. D. D. J.



# S.B. NO. 1385

**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.*

