
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:

15 (1) Adopt the committee's recommendations that the board
16 of regents be required to receive annual training and
17 certification on:

18 (A) Board of regents policies and procedures;



1 (B) Part I of chapter 92 and chapter 92F, Hawaii
2 Revised Statutes, to ensure greater openness and
3 transparency; and

4 (C) Chapter 84, Hawaii Revised Statutes, relating to
5 the Code of Ethics; and

6 (2) Require that the board of regents' chairperson and
7 vice-chairperson be elected by sitting, not outgoing,
8 members of the board of regents.

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

12 "§304A- Regents; mandatory training; certification. (a)

13 All members of the board of regents shall be required to
14 complete annual training on:

15 (1) All board of regents policies and procedures,
16 including but not limited to the regents' fiduciary
17 duty to:

18 (A) Set aside competing interests to protect the
19 assets of the university;

20 (B) Protect and develop the financial and
21 intellectual resources, personnel, reputation,
22 and other assets of the university; and



- 1 (C) Advance the mission of the university;
- 2 (2) Part I of chapter 92, including but not limited to the
- 3 following:
- 4 (A) Requirements governing the discussions,
- 5 deliberations, decisions, and actions of the
- 6 board of regents and its members;
- 7 (B) Notice requirements for public meetings;
- 8 (C) Penalties for noncompliance; and
- 9 (D) The intent of the legislature, pursuant to
- 10 section 92-1, that provisions in chapter 92:
- 11 (i) Requiring open meetings be liberally
- 12 construed; and
- 13 (ii) Providing exceptions to open meeting
- 14 requirements be strictly construed against
- 15 closed meetings;
- 16 (3) Chapter 92F, including but not limited to the
- 17 following:
- 18 (A) Requirements governing the disclosure of
- 19 government records; and
- 20 (B) Conditions under which disclosure of government
- 21 records is excepted; and
- 22 (4) Chapter 84, relating to the Code of Ethics.



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

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

8 (d) For the training required by subsection (a)(1), the
9 university general counsel shall provide each regent with a
10 certification that the regent successfully completed the
11 training. For the training required by subsection (a)(2) and
12 (3), the training agency shall provide each regent with a
13 certification that the regent successfully completed the
14 training. For purposes of this subsection, certification may
15 include requiring that each regent pass a test on the training's
16 subject matter. The university general counsel and the training
17 agency may develop appropriate test questions and determine the
18 passing score.

19 (e) If a regent fails to meet the annual training
20 requirements of this section more than once during the regent's
21 term, the governor shall immediately remove the regent and shall



1 nominate and, with the advice and consent of the senate, appoint
2 a new regent who will serve the remainder of the term."

3 SECTION 3. Section 84-41, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§84-41 Applicability of part.** This part applies to
6 legislators, members of the board of education, trustees of the
7 office of Hawaiian affairs, members of the board of regents, the
8 governor, the lieutenant governor, and executive department
9 heads and deputies. This part does not apply to any other
10 officer or employee of the State."

11 SECTION 4. Section 304A-104, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) [~~At a meeting preceding July 1 of each year, the~~
14 ~~board of regents shall elect a chairperson and up to two vice-~~
15 ~~chairpersons whose terms shall be from July 1 to June 30 of the~~
16 ~~next year or thereafter until their successors are elected.] At
17 its first meeting after June 30 of each year, the board of
18 regents shall elect a chairperson and one or more vice-
19 chairpersons who shall serve until adjournment of its first
20 meeting after June 30 of the next year or thereafter until their
21 successors are elected. The board shall appoint a secretary,
22 who shall not be a member of the board. The president of the~~



1 university shall act as executive officer of the board. A
2 majority of the board of regents shall constitute a quorum to
3 conduct business, and the concurrence of a majority of all the
4 members to which the board of regents is entitled shall be
5 necessary to make any action of the board of regents valid. The
6 board shall meet at least ten times annually and, from time to
7 time, may meet in each of the counties of Hawaii, Maui, and
8 Kauai."

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Requires the UH board of regents to undergo annual training on board policies and procedures, Hawaii's sunshine law, Hawaii's open records law, and Hawaii's ethics standards. Requires each regent 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 the removal of a regent from the Board if the regent does not meet the annual training requirements more than once during the regent's term. Requires the Board chair- and vice-chairpersons to be elected by sitting, not outgoing, regents. Effective 7/1/50. (SD1)

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

