

STAND. COM. REP. NO.

240

Honolulu, Hawaii

February 13, 2017

RE: H.B. No. 426

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
H.B. No. 426 entitled:

"A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII
RULEMAKING,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Regents of the University of Hawaii to make certain policy decisions at open public meetings pursuant to chapter 92, Hawaii Revised Statutes, instead of through the administrative rulemaking procedures established under chapter 91, Hawaii Revised Statutes.

The University of Hawaii and two individuals provided testimony in support of this measure. The League of Women Voters of Hawaii provided testimony in opposition to this measure. The Office of Hawaiian Affairs Beneficiary Advocacy and Empowerment Committee and Common Cause Hawaii provided comments.

Your Committee finds that formal meetings of the Board of Regents of the University of Hawaii are subject to the open public meeting requirements of chapter 92, Hawaii Revised Statutes. Additionally, the Board of Regents is currently required to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, for various programs and operations related to the internal structure, management, and operation of the University's campuses. Conversely, many state agencies issue policies concerning internal management without having to adopt administrative rules. Your

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Committee recognizes that the rule adoption process of chapter 91, Hawaii Revised Statutes, is more onerous and time-consuming than the open public meeting process of chapter 92, Hawaii Revised Statutes. Your Committee believes that it would be more efficient and better serve the University's students, faculty, and staff if the Board of Regents could streamline the process by which such decisions are made. Accordingly, your Committee finds that allowing the Board of Regents to follow the open public meeting process of chapter 92, Hawaii Revised Statutes, for matters internal to the University, instead of complying with the requirements of chapter 91, Hawaii Revised Statutes, will balance the need for transparency and accountability with efficient management of the University.

Your Committee has amended this measure by:

- (1) Inserting language to expressly retain existing rules until the Board of Regents repeals or replaces the rules with policies adopted in accordance with this measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 426, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 426, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education,


JUSTIN H. WOODSON, Chair



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Record of Votes of the Committee on Higher Education

Bill/Resolution No.: HB 426	Committee Referral: HED, JUD	Date: 2/2/17		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HED Members	Ayes	Ayes (WR)	Nays	Excused
1. WOODSON, Justin H. (C)	X			
2. HASHEM, Mark J. (VC)	X			
3. CREAGAN, Richard P.	X			
4. HAR, Sharon E.	X			
5. ING, Kaniela	X			
6. OHNO, Takashi	X			
7. ONISHI, Richard H.K.	X			
8. TAKUMI, Roy M.	X			
9. MATSUMOTO, Lauren Kealohilani	X			
TOTAL (9)	9	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="margin-left: 150px;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				