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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. The legislature finds that the University of  
2 Hawaii system is the only public postsecondary educational  
3 institution in the State and, as such, maintains a tremendous  
4 responsibility in not only providing quality higher education to  
5 its students, but also in being held accountable to the public.  
6 The legislature further finds that, recently, much of the  
7 university's management and operations has been called into  
8 question, including its current practice of preventing public  
9 access to information on the potential salaries of new faculty  
10 and executive/managerial positions and expenditures of the board  
11 of regents. Over the past few years, salaries of university  
12 faculty and administrators have dramatically increased. They  
13 have escalated to the point that approximately four hundred and  
14 seventy-three faculty and executive/managerial positions are  
15 currently paid salaries that exceed the salary of the governor  
16 of Hawaii, which makes the matter one of statewide importance  
17 and concern.



1           The purpose of this Act is to require the disclosure of  
2 information regarding compensation offered to newly hired  
3 employees, changes in compensation offered to existing employees  
4 for executive/managerial positions in the University of Hawaii  
5 system filled by excluded employees, and all budgetary  
6 expenditures made by the board of regents.

7           SECTION 2. Section 89C-4, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§89C-4 Adjustments for excluded employees exempt from**  
10 **civil service.** Each appropriate authority shall determine the  
11 adjustments that are relevant for their respective excluded  
12 employees who are exempt from civil service in consideration of  
13 the compensation and benefit packages provided for other  
14 employees in comparable agencies. For executive/managerial  
15 positions in the University of Hawaii system filled by excluded  
16 employees, proposed compensation or change in compensation shall  
17 be disclosed in open meeting for purposes of public comment."

18           SECTION 3. Section 92-5, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20           "(a) A board may hold a meeting closed to the public  
21 pursuant to section 92-4 for one or more of the following  
22 purposes:



- 1           (1) To consider and evaluate personal information relating  
2           to individuals applying for professional or vocational  
3           licenses cited in section 26-9 or both;
- 4           (2) To consider the hire, evaluation, dismissal, or  
5           discipline of an officer or employee or of charges  
6           brought against the officer or employee, where  
7           consideration of matters affecting privacy will be  
8           involved; provided that proposed compensation or  
9           change in compensation for executive/managerial  
10          positions in the University of Hawaii system filled by  
11          excluded employees under chapter 89C shall be  
12          disclosed in open meeting for purposes of public  
13          comment; provided that if the individual concerned  
14          requests an open meeting, an open meeting shall be  
15          held;
- 16          (3) To deliberate concerning the authority of persons  
17          designated by the board to conduct labor negotiations  
18          or to negotiate the acquisition of public property, or  
19          during the conduct of such negotiations;
- 20          (4) To consult with the board's attorney on questions and  
21          issues pertaining to the board's powers, duties,  
22          privileges, immunities, and liabilities;



- 1 (5) To investigate proceedings regarding criminal
- 2 misconduct;
- 3 (6) To consider sensitive matters related to public safety
- 4 or security;
- 5 (7) To consider matters relating to the solicitation and
- 6 acceptance of private donations; and
- 7 (8) To deliberate or make a decision upon a matter that
- 8 requires the consideration of information that must be
- 9 kept confidential pursuant to a state or federal law,
- 10 or a court order."

11 SECTION 4. Section 304A-105, Hawaii Revised Statutes, is  
 12 amended by amending subsection (a) to read as follows:

13 "(a) The board of regents shall have management and  
 14 control of the general affairs, and exclusive jurisdiction over  
 15 the internal structure, management, and operation of the  
 16 university. The board may [~~appoint~~]:

17 (1) Appoint a treasurer and other officers as it deems  
 18 necessary [~~—The board may authorize~~];

19 (2) Authorize any officer, elected or appointed by it, to  
 20 approve and sign on its behalf any voucher or other  
 21 document that the board may approve and sign [~~—The~~  
 22 ~~board may delegate~~];



- 1       (3) Delegate to the president or the president's designee  
2       the authority to render the final decision in  
3       contested case proceedings subject to chapter 91, as  
4       it deems appropriate[~~—The board may purchase~~];
- 5       (4) Purchase or otherwise acquire lands, buildings,  
6       appliances, and other property for the purposes of the  
7       university [~~and expend such~~]; and
- 8       (5) Expend any sums of money as, from time to time, may be  
9       placed at the disposal of the university from whatever  
10      source[~~—~~]; provided that notwithstanding any other law  
11      to the contrary, all documents regarding expenditures  
12      and changes thereto, made by the board shall be  
13      disclosed in open meetings for the purpose of public  
14      comment; provided further that all expenditure  
15      requests, proposals, and any other budgetary documents  
16      utilized by the board at an open meeting shall be made  
17      available to the public at least six calendar days  
18      before the meeting.

19       All lands, buildings, appliances, and other property so  
20      purchased or acquired shall be and remain the property of the  
21      university to be used in perpetuity for the benefit of the  
22      university. The board, in accordance with this section and



1 other law, shall manage the inventory, equipment, surplus  
2 property, and expenditures of the university and, subject to  
3 chapter 91, may adopt rules, further controlling and regulating  
4 the same."

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

7 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

UH; Board of Regents; Compensation; Expenditures; Disclosure

**Description:**

Requires the University of Hawaii board of regents to publicly disclose in open meetings: (1) compensation offered to newly hired employees; (2) changes in compensation offered to existing employees for administrative positions in the UH system filled by excluded employees; and (3) all budgetary expenditures made by the board of regents. (SD2)

