



UNIVERSITY
of HAWAII®
SYSTEM

**House Committee on Lower & Higher Education
Wednesday, March 11, 2020, 2:30 p.m.**

Testimony by:

Kendra Oishi, Executive Administrator and Secretary, Board of Regents

S.B. No. 2573, S.D. 2 – RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS

Chair Woodson, Vice Chair Hashem, Vice Chair Quinlan, and members of the Committee:

The Office of the Board of Regents (Board Office) supports the intent of S.B. No. 2573, S.D. 2, to provide avenues for meaningful engagement in meetings of the Board of Regents and offers additional comments.

The Board Office has been exploring the possibility of providing audio livestreaming of board and committee meetings and recently conducted a trial run of audio livestreaming for the Board's standing committee meetings. We are continuing to work on solutions to adhere to the various requirements of the Americans with Disabilities Act (ADA). The University has also entered into a Voluntary Resolution Agreement (VRA) which includes parameters regarding online content and functionality. Background on the VRA may be found here: <https://www.hawaii.edu/access/resources/uhvra/>

There are a number of considerations with regard to ensuring ADA compliance for audio or video live broadcasts and archived files, which may require closed captioning and/or transcription. Specific considerations include information technology staff and capacity during meetings and for post-production of digital files, storage capacity for archived files, and the associated human and financial resources required for implementation.

Meetings are held across the University's campuses statewide and are typically held in classrooms or other facilities that are not specifically designed for meetings of this type. As such, campuses must configure the rooms and audio systems for meetings, and each campus has varying levels of technical and human resource capacity. Broadcasting meetings in live video format would require more financial and human resources than audio. Long-term archiving of digital files would also result in additional costs and would be duplicative of minutes which serve as the record of board proceedings.

Legislation is not required to implement the intent of this measure. The Board Office has completed the first step toward providing audio livestreaming and is making progress toward providing transcription to comply with ADA requirements. If the

Committee is inclined to recommend passage of this bill, we would respectfully request that it be amended as follows:

- (1) Removing the archiving requirement, as the Board is required to provide minutes which serve as the record of the proceedings of the Board and its standing committees;
- (2) Removing language related to ADA accessibility, as such requirements are guided by federal law and the VRA; and
- (3) Including an appropriation of \$50,000 to cover costs related to providing audio and video livestreaming, including costs related to provide transcription and/or closed captioning services as necessary to comply with ADA requirements.

A draft bill including the aforementioned proposed amendments is attached for your consideration.

Thank you for the opportunity to testify on this measure.

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 304A-104, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§304A-104 Regents; appointment; tenure; qualifications;**
4 **meetings.** (a) The affairs of the university shall be under the
5 general management and control of the board of regents. The
6 board shall consist of eleven members who shall be appointed by
7 the governor from lists of qualified candidates presented to the
8 governor by the candidate advisory council, pursuant to section
9 304A-104.6, and shall be confirmed by the senate; provided that
10 if the list of qualified candidates includes fewer than three
11 candidates at any time during the nomination and confirmation
12 process, the governor may request that the candidate advisory
13 council reopen recruitment for qualified candidates. Members
14 may be removed by the governor. Except as otherwise provided by
15 law, state officers shall be eligible for appointment and
16 membership.

1 The term of each member shall be five years, except as
2 provided for the initial appointment in section 26-11; provided
3 that the term of the student member shall be two years. Every
4 member may serve beyond the expiration date of the member's term
5 of appointment as a holdover member until the member's successor
6 has been appointed by the governor and confirmed by the senate
7 in accordance with article X, section 6 of the Hawaii State
8 Constitution; provided that, notwithstanding any law to the
9 contrary, a holdover member shall not serve as a member of the
10 board beyond the end of the first regular session of the
11 legislature following the expiration of the member's
12 term. Members shall serve no more than two consecutive five-
13 year terms; provided that the members who are initially
14 appointed to terms of two years or less pursuant to section 26-
15 11(a) may be reappointed to two ensuing five-year terms. If a
16 member is to be appointed to a second term of five years, the
17 senate shall consider the question of whether to reconfirm the
18 member at least one hundred twenty days prior to the conclusion
19 of a member's first five-year term; provided that if the senate
20 is not in session within one hundred twenty days prior to the
21 conclusion of the member's first five-year term, the member

1 shall continue to serve until the senate convenes for the next
2 regular session or the next special session for which the senate
3 is authorized to consider the question of reconfirmation.

4 (b) In determining whether to confirm the governor's
5 nominee to the board of regents, the senate shall consider the
6 combination of abilities, breadth of experiences, and
7 characteristics of the board of regents, as a whole, that will
8 best serve the diverse interests and needs of the students of
9 the university system and assist the university system in
10 achieving its strategic goals and performance indicators. The
11 senate shall consider whether the board reflects the diversity
12 of the student population, the various counties of the State,
13 and a broad representation of higher education-related
14 stakeholders.

15 (c) At its first meeting after June 30 of each year, the
16 board of regents shall elect a chairperson and one or more vice-
17 chairpersons who shall serve until the adjournment of the first
18 meeting of the board of regents after June 30 of the next year,
19 or thereafter until their successors are elected; provided that
20 the chairperson and vice chairpersons shall not be elected prior
21 to the taking of office of regents whose terms shall begin on

1 July 1 of that year. The board shall appoint a secretary, who
2 shall not be a member of the board. The president of the
3 university shall act as executive officer of the board. A
4 majority of the board of regents shall constitute a quorum to
5 conduct business, and the concurrence of a majority of all the
6 members to which the board of regents is entitled shall be
7 necessary to make any action of the board of regents valid. The
8 board shall meet at least ten times annually and, from time to
9 time, may meet in each of the counties of Hawaii, Maui, and
10 Kauai.

11 (d) All standing committee meetings of the board of
12 regents shall be live streamed in digital audio format.

13 (e) All board of regents meetings shall be live streamed
14 in digital video format.

15 [~~(d)~~] (f) The governor shall notify the candidate advisory
16 council for the board of regents of the University of Hawaii in
17 writing within ten days of receiving notification that a member
18 of the board of regents is resigning or has died, or is being
19 removed by the governor.

20 [~~(e)~~] (g) The members of the board of regents shall serve
21 without pay but shall be entitled to their travel expenses

1 within the State when attending meetings of the board or when
2 actually engaged in business relating to the work of the board."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$50,000 or so much
5 thereof as may be necessary for fiscal year 2020-2021 for costs
6 related to audio and video live streaming of the meetings of the
7 board of regents and its standing committees.

8 The sum appropriated shall be expended by the university of
9 Hawaii board of regents for the purpose of this Act

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval,
13 except that subsection (e) of Section 304A-104, Hawaii Revised
14 Statutes, in Section 1 of this Act shall take effect on
15 September 1, 2021.

16

S.B. NO. 2573
S.D. 2
PROPOSED H.D.1

Report Title:

University of Hawaii; Board of Regents; Meetings; Live Streaming

Description:

Requires all public meetings of the standing committees of the Board of Regents to be live streamed in digital audio format upon approval, and meetings of the full Board of Regents to be live streamed in digital video format by September 1, 2021. Appropriates funds. (Proposed HD1)

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