

# H.B. NO. 3119

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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. Act 56, Session Laws of Hawaii 2007,  
2 established a candidate advisory council for the board of  
3 regents of the University of Hawaii in conformity with the  
4 amendment to article X, section 6 of the Hawaii State  
5 Constitution, ratified by the voters on November 7, 2006. The  
6 purposes of this Act are to:

- 7           (1) Require the submission of candidates within sixty days  
8           following notification from the governor of a vacancy  
9           due to resignation, death, or removal by the governor;  
10          (2) Require that the council submit the names of  
11          candidates to the governor;  
12          (3) Make confidential all candidate advisory council  
13          information before and after decision-making; and  
14          (4) Require that the candidate reside in the geographic  
15          area they represent.

16          SECTION 2. Section 26-11, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

1           "(a) The University of Hawaii shall be headed by an  
2 executive board to be known as the board of regents.

3           The board shall consist of fifteen members. At least one  
4 member shall be a University of Hawaii student at the time of  
5 the initial appointment. This member may be reappointed for one  
6 additional term even though the member may no longer be a  
7 student at the time of reappointment. The governor shall reduce  
8 the terms of those initially appointed to each seat on the board  
9 of regents to provide, as far as practicable, for the expiration  
10 of three terms each year; provided that the term of the student  
11 member shall not be reduced.

12           At least twelve members, except for the student member,  
13 shall represent and reside in the specified geographic areas as  
14 follows:

- 15           (1) Two members from the county of Hawaii;  
16           (2) Two members from the county of Maui;  
17           (3) One member from the county of Kauai; and  
18           (4) Seven members from the city and county of Honolulu.

19           The board shall have the power, in accordance with the  
20 Constitution of the State and with law, to formulate policy and  
21 to exercise control over the university through its executive  
22 officer, the president of the university. The board shall have

1 exclusive jurisdiction over the internal organization and  
2 management of the university."

3 SECTION 3. Section 304A-104.5, Hawaii Revised Statutes is  
4 amended to read as follows:

5 "[+]§304A-104.5[+]—~~Candidate~~] Regents candidate advisory  
6 council for the board of regents of the University of Hawaii.

7 (a) There is established the regents candidate advisory council  
8 for the board of regents of the University of Hawaii to present  
9 to the governor pools of qualified candidates from which the  
10 members of the board of regents shall be nominated and, by and  
11 with the consent of the senate, appointed by the governor. The  
12 regents candidate advisory council shall establish the criteria  
13 for qualifying, screening, and presenting to the governor  
14 candidates for membership on the board of regents. The regents  
15 candidate advisory council shall be attached to the University  
16 of Hawaii for administrative purposes.

17 (b) Except as provided in subsection (c), within sixty  
18 days of convening its first meeting, the regents candidate  
19 advisory council shall present no fewer than two and no more  
20 than four qualified candidates to the governor for each vacant  
21 seat on the board of regents that has arisen due to resignation,  
22 death, or removal by the governor; provided that for all

1 subsequent presentations to the governor, the regents candidate  
2 advisory council shall present no fewer than two and no more  
3 than four candidates for each seat on the board of regents to  
4 the governor within:

5 (1) [~~Thirty~~] Sixty days following notification from the  
6 governor of a vacancy that arises by resignation,  
7 death, or removal by the governor; or

8 (2) One hundred twenty days prior to the expiration of a  
9 term.

10 (c) When there are multiple seats vacant within the same  
11 county or within the at-large membership, the regents candidate  
12 advisory council shall present candidates for seats on the board  
13 of regents to the governor as follows:

14 (1) For two seats from the same county or two at-large  
15 seats, no fewer than four and no more than six  
16 candidates;

17 (2) For three seats from the same county, no fewer than  
18 five and no more than eight candidates; and

19 (3) For more than three seats, the regents candidate  
20 advisory council shall determine appropriate minimum  
21 numbers of candidates, which shall provide for at

1           least three candidates for the final seat, and maximum  
2           numbers of candidates.

3           (d) In making its presentations, the regents candidate  
4 advisory council shall:

5           (1) Develop a statement that includes the selection  
6           criteria to be applied and a description of the  
7           responsibilities and duties of a member of the board  
8           of regents and distribute this statement to potential  
9           candidates;

10          (2) Screen and qualify candidates for each position on the  
11          board of regents based on their background,  
12          experience, and potential for discharging the  
13          responsibilities of a member of the board of regents;

14          (3) Publicly advertise pending vacancies and actively  
15          solicit and accept applications from potential  
16          candidates;

17          (4) Develop and implement a fair, independent, and  
18          nonpartisan procedure for selecting candidates to  
19          serve on the board of regents; and

20          (5) Require each candidate to disclose any existing or  
21          anticipated contracts with the University of Hawaii or

1           any existing or anticipated financial transactions  
2           with the University of Hawaii.

3   Upon submission of the names of candidates to the governor,  
4   ~~[presentations of]~~ the regents candidate advisory council shall  
5   ~~[be made]~~ make available the names of candidates to the public  
6   ~~[by]~~ through the University of Hawaii.

7           (e) For each board seat to be filled, the governor shall  
8   select one nominee from among the candidates submitted by the  
9   regents candidate advisory ~~[council's presentations.]~~ council.

10          (f) The regents candidate advisory council shall consist  
11   of seven members to be appointed without regard to section 26-34  
12   as follows:

13          (1) One member shall be appointed by the president of the  
14             senate;

15          (2) One member shall be appointed by the speaker of the  
16             house of representatives;

17          (3) One member shall be appointed by the governor;

18          (4) One member shall be appointed by one of the co-chairs  
19             of the All Campus Council of Faculty Senate Chairs of  
20             the University of Hawaii;

1 (5) One member shall be appointed by the chairperson of  
2 the Executive Council of the University of Hawaii  
3 Student Caucus;

4 (6) One member shall be appointed by the chairperson of  
5 the Association of Emeritus Regents; and

6 (7) One member shall be appointed by the president of the  
7 University of Hawaii Alumni Association;

8 provided that members appointed under paragraphs (4) to (7)  
9 shall be selected from the general public and may include  
10 members of the constituencies represented; provided further that  
11 each appointee satisfies the requirements for appointment  
12 provided in this subsection, except that individuals who are or  
13 have served as members of the executive councils or boards for  
14 the organizations under paragraphs (4) and (5) within the last  
15 five years immediately preceding the establishment or a vacancy  
16 on the regents candidate advisory council for which the persons  
17 may be qualified to fill shall not be eligible to serve as  
18 members of the regents candidate advisory council.

19 The regents candidate advisory council shall be selected in  
20 a wholly nonpartisan manner. If any member has not been  
21 appointed within one hundred eighty days of ~~the~~ May 1, 2007,  
22 the sitting members on the regents candidate advisory council

1 shall make an interim appointment to fill the vacant seat. The  
2 interim appointee shall satisfy the requirements for appointment  
3 provided in this subsection and shall serve until the time when  
4 the appropriate appointing authority makes an appointment for  
5 the vacant seat as provided in this subsection. Appointees to  
6 the regents candidate advisory council shall have a general  
7 understanding of the purposes of higher education, the mission  
8 of the University of Hawaii system, and the responsibilities of  
9 the board of regents. Appointees shall be individuals who are  
10 widely viewed as having placed the broad public interest ahead  
11 of special interests, having achieved a high level of prominence  
12 in their respective professions, and being respected members of  
13 the community.

14 (g) Members of the regents candidate advisory council  
15 shall serve four-year terms; provided that the three members  
16 initially appointed by the governor, the president of the  
17 senate, and the speaker of the house of representatives shall  
18 serve for terms of two years; provided further that terms for  
19 appointments of the initial members of the regents candidate  
20 advisory council shall be deemed to begin on July 1, 2007,  
21 regardless of the actual date of appointment.



1 (h) If a vacancy occurs, a successor shall be appointed in  
2 the same manner and subject to the same qualifications as the  
3 person's predecessor. The person appointed to fill a vacancy  
4 shall serve for the remainder of the term of the person's  
5 predecessor.

6 (i) The regents candidate advisory council shall operate  
7 in a wholly nonpartisan manner. No individual, while a member  
8 of the regents candidate advisory council, shall run for or hold  
9 any elected office under the United States or the State or any  
10 of its political subdivisions.

11 (j) The regents candidate advisory council shall convene  
12 its first meeting on or after thirty-one days from May 1, 2007;  
13 provided that, if thirty days after May 1, 2007, all the members  
14 to which the regents candidate advisory council is entitled have  
15 not yet been appointed, the regents candidate advisory council  
16 shall convene its first meeting upon the appointment of a  
17 majority of its members. The members of the regents candidate  
18 advisory council shall choose a chairperson from among  
19 themselves. A majority of all the members to which the regents  
20 candidate advisory council is entitled shall constitute a quorum  
21 to conduct business. The concurrence of a majority of all the  
22 members to which the regents candidate advisory council is

1 entitled shall be necessary to make any action of the regents  
2 candidate advisory council valid. The regents candidate  
3 advisory council shall meet annually and at other times as  
4 necessary. The regents candidate advisory council shall be  
5 exempt from part I of chapter 92.

6 (k) Members of the regents candidate advisory council  
7 shall serve without compensation but shall be reimbursed for  
8 expenses, including travel, board, and lodging expenses,  
9 necessary for the performance of their duties.

10 (l) Any law to the contrary notwithstanding, all regents  
11 candidate advisory council information shall be confidential,  
12 including without limitations all council information obtained,  
13 reviewed, or considered before and after council decision-  
14 making. Confidential regents candidate advisory council  
15 information shall include information and data that are not of  
16 public record, including, without limitation, personal and  
17 financial information; the names of applicants; applications and  
18 the personal, financial, and other information contained therein  
19 submitted by the applicants to the regents candidate advisory  
20 council; interviews; schedules; reports; studies; background  
21 checks; credit reports; and surveys and reports prepared for or  
22 on the regents candidate advisory council's behalf; the results

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1 of any evaluations or assessments conducted by the regents  
2 candidate advisory council; the substance and details of any  
3 discussions with regents candidate advisory council members; and  
4 the substance and details of discussions and deliberations of  
5 the regents candidate advisory council and any of its committees  
6 during meetings."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. Boy

BY REQUEST  
JAN 22 2008

**Report Title:**

Candidate Advisory Council; University of Hawaii

**Description:**

Amends the requirements for the candidate advisory council which screens and proposes candidates for appointment to the Board of Regents of the University of Hawaii to allow background checks and geographic representation and extends from 30 to 60 days the period to submit candidate names.

JUSTIFICATION SHEET

DEPARTMENT: University of Hawaii

TITLE: A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.

PURPOSE: The purpose of this bill is to amend the requirements for the candidate advisory council for the Board of Regents, which screens and proposes candidates for appointment to the Board of Regents of the University of Hawaii. This bill also amends the title of the section to clarify the role and responsibility of this council, to read: "Regents candidate advisory council."

MEANS: Amend sections 26-11(a) and 304-104.5, Hawaii Revised Statutes.

JUSTIFICATION: This bill would clarify that the candidates for the Board of Regents need to reside in the geographical location that they represent. It amends the length of time (from thirty to sixty days) that the Regents candidate advisory council has to submit to the Governor names of candidates for specific seats following notification from the governor of a vacancy due to resignation, death, or removal by the governor.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: UOH 900

OTHER AFFECTED AGENCIES: Office of the Governor

EFFECTIVE DATE: Upon approval.