
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 purpose of this Act is to amend Act 56,
2 Session Laws of Hawaii 2007, that establishes a candidate
3 advisory council for the board of regents (board) of the
4 University of Hawaii in conformity with the amendment to article
5 X, section 6 of the Hawaii Constitution, ratified by the voters
6 on November 7, 2006. Specifically, this Act:

7 (1) Clarifies that the name of the candidate advisory
8 council is the "Regents Candidate Advisory Council"
9 (Council);

10 (2) Requires a board member, except the student member, to
11 reside in the geographic area represented by the
12 member;

13 (3) Requires the governor to notify the Council of
14 vacancies on the board within ten days of receiving
15 notification that a board member is resigning or has
16 died, or of removal by the governor;



- 1 (4) Requires the submission of candidates within 60 days
2 of a vacancy on the board that arises by resignation,
3 death, or removal by the governor;
- 4 (5) Clarifies that the Council is to submit the names of
5 candidates to the governor;
- 6 (6) Makes confidential, information concerning potential
7 candidates that is not of public record; provided that
8 information relating to a candidate who is appointed
9 by the governor shall be disclosed; and
- 10 (7) Appropriates funds to establish a permanent
11 administrative position for the Council.

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

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

16 The board shall consist of fifteen members. At least one
17 member shall be a University of Hawaii student at the time of
18 the initial appointment. This member may be reappointed for one
19 additional term even though the member may no longer be a
20 student at the time of reappointment. The governor shall reduce
21 the terms of those initially appointed to each seat on the board
22 of regents to provide, as far as practicable, for the expiration



1 of three terms each year; provided that the term of the student
2 member shall not be reduced.

3 At least twelve members, except for the student member,
4 shall represent and reside in the specified geographic areas as
5 follows:

- 6 (1) Two members from the county of Hawaii;
- 7 (2) Two members from the county of Maui;
- 8 (3) One member from the county of Kauai; and
- 9 (4) Seven members from the city and county of Honolulu.

10 The board shall have the power, in accordance with the
11 [~~Constitution of the State~~] Hawaii Constitution and with law, to
12 formulate policy and to exercise control over the university
13 through its executive officer, the president of the university.
14 The board shall have exclusive jurisdiction over the internal
15 organization and management of the university."

16 SECTION 3. Section 304A-104, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§304A-104 Regents; appointment; tenure; qualifications;**
19 **meetings.** (a) The affairs of the university shall be under the
20 general management and control of the board of regents
21 consisting of fifteen members who shall be appointed and may be
22 removed by the governor. Except as otherwise provided by law,



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



1 (b) At its first meeting after June 30, the board of
2 regents shall elect a chairperson and vice-chairperson, who
3 shall serve until adjournment of its first meeting after June 30
4 of the next year or thereafter until their successors are
5 appointed. The board shall appoint a secretary, who shall not
6 be a member of the board. The president of the university shall
7 act as executive officer of the board. From May 1, 2007, and
8 until such time that the board of regents has at least fourteen
9 members, seven members of the board of regents shall constitute
10 a quorum to conduct business, and the concurrence of at least
11 seven members of the board of regents shall be necessary to make
12 any action of the board of regents valid; provided that upon
13 filling at least fourteen of the fifteen board of regents seats
14 required under subsection (a), a majority of the board of
15 regents shall constitute a quorum to conduct business, and the
16 concurrence of a majority of all the members to which the board
17 of regents is entitled shall be necessary to make any action of
18 the board of regents valid. The board shall meet at least ten
19 times annually and, from time to time, may meet in each of the
20 counties of Hawaii, Maui, and Kauai.

21 (c) The governor shall notify the regents candidate
22 advisory council of the resignation, death, or removal of a



1 member of the board of regents within ten days of the removal,
2 or of receiving notification of the resignation or death.
3 within ten days of receiving notification that a member of the
4 board of regents is resigning, has died, or is being removed by
5 the governor.

6 [~~e~~] (d) The members of the board of regents shall serve
7 without pay but shall be entitled to their travel expenses
8 within the [~~State~~] state when attending meetings of the board or
9 when actually engaged in business relating to the work of the
10 board."

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

13 "[~~f~~]§304A-104.5[~~]—Candidate~~] Regents candidate advisory
14 council for the board of regents of the University of Hawaii.

15 (a) There is established the regents candidate advisory council
16 for the board of regents of the University of Hawaii to present
17 to the governor pools of qualified candidates from which the
18 members of the board of regents shall be nominated and, by and
19 with the consent of the senate, appointed by the governor. The
20 regents candidate advisory council shall establish the criteria
21 for qualifying, screening, and presenting to the governor
22 candidates for membership on the board of regents. The regents



1 candidate advisory council shall be attached to the University
2 of Hawaii for administrative purposes.

3 (b) Except as provided in subsection (c), within sixty
4 days of convening its first meeting, the regents candidate
5 advisory council shall present no fewer than two and no more
6 than four qualified candidates to the governor for each vacant
7 seat on the board of regents that has arisen due to resignation,
8 death, or removal by the governor; provided that for all
9 subsequent presentations to the governor, the regents candidate
10 advisory council shall present no fewer than two and no more
11 than four candidates for each seat on the board of regents to
12 the governor within:

13 (1) [~~Thirty~~] Sixty days of a vacancy that arises by
14 resignation, death, or removal by the governor; or

15 (2) One hundred twenty days prior to the expiration of a
16 term.

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



- 1 (1) For two seats from the same county or two at-large
2 seats, no fewer than four and no more than six
3 candidates;
- 4 (2) For three seats from the same county, no fewer than
5 five and no more than eight candidates; and
- 6 (3) For more than three seats, the regents candidate
7 advisory council shall determine appropriate minimum
8 numbers of candidates, which shall provide for at
9 least three candidates for the final seat, and maximum
10 numbers of candidates.
- 11 (d) In making its presentations, the regents candidate
12 advisory council shall:
- 13 (1) Develop a statement that includes the selection
14 criteria to be applied and a description of the
15 responsibilities and duties of a member of the board
16 of regents and distribute this statement to potential
17 candidates;
- 18 (2) Screen and qualify candidates for each position on the
19 board of regents based on their background,
20 experience, and potential for discharging the
21 responsibilities of a member of the board of regents;



- 1 (3) Publicly advertise pending vacancies and actively
2 solicit and accept applications from potential
3 candidates;
- 4 (4) Develop and implement a fair, independent, and
5 nonpartisan procedure for selecting candidates to
6 serve on the board of regents; and
- 7 (5) Require each candidate to disclose any existing or
8 anticipated contracts with the University of Hawaii or
9 any existing or anticipated financial transactions
10 with the University of Hawaii.

11 Upon submission of the names of candidates to the governor,
12 [~~presentations of~~] the regents candidate advisory council shall
13 [~~be made~~] make available the names of candidates to the public
14 [~~by~~] through the University of Hawaii.

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

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

- 21 (1) One member shall be appointed by the president of the
22 senate;



- 1 (2) One member shall be appointed by the speaker of the
2 house of representatives;
- 3 (3) One member shall be appointed by the governor;
- 4 (4) One member shall be appointed by one of the co-chairs
5 of the All Campus Council of Faculty Senate Chairs of
6 the University of Hawaii;
- 7 (5) One member shall be appointed by the chairperson of
8 the Executive Council of the University of Hawaii
9 Student Caucus;
- 10 (6) One member shall be appointed by the chairperson of
11 the Association of Emeritus Regents; and
- 12 (7) One member shall be appointed by the president of the
13 University of Hawaii Alumni Association;
- 14 provided that members appointed under paragraphs (4) to (7)
15 shall be selected from the general public and may include
16 members of the constituencies represented; provided further that
17 each appointee satisfies the requirements for appointment
18 provided in this subsection, except that individuals who are or
19 have served as members of the executive councils or boards for
20 the organizations under paragraphs (4) [~~and~~] or (5) within the
21 last five years immediately preceding the establishment or a
22 vacancy on the regents candidate advisory council for which the



1 persons may be qualified to fill shall not be eligible to serve
2 as members of the regents candidate advisory council.

3 The regents candidate advisory council shall be selected in
4 a wholly nonpartisan manner. If any member has not been
5 appointed within one hundred eighty days of [~~the~~] May 1, 2007,
6 the sitting members on the regents candidate advisory council
7 shall make an interim appointment to fill the vacant seat. The
8 interim appointee shall satisfy the requirements for appointment
9 provided in this subsection and shall serve until the time when
10 the appropriate appointing authority makes an appointment for
11 the vacant seat as provided in this subsection. Appointees to
12 the regents candidate advisory council shall have a general
13 understanding of the purposes of higher education, the mission
14 of the University of Hawaii system, and the responsibilities of
15 the board of regents. Appointees shall be individuals who are
16 widely viewed as having placed the broad public interest ahead
17 of special interests, having achieved a high level of prominence
18 in their respective professions, and being respected members of
19 the community.

20 (g) Members of the regents candidate advisory council
21 shall serve four-year terms; provided that the three members
22 initially appointed by the governor, the president of the



1 senate, and the speaker of the house of representatives shall
2 serve for terms of two years; provided further that terms for
3 appointments of the initial members of the regents candidate
4 advisory council shall be deemed to begin on July 1, 2007,
5 regardless of the actual date of appointment.

6 (h) If a vacancy occurs, a successor shall be appointed in
7 the same manner and subject to the same qualifications as the
8 person's predecessor. The person appointed to fill a vacancy
9 shall serve for the remainder of the term of the person's
10 predecessor.

11 (i) The regents candidate advisory council shall operate
12 in a wholly nonpartisan manner. No individual, while a member
13 of the regents candidate advisory council, shall run for or hold
14 any elected office under the United States or the State or any
15 of its political subdivisions.

16 (j) The regents candidate advisory council shall convene
17 its first meeting on or after thirty-one days from May 1, 2007;
18 provided that, if thirty days after May 1, 2007, all the members
19 to which the regents candidate advisory council is entitled have
20 not yet been appointed, the regents candidate advisory council
21 shall convene its first meeting upon the appointment of a
22 majority of its members. The members of the regents candidate



1 advisory council shall choose a chairperson from among
2 themselves. A majority of all the members to which the regents
3 candidate advisory council is entitled shall constitute a quorum
4 to conduct business. The concurrence of a majority of all the
5 members to which the regents candidate advisory council is
6 entitled shall be necessary to make any action of the regents
7 candidate advisory council valid. The regents candidate
8 advisory council shall meet annually and at other times as
9 necessary. The regents candidate advisory council shall be
10 exempt from part I of chapter 92.

11 (k) Members of the regents candidate advisory council
12 shall serve without compensation but shall be reimbursed for
13 expenses, including travel, board, and lodging expenses,
14 necessary for the performance of their duties.

15 (l) Information obtained, reviewed, or considered by the
16 regents candidate advisory council concerning potential
17 candidates that is not of public record shall be confidential;
18 provided that information concerning a candidate who is
19 appointed by the governor shall be disclosed as provided by law.
20 Confidential regents candidate advisory council information may
21 include:

22 (1) The names of potential candidates;



- 1 (2) Applications submitted to the regents candidate
2 advisory council;
- 3 (3) Financial information;
- 4 (4) Background checks;
- 5 (5) Credit reports;
- 6 (6) Summaries, surveys, and reports prepared for or on
7 behalf of the regents candidate advisory council;
- 8 (7) Results of any evaluations or assessments conducted by
9 the regents candidate advisory council;
- 10 (8) The substance and details of interviews with or
11 discussions between potential candidates and the
12 regents candidate advisory council; and
- 13 (9) The substance and details of discussions and
14 deliberations of the regents candidate advisory
15 council and any of its committees."

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$152,000 or so much
18 thereof as may be necessary for fiscal year 2008-2009 to
19 establish a permanent administrative position for the regents
20 candidate advisory council.

21 The sum appropriated shall be expended by the University of
22 Hawaii for the purposes of this Act.



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

3 SECTION 7. This Act shall take effect on July 1, 2020.



Report Title:

UH; Regents Candidate Advisory Council; Appropriation

Description:

Clarifies that the name of the candidate advisory council is the "Regents Candidate Advisory Council". Requires a UH Board of Regents member, except the student member, to reside in the geographic area represented by the member. Requires the Governor to notify the Council of vacancies on the BOR within 10 days of receiving notification that a BOR member is resigning or has died, or of removal by the Governor. Requires the submission of candidates within 60 days of a vacancy on the BOR that arises by resignation, death, or removal by the Governor. Clarifies that the Council is to submit the names of candidates to the Governor. Makes confidential information concerning potential candidates that is not of public record; provided that information relating to a candidate who is appointed by the Governor shall be disclosed. Appropriates funds to establish a permanent administrative position for the Council. (HB3226 HD1)

