
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, which established 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 in writing
14 of 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 in writing of the resignation, death, or



1 removal of a member of the board of regents within ten days of
2 the removal or of the receipt of notification of the resignation
3 or death of the member.

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

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

11 "~~[~~§~~304A-104.5[~~]~~—Candidate]~~ Regents candidate advisory
12 council for the board of regents of the University of Hawaii.

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

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

- 11 (1) [~~Thirty~~] Sixty days of a vacancy that arises by
12 resignation, death, or removal by the governor; or
13 (2) One hundred twenty days prior to the expiration of a
14 term.

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

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



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



1 (4) Develop and implement a fair, independent, and
2 nonpartisan procedure for selecting candidates to
3 serve on the board of regents; and

4 (5) Require each candidate to disclose any existing or
5 anticipated contracts with the University of Hawaii or
6 any existing or anticipated financial transactions
7 with the University of Hawaii.

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

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

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

18 (1) One member shall be appointed by the president of the
19 senate;

20 (2) One member shall be appointed by the speaker of the
21 house of representatives;

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



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

4 (5) One member shall be appointed by the chairperson of
5 the Executive Council of the University of Hawaii
6 Student Caucus;

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

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

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



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

18 (g) Members of the regents candidate advisory council
19 shall serve four-year terms; provided that the three members
20 initially appointed by the governor, the president of the
21 senate, and the speaker of the house of representatives shall
22 serve for terms of two years; provided further that terms for



1 appointments of the initial members of the regents candidate
2 advisory council shall be deemed to begin on July 1, 2007,
3 regardless of the actual date of appointment.

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

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

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



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

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

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

- 20 (1) The names of potential candidates;
21 (2) Applications submitted to the regents candidate
22 advisory council;



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

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

19 The sum appropriated shall be expended by the University of
20 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 in writing 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 HD2)

