
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 establish a
2 candidate advisory council for the board of regents of the
3 University of Hawaii in conformity with the amendment to article
4 X, section 6 of the Hawaii State Constitution, ratified by the
5 voters on November 7, 2006. This Act also increases the
6 membership of the board of regents of the University of Hawaii
7 with a specified number of members representing different
8 geographic areas; prohibits a board of regents member from
9 serving more than two consecutive five-year terms; and requires
10 the senate to consider the reconfirmation of an incumbent board
11 member for a second term at least one hundred twenty days prior
12 to the conclusion of the member's first term.

13 Additionally, the legislature renews its previously stated
14 intent, as provided in Senate Bill No. 1256 (2005), that "the
15 existing members of the board of regents of the University of
16 Hawaii serve their full terms of office. As each term expires,
17 the regent will be replaced by an appointed member screened and



1 proposed by the candidate advisory council . . ." as provided in
2 this Act.

3 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§304A- Candidate advisory council for the board of
7 regents of the University of Hawaii. (a) There is established
8 the candidate advisory council for the board of regents of the
9 University of Hawaii to present to the governor pools of
10 qualified candidates from which the members of the board of
11 regents shall be nominated and, by and with the consent of the
12 senate, appointed by the governor. The candidate advisory
13 council shall establish the criteria for qualifying, screening,
14 and presenting to the governor candidates for membership on the
15 board of regents. The candidate advisory council shall be
16 attached to the University of Hawaii for administrative
17 purposes.

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



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

5 (1) Thirty days of a vacancy that arises by resignation,
6 death, or removal by the governor; or

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

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

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

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

18 (3) For more than three seats, the candidate advisory
19 council shall determine appropriate minimum numbers of
20 candidates, which shall provide for at least three
21 candidates for the final seat, and maximum numbers of
22 candidates.



1 (d) In making its presentations, the candidate advisory
2 council shall:

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

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

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

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

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

1 Upon submission to the governor, presentations of the candidate
2 advisory council shall be made available to the public by the
3 University of Hawaii.

4 (e) For each board seat to be filled, the governor shall
5 select one nominee from among the candidate advisory council's
6 presentations.

7 (f) The candidate advisory council shall consist of seven
8 members to be appointed without regard to section 26-34 as
9 follows:

10 (1) One member shall be appointed by the president of the
11 senate;

12 (2) One member shall be appointed by the speaker of the
13 house of representatives;

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

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

18 (5) One member shall be appointed by the chairperson of
19 the Executive Council of the University of Hawaii
20 Student Caucus;

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



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

14 The candidate advisory council shall be selected in a
15 wholly nonpartisan manner. If any member has not been appointed
16 within one hundred eighty days of the effective date of this
17 Act, the sitting members on the candidate advisory council shall
18 make an interim appointment to fill the vacant seat. The
19 interim appointee shall satisfy the requirements for appointment
20 provided in this subsection and shall serve until the time when
21 the appropriate appointing authority makes an appointment for
22 the vacant seat as provided in this subsection. Appointees to



1 the candidate advisory council shall have a general
2 understanding of the purposes of higher education, the mission
3 of the University of Hawaii system, and the responsibilities of
4 the board of regents. Appointees shall be individuals who are
5 widely viewed as having placed the broad public interest ahead
6 of special interests, having achieved a high level of prominence
7 in their respective professions, and being respected members of
8 the community.

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

17 (h) If a vacancy occurs, a successor shall be appointed in
18 the same manner and subject to the same qualifications as the
19 person's predecessor. The person appointed to fill a vacancy
20 shall serve for the remainder of the term of the person's
21 predecessor.



1 (i) The candidate advisory council shall operate in a
2 wholly nonpartisan manner. No individual, while a member of the
3 candidate advisory council, shall run for or hold any elected
4 office under the United States or the State or any of its
5 political subdivisions.

6 (j) The candidate advisory council shall convene its first
7 meeting on or after thirty-one days from the effective date of
8 this Act; provided that, if thirty days after the effective date
9 of this Act, all the members to which the candidate advisory
10 council is entitled have not yet been appointed, the candidate
11 advisory council shall convene its first meeting upon the
12 appointment of a majority of its members. The members of the
13 candidate advisory council shall choose a chairperson from among
14 themselves. A majority of all the members to which the
15 candidate advisory council is entitled shall constitute a quorum
16 to conduct business. The concurrence of a majority of all the
17 members to which the candidate advisory council is entitled
18 shall be necessary to make any action of the candidate advisory
19 council valid. The candidate advisory council shall meet
20 annually and at other times as necessary. All meetings of the
21 candidate advisory council shall be exempt from part I of
22 chapter 92.



1 (k) Members of the candidate advisory council shall serve
2 without compensation but shall be reimbursed for expenses,
3 including travel, board, and lodging expenses, necessary for the
4 performance of their duties."

5 SECTION 3. Section 26-11, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

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

9 The board shall consist of [~~twelve~~] fifteen members. [~~No~~
10 ~~more than six of the members shall be members of the same~~
11 ~~political party and at least part of the membership of the board~~
12 ~~shall represent geographic subdivisions of the State.~~] At least
13 one member shall be a University of Hawaii student at the time
14 of the initial appointment. This member may be reappointed for
15 one additional term even though the member may no longer be a
16 student at the time of reappointment. The governor shall reduce
17 the terms of those initially appointed to each seat on the board
18 of regents to provide, as far as practicable, for the expiration
19 of three terms each year; provided that the term of the student
20 member shall not be reduced.

21 At least twelve members, except for the student member,
22 shall represent the specified geographic areas as follows:



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

5 The board shall have power, in accordance with the
6 Constitution of the State and with law, to formulate policy[7]
7 and to exercise control over the university through its
8 executive officer, the president of the university. The board
9 shall have exclusive jurisdiction over the internal organization
10 and management of the university."

11 SECTION 4. Section 304A-104, Hawaii Revised Statutes, is
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) The affairs of the university shall be under the
14 general management and control of the board of regents
15 consisting of [~~twelve~~] fifteen members who shall be appointed
16 and may be removed by the governor. Except as otherwise
17 provided by law, state officers shall be eligible for
18 appointment and membership. The term of each member shall be
19 [~~for four years,~~] five years, except as provided for the initial
20 appointment in section 26-11; provided that the term of the
21 student member shall be [~~for~~] two years. [~~Except as otherwise~~
22 ~~provided by statute, state officers shall be eligible to~~



1 ~~appointment and membership.]~~ Every member may serve beyond the
2 expiration date of the member's term of appointment until the
3 member's successor has been appointed [~~and has qualified.]~~ by
4 the governor and confirmed by the senate in accordance with
5 article X, section 6 of the state constitution. Members shall
6 serve no more than two consecutive five-year terms. If a member
7 is to be appointed to a second term of five years, the senate
8 shall consider the question of whether to reconfirm the member
9 at least one hundred twenty days prior to the conclusion of a
10 member's first five-year term; provided that if the senate is
11 not in session within one hundred twenty days prior to the
12 conclusion of the member's first five-year term, the member
13 shall continue to serve until the senate convenes for the next
14 regular session or the next special session for which the senate
15 is authorized to consider the question of reconfirmation.

16 (b) At its first meeting after June 30, the board of
17 regents shall elect a chairperson and vice-chairperson, who
18 shall serve until adjournment of its first meeting after June 30
19 of the next year or thereafter until their successors are
20 appointed. The board shall appoint a secretary, who shall not
21 be a member of the board. The president of the university shall
22 act as executive officer of the board. From the effective date



1 of this Act and until such time that the board of regents has at
2 least fourteen members, seven members of the board of regents
3 shall constitute a quorum to conduct business, and the
4 concurrence of at least seven members of the board of regents
5 shall be necessary to make any action of the board of regents
6 valid; provided that upon filling at least fourteen of the
7 fifteen board of regents seats required under subsection (a), a
8 majority of the board of regents shall constitute a quorum to
9 conduct business, and the concurrence of a majority of all the
10 members to which the board of regents is entitled shall be
11 necessary to make any action of the board of regents valid. The
12 board shall meet not less often than ten times annually and,
13 from time to time, may meet in each of the counties of Hawaii,
14 Maui, and Kauai."

15 SECTION 5. Notwithstanding the requirements of section
16 304A-104, Hawaii Revised Statutes, as it read prior to the
17 effective date of this Act, the terms of those members of the
18 board of regents of the University of Hawaii that are to expire
19 on or before June 30, 2007, shall be extended until the earlier
20 of June 30, 2008, or until such time as new members of the board
21 of regents have been appointed pursuant to the appointment



1 process established pursuant to this Act, at which time their
2 terms shall expire.

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

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



Report Title:

UH; Board of Regents; Candidate Advisory Council

Description:

Establishes the candidate advisory council to screen and propose candidates for appointment to the board of regents of the University of Hawaii. Increases the board of regents membership to fifteen members with a specified number of members representing different geographic areas. Prohibits a board of regents member from serving more than two consecutive five-year terms. Requires the senate to consider the question of an incumbent member's confirmation for a second term at least 120 days prior to the conclusion of the member's first term. Allows a board of regents member to continue to serve until the member's successor has been appointed and confirmed by the senate. (SD1)

