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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. The purpose of this Act is to amend the law  
2 relating to the 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 Constitution,  
5 ratified by the voters on November 7, 2006. Specifically, this  
6 Act:

- 7           (1) Requires at least 12 members of the board of regents  
8           to reside in the geographic areas that they represent;
- 9           (2) Requires the governor to notify the candidate advisory  
10           council of vacancies on the board of regents in a  
11           timely manner;
- 12           (3) Requires the candidate advisory council to submit to  
13           the governor names of candidates for a seat on the  
14           board of regents within 60 days following a vacancy;
- 15           (4) Clarifies the requirement for the candidate advisory  
16           council's submission of names of board of regents  
17           candidates to the governor; and



1 (5) Makes confidential all information required by the  
2 candidate advisory council regarding board of regents  
3 candidates.

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

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

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

17 At least twelve members, except for the student member,  
18 shall represent and reside in the specified geographic areas as  
19 follows:

- 20 (1) Two members from the county of Hawaii;  
21 (2) Two members from the county of Maui;  
22 (3) One member from the county of Kauai; and



1 (4) Seven members from the city and county of Honolulu.  
2 The board shall have the power, in accordance with the  
3 Hawaii Constitution [~~of the State~~] and with law, to formulate  
4 policy and to exercise control over the university through its  
5 executive officer, the president of the university. The board  
6 shall have exclusive jurisdiction over the internal organization  
7 and management of the university."

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

10 "**§304A-104 Regents; appointment; tenure; qualifications;**  
11 **meetings.** (a) The affairs of the university shall be under the  
12 general management and control of the board of regents  
13 consisting of fifteen members who shall be appointed and may be  
14 removed by the governor. Except as otherwise provided by law,  
15 state officers shall be eligible for appointment and membership.  
16 The term of each member shall be five years, except as provided  
17 for the initial appointment in section 26-11; provided that the  
18 term of the student member shall be two years. Every member may  
19 serve beyond the expiration date of the member's term of  
20 appointment until the member's successor has been appointed by  
21 the governor and confirmed by the senate in accordance with  
22 article X, section 6 of the [~~state constitution.~~] Hawaii



1 Constitution. Members shall serve no more than two consecutive  
2 five-year terms; provided that the members who are initially  
3 appointed to terms of two years or less pursuant to section 26-  
4 11(a) may be reappointed to two ensuing five-year terms. If a  
5 member is to be appointed to a second term of five years, the  
6 senate shall consider the question of whether to reconfirm the  
7 member at least one hundred twenty days prior to the conclusion  
8 of a member's first five-year term; provided that if the senate  
9 is not in session within one hundred twenty days prior to the  
10 conclusion of the member's first five-year term, the member  
11 shall continue to serve until the senate convenes for the next  
12 regular session or the next special session for which the senate  
13 is authorized to consider the question of reconfirmation.

14 (b) At its first meeting after June 30, the board of  
15 regents shall elect a chairperson and vice-chairperson, who  
16 shall serve until adjournment of its first meeting after June 30  
17 of the next year or thereafter until their successors are  
18 appointed. The board shall appoint a secretary, who shall not  
19 be a member of the board. The president of the university shall  
20 act as executive officer of the board. From May 1, 2007 and  
21 until such time that the board of regents has at least fourteen  
22 members, seven members of the board of regents shall constitute



1 a quorum to conduct business, and the concurrence of at least  
2 seven members of the board of regents shall be necessary to make  
3 any action of the board of regents valid; provided that upon  
4 filling at least fourteen of the fifteen board of regents seats  
5 required under subsection (a), a majority of the board of  
6 regents shall constitute a quorum to conduct business, and the  
7 concurrence of a majority of all the members to which the board  
8 of regents is entitled shall be necessary to make any action of  
9 the board of regents valid. The board shall meet at least ten  
10 times annually and, from time to time, may meet in each of the  
11 counties of Hawaii, Maui, and Kauai.

12 (c) The governor shall notify the regents candidate  
13 advisory council in writing within ten days of receiving  
14 notification that a member of the board of regents is resigning,  
15 has died, or is being removed by the governor.

16 [~~e~~] (d) The members of the board of regents shall serve  
17 without pay but shall be entitled to their travel expenses  
18 within the [~~State~~] state when attending meetings of the board or  
19 when actually engaged in business relating to the work of the  
20 board."

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



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

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

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



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

3 (2) One hundred twenty days prior to the expiration of a  
4 term.

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

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

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

14 (3) For more than three seats, the regents candidate  
15 advisory council shall determine appropriate minimum  
16 numbers of candidates, which shall provide for at  
17 least three candidates for the final seat, and maximum  
18 numbers of candidates.

19 (d) In making its presentations, the regents candidate  
20 advisory council shall:

21 (1) Develop a statement that includes the selection  
22 criteria to be applied and a description of the



1 responsibilities and duties of a member of the board  
2 of regents and distribute this statement to potential  
3 candidates;

4 (2) Screen and qualify candidates for each position on the  
5 board of regents based on their background,  
6 experience, and potential for discharging the  
7 responsibilities of a member of the board of regents;

8 (3) Publicly advertise pending vacancies and actively  
9 solicit and accept applications from potential  
10 candidates;

11 (4) Develop and implement a fair, independent, and  
12 nonpartisan procedure for selecting candidates to  
13 serve on the board of regents; and

14 (5) Require each candidate to disclose any existing or  
15 anticipated contracts with the University of Hawaii or  
16 any existing or anticipated financial transactions  
17 with the University of Hawaii.

18 Upon submission of the names of candidates to the governor,  
19 [~~presentations of~~] the regents candidate advisory council shall  
20 [~~be made~~] make available the names of candidates to the public  
21 [~~by~~] through the University of Hawaii.





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

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

- 7 (1) One member shall be appointed by the president of the  
8 senate;
- 9 (2) One member shall be appointed by the speaker of the  
10 house of representatives;
- 11 (3) One member shall be appointed by the governor;
- 12 (4) One member shall be appointed by one of the co-chairs  
13 of the All Campus Council of Faculty Senate Chairs of  
14 the University of Hawaii;
- 15 (5) One member shall be appointed by the chairperson of  
16 the Executive Council of the University of Hawaii  
17 Student Caucus;
- 18 (6) One member shall be appointed by the chairperson of  
19 the Association of Emeritus Regents; and
- 20 (7) One member shall be appointed by the president of the  
21 University of Hawaii Alumni Association;



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

12 The regents candidate advisory council shall be selected in  
13 a wholly nonpartisan manner. If any member has not been  
14 appointed within one hundred eighty days of [~~the~~] May 1, 2007,  
15 the sitting members on the regents candidate advisory council  
16 shall make an interim appointment to fill the vacant seat. The  
17 interim appointee shall satisfy the requirements for appointment  
18 provided in this subsection and shall serve until the time when  
19 the appropriate appointing authority makes an appointment for  
20 the vacant seat as provided in this subsection. Appointees to  
21 the regents candidate advisory council shall have a general  
22 understanding of the purposes of higher education, the mission



1 of the University of Hawaii system, and the responsibilities of  
2 the board of regents. Appointees shall be individuals who are  
3 widely viewed as having placed the broad public interest ahead  
4 of special interests, having achieved a high level of prominence  
5 in their respective professions, and being respected members of  
6 the community.

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

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

20 (i) The regents candidate advisory council shall operate  
21 in a wholly nonpartisan manner. No individual, while a member  
22 of the regents candidate advisory council, shall run for or hold



1 any elected office under the United States or the State or any  
2 of its political subdivisions.

3 (j) The regents candidate advisory council shall convene  
4 its first meeting on or after thirty-one days from May 1, 2007;  
5 provided that, if thirty days after May 1, 2007, all the members  
6 to which the regents candidate advisory council is entitled have  
7 not yet been appointed, the regents candidate advisory council  
8 shall convene its first meeting upon the appointment of a  
9 majority of its members. The members of the regents candidate  
10 advisory council shall choose a chairperson from among  
11 themselves. A majority of all the members to which the regents  
12 candidate advisory council is entitled shall constitute a quorum  
13 to conduct business. The concurrence of a majority of all the  
14 members to which the regents candidate advisory council is  
15 entitled shall be necessary to make any action of the regents  
16 candidate advisory council valid. The regents candidate  
17 advisory council shall meet annually and at other times as  
18 necessary. The regents candidate advisory council shall be  
19 exempt from part I of chapter 92.

20 (k) Members of the regents candidate advisory council  
21 shall serve without compensation but shall be reimbursed for



1 expenses, including travel, board, and lodging expenses,  
2 necessary for the performance of their duties.

3 (1) Notwithstanding chapter 92F or any other law to the  
4 contrary, all information required by the regents candidate  
5 advisory council shall be confidential, including without  
6 limitation, all council information obtained, reviewed, or  
7 considered before and after council decisionmaking.  
8 Confidential regents candidate advisory council information  
9 shall include documents, data, or other information that are not  
10 of public record, including without limitation, personal  
11 financial information; the names of applicants; applications and  
12 the personal, financial, and other information contained therein  
13 submitted by the applicants to the regents candidate advisory  
14 council; interviews; schedules; reports; studies; background  
15 checks; credit reports; surveys and reports prepared for or on  
16 the regents candidate advisory council's behalf; the results of  
17 any evaluations or assessments conducted by the regents  
18 candidate advisory council; the substance and details of any  
19 discussions with regents candidate advisory council members; and  
20 the substance and details of discussions and deliberations of  
21 the regents candidate advisory council and any of its committees  
22 during meetings."



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

UH Board of Regents; Regents Candidate Advisory Council

**Description:**

Requires at least 12 BOR members to reside in the geographic areas that they represent. Requires the Governor to notify the Council of vacancies on the BOR in a timely manner. Requires the Council to submit names of candidates for a seat on the BOR within 60 days following a vacancy. Clarifies the requirement for the Council's submission of names of BOR candidates to the Governor. Makes confidential all information required by the Council regarding BOR candidates. (SB2668 HD1)

