

STAND. COM. REP. NO.

759

Honolulu, Hawaii

Feb 21, 2007

RE: H.B. No. 135

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred  
H.B. No. 135 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose of this bill is to improve the governance of the  
University of Hawaii (UH) pursuant to Article X, Section 6 of the  
State Constitution as amended and approved by voters in 2006 by,  
among other things:

- (1) Modifying the process of appointing the members of the  
UH Board of Regents (BOR) by establishing a Candidate  
Advisory Council (Council) to determine the criteria  
for, screen, and recommend qualified candidates from  
which the Governor can choose;
- (2) Changing the number of BOR members from 12 to 15;
- (3) Removing the prohibition that no more than six members  
of the BOR may be members of the same political party;
- (4) Specifying the geographic areas that must be represented  
by a certain number of BOR members;
- (5) Modifying the length of service of each BOR member from  
four-year terms to no more than two consecutive five-  
year terms;

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- (6) Establishing that at least three months prior to the expiration of the member's first five-year term, the Senate must consider the question of whether to reconfirm the member's position on the BOR; and
- (7) Clarifying that every BOR member may serve beyond the expiration date of the member's term until the member's successor has been appointed and has been confirmed by the Senate.

A concerned individual testified in support of this bill. The Hawaii Government Employees Association supported this measure with amendments. The Department of the Attorney General, University of Hawaii, and Office of Information Practices offered comments.

Your Committee recognizes that the staggering of terms of the BOR members, as provided in this bill, may require further discussion to ensure the proper staffing of the BOR, especially in light of the fact that the terms of several current BOR members will be expiring this year.

Your Committee has amended this bill by:

- (1) Clarifying that the Council shall present to the Governor pools of qualified candidates from which the Governor shall appoint BOR members with the consent of the Senate;
- (2) Requiring, within 60 days of the first meeting of the Council, the presentation of pools of qualified candidates for BOR member seats vacated due to resignation, death, or removal by the Governor;
- (3) Requiring the presentation of pools of qualified candidates for subsequent vacancies within:
  - (A) 30 days of a vacancy due to resignation, death, or removal by the Governor; and
  - (B) 120 days prior to the expiration of a term;
- (4) Requiring larger pools of qualified candidates to be presented to the Governor when there are multiple seats



vacant within the same county or within the at-large membership;

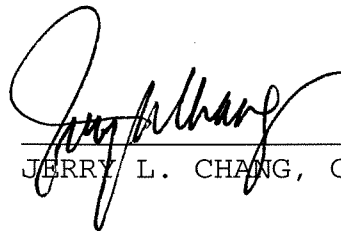
- (5) Requiring the public release of names of candidates presented by the Council to the Governor;
- (6) Requiring the head of each named organization, rather than the organization itself, to appoint the members of the Council;
- (7) Requiring certain appointees to be selected from the general public and permitting them to be members of the constituencies represented;
- (8) Deeming ineligible for the Council, individuals who are or have served as members of the executive councils or boards for the All Campus Council of Faculty Senate Chairs of the UH or Executive Council of the UH Student Caucus within the last five years preceding the vacancy;
- (9) Permitting sitting members of the Council to appoint interim members to the Council if a member has not been appointed within 180 days of the effective date of this Act;
- (10) Deeming the terms of initial members of the Council to begin on July 1, 2007, regardless of when they were actually appointed;
- (11) Requiring the Council to meet within 31 days of the effective date of this Act; provided that if all members have not yet been appointed within 30 days of the effective date of this Act, the Council shall meet as soon as a majority of them have been appointed;
- (12) Clarifying that a majority of all the members to which the Council is entitled shall constitute a quorum to do business;
- (13) Exempting Council meetings from only Part I of Chapter 92, Hawaii Revised Statutes, relating to meetings;
- (14) Increasing the representation of the City and County of Honolulu on the BOR from five members to seven members;



- (15) Authorizing a BOR member whose first term expires more than 120 days before the Senate goes into session, to continue serving until the Senate is able to consider reconfirmation;
- (16) Specifying that until the BOR has at least 14 members, seven members shall constitute a quorum and the concurrence of at least seven members is needed to validate any action of the BOR; provided that when the BOR has expanded to 14 members, a majority, or eight members, shall constitute a quorum, and the concurrence of a majority of all the members to which the BOR is entitled is needed to validate any action of the BOR;
- (17) Allowing BOR members whose terms are to expire on or before June 30, 2007, to continue serving until the earlier of June 30, 2008, or until new BOR members have been appointed pursuant to this Act;
- (18) Clarifying that the intent of this bill is to implement the constitutional amendment approved by voters in 2006, without repealing the existing authority and powers of the BOR; and
- (19) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 135, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education,



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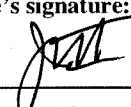
JERRY L. CHANG, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 759

Record of Votes of the Committee on Higher Education

Bill/Resolution No.: <b>HB 135</b>		Date: <b>2/13/07</b>		
Committee Referral: <b>HED</b>		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
<b>HED Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. CHANG, Jerry L. (C)	✓			
2. BERTRAM, Joe, III (VC)	✓			
3. BERG, Lyla B., Ph.D.				✓
4. CABANILLA, Rida T.R.	✓			
5. NISHIMOTO, Scott Y.	✓			
6. SAIKI, Scott K.	✓			
7. SHIMABUKURO, Maile S. L.	✓			
8. TAKAI, K. Mark	✓			
9. TAKAMINE, Dwight Y.	✓			
10. TAKUMI, Roy M.	✓			
11. WAKAI, Glenn	✓			
12. CHING, Corinne W.L.	✓			
13. FINNEGAN, Lynn	✓			
<b>TOTAL</b>	<b>12</b>			<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				