

Honolulu, Hawaii

MAR 19 2008

RE: H.B. No. 3226
H.D. 3
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Education, to which was referred H.B. No. 3226, H.D. 3, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make clarifying changes to the composition, duties, and activities of the Candidate Advisory Council for the Board of Regents of the University of Hawaii.

Specifically, this measure:

- (1) Requires the submission of candidates for the Board of Regents within sixty days following notification from the Governor of a vacancy due to resignation, death, or removal by the Governor;
- (2) Requires the Council to submit the names of candidates for the Board of Regents to the Governor;
- (3) 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;
- (4) Requires that candidates for the Board of Regents reside in the geographic areas that they represent;



- (5) Requires the Governor to notify the Candidate Advisory Council for the Board of Regents of vacancies on the Board in a timely manner; and
- (6) Authorizes an administrator position to be established to support the Candidate Advisory Council and provides for an appropriation from general funds to support Candidate Advisory Council operations.

Comments on this measure were submitted by the Regents Candidate Advisory Council.

Your Committee finds that, pursuant to Act 56, Session Laws of Hawaii 2007, the Candidate Advisory Council was established in response to the voters' desire to amend the nomination process for the Board of Regents of the University of Hawaii. Since the law's enactment, the Candidate Advisory Council has been convened and is currently in operation and attending to its responsibility to provide recommendations of candidates to the Governor for nomination to the Board of Regents. However, certain provisions relating to the existence and operations of the Candidate Advisory Council require modification in order to improve operations.

This measure addresses concerns raised by the Candidate Advisory Council, formulated as a result of its attempts to implement and comply with the law, which includes, among other things, ensuring the Council receives timely notification from the Governor when a vacancy occurs on the Board of Regents, ensuring the confidentiality of information regarding applicants, and providing the necessary support for the Council's operations. Your Committee determines that the provisions contained in this measure will assist the Candidate Advisory Council in dutifully executing its responsibilities.

Testimony provided raised concerns regarding what information received by the Candidate Advisory Council should remain confidential. Your Committee believes that certain information should be confidential and that individuals who eventually become members of the Board of Regents will also be subject to public disclosure requirements under the existing law that are applicable to all public officials and certain public employees.

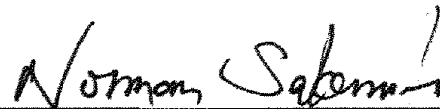
Accordingly, your Committee has amended this measure by:



- (1) Clarifying that the Regents Candidate Advisory Council is required to submit candidates to the Governor within sixty days after written notification of a vacancy;
- (2) Clarifying what information received by the Regents Candidate Advisory Council shall be confidential;
- (3) Changing the effective date to July 1, 2008; and
- (4) Making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3226, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3226, H.D. 3, S.D. 1, and be referred to the Committee on Ways and Means.

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



NORMAN SAKAMOTO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Education
EDU

| | | | | |
|--|--|-------------------------|------------|----------------|
| Bill / Resolution No.:* HB 3226 HD3 | Committee Referral: EDU, WAM | Date: 3/14/08 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| SAKAMOTO, Norman (C) | X | | | |
| TOKUDA, Jill N. (VC) | X | | | |
| CHUN OAKLAND, Suzanne | X | | | |
| GABBARD, Mike | X | | | |
| HEE, Clayton | | | | X |
| NISHIHARA, Clarence K. | X | | | |
| TANIGUCHI, Brian T. | | | | X |
| SLOM, Sam | X | | | |
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| TOTAL | 6 | 0 | 0 | 2 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes