

Honolulu, Hawaii

FEB 13 2008

RE: S.B. No. 2668
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 S.B. No. 2668 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 all information received or maintained by the Regents Candidate Advisory Council;
- (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.

Testimony in support of the measure was submitted by the University of Hawaii Regents Candidate Advisory Council. Comments on the measure were also submitted by the Office of Information Practices.

Your Committee finds that the Candidate Advisory Council for the Board of Regents of the University of Hawaii was established pursuant to Act 56, Session Laws of Hawaii 2007, in response to the people's desire to change the prior nomination process. Your Committee further finds that the Candidate Advisory Council is currently in operation and attending to its responsibility to provide recommendations to the Governor for nomination to the Board of Regents. After several months of operation, the Candidate Advisory Council has discovered that certain provisions relating to its existence and operations must be modified to improve operations.

This measure addresses some of the Council's concerns by, 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 the issue as to whether blanket confidentiality for all Candidate Advisory Council information is appropriate. Your Committee understands the concerns raised; however, it 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.

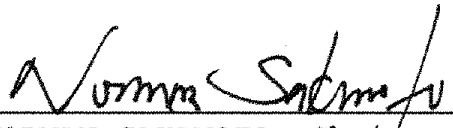
Accordingly, your Committee has amended this measure by:



- (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; and
- (2) 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 S.B. No. 2668, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2668, 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



