



GOV. MSG. NO. 520

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 25, 2010

The Honorable Colleen Hanabusa, President
And Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 2803 SD1 HD1

On April 26, 2010, I intend to allow Senate Bill No. 2803, entitled "A Bill for an Act Relating to The Regents Candidate Advisory Council" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a seven-member student advisory group to recruit, evaluate, and recommend to the Regents Candidate Advisory Council who are the "most qualified" candidates to fill the Board of Regents student position. The bill further precludes certain persons from serving on the Regents Candidate Advisory Council including persons on the All Campus Faculty Senate and the Executive Council of the University Student Caucus.

I continue to believe that the creation of the Regents Candidate Advisory Council established a narrowly prescribed process, not answerable to the public, with the intent to limit the choices a Governor has in appointing Regents. This bill is an attempt by a group of dissatisfied students to address the narrow interests of the Regent Advisory Council by setting up another mechanism to involve more students in the determination of who should be a student regent.

However, in trying to address the shortcomings of the Advisory Council law, this bill further blurs the lines of responsibility and transparency for holding a Governor accountable for the performance of the Regent Board. Rather than disbanding the Advisory Council or broadening the number of candidate names it must submit to a sitting Governor, the bill sets up yet another group that both shadows and second-guesses the work of the current Council. There is nothing in this bill that will lead to a wider choice of candidates for a Governor's consideration. Nor is there anything in this bill that

The Honorable Colleen Hanabusa, President
and Members of the Senate
Page 2

allows the public to better understand and participate in the selection of those individuals who are responsible for setting the policies that guide our State university.

As I stated in my 2007 veto message, the current process exempts the selection of regents from public scrutiny, narrowly defines the number of candidate names that a Governor can consider, and fails to ensure that the Board is composed of members who reflect the best interests of the entire university and the State. This bill makes a small but ineffective effort to address some of these fundamental flaws.

For the foregoing reasons, I intend to allow Senate Bill No. 2803 to become law as Act 58, effective April 26, 2010, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a large, stylized loop at the end of the name.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 304A-104.5, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (d) to read:

4 "(d) In making its presentations, the regents candidate
5 advisory council shall:

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

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

15 (3) Publicly advertise pending vacancies and actively
16 solicit and accept applications from potential
17 candidates;



- 1 (4) Develop and implement a fair, independent, and
2 nonpartisan procedure for selecting candidates to
3 serve on the board of regents; [and]
- 4 (5) Ensure student involvement by establishing a student
5 advisory group composed of:
- 6 (A) The senior student affairs officer of the
7 University of Hawaii system;
- 8 (B) No fewer than three student representatives from
9 the University of Hawaii student caucus who shall
10 represent, to the maximum extent possible, the
11 interests of the various University of Hawaii
12 campuses on each island; and
- 13 (C) No fewer than three student life advisors who
14 shall represent, to the maximum extent possible,
15 the interests of the various University of Hawaii
16 campuses on each island,
17 who shall work with and assist the regents candidate
18 advisory council to recruit and evaluate candidates
19 for the student member of the board of regents and
20 make recommendations to the regents candidate advisory
21 council based on the qualifications of the candidates
22 applying for the position; and



1 [~~5~~] (6) Require each candidate to disclose any existing
2 or anticipated contracts with the University of Hawaii
3 or any existing or anticipated financial transactions
4 with the University of Hawaii.

5 Upon submission of the names of candidates to the governor, the
6 regents candidate advisory council shall make available the
7 names of candidates to the public through the University of
8 Hawaii."

9 2. By amending subsection (f) to read:

10 "(f) The regents candidate advisory council shall consist
11 of seven members to be appointed without regard to section 26-34
12 as follows:

13 (1) One member shall be appointed by the president of the
14 senate;

15 (2) One member shall be appointed by the speaker of the
16 house of representatives;

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

18 (4) One member shall be appointed by one of the co-chairs
19 of the All Campus Council of Faculty Senate Chairs of

20 the University of Hawaii; provided that beginning on
21 July 1, 2010, a person may not be appointed as a

22 member of the regents candidate advisory council under



1 this paragraph, if within the five years immediately
2 preceding that appointment, the person served on the
3 All Campus Council of Faculty Senate Chairs of the
4 University of Hawaii;

5 (5) One member shall be appointed by the chairperson of
6 the Executive Council of the University of Hawaii
7 Student Caucus; provided that beginning on July 1,
8 2010, a person may not be appointed as a member of the
9 regents candidate advisory council under this
10 paragraph, if within one year immediately preceding
11 that appointment, the person served on the Executive
12 Council of the University of Hawaii Student Caucus;

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

15 (7) One member shall be appointed by the president of the
16 University of Hawaii Alumni Association;

17 provided that members appointed under paragraphs (4) to (7)
18 shall be selected from the general public and may include
19 members of the constituencies represented; provided further that
20 each appointee satisfies the requirements for appointment
21 provided in this subsection[, ~~except that individuals who are or~~
22 ~~have served as members of the executive councils or boards for~~



1 ~~the organizations under paragraphs (4) or (5) within the last~~
2 ~~five years immediately preceding the establishment of or a~~
3 ~~vacancy on the regents candidate advisory council for which the~~
4 ~~persons may be qualified to fill shall not be eligible to serve~~
5 ~~as members of the regents candidate advisory council].~~

6 The regents candidate advisory council shall be selected in
7 a wholly nonpartisan manner. If any member has not been
8 appointed within one hundred eighty days of May 1, 2007, the
9 sitting members on the regents candidate advisory council shall
10 make an interim appointment to fill the vacant seat. The
11 interim appointee shall satisfy the requirements for appointment
12 provided in this subsection and shall serve until the time when
13 the appropriate appointing authority makes an appointment for
14 the vacant seat as provided in this subsection. Appointees to
15 the regents candidate advisory council shall have a general
16 understanding of the purposes of higher education, the mission
17 of the University of Hawaii system, and the responsibilities of
18 the board of regents. Appointees shall be individuals who are
19 widely viewed as having placed the broad public interest ahead
20 of special interests, having achieved a high level of prominence
21 in their respective professions, and being respected members of
22 the community."



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

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

APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII