

JAN 18 2013

A BILL FOR AN ACT

RELATING TO THE BOARD OF REGENTS OF 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 reestablish the
2 governor's authority to nominate and, with the advice and
3 consent of the senate, appoint the members of the board of
4 regents of the University of Hawaii by repealing the candidate
5 advisory council for the board of regents of the University of
6 Hawaii; provided that this Act shall be implemented upon
7 ratification of the constitutional amendment to article X,
8 section 6, of the Hawaii State Constitution, which would delete
9 provisions related to the regents candidate advisory council.

10 It is the intent of the legislature that the existing
11 members of the board of regents of the University of Hawaii
12 serve their full terms of office. As each term expires, the
13 regent shall be replaced by a member nominated and, with the
14 advice and consent of the senate, appointed by the governor.

15 SECTION 2. Section 304A-104, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§304A-104 Regents; appointment; tenure; qualifications;**
18 **meetings.** (a) The affairs of the university shall be under the



1 general management and control of the board of regents
2 consisting of fifteen members who shall be appointed and may be
3 removed by the governor. Except as otherwise provided by law,
4 state officers shall be eligible for appointment and membership.
5 The term of each member shall be five years, except as provided
6 for the initial appointment in section 26-11; provided that the
7 term of the student member shall be two years. Every member may
8 serve beyond the expiration date of the member's term of
9 appointment until the member's successor has been appointed by
10 the governor and confirmed by the senate in accordance with
11 article X, section 6 of the Hawaii Constitution. Members shall
12 serve no more than two consecutive five-year terms; provided
13 that the members who are initially appointed to terms of two
14 years or less pursuant to section 26-11(a) may be reappointed to
15 two ensuing five-year terms. If a member is to be appointed to
16 a second term of five years, the senate shall consider the
17 question of whether to reconfirm the member at least one hundred
18 twenty days prior to the conclusion of a member's first five-
19 year term; provided that if the senate is not in session within
20 one hundred twenty days prior to the conclusion of the member's
21 first five-year term, the member shall continue to serve until
22 the senate convenes for the next regular session or the next



1 special session for which the senate is authorized to consider
2 the question of reconfirmation.

3 (b) At a meeting preceding July 1 of each year, the board
4 of regents shall elect a chairperson and up to two vice-
5 chairpersons whose terms shall be from July 1 to June 30 of the
6 next year or thereafter until their successors are elected. The
7 board shall appoint a secretary, who shall not be a member of
8 the board. The president of the university shall act as
9 executive officer of the board. A majority of the board of
10 regents shall constitute a quorum to conduct business, and the
11 concurrence of a majority of all the members to which the board
12 of regents is entitled shall be necessary to make any action of
13 the board of regents valid. The board shall meet at least ten
14 times annually and, from time to time, may meet in each of the
15 counties of Hawaii, Maui, and Kauai.

16 ~~[(c) The governor shall notify the regents candidate~~
17 ~~advisory council in writing within ten days of receiving~~
18 ~~notification that a member of the board of regents is resigning,~~
19 ~~has died, or is being removed by the governor.~~

20 ~~(d)]~~ (c) The members of the board of regents shall serve
21 without pay but shall be entitled to their travel expenses



1 within the State when attending meetings of the board or when
2 actually engaged in business relating to the work of the board."

3 SECTION 3. Section 304A-104.5, Hawaii Revised Statutes, is
4 repealed.

5 ~~["§304A-104.5 Regents candidate advisory council for the~~
6 ~~board of regents of the University of Hawaii. (a) There is~~
7 ~~established the regents candidate advisory council for the board~~
8 ~~of regents of the University of Hawaii to present to the~~
9 ~~governor pools of qualified candidates from which the members of~~
10 ~~the board of regents shall be nominated and, by and with the~~
11 ~~consent of the senate, appointed by the governor. The regents~~
12 ~~candidate advisory council shall establish the criteria for~~
13 ~~qualifying, screening, and presenting to the governor candidates~~
14 ~~for membership on the board of regents. The regents candidate~~
15 ~~advisory council shall be attached to the University of Hawaii~~
16 ~~for administrative purposes.~~

17 ~~(b) Except as provided in subsection (c), the regents~~
18 ~~candidate advisory council shall present no fewer than two and~~
19 ~~no more than four qualified candidates for each seat on the~~
20 ~~board of regents to the governor within:~~

21 ~~(1) Sixty days of a vacancy that arises by resignation,~~
22 ~~death, or removal by the governor; or~~



1 ~~(2) One hundred twenty days prior to the expiration of a~~
2 ~~term.~~

3 ~~The regents candidate advisory council shall be deemed to have~~
4 ~~fulfilled its obligation under this section upon presentation of~~
5 ~~the names of the minimum number of candidates required to be~~
6 ~~presented for each seat or seats on the board of regents.~~

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

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

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

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

21 ~~(d) In making its presentations, the regents candidate~~
22 ~~advisory council shall:~~



- 1 ~~(1) Develop a statement that includes the selection~~
- 2 ~~criteria to be applied and a description of the~~
- 3 ~~responsibilities and duties of a member of the board~~
- 4 ~~of regents and distribute this statement to potential~~
- 5 ~~candidates;~~
- 6 ~~(2) Screen and qualify candidates for each position on the~~
- 7 ~~board of regents based on their background,~~
- 8 ~~experience, and potential for discharging the~~
- 9 ~~responsibilities of a member of the board of regents;~~
- 10 ~~(3) Publicly advertise pending vacancies and actively~~
- 11 ~~solicit and accept applications from potential~~
- 12 ~~candidates;~~
- 13 ~~(4) Develop and implement a fair, independent, and~~
- 14 ~~nonpartisan procedure for selecting candidates to~~
- 15 ~~serve on the board of regents;~~
- 16 ~~(5) Ensure student involvement by establishing a student~~
- 17 ~~advisory group composed of:~~
- 18 ~~(A) The senior student affairs officer of the~~
- 19 ~~University of Hawaii system;~~
- 20 ~~(B) No fewer than three student representatives from~~
- 21 ~~the University of Hawaii student caucus who shall~~
- 22 ~~represent, to the maximum extent possible, the~~



1 ~~interests of the various University of Hawaii~~
2 ~~campuses on each island; and~~
3 ~~(C) No fewer than three student life advisors who~~
4 ~~shall represent, to the maximum extent possible,~~
5 ~~the interests of the various University of Hawaii~~
6 ~~campuses on each island,~~
7 ~~who shall work with and assist the regents candidate~~
8 ~~advisory council to recruit and evaluate candidates~~
9 ~~for the student member of the board of regents and~~
10 ~~make recommendations to the regents candidate advisory~~
11 ~~council based on the qualifications of the candidates~~
12 ~~applying for the position; and~~
13 ~~(6) Require each candidate to disclose any existing or~~
14 ~~anticipated contracts with the University of Hawaii or~~
15 ~~any existing or anticipated financial transactions~~
16 ~~with the University of Hawaii.~~
17 ~~Upon submission of the names of candidates to the governor, the~~
18 ~~regents candidate advisory council shall make available the~~
19 ~~names of candidates to the public through the University of~~
20 ~~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.~~

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. A person may not be~~
15 ~~appointed as a member of the regents candidate~~
16 ~~advisory council under this paragraph, if within the~~
17 ~~five years immediately preceding that appointment, the~~
18 ~~person served on the All-Campus Council of Faculty~~
19 ~~Senate Chairs of the University of Hawaii;~~

20 ~~(5) One member shall be appointed by the chairperson of~~
21 ~~the Executive Council of the University of Hawaii~~
22 ~~Student Caucus. A person may not be appointed as a~~



1 ~~member of the regents candidate advisory council under~~
2 ~~this paragraph, if within one year immediately~~
3 ~~preceding that appointment, the person served on the~~
4 ~~Executive Council of the University of Hawaii Student~~
5 ~~Caucus;~~

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

8 ~~(7) One member shall be appointed by the president of the~~
9 ~~University of Hawaii Alumni Association;~~

10 ~~provided that members appointed under paragraphs (4) to (7)~~
11 ~~shall be selected from the general public and may include~~
12 ~~members of the constituencies represented; provided further that~~
13 ~~each appointee satisfies the requirements for appointment~~
14 ~~provided in this subsection.~~

15 ~~The regents candidate advisory council shall be selected in~~
16 ~~a wholly nonpartisan manner. Appointees to the regents~~
17 ~~candidate advisory council shall have a general understanding of~~
18 ~~the purposes of higher education, the mission of the University~~
19 ~~of Hawaii system, and the responsibilities of the board of~~
20 ~~regents. Appointees shall be individuals who are widely viewed~~
21 ~~as having placed the broad public interest ahead of special~~
22 ~~interests, having achieved a high level of prominence in their~~



1 ~~respective professions, and being respected members of the~~
2 ~~community.~~

3 ~~(g) Members of the regents candidate advisory council~~
4 ~~shall serve four year terms; provided that the three members~~
5 ~~initially appointed by the governor, the president of the~~
6 ~~senate, and the speaker of the house of representatives shall~~
7 ~~serve for terms of two years.~~

8 ~~(h) If a vacancy occurs, a successor shall be appointed in~~
9 ~~the same manner and subject to the same qualifications as the~~
10 ~~person's predecessor. The person appointed to fill a vacancy~~
11 ~~shall serve for the remainder of the term of the person's~~
12 ~~predecessor.~~

13 ~~(i) The regents candidate advisory council shall operate~~
14 ~~in a wholly nonpartisan manner. No individual, while a member~~
15 ~~of the regents candidate advisory council, shall run for or hold~~
16 ~~any elected office under the United States or the State or any~~
17 ~~of its political subdivisions.~~

18 ~~(j) The members of the regents candidate advisory council~~
19 ~~shall choose a chairperson from among themselves. A majority of~~
20 ~~all the members to which the regents candidate advisory council~~
21 ~~is entitled shall constitute a quorum to conduct business. The~~
22 ~~concurrence of a majority of all the members to which the~~



1 ~~regents candidate advisory council is entitled shall be~~
2 ~~necessary to make any action of the regents candidate advisory~~
3 ~~council valid. The regents candidate advisory council shall~~
4 ~~meet annually and at other times as necessary. The regents~~
5 ~~candidate advisory council shall be exempt from part I of~~
6 ~~chapter 92.~~

7 ~~(k) Members of the regents candidate advisory council~~
8 ~~shall serve without compensation but shall be reimbursed for~~
9 ~~expenses, including travel, board, and lodging expenses,~~
10 ~~necessary for the performance of their duties.~~

11 ~~(l) Notwithstanding chapter 92F or any other law to the~~
12 ~~contrary, all information required by the regents candidate~~
13 ~~advisory council shall be confidential, including without~~
14 ~~limitation, all council information obtained, reviewed, or~~
15 ~~considered before and after council decisionmaking.~~
16 ~~Confidential regents candidate advisory council information~~
17 ~~shall include documents, data, or other information that are not~~
18 ~~of public record, including without limitation, personal~~
19 ~~financial information; the names of applicants; applications and~~
20 ~~the personal, financial, and other information contained therein~~
21 ~~submitted by the applicants to the regents candidate advisory~~
22 ~~council; interviews; schedules; reports; studies; background~~



1 ~~checks, credit reports, surveys and reports prepared for or on~~
2 ~~the regents candidate advisory council's behalf, the results of~~
3 ~~any evaluations or assessments conducted by the regents~~
4 ~~candidate advisory council, the substance and details of any~~
5 ~~discussions with regents candidate advisory council members, and~~
6 ~~the substance and details of discussions and deliberations of~~
7 ~~the regents candidate advisory council and any of its committees~~
8 ~~during meetings."]~~

9 SECTION 4. Notwithstanding any law to the contrary, the
10 existing members of the board of regents of the University of
11 Hawaii who are serving on the effective date of this Act shall
12 continue to serve their full terms of office. As each term
13 expires, each regent shall be replaced by a member nominated
14 and, with the advice and consent of the senate, appointed by the
15 governor pursuant to this Act.

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon the
19 ratification of a constitutional amendment authorizing the board
20 of regents of the University of Hawaii to be nominated and, with
21 the advice and consent of the senate, appointed by the governor



1 in compliance with article XVII, section 3, of the Constitution
2 of the State of Hawaii.

3

INTRODUCED BY: Malene J. [Signature]
~~David L. [Signature]~~
4. [Signature]
Siuan K. [Signature]
[Signature]



S.B. NO. 452

Report Title:

Board of Regents; Candidate Advisory Council; Repeal

Description:

Reestablish the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents of the University of Hawaii by repealing the candidate advisory council for the board of regents of the University of Hawaii; effective upon ratification of the constitutional amendment to article X, section 6, of the Hawaii Constitution, which would delete provisions related to the regents candidate advisory council.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

