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# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1           SECTION 1. The legislature finds that while the candidate  
2 advisory council for the board of regents of the University of  
3 Hawaii has nominated many outstanding appointees to the board,  
4 important concerns have been raised as to the selection process.  
5 Since the passage of Act 56, Session Laws of Hawaii 2007, to  
6 implement the amendments to article X, section 6, of the Hawaii  
7 state constitution, a number of issues have arisen from this new  
8 method of regent selection, which has hampered the work of the  
9 regents candidate advisory council and led to questions about  
10 the final selection of appointees during the senate confirmation  
11 process.

12           The purpose of this Act is to reconstitute the form and  
13 processes of the candidate advisory council to increase the  
14 appointment of qualified individuals to serve as members of the  
15 board of regents and effectively lead the University of Hawaii.

16           SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:



1        "§304A- Candidate advisory council for the board of  
2 regents of the University of Hawaii. (a) The candidate  
3 advisory council for the board of regents of the University of  
4 Hawaii shall recruit, evaluate, and present to the governor  
5 qualified candidates for nomination to a vacant seat on the  
6 board of regents.

7        (b) The candidate advisory council shall:

8        (1) Develop and implement a fair and independent procedure  
9        for evaluating candidates to serve on the board of  
10       regents;

11       (2) Require candidates and members of their immediate  
12       families to disclose any existing or anticipated  
13       contracts or financial transactions with the  
14       University of Hawaii and family relationships with  
15       University of Hawaii employees;

16       (3) Actively solicit and accept applications from  
17       potential candidates;

18       (4) Evaluate candidates for the board of regents on their  
19       background, experience, and potential for discharging  
20       the responsibilities of a member of the board of  
21       regents, based upon the qualifications imposed by the  
22       Hawaii state constitution; and



1       (5) Present a list of at least three candidates to the  
2           governor for nomination and appointment for each  
3           vacant seat on the board of regents of the University  
4           of Hawaii.

5       (c) The candidate advisory council shall initiate the  
6       recruitment and evaluation of candidates for each vacancy on the  
7       board of regents within:

8           (1) Thirty days of a vacancy; or

9           (2) At least one hundred twenty days prior to the  
10           expiration of a regent's term.

11       (d) To provide continuity for the board of regents, the  
12       governor may recommend to the candidate advisory council the  
13       reappointment of a member of the board of regents, subject to  
14       senate confirmation.

15       (e) The candidate advisory council shall consist of seven  
16       members to be appointed without regard to section 26-34 as  
17       follows:

18           (1) One member who shall be appointed by the president of  
19           the senate;

20           (2) One member who shall be appointed by the speaker of  
21           the house of representatives;



1       (3) One member who shall be a representative of the  
2       University of Hawaii alumni association; and  
3       (4) Four members who shall be appointed by the governor;  
4       provided that one member shall be a student of the university  
5       who has been enrolled as a full-time student for at least three  
6       consecutive semesters. A member of the association of emeritus  
7       regents of the University of Hawaii shall serve as an ex-  
8       officio, nonvoting member of the candidate advisory council.

9       The president of the senate, speaker of the house of  
10       representatives, and governor are encouraged to appoint  
11       university faculty and staff to the candidate advisory council.

12       (f) Appointees to the candidate advisory council shall  
13       have a general understanding of the purposes of higher  
14       education, the mission and strategic goals of the University of  
15       Hawaii system, and the role and responsibilities of the board of  
16       regents. Appointees shall be individuals who are widely viewed  
17       as having placed the broad public interest ahead of special  
18       interests, are respected by the community, and are highly  
19       qualified to recruit and evaluate candidates for the governor's  
20       consideration.

21       (g) The candidate advisory council shall operate in a  
22       wholly nonpartisan manner. No member of the candidate advisory



1 council shall run for or hold any elected office of the State or  
2 any of its political subdivisions. A member of the candidate  
3 advisory council shall resign from the candidate advisory  
4 council prior to filing nomination papers for an elected office  
5 of the State or any of its political subdivisions.

6 (h) The chairperson of the candidate advisory council  
7 shall be elected by the members of the candidate advisory  
8 council. A majority of the members to which the candidate  
9 advisory council is entitled shall constitute a quorum to do  
10 business. The concurrence of a majority of all the members to  
11 which the candidate advisory council is entitled shall be  
12 necessary to make any action of the candidate advisory council  
13 valid.

14 (i) Members of the candidate advisory council shall serve  
15 without compensation but shall be reimbursed for expenses,  
16 including travel expenses, necessary for the performance of  
17 their duties."

18 SECTION 3. Section 304A-104, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§304A-104 Regents; appointment; tenure; qualifications;**  
21 **meetings.** (a) The affairs of the university shall be under the  
22 general management and control of the board of regents



1 ~~[consisting]~~. The board shall consist of fifteen members who  
2 shall be appointed ~~and~~ by the governor from lists of qualified  
3 candidates presented to the governor by the candidate advisory  
4 council, pursuant to section 304A- , and shall be confirmed by  
5 the senate; provided that if the list of qualified candidates  
6 includes less than three candidates at any time during the  
7 nomination and confirmation process, the governor may request  
8 that the candidate advisory council reopen recruitment for  
9 qualified candidates. Members may be removed by the governor  
10 for cause. Except as otherwise provided by law, state officers  
11 shall be eligible for appointment and membership.

12 The term of each member shall be five years, except as  
13 provided for the initial appointment in section 26-11; provided  
14 that the term of the student member shall be two years. Every  
15 member may serve beyond the expiration date of the member's term  
16 of appointment until the member's successor has been appointed  
17 by the governor and confirmed by the senate in accordance with  
18 article X, section 6 of the Hawaii constitution. Members shall  
19 serve no more than two consecutive five-year terms; provided  
20 that the members who are initially appointed to terms of two  
21 years or less pursuant to section 26-11(a) may be reappointed to  
22 two ensuing five-year terms. If a member is to be appointed to



1 a second term of five years, the senate shall consider the  
2 question of whether to reconfirm the member at least one hundred  
3 twenty days prior to the conclusion of a member's first five-  
4 year term; provided that if the senate is not in session within  
5 one hundred twenty days prior to the conclusion of the member's  
6 first five-year term, the member shall continue to serve until  
7 the senate convenes for the next regular session or the next  
8 special session for which the senate is authorized to consider  
9 the question of reconfirmation.

10 (b) In determining whether to confirm the governor's  
11 nominee to the board of regents, the senate shall consider the  
12 combination of abilities, breadth of experiences, and  
13 characteristics of the board of regents, as a whole, that will  
14 best serve the diverse interests and needs of the students of  
15 the university system and assist the university system in  
16 achieving its strategic goals and performance indicators. The  
17 senate shall consider whether the board reflects the diversity  
18 of the student population, the various counties of the State,  
19 and a broad representation of higher education-related  
20 stakeholders.

21 ~~[(b)]~~ (c) At ~~[a meeting preceding July 1 of each year,]~~  
22 its first meeting after June 30, the board of regents shall



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

17 [~~(e)~~] (d) The governor shall notify the [~~regents~~]  
18 candidate advisory council for the board of regents of the  
19 University of Hawaii in writing within ten days of receiving  
20 notification that a member of the board of regents is resigning,  
21 has died, or is being removed by the governor.





1        [~~(d)~~] (e) The members of the board of regents shall serve  
2 without pay but shall be entitled to their travel expenses  
3 within the State when attending meetings of the board or when  
4 actually engaged in business relating to the work of the board."

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

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

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



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

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

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

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

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

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

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



- 1       ~~(d) In making its presentations, the regents candidate~~  
2 ~~advisory council shall:~~
- 3       ~~(1) Develop a statement that includes the selection~~  
4 ~~criteria to be applied and a description of the~~  
5 ~~responsibilities and duties of a member of the board~~  
6 ~~of regents and distribute this statement to potential~~  
7 ~~candidates;~~
- 8       ~~(2) Screen and qualify candidates for each position on the~~  
9 ~~board of regents based on their background,~~  
10 ~~experience, and potential for discharging the~~  
11 ~~responsibilities of a member of the board of regents;~~
- 12       ~~(3) Publicly advertise pending vacancies and actively~~  
13 ~~solicit and accept applications from potential~~  
14 ~~candidates;~~
- 15       ~~(4) Develop and implement a fair, independent, and~~  
16 ~~nonpartisan procedure for selecting candidates to~~  
17 ~~serve on the board of regents;~~
- 18       ~~(5) Ensure student involvement by establishing a student~~  
19 ~~advisory group composed of:~~
- 20           ~~(A) The senior student affairs officer of the~~  
21           ~~University of Hawaii system;~~



1 ~~(B) No fewer than three student representatives from~~  
2 ~~the University of Hawaii student caucus who shall~~  
3 ~~represent, to the maximum extent possible, the~~  
4 ~~interests of the various University of Hawaii~~  
5 ~~campuses on each island; and~~

6 ~~(C) No fewer than three student life advisors who~~  
7 ~~shall represent, to the maximum extent possible,~~  
8 ~~the interests of the various University of Hawaii~~  
9 ~~campuses on each island,~~

10 ~~who shall work with and assist the regents candidate~~  
11 ~~advisory council to recruit and evaluate candidates~~  
12 ~~for the student member of the board of regents and~~  
13 ~~make recommendations to the regents candidate advisory~~  
14 ~~council based on the qualifications of the candidates~~  
15 ~~applying for the position; and~~

16 ~~(6) Require each candidate to disclose any existing or~~  
17 ~~anticipated contracts with the University of Hawaii or~~  
18 ~~any existing or anticipated financial transactions~~  
19 ~~with the University of Hawaii.~~

20 ~~Upon submission of the names of candidates to the governor, the~~  
21 ~~regents candidate advisory council shall make available the~~



1 ~~names of candidates to the public through the University of~~  
2 ~~Hawaii.~~

3 ~~(e) For each board seat to be filled, the governor shall~~  
4 ~~select one nominee from among the candidates submitted by the~~  
5 ~~regents candidate advisory council.~~

6 ~~(f) The regents candidate advisory council shall consist~~  
7 ~~of seven members to be appointed without regard to section 26-34~~  
8 ~~as follows:~~

9 ~~(1) One member shall be appointed by the president of the~~  
10 ~~senate;~~

11 ~~(2) One member shall be appointed by the speaker of the~~  
12 ~~house of representatives;~~

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

14 ~~(4) One member shall be appointed by one of the co chairs~~  
15 ~~of the All Campus Council of Faculty Senate Chairs of~~  
16 ~~the University of Hawaii. A person may not be~~  
17 ~~appointed as a member of the regents candidate~~  
18 ~~advisory council under this paragraph, if within the~~  
19 ~~five years immediately preceding that appointment, the~~  
20 ~~person served on the All Campus Council of Faculty~~  
21 ~~Senate Chairs of the University of Hawaii;~~



1       ~~(5) One member shall be appointed by the chairperson of~~  
2       ~~the Executive Council of the University of Hawaii~~  
3       ~~Student Caucus. A person may not be appointed as a~~  
4       ~~member of the regents candidate advisory council under~~  
5       ~~this paragraph, if within one year immediately~~  
6       ~~preceding that appointment, the person served on the~~  
7       ~~Executive Council of the University of Hawaii Student~~  
8       ~~Caucus;~~

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

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

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

18       ~~The regents candidate advisory council shall be selected in~~  
19       ~~a wholly nonpartisan manner. Appointees to the regents~~  
20       ~~candidate advisory council shall have a general understanding of~~  
21       ~~the purposes of higher education, the mission of the University~~  
22       ~~of Hawaii system, and the responsibilities of the board of~~



1 ~~regents. Appointees shall be individuals who are widely viewed~~  
2 ~~as having placed the broad public interest ahead of special~~  
3 ~~interests, having achieved a high level of prominence in their~~  
4 ~~respective professions, and being respected members of the~~  
5 ~~community.~~

6 ~~(g) Members of the regents candidate advisory council~~  
7 ~~shall serve four year terms.~~

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 5. The members of the regents candidate advisory  
10 council who are serving on the effective date of this Act shall  
11 serve until the council is reconstituted by the appointment of  
12 the seven members to the council pursuant to this Act, at which  
13 time the members of the regents candidate advisory council who  
14 are serving on the effective date of this Act shall be  
15 discharged from office and the members appointed by the  
16 president of the senate, speaker of the house of  
17 representatives, and governor pursuant to this Act shall begin  
18 their service. The president of the senate, speaker of the  
19 house of representatives, and governor shall appoint the  
20 requisite number of members to the council no later than  
21 days after the effective date of this Act.



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

University of Hawaii Board of Regents; Candidate Advisory Council

**Description:**

Amends the form and function of the Candidate Advisory Council for the Board of Regents of the University of Hawaii. Repeals the existing Regents Candidate Advisory Council. (SB563 HD1)

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

