
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. 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 state
7 constitution, a number of issues have arisen from the new method
8 of regent selection that hampered the work of the regents
9 candidate advisory council and led to questions regarding the
10 final selection of appointees during the senate confirmation
11 process.

12 The legislature further finds that on August 29, 2012,
13 pursuant to senate rule 20, the senate president appointed a
14 senate special committee on accountability to conduct
15 informational briefings to review the oversight, accountability,
16 and transparency of the operational and financial management of
17 the University of Hawaii system, including but not limited to
18 the University of Hawaii's athletic department.



1 During the informational briefings, the committee focused
2 on, among other things, the oversight and transparency of the
3 University's fiscal and operational administration, including
4 the role of the board of regents. The informational briefings
5 reaffirmed the importance of granting the governor the authority
6 to select and appoint regents on the basis of how each regent's
7 individual strengths will add to and complement the overall
8 quality of the board of regents. It has become clear that the
9 governor will not be able to adequately select nominees to the
10 board of regents unless the governor has the ability to request
11 a new list of nominees if the governor is unable to make quality
12 appointments from the list provided by the regents candidate
13 advisory council.

14 The purpose of this Act is to give the governor the
15 authority to reject the list of nominees presented by the
16 regents candidate advisory council and require the regents
17 candidate advisory council to provide another list of nominees
18 to the governor within sixty days.

19 SECTION 2. Section 304A-104.5, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§304A-104.5 Regents candidate advisory council for the**
22 **board of regents of the University of Hawaii.** (a) There is



1 established the regents candidate advisory council for the board
2 of regents of the University of Hawaii to present to the
3 governor pools of qualified candidates from which the members of
4 the board of regents shall be nominated and, by and with the
5 consent of the senate, appointed by the governor. The regents
6 candidate advisory council shall establish the criteria for
7 qualifying, screening, and presenting to the governor candidates
8 for membership on the board of regents. The regents candidate
9 advisory council shall be attached to the University of Hawaii
10 for administrative purposes.

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

- 15 (1) Sixty days of a vacancy that arises by resignation,
16 death, or removal by the governor; or
17 (2) One hundred twenty days prior to the expiration of a
18 term.

19 ~~[The regents candidate advisory council shall be deemed to have~~
20 ~~fulfilled its obligation under this section upon presentation of~~
21 ~~the names of the minimum number of candidates required to be~~
22 ~~presented for each seat or seats on the board of regents.]~~



1 (c) When there are multiple seats vacant within the same
2 county or within the at-large membership, the regents candidate
3 advisory council shall present candidates for seats on the board
4 of regents to the governor as follows:

5 (1) For two seats from the same county or two at-large
6 seats, no fewer than four and no more than six
7 candidates;

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

10 (3) For more than three seats, the regents candidate
11 advisory council shall determine appropriate minimum
12 numbers of candidates, which shall provide for at
13 least three candidates for the final seat, and maximum
14 numbers of candidates.

15 (d) In making its presentations, the regents candidate
16 advisory council shall:

17 (1) Develop a statement that includes the selection
18 criteria to be applied and a description of the
19 responsibilities and duties of a member of the board
20 of regents and distribute this statement to potential
21 candidates;



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



1 the interests of the various University of Hawaii
2 campuses on each island,
3 who shall work with and assist the regents candidate
4 advisory council to recruit and evaluate candidates
5 for the student member of the board of regents and
6 make recommendations to the regents candidate advisory
7 council based on the qualifications of the candidates
8 applying for the position; and

- 9 (6) Require each candidate to disclose any existing or
10 anticipated contracts with the University of Hawaii or
11 any existing or anticipated financial transactions
12 with the University of Hawaii.

13 Upon submission of the names of candidates to the governor, the
14 regents candidate advisory council shall make available the
15 names of candidates to the public through the University of
16 Hawaii.

17 (e) Upon receipt of the names of candidates from the
18 regents candidate advisory council, the governor may reject the
19 list of candidates presented. If the governor rejects the list,
20 within sixty days of the rejection, the regents candidate
21 advisory council shall present the governor with a new list of
22 candidates that meets the requirement of this section. The



1 regents candidate advisory council shall be deemed to have
2 fulfilled its obligation under this section upon the filling of
3 all seats on the board of regents.

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

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

- 10 (1) One member shall be appointed by the president of the
11 senate;
- 12 (2) One member shall be appointed by the speaker of the
13 house of representatives;
- 14 (3) One member shall be appointed by the governor;
- 15 (4) One member shall be appointed by one of the co-chairs
16 of the All Campus Council of Faculty Senate Chairs of
17 the University of Hawaii. A person may not be
18 appointed as a member of the regents candidate
19 advisory council under this paragraph, if within the
20 five years immediately preceding that appointment, the
21 person served on the All Campus Council of Faculty
22 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)]~~ (h) Members of the regents candidate advisory
7 council shall serve four-year terms.

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

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

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



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

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

11 ~~[(l)]~~ (m) Notwithstanding chapter 92F or any other law to
12 the 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



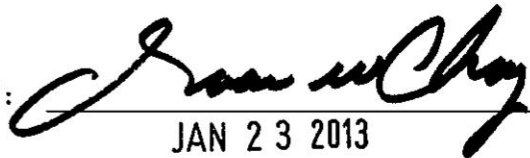
1 checks; credit reports; surveys and reports prepared for or on
2 the regents candidate advisory council's behalf; the results of
3 any evaluations or assessments conducted by the regents
4 candidate advisory council; the substance and details of any
5 discussions with regents candidate advisory council 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 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY:


JAN 23 2013



H.B. NO. 1071

Report Title:

University of Hawaii; Board of Regents; Regents Candidate
Advisory Council; Governor

Description:

Amends section 304A-104.5, HRS, to give the governor the authority to reject the list of nominees to the board of regents of the University of Hawaii presented by the regents candidate advisory council and require the regents candidate advisory council to provide another list of nominees within sixty days.

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



University of Hawai'i
Regents Candidate Advisory Council

Karl Fujii, Chair
L. Thomas Ramsey, Secretary
Andres Albano, Member
Nelson Befitel, Member
Joseph Blanco, Member
Sommerset Wong, Member

THE HONORABLE REPRESENTATIVE ISAAC. W. CHOY, CHAIR
House Committee on Higher Education
Hawaii State Legislature
Regular Session of 2013
State of Hawaii

February 11, 2013

LEGISLATIVE TESTIMONY PROVIDING CONCERNS REGARDING
HB 1071
RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL
Hearing Date:
Tuesday, February 12, 2013, 2:00 pm House Conference Room 309
Submitted by:
OFFICERS OF THE REGENTS CANDIDATE ADVISORY COUNCIL
UNIVERSITY OF HAWAII

Chair Choy, Vice-Chair Ichiyama, and members of the House Committee on Higher Education:

The officers of the Regent Candidate Advisory Council of the University of Hawaii (RCAC) submits for the Committee's consideration the following comments and amendments to HB 1071.

The proposed legislation amends section 304A-104.5, HRS, to give the governor the authority to reject the list of nominees to the board of regents of the University of Hawaii presented by the regents candidate advisory council and require the regents candidate advisory council to provide another list of nominees within sixty days.

Preserving the Transparency of the existing RCAC Process

We proposed any proposed language preserve the transparency of the existing RCAC process. Depending on the number and type of regent vacancies needing filing, the bill requires the RCAC upon the rejection of the list, to send the governor a new list within 60 days. We understand an emerging alternative may be rather than the governor "rejecting the list", the governor just be allowed to "ask for additional names". Requesting more names or a new list should only occur after (1) the Governor personally interviews each and every candidate on the list presented by the RCAC, and (2) the Governor publicly disclosing in writing the governor's specific objections for rejecting each candidate on the list. Without the governor's rationale behind rejecting the names only frustrates and clouds the existing selection process. We suggest a more practicable approach is to have each member of the RCAC (each appointed by a key stakeholder in the University), actively recruit candidates for consideration (see RCAC membership - Attachment #1). RCAC members should also meet personally with the Governor prior to the start of any recruitment process so that each RCAC member hears firsthand the views and thoughts of the appointing authority.

Additional Time to Supply a New List of Candidates

Should the governor actions require the RCAC to furnish a new list of regent candidates, and depending on the number of new candidates that need to be furnished, we suggest the RCAC have up to ninety (90) days to complete such task. There are prescribed statutory and process actions that are performed by the RCAC; and depending on the number of names that need to be furnished, 60 days may not be sufficient (see Attachment #2- RCAC Process).

Terms of RCAC Members

We also suggest this committee consider if it is appropriate whether the appointment of the appointment of the Senate President, Speaker of the House, and Governor, run co-terminus with their respective offices, and/or if limits should be imposed on how long any RCAC member may continuously as a member on the RCAC.

It is important to note that the Western Association of Schools and Colleges (WASC) and the Accrediting Commission for Community and Junior Colleges (ACCJC) have gone on record to say their focus on accreditation is how the Board is functioning. The issue of how UH Regents are selected, or the qualifications of members of the Board of Regents was never raised as an issue in any UH campus accreditation. In addition to the RCAC screening process, the governor remains the appointing authority for the Board of Regents. The Senate also continues to provide the important role of advise and consent on the Governor's nominee.

The RCAC selection process involves seeking out university regent candidates who are broadly representative of the public interest and public good, bring diverse skill sets and points or views to the board, and have the commitment and qualifications to serve. The Council's selection process is comprehensive, transparent, well balanced, and solely and exclusively merit-based. The compilation of candidate regents lists occurs only after the RCAC completes its comprehensive review and selection process. It is significant that for the first time in the UH's 100 year existence, the RCAC process encourages all UH stakeholders to participate in the selection process by submitting BOR candidates for consideration. (Attachment #3 is a compilation of all RCAC lists since the Council's inception).

In closing, we strongly urge the Committee to incorporate these suggested amendments into HB No. 1071.

Karl Fujii, Chair
L. Thomas Ramsey, Secretary
Regents Candidate Advisory Council
University of Hawaii
Ph.: 808.692.1218
Email: borapp@hawaii.edu

Attachments

LEGISLATIVE TESTIMONY Providing Concerns Regarding
HB 1071 Relating to the Regents Candidate Advisory Council

Tuesday, February 12, 2013, 2:00 p.m., House Conference Room 309
Submitted by Officers of the Regents Candidate Advisory Council, University of Hawaii

ATTACHMENT #1

REGENTS CANDIDATE ADVISORY COUNCIL



UH ALUMNI MEMBER

Karl Fujii
Chair

Term ends 6/30/15



FACULTY MEMBER

L. Thomas Ramsey
Secretary

Term ends 6/30/15



SENATE MEMBER

Andres Albano
Term ends 6/30/13



STUDENT MEMBER

Summerset Wong
Term ends 6/30/15



HOUSE MEMBER

Neil Bellinger
Vice Chair

Term ends 6/30/13 (RESIGNED 2/2013)



EMERITUS REGENTS

Joseph F. Blanco
Term ends 6/30/15



GOVERNOR'S OFFICE

Nelson B. Befitel
Term ends 6/30/13

UNIVERSITY OF HAWAII BOARD OF REGENTS

(Appointment Term and Regent Background)



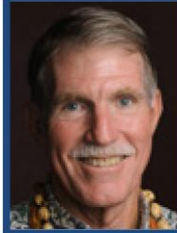
Investment/Asset Manager
ERIC K. MARTINSON
 Chair
 Honolulu County
 Term ends 2014



CPA/Attorney & Restaurant Executive
JAMES H. Q. LEE
 Vice Chair
 Honolulu County
 Term ends 2014



Real Estate & Agriculture Consultant
CARL CARLSON, JR.
 Vice Chair
 Hawaii County
 Term ends 2016



Retired Diplomat Asia-Pacific/Middle East
JOHN C. HOLZMAN
 Honolulu County
 Term ends 2014



Planning, Land Use, Public Works/Attorney
MICHAEL A. DAHLIG
 At Large
 Term ends 2013
 (Resigned January 2, 2013)



Attorney/Judge
ARTEMIO C. BAXA
 Maui County
 Term ends 2013



Former Public Utility Senior Executive
Former County Finance Director
BARRY MIZUNO
 Hawai'i County
 Term ends 2013



Educator/Travel Industry Management
CHUCK Y. GEE
 Honolulu County
 Term ends 2015



Land Use Attorney
BENJAMIN KUDO
 At-Large
 Term ends 2017



Banker/Venture Capitalist
JOHN DEAN
 Honolulu County
 Term ends 2017



Real Estate Development Land Planning
TOM SHIGEMOTO
 Kaua'i County
 Term ends 2017



Non-Profit Senior Executive/Attorney
CORALIE MATAYOSHI
 Honolulu
 Term ends 2017



Graphic Artist & Communications Executive
SAEDENE OTA
 Maui County
 Term ends 2017



High Technology Executive Land Use Attorney
JAN SULLIVAN
 Honolulu
 Term ends 2017



Graduate Student
JEFFERY ACIDO
 At-Large Student Seat
 Term ends 2014

LEGEND

Appointed by Governor Lingle

Appointed by Gov. Abercrombie

Appointed by Lingle & Abercrombie
 (2 appointment terms)

Geographical Representation and RCAC List Submittal Requirements

GEOGRAPHICAL REPRESENTATION

(15 seats total)

- Hawaii County - 2 seats
- Maui County - 2 seats
- Kauai County - 1 seat
- Honolulu City/County - 7 seats
- At-Large - 3 seats including student regent



RCAC LIST SUBMITTAL REQUIREMENTS

(RCAC candidate nominees per vacancy type)

SINGLE SEAT VACANCY

- minimum 2/maximum 4

MULTIPLE SEATS VACANCY (WITHIN SAME COUNTY)

- 2 vacancies – minimum 4/maximum 6
- 3 vacancies – minimum 5/maximum 8
- more than 3 vacancies - minimum 3 for final open seat

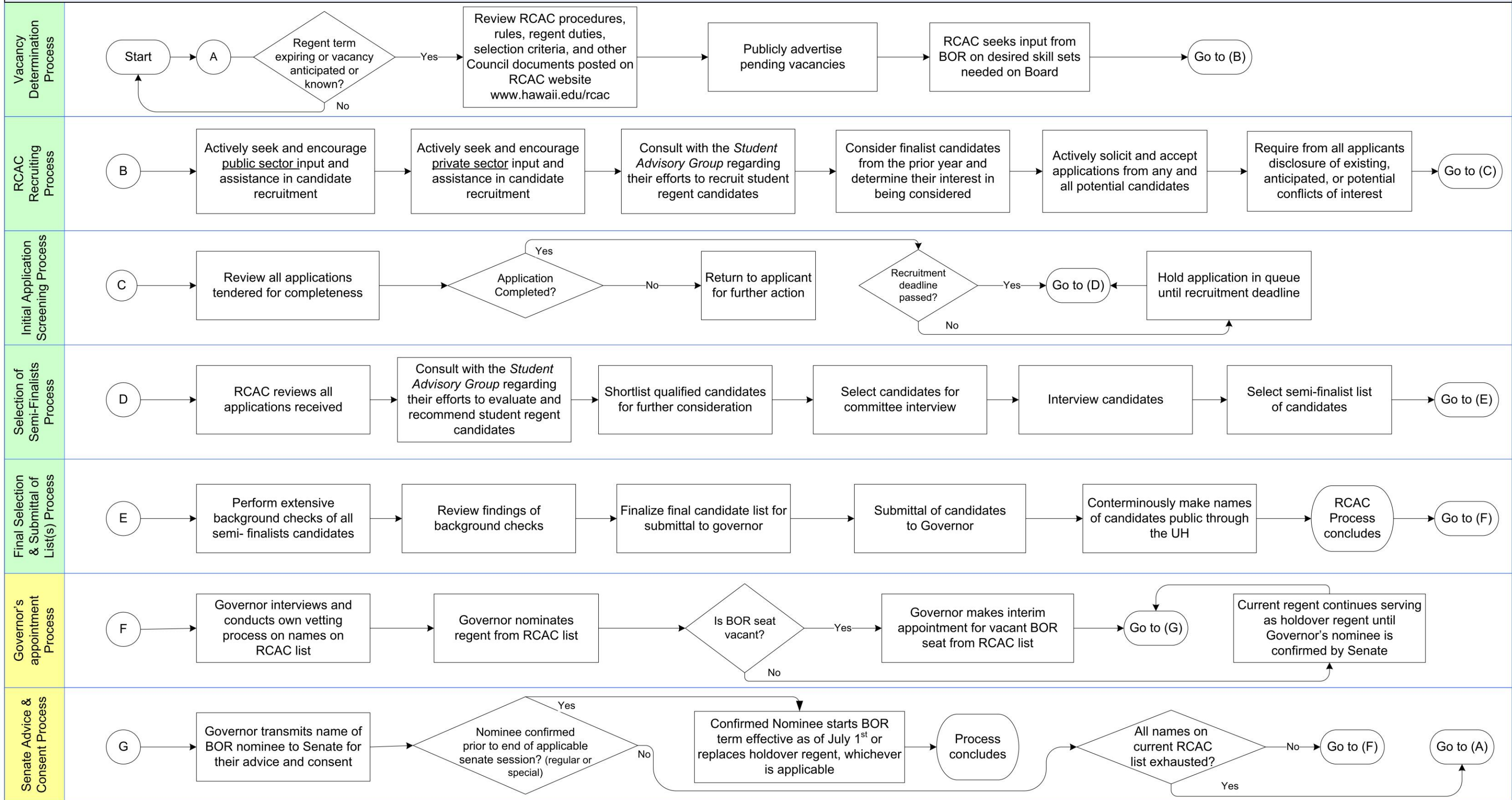
LEGISLATIVE TESTIMONY Providing Concerns Regarding
HB 1071 Relating to the Regents Candidate Advisory Council

Tuesday, February 12, 2013, 2:00 p.m., House Conference Room 309
Submitted by Officers of the Regents Candidate Advisory Council, University of Hawaii

ATTACHMENT #2

University of Hawaii Regent Selection Process

LEGEND RCAC Process External Process



LEGISLATIVE TESTIMONY Providing Concerns Regarding
HB 1071 Relating to the Regents Candidate Advisory Council

Tuesday, February 12, 2013, 2:00 p.m., House Conference Room 309
Submitted by Officers of the Regents Candidate Advisory Council, University of Hawaii

ATTACHMENT #3

Listing of RCAC Appointees and Finalists for the UH Board of Regents

SEAT	NAME OF APPOINTEE	TERM OF APPOINTMENT	Names of Other Finalists
At Large			
1 st recruitment (2 seats)	Teena Rasmussen	7/1/08 - 6/30/12	Andres Albano, Jr.
	<i>Catherine Lagareta (rejected by State Senate)</i>	-----	Terri Ann Motosue
	Michael Dahilig (<i>RESIGNED 01/02/13</i>)	7/1/08 - 6/30/13	
2 nd recruitment	Benjamin Kudo , Ph.D., J.D.	7/1/12 - 6/30/17	Gregory Chun
			Patrick DeLeon
			Georgia McMillen
3 rd recruitment		7/1/13 - 6/30/18	John Fink
			Randolph Moore
			Eric Seitz
City & County of Honolulu			
1 st recruitment (5 seats)	Mark Fukunaga	7/1/08 - 6/30/11	Robin Campaniano
	Chuck Gee	7/1/08 - 6/30/10	Doris Ching
	Dennis Hirota	7/1/08 - 6/30/12	
	Howard Karr	7/1/08 - 6/30/11	
	Eric Martinson	7/1/08 - 6/30/09	
2 nd recruitment (3 seats)	John Holzman	7/1/09 - 6/30/14	Doris Ching
	James Lee	7/1/09 - 6/30/14	James McCoy
	Eric Martinson	7/1/09 - 6/30/14	
3 rd recruitment	Chuck Gee	7/1/10 - 6/30/15	Terri Fujii
4 th recruitment (2 seats)	Coralie Matayoshi	7/1/11 - 6/30/16	Terri Fujii
	Jan Sullivan	7/1/11 - 6/30/16	Mark Fukunaga
			Dale Saito
			Keith Vieira
5 TH recruitment	John Dean	7/1/12 - 6/30/17	Ronald Ho
			Carol Mon Lee
			Keith Vieira

SEAT	NAME OF APPOINTEE	TERM OF APPOINTMENT	Names of Other Finalists
Hawai'i County			
1 st recruitment (2 seats)	Carl Carlson*	7/1/08 - 6/30/11	Sandra Scarr
	Harvey Tajiri (<i>RESIGNED 2/25/10</i>)	7/1/08 - 06/30/13	Ronald Terry
Special recruitment #1 to replace Tajiri)	Clifford Dias (<i>interim appt by Lingle until confirmed by Senate</i>)	05/10/10 - 5/5/11	Patrick Naughton
	<i>Patrick Naughton (appointed by Abercrombie to replace Clifford Dias but rejected by State Senate)</i>	-----	
Special recruitment #2 to replace Tajiri	Barry T. Mizuno	3/9/12 - 6/30/13	Gregory Chun
2nd recruitment	<i>Sandra Scarr (appointed by Abercrombie but rejected by State Senate)</i>	-----	Carl Carlson
	Carl Carlson <i>held over by governor</i> Carl Carlson confirmed by Senate	7/1/11 - 6/30/12 7/1/12 - 6/30/16	
3rd recruitment		7/1/13 - 6/30/18	Barry Mizuno
			Roy Vitousek
Kaua'i County			
1 st recruitment	Ramón de la Peña	7/1/08 - 6/30/12	Thomas Cooper
2 nd recruitment	Tom Shigemoto	7/1/12 - 6/30/17	Klaus Keil
Maui County			
1 st recruitment	Artemio Baxa	7/1/08 - 6/30/13	Paul Horikawa
2 nd recruitment	Ronald Montgomery (rejected by State Senate)	----	Saedene Ota
	James Haynes (<i>held over by Lingle</i>)	7/1/10 - 5/4/11	
	Saedene Ota (Abercrombie appointed)	5/5/11 - 6/30/15	
3 rd recruitment		7/1/13 - 6/30/18	Eugene Bal
			Artemio Baxa
			Georgia McMillen
Student			
1 st recruitment	Grant Teichman	7/1/08 - 6/30/10	Joshua Wingstrom
2 nd recruitment	Matthew Williams	7/1/10 - 6/30/12	Jett Jaspar
			Hannah Miyamoto
3 rd recruitment	Jeffrey Acido	7/1/12 - 6/30/14	Matthew Williams