
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 regents
2 candidate advisory council for the board of regents of the
3 University of Hawaii has presented many outstanding candidates
4 for nomination to the board, important concerns have been raised
5 regarding the selection process. Since the passage of Act 56,
6 Session Laws of Hawaii 2007, to implement the amendments to
7 article X, section 6, of the Hawaii state constitution
8 establishing the regents candidate advisory council, a number of
9 issues have arisen from this method of regent selection, which
10 has hampered the work of the regents candidate advisory council
11 and led to questions regarding the final selection of appointees
12 during the senate confirmation process.

13 The legislature further finds that on August 29, 2012,
14 pursuant to senate rule 20, the senate president appointed a
15 senate special committee on accountability to conduct
16 informational briefings to review the oversight, accountability,
17 and transparency of the operational and financial management of



1 the University of Hawaii system, including but not limited to
2 the University of Hawaii's athletic department.

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

17 Accordingly, the purpose of this Act is to give the
18 governor the authority to request the presentation of additional
19 candidates from the regents candidate advisory council and
20 require the regents candidate advisory council to present
21 additional candidates to the governor within ninety days.



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

3 **"§304A-104.5 Regents candidate advisory council for the**
4 **board of regents of the University of Hawaii.** (a) There is
5 established the regents candidate advisory council for the board
6 of regents of the University of Hawaii to present to the
7 governor pools of qualified candidates from which the members of
8 the board of regents shall be nominated and, by and with the
9 consent of the senate, appointed by the governor. The regents
10 candidate advisory council shall establish the criteria for
11 qualifying, screening, and presenting to the governor candidates
12 for membership on the board of regents. The regents candidate
13 advisory council shall be attached to the University of Hawaii
14 for administrative purposes.

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

- 19 (1) Sixty days of a vacancy that arises by resignation,
20 death, or removal by the governor; or
- 21 (2) One hundred twenty days prior to the expiration of a
22 term.



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

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

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

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

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

19 (d) In making its presentations, the regents candidate
20 advisory council shall:

21 (1) Develop a statement that includes the selection
22 criteria to be applied and a description of the



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



1 (C) No fewer than three student life advisors who
2 shall represent, to the maximum extent possible,
3 the interests of the various University of Hawaii
4 campuses on each island,
5 who shall work with and assist the regents candidate
6 advisory council to recruit and evaluate candidates
7 for the student member of the board of regents and
8 make recommendations to the regents candidate advisory
9 council based on the qualifications of the candidates
10 applying for the position; and

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

15 Upon [~~submission~~] presentation of the names of candidates to the
16 governor, the regents candidate advisory council shall make
17 available the names of candidates to the public through the
18 University of Hawaii.

19 (e) Upon receipt of the names of candidates from the
20 regents candidate advisory council, the governor may request
21 that additional candidates be presented. If the governor
22 requests that additional candidates be presented, within ninety

1 days of the request, the regents candidate advisory council
2 shall present the governor with additional candidates who meet
3 the requirements of this section. The regents candidate
4 advisory council shall be deemed to have fulfilled its
5 obligation under this section upon the filling of all seats on
6 the board of regents.

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

10 [~~f~~] (g) The regents candidate advisory council shall
11 consist of seven members to be appointed without regard to
12 section 26-34 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. A person may not be
21 appointed as a member of the regents candidate
22 advisory council under this paragraph, if within the



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

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

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

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

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

21 The regents candidate advisory council shall be selected in
22 a wholly nonpartisan manner. Appointees to the regents



1 candidate advisory council shall have a general understanding of
 2 the purposes of higher education, the mission of the University
 3 of Hawaii system, and the responsibilities of the board of
 4 regents. Appointees shall be individuals who are widely viewed
 5 as having placed the broad public interest ahead of special
 6 interests, having achieved a high level of prominence in their
 7 respective professions, and being respected members of the
 8 community.

9 [~~g~~] (h) Members of the regents candidate advisory
 10 council shall serve four-year terms.

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

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

21 [~~j~~] (k) The members of the regents candidate advisory
 22 council shall choose a chairperson from among themselves. A



1 majority of all the members to which the regents candidate
2 advisory council is entitled shall constitute a quorum to
3 conduct business. The concurrence of a majority of all the
4 members to which the regents candidate advisory council is
5 entitled shall be necessary to make any action of the regents
6 candidate advisory council valid. The regents candidate
7 advisory council shall meet annually and at other times as
8 necessary. The regents candidate advisory council shall be
9 exempt from part I of chapter 92.

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

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



1 the personal, financial, and other information contained therein
2 submitted by the applicants to the regents candidate advisory
3 council; interviews; schedules; reports; studies; background
4 checks; credit reports; surveys and reports prepared for or on
5 the regents candidate advisory council's behalf; the results of
6 any evaluations or assessments conducted by the regents
7 candidate advisory council; the substance and details of any
8 discussions with regents candidate advisory council members; and
9 the substance and details of discussions and deliberations of
10 the regents candidate advisory council and any of its committees
11 during meetings."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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



Report Title:

Regents Candidate Advisory Council; Governor

Description:

Authorizes the Governor to request the presentation of additional candidates for nomination to the University of Hawaii Board of Regents. Requires the Regents Candidate Advisory Council to fulfill the request within ninety days. (HB1071 HD1)

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

