
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 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, rate, and present to the governor
5 qualified candidates for nomination to a vacant seat on the
6 board of regents. The candidate advisory council shall be
7 temporarily placed in the office of the governor for
8 administrative purposes.
- 9 (b) The candidate advisory council shall:
- 10 (1) Develop and implement a fair and independent procedure
11 for rating candidates to serve on the board of
12 regents;
- 13 (2) Require candidates and members of their immediate
14 family to disclose any existing or anticipated
15 contracts or financial transactions with the
16 University of Hawaii and family relationships with
17 University of Hawaii employees;
- 18 (3) Actively solicit and accept applications from
19 potential candidates;
- 20 (4) Rate candidates for the board of regents on their
21 background, experience, and potential for discharging
22 the responsibilities of a member of the board of



1 regents, based upon the qualifications imposed by the
2 state constitution; and

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

7 (c) The candidate advisory council shall initiate the
8 recruitment and rating of candidates for each vacancy on the
9 board of regents within:

10 (1) Thirty days of a vacancy; or

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

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

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

20 (1) One member shall be appointed by the president of the
21 senate;



1 (2) One member shall be appointed by the speaker of the
2 house of representatives; and

3 (3) Five members shall be appointed by the governor;
4 provided that one member appointed by the governor shall be a
5 student of the university who has been enrolled as a full-time
6 student for at least three consecutive semesters. The senate
7 president, speaker of the house of representatives, and governor
8 are encouraged to appoint university faculty and staff to the
9 candidate advisory council.

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

18 (f) Each member of the candidate advisory council shall
19 serve for the remaining duration of the term of the person by
20 whom the member was appointed.

21 (g) Any member of the candidate advisory council whose
22 term has expired may continue in office as a holdover member



1 until a successor is appointed; provided that a holdover member
2 shall not hold office beyond the end of the second regular
3 legislative session following the expiration of the member's
4 term of office.

5 (h) A vacancy occurring in the membership of the candidate
6 advisory council during a term shall be filled for the unexpired
7 term thereof by the appointing authority who appointed the
8 member who creates the vacancy.

9 (i) The candidate advisory council shall operate in a
10 wholly nonpartisan manner. No member of the candidate advisory
11 council shall run for or hold any elected office of the State or
12 its political subdivisions. A member of the candidate advisory
13 council shall resign from the candidate advisory council prior
14 to filing nomination papers for an elected office of the State
15 or its political subdivisions.

16 (j) The governor shall appoint the chairperson of the
17 candidate advisory council. A majority of the members to which
18 the candidate advisory council is entitled shall constitute a
19 quorum to do business. The concurrence of a majority of all the
20 members to which the candidate advisory council is entitled
21 shall be necessary to make any action of the candidate advisory
22 council valid.



1 (k) Members of the candidate advisory council shall serve
2 without compensation but shall be reimbursed for expenses,
3 including travel expenses, necessary for the performance of
4 their duties."

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

7 "**§304A-104 Regents; appointment; tenure; qualifications;**
8 **meetings.** (a) The affairs of the university shall be under the
9 general management and control of the board of regents
10 [~~consisting~~]. The board shall consist of fifteen members who
11 shall be appointed [and] by the governor from lists of qualified
12 candidates presented to the governor by the candidate advisory
13 council, pursuant to section 304A- , and shall be confirmed by
14 the senate; provided that if the list of qualified candidates
15 includes less than three candidates at any time during the
16 nomination and confirmation process, the governor may request
17 that the candidate advisory council reopen recruitment for
18 qualified candidates. Members may be removed by the governor.
19 Except as otherwise provided by law, state officers shall be
20 eligible for appointment and membership.

21 The term of each member shall be five years, except as
22 provided for the initial appointment in section 26-11; provided



1 that the term of the student member shall be two years. Every
2 member may serve beyond the expiration date of the member's term
3 of appointment until the member's successor has been appointed
4 by the governor and confirmed by the senate in accordance with
5 article X, section 6 of the Hawaii constitution. Members shall
6 serve no more than two consecutive five-year terms; provided
7 that the members who are initially appointed to terms of two
8 years or less pursuant to section 26-11(a) may be reappointed to
9 two ensuing five-year terms. If a member is to be appointed to
10 a second term of five years, the senate shall consider the
11 question of whether to reconfirm the member at least one hundred
12 twenty days prior to the conclusion of a member's first five-
13 year term; provided that if the senate is not in session within
14 one hundred twenty days prior to the conclusion of the member's
15 first five-year term, the member shall continue to serve until
16 the senate convenes for the next regular session or the next
17 special session for which the senate is authorized to consider
18 the question of reconfirmation.

19 (b) In determining whether to confirm the governor's
20 nominee to the board of regents, the senate shall consider the
21 combination of abilities, breadth of experiences, and
22 characteristics of the board of regents, as a whole, that will



1 best serve the diverse interests and needs of the students of
2 the university system and assist the university system in
3 achieving its strategic goals and performance indicators. The
4 senate shall consider whether the board reflects the diversity
5 of the student population, the various counties of the State,
6 and a broad representation of higher education-related
7 stakeholders.

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

21 [~~(e)~~] (d) The governor shall notify the [~~regents~~]
22 candidate advisory council for the board of regents of the



1 University of Hawaii in writing within ten days of receiving
2 notification that a member of the board of regents is resigning,
3 has died, or is being removed by the governor.

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

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

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



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

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

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

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

13 ~~(c) When there are multiple seats vacant within the same~~
14 ~~county or within the at-large membership, the regents candidate~~
15 ~~advisory council shall present candidates for seats on the board~~
16 ~~of regents to the governor as follows:~~

17 ~~(1) For two seats from the same county or two at-large~~
18 ~~seats, no fewer than four and no more than six~~
19 ~~candidates;~~

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



1 ~~(3) For more than three seats, the regents candidate~~
2 ~~advisory council shall determine appropriate minimum~~
3 ~~numbers of candidates, which shall provide for at~~
4 ~~least three candidates for the final seat, and maximum~~
5 ~~numbers of candidates.~~

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

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

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

17 ~~(3) Publicly advertise pending vacancies and actively~~
18 ~~solicit and accept applications from potential~~
19 ~~candidates;~~

20 ~~(4) Develop and implement a fair, independent, and~~
21 ~~nonpartisan procedure for selecting candidates to~~
22 ~~serve on the board of regents;~~



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



1 ~~any existing or anticipated financial transactions~~
2 ~~with the University of Hawaii.~~

3 ~~Upon submission of the names of candidates to the governor, the~~
4 ~~regents candidate advisory council shall make available the~~
5 ~~names of candidates to the public through the University of~~
6 ~~Hawaii.~~

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

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. 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) Members of the regents candidate advisory council~~
10 ~~shall serve four year terms.~~

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

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

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



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

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

14 ~~(l) Notwithstanding chapter 92F or any other law to the~~
15 ~~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 5. The members of the candidate advisory council
13 for the board of regents of the University of Hawaii who are
14 serving on the effective date of this Act shall serve until the
15 council is reconstituted by the appointment of the seven members
16 to the council pursuant to this Act, at which time the members
17 of the regents candidate advisory council who are serving on the
18 effective date of this Act shall be discharged from office and
19 the members appointed by the president of the senate, speaker of
20 the house of representatives, and governor pursuant to this Act
21 shall begin their service. The president of the senate, speaker
22 of the house of representatives, and governor shall appoint the



1 requisite number of members to the council no later than
2 days after the effective date of this Act.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2050.



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 section 304A-104.5, Hawaii Revised Statutes. Effective 7/1/2050. (SD2)

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

