

JAN 24 2013

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.
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INTRODUCED BY: Amne Mercado Kim

<u>Will Eyo</u>	<u>Rosely de Bel</u>
<u>Michelle Tidani</u>	<u>Paul Padua</u>
<u>Nike Hubbard</u>	<u>Arvid y Ige</u>
<u>Clarence K. Ichikawa</u>	<u>Yves de la Cruz</u>
	<u>M. D. M.</u>
	<u>James P. ...</u>
	<u>...</u>



S.B. NO. 1387

~~SEN. S.C. FEEL-AG~~



S.B. NO. 1387

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.

