
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 new 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 nominees presented by the regents candidate
16 advisory council and require the regents candidate advisory
17 council to provide new nominees to the governor within sixty
18 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:

- 19 (1) The entire list of candidates presented; or
- 20 (2) Specific candidates from the list.

21 If the governor rejects the entire list of candidates, within
 22 sixty days of the rejection, the regents candidate advisory

1 council shall present the governor with a new list of candidates
2 that meets the requirements of this section. If the governor
3 rejects specific candidates from the list, within sixty days of
4 each rejection, the regents candidate advisory council shall
5 present the governor with a new candidate for each rejected
6 candidate. The regents candidate advisory council shall be
7 deemed to have fulfilled its obligation under this section upon
8 the filling of all seats on the board of regents.

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

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

15 (1) One member shall be appointed by the president of the
16 senate;

17 (2) One member shall be appointed by the speaker of the
18 house of representatives;

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

20 (4) One member shall be appointed by one of the co-chairs
21 of the All Campus Council of Faculty Senate Chairs of

22 the University of Hawaii. A person may not be



1 appointed as a member of the regents candidate
2 advisory council under this paragraph, if within the
3 five years immediately preceding that appointment, the
4 person served on the All Campus Council of Faculty
5 Senate Chairs of the University of Hawaii;

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

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

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

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



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

11 ~~(g)~~ (h) Members of the regents candidate advisory
12 council shall serve ~~[four-year terms.]~~ for the duration of the
13 term of the member's appointing authority, up to a maximum of
14 four years per term.

15 ~~(h)~~ (i) If a vacancy occurs, a successor shall be
16 appointed in the same manner and subject to the same
17 qualifications as the person's predecessor. The person
18 appointed to fill a vacancy shall serve for the remainder of the
19 term of the person's predecessor.

20 ~~(i)~~ (j) The regents candidate advisory council shall
21 operate in a wholly nonpartisan manner. No individual, while a
22 member of the regents candidate advisory council, shall run for



1 or hold any elected office under the United States or the State
2 or any of its political subdivisions.

3 ~~[(j)]~~ (k) The members of the regents candidate advisory
4 council shall choose a chairperson from among themselves. A
5 majority of all the members to which the regents candidate
6 advisory council is entitled shall constitute a quorum to
7 conduct business. The concurrence of a majority of all the
8 members to which the regents candidate advisory council is
9 entitled shall be necessary to make any action of the regents
10 candidate advisory council valid. The regents candidate
11 advisory council shall meet annually and at other times as
12 necessary. The regents candidate advisory council shall be
13 exempt from part I of chapter 92.

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

18 ~~[(l)]~~ (m) Notwithstanding chapter 92F or any other law to
19 the contrary, all information required by the regents candidate
20 advisory council shall be confidential, including without
21 limitation, all council information obtained, reviewed, or
22 considered before and after council decisionmaking.



1 Confidential regents candidate advisory council information
2 shall include documents, data, or other information that are not
3 of public record, including without limitation, personal
4 financial information; the names of applicants; applications and
5 the personal, financial, and other information contained therein
6 submitted by the applicants to the regents candidate advisory
7 council; interviews; schedules; reports; studies; background
8 checks; credit reports; surveys and reports prepared for or on
9 the regents candidate advisory council's behalf; the results of
10 any evaluations or assessments conducted by the regents
11 candidate advisory council; the substance and details of any
12 discussions with regents candidate advisory council members; and
13 the substance and details of discussions and deliberations of
14 the regents candidate advisory council and any of its committees
15 during meetings."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2050.



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 candidates 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 present new candidates within sixty days. Specifies that each member of the regents candidate advisory council shall serve for the duration of the term of the member's appointing authority, up to a maximum of four years per term. Effective 07/01/2050.
(SD2)

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

