

STAND. COM. REP. NO.

986

Honolulu, Hawaii

**MAR 22 2013**

RE: H.B. No. 1071  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Higher Education, to which was referred  
H.B. No. 1071, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY  
COUNCIL,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
Governor to request the Candidate Advisory Council for the Board  
of Regents of the University of Hawaii (Advisory Council) to  
present additional candidates for nomination to the Board of  
Regents of the University of Hawaii (Board of Regents) and require  
the Advisory Council to present the additional candidates within  
ninety days.

Your Committee received testimony in support of this measure  
from the Governor and the Regents Candidate Advisory Council for  
the Board of Regents.

Since the passage of Act 56, Session Laws of Hawaii 2007, to  
implement the amendments to article X, section 6, of the Hawaii  
State Constitution, your Committee finds that while the Advisory  
Council has nominated several outstanding appointees to the Board  
of Regents, a number of issues have arisen from the method of  
Regent selection that has hampered the work of the Advisory  
Council and led to questions regarding the final selection of  
appointees during the Senate confirmation process. The most  
recent example is the Senate's rejection of two of the Governor's



nominees to the Board of Regents during the Regular Session of 2011.

Your Committee finds that allowing the Governor to request additional candidates for nomination to the Board of Regents will increase the Governor's ability to appoint highly qualified individuals to serve as Regents.

However, your Committee believes that the language in S.B. No. 563, S.D. 3 (Regular Session of 2013), better addresses the challenges facing the current Advisory Council. Specifically, S.B. No. 563, S.D. 3, requires the Advisory Council to provide a list of at least three candidates for each vacancy rather than a minimum of two under the current law. In addition, S.B. No. 563, S.D. 3, does not have a limitation on the number of candidates to be presented to the Governor, whereas the current law restricts the number of candidates presented to four. Your Committee believes that S.B. No. 563, S.D. 3, provides the Governor with greater flexibility in recruiting, selecting, and appointing qualified individuals to serve as Regents and effectively lead the University of Hawaii System.

As such, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 563, S.D. 3, which reconstitutes the form and processes of the Advisory Council by, among other things:

- (1) Establishing the Advisory Council and qualifications for its membership and placing it temporarily in the Office of the Governor for administrative purposes;
- (2) Describing the duties of the Advisory Council and procedures for selecting candidates to fill vacancies on the Board of Regents;
- (3) Amending the membership of the Advisory Council by increasing the number of members of the Advisory Council to be appointed by the Governor from one to five and removing the authority of various constituency groups to appoint members to the Advisory Council;
- (4) Requiring that one member of the Advisory Council be a student of the University who has been enrolled as a full-time student for at least three consecutive semesters;



- (5) Encouraging the President of the Senate, Speaker of the House of Representatives, and Governor to appoint University faculty and staff to the Advisory Council;
- (6) Requiring the Governor and the Senate to consider certain issues and take specific actions when participating in the nomination and confirmation process for the Board of Regents; and
- (7) Repealing section 304A-104.5, Hawaii Revised Statutes, relating to the Advisory Council.

Your Committee has further amended this measure by inserting an effective date of July 1, 2013.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1071, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1071, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education,

  
BRIAN T. TANIGUCHI, Chair



