

Honolulu, Hawaii

APR 26 2013

RE: S.B. No. 563  
S.D. 3  
H.D. 2  
C.D. 1

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

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 563, S.D. 3, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Reconstitute the form and function of the Candidate Advisory Council of the Board of Regents of the University of Hawaii (Candidate Advisory Council);
- (2) Specify factors the Senate must consider in determining whether to confirm a nominee to the Board of Regents; and
- (3) Specify the process by which the Board of Regents shall elect its chair and vice chairperson.



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 on Conference finds that while the Candidate 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 Candidate 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. As such, the form and function of the Candidate Advisory Council need to be reconstituted to increase the Governor's ability to appoint qualified individuals to serve as Regents and effectively lead the University of Hawaii System.

Your Committee on Conference further finds that in confirming members of the Board of Regents, the Senate should consider the combination of abilities, breadth of experiences, and characteristics of the Board of Regents as a whole.

Your Committee on Conference has amended this measure by:

- (1) Administratively attaching the Candidate Advisory Council to the University of Hawaii;
- (2) Removing the requirement that the Candidate Advisory Council require Board of Regents candidates and members of their immediate families to disclose family relationships with University of Hawaii employees;
- (3) Providing the Candidate Advisory Council sixty days, rather than thirty days, to initiate the recruitment and evaluation of candidates for vacancies on the Board of Regents;
- (4) Increasing the number of Candidate Advisory Council members who shall be appointed by the Governor from four to five;
- (5) Removing the requirement that one member of the Candidate Advisory Council be a representative of the University of Hawaii Alumni Association;
- (6) Clarifying that the term of the member of the Candidate Advisory Council representing the Association of Emeritus Regents of the University of Hawaii (Association of



Emeritus Regents) shall run concurrently with the term of the appointing Chair of the Association;

- (7) Removing the requirement that one member of the Candidate Advisory Council be a student;
- (8) Encouraging the Governor, President of the Senate, and Speaker of the House of Representatives to appoint full-time students and University of Hawaii alumni, in addition to faculty and staff, to the Candidate Advisory Council;
- (9) Providing that if a full-time student is appointed to the Candidate Advisory Council, the student shall have been enrolled as a full-time student for at least three consecutive semesters and shall serve a term of two years;
- (10) Clarifying that the members of the Candidate Advisory Council appointed by the President of the Senate and Speaker of the House of Representatives shall serve a term of four years;
- (11) Clarifying that the members of the Candidate Advisory Council appointed by the Governor shall serve a term of four years; provided that the appointments shall run concurrently with the term of the appointing Governor;
- (12) Specifying that the members of the Candidate Advisory Council whose terms have expired may continue as holdover members until a successor is appointed, subject to certain restrictions;
- (13) Clarifying that a vacancy on the Candidate Advisory Council during a term shall be filled for the remainder of the unexpired term by the appointing authority who appointed the member who created the vacancy;
- (14) Clarifying that the voting members, rather than all members, shall elect the chairperson of the Candidate Advisory Council;
- (15) Clarifying that a concurrence of a majority of the voting members of the Candidate Advisory Council, rather than all of its members, shall be necessary to validate any action taken by the Candidate Advisory Council;



- (16) Requiring the Candidate Advisory Council to meet annually and at all other times necessary;
- (17) Exempting the Candidate Advisory Council from the requirements of Hawaii's Sunshine Law in part I of chapter 92, Hawaii Revised Statutes;
- (18) Deleting the requirement that the Governor remove members of the Board of Regents only for cause;
- (19) Requiring the Board of Regents to elect a chairperson and one or more vice-chairpersons, rather than just one vice-chairperson, at its first meeting after June 30 of each year;
- (20) Clarifying the method by which each seat of the Candidate Advisory Council shall be filled once the terms of the members of the Candidate Advisory Council serving on the effective date of this measure have expired;
- (21) Making this measure effective upon its approval; and
- (22) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

It is the intent of your Committee on Conference that the current member of the Regents Candidate Advisory Council selected by the Chairperson of the Association of Emeritus Regents shall continue to serve as a voting member until that member's current term expires, after which time the member representing the Association of Emeritus Regents shall become a nonvoting member.

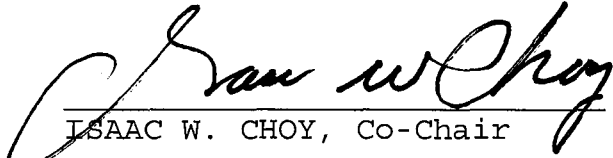
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 563, S.D. 3, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 563, S.D. 3, H.D. 2, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



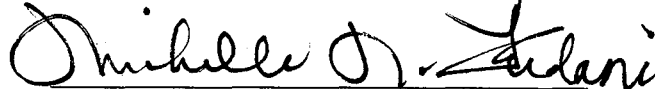
ISAAC W. CHOY, Co-Chair



SYLVIA LUKE, Co-Chair



BRIAN T. TANIGUCHI, Chair



MICHELLE N. KIDANI, Co-Chair



Record of Votes of a  
Conference Committee


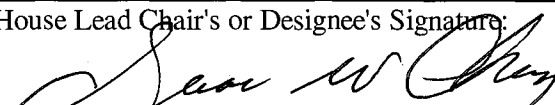
Bill / Concurrent Resolution No.: **SB 563, SD 3, HD 2** Date/Time: **APRIL 26, 2013 2:55 PM**

- The recommendation of the House and Senate managers is to pass with amendments (CD).
- The Committee is reconsidering its previous decision.
- The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure
- The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				CHOY, Isaac W., Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				LUKE, Sylvia, Co-Chr.	✓			
IGE, David Y.				✓	NISHIMOTO, Scott Y.	✓			
KAHELE, Gilbert	✓				FALE, Richard Lee	✓			
SLOM, Sam				✓					
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is:  Adopted     Not Adopted      House Recommendation is:  Adopted     Not Adopted

Senate Lead Chair's or Designee's Signature:       House Lead Chair's or Designee's Signature: 

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