

JAN 29 2015

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# A BILL FOR AN ACT

RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to reestablish the  
2 governor's authority to nominate and, with the advice and  
3 consent of the senate, appoint the members of the board of  
4 regents of the University of Hawaii by repealing the candidate  
5 advisory council for the board of regents of the University of  
6 Hawaii; provided that this Act shall be implemented upon  
7 ratification of the constitutional amendment to article X,  
8 section 6, of the Hawaii State Constitution, which would delete  
9 provisions related to the candidate advisory council for the  
10 board of regents for the University of Hawaii.

11           It is the intent of the legislature that the governor  
12 nominate members immediately upon the effectiveness of this Act.  
13 The current regents shall each be replaced by a member nominated  
14 and, with the advice and consent of the senate, appointed by the  
15 governor pursuant to this Act.

16           SECTION 2. Section 304A-104, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "**§304A-104 Regents; appointment; tenure; qualifications;**  
2 **meetings.** (a) The affairs of the university shall be under the  
3 general management and control of the board of regents. The  
4 board shall consist of fifteen members who shall be appointed by  
5 the governor [~~from lists of qualified candidates presented to~~  
6 ~~the governor by the candidate advisory council, pursuant to~~  
7 ~~section 304A-104.6,~~] and shall be confirmed by the senate[~~+~~  
8 ~~provided that if the list of qualified candidates includes fewer~~  
9 ~~than three candidates at any time during the nomination and~~  
10 ~~confirmation process, the governor may request that the~~  
11 ~~candidate advisory council reopen recruitment for qualified~~  
12 ~~candidates[-];~~ provided that:

13           (1) One member representing the city and county of  
14           Honolulu shall be appointed from a list of three  
15           nominees submitted by the president of the senate;

16           (2) One member representing the city and county of  
17           Honolulu shall be appointed from a list of three  
18           nominees submitted by the speaker of the house of  
19           representatives;



1       (3) One at-large member shall be appointed from a list of  
2       three nominees submitted by the president of the  
3       senate; and

4       (4) One at-large member shall be appointed from a list of  
5       three nominees submitted by the speaker of the house  
6       of representatives;

7       provided further that the selection process in paragraphs (1) to  
8       (4) shall not include the student member of the board. Members  
9       may be removed by the governor. Except as otherwise provided by  
10      law, state officers shall be eligible for appointment and  
11      membership.

12      The term of each member shall be five years, except as  
13      provided for the initial appointment in section 26-11; provided  
14      that the term of the student member shall be two years. Every  
15      member may serve beyond the expiration date of the member's term  
16      of appointment until the member's successor has been appointed  
17      by the governor and confirmed by the senate in accordance with  
18      article X, section 6 of the Hawaii State Constitution. Members  
19      shall serve no more than two consecutive five-year terms;  
20      provided that the members who are initially appointed to terms  
21      of two years or less pursuant to section 26-11(a) may be



1 reappointed to two ensuing five-year terms. If a member is to  
2 be appointed to a second term of five years, the senate shall  
3 consider the question of whether to reconfirm the member at  
4 least one hundred twenty days prior to the conclusion of a  
5 member's first five-year term; provided that if the senate is  
6 not in session within one hundred twenty days prior to the  
7 conclusion of the member's first five-year term, the member  
8 shall continue to serve until the senate convenes for the next  
9 regular session or the next special session for which the senate  
10 is authorized to consider the question of reconfirmation.

11 (b) In determining whether to confirm the governor's  
12 nominee to the board of regents, the senate shall consider the  
13 combination of abilities, breadth of experiences, and  
14 characteristics of the board of regents, as a whole, that will  
15 best serve the diverse interests and needs of the students of  
16 the university system and assist the university system in  
17 achieving its strategic goals and performance indicators. The  
18 senate shall consider whether the board reflects the diversity  
19 of the student population, the various counties of the State,  
20 and a broad representation of higher education-related  
21 stakeholders.



1 (c) At its first meeting after June 30 of each year, the  
2 board of regents shall elect a chairperson and one or more vice-  
3 chairpersons who shall serve until the adjournment of the first  
4 meeting of the board of regents after June 30 of the next year,  
5 or thereafter until their successors are elected; provided that  
6 the chairperson and vice chairpersons shall not be elected prior  
7 to the taking of office of regents whose terms shall begin on  
8 July 1 of that year. The board shall appoint a secretary, who  
9 shall not be a member of the board. The president of the  
10 university shall act as executive officer of the board. A  
11 majority of the board of regents shall constitute a quorum to  
12 conduct business, and the concurrence of a majority of all the  
13 members to which the board of regents is entitled shall be  
14 necessary to make any action of the board of regents valid. The  
15 board shall meet at least ten times annually and, from time to  
16 time, may meet in each of the counties of Hawaii, Maui, and  
17 Kauai.

18 ~~[(d) The governor shall notify the candidate advisory~~  
19 ~~council for the board of regents of the University of Hawaii in~~  
20 ~~writing within ten days of receiving notification that a member~~



1 ~~of the board of regents is resigning or has died, or is being~~  
2 ~~removed by the governor.~~

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

7 SECTION 3. Section 304A-104.6, Hawaii Revised Statutes, is  
8 repealed.

9 ~~["~~§304A-104.6~~ Candidate advisory council for the board~~  
10 ~~of regents of the University of Hawaii.~~ (a) ~~The candidate~~  
11 ~~advisory council for the board of regents of the University of~~  
12 ~~Hawaii shall recruit, evaluate, and present to the governor~~  
13 ~~qualified candidates for nomination to a vacant seat on the~~  
14 ~~board of regents. The candidate advisory council shall be~~  
15 ~~attached to the University of Hawaii for administrative~~  
16 ~~purposes.~~

17 ~~(b) The candidate advisory council shall:~~

18 ~~(1) Develop and implement a fair and independent procedure~~  
19 ~~for evaluating candidates to serve on the board of~~  
20 ~~regents;~~



- 1       ~~(2) Require candidates and members of their immediate~~
- 2           ~~families to disclose any existing or anticipated~~
- 3           ~~contracts or financial transactions with the~~
- 4           ~~University of Hawaii;~~
- 5       ~~(3) Actively solicit and accept applications from~~
- 6           ~~potential candidates;~~
- 7       ~~(4) Evaluate candidates for the board of regents on their~~
- 8           ~~background, experience, and potential for discharging~~
- 9           ~~the responsibilities of a member of the board of~~
- 10          ~~regents, based upon the qualifications imposed by the~~
- 11          ~~Hawaii State Constitution; and~~
- 12       ~~(5) Present a list of at least three candidates to the~~
- 13           ~~governor for nomination and appointment for each~~
- 14           ~~vacant seat on the board of regents of the University~~
- 15           ~~of Hawaii.~~
- 16       ~~(c) The candidate advisory council shall initiate the~~
- 17       ~~recruitment and evaluation of candidates for each vacancy on the~~
- 18       ~~board of regents within:~~
- 19           ~~(1) Sixty days of a vacancy; or~~
- 20           ~~(2) At least one hundred twenty days prior to the~~
- 21           ~~expiration of a regent's term.~~



1       ~~(d) To provide continuity for the board of regents, the~~  
2 ~~governor may recommend to the candidate advisory council the~~  
3 ~~reappointment of a member of the board of regents, subject to~~  
4 ~~the advice and consent of the senate.~~

5       ~~(e) The candidate advisory council shall consist of seven~~  
6 ~~voting members to be appointed without regard to section 26-34~~  
7 ~~as follows:~~

8       ~~(1) One member who shall be appointed by the president of~~  
9       ~~the senate;~~

10       ~~(2) One member who shall be appointed by the speaker of~~  
11       ~~the house of representatives; and~~

12       ~~(3) Five members who shall be appointed by the governor.~~

13       ~~A member of the Association of Emeritus Regents of the~~  
14 ~~University of Hawaii, appointed by the chair of the Association~~  
15 ~~of Emeritus Regents of the University of Hawaii, shall serve as~~  
16 ~~an ex officio, nonvoting member of the candidate advisory~~  
17 ~~council, for a term not to exceed two years; provided that the~~  
18 ~~appointment shall run concurrently with the term of the~~  
19 ~~appointing chair.~~

20       ~~The president of the senate, speaker of the house of~~  
21 ~~representatives, and governor are encouraged to appoint full-~~





1 ~~time students of the university, university faculty, university~~  
2 ~~staff, or university alumni to the candidate advisory council,~~  
3 ~~provided that if a full time student is appointed to the~~  
4 ~~candidate advisory council, the student shall have been enrolled~~  
5 ~~as a full time student for at least three consecutive semesters~~  
6 ~~and shall serve for a term of two years.~~

7 ~~(f) Voting members of the candidate advisory council shall~~  
8 ~~serve for the following terms:~~

9 ~~(1) Those appointed by the president of the senate and~~  
10 ~~speaker of the house of representatives shall serve~~  
11 ~~for a term of four years; and~~

12 ~~(2) Those appointed by the governor shall serve for a term~~  
13 ~~of four years; provided that such appointments shall~~  
14 ~~run concurrently with the term of the appointing~~  
15 ~~governor.~~

16 ~~(g) Appointees to the candidate advisory council shall~~  
17 ~~have a general understanding of the purposes of higher~~  
18 ~~education, the mission and strategic goals of the University of~~  
19 ~~Hawaii system, and the role and responsibilities of the board of~~  
20 ~~regents. Appointees shall be individuals who are widely viewed~~  
21 ~~as having placed the broad public interest ahead of special~~



1 interests, are respected by the community, and are highly

2 qualified to recruit and evaluate candidates for the governor's

3 consideration.

4 (h) Any member of the candidate advisory council whose

5 term has expired may continue in office as a holdover member

6 until a successor is appointed; provided that a holdover member

7 shall not hold office for more than six months following the

8 expiration of the member's term of office.

9 (i) A vacancy occurring in the membership of the candidate

10 advisory council during a term shall be filled for the remainder

11 of the unexpired term thereof by the appointing authority who

12 appointed the member who creates the vacancy.

13 (j) The candidate advisory council shall operate in a

14 wholly nonpartisan manner. No member of the candidate advisory

15 council shall run for or hold any elected office of the state or

16 any of its political subdivisions while serving on the candidate

17 advisory council. A member of the candidate advisory council

18 shall resign from the candidate advisory council prior to filing

19 nomination papers for an elected office of the state or any of

20 its political subdivisions.



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

11       ~~(l) Members of the candidate advisory council shall serve~~  
12 ~~without compensation but shall be reimbursed for expenses,~~  
13 ~~including travel expenses, necessary for the performance of~~  
14 ~~their duties." ]~~

15       SECTION 4. Notwithstanding any law to the contrary, all  
16 members of the board of regents of the University of Hawaii  
17 serving on the day of the effective date of this Act shall  
18 continue to serve until they are replaced by a member nominated  
19 and, with the advice and consent of the senate, appointed by the  
20 governor pursuant to this Act.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon the  
4 ratification of a constitutional amendment authorizing the board  
5 of regents of the University of Hawaii to be nominated and, with  
6 the advice and consent of the senate, appointed by the governor  
7 in compliance with article XVII, section 3, of the Constitution  
8 of the State of Hawaii.

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INTRODUCED BY: *Anna Mercedes K.*

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# S.B. NO. 1239

**Report Title:**

University of Hawaii; Board of Regents; Candidate Advisory Council; Repeal

**Description:**

Reestablishes the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents of the University of Hawaii by repealing the candidate advisory council for the board of regents of the University of Hawaii; effective upon ratification of a constitutional amendment to article X, section 6, of the Hawaii Constitution that deletes provisions related to the candidate advisory council for the board of regents of the University of Hawaii.

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

