
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS.

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

1 SECTION 1. The legislature finds that the composition and
2 term limits of members of the board of regents of the University
3 of Hawaii is a matter of statewide concern that falls under its
4 purview pursuant to article X, section 6, of the Hawaii State
5 Constitution

6 The purpose of this Act is to amend the composition and
7 term length of the members of the board of regents of the
8 University of Hawaii.

9 SECTION 2. Section 26-11, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The University of Hawaii shall be headed by an
12 executive board to be known as the board of regents.

13 The board shall consist of [~~fifteen~~] nine members. At
14 least one member shall be a University of Hawaii student at the
15 time of the initial appointment. [~~This member may be~~
16 ~~reappointed for one additional term even though the member may~~
17 ~~no longer be a student at the time of reappointment.~~] The



1 governor shall reduce the terms of those initially appointed to
2 each seat on the board of regents to provide, as far as
3 practicable, for the expiration of three terms each year;
4 provided that the term of the student member shall not be
5 reduced.

6 ~~[At least twelve]~~ The members, except for the student
7 member, shall represent and reside in the specified geographic
8 areas as follows:

- 9 (1) Two members from the county of Hawaii[+], with one
10 member from east Hawaii and one member from west
11 Hawaii;
- 12 (2) ~~[Two members]~~ One member from the county of Maui;
- 13 (3) One member from the county of Kauai; and
- 14 (4) ~~[Seven]~~ Four members from the city and county of
15 Honolulu[-]; provided that of the four members, two
16 members shall represent and reside in the first
17 congressional district of the State and the other two
18 members shall represent and reside in the second
19 congressional district of the State.

20 The student member shall be the student body president, or
21 its equivalent, from one of the various University of Hawaii



1 campuses; provided that this appointment shall rotate every two
2 years among the student body president from the University of
3 Hawaii at Manoa, University of Hawaii at Hilo, or University of
4 Hawaii West-Oahu and the student body president, or its
5 equivalent, from a campus among the University of Hawaii
6 community college system.

7 At least one member shall have demonstrated expertise in
8 native Hawaiian traditional and customary practices.

9 The board shall have the power, in accordance with the
10 Hawaii constitution and with law, to formulate policy and to
11 exercise control over the university through its executive
12 officer, the president of the university. The board shall have
13 exclusive jurisdiction over the internal organization and
14 management of the university. The board shall hold the
15 president of the university and university administration
16 accountable for decisions, actions, and leases that incur
17 additional costs to the university."

18 SECTION 3. Section 304A-104, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§304A-104 Regents; appointment; tenure; qualifications;**
21 **meetings.** (a) The affairs of the university shall be under the



1 general management and control of the board of regents. The
2 board shall consist of [~~fifteen~~] nine members who shall be
3 appointed by the governor from lists of qualified candidates
4 presented to the governor by the candidate advisory council,
5 pursuant to section 304A-104.6, and shall be confirmed by the
6 senate; provided that if the list of qualified candidates
7 includes fewer than three candidates at any time during the
8 nomination and confirmation process, the governor may request
9 that the candidate advisory council reopen recruitment for
10 qualified candidates. Members may be removed by the governor.
11 Except as otherwise provided by law, state officers shall be
12 eligible for appointment and membership.

13 The term of each member shall be [~~five~~] four years, except
14 as provided for the initial appointment in section 26-11;
15 provided that the term of the student member shall be two years.
16 Every member may serve beyond the expiration date of the
17 member's term of appointment as a holdover member until the
18 member's successor has been appointed by the governor and
19 confirmed by the senate in accordance with article X, section 6
20 of the Hawaii State Constitution[-]; provided that,
21 notwithstanding any law to the contrary, a holdover member shall



1 not serve as a member of the board beyond the end of the first
2 regular legislative session following the expiration of the
3 member's term. Members shall serve no more than two consecutive
4 [~~five-year~~] four-year terms; provided that the members who are
5 initially appointed to terms of two years or less pursuant to
6 section 26-11(a) may be reappointed to two ensuing [~~five-year~~]
7 four-year terms. If a member is to be appointed to a second
8 term of [~~five~~] four years, the senate shall consider the
9 question of whether to reconfirm the member at least one hundred
10 twenty days prior to the conclusion of a member's first [~~five-~~
11 ~~year~~] four-year term; provided that if the senate is not in
12 session within one hundred twenty days prior to the conclusion
13 of the member's first [~~five-year~~] four-year term, the member
14 shall continue to serve until the senate convenes for the next
15 regular session or the next special session for which the senate
16 is authorized to consider the question of reconfirmation.

17 (b) In determining whether to confirm the governor's
18 nominee to the board of regents, the senate shall consider the
19 combination of abilities, breadth of experiences, and
20 characteristics of the board of regents, as a whole, that will
21 best serve the diverse interests and needs of the students of



1 the university system and assist the university system in
2 achieving its strategic goals and performance indicators. The
3 senate shall consider whether the board reflects the diversity
4 of the student population, the various counties of the State,
5 and a broad representation of higher education-related
6 stakeholders.

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



1 time, may meet in each of the counties of Hawaii, Maui, and
2 Kauai.

3 (d) The governor shall notify the candidate advisory
4 council for the board of regents of the University of Hawaii in
5 writing within ten days of receiving notification that a member
6 of the board of regents is resigning or has died, or is being
7 removed by the governor.

8 (e) The members of the board of regents shall serve
9 without pay but shall be entitled to their travel expenses
10 within the State when attending meetings of the board or when
11 actually engaged in business relating to the work of the board.

12 (f) No rule or law shall prohibit discussions between
13 members of the state legislature and one or more members of the
14 board. No board member shall be required to seek permission
15 from any person or agency prior to engaging in any discussion
16 with members of the state legislature."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.
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Report Title:

University of Hawaii; Board of Regents; Composition; Terms; Oversight

Description:

Amends the composition of the Board of Regents of the University of Hawaii, reduces the number of board members from fifteen members to nine members, and shortens term length from five years to four years. Specifies terms of holdover board members. Specifies that the Board of Regents shall hold the president of the University of Hawaii and university administration accountable for decisions, actions, and leases that incur additional costs to the university. Prohibits any law, rule, or permission requirement related to permitting discussions between a board member and members of the legislature. (SD1)

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