STAND. COM. REP. NO. 2324

Honolulu, Hawaii

## FEB 1 5 2022

RE: S.B. No. 3186 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred S.B. No. 3186 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO REPEAL THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL, "

begs leave to report as follows:

The purpose and intent of this measure is to repeal the Candidate Advisory Council for the Board of Regents of the University of Hawaii and authorizes the Governor to appoint members to the Board of Regents of the University of Hawaii without being limited to selecting a candidate deemed qualified by the Council.

Your Committee received testimony in opposition to this measure from the Kapi'olani Community College Staff Council, Association of Emeritus Regents, and two individuals. Your Committee received comments on this measure from the Office of the Attorney General and the University of Hawai'i System.

Your Committee finds that the Board of Regents of the University of Hawaii serve in an important role to quide the policies and trajectory of the University of Hawaii. During its initial enactment in 2006, the Board of Regents Candidate Advisory



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Council became a vital tool to select regents in a similar method to judges and justices in the Hawaii State Judiciary.

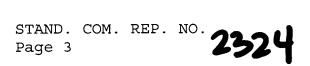
While the Candidate Advisory Council has proven effective during periods in which a high number of individuals apply, in recent years, the Candidate Advisory Council has only recommended a small number of individuals from which the Governor may select new regents. For example, while an applicant may apply for a student regent opening, their name may also be submitted under the county opening, if applicable, making the pool of candidates only seemingly more competitive. To address concerns over thorough vetting of Board of Regents applicants, this measure eliminates the Board of Regents Candidate Advisory Council, allowing the Governor to directly appoint regents with the advise and consent of the Senate.

Your Committee has amended this measure by:

- Retaining statutory language that allows the Legislature to apply the Hawaii Revised Statutes to the University of Hawaii for matters of statewide concern;
- (2) Clarifying the Board of Regents' jurisdiction of university structure, management, and operation;
- (3) Clarifying the constitutional question to address the current requirement that the Governor appoint members of the Board of Regents of the University of Hawaii from a pool of candidates presented by the Candidate Advisory Council; and
- (4) Amending section 1 to clarify its purpose.

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 S.B. No. 3186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3186, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.





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

From Merendes Kil \_\_\_\_

DONNA MERCADO KIM, Chair



## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Higher Education HRE

Bill / Resolution No.:*	Committee Referral: Date:				
SB 3186	HRE, JDC/WAM 2-8-22				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Ауе	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)					
KIDANI, Michelle N. (VC)		V			
KEITH-AGARAN, Gilbert S.C.		V			
WAKAI, Glenn		V			
FEVELLA, Kurt		V			
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TOTAL		5			
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only <u>one</u> measure per Record of Votes