

STAND. COM. REP. NO.

2324

Honolulu, Hawaii

FEB 15 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 guide the
policies and trajectory of the University of Hawaii. During its
initial enactment in 2006, the Board of Regents Candidate Advisory



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:

- (1) 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,



DONNA MERCADO KIM, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

| | | |
|---|--|------------------------|
| Bill / Resolution No.:* SB 3186 | Committee Referral: HRE, JDC / WAM | Date: 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 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

| Members | Aye | Aye (WR) | Nay | Excused |
|----------------------------|----------|----------|-----|---------|
| KIM, Donna Mercado (C) | ✓ | | | |
| KIDANI, Michelle N. (VC) | ✓ | | | |
| KEITH-AGARAN, Gilbert S.C. | ✓ | | | |
| WAKAI, Glenn | ✓ | | | |
| FEVELLA, Kurt | ✓ | | | |
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| TOTAL | 5 | | | |

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes