

STAND. COM. REP. NO. 3194

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 3186
S.D. 2

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 3186, S.D. 1, 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,"

beg leave to report as follows:

The purpose and intent of this measure is to propose an amendment to the Hawaii State Constitution to:

- (1) Repeal the Candidate Advisory Council for the Board of Regents of the University of Hawaii;
- (2) Authorize 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; and
- (3) Clarify the jurisdiction of the Board of Regents over the internal structure, management, and operations of the University of Hawaii.

Your Committees received testimony in opposition to this measure from the University of Hawai'i System, University of Hawaii Professional Assembly, and two individuals. Your Committees



received comments on this measure from the Department of the Attorney General.

Your Committees find that due to a relatively small number of applicants, at times the Candidate Advisory Council has been unable to submit an adequate number of candidates to the Governor for selection on the Board of Regents of the University of Hawaii. Your Committees further find that recently, the Candidate Advisory Council has only been able to recommend a small number of individuals for the Governor's consideration. This measure proposes a constitutional amendment that will allow the Governor to directly appoint regents with the advise and consent of the Senate.

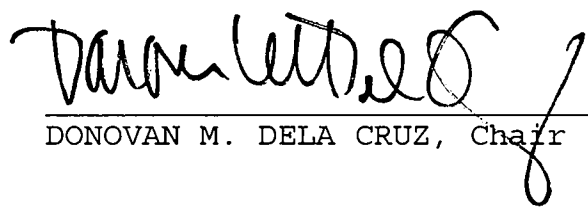
Your Committees have amended this measure by:

- (1) Incorporating recommendations proposed by the Department of the Attorney General:
 - (A) Clarifying that the Board of Regents shall continue to have exclusive jurisdiction over the internal structure, management, and operation of the University; and
 - (B) Clarifying that the question on the ballot shall state "Shall the 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 for the Board of Regents of the University of Hawaii be eliminated, thereby allowing the governor to appoint members to the Board of Regents without being limited to a list of candidates?" and
- (2) Inserting an effective date of July 30, 2075, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3186, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 3186, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 3186, SDI	Committee Referral: HPE, JDC/WAM	Date: 03-03-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris				✓
FEVELLA, Kurt	✓			
TOTAL	5	1	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Pal Rhoads</i>				
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*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 3186, SD1	Committee Referral: HRE, JDC/WAM	Date: 3/3/22
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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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUYE, Lorraine R.		X		
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.		X		
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	8	2		1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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