

**ACT 172**

H.B. NO. 398

A Bill for an Act Relating to the University of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the composition and term limits of members of the board of regents of the University of Hawaii is a matter of

statewide concern that falls under its purview pursuant to article X, section 6, of the Hawaii State Constitution.

The purpose of this Act is to amend the composition of the members of the board of regents of the University of Hawaii.

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

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

The board shall consist of ~~[fifteen]~~ eleven members. At least one member shall be a University of Hawaii student at the time of the initial appointment. ~~[This member may be reappointed for one additional term even though the member may no longer be a student at the time of reappointment.]~~ The governor shall reduce the terms of those initially appointed to each seat on the board of regents to provide, as far as practicable, for the expiration of three terms each year; provided that the term of the student member shall not be reduced.

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

- (1) Two members from the county of Hawaii;
- (2) Two members from the county of Maui;
- (3) One member from the county of Kauai; and
- (4) ~~[Seven]~~ Five members from the city and county of Honolulu.

The board shall have the power, in accordance with the Hawaii constitution and with law, to formulate policy and to exercise control over the university through its executive officer, the president of the university. The board shall have exclusive jurisdiction over the internal organization and management of the university.”

SECTION 3. Section 304A-104, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The affairs of the university shall be under the general management and control of the board of regents. The board shall consist of ~~[fifteen]~~ eleven members who shall be appointed by the governor from lists of qualified candidates presented to the governor by the candidate advisory council, pursuant to section 304A-104.6, and shall be confirmed by the senate; provided that if the list of qualified candidates includes fewer than three candidates at any time during the nomination and confirmation process, the governor may request that the candidate advisory council reopen recruitment for qualified candidates. Members may be removed by the governor. Except as otherwise provided by law, state officers shall be eligible for appointment and membership.

The term of each member shall be five years, except as provided for the initial appointment in section 26-11; provided that the term of the student member shall be two years. Every member may serve beyond the expiration date of the member's term of appointment as a holdover member until the member's successor has been appointed by the governor and confirmed by the senate in accordance with article X, section 6 of the Hawaii State Constitution~~[-];~~ provided that, notwithstanding any law to the contrary, a holdover member shall not serve as a member of the board beyond the end of the first regular session of the legislature following the expiration of the member's term. Members shall serve no more than two consecutive five-year terms; provided that the members who are initially appointed to terms of two years or less pursuant to section 26-11(a) may be reappointed to two ensuing five-year terms. If a member is to be appointed to a second term of five years, the senate shall consider the question of whether to reconfirm the member at least one hundred twenty days prior to the conclusion

of a member's first five-year term; provided that if the senate is not in session within one hundred twenty days prior to the conclusion of the member's first five-year term, the member shall continue to serve until the senate convenes for the next regular session or the next special session for which the senate is authorized to consider the question of reconfirmation."

SECTION 4. Notwithstanding any law to the contrary, the members of the board of regents of the University of Hawaii serving on the day of the effective date of this Act shall continue to serve the remainder of their current terms. As vacancies occur, the vacancies shall be filled in a manner that meets the composition requirements of section 304A-104(a), Hawaii Revised Statutes, as amended by section 3 of this Act.

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

SECTION 6. This Act shall take effect on June 30, 2019.

(Approved June 27, 2019.)