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# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1           SECTION 1. The purpose of this Act is to establish a  
2 candidate advisory council for the board of regents of the  
3 University of Hawaii in conformity with the amendment to article  
4 X, section 6, of the Hawaii State Constitution, approved by  
5 voters on November 7, 2006. This Act also:

6           (1) Increases the membership of the board of regents with  
7 a specified number of members representing different  
8 geographic areas;

9           (2) Prohibits a board of regents member from serving more  
10 than two consecutive five-year terms; and

11           (3) Requires the senate to consider the reconfirmation of  
12 an incumbent board member for a second term at least  
13 one hundred twenty days prior to the completion of the  
14 member's first term.

15           Additionally, the legislature renews its previously stated  
16 intent, as provided in Senate Bill No. 1256, H.D. 1, Regular  
17 Session of 2005, that "the existing members of the board of



1 regents of the University of Hawaii serve their full terms in  
2 office. As each term expires, the regent will be replaced by an  
3 appointed member screened and proposed by the candidate advisory  
4 council."

5 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
6 amended by adding a new section to part I to be appropriately  
7 designated and to read as follows:

8 "§304A- Candidate advisory council for the board of  
9 regents of the University of Hawaii. (a) There is established  
10 the candidate advisory council to present to the governor pools  
11 of qualified candidates from which the members of the board of  
12 regents shall be nominated and, by and with the consent of the  
13 senate, appointed by the governor. The candidate advisory  
14 council shall establish the criteria for qualifying, screening,  
15 and presenting to the governor candidates for membership on the  
16 board of regents. The candidate advisory council shall be  
17 attached to the University of Hawaii for administrative  
18 purposes.

19 (b) Except as provided in subsection (c), within sixty  
20 days of convening its first meeting, the candidate advisory  
21 council shall present no fewer than two and no more than four  
22 qualified candidates to the governor for each vacant seat on the



1 board of regents that has arisen due to resignation, death, or  
2 removal by the governor; provided that for all subsequent  
3 presentations to the governor, the candidate advisory council  
4 shall present no fewer than two and no more than four candidates  
5 for each seat on the board of regents to the governor within:

6 (1) Thirty days of a vacancy that arises by resignation,  
7 death, or removal by the governor; and

8 (2) One hundred twenty days prior to the expiration of a  
9 term.

10 (c) When there are multiple seats vacant within the same  
11 county or within the at-large membership, the candidate advisory  
12 council shall present candidates for seats on the board of  
13 regents to the governor as follows:

14 (1) For two seats from the same county or two at-large  
15 seats, no fewer than four and no more than six  
16 candidates;

17 (2) For three seats from the same county, no fewer than  
18 five and no more than eight candidates; and

19 (3) For more than three seats, the candidate advisory  
20 council shall determine appropriate minimum numbers of  
21 candidates, which shall provide for at least three



1 candidates for the final seat, and maximum numbers of  
2 candidates.

3 (d) In making its presentations, the candidate advisory  
4 council shall:

5 (1) Develop a statement that includes the selection  
6 criteria to be applied and a description of the  
7 responsibilities and duties of a member of the board  
8 of regents and distribute this statement to potential  
9 candidates;

10 (2) Screen and qualify candidates for each position on the  
11 board of regents based on their background,  
12 experience, and potential for discharging the  
13 responsibilities of a member of the board of regents;

14 (3) Publicly advertise pending vacancies and actively  
15 solicit and accept applications from potential  
16 candidates;

17 (4) Develop and implement a fair, independent, and  
18 nonpartisan procedure for selecting candidates to  
19 serve on the board of regents; and

20 (5) Require each candidate to disclose any existing or  
21 anticipated contracts with the University of Hawaii or



1           any existing or anticipated financial transactions  
2           with the University of Hawaii.

3 Upon submission to the governor, presentations of the candidate  
4 advisory council shall be made available to the public by the  
5 University of Hawaii.

6           (e) For each board seat to be filled, the governor shall  
7 select one nominee from among the candidate advisory council's  
8 presentations.

9           (f) The candidate advisory council shall consist of seven  
10 members to be appointed without regard to section 26-34 as  
11 follows:

12           (1) One member shall be appointed by the president of the  
13 senate;

14           (2) One member shall be appointed by the speaker of the  
15 house of representatives;

16           (3) One member shall be appointed by the governor;

17           (4) One member shall be appointed by one of the co-chairs  
18 of the All Campus Council of Faculty Senate Chairs of  
19 the University of Hawaii;

20           (5) One member shall be appointed by the chairperson of  
21 the Executive Council of the University of Hawaii  
22 Student Caucus;



1       (6) One member shall be appointed by the chairperson of  
2       the Association of Emeritus Regents; and

3       (7) One member shall be appointed by the president of the  
4       University of Hawaii Alumni Association;

5       provided that members appointed under paragraphs (4) to (7)  
6       shall be selected from the general public and may include  
7       members of the constituencies represented; provided further that  
8       each appointee satisfies the requirements for appointment  
9       provided in this subsection, except that individuals who are or  
10       have served as members of the executive councils or boards for  
11       the organizations under paragraphs (4) and (5) within the last  
12       five years immediately preceding the establishment or a vacancy  
13       on the candidate advisory council for which the persons may be  
14       qualified to fill shall not be eligible to serve as members of  
15       the candidate advisory council.

16       The candidate advisory council shall be selected in a  
17       wholly nonpartisan manner. If any member has not been appointed  
18       within one hundred eighty days of the effective date of this  
19       Act, the sitting members on the candidate advisory council shall  
20       make an interim appointment to fill the vacant seat. The  
21       interim appointee shall satisfy the requirements for appointment  
22       provided in this subsection and shall serve until the time when



1 the appropriate appointing authority makes an appointment for  
2 the vacant seat as provided in this subsection. Appointees to  
3 the candidate advisory council shall have a general  
4 understanding of the purposes of higher education, the mission  
5 of the University of Hawaii system, and the responsibilities of  
6 the board of regents. Appointees shall be individuals who are  
7 widely viewed as having placed the broad public interest ahead  
8 of special interests, having achieved a high level of prominence  
9 in their respective professions, and being respected members of  
10 the community.

11 (g) Members of the candidate advisory council shall serve  
12 four-year terms; provided that the three members initially  
13 appointed by the governor, the president of the senate, and the  
14 speaker of the house of representatives shall serve for terms of  
15 two years; provided further that terms for appointments of the  
16 initial members of the candidate advisory council shall be  
17 deemed to begin on July 1, 2007, regardless of the actual date  
18 of appointment.

19 (h) If a vacancy occurs, a successor shall be appointed in  
20 the same manner and subject to the same qualifications as the  
21 person's predecessor. The person appointed to fill a vacancy



1 shall serve for the remainder of the term of the person's  
2 predecessor.

3 (i) The candidate advisory council shall operate in a  
4 wholly nonpartisan manner. No individual, while a member of the  
5 candidate advisory council, shall run for or hold any other  
6 elected office under the United States or the State or any  
7 political subdivisions.

8 (j) The candidate advisory council shall convene its first  
9 meeting on or after thirty-one days from the effective date of  
10 this Act; provided that if thirty days after the effective date  
11 of this Act, all the members to which the candidate advisory  
12 council is entitled have not yet been appointed, the candidate  
13 advisory council shall convene its first meeting upon the  
14 appointment of a majority of its members. The members of the  
15 candidate advisory council shall choose a chairperson from among  
16 themselves. A majority of all the members to which the  
17 candidate advisory council is entitled shall constitute a quorum  
18 to conduct business. The concurrence of a majority of all the  
19 members to which the candidate advisory council is entitled  
20 shall be necessary to make any action of the candidate advisory  
21 council valid. The candidate advisory council shall meet  
22 annually and at other times as necessary. All meetings of the



1 candidate advisory council shall be exempt from part I of  
2 chapter 92.

3 (k) Members of the candidate advisory council shall serve  
4 without compensation but shall be reimbursed for expenses,  
5 including travel, board, and lodging expenses, necessary for the  
6 performance of their duties."

7 SECTION 3. Section 26-11, Hawaii Revised Statutes, is  
8 amended by amending subsections (a) and (b) to read as follows:

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

11 The board shall consist of [~~twelve~~] fifteen members. [~~No~~  
12 ~~more than six of the members shall be members of the same~~  
13 ~~political party and at least part of the membership of the board~~  
14 ~~shall represent geographic subdivisions of the State.] At least  
15 one member shall be a University of Hawaii student at the time  
16 of the initial appointment. This member may be reappointed for  
17 one additional term even though the member may no longer be a  
18 student at the time of reappointment. The governor shall reduce  
19 the terms of those initially appointed to each seat on the board  
20 of regents to provide, as far as practicable, for the expiration  
21 of three terms each year; provided that the term of the student  
22 member shall not be reduced.~~



1        At least ten members, except for the student member, shall  
2 represent the specified geographic areas as follows:

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

7        The board shall have power, in accordance with the  
8 Constitution of the State and with law, to formulate policy[7]  
9 and to exercise control over the university through its  
10 executive officer, the president of the university. The board  
11 shall have exclusive jurisdiction over the internal organization  
12 and management of the university."

13        SECTION 4. Section 304A-104, Hawaii Revised Statutes, is  
14 amended by amending subsections (a) and (b) to read as follows:

15        "(a) The affairs of the university shall be under the  
16 general management and control of the board of regents  
17 consisting of [~~twelve~~] fifteen members who shall be appointed  
18 and may be removed by the governor. Except as otherwise  
19 provided by law, state officers shall be eligible for  
20 appointment and membership. The term of each member shall be  
21 [~~for four years;~~] five years, except as provided for the initial  
22 appointment in section 26-11; provided that the term of the



1 student member shall be [~~for~~] two years. [~~Except as otherwise~~  
2 ~~provided by statute, state officers shall be eligible to~~  
3 ~~appointment and membership.] Every member may serve beyond the~~  
4 expiration date of the member's term of appointment until the  
5 member's successor has been appointed [~~and has qualified.]~~ by  
6 the governor and confirmed by the senate in accordance with  
7 article X, section 6 of the state constitution. Members shall  
8 serve no more than two consecutive five-year terms. If a member  
9 is to be appointed to a second term of five years, the senate  
10 shall consider the question of whether to reconfirm the member  
11 at least one hundred twenty days prior to the expiration of a  
12 member's first five-year term; provided that if the senate is  
13 not in session within one hundred twenty days prior to the  
14 expiration of the member's first five-year term, the member  
15 shall continue to serve until the senate convenes for the next  
16 regular session or the next special session for which the senate  
17 is authorized to consider the question of reconfirmation.

18 (b) At its first meeting after June 30, the board of  
19 regents shall elect a chairperson and vice-chairperson, who  
20 shall serve until adjournment of its first meeting after June 30  
21 of the next year or thereafter until their successors are  
22 appointed. The board shall appoint a secretary, who shall not



1 be a member of the board. The president of the university shall  
 2 act as executive officer of the board. From the effective date  
 3 of this Act and until such time that the board of regents has at  
 4 least fourteen members, seven members of the board of regents  
 5 shall constitute a quorum to conduct business, and the  
 6 concurrence of at least seven members of the board of regents  
 7 shall be necessary to make any action of the board of regents  
 8 valid; provided that upon filling at least fourteen of the  
 9 fifteen board of regents seats required under subsection (a), a  
 10 majority of the board of regents shall constitute a quorum to  
 11 conduct business, and the concurrence of a majority of all the  
 12 members to which the board of regents is entitled shall be  
 13 necessary to make any action of the board of regents valid. The  
 14 board shall meet not less often than ten times annually and,  
 15 from time to time, may meet in each of the counties of Hawaii,  
 16 Maui, and Kauai."

17 SECTION 5. Notwithstanding the requirements of section  
 18 304A-104, Hawaii Revised Statutes, as it read prior to the  
 19 effective date of this Act, the terms of those members of the  
 20 board of regents of the University of Hawaii that are to expire  
 21 on or before June 30, 2007, shall be extended until the earlier  
 22 of June 30, 2008, or until such time as new members of the board



1 of regents have been appointed pursuant to the appointment  
2 process established pursuant to this Act, at which time their  
3 terms shall expire.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

UH; Board of Regents; Candidate Advisory Council

**Description:**

Establishes the candidate advisory council to qualify, screen, and present to the Governor pools of qualified candidates for appointment to the UH Board of Regents. Increases the membership of the Board of Regents to 15 members, with a specified number of members representing different geographic areas. Prohibits a Board of Regents member from serving more than two consecutive five-year terms. Requires the Senate to consider the question of whether to reconfirm an incumbent member's position on the Board of Regents at least 120 days prior to the expiration of the member's first term. Allows a Board of Regents member to continue to serve until the member's successor has been appointed and confirmed by the Senate.

(HB135 HD1)

