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

4           "§304A-       Candidate advisory council for the board of  
5 regents of the University of Hawaii. (a) There is established  
6 the candidate advisory council for the board of regents of the  
7 University of Hawaii to assist the governor in selecting members  
8 of the board of regents by establishing the criteria for,  
9 screening, and recommending qualified candidates for membership  
10 on the board of regents. The candidate advisory council shall  
11 be attached to the University of Hawaii for administrative  
12 purposes.

13           (b) The candidate advisory council shall recommend no  
14 fewer than two and no more than four candidates for each seat on  
15 the board of regents within:

16           (1) Thirty days of a vacancy that arises by resignation,  
17           death, or removal by the governor; or



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

3        (c) The governor shall select one nominee from among the  
4 candidate advisory council's recommendations. In making its  
5 recommendations, the candidate advisory council shall:

6        (1) Consider nominees who meet the following criteria:

7            (A) Have a record of institution-building;

8            (B) Understand the key differences between a  
9 corporation built on the service model, like a  
10 university, and a corporation built on a for-  
11 profit business model;

12          (C) Have demonstrated an understanding that the  
13 principal work of a university is improving the  
14 quality of higher education through teaching,  
15 research, and public service;

16          (D) Have demonstrated an understanding of the  
17 connection between academic freedom and the  
18 United States commitment to the bill of rights,  
19 and are exemplars of honesty, fairness, and  
20 caring; and

21          (E) Adhere to the state constitution, limiting their  
22 role to policy-making, shun micro-managing;



- 1        (2) Develop a description of the responsibilities and  
2        duties of a member of the board of regents relative to  
3        the selection criteria and shall distribute this  
4        statement to potential candidates;
- 5        (3) For each position on the board of regents, screen and  
6        qualify candidates based on their background,  
7        experience, and potential for discharging the  
8        responsibilities of a member of the board of regents;
- 9        (4) Publicly advertise pending vacancies and actively  
10       solicit and accept applications from potential  
11       candidates;
- 12       (5) Develop and implement a fair, independent, and  
13       nonpartisan procedure for selecting candidates to  
14       serve on the board of regents; and
- 15       (6) Require each candidate to disclose any existing or  
16       anticipated contracts with the University of Hawaii or  
17       any existing or anticipated financial transactions  
18       with the University of Hawaii.
- 19       (d) The candidate advisory council shall consist of seven  
20       members to be appointed without regard to section 26-34 as  
21       follows:



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

3       (2) One member shall be appointed by the speaker of the  
4       house of representatives;

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

6       (4) One member shall be appointed by the All Campus  
7       Council of Faculty Senate Chairpersons of the  
8       University of Hawaii;

9       (5) One member shall be appointed by the University of  
10       Hawaii Student Caucus;

11       (6) One member shall be appointed by the Association of  
12       Emeritus Regents; and

13       (7) One member shall be appointed by the University of  
14       Hawaii Alumni Association.

15       The candidate advisory council shall be selected in a  
16       wholly nonpartisan manner. Appointees to the candidate advisory  
17       council shall have a general understanding of the purposes of  
18       higher education, the mission of the University of Hawaii  
19       system, and the responsibilities of the board of regents.  
20       Appointees shall be individuals who are widely viewed as having  
21       placed the broad public interest ahead of special interests,



1 having achieved a high level of prominence in their respective  
2 professions, and respected members of the community.

3 (e) Members of the candidate advisory council shall serve  
4 four-year terms; provided that the three members initially  
5 appointed by the governor, the president of the senate, and the  
6 speaker of the house of representatives shall serve for terms of  
7 two years.

8 (f) If a vacancy occurs, a successor shall be appointed in  
9 the same manner and subject to the same qualifications as the  
10 person's predecessor. The person appointed to fill a vacancy  
11 shall serve for the remainder of the term of the person's  
12 predecessor.

13 (g) The candidate advisory council shall operate in a  
14 wholly nonpartisan manner. No individual, while a member of the  
15 candidate advisory council, shall run for or hold any other  
16 elected office under the United States or the State or any  
17 political subdivisions thereof.

18 (h) The members of the candidate advisory council shall  
19 choose a chairperson from among themselves. A majority of the  
20 candidate advisory council shall constitute a quorum to conduct  
21 business. The concurrence of a majority of all the members to  
22 which the candidate advisory council is entitled shall be



1 necessary to make any action of the candidate advisory council  
2 valid. The candidate advisory council shall meet annually and  
3 at other times as necessary. All meetings of the candidate  
4 advisory council shall be exempt from chapter 92.

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

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

11 "(a) The University of Hawaii shall be [~~headed by an~~  
12 ~~executive~~] guided by a policy-making board to be known as the  
13 board of regents.

14 The board shall consist of [~~twelve~~] fifteen members. [~~No~~  
15 ~~more than six of the members shall be members of the same~~  
16 ~~political party and at least part of the membership of the board~~  
17 ~~shall represent geographic subdivisions of the State.~~] At least  
18 one member shall be a University of Hawaii student at the time  
19 of the initial appointment. This member may be reappointed for  
20 one additional term even though the member may no longer be a  
21 student at the time of reappointment. The governor shall reduce  
22 the terms of those initially appointed to each seat on the board



1 of regents to provide, as far as practicable, for the expiration  
2 of three terms each year, excluding the student member.

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

5 (1) Two members from the county of Hawaii;

6 (2) Two members from the county of Maui;

7 (3) One member from the county of Kauai; and

8 (4) Five members from the city and county of Honolulu.

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

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

17 "(a) The affairs of the university shall be under the  
18 general management and control of the board of regents  
19 consisting of [~~twelve~~] fifteen members who shall be appointed  
20 and may be removed by the governor. Except as otherwise  
21 provided by law, state officers shall be eligible for  
22 appointment and membership. The term of each member shall be



1 ~~[for four years;]~~ five years, except as provided for the initial  
2 appointment in section 26-11; provided that the term of the  
3 student member shall be ~~[for]~~ two years. ~~[Except as otherwise~~  
4 ~~provided by statute, state officers shall be eligible to~~  
5 ~~appointment and membership.]~~ Every member may serve beyond the  
6 expiration date of the member's term of appointment until the  
7 member's successor has been appointed and has ~~[qualified.]~~ been  
8 confirmed by the senate in accordance with article X, section 6  
9 of the state constitution. Members shall serve no more than two  
10 consecutive five-year terms. If a member is to be appointed to  
11 a second term of five years, the senate shall consider the  
12 question of whether to reconfirm the member at least one hundred  
13 twenty days prior to the conclusion of a member's first five-  
14 year term."

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

*Jyla B. Berg*  
*Christy Dy*

JAN 24 2007



**Report Title:**

UH; Board of Regents; Candidate Advisory Council

**Description:**

Establishes the candidate advisory council to screen and propose candidates for appointment to the board of regents of the University of Hawaii. Increases the board of regents membership to fifteen 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 an incumbent member's confirmation for a second term at least 120 days prior to the conclusion 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.

