

JAN 22 2007

A BILL FOR AN ACT

RELATING TO THE BOARD OF REGENTS OF 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 be appropriately designated
3 and to read as follows:

4 "§304A- Governor's candidate advisory council for the
5 Board of Regents of the University of Hawaii. (a) There is
6 established the Governor's candidate advisory council to screen
7 and recommend qualified candidates to the Governor for
8 appointment to the board of regents. The candidate advisory
9 council shall be placed in the University of Hawaii for
10 administrative purposes.

11 (b) The candidate advisory council shall recommend four
12 candidates for each seat on the board within:

13 (1) Thirty days of a vacancy; or

14 (2) One hundred and twenty days prior to the expiration of
15 a term.

16 (c) In making its recommendation, the council shall:

17 (1) For each position on the board, screen and qualify
18 candidates for the board based on the qualifications

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1 imposed by the state constitution on their background,
2 experience, and potential for discharging the
3 responsibilities of a member of the board;

4 (2) Actively solicit and accept applications from
5 potential candidates;

6 (3) Develop and implement a fair and independent
7 procedure for selecting candidates to serve on the
8 board; and

9 (4) Require the candidate and members of the candidates
10 immediate family to disclose any existing or
11 anticipated contracts with the university, any
12 existing or anticipated financial transactions with
13 the university, and any family relationships with
14 university employees.

15 (d) In order to provide continuity for the board of
16 regents, the Governor may recommend the re-appointment of a
17 board of regents member by requesting that the member's name be
18 included among the candidate advisory council's recommendation.

19 (e) The advisory council shall consist of seven members to
20 be appointed by the Governor without regard to section 26-34.
21 Appointees to the advisory council shall have a general
22 understanding of the purposes of higher education, the mission

1 of the University of Hawaii system, and the responsibilities of
2 the board of regents. Appointees shall be individuals who are
3 widely viewed as having placed the broad public interest ahead
4 of special interests and have achieved a high level of
5 prominence in their profession and are respected by the
6 community.

7 (f) Members of the council shall serve terms coterminous
8 with the Governor.

9 (g) If a vacancy occurs, a successor shall be appointed in
10 the same manner as the person's predecessor.

11 (h) The council shall operate in a wholly nonpartisan
12 manner. A member of the council shall not run for or hold any
13 elected office of the State, or its political subdivisions. Any
14 member of the council who decides to run for an elected office
15 of the State, or its political subdivisions, shall resign from
16 the council prior to filing nomination papers.

17 (i) The Governor shall appoint a chairperson. A majority
18 of the members to which the candidate advisory council is
19 entitled shall constitute a quorum to do business. The
20 concurrence of a majority of all the members to which the
21 candidate advisory council is entitled shall be necessary to
22 make any action of the candidate advisory council valid.

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1 (j) Members of the council shall serve without
2 compensation but shall be reimbursed for expenses, including
3 travel, board, and lodging expenses, necessary for the
4 performance of their duties."

5 SECTION 2. Chapter 304A-104, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The affairs of the university shall be under the
8 general management and control of the board of regents
9 consisting of twelve members who shall be appointed by the
10 Governor from a list of qualified candidates presented to the
11 Governor by the Governor's candidate advisory council for the
12 Board of Regents of the University of Hawaii, and may be removed
13 by the Governor. The term of each member shall be for four
14 years; provided that the term of the student member shall be for
15 two years. Except as otherwise provided by statute, State
16 officers shall be eligible to appointment and membership. Every
17 member may serve beyond the expiration date of the member's term
18 of appointment until the member's successor has been appointed
19 and has qualified."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii, the sum of \$50,000, or so much
22 thereof as may be necessary for fiscal year 2007-2008, and

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1 \$50,000, or so much thereof as may be necessary for fiscal year

2 2008-2009, for operating and other expenses for the Governor's

3 candidate advisory council.

4 The sum appropriated shall be expended by the University of

5 Hawaii for the purposes of this Act.

6 SECTION 4. New statutory material is underscored.

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

8 INTRODUCED BY:



BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: University of Hawaii

TITLE: A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.

PURPOSE: The purpose of this bill is to implement the amendment to article X, section 6 of the State Constitution, proposed by the Legislature in 2005, and ratified by the voters in 2006, by establishing a Governor's advisory council to screen and propose candidates for appointment to the board of regents (BOR) of the University of Hawaii.

MEANS: Add a new section to chapter 304A and amend section 304A-104(a), Hawaii Revised Statutes.

JUSTIFICATION: It is the norm across the states for the governor to appoint the members of the governance structures for higher education. The Association for Governing Boards recommends the use of screening committees (AGB, #1, 2003), but it is important to note that the AGB cautions against screening bodies that are composed of special interest representatives.

On this matter, Richard T. Ingram, President of AGB, states:

"Governing boards should not have any 'designated slots,' because such a practice contradicts what public, citizen trusteeship is supposed to be: outstanding citizens who are independent in their individual and collective judgment who are there to serve the people of Hawaii -- not segments of the society, not special interests of any kind. Their primary duty is to hold the university's assets in trust for the current and future generations. It follows, therefore, that a screening committee should

not be composed of a collection of special interest representatives."

AGB recommends that the governor select the members of the screening committee in order to not further politicize the process by involving more players.

The council members and the process by which the governor's candidate advisory council screens and recommends applicants to the board should be nonpartisan. By nonpartisan, we mean that a person's party affiliation or the lack thereof should not be a consideration in appointing governor's candidate advisory council members; and the appointed governor's candidate advisory council members should not consider the political party affiliation or lack thereof of a potential nominee to the board in screening or recommending applicants to the board.

Impact on the public: A screening committee will provide wide consideration of outstanding individuals without regard to partisanship.

Impact on the department and other agencies: The Board of Regents will be well-served to have individuals appointed for their independence of judgment. A screening committee will provide further assurance that the selections are not based on politics or special interests.

GENERAL FUNDS: \$50,000

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: UOH 900

OTHER AFFECTED AGENCIES: Office of the Governor

EFFECTIVE DATE: July 1, 2007.