

JAN 26 2022

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO ESTABLISH A
HAWAII COMMUNITY COLLEGE SYSTEM THAT IS SEPARATE FROM 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 propose
2 amendments to article X of the Constitution of the State of
3 Hawaii to establish a Hawaii community college system, which
4 shall be separate from the University of Hawaii.

5 SECTION 2. Article X of the Constitution of the State of
6 Hawaii is amended by adding two new sections to be appropriately
7 designated and to read as follows:

8 "HAWAII COMMUNITY COLLEGE SYSTEM"

9 Section . The Hawaii community college system is hereby
10 established and constituted a body corporate. It shall have
11 jurisdiction over all public community colleges in the State.
12 It shall have title to all the real and personal property now or
13 hereafter set aside or conveyed to it, which shall be held in
14 public trust for its purposes, to be administered and disposed
15 of as provided by law.



1 BOARD OF REGENTS OF THE HAWAII COMMUNITY COLLEGE SYSTEM; POWERS

2 Section . There shall be a board of regents of the Hawaii
3 community college system, the members of which shall be
4 nominated and, by and with the advice and consent of the senate,
5 appointed by the governor from pools of qualified candidates
6 presented to the governor by the candidate advisory council for
7 the boards of regents of the University of Hawaii and Hawaii
8 community college system, as provided by law. At least part of
9 the membership of the board shall represent geographic
10 subdivisions of the State. The board shall have the power to
11 formulate policy and to exercise control over the community
12 college system through its executive officer, the president of
13 the community college system, who shall be appointed by the
14 board. The board shall also have exclusive jurisdiction over
15 the internal structure, management and operation of the
16 community college system. This section shall not limit the
17 power of the legislature to enact laws of statewide concern.
18 The legislature shall have the exclusive jurisdiction to
19 identify laws of statewide concern."

20 SECTION 3. Article 10, section 1, of the Constitution of
21 the State of Hawaii is amended to read as follows:



1 "ARTICLE X

2 EDUCATION

3 PUBLIC EDUCATION

4 **Section 1.** The State shall provide for the establishment,
5 support and control of a statewide system of public schools free
6 from sectarian control, [~~a state university,~~] the University of
7 Hawaii, the Hawaii community college system, public libraries
8 and [~~such~~] other educational institutions as [~~may be~~] deemed
9 desirable, including physical facilities therefor. There shall
10 be no discrimination in public educational institutions because
11 of race, religion, sex or ancestry; nor shall public funds be
12 appropriated for the support or benefit of any sectarian or
13 nonsectarian private educational institution, except that
14 proceeds of special purpose revenue bonds authorized or issued
15 under section 12 of Article VII may be appropriated to finance
16 or assist:

17 1. Not-for-profit corporations that provide early
18 childhood education and care facilities serving the general
19 public; and



1 2. Not-for-profit private nonsectarian and sectarian
2 elementary schools, secondary schools, colleges and
3 universities."

4 SECTION 4. Article 10, section 5, of the Constitution of
5 the State of Hawaii is amended to read as follows:

6 **"UNIVERSITY OF HAWAII**

7 **Section 5.** The University of Hawaii is hereby established
8 as [the] a state university and constituted a body corporate.
9 It shall have jurisdiction over the State's public institutions
10 of higher education, except for the community colleges. It
11 shall have title to all the real and personal property now or
12 hereafter set aside or conveyed to it, which shall be held in
13 public trust for its purposes, to be administered and disposed
14 of as provided by law."

15 SECTION 5. Article 10, section 6, of the Constitution of
16 the State of Hawaii is amended to read as follows:

17 **"BOARD OF REGENTS[÷] OF THE UNIVERSITY OF HAWAII; POWERS**

18 **Section 6.** There shall be a board of regents of the
19 University of Hawaii, the members of which shall be nominated
20 and, by and with the advice and consent of the senate, appointed
21 by the governor from pools of qualified candidates presented to



1 the governor by the candidate advisory council for the [~~board~~]
2 boards of regents of the University of Hawaii[~~7~~] and Hawaii
3 community college system, as provided by law. At least part of
4 the membership of the board shall represent geographic
5 subdivisions of the State. The board shall have the power to
6 formulate policy[~~7~~] and to exercise control over the university
7 through its executive officer, the president of the university,
8 who shall be appointed by the board. The board shall also have
9 exclusive jurisdiction over the internal structure,
10 management[~~7~~] and operation of the university. This section
11 shall not limit the power of the legislature to enact laws of
12 statewide concern. The legislature shall have the exclusive
13 jurisdiction to identify laws of statewide concern."

14 SECTION 6. The question to be printed on the ballot shall
15 be as follows:

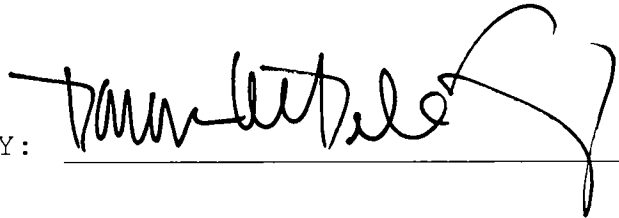
16 "Shall the community colleges of the State of Hawaii be
17 administered as a separate Hawaii Community College System,
18 which shall be independent from the University of Hawaii
19 and administered by a separate board of regents?"



1 SECTION 7. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

4 SECTION 8. This amendment shall take effect upon
5 compliance with article XVII, section 3, of the Constitution of
6 the State of Hawaii.

7
INTRODUCED BY:





S.B. NO. 3354

Report Title:

Constitutional Amendment; UH; Community Colleges;
Administration; Hawaii Community College System

Description:

Proposes an amendment to the State Constitution to create a Hawaii Community College System to administer the State's community colleges. Provides for the Hawaii Community College System to be independent from the University of Hawaii and to be governed by an independent board of regents.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

