

Honolulu, Hawaii

FEB 1 5 2022

S.B. No. 3277 RE: S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred S.B. No. 3277 entitled:

"A BILL FOR AN ACT RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the President of the University of Hawaii System from serving concurrently as a campus chancellor.

Your Committee received testimony in support of this measure from the Hawaii Regional Council of Carpenters and two individuals. Your Committee received testimony in opposition to this measure from the University of Hawai'i System.

Your Committee finds that it is a matter of statewide concern that the President of the University of Hawaii System serves simultaneously as the chancellor of the University of Hawaii at Manoa. The combination of both chancellor and system president leads to inevitable conflicts of interest. While a 2015 report prepared by the Western Interstate Commission for Higher Education supported maintaining two distinct and separate positions, the president of the University of Hawaii served as interim chancellor of the University of Hawaii at Manoa until the position was abolished to transition into the newly-established provost position in 2019. To address concerns regarding simultaneous



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service as both chancellor of a University of Hawaii campus and as president of the University of Hawaii, this measure prohibits simultaneous service in both roles.

Your Committee also received testimony from the Hawaii Regional Council of Carpenters, which raised concerns about the president of the university also simultaneously serving as the chief procurement officer. Your Committee further finds that this is also problematic and warrants addressing as the chief procurement officer's role is to comply with the complexities of the procurement code, while the president has other obligations and duties that may not allow for the attention and focus required for such detailed compliance oversight.

Your Committee therefore has amended this measure by:

- Inserting proposed language to prohibit the president of the University of Hawaii from simultaneously serving as the chief procurement officer for the university; and
- (2) Amending section 1 to reflect its amended purpose.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3277, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3277, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Higher Education,

Amare Mercado Kin

DONNA MERCADO KIM, Chair



The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Higher Education HRE

	Committee Referral: Date: HRE, JDC 2-8-22			
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Ауе	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)				
KIDANI, Michelle N. (VC)				
KEITH-AGARAN, Gilbert S.C.		ļ		· · · · · · · · · · · · · · · · · · ·
WAKAI, Glenn			· · · · · · · · · · · · · · · · · · ·	
FEVELLA, Kurt		<u> </u>		· · · ·
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TOTAL	5			
Recommendation: Adopted Not Adopted				
Chair's or Designee's Signature: Muhelle Aldani				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only <u>one</u> measure per Record of Votes