

JAN 23 2025

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# A BILL FOR AN ACT

RELATING TO THE BOARD OF REGENTS.

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

1           SECTION 1. The legislature finds that appointing a  
2 university employee to the board of regents may create a  
3 conflict of interest, as an employee may have personal or  
4 departmental interests that could raise ethical concerns,  
5 compromise the impartiality of decisions made by the board of  
6 regents, and erode the public's trust in the governance of the  
7 university. An employee serving on the board of regents may  
8 have, or create the perception of having, divided loyalties and  
9 prioritize their department's interests over the broader needs  
10 of the university, thus undermining the board's responsibility  
11 to act in the best interest of the institution. Furthermore,  
12 the dual roles of employee and regent could lead to confusion  
13 regarding duties and responsibilities, hindering effective  
14 decision-making.

15           The legislature further finds that prohibiting individuals  
16 who are employees of the university of Hawaii from serving on  
17 the board of regents ensures impartial governance, objective



1 decision-making, prevents potential conflicts of interest, and  
2 maintains public trust in the university of Hawaii's leadership.

3 The legislature also finds that prohibiting active  
4 employees of the university of Hawaii and the research  
5 corporation of the university of Hawaii from serving on the  
6 board of regents is a matter of statewide concern pursuant to  
7 article X, section 6, of the Hawaii State Constitution.

8 Therefore, the purpose of this Act is to ensure that only  
9 individuals without a current employment relationship with the  
10 university of Hawaii shall be eligible for appointment to the  
11 board of regents.

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

14 "(a) The affairs of the university shall be under the  
15 general management and control of the board of regents. The  
16 board shall consist of eleven members who shall be appointed by  
17 the governor from lists of qualified candidates presented to the  
18 governor by the candidate advisory council, pursuant to section  
19 304A-104.6, and shall be confirmed by the senate; provided that  
20 if the list of qualified candidates includes fewer than three  
21 candidates at any time during the nomination and confirmation



1 process, the governor may request that the candidate advisory  
2 council reopen recruitment for qualified candidates. Members  
3 may be removed by the governor. No active employee of the  
4 university or the research corporation of the university of  
5 Hawaii shall be eligible for appointment to the board of  
6 regents. Except as otherwise provided by law, state officers  
7 shall be eligible for appointment and membership.

8       The term of each member shall be five years, except as  
9 provided for the initial appointment in section 26-11; provided  
10 that the term of the student member shall be two years. Every  
11 member may serve beyond the expiration date of the member's term  
12 of appointment as a holdover member until the member's successor  
13 has been appointed by the governor and confirmed by the senate  
14 in accordance with article X, section 6 of the Hawaii State  
15 Constitution; provided that, notwithstanding any law to the  
16 contrary, a holdover member shall not serve as a member of the  
17 board beyond the end of the first regular session of the  
18 legislature following the expiration of the member's term.  
19 Members shall serve no more than two consecutive five-year  
20 terms; provided that the members who are initially appointed to  
21 terms of two years or less pursuant to section 26-11(a) may be



1 reappointed to two ensuing five-year terms. If a member is to  
2 be appointed to a second term of five years, the senate shall  
3 consider the question of whether to reconfirm the member at  
4 least one hundred twenty days prior to the conclusion of a  
5 member's first five-year term; provided that if the senate is  
6 not in session within one hundred twenty days prior to the  
7 conclusion of the member's first five-year term, the member  
8 shall continue to serve until the senate convenes for the next  
9 regular session or the next special session for which the senate  
10 is authorized to consider the question of reconfirmation."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Amor Mercado K.*



# S.B. NO. 1254

**Report Title:**

UH; BOR; RCUH; Membership; Qualifications

**Description:**

Prohibits active employees of the University of Hawaii and the Research Corporation of the University of Hawaii from serving on the 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.*

