
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 PART I

2 SECTION 1. The legislature finds that in accordance with
3 article X, section 6, of the Hawaii State Constitution, this Act
4 involves a matter of statewide concern.

5 PART II

6 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
7 amended by adding two new sections to part I to be appropriately
8 designated and to read as follows:

9 "§304A- Open meeting exemption; strategic planning
10 retreats. (a) Notwithstanding any law to the contrary, one
11 strategic planning retreat undertaken by the board of regents
12 per year shall be exempt from part I of chapter 92; provided
13 that:

- 14 (1) No decision-making takes place;
15 (2) The retreat is not convened for the purpose of
16 discussing specific board of regents business
17 requiring action;



- 1 (3) Materials presented at the retreat are made publicly
2 available; and
- 3 (4) Attendance and a brief description of purpose are
4 publicly noticed.

5 §304A- Annual report. The board of regents, in
6 collaboration with the candidate advisory council when
7 applicable, shall submit an annual report to the legislature no
8 later than twenty days prior to the convening of each regular
9 session, describing:

- 10 (1) Completion of training requirements pursuant to
11 section 304A-104(c);
- 12 (2) Compliance with membership qualifications pursuant to
13 section 304A-104.6(c);
- 14 (3) Any additional professional development undertaken by
15 any members of the board of regents; and
- 16 (4) Any recommendations for improving governance of the
17 board of regents."

18 SECTION 3. Section 304A-104, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§304A-104 Regents; appointment; tenure; qualifications;**
21 **meetings.** (a) The affairs of the university shall be under the



1 general management and control of the board of regents. The
2 board shall consist of eleven members who shall be appointed by
3 the governor from lists of qualified candidates presented to the
4 governor by the candidate advisory council, pursuant to section
5 304A-104.6, and shall be confirmed by the senate; provided that
6 if the list of qualified candidates includes fewer than three
7 candidates at any time during the nomination and confirmation
8 process, the governor may request that the candidate advisory
9 council reopen recruitment for qualified candidates. Members
10 may be removed by the governor. Except as otherwise provided by
11 law, state officers shall be eligible for appointment and
12 membership.

13 The term of each member shall be five years, except as
14 provided for the initial appointment in section 26-11; provided
15 that the term of the student member shall be two years. Every
16 member may serve beyond the expiration date of the member's term
17 of appointment as a holdover member until the member's successor
18 has been appointed by the governor and confirmed by the senate
19 in accordance with article X, section 6, of the Hawaii State
20 Constitution; provided that, notwithstanding any law to the
21 contrary, a holdover member shall not serve as a member of the



1 board beyond the end of the first regular session of the
2 legislature following the expiration of the member's term.
3 Members shall serve no more than two consecutive five-year
4 terms; provided that the members who are initially appointed to
5 terms of two years or less pursuant to section 26-11(a) may be
6 reappointed to two ensuing five-year terms. If a member is to
7 be appointed to a second term of five years, the senate shall
8 consider the question of whether to reconfirm the member at
9 least one hundred twenty days [~~prior to~~] before the conclusion
10 of a member's first five-year term; provided that if the senate
11 is not in session within one hundred twenty days [~~prior to~~]
12 before the conclusion of the member's first five-year term, the
13 member shall continue to serve until the senate convenes for the
14 next regular session or the next special session for which the
15 senate is authorized to consider the question of reconfirmation.

16 (b) In determining whether to confirm the governor's
17 nominee to the board of regents, the senate shall consider the
18 combination of abilities, breadth of experiences, and
19 characteristics of the board of regents, as a whole, that will
20 best serve the diverse interests and needs of the students of
21 the university system and assist the university system in



1 achieving its strategic goals and performance indicators. The
2 senate shall consider whether the board reflects the diversity
3 of the student population, the various counties of the State,
4 and a broad representation of higher education-related
5 stakeholders.

6 (c) Within twelve months of confirmation to the board of
7 regents, and every two years thereafter, each member of the
8 board of regents shall attend a governance training. The
9 governance training shall, at a minimum, cover the following
10 subject matters:

- 11 (1) Fiduciary duties;
12 (2) Accreditation and academic quality;
13 (3) Budgeting and finance;
14 (4) Open meeting requirements, pursuant to chapter 92;
15 (5) Uniform information practices, pursuant to chapter
16 92F; and
17 (6) Systemwide planning and governance.

18 ~~(e)~~ (d) At its first meeting after June 30 of each year,
19 the board of regents shall elect a chairperson and one or more
20 vice-chairpersons who shall serve until the adjournment of the
21 first meeting of the board of regents after June 30 of the next



1 year, or thereafter until their successors are elected; provided
2 that the chairperson and vice chairpersons shall not be elected
3 [~~prior to~~] before the taking of office of regents whose terms
4 [~~shall~~] begin on July 1 of that year. The board shall appoint a
5 secretary, who shall not be a member of the board. The
6 president of the university shall act as executive officer of
7 the board. A majority of the board of regents shall constitute
8 a quorum to conduct business, and the concurrence of a majority
9 of all the members to which the board of regents is entitled
10 shall be necessary to make any action of the board of regents
11 valid. The board shall meet at least ten times annually and,
12 from time to time, may meet in each of the counties of Hawaii,
13 Maui, and Kauai.

14 [~~(d)~~] (e) The governor shall notify the candidate advisory
15 council for the board of regents of the [~~University~~] university
16 of Hawaii in writing within ten days of receiving notification
17 that a member of the board of regents is resigning or has died,
18 or is being removed by the governor.

19 [~~(e)~~] (f) The members of the board of regents shall serve
20 without pay but shall be entitled to their travel expenses



1 within the State when attending meetings of the board or when
2 actually engaged in business relating to the work of the board."

3 SECTION 4. Section 304A-104.6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§304A-104.6[+] **Candidate advisory council for the**
6 **board of regents of the [University] university of Hawaii.** (a)

7 The candidate advisory council for the board of regents of the
8 [University] university of Hawaii shall recruit, evaluate, and
9 present to the governor qualified candidates for nomination to a
10 vacant seat on the board of regents. The candidate advisory
11 council shall be attached to the [University] university of
12 Hawaii for administrative purposes.

13 (b) The candidate advisory council shall:

14 (1) Develop and implement a fair and independent procedure
15 for evaluating candidates to serve on the board of
16 regents;

17 (2) Require candidates and members of their immediate
18 families to disclose any existing or anticipated
19 contracts or financial transactions with the
20 [University] university of Hawaii;



- 1 (3) Actively solicit and accept applications from
2 potential candidates;
- 3 (4) Evaluate candidates for the board of regents on their
4 background, experience, and potential for discharging
5 the responsibilities of a member of the board of
6 regents, based upon the qualifications imposed by the
7 Hawaii State Constitution; and
- 8 (5) Present a list of at least three candidates to the
9 governor for nomination and appointment for each
10 vacant seat on the board of regents of the
11 [University] university of Hawaii.
- 12 (c) The candidate advisory council shall ensure that all
13 candidates presented to the governor for nomination:
- 14 (1) Have experience in at least one of the following
15 areas:
- 16 (A) Higher education administration, accreditation,
17 or academic governance;
- 18 (B) Finance, auditing, budgeting, or public fiscal
19 oversight;
- 20 (C) Large-scale organizational management or public
21 sector governance;



1 (D) Native Hawaiian education, culture, or policy; or

2 (E) Statewide policy leadership, community

3 leadership, or another field relevant to the

4 university of Hawaii's mission; and

5 (2) Are not registered lobbyists at the time of nomination

6 and have not lobbied on matters pertaining to the

7 university of Hawaii in the twelve months before the

8 nomination.

9 [~~e~~] (d) The candidate advisory council shall initiate the
10 recruitment and evaluation of candidates for each vacancy on the
11 board of regents within:

12 (1) Sixty days of a vacancy; or

13 (2) At least one hundred twenty days [~~prior to~~] before the
14 expiration of a regent's term.

15 [~~d~~] (e) To provide continuity for the board of regents,
16 the governor may recommend to the candidate advisory council the
17 reappointment of a member of the board of regents, subject to
18 the advice and consent of the senate.

19 [~~e~~] (f) The candidate advisory council shall consist of
20 seven voting members to be appointed without regard to section
21 26-34 as follows:



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

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

5 (3) Five members who shall be appointed by the governor.

6 A member of the Association of Emeritus Regents of the
7 University of Hawaii, appointed by the chair of the Association
8 of Emeritus Regents of the University of Hawaii, shall serve as
9 an ex officio, nonvoting member of the candidate advisory
10 council, for a term not to exceed two years; provided that the
11 appointment shall run concurrently with the term of the
12 appointing chair.

13 The president of the senate, speaker of the house of
14 representatives, and governor are encouraged to appoint full-
15 time students of the university, university faculty, university
16 staff, or university alumni to the candidate advisory council;
17 provided that if a full-time student is appointed to the
18 candidate advisory council, the student shall have been enrolled
19 as a full-time student for at least three consecutive semesters
20 and shall serve for a term of two years.



1 [~~(f)~~] (g) Voting members of the candidate advisory council
2 shall serve for the following terms:

3 (1) Those appointed by the president of the senate and
4 speaker of the house of representatives shall serve
5 for a term of four years; and

6 (2) Those appointed by the governor shall serve for a term
7 of four years; provided that such appointments shall
8 run concurrently with the term of the appointing
9 governor.

10 [~~(g)~~] (h) Appointees to the candidate advisory council shall
11 have a general understanding of the purposes of higher
12 education, the mission and strategic goals of the [~~University~~]
13 university of Hawaii system, and the role and responsibilities
14 of the board of regents. Appointees shall be individuals who
15 are widely viewed as having placed the broad public interest
16 ahead of special interests, are respected by the community, and
17 are highly qualified to recruit and evaluate candidates for the
18 governor's consideration.

19 [~~(h)~~] (i) Any member of the candidate advisory council whose
20 term has expired may continue in office as a holdover member
21 until a successor is appointed; provided that a holdover member



1 shall not hold office for more than six months following the
2 expiration of the member's term of office.

3 ~~[(i)]~~ (j) A vacancy occurring in the membership of the
4 candidate advisory council during a term shall be filled for the
5 remainder of the unexpired term thereof by the appointing
6 authority who appointed the member who creates the vacancy.

7 ~~[(j)]~~ (k) The candidate advisory council shall operate in a
8 wholly nonpartisan manner. No member of the candidate advisory
9 council shall run for or hold any elected office of the State or
10 any of its political subdivisions while serving on the candidate
11 advisory council. A member of the candidate advisory council
12 shall resign from the candidate advisory council ~~[prior to]~~
13 before filing nomination papers for an elected office of the
14 State or any of its political subdivisions.

15 ~~[(k)]~~ (l) The chairperson of the candidate advisory council
16 shall be elected by a majority of the voting members of the
17 candidate advisory council. A majority of the members to which
18 the candidate advisory council is entitled shall constitute a
19 quorum to conduct business. The concurrence of a majority of
20 the voting members of the candidate advisory council shall be
21 necessary to make any action of the candidate advisory council



1 valid. The candidate advisory council shall meet annually and
2 at other times as necessary. The candidate advisory council
3 shall be exempt from part I of chapter 92.

4 [~~(1)~~] (m) Members of the candidate advisory council shall
5 serve without compensation but shall be reimbursed for expenses,
6 including travel expenses, necessary for the performance of
7 their duties."

8 SECTION 5. Notwithstanding any law to the contrary, all
9 members of the university of Hawaii board of regents who are
10 members on the effective date of this Act shall successfully
11 complete the governance training required by section 3 of this
12 Act within six months following the effective date of this Act
13 and at least once every two years thereafter.

14 PART III

15 SECTION 6. Section 84-17, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) The financial disclosure statements of the following
18 persons shall be public records and available for inspection and
19 duplication:

20 (1) The governor, lieutenant governor, members of the
21 legislature, candidates for and delegates to the



- 1 constitutional convention, trustees of the office of
2 Hawaiian affairs, and candidates for state elective
3 offices;
- 4 (2) The directors of the state departments and their
5 deputies, regardless of the titles by which the
6 foregoing persons are designated; provided that with
7 respect to the department of the attorney general, the
8 foregoing shall apply only to the attorney general and
9 the first deputy attorney general;
- 10 (3) The administrative director of the State;
- 11 (4) The president, vice presidents, assistant vice
12 presidents, chancellors, [~~members of the board of~~
13 ~~regents,~~] and provosts of the [~~University~~] university
14 of Hawaii;
- 15 (5) The members of the board of education, superintendent,
16 deputy superintendent, state librarian, and deputy
17 state librarian of the department of education;
- 18 (6) The administrative director and deputy director of the
19 courts;
- 20 (7) The administrator and assistant administrator of the
21 office of Hawaiian affairs; and



- 1 (8) The members of the following state boards,
2 commissions, and agencies:
- 3 (A) The board of directors of the agribusiness
4 development corporation established under section
5 163D-3;
- 6 (B) The board of agriculture and biosecurity
7 established under section 26-16;
- 8 (C) The state ethics commission established under
9 section 84-21;
- 10 (D) The Hawaii community development authority
11 established under section 206E-3;
- 12 (E) The Hawaiian homes commission established under
13 the Hawaiian Homes Commission Act of 1920, as
14 amended, and section 26-17;
- 15 (F) The board of directors of the Hawaii housing
16 finance and development corporation established
17 under section 201H-3;
- 18 (G) The board of land and natural resources
19 established under section 171-4;
- 20 (H) The state land use commission established under
21 section 205-1;



- 1 (I) The legacy land conservation commission
2 established under section 173A-2.4;
- 3 (J) The natural area reserves system commission
4 established under section 195-6;
- 5 (K) The board of directors of the natural energy
6 laboratory of Hawaii authority established under
7 section 227D-2;
- 8 (L) The board of directors of the Hawaii public
9 housing authority established under section 356D-
10 3;
- 11 (M) The public utilities commission established under
12 section 269-2;
- 13 (N) The commission on water resource management
14 established under section 174C-7; and
- 15 (O) The stadium authority established under section
16 109-1."

17 PART IV

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Board of Regents of the University of Hawaii; Strategic Planning Retreats; Open Meetings; Exemption; Candidate Advisory Council; Nominations; Reporting

Description:

Exempts one strategic planning retreat of the Board of Regents of the University of Hawaii per year from open meeting requirements if certain conditions are met. Requires members of the Board of Regents to complete a governance training and attend the training at least once every two years thereafter. Requires the Candidate Advisory Council to ensure that all candidates presented to the Governor for nomination have certain subject matter experience and are not registered lobbyists who have lobbied on matters pertaining to the University of Hawaii. Exempts the financial disclosures of the Board of Regents as mandated by the State Ethics Code from being made public. Requires the Board of Regents, in collaboration with the Candidate Advisory Council, to submit annual reports to the Legislature. Effective 7/1/3000. (HD2)

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