

ACT 50

S.B. NO. 1386

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:*

SECTION 1. Section 304A-104, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

~~“(b) At [its first meeting after June 30,] a meeting preceding July 1 of each year, the board of regents shall elect a chairperson and [vice-chairperson, who shall serve until adjournment of its first meeting after] up to two vice-chairpersons whose terms shall be from July 1 to June 30 of the next year or thereafter until their successors are [appointed.] elected. The board shall appoint a secretary, who shall not be a member of the board. The president of the university shall act as executive officer of the board. [From May 1, 2007 and until such time that the board of regents has at least fourteen members, seven members of the board of regents shall constitute a quorum to conduct business, and the concurrence of at least seven members of the board of regents shall be necessary to make any action of the board of regents valid; provided that upon filling at least fourteen of the fifteen board of regents seats required under subsection (a), a] A~~ majority of the board of regents shall constitute a quorum to conduct business, and the concurrence of a majority of all the members to which the board of regents is entitled shall be necessary to make any action of the board of regents valid. The board shall meet at least ten times annually and, from time to time, may meet in each of the counties of Hawaii, Maui, and Kauai.”

SECTION 2. Section 304A-104.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

~~“(b) Except as provided in subsection (c), [within sixty days of convening its first meeting, the regents candidate advisory council shall present no fewer than two and no more than four qualified candidates to the governor for each vacant seat on the board of regents that has arisen due to resignation, death, or removal by the governor; provided that for all subsequent presentations to the governor,] the regents candidate advisory council shall present no fewer than two and no more than four qualified candidates for each seat on the board of regents to the governor within:~~

(1) Sixty days of a vacancy that arises by resignation, death, or removal by the governor; or

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

The regents candidate advisory council shall be deemed to have fulfilled its obligation under this section upon presentation of the names of the minimum num-

ber of candidates required to be presented for each seat or seats on the board of regents.”

2. By amending subsections (f) and (g) to read:

“(f) The regents candidate advisory council shall consist of seven members to be appointed without regard to section 26-34 as follows:

- (1) One member shall be appointed by the president of the senate;
- (2) One member shall be appointed by the speaker of the house of representatives;
- (3) One member shall be appointed by the governor;
- (4) One member shall be appointed by one of the co-chairs of the All Campus Council of Faculty Senate Chairs of the University of Hawaii[; provided that beginning on July 1, 2010, a]. A person may not be appointed as a member of the regents candidate advisory council under this paragraph, if within the five years immediately preceding that appointment, the person served on the All Campus Council of Faculty Senate Chairs of the University of Hawaii;
- (5) One member shall be appointed by the chairperson of the Executive Council of the University of Hawaii Student Caucus[; provided that beginning on July 1, 2010, a]. A person may not be appointed as a member of the regents candidate advisory council under this paragraph, if within one year immediately preceding that appointment, the person served on the Executive Council of the University of Hawaii Student Caucus;
- (6) One member shall be appointed by the chairperson of the Association of Emeritus Regents; and
- (7) One member shall be appointed by the president of the University of Hawaii Alumni Association;

provided that members appointed under paragraphs (4) to (7) shall be selected from the general public and may include members of the constituencies represented; provided further that each appointee satisfies the requirements for appointment provided in this subsection.

The regents candidate advisory council shall be selected in a wholly non-partisan manner. [If any member has not been appointed within one hundred eighty days of May 1, 2007, the sitting members on the regents candidate advisory council shall make an interim appointment to fill the vacant seat. The interim appointee shall satisfy the requirements for appointment provided in this subsection and shall serve until the time when the appropriate appointing authority makes an appointment for the vacant seat as provided in this subsection.] Appointees to the regents candidate advisory council shall have a general understanding of the purposes of higher education, the mission of the University of Hawaii system, and the responsibilities of the board of regents. Appointees shall be individuals who are widely viewed as having placed the broad public interest ahead of special interests, having achieved a high level of prominence in their respective professions, and being respected members of the community.

(g) Members of the regents candidate advisory council shall serve four-year terms[; provided that the three members initially appointed by the governor, the president of the senate, and the speaker of the house of representatives shall serve for terms of two years; provided further that terms for appointments of the initial members of the regents candidate advisory council shall be deemed to begin on July 1, 2007, regardless of the actual date of appointment].”

3. By amending subsection (j) to read:

“(j) [The regents candidate advisory council shall convene its first meeting on or after thirty one days from May 1, 2007; provided that, if thirty days after May 1, 2007, all the members to which the regents candidate advisory

~~council is entitled have not yet been appointed, the regents candidate advisory council shall convene its first meeting upon the appointment of a majority of its members.]~~ The members of the regents candidate advisory council shall choose a chairperson from among themselves. A majority of all the members to which the regents candidate advisory council is entitled shall constitute a quorum to conduct business. The concurrence of a majority of all the members to which the regents candidate advisory council is entitled shall be necessary to make any action of the regents candidate advisory council valid. The regents candidate advisory council shall meet annually and at other times as necessary. The regents candidate advisory council shall be exempt from part I of chapter 92.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved May 6, 2011.)