H.B. NO. 3119

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

SECTION 1. Act 56, Session Laws of Hawaii 2007, established a candidate advisory council for the board of regents of the University of Hawaii in conformity with the amendment to article X, section 6 of the Hawaii State Constitution, ratified by the voters on November 7, 2006. The purposes of this Act are to:

(1) Require the submission of candidates within sixty days following notification from the governor of a vacancy due to resignation, death, or removal by the governor;

(2) Require that the council submit the names of candidates to the governor;

(3) Make confidential all candidate advisory council information before and after decision-making; and

(4) Require that the candidate reside in the geographic area they represent.

SECTION 2. Section 26-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The University of Hawaii shall be headed by an executive board to be known as the board of regents.

The board shall consist of fifteen members. At least one member shall be a University of Hawaii student at the time of the initial appointment. This member may be reappointed for one additional term even though the member may no longer be a student at the time of reappointment. The governor shall reduce the terms of those initially appointed to each seat on the board of regents to provide, as far as practicable, for the expiration of three terms each year; provided that the term of the student member shall not be reduced.

At least twelve members, except for the student member, shall represent <u>and reside in</u> the specified geographic areas as follows:

(1) Two members from the county of Hawaii;

(2) Two members from the county of Maui;

(3) One member from the county of Kauai; and

(4) Seven members from the city and county of Honolulu.

The board shall have the power, in accordance with the Constitution of the State and with law, to formulate policy and to exercise control over the university through its executive officer, the president of the university. The board shall have

exclusive jurisdiction over the internal organization and management of the university."

SECTION 3. Section 304A-104.5, Hawaii Revised Statutes is amended to read as follows:

"[~~[~~]§304A-104.5[~~] Candidate~~] Regents candidate advisory council for the board of regents of the University of Hawaii. (a) There is established the regents candidate advisory council for the board of regents of the University of Hawaii to present to the governor pools of qualified candidates from which the members of the board of regents shall be nominated and, by and with the consent of the senate, appointed by the governor. The regents candidate advisory council shall establish the criteria for qualifying, screening, and presenting to the governor candidates for membership on the board of regents. The regents candidate advisory council shall be attached to the University of Hawaii for administrative purposes.

(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 candidates for each seat on the board of regents to the governor within:

(1) [~~Thirty~~] Sixty days following notification from the governor 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.

(c) When there are multiple seats vacant within the same county or within the at-large membership, the regents candidate advisory council shall present candidates for seats on the board of regents to the governor as follows:

(1) For two seats from the same county or two at-large seats, no fewer than four and no more than six candidates;

(2) For three seats from the same county, no fewer than five and no more than eight candidates; and

(3) For more than three seats, the regents candidate advisory council shall determine appropriate minimum numbers of candidates, which shall provide for at

least three candidates for the final seat, and maximum numbers of candidates.

(d) In making its presentations, the regents candidate advisory council shall:

(1) Develop a statement that includes the selection criteria to be applied and a description of the responsibilities and duties of a member of the board of regents and distribute this statement to potential candidates;

(2) Screen and qualify candidates for each position on the board of regents based on their background, experience, and potential for discharging the responsibilities of a member of the board of regents;

(3) Publicly advertise pending vacancies and actively solicit and accept applications from potential candidates;

(4) Develop and implement a fair, independent, and nonpartisan procedure for selecting candidates to serve on the board of regents; and

(5) Require each candidate to disclose any existing or anticipated contracts with the University of Hawaii or

any existing or anticipated financial transactions with the University of Hawaii.

Upon submission of the names of candidates to the governor, [~~presentations of~~] the regents candidate advisory council shall [~~be made~~] make available the names of candidates to the public [~~by~~] through the University of Hawaii.

(e) For each board seat to be filled, the governor shall select one nominee from among the candidates submitted by the regents candidate advisory [~~council's presentations.~~] council.

(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;

(5) One member shall be appointed by the chairperson of 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, except that individuals who are or have served as members of the executive councils or boards for the organizations under paragraphs (4) and (5) within the last five years immediately preceding the establishment or a vacancy on the regents candidate advisory council for which the persons may be qualified to fill shall not be eligible to serve as members of the regents candidate advisory council.

The regents candidate advisory council shall be selected in a wholly nonpartisan manner. If any member has not been appointed within one hundred eighty days of [~~the~~] 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.

(h) If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the person's predecessor. The person appointed to fill a vacancy shall serve for the remainder of the term of the person's predecessor.

(i) The regents candidate advisory council shall operate in a wholly nonpartisan manner. No individual, while a member of the regents candidate advisory council, shall run for or hold any elected office under the United States or the State or any of its political subdivisions.

(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.

(k) Members of the regents candidate advisory council shall serve without compensation but shall be reimbursed for expenses, including travel, board, and lodging expenses, necessary for the performance of their duties.

(l) Any law to the contrary notwithstanding, all regents candidate advisory council information shall be confidential, including without limitations all council information obtained, reviewed, or considered before and after council decision-making. Confidential regents candidate advisory council information shall include information and data that are not of public record, including, without limitation, personal and financial information; the names of applicants; applications and the personal, financial, and other information contained therein submitted by the applicants to the regents candidate advisory council; interviews; schedules; reports; studies; background checks; credit reports; and surveys and reports prepared for or on the regents candidate advisory council's behalf; the results

of any evaluations or assessments conducted by the regents candidate advisory council; the substance and details of any discussions with regents candidate advisory council members; and the substance and details of discussions and deliberations of the regents candidate advisory council and any of its committees during meetings."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

H.B. NO. 3119

Report Title:
Candidate Advisory Council; University of Hawaii

Description:
Amends the requirements for the candidate advisory council which screens and proposes candidates for appointment to the Board of Regents of the University of Hawaii to allow background checks and geographic representation and extends from 30 to 60 days the period to submit candidate names.

HB 3119

JUSTIFICATION SHEET

DEPARTMENT: University of Hawaii

TITLE: A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.

PURPOSE: The purpose of this bill is to amend the requirements for the candidate advisory council for the Board of Regents, which screens and proposes candidates for appointment to the Board of Regents of the University of Hawaii. This bill also amends the title of the section to clarify the role and responsibility of this council, to read: "Regents candidate advisory council."

MEANS: Amend sections 26-11(a) and 304-104.5, Hawaii Revised Statutes.

JUSTIFICATION: This bill would clarify that the candidates for the Board of Regents need to reside in the geographical location that they represent. It amends the length of time (from thirty to sixty days) that the Regents candidate advisory council has to submit to the Governor names of candidates for specific seats following notification from the governor of a vacancy due to resignation, death, or removal by the governor.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: UOH 900

OTHER AFFECTED AGENCIES: Office of the Governor

HB 3119

EFFECTIVE DATE: Upon approval.