A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

SECTION 1. The legislature finds that while the candidate
advisory council for the board of regents of the University of
Hawaii has fielded many outstanding appointees to the board,
substantive concerns have been raised as to the selection
process. Since the passage of Act 56, Session Laws of Hawaii
2007, to implement the amendments to article X, section 6 of the
Hawaii State Constitution, the legislature is aware of a number
of issues resulting from the new method of regent selection,
which has hampered the work of the regents candidate advisory
council and led to questions regarding the final selection of
appointees during the Senate confirmation process.

Especially on the heels of the 2011 board of education
appointment process, the legislature can clearly see the
potential value in granting the governor the authority to select
and appoint regents on the basis of how each regent's individual
strengths will add to and complement the overall board of
regents. It has become evidently clear that no governor will be
able to adequately select nominees to the board of regents
unless the governor has more control and involvement in the
recruitment and selection process. The legislature believes
that the time has come to reassess and seriously consider making
significant changes to the form and function of the regents
candidate advisory council.

The purpose of this Act is to reconstitute the form and
processes of the candidate advisory council to maximize the
governor's ability to appoint qualified and able individuals to
serve as members of the board of regents and effectively lead
the University of Hawaii.

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
amended by adding a new section to part I to be appropriately
designated and to read as follows:

"§304A- Candidate advisory council for the board of
regents of the University of Hawaii. (a) The candidate
advisory council for the board of regents of the University of
Hawaii shall recruit, rate, and present pools of at least three
qualified candidates to the governor whenever an appointment to
the board of regents needs to be made. The candidate advisory
council shall be placed in the office of the governor for
administrative purposes.

(b) The candidate advisory council shall:
Develop and implement a fair and independent procedure for rating candidates to serve on the board of regents;

Require candidates and members of their immediate family to disclose any existing or anticipated contracts with the University of Hawaii, any existing or anticipated financial transactions with the University of Hawaii, and any family relationships with University of Hawaii employees;

Actively solicit and accept applications from candidates;

Rate candidates for the board of regents based on the qualifications imposed by the state constitution on their backgrounds, experience, and potential for discharging the responsibilities of a member of the board of regents; and

Present a pool of at least three candidates to the governor for nomination and appointment to the board of regents of the University of Hawaii.

(c) The candidate advisory council shall initiate the recruitment and rating of candidates for each vacancy on the board of regents within:
(1) Thirty days of a vacancy; or

(2) At least one hundred twenty days prior to the expiration of a term.

(d) In order to provide continuity for the board of regents, the governor may recommend to the candidate advisory council the reappointment of board of regents members, subject to senate confirmation.

(e) The candidate advisory council shall consist of five members to be appointed by the governor without regard to section 26-34, and one non-voting ex officio member who shall be the most recent emeritus chair of the board of regents.

Appointees to the candidate advisory council shall have a general understanding of the purposes of higher education, the mission and strategic goals of the University of Hawaii system, and the role and 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, have achieved a high level of prominence, are respected by the community, and are best qualified to thoroughly recruit and rate candidates for the governor's consideration.

(f) Members of the candidate advisory council shall serve for the duration of the term of the governor who appointed them.
(g) The candidate advisory council shall operate in a wholly nonpartisan manner. No member of the candidate advisory council shall run for or hold any elected office of the State, or its political subdivisions. Any member of the candidate advisory council who decides to run for an elected office of the State, or its political subdivisions, shall resign from the candidate advisory council prior to filing nomination papers.

(h) The governor shall appoint a chairperson. A majority of the members to which the candidate advisory council is entitled shall constitute a quorum to do business. The concurrence of a majority of all the members to which the candidate advisory council is entitled shall be necessary to make any action of the candidate advisory council valid.

(i) Members of the 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."

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

"§304A-104 Regents; appointment; tenure; qualifications; meetings. (a) The affairs of the university shall be under the general management and control of the board of regents
The board shall consist of fifteen members who shall be appointed by the governor from pools of qualified candidates presented to the governor by the candidate advisory council for the board of regents of the University of Hawaii and confirmed by the Senate; provided that if the pool of qualified candidates drops below three at any time during the nomination and confirmation process, the governor may request that the candidate advisory council reopen recruitment for qualified candidates. Members may be removed by the governor. Except as otherwise provided by law, state officers shall be eligible for appointment and membership. The term of each member shall be five years, except as provided for the initial appointment in section 26-11; provided that the term of the student member shall be two years. Every member may serve beyond the expiration date of the member's term of appointment until the member's successor has been appointed by the governor and confirmed by the Senate in accordance with article X, section 6 of the Hawaii constitution. Members shall serve no more than two consecutive five-year terms; provided that the members who are initially appointed to terms of two years or less pursuant to section 26-11(a) may be reappointed to two ensuing five-year terms. If a member is to be appointed to a second term of five
years, the senate shall consider the question of whether to reconfirm the member at least one hundred twenty days prior to the conclusion of a member’s first five-year term; provided that if the senate is not in session within one hundred twenty days prior to the conclusion of the member’s first five-year term, the member shall continue to serve until the senate convenes for the next regular session or the next special session for which the senate is authorized to consider the question of reconfirmation.

(b) In determining whether to confirm the governor’s nominees to the board of regents, the senate shall consider the combination of abilities, breadth of experiences, and characteristics of the board of regents, as a whole, that will best serve the diverse interests and needs of the students of the university system and further assist the university system in achieving its strategic goals and performance indicators. Such considerations shall include but not be limited to reflecting the diversity of the student population, geographical representation, and a broad representation of higher education-related stakeholders.

[c] At a meeting preceding July 1 of each year, the board of regents shall elect a chairperson and 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 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. 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.

(d) The governor shall notify the candidate advisory council for the board of regents of the
University of Hawaii in writing within ten days of receiving
notification that a member of the board of regents is resigning,
has died, or is being removed by the governor.

(e) The members of the board of regents shall serve
without pay but shall be entitled to their travel expenses
within the State when attending meetings of the board or when
actually engaged in business relating to the work of the board."

SECTION 4. Section 304A-104.5, Hawaii Revised Statutes, is
repealed.
§304A-104.5—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), 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 number of candidates required to be
presented for each seat or seats on the board of regents.

(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;

(5) Ensure student involvement by establishing a student
advisory group composed of:

(A) The senior student affairs officer of the
University of Hawaii system;

(B) No fewer than three student representatives from
the University of Hawaii student caucus who shall
represent, to the maximum extent possible, the
interests of the various University of Hawaii
 campuses on each island; and
(C) No fewer than three student life advisers who shall represent, to the maximum extent possible, the interests of the various University of Hawaii campuses on each island, who shall work with and assist the regents-candidate advisory council to recruit and evaluate candidates for the student member of the board of regents and make recommendations to the regents-candidate advisory council based on the qualifications of the candidates applying for the position; and

(6) 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, the regents-candidate advisory council shall make available the names of candidates to the public through the University of Hawaii.

(6) For each board seat to be filled, the governor shall select one nominee from among the candidates submitted by the regents-candidate advisory 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. 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. 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 nonpartisan manner. 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.

(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 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) Notwithstanding chapter 92F or any other law to the contrary, all information required by the regents candidate advisory council shall be confidential, including without limitation, all council information obtained, reviewed, or considered before and after council decisionmaking. Confidential regents candidate advisory council information shall include documents, data, or other information that are not of public record, including without limitation, personal 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; 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 5. The members of the candidate advisory council for the board of regents of the University of Hawaii who are serving on the effective date of this Act shall serve until the council is reconstituted by the governor's appointment of six members to the council pursuant to this Act. The governor shall appoint six members to the council no later than days after the effective date of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.
Report Title:
University of Hawaii Board of Regents; Candidate Advisory Council

Description:
Amends the form and function of the University of Hawaii regents candidate advisory council. Repeals section 304A-104.5, HRS.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.