
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

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

12 Especially on the heels of the 2011 board of education
13 appointment process, the legislature can clearly see the
14 potential value in granting the governor the authority to select
15 and appoint regents on the basis of how each regent's individual
16 strengths will add to and complement the overall board of
17 regents. It has become evidently clear that no governor will be
18 able to adequately select nominees to the board of regents



1 unless the governor has more control and involvement in the
2 recruitment and selection process. The legislature believes
3 that the time has come to reassess and seriously consider making
4 significant changes to the form and function of the regents
5 candidate advisory council.

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

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

14 **"§304A- Candidate advisory council for the board of**
15 **regents of the University of Hawaii.** (a) The candidate
16 advisory council for the board of regents of the University of
17 Hawaii shall recruit, rate, and present pools of at least three
18 qualified candidates to the governor whenever an appointment to
19 the board of regents needs to be made. The candidate advisory
20 council shall be placed in the office of the governor for
21 administrative purposes.

22 (b) The candidate advisory council shall:



- 1 (1) Develop and implement a fair and independent procedure
- 2 for rating candidates to serve on the board of
- 3 regents;
- 4 (2) Require candidates and members of their immediate
- 5 family to disclose any existing or anticipated
- 6 contracts with the University of Hawaii, any existing
- 7 or anticipated financial transactions with the
- 8 University of Hawaii, and any family relationships
- 9 with University of Hawaii employees;
- 10 (3) Actively solicit and accept applications from
- 11 candidates;
- 12 (4) Rate candidates for the board of regents based on the
- 13 qualifications imposed by the state constitution on
- 14 their backgrounds, experience, and potential for
- 15 discharging the responsibilities of a member of the
- 16 board of regents; and
- 17 (5) Present a pool of at least three candidates to the
- 18 governor for nomination and appointment to the board
- 19 of regents of the University of Hawaii.
- 20 (c) The candidate advisory council shall initiate the
- 21 recruitment and rating of candidates for each vacancy on the
- 22 board of regents within:



- 1 (1) Thirty days of a vacancy; or
- 2 (2) At least one hundred twenty days prior to the
- 3 expiration of a term.
- 4 (d) In order to provide continuity for the board of
- 5 regents, the governor may recommend to the candidate advisory
- 6 council the reappointment of board of regents members, subject
- 7 to senate confirmation.
- 8 (e) The candidate advisory council shall consist of five
- 9 members to be appointed by the governor without regard to
- 10 section 26-34, and one non-voting ex officio member who shall be
- 11 the most recent emeritus chair of the board of regents.
- 12 Appointees to the candidate advisory council shall have a
- 13 general understanding of the purposes of higher education, the
- 14 mission and strategic goals of the University of Hawaii system,
- 15 and the role and responsibilities of the board of regents.
- 16 Appointees shall be individuals who are widely viewed as having
- 17 placed the broad public interest ahead of special interests,
- 18 have achieved a high level of prominence, are respected by the
- 19 community, and are best qualified to thoroughly recruit and rate
- 20 candidates for the governor's consideration.
- 21 (f) Members of the candidate advisory council shall serve
- 22 for the duration of the term of the governor who appointed them.



1 (g) The candidate advisory council shall operate in a
2 wholly nonpartisan manner. No member of the candidate advisory
3 council shall run for or hold any elected office of the State,
4 or its political subdivisions. Any member of the candidate
5 advisory council who decides to run for an elected office of the
6 State, or its political subdivisions, shall resign from the
7 candidate advisory council prior to filing nomination papers.

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

14 (i) Members of the candidate advisory council shall serve
15 without compensation but shall be reimbursed for expenses,
16 including travel, board, and lodging expenses, necessary for the
17 performance of their duties."

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
22 general management and control of the board of regents



1 ~~[consisting]~~. The board shall consist of fifteen members who
2 shall be appointed ~~[and]~~ by the governor from pools of qualified
3 candidates presented to the governor by the candidate advisory
4 council for the board of regents of the University of Hawaii and
5 confirmed by the Senate; provided that if the pool of qualified
6 candidates drops below three at any time during the nomination
7 and confirmation process, the governor may request that the
8 candidate advisory council reopen recruitment for qualified
9 candidates. Members may be removed by the governor. Except as
10 otherwise provided by law, state officers shall be eligible for
11 appointment and membership. The term of each member shall be
12 five years, except as provided for the initial appointment in
13 section 26-11; provided that the term of the student member
14 shall be two years. Every member may serve beyond the
15 expiration date of the member's term of appointment until the
16 member's successor has been appointed by the governor and
17 confirmed by the senate in accordance with article X, section 6
18 of the Hawaii constitution. Members shall serve no more than
19 two consecutive five-year terms; provided that the members who
20 are initially appointed to terms of two years or less pursuant
21 to section 26-11(a) may be reappointed to two ensuing five-year
22 terms. If a member is to be appointed to a second term of five



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

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

21 ~~[(b)]~~ (c) At a meeting preceding July 1 of each year, the
22 board of regents shall elect a chairperson and up to two vice-



1 chairpersons whose terms shall be from July 1 to June 30 of the
 2 next year or thereafter until their successors are elected. The
 3 board shall appoint a secretary, who shall not be a member of
 4 the board. The president of the university shall act as
 5 executive officer of the board. A majority of the board of
 6 regents shall constitute a quorum to conduct business, and the
 7 concurrence of a majority of all the members to which the board
 8 of regents is entitled shall be necessary to make any action of
 9 the board of regents valid. The board shall meet at least ten
 10 times annually and, from time to time, may meet in each of the
 11 counties of Hawaii, Maui, and Kauai.

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

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

21 SECTION 4. Section 304A-104.5, Hawaii Revised Statutes, is
 22 repealed.



1 ~~["§304A-104.5 Regents candidate advisory council for the~~
2 ~~board of regents of the University of Hawaii. (a) There is~~
3 ~~established the regents candidate advisory council for the board~~
4 ~~of regents of the University of Hawaii to present to the~~
5 ~~governor pools of qualified candidates from which the members of~~
6 ~~the board of regents shall be nominated and, by and with the~~
7 ~~consent of the senate, appointed by the governor. The regents~~
8 ~~candidate advisory council shall establish the criteria for~~
9 ~~qualifying, screening, and presenting to the governor candidates~~
10 ~~for membership on the board of regents. The regents candidate~~
11 ~~advisory council shall be attached to the University of Hawaii~~
12 ~~for administrative purposes.~~

13 ~~(b) Except as provided in subsection (c), the regents~~
14 ~~candidate advisory council shall present no fewer than two and~~
15 ~~no more than four qualified candidates for each seat on the~~
16 ~~board of regents to the governor within:~~

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

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

21 ~~The regents candidate advisory council shall be deemed to have~~
22 ~~fulfilled its obligation under this section upon presentation of~~



1 ~~the names of the minimum number of candidates required to be~~
2 ~~presented for each seat or seats on the board of regents.~~

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

7 ~~(1) For two seats from the same county or two at large~~
8 ~~seats, no fewer than four and no more than six~~
9 ~~candidates,~~

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

12 ~~(3) For more than three seats, the regents candidate~~
13 ~~advisory council shall determine appropriate minimum~~
14 ~~numbers of candidates, which shall provide for at~~
15 ~~least three candidates for the final seat, and maximum~~
16 ~~numbers of candidates.~~

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

19 ~~(1) Develop a statement that includes the selection~~
20 ~~criteria to be applied and a description of the~~
21 ~~responsibilities and duties of a member of the board~~



- 1 ~~of regents and distribute this statement to potential~~
- 2 ~~candidates;~~
- 3 ~~(2) Screen and qualify candidates for each position on the~~
- 4 ~~board of regents based on their background,~~
- 5 ~~experience, and potential for discharging the~~
- 6 ~~responsibilities of a member of the board of regents;~~
- 7 ~~(3) Publicly advertise pending vacancies and actively~~
- 8 ~~solicit and accept applications from potential~~
- 9 ~~candidates;~~
- 10 ~~(4) Develop and implement a fair, independent, and~~
- 11 ~~nonpartisan procedure for selecting candidates to~~
- 12 ~~serve on the board of regents;~~
- 13 ~~(5) Ensure student involvement by establishing a student~~
- 14 ~~advisory group composed of:~~
- 15 ~~(A) The senior student affairs officer of the~~
- 16 ~~University of Hawaii system;~~
- 17 ~~(B) No fewer than three student representatives from~~
- 18 ~~the University of Hawaii student caucus who shall~~
- 19 ~~represent, to the maximum extent possible, the~~
- 20 ~~interests of the various University of Hawaii~~
- 21 ~~campuses on each island; and~~



1 ~~(C) No fewer than three student life advisors who~~
2 ~~shall represent, to the maximum extent possible,~~
3 ~~the interests of the various University of Hawaii~~
4 ~~campuses on each island,~~
5 ~~who shall work with and assist the regents candidate~~
6 ~~advisory council to recruit and evaluate candidates~~
7 ~~for the student member of the board of regents and~~
8 ~~make recommendations to the regents candidate advisory~~
9 ~~council based on the qualifications of the candidates~~
10 ~~applying for the position; and~~

11 ~~(6) Require each candidate to disclose any existing or~~
12 ~~anticipated contracts with the University of Hawaii or~~
13 ~~any existing or anticipated financial transactions~~
14 ~~with the University of Hawaii.~~

15 ~~Upon submission of the names of candidates to the governor, the~~
16 ~~regents candidate advisory council shall make available the~~
17 ~~names of candidates to the public through the University of~~
18 ~~Hawaii.~~

19 ~~(e) For each board seat to be filled, the governor shall~~
20 ~~select one nominee from among the candidates submitted by the~~
21 ~~regents candidate advisory council.~~



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

4 ~~(1) One member shall be appointed by the president of the~~
5 ~~senate;~~

6 ~~(2) One member shall be appointed by the speaker of the~~
7 ~~house of representatives;~~

8 ~~(3) One member shall be appointed by the governor;~~

9 ~~(4) One member shall be appointed by one of the co-chairs~~
10 ~~of the All-Campus Council of Faculty Senate Chairs of~~
11 ~~the University of Hawaii. A person may not be~~
12 ~~appointed as a member of the regents candidate~~
13 ~~advisory council under this paragraph, if within the~~
14 ~~five years immediately preceding that appointment, the~~
15 ~~person served on the All-Campus Council of Faculty~~
16 ~~Senate Chairs of the University of Hawaii;~~

17 ~~(5) One member shall be appointed by the chairperson of~~
18 ~~the Executive Council of the University of Hawaii~~
19 ~~Student Caucus. A person may not be appointed as a~~
20 ~~member of the regents candidate advisory council under~~
21 ~~this paragraph, if within one year immediately~~
22 ~~preceding that appointment, the person served on the~~



1 ~~Executive Council of the University of Hawaii Student~~
2 ~~Caucus;~~
3 ~~(6) One member shall be appointed by the chairperson of~~
4 ~~the Association of Emeritus Regents; and~~
5 ~~(7) One member shall be appointed by the president of the~~
6 ~~University of Hawaii Alumni Association;~~
7 ~~provided that members appointed under paragraphs (4) to (7)~~
8 ~~shall be selected from the general public and may include~~
9 ~~members of the constituencies represented; provided further that~~
10 ~~each appointee satisfies the requirements for appointment~~
11 ~~provided in this subsection.~~
12 ~~The regents candidate advisory council shall be selected in~~
13 ~~a wholly nonpartisan manner. Appointees to the regents~~
14 ~~candidate advisory council shall have a general understanding of~~
15 ~~the purposes of higher education, the mission of the University~~
16 ~~of Hawaii system, and the responsibilities of the board of~~
17 ~~regents. Appointees shall be individuals who are widely viewed~~
18 ~~as having placed the broad public interest ahead of special~~
19 ~~interests, having achieved a high level of prominence in their~~
20 ~~respective professions, and being respected members of the~~
21 ~~community.~~



1 ~~(g) Members of the regents candidate advisory council~~
2 ~~shall serve four year terms.~~

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

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

13 ~~(j) The members of the regents candidate advisory council~~
14 ~~shall choose a chairperson from among themselves. A majority of~~
15 ~~all the members to which the regents candidate advisory council~~
16 ~~is entitled shall constitute a quorum to conduct business. The~~
17 ~~concurrence of a majority of all the members to which the~~
18 ~~regents candidate advisory council is entitled shall be~~
19 ~~necessary to make any action of the regents candidate advisory~~
20 ~~council valid. The regents candidate advisory council shall~~
21 ~~meet annually and at other times as necessary. The regents~~



1 ~~candidate advisory council shall be exempt from part I of~~
2 ~~chapter 92.~~

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

7 ~~(l) Notwithstanding chapter 92F or any other law to the~~
8 ~~contrary, all information required by the regents candidate~~
9 ~~advisory council shall be confidential, including without~~
10 ~~limitation, all council information obtained, reviewed, or~~
11 ~~considered before and after council decisionmaking.~~
12 ~~Confidential regents candidate advisory council information~~
13 ~~shall include documents, data, or other information that are not~~
14 ~~of public record, including without limitation, personal~~
15 ~~financial information; the names of applicants; applications and~~
16 ~~the personal, financial, and other information contained therein~~
17 ~~submitted by the applicants to the regents candidate advisory~~
18 ~~council; interviews; schedules; reports; studies; background~~
19 ~~checks; credit reports; surveys and reports prepared for or on~~
20 ~~the regents candidate advisory council's behalf; the results of~~
21 ~~any evaluations or assessments conducted by the regents~~
22 ~~candidate advisory council; the substance and details of any~~



1 ~~discussions with regents candidate advisory council members, and~~
2 ~~the substance and details of discussions and deliberations of~~
3 ~~the regents candidate advisory council and any of its committees~~
4 ~~during meetings."]~~

5 SECTION 5. The members of the candidate advisory council
6 for the board of regents of the University of Hawaii who are
7 serving on the effective date of this Act shall serve until the
8 council is reconstituted by the governor's appointment of five
9 members to the council pursuant to this Act. The governor shall
10 appoint five members to the council no later than days
11 after the effective date of this Act.

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

14 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. (SD1)

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

