
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS.

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

1 SECTION 1. The legislature finds that the composition and
2 selection of the board of regents of the University of Hawaii is
3 a matter of statewide concern.

4 The purpose of this Act is to:

- 5 (1) Amend the composition of and term limits for the board
6 of regents of the University of Hawaii;
- 7 (2) Reestablish the governor's authority to nominate and,
8 with the advice and consent of the senate, appoint the
9 members of the board of regents of the University of
10 Hawaii by repealing the candidate advisory council for
11 the board of regents of the University of Hawaii;
- 12 (3) Require the governor to fill a vacancy on the board of
13 regents within ninety days; and
- 14 (4) Require the governor to nominate new members to the
15 board of regents by January 29, 2019, and for those
16 new members who are appointed to begin serving terms
17 on March 1, 2019;



1 provided that this Act shall be implemented upon ratification of
2 the constitutional amendment to article X, section 6, of the
3 Hawaii State Constitution, repealing the candidate advisory
4 council for the board of regents.

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

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

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

19 [~~At least twelve~~] The members, except for the student
20 member[~~7~~] and the at-large member, shall represent and reside in
21 the specified geographic areas as follows:



- 1 (1) ~~[Two members]~~ One member from the county of Hawaii;
- 2 (2) ~~[Two members]~~ One member from the county of Maui;
- 3 (3) One member from the county of Kauai; and
- 4 (4) ~~[Seven]~~ Two members from the city and county of
- 5 Honolulu[-]; provided that of the two members, one
- 6 member shall represent and reside in the first
- 7 congressional district of the State and the other
- 8 member shall represent and reside in the second
- 9 congressional district of the State.

10 The student member shall be the student body president, or

11 its equivalent, from one of the various University of Hawaii

12 campuses; provided that this appointment shall rotate every two

13 years among the student body president from the University of

14 Hawaii at Manoa, University of Hawaii at Hilo, or University of

15 Hawaii West-Oahu and the student body president, or its

16 equivalent, from a campus among the University of Hawaii

17 community college system.

18 The at-large member shall have demonstrated expertise in

19 native Hawaiian traditional and customary practices, as

20 evidenced by a college degree in a relevant field such as

21 Hawaiian studies, native Hawaiian law, native Hawaiian



1 traditional and customary practices, or related subject area;
2 work history that demonstrates an appropriate level of knowledge
3 in native Hawaiian traditional and customary practices; or
4 substantial experience as a practitioner of native Hawaiian
5 traditions and customs.

6 The board shall have the power, in accordance with the
7 Hawaii constitution and with law, to formulate policy and to
8 exercise control over the university through its executive
9 officer, the president of the university. The board shall have
10 exclusive jurisdiction over the internal organization and
11 management of the university."

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

14 1. By amending subsection (a) to read:

15 "(a) The affairs of the university shall be under the
16 general management and control of the board of regents. The
17 board shall consist of [~~fifteen~~] seven members who shall be
18 [~~appointed by the governor from lists of qualified candidates~~
19 ~~presented to the governor by the candidate advisory council,~~
20 ~~pursuant to section 304A 104.6, and shall be confirmed by the~~
21 ~~senate; provided that if the list of qualified candidates~~



1 ~~includes fewer than three candidates at any time during the~~
2 ~~nomination and confirmation process, the governor may request~~
3 ~~that the candidate advisory council reopen recruitment for~~
4 ~~qualified candidates.] nominated and, by and with the advice and
5 consent of the senate, appointed by the governor. Members may
6 be removed by the governor. Except as otherwise provided by
7 law, state officers shall be eligible for appointment and
8 membership.~~

9 The term of each member shall be [~~five~~] three years, except
10 as provided for the initial appointment in section 26-11;
11 provided that the term of the student member shall be two years.
12 Every member may serve beyond the expiration date of the
13 member's term of appointment until the member's successor has
14 been appointed by the governor and confirmed by the senate in
15 accordance with article X, section 6 of the Hawaii State
16 Constitution. Members shall serve no more than two consecutive
17 [~~five-year~~] three-year terms; provided that the members who are
18 initially appointed to terms of two years or less pursuant to
19 section 26-11(a) may be reappointed to two ensuing [~~five-year~~]
20 three-year terms. If a member is to be appointed to a second
21 term of [~~five~~] three years, the senate shall consider the



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

9 2. By amending subsection (d) to read:

10 "(d) [~~The~~] Whenever any vacancy in the membership of the
11 board of regents occurs, the governor shall [notify the
12 candidate advisory council for the board of regents of the
13 University of Hawaii in writing within ten days of receiving
14 notification that a member of the board of regents is resigning
15 or has died, or is being removed by the governor.] appoint a
16 member to fill the vacancy within ninety days."

17 SECTION 4. Section 304A-104.6, Hawaii Revised Statutes, is
18 repealed.

19 ["~~§304A-104.6~~] ~~Candidate advisory council for the board~~
20 ~~of regents of the University of Hawaii.~~ (a) ~~The candidate~~
21 ~~advisory council for the board of regents of the University of~~



1 ~~Hawaii shall recruit, evaluate, and present to the governor~~
2 ~~qualified candidates for nomination to a vacant seat on the~~
3 ~~board of regents. The candidate advisory council shall be~~
4 ~~attached to the University of Hawaii for administrative~~
5 ~~purposes.~~

6 ~~(b) The candidate advisory council shall:~~

7 ~~(1) Develop and implement a fair and independent procedure~~
8 ~~for evaluating candidates to serve on the board of~~
9 ~~regents;~~

10 ~~(2) Require candidates and members of their immediate~~
11 ~~families to disclose any existing or anticipated~~
12 ~~contracts or financial transactions with the~~
13 ~~University of Hawaii;~~

14 ~~(3) Actively solicit and accept applications from~~
15 ~~potential candidates;~~

16 ~~(4) Evaluate candidates for the board of regents on their~~
17 ~~background, experience, and potential for discharging~~
18 ~~the responsibilities of a member of the board of~~
19 ~~regents, based upon the qualifications imposed by the~~
20 ~~Hawaii State Constitution; and~~



1 ~~(5) Present a list of at least three candidates to the~~
2 ~~governor for nomination and appointment for each~~
3 ~~vacant seat on the board of regents of the University~~
4 ~~of Hawaii.~~

5 ~~(c) The candidate advisory council shall initiate the~~
6 ~~recruitment and evaluation of candidates for each vacancy on the~~
7 ~~board of regents within:~~

8 ~~(1) Sixty days of a vacancy; or~~

9 ~~(2) At least one hundred twenty days prior to the~~
10 ~~expiration of a regent's term.~~

11 ~~(d) To provide continuity for the board of regents, the~~
12 ~~governor may recommend to the candidate advisory council the~~
13 ~~reappointment of a member of the board of regents, subject to~~
14 ~~the advice and consent of the senate.~~

15 ~~(e) The candidate advisory council shall consist of seven~~
16 ~~voting members to be appointed without regard to section 26-34~~
17 ~~as follows:~~

18 ~~(1) One member who shall be appointed by the president of~~
19 ~~the senate;~~

20 ~~(2) One member who shall be appointed by the speaker of~~
21 ~~the house of representatives; and~~



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

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

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

17 ~~(f) Voting members of the candidate advisory council shall~~
18 ~~serve for the following terms:~~

19 ~~(1) Those appointed by the president of the senate and~~
20 ~~speaker of the house of representatives shall serve~~
21 ~~for a term of four years; and~~



1 ~~(2) Those appointed by the governor shall serve for a term~~
2 ~~of four years; provided that such appointments shall~~
3 ~~run concurrently with the term of the appointing~~
4 ~~governor.~~

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

14 ~~(h) Any member of the candidate advisory council whose~~
15 ~~term has expired may continue in office as a holdover member~~
16 ~~until a successor is appointed; provided that a holdover member~~
17 ~~shall not hold office for more than six months following the~~
18 ~~expiration of the member's term of office.~~

19 ~~(i) A vacancy occurring in the membership of the candidate~~
20 ~~advisory council during a term shall be filled for the remainder~~



1 of the unexpired term thereof by the appointing authority who
2 appointed the member who creates the vacancy.

3 ~~(j) The candidate advisory council shall operate in a~~
4 ~~wholly nonpartisan manner. No member of the candidate advisory~~
5 ~~council shall run for or hold any elected office of the State or~~
6 ~~any of its political subdivisions while serving on the candidate~~
7 ~~advisory council. A member of the candidate advisory council~~
8 ~~shall resign from the candidate advisory council prior to filing~~
9 ~~nomination papers for an elected office of the State or any of~~
10 ~~its political subdivisions.~~

11 ~~(k) The chairperson of the candidate advisory council~~
12 ~~shall be elected by a majority of the voting members of the~~
13 ~~candidate advisory council. A majority of the members to which~~
14 ~~the candidate advisory council is entitled shall constitute a~~
15 ~~quorum to conduct business. The concurrence of a majority of~~
16 ~~the voting members of the candidate advisory council shall be~~
17 ~~necessary to make any action of the candidate advisory council~~
18 ~~valid. The candidate advisory council shall meet annually and~~
19 ~~at other times as necessary. The candidate advisory council~~
20 ~~shall be exempt from part I of chapter 92.~~



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

5 SECTION 5. The term of each existing member of the board
6 of regents of the University of Hawaii as of the day before the
7 effective date of this Act shall terminate on March 1, 2019.
8 The nomination and appointment of successor members of the board
9 of regents shall not cause the term of any existing board member
10 to terminate before that date, regardless of the date of the
11 successor member's appointment by and with the advice and
12 consent of the senate.

13 No existing member of the board of regents as it is
14 constituted on the day prior to the effective date of this Act
15 shall serve as a holdover member due to vacancy as of March 1,
16 2019, in the membership of the board.

17 The nomination and appointment of board members by and with
18 the advice and consent of the senate shall take place as
19 expeditiously as possible so that, to the extent possible, there
20 are no vacancies in the membership of the board of regents as of



1 March 1, 2019. The governor shall make all nominations of board
2 members no later than January 29, 2019.

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

5 SECTION 7. This Act shall take effect upon ratification of
6 a constitutional amendment repealing the candidate advisory
7 council for the board of regents of the University of Hawaii.



Report Title:

UH; Board of Regents; Composition; Appointment; Candidate
Advisory Council; Repeal

Description:

Amends the composition and term limit of the board of regents of the University of Hawaii. Reestablishes the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents of the University of Hawaii. Requires the governor to fill a vacancy on the board of regents within 90 days. Pursuant to a proposed constitutional amendment, abolishes the regents candidate advisory council for the board of regents of the University of Hawaii. Requires the governor to nominate new members to the board of regents by 1/29/2019, and for those new members who are appointed to begin serving terms on 3/1/2019. (SD2)

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