



GOV. MSG. NO. 1152

**EXECUTIVE CHAMBERS
HONOLULU**

**NEIL ABERCROMBIE
GOVERNOR**

May 6, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 6, 2011, the following bill was signed into law:

SB1386 SD1 HD1

**RELATING TO THE BOARD OF REGENTS OF
THE UNIVERSITY OF HAWAII
ACT 050 (11)**

A handwritten signature in black ink that reads "Neil Abercrombie". There is a small, illegible mark above the signature.

**NEIL ABERCROMBIE
Governor, State of Hawaii**

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:

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

3 "(b) At ~~[its first meeting after June 30,]~~ a meeting
4 preceding July 1 of each year, the board of regents shall elect
5 a chairperson and ~~[vice chairperson, who shall serve until~~
6 ~~adjournment of its first meeting after]~~ up to two vice-
7 chairpersons whose terms shall be from July 1 to June 30 of the
8 next year or thereafter until their successors are [appointed-]
9 elected. The board shall appoint a secretary, who shall not be
10 a member of the board. The president of the university shall
11 act as executive officer of the board. ~~[From May 1, 2007 and~~
12 ~~until such time that the board of regents has at least fourteen~~
13 ~~members, seven members of the board of regents shall constitute~~
14 ~~a quorum to conduct business, and the concurrence of at least~~
15 ~~seven members of the board of regents shall be necessary to make~~
16 ~~any action of the board of regents valid, provided that upon~~
17 ~~filling at least fourteen of the fifteen board of regents seats~~
18 ~~required under subsection (a), a]~~ A majority of the board of



1 regents shall constitute a quorum to conduct business, and the
2 concurrence of a majority of all the members to which the board
3 of regents is entitled shall be necessary to make any action of
4 the board of regents valid. The board shall meet at least ten
5 times annually and, from time to time, may meet in each of the
6 counties of Hawaii, Maui, and Kauai."

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

9 1. By amending subsection (b) to read:

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

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



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

3 The regents candidate advisory council shall be deemed to have
4 fulfilled its obligation under this section upon presentation of
5 the names of the minimum number of candidates required to be
6 presented for each seat or seats on the board of regents."

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

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

11 (1) One member shall be appointed by the president of the
12 senate;

13 (2) One member shall be appointed by the speaker of the
14 house of representatives;

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

16 (4) One member shall be appointed by one of the co-chairs
17 of the All Campus Council of Faculty Senate Chairs of
18 the University of Hawaii[~~-, provided that beginning on~~
19 July 1, 2010, a]. A person may not be appointed as a
20 member of the regents candidate advisory council under
21 this paragraph, if within the five years immediately
22 preceding that appointment, the person served on the



1 All Campus Council of Faculty Senate Chairs of the
2 University of Hawaii;

3 (5) One member shall be appointed by the chairperson of
4 the Executive Council of the University of Hawaii
5 Student Caucus [~~provided that beginning on July 1,~~
6 ~~2010, a].~~ A person may not be appointed as a member
7 of the regents candidate advisory council under this
8 paragraph, if within one year immediately preceding
9 that appointment, the person served on the Executive
10 Council of the University of Hawaii Student Caucus;

11 (6) One member shall be appointed by the chairperson of
12 the Association of Emeritus Regents; and

13 (7) One member shall be appointed by the president of the
14 University of Hawaii Alumni Association;

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

20 The regents candidate advisory council shall be selected in
21 a wholly nonpartisan manner. [~~If any member has not been~~
22 ~~appointed within one hundred eighty days of May 1, 2007, the~~



1 ~~sitting members on the regents candidate advisory council shall~~
2 ~~make an interim appointment to fill the vacant seat. The~~
3 ~~interim appointee shall satisfy the requirements for appointment~~
4 ~~provided in this subsection and shall serve until the time when~~
5 ~~the appropriate appointing authority makes an appointment for~~
6 ~~the vacant seat as provided in this subsection.] Appointees to~~
7 the regents candidate advisory council shall have a general
8 understanding of the purposes of higher education, the mission
9 of the University of Hawaii system, and the responsibilities of
10 the board of regents. Appointees shall be individuals who are
11 widely viewed as having placed the broad public interest ahead
12 of special interests, having achieved a high level of prominence
13 in their respective professions, and being respected members of
14 the community.

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



1 3. By amending subsection (j) to read:

2 " (j) ~~[The regents candidate advisory council shall convene~~
3 ~~its first meeting on or after thirty one days from May 1, 2007,~~
4 ~~provided that, if thirty days after May 1, 2007, all the members~~
5 ~~to which the regents candidate advisory council is entitled have~~
6 ~~not yet been appointed, the regents candidate advisory council~~
7 ~~shall convene its first meeting upon the appointment of a~~
8 ~~majority of its members.]~~ The members of the regents candidate
9 advisory council shall choose a chairperson from among
10 themselves. A majority of all the members to which the regents
11 candidate advisory council is entitled shall constitute a quorum
12 to conduct business. The concurrence of a majority of all the
13 members to which the regents candidate advisory council is
14 entitled shall be necessary to make any action of the regents
15 candidate advisory council valid. The regents candidate
16 advisory council shall meet annually and at other times as
17 necessary. The regents candidate advisory council shall be
18 exempt from part I of chapter 92."

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

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

APPROVED this 6th day of May, 2011



GOVERNOR OF THE STATE OF HAWAII