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)

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:

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

"(b) At [its-first-meeting after June 30,] a meeting
preceding July 1 of each year, the board of regents shall elect
a chairperson and [vice-chairperson, who shall serve until
adjournment of its-first-meeting after] 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 [appointed-]
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. [From May 1, 2007 and
until such time that the board of regents has at least fourteen
members, seven members of the board of regents shall constitute
a quorum to conduct business, and the concurrence of at least
seven members of the board of regents shall be necessary to make
any action of the board of regents valid, provided that upon
filling at least fourteen of the fifteen board of regents seats
required under subsection (a), a] 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."

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

1. By amending subsection (b) to read:

"(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 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."

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

"(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[–provided that beginning on July 1, 2010–]. 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[; provided that beginning on July 1, 
2010, — a]. 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. [If any member has not been 
appointed within one hundred eighty days of 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]."
3. By amending subsection (j) to read:

"(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."

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 Statutory material to be repealed is bracketed and stricken.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

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

APPROVED this 6th day of May, 2011

[Signature]

GOVERNOR OF THE STATE OF HAWAII