

LINDA LINGLE
GOVERNOR



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**STATE OF HAWAII
GOVERNOR'S POLICY OFFICE
EXECUTIVE CHAMBERS
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Testimony of Linda L. Smith
Senior Policy Advisor to the Governor

Before the

HOUSE COMMITTEE ON JUDICIARY
on
HOUSE BILL No. 3226 House Draft 1

Friday, February 08, 2008
2:00 P.M.

Chair Waters, Vice Chair Oshiro, and members of the committee, thank you for the opportunity to testify.

The Administration supports the intent of House Bill 3226 HD 1 but objects to the language proposed in Sections 4 and 5 of the bill.

Specifically, Section 4 of this bill amends Section 304A-104.5, Hawaii Revised Statutes, by adding a new subsection (l) that would require private information about the Governor's appointee to the Board of Regents to be made public. We object to this change and prefer the language contained in House Bill 3119, an Administration measure that was introduced at the request of the Council. We propose amending HB 3226 HD1 by inserting the language contained on page 10 of HB 3119, in the proposed new subsection (l).

Our second objection is with Section 5 of this bill. Discussions between the Governor's Office, the current Council, the University of Hawaii, and the Department of Budget and Finance were held on the matter of funding for a position to assist the council. The parties decided that an appropriation would not be placed in the Administration bill, HB 3119, and that the position and funding would be included as part of the University's supplemental budget request. As such, we believe the language contained in Section 5 of this bill is not needed and should be deleted since the position and funding have been accommodated as part of the Board of Regents priorities and is included in the Executive Supplemental Budget request.

Thank you for your consideration of our proposed amendments.

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1 entitled shall be necessary to make any action of the regents
2 candidate advisory council valid. The regents candidate
3 advisory council shall meet annually and at other times as
4 necessary. The regents candidate advisory council shall be
5 exempt from part I of chapter 92.

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

10 (1) Any law to the contrary notwithstanding, all regents
11 candidate advisory council information shall be confidential,
12 including without limitations all council information obtained,
13 reviewed, or considered before and after council decision-
14 making. Confidential regents candidate advisory council
15 information shall include information and data that are not of
16 public record, including, without limitation, personal and
17 financial information; the names of applicants; applications and
18 the personal, financial, and other information contained therein
19 submitted by the applicants to the regents candidate advisory
20 council; interviews; schedules; reports; studies; background
21 checks; credit reports; and surveys and reports prepared for or
22 on the regents candidate advisory council's behalf; the results

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1 of any evaluations or assessments conducted by the regents
2 candidate advisory council; the substance and details of any
3 discussions with regents candidate advisory council members; and
4 the substance and details of discussions and deliberations of
5 the regents candidate advisory council and any of its committees
6 during meetings."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Colin Kelly

BY REQUEST

JAN 22 2008

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University of Hawai'i
Regents Candidate Advisory Council

Roy Takeyama, Chair
Karl Fujii, Vice Chair
Dr. L. Thomas Ramsey, Secretary
Nelson Befitel, Member
Neil Bellinger, Member
James T. Koshiba, Member
Ginger Takeshita, Member

TESTIMONY TO THE
HOUSE COMMITTEE ON JUDICIARY
IN SUPPORT OF
H.B. 3226, H.D. 1, RELATING TO THE UNIVERSITY OF HAWAII
Friday, February 8, 2008,
2:00 p.m., State Capitol, Conference Room 325

Chairman Waters and Members of the House Judiciary Committee,

I am Neil Bellinger representing the Regents Candidate Advisory Council to support House Bill 3226.

The Regents Candidate Advisory Council consists of seven members representing various constituent groups with the responsibility of qualifying, screening, and presenting to the governor a slate of qualified candidates to the Board of Regents of the University of Hawaii.

We strongly support passage of House Bill 3226 in its original form. The Council believes that the amended language relating to confidentiality may have a chilling effect on individuals considering becoming a candidate to serve on the Board of Regents. During recent interviews, some candidates expressed concern about the potential public disclosure of personal information that the Council may become aware of during the candidate review process. In this age of identity theft, the need to maintain the confidentiality of personal information is very important. Furthermore, like the confidentiality extended to the Judicial Selection Commission process, the Council requests that the original language relating to confidentiality in HB 3226 be restored.

Minor revisions are also requested as follows:

- Section 1, subparagraph (3) should be amended to include the words *in writing* after the word *Council* as it appears on page 1, line 13, of House Bill 3226, House Draft 1.
- Section 3, subparagraph (c) should be amended to include the words *in writing* after the word *Council* as it appears on page 5, line 22. of House Bill 3226, House Draft 1.

An appropriation to support the operations of the Regents Candidate Advisory Council is necessary to fund an administrative position to conduct the day-to-day operations and to cover expenditures including the costs for publication of ads, background searches, travel, office supplies and office equipment. We are presently borrowing a computer, printer, and typewriter from the University or Hawaii. This year, the Council operated through the financial and administrative support provided by President McClain through the University of Hawaii budget.

The Council will build upon this past year's experiences to make improvements as necessary. We received approximately 140 nominations and of these nominations, 86 nominees submitted their applications. We have completed the interview process and are currently conducting background and reference checks. We will present the names of the candidates to the Governor no later than March 1, 2008.

Thank you for the opportunity to testify.

Respectfully submitted,

Regents Candidate Advisory Council

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