

HB 1071

Testimony

Measure Title: RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL.

Report Title: Regents Candidate Advisory Council; Governor

Description: Authorizes the Governor to request the presentation of additional candidates for nomination to the University of Hawaii Board of Regents. Requires the Regents Candidate Advisory Council to fulfill the request within ninety days. (HB1071 HD1)

Companion: [SB1387](#)

Package: None

Current Referral: HRE, WAM

Introducer(s): CHOY



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Tuesday, March 19, 2013, 2:50 PM
State Capitol Room 414

Testimony of
Policy Office of the Governor, State of Hawaii

To the Senate Committee on Higher Education
Senator Brian Taniguchi, Chair
Senator Gilbert Kahele, Vice Chair

HB 1071 HD1 – Relating to the Regents Candidate Advisory Council

Chair Taniguchi, Vice Chair Kahele, and members of the Committee:

Thank you for the opportunity to provide testimony in support of House Bill 1071, House Draft 1 (HB1071 HD1) with comments. The bill proposes amendments to 304A-104.5, HRS which provides for the process of a candidate advisory council presenting the Governor with a list of candidates to the University of Hawaii Board of Regents. HB1071 HD1 would give the Governor the authority, having reviewed a list of candidates to the University of Hawaii Board of Regents, to request that the Regents Candidate Advisory Council (RCAC) to additional Regents candidates. The Governor supports increased flexibility in appointing Regents, and HB1071 HD1 provides some additional flexibility, albeit limited, by giving the Governor the opportunity to request an additional list of candidates from the RCAC.

However, the Policy Office requests that the Senate Higher Education Committee consider using the language in one of the Senate Drafts of Senate Bill 563 (SB563). These versions of the bill provide the Governor with additional flexibility in recruiting, selecting and appointing Regents.

The Senate Drafts of SB563 better address challenges of the current RCAC process to recruit, screen and nominate Regents. This process limits the Governor's ability to recruit and select Regents. The reconstituted RCAC, proposed in SB563_SD3, would provide the Governor with a list of at least three candidates for each vacancy on the Board of Regents, compared with a minimum of two under section 304A-104.5, HRS. Additionally, the SB563_SD3 does not have a limitation on the number of candidates presented to the Governor, whereas the current law restricts nominations to a maximum of four candidates.

Since a 2006 constitutional amendment established a council in process of appointing

Regents, the RCAC, UH, Governor's Office, and Legislature have struggled to implement the RCAC in its current iteration. The composition and obligations of the council were established in statute in 2007 and subsequently amended in 2008, 2010 and 2011 to address concerns. Since the RCAC process was established, the Senate has denied advice and consent for Regents appointees in 3 of 5 legislative sessions with the Senate Education Committee not recommending advice and consent for appointees as recently as 2011.

The current RCAC process discourages candidates from applying for the Board of Regents. The process involves three levels of screening: RCAC to identify qualified candidates to present to the Governor, Governor to make appointments, and Senate to confirm appointees. Many appointees and potential candidates reported reluctance to apply or seek reappointment because of the burden of the process that requires significant commitment of time and exposure.

In making appointments for boards and commissions, the Governor considers the individual qualities—personal and professional—of the candidates, as well as how the candidates would balance the board in terms of their experience, skill sets or perspectives. The Board of Regents' balance among the members is important to fulfill the Board's charge to govern and steward public higher education. Governor Abercrombie believes that flexibility need to balance many characteristics of the candidates to reflect the diversity of Hawaii and the functional needs of the Board of Regents.

Considering only a limited "short list" of candidates currently provided by the RCAC makes it extremely challenging for a Governor to balance the Board on the many dimensions of importance to the University and our state. Since 2009, the RCAC has provided 2.5 names, on average, for each vacancy. For eight different appointments, the RCAC only provided two names for consideration.

Furthermore, the constitution of the RCAC described in Senate Drafts of SB563 reflects best practice, as recommended by the Association of Governing Boards (AGB). In 2007 testimony regarding the initial composition of the RCAC, UH reported the AGB President's recommendation: "Independent screening committees to assist with the nominating process to identify outstanding citizens are an essential best practice... (and) operate best when enacted and sustained with bipartisan support and that their membership not consist of 'representatives' of certain constituent groups... AGB recommends that the Governor select the members of the candidate advisory council or committee who are not tied to constituent groups or special interests, and without regard to political party affiliation." This is best represented in Senate Bill 563 Senate Draft 2.

The UH and state are best served by a process that increases the Governor's flexibility to appoint Regents. Thank you for your consideration

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HB1071

Submitted on: 3/18/2013

Testimony for HRE on Mar 19, 2013 14:50PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Karl Fujii	Regents Candidate Advisory Council	Support	No

Comments:

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