



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

February 22, 2013, 11:30 AM
State Capitol Room 16

Testimony of
Policy Office of the Governor, State of Hawaii

To the Senate Judiciary Committee
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

Senate Bill 453 - Proposing a Constitutional Amendment to Article X, Section 6, of the Hawaii State Constitution to Modify the Appointment Process for the Board of Regents of the University of Hawaii

Chair Hee, Vice Chair Shimabukuro, and members of the Committee:

Thank you for the opportunity to provide testimony in support of Senate Bill 453 (SB453). The bill proposes a constitutional amendment to Article X, Section 6, of the Hawaii State Constitution to modify the appointment process for the Board of Regents of the University of Hawaii.

The constitutional amendment will modify the appointment process for the Board of Regents of the University of Hawaii by deleting constitutional reference to the Candidate Advisory Council for the Board of Regents of the University of Hawaii.

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 that Regents selection, appointment and confirmation process. The composition and obligations of the council were established in statute in 2007 and subsequently amended by the Legislature 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.

The UH and state are best served by a process that increases the Governor's flexibility to appoint Regents. SB453 would give Hawaii's voters the opportunity to consider whether an advisory council should be constitutionally mandated.

Thank you for your consideration.