

Association of Emeritus Regents

University of Hawaii

James Lee, Chair
Andres Albano, Jr. Vice-Chair
J. F. Blanco, Secretary-Treasurer

THE HONORABLE SENATOR KAI KAHELE, CHAIR
Senate Committee on Higher Education
Hawaii State Legislature
The Thirty Second Legislature, Regular Session of 2018

LEGISLATIVE TESTIMONY IN **OPPOSITION** OF
SB2316 and portions of SB2319
RELATING TO THE UNIVERSITY OF HAWAII

Hearing Date:
10:00 am
Wednesday, February 14, 2018
Conference Room 016

Submitted by:
ASSOCIATION OF EMERITUS REGENTS
UNIVERSITY OF HAWAII

Chair Kahele, Vice-Chair Donna Kim, and members of the Senate Committee on Higher Education:

The Association of Emeritus Regents (AER) of the University of Hawaii hereby submits testimony in opposition to Senate Bill 2316 and portions of Senate Bill 2319.

The AER respectfully ask that this committee reject Senate Bill 2316 and portions of Senate Bill 2319 that deals with the elimination of the CAC. AER also respectfully ask this committee hear and pass SB 2543 that proposes further enhancements that improve the governance operations of the CAC.

Senate Bill 2316 proposes to eliminate the Candidate Advisory Council (CAC) from the Board of Regent selection process. The Association of Emeritus Regents opposes the elimination of the CAC for the reasons noted below.

Regarding SB2319, AER believes it is premature to consider passing language in SB2319 that reestablishes the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents to the University of Hawaii, and not exclusively select from a list of candidates provided by the CAC. Only after a majority of Hawaii voters approved a Constitutional Amendment to modify the appointment process of the board of regents of the University of Hawaii should such legislation be considered. The first step is for both Legislative Houses is to pass legislation to put this constitutional amendment question before the voters. After that step is successfully accomplished, the next step is for a majority of the voters to agree to the constitution amendment question. Only then should the legislature consider legislation modifying the Board of Regent appointment process.

The CAC was created in 2006 after an overwhelming majority of voters voted to ratify an amendment to the State Constitution to change the selection process for Board of Regent members. The legislation to create the CAC was proposed by the State Senate in 2004 in its ultimate wisdom. The legislature and the voters recognized the importance of the University of Hawaii as the major institution of higher education in Hawaii and mandated a process to select regents which is similar to the process to select judges and justices in the Hawaii Court system.

The CAC process is transparent and comprehensive. There are eight members on the CAC. Five voting members on the CAC are appointed by the Governor, one voting member is appointed by the Speaker of the House, one voting member is appointed by the Senate President, an ex-officio nonvoting member is appointed by the AER.

The members of the CAC are not compensated and devote countless hours to find the three most qualified candidates for each open seat on the Board of Regents to submit to the Governor. A flow chart of the candidate vetting process is attached to this testimony as Exhibit "1". We have also attached a summary of the work performed by the CAC from 2007 to 2016. In the 2015/2016 year, the CAC reviewed 46 applications of which 21 were interviewed which resulted in 14 names being submitted to the Governor.

The Board of Regent candidate process has worked well. Since its inception, the CAC process has generated lists of stellar BOR candidates for the Governor to select from. All interested candidates are invited to apply, and the Governor and any member of the legislature can nominate candidates they each believe should be considered by the CAC and a university regent. The vetting process is grueling and no stones are left unturned. Only the most qualified candidates are sent to the Governor. The Governor makes his selection and then sends the name of his selection to the Senate for vetting and confirmation.

There is no logical reason to do away with the CAC. It has worked well. Eliminating the CAC will be a disregard of the voter's mandate.

The only flaw with the current operation of the CAC is the fact that the AER appointee does not have a vote. Senate Bill 2543 proposes to provide the AER appointee on the CAC with the right to vote in the candidate selection process. The AER appointee, as a former regent, provides a unique perspective of the inner workings of the BOR decision making process. The appointee is able to probe candidates from a unique perspective. The AER member actively participates and contributes many hours in the candidate recruiting, screening and selection process. It is only fitting that all members on the CAC have a voting voice.

The AER respectfully ask that this committee reject Senate Bill 2316 and portions of Senate Bill 2319 that deals with the elimination of the CAC and request that this committee hear and pass Senate Bill 2543.

Enclosures

Exhibit 1

Attachments

EXHIBIT 1

University of Hawaii Candidate Advisory Council Workflow Process

LEGEND CAC Process External Process

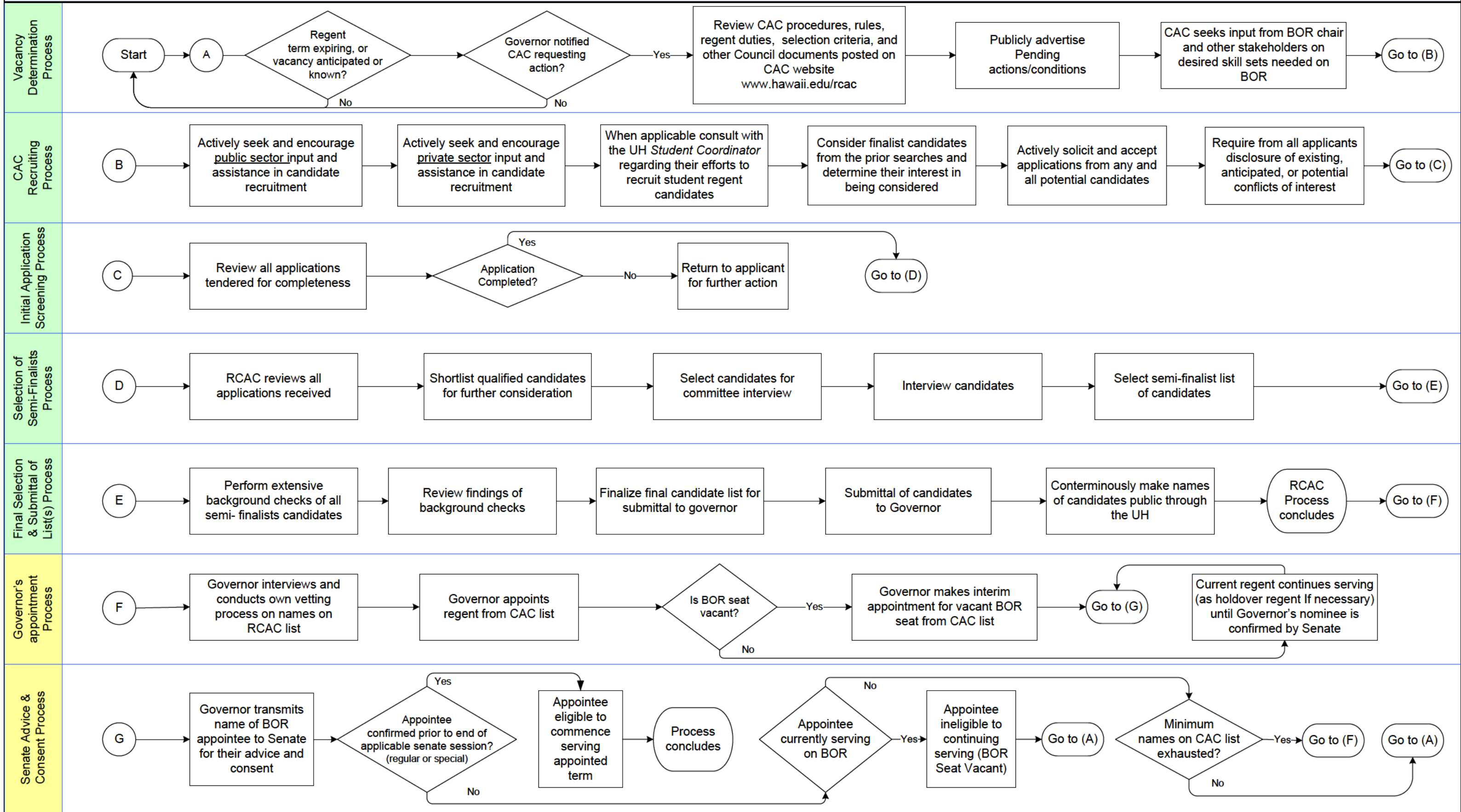


EXHIBIT 2

**University of Hawai'i
Candidate Advisory Council**

**Summary of Work Product
2007 through 2015**

November 2015

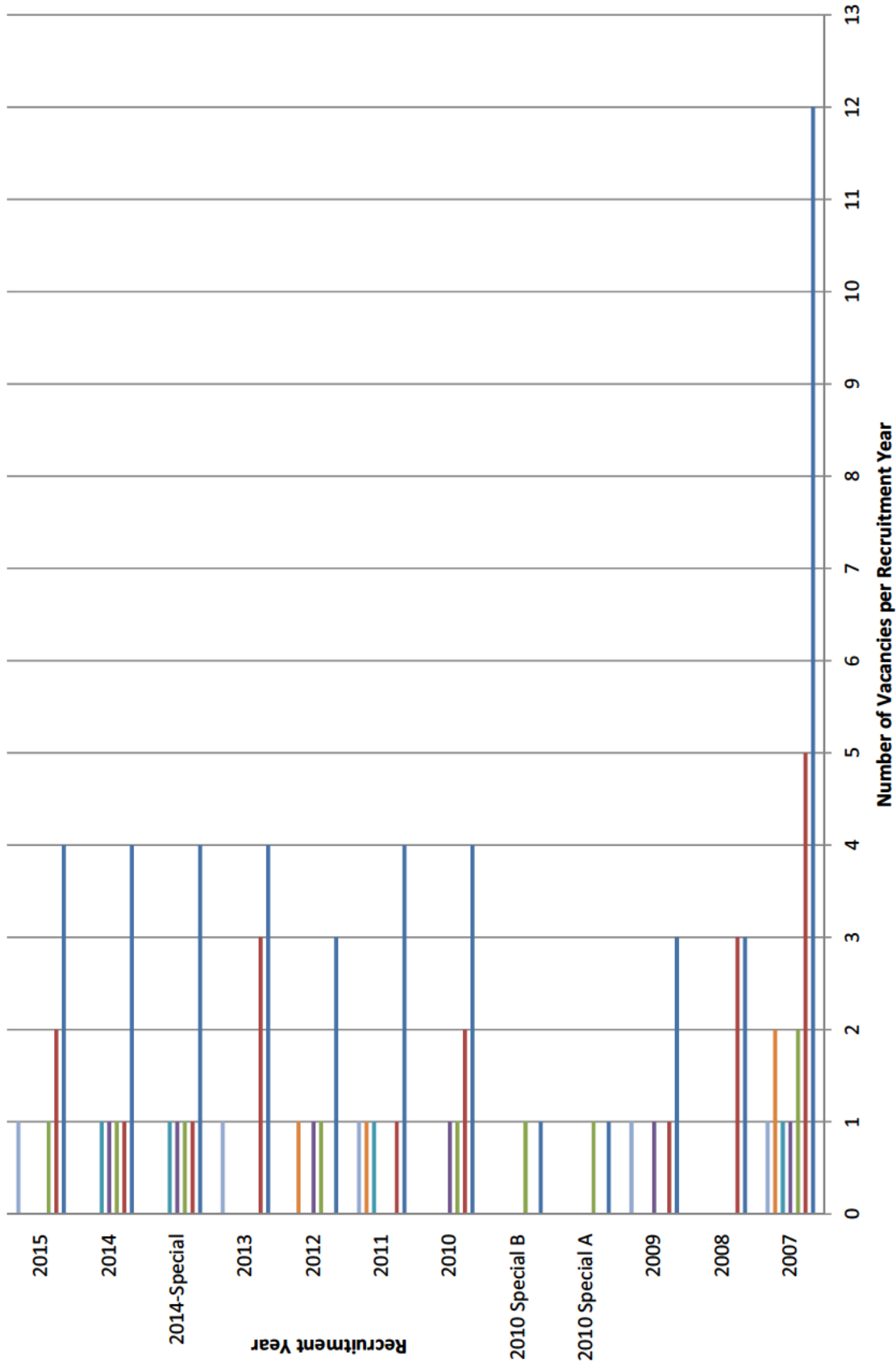
**BOARD OF REGENTS
CANDIDATE ADVISORY COUNCIL (CAC)
UNIVERSITY OF HAWAII**

**Recruitment Summary by Year
2007 (CAC Inception) through 2015**

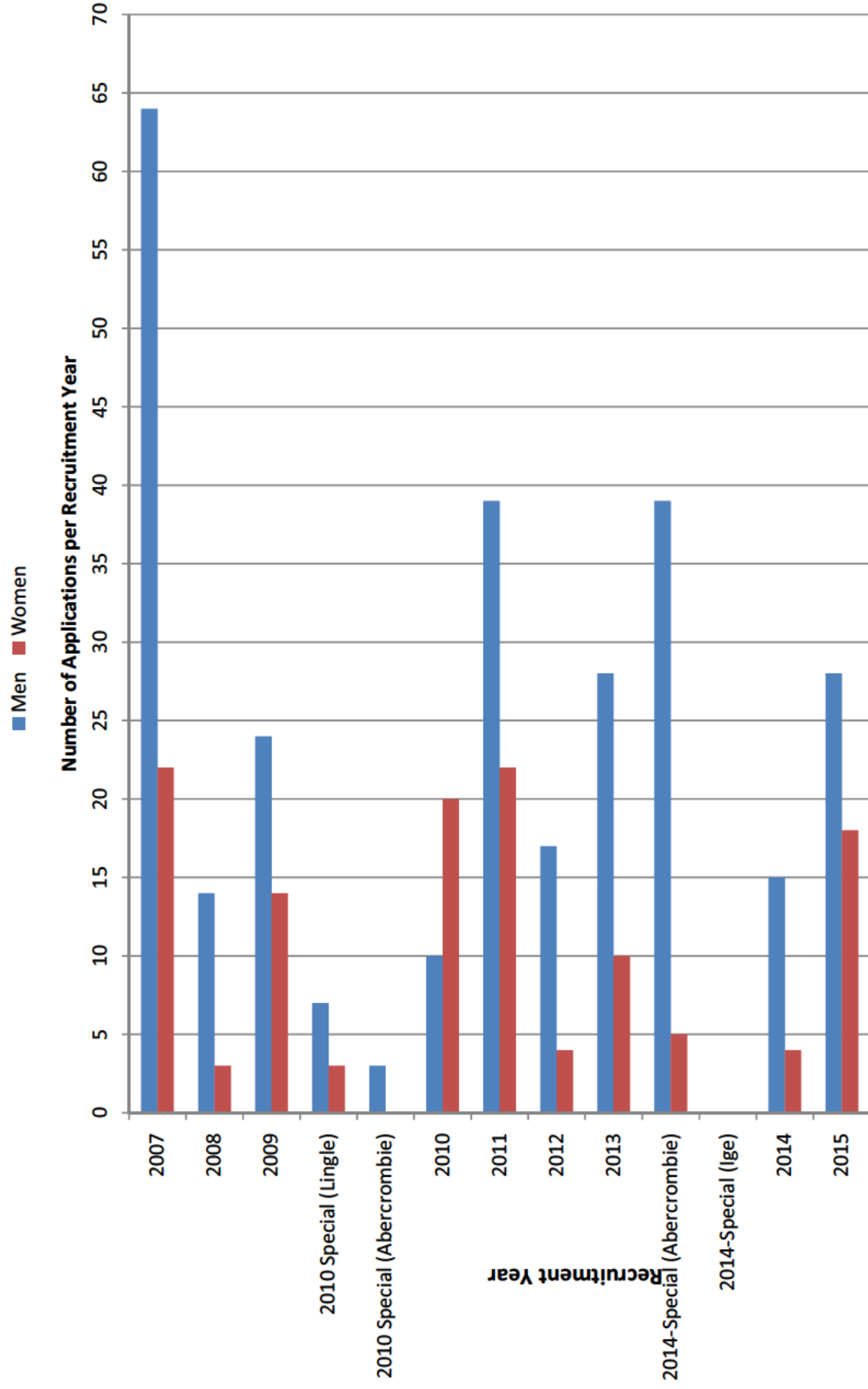
RECRUITMENT YEAR & APPOINTING GOVERNOR	# OF VACANT SEATS	# OF APPLICATIONS RECEIVED	# OF APPLICANTS INTERVIEWED	# OF FINALISTS	APPOINTED & CONFIRMED
2007-08 Lingle	(12) Oahu-5, Hawaii-2, Maui-1, Kauai-1, At-Large-2, Student-1	86 (22 women)	37 (11 women)	22 (5 women)	♦Baxa♦Carlson♦Dahilig ♦de la Pena♦Fukunaga♦Gee ♦Horota♦Karr♦Martinson ♦Rasmussen♦Tajiri♦Teichman
2008-09 Lingle	(3) Oahu-3	17 (3 women)	7 (1 woman)	5 (1 woman)	♦Holzman♦Lee♦Martinson
2009-10 Lingle	(3) Oahu-1, Maui-1, Student-1	38 (14 women)	19 (10 women)	7 (3 women)	♦Gee♦Ota♦Williams
SPECIAL RECRUITMENT DUE TO RESIGNATION					
2010-11 Lingle	<i>Tajiri vacancy</i> (1) Hawaii-1	10 (3 women)	5 (2 women)	2 (0 women)	♦Dias interim appointment only 4/10-5/11
2010-11 Abercrombie	Abercrombie requests new candidate list	3 (0 women)	3 (0 women)	2 (0 women)	♦Mizuno
2010-11 Abercrombie	(4) Oahu-2, Maui-1, Hawaii-1	30 (20 women)	15 (8 women)	11 (7 women)	♦Carlson♦Matayoshi ♦Ota♦Sullivan
2011-12 Abercrombie	(4) At-Large-1, Oahu-1, Kauai-1, Student-1	61 (22 women)	27 (9 women)	12 (2 women)	♦Acido♦Dean ♦Kudo♦Shigemoto
2012-13 Abercrombie	(3) At-Large-1, Maui-1, Hawaii-1	21 (4 women)	14 (3 women)	8 (1 woman)	♦Mizuno♦Ball III♦Moore
2013-14 Abercrombie	(4) Oahu-3, Student-1	38 (10 women)	27 (6 women)	13 (4 women)	♦Yuen♦Putnam ♦Portnoy♦Tagorda
SPECIAL RECRUITMENT DUE TO RESIGNATIONS					
2014 Abercrombie	<i>Carlson; Dean; Ota; Shigemoto vacancies</i> (4) Hawaii-1, Oahu-1, Maui-1, Kauai-1	44 (5 women)	22 (5 women)	15 (3 women)	♦Acoba♦Hoffmann ♦Bal III, ♦Nielsen 10/14 - 05/15 (interim appointments only)
2014 Ige	Ige selects different candidates on list				♦Acoba♦Higaki ♦Iha♦Nielsen
2014-15 Ige	(2) Oahu-1, Maui-1	19 (4 women)	11 (4 women)	9 (3 women)	♦McEnerney♦Wilson
2015-16 Ige	(4) Oahu-2, Hawaii-1, Student-1	46 (18 women)	21 (9 women)	14 (6 women)	To be determined

BOR Vacancies per Recruitment Year

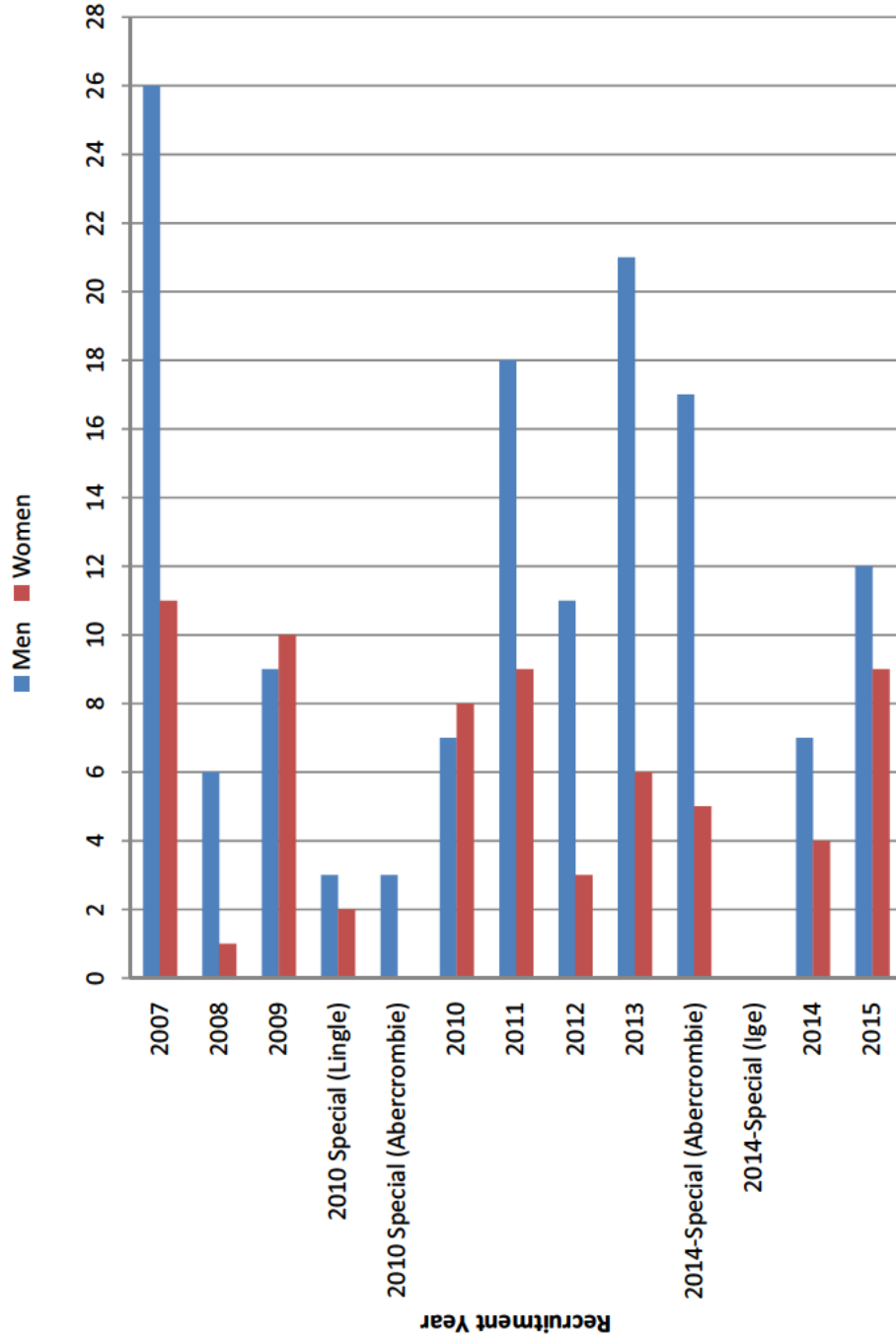
■ Student
 ■ At-Large
 ■ Kauai
 ■ Maui
 ■ Hawaii
 ■ Oahu
 ■ Total Vacancies



Candidate Applications Received

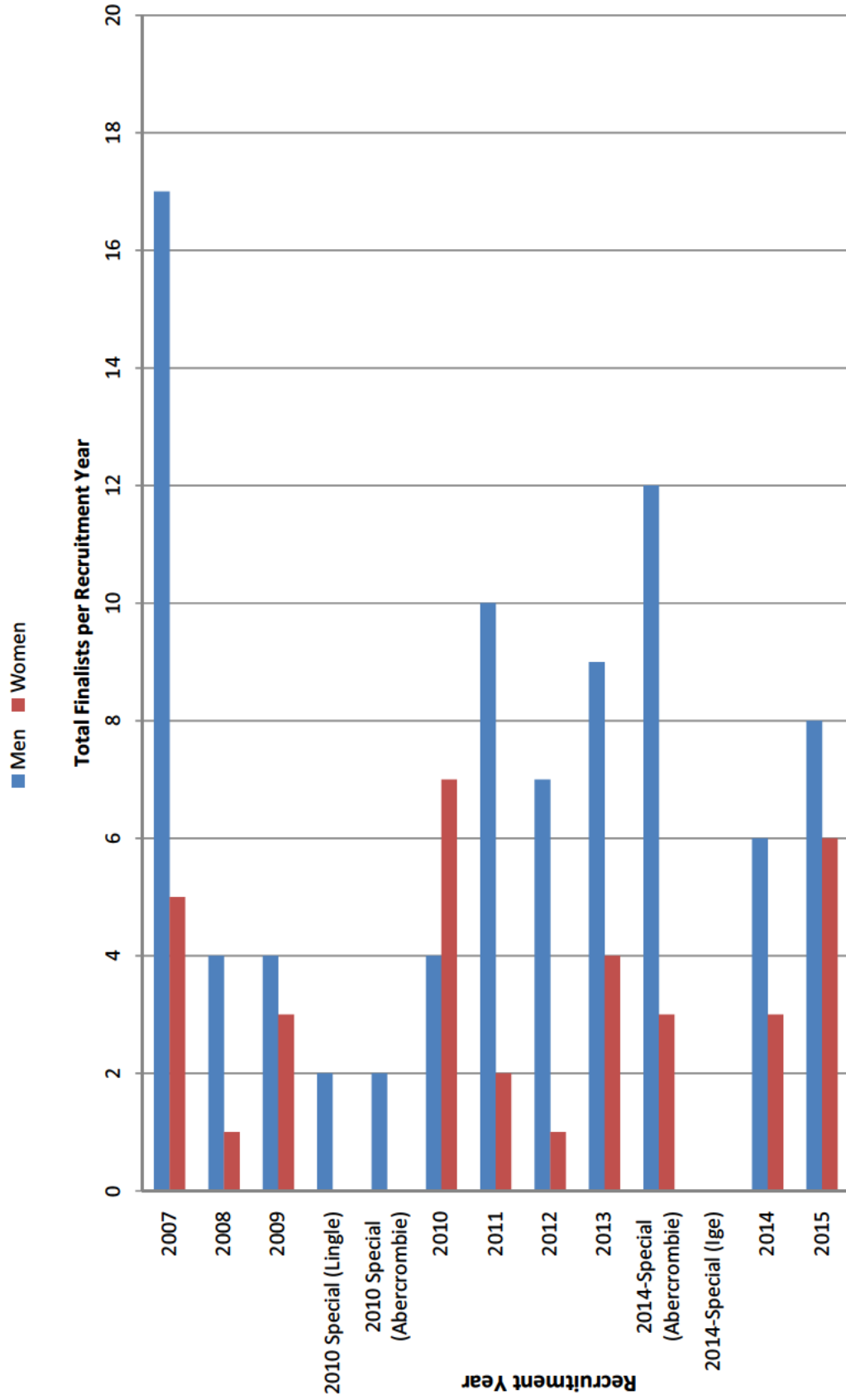


Candidates Selected for Interview

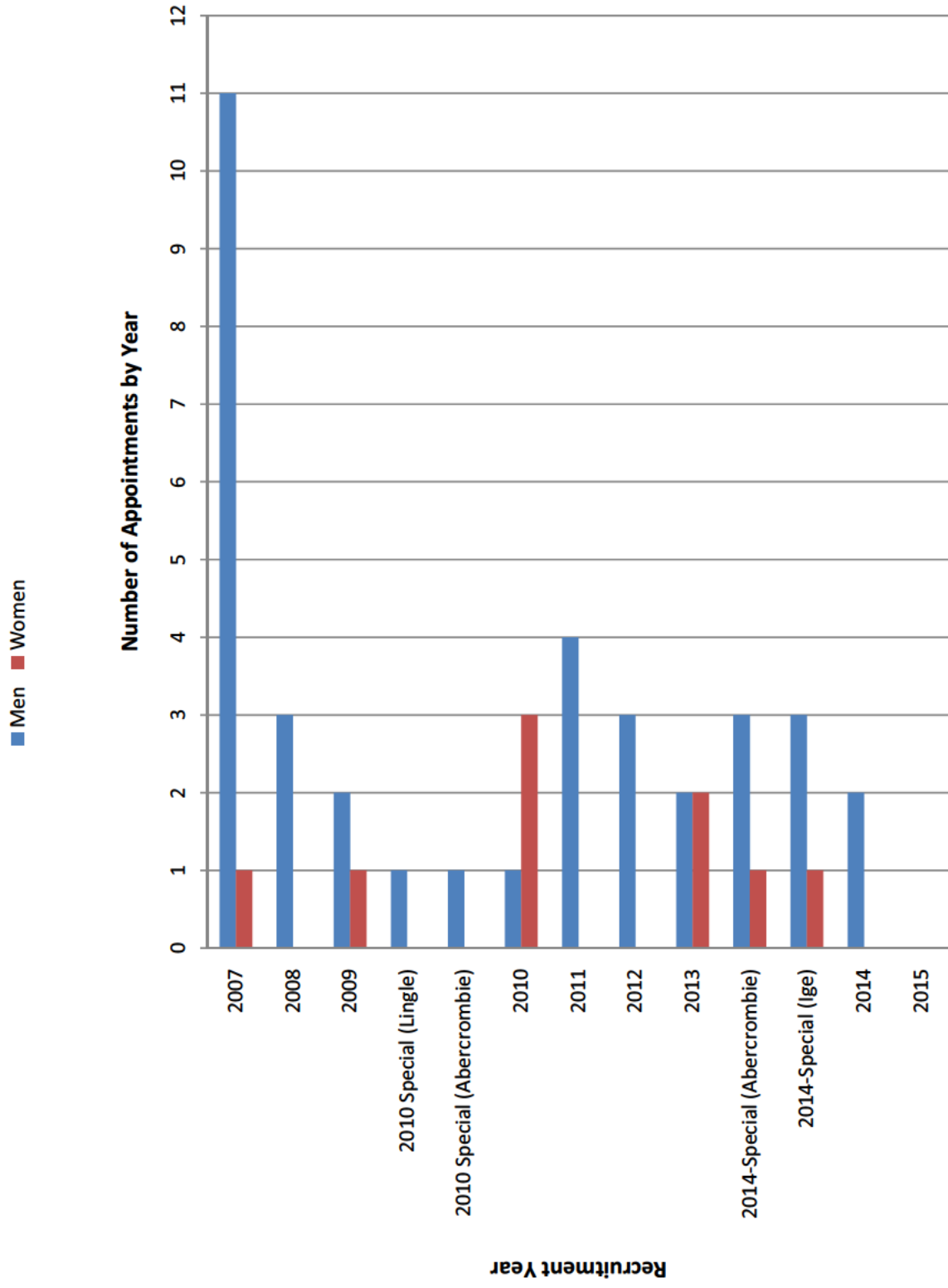


of conducted interviews (45-60 minutes each)

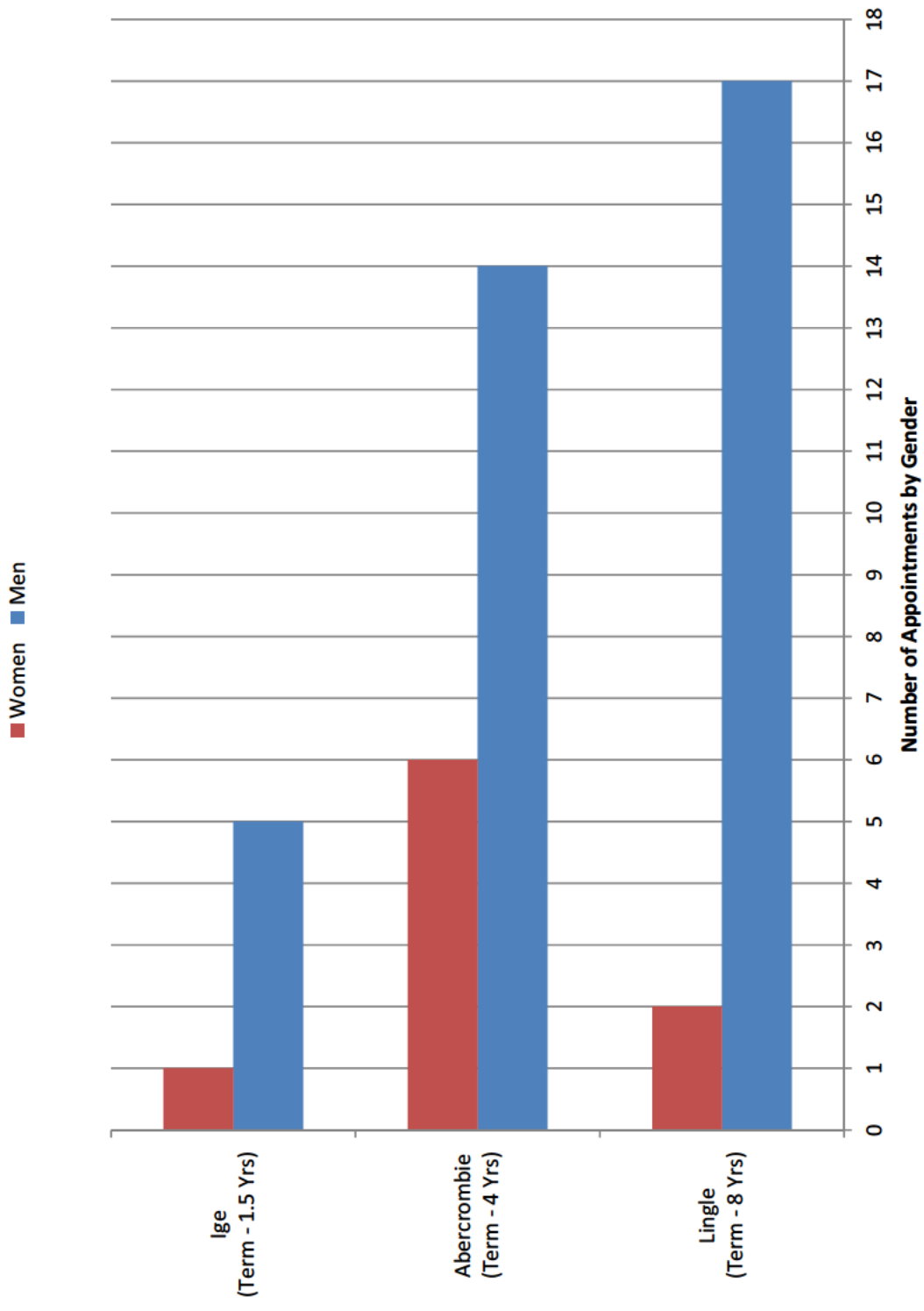
of Finalists Presented to the Governor



Governor Appointments to the BOR



Gender Appointments by Governor



SB-2319

Submitted on: 2/10/2018 9:19:34 PM

Testimony for HRE on 2/14/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow		Oppose	No

Comments:

This is a major board. It has important responsibilities. The regents devote many volunteer hours in their positions. To cut the size of the board in half is penny wise and pound foolish. As is reducing the number of years they can serve. This board needs members who can establish and maintain historical knowledge. There needs to be a major institutional memory. This bill will destroy that.

I urge you to hold this bill.

Lynne Matusow