



EXECUTIVE CHAMBERS  
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GOVERNOR

Testimony of **Ford Fuchigami**  
Administrative Director, Office of the Governor

Before the  
**House Committee on Lower & Higher Education**  
March 12, 2019  
2:00 p.m., Conference Room 309

In consideration of  
**Senate Bill No. 928**  
**PROPOSING AN 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 Woodson, Vice Chair Hashem, Vice Chair Perruso, and committee members:

Thank you for the opportunity to provide testimony in support of **Senate Bill 928** which proposes to amend the Hawai'i State Constitution to abolish the Candidate Advisory Council for the Board of Regents of the University of Hawai'i and authorizes the governor to select new regents from a pool of qualified candidates.

If this proposal passes the legislature, we place our confidence in the public in making the determination of whether or not the Candidate Advisory Council continues to serve a necessary function.

Thank you for the opportunity to testify.

# Association of Emeritus Regents

University of Hawaii

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

REP. JUSTIN H. WOODSON, CHAIR  
Committee on Lower and Higher Education  
House of Representatives  
Hawaii State Legislature  
The Thirtieth Legislature, Regular Session of 2019

LEGISLATIVE TESTIMONY FOR  
**SB928**  
RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS

Hearing Date:  
2:00 PM  
Tuesday, March 12, 2019  
Conference Room 309

Submitted by:

ASSOCIATION OF EMERITUS REGENTS  
UNIVERSITY OF HAWAII  
James H.Q. Lee, Chair ▪ Andres Albano, Jr. Vice-Chair ▪ J. F. Blanco, Secretary-Treasurer

Rep. Justin H. Woodson, Chair, Rep. Mark J. Hashem and Rep. Amy A. Perruso, Vice Chairs, and members of the House Committee on Lower and Higher Education:

The Association of Emeritus Regents (AER) of the University of Hawaii respectfully ask that this committee remove all language in SB 928 that proposes a constitutional amendment to modify the appointment process of the Board of Regents for the University of Hawaii.

SB 928 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.

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 Legislature 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. The CAC works tirelessly to perform its duty.

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. Most importantly, 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. Eliminating the CAC will be a disregard of the voter's mandate.

We also call to the Committee's attention that the only flaw with the current operation of the CAC is the fact that the AER appointee does not have a vote. 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. Towards that end, we ask this Committee to restore the AER appointee as a full voting member of the CAC.

In closing, the AER respectfully ask that this committee to not do away with the CAC and add language that restores the AER appointee on the CAC as a full voting member.

Randolph G. Moore  
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**LATE**

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March 11, 2019

The Honorable Justin H. Woodson, chair  
and members of the Committee on Lower and Higher Education  
House of Representatives  
State Capitol  
Honolulu, Hawaii

Dear Representatives:

Subject: SB 928

The bill proposes that a constitutional amendment be placed on this fall's general election ballot to eliminate the Regents Candidate Advisory Council, which now recruits, screens and recommends to the governor candidates for the Board of Regents of the University of Hawaii.

The bill does state a rationale for this proposed change.

Senate Standing Committee Report no. 911 dated March 1, 2019, the Senate's most recent correspondence on this bill, states that "having the most effective members possible on the board is most important," but there is no explanation as to how amending the constitution will achieve this objective.

At the time the constitution was proposed to be amended to create the RCAC, there was much discussion, and the voters approved the amendment. There has been little if any subsequent or recent public discussion indicating public dissatisfaction with the RCAC.

The RCAC is comprised of seven members, five of whom are appointed by the governor and one each by the president of the Senate and the Speaker of the House. So, as a practical matter, the governor controls the RCAC. If the RCAC were eliminated and the regents were appointed directly by the governor, the governor would be deprived of the benefit of the RCAC's recruitment, screening, and evaluation of prospective regents.

My personal experience is that the members of the RCAC are diligent, thorough, and develop their recommendations with the best interest of the university in mind.

In the absence of a reason to propose this constitutional amendment, I encourage you to hold this bill in your committee.

Mahalo for your consideration.

Sincerely yours,

*Randolph G. Moore*