



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 2169, H.D. 1, RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL.

BEFORE THE:

HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

LATE

DATE: Monday, February 10, 2020

TIME: 2:05 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of this bill are to transfer the Candidate Advisory Council (CAC) for the Board of Regents for the University of Hawaii from the University of Hawaii to the Office of the Governor; change the composition of the CAC; amend the process by which members are appointed to the CAC; and establish a sunset date of June 30, 2024.

The CAC is a permanent agency with an ongoing purpose. Placement in the Office of the Governor would be contrary to section 6 of Article V of the State Constitution, which requires placement within a principal department.

The bill reduces the number of voting members from seven to "at least three" members. We recommend the bill be amended to delete the words "at least" on page 3, line 8, because without a specific number of voting members, there is a lack of clarity as to how many members the CAC is entitled to; quorum to do business or validate any act is based on the total number of members to which the CAC is entitled, as required by section 92-15, Hawaii Revised Statutes.

Lastly, we note that the bill does not address how the current 7-member CAC will transition to the newly comprised 3-member CAC and we have concerns that, without

such wording, the CAC will not have a sufficient number of members to constitute quorum upon the effective date of this bill.

Thank you for the opportunity to provide these comments.

HB-2169-HD-1

Submitted on: 2/7/2020 6:50:05 PM

Testimony for JUD on 2/10/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth R. Conklin, Ph.D.	Individual	Oppose	No

Comments:

HB2169 HD1 "Takes effect 7/1/2050. Sunsets 6/30/2024."

Really?

I know the legislature has the power to make laws. But I didn't know the legislature has the power to make a bill take effect 26 years after it has expired. Sort of like bringing someone back from the dead! I guess Einstein tells you how to do that: Just go faster than light, and you will return from your trip before you depart.

As Arthur Henry Reginald Buller described it in his famous limerick nearly a century ago:

There was a young lady named Bright,
Whose speed was far faster than light;
She started one day
In a relative way,
And returned on the previous night.
A. H. Reginald Buller in Punch (19 December 1923): 591.