



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Judiciary and
Senate Committee on Ways and Means
March 3, 2022 at 10:30 a.m.

by
David Lassner
President
University of Hawai'i

SB 3186 SD1 – PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO REPEAL THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL

Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and members of the committees:

Thank you for the opportunity to submit testimony on SB 3186 SD1. This bill was originally introduced to repeal the Candidate Advisory Council for the Board of Regents of the University of Hawai'i (UH).

The SD1 as posted additionally proposes a devastating diminution of the role of the Board of Regents and its responsibilities for the internal structure, management, and operations of the university.

The deletion of one word ("exclusive") on page 2 line 6 in this SD1 would eviscerate UH's "autonomy" in favor of the State Legislature having "exclusive jurisdiction" to pass laws that they exclusively determine to be of "statewide concern."

Not only is this an unwarranted and unjustified change that would reverse two decades of public policy, but neither the title nor the purpose of SB 3186 includes any reference to eliminating, lessening, or "clarifying" the University's autonomy. Nor is there any justification set forth in the bill or the HRE committee report for this proposed seismic shift in the role of the Board of Regents and the very ability of the University of Hawai'i to function as Hawai'i's statewide system of public higher education under the State constitution.

UH did not submit testimony on this bill when it was heard by the Senate Higher Education Committee since UH had no position at that time regarding the bill as initially proposed, which would delete the Regent Candidate Advisory Council process. We are strongly opposed to this current measure that includes the new language introduced in SD1 without justification or explanation.

Thank you for the opportunity to testify in opposition to this measure.



The Committee on Ways and Means
And
The Committee on Judiciary
Thursday, March 3, 2022
Room 211, Videoconference

RE: **SB 3186, SD1, Proposing an Amendment to Article X, Section 6, of the Hawaii Constitution to Repeal the University of Hawaii Board of Regents Candidate Advisory Council**

Attention: Chairs Donovan Dela Cruz and Rhoads, Vice Chairs Gilbert Keith-Agaran and Jarrett Keohokalole and Members of the Committees

The University of Hawaii Professional Assembly (UHPA) **strongly opposes SB 3186, SD1** and recommends this bill be **deferred indefinitely**. This bill is deceptive in its title and purpose.

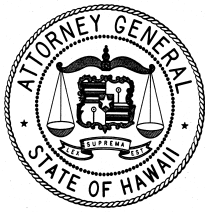
The title refers to the repeal of the Candidate Advisory Council by amending Article X, Section 6, of the Hawaii State Constitution. It is clear to anyone who reads the Senate Draft 1 version that the actual purpose is to strip the Board of Regents of their “exclusive” jurisdiction over the structure, management, and operation of the university.”

The irony of this bill is that it is generated from the Senate Higher Education Committee that has repeatedly stated in hearings that it is not their purpose or intent to constitutionally interject themselves into the role and responsibility of the Regents; yet here we are. SB 3186, SD 1, authored by the Higher Education Committee, who wants to change the Constitution of the State of Hawai'i by stripping the Board of Regents of their exclusive jurisdiction or in other words, remove them from any legislative autonomy.

UHPA strongly recommends SB 3186, SD1 be deferred indefinitely.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 3186, S.D. 1, PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO REPEAL THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Thursday, March 3, 2022 **TIME:** 10:30 a.m.

LOCATION: State Capitol, Room 211, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lori N. Tanigawa,
Deputy Attorney General, at 586-0618)

Chairs Rhoads and Dela Cruz and Members of the Committees:

The Department of the Attorney General provides the following comments.

House Draft 1 of the bill proposes an amendment to article X, section 6, of the Hawai'i State Constitution to eliminate the requirement that the Governor appoint members of the Board of Regents ("BOR") of the University of Hawai'i from a pool of candidates presented by the Candidate Advisory Council ("CAC") for the Board of Regents of the University of Hawai'i.

In section 2 on page 2, line 6, the bill proposes an amendment to article X, section 6, of the Hawai'i Constitution to clarify that the BOR's jurisdiction over the University of Hawaii's internal structure, management, and operations is not exclusive. Article III, section 14 of the Hawai'i Constitution states in relevant part that, "[e]ach law shall embrace but one subject, which shall be expressed in its title." Because the bill's title only proposes an amendment of article X, section 6 of the Hawai'i Constitution to repeal the CAC, we are concerned that an amendment clarifying the nature of the BOR's jurisdiction over the University of Hawai'i may violate the subject-title requirement. Accordingly, if the Committee decides to pass this bill, we recommend page 2, line 6, of the bill be amended to reinstate the word "exclusive."

We further recommend section 3 on page 2, lines 13 to 18, of the bill be amended to reinstate certain wording at the end of the question to be printed in the

ballot that was proposed in the original draft of the bill in order clarify the effect of the constitutional amendment being proposed:

"Shall the requirement that the governor appoint members of the board of regents of the University of Hawaii from a pool of candidates presented by the candidate advisory council for the board of regents of the University of Hawaii be eliminated, thereby allowing the governor to appoint members to the board of regents[?] without being limited to a list of candidates?"

Thank you for the opportunity to provide these comments.

Committees on Ways and Means and the Judiciary
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: OPPOSE SB 3186 & 3187

February 28, 2022

Dear Chairs Dela Cruz and Roberts, Vice Chairs Keith-Agaran and Keohokalole, and esteemed members of the Ways and Means and Judiciary Committees,

I am writing to ask that you OPPOSE BILLS SB 3186 SD1 and SB 3187 SD1, which seek to repeal and eliminate the University of Hawai'i Board of Regents (BOR) Candidate Advisory Council.

I am an instructor at Leeward Community College writing as an individual that is impacted by all choices the Board of Regents (BOR) makes as the governing body of the University of Hawai'i System. As someone who is deeply committed to the quality and integrity of our institutional education and mission and the service of UH-System stakeholders, I find it of extreme importance that BOR appointees are qualified, and free of political leanings that would jeopardize the integrity of UH-System governance.

While I understand that these measures are being considered due to a lack of qualified applicants for BOR positions, I urge the Senate to consider ways in which to help encourage applicants and adjust the procedure and policies involving the Candidate Advisory Council to solve this problem, rather than complete elimination of the University of Hawai'i BOR Candidate Advisory Council. Please avoid minimizing the important task this council performs by retaining oversight of the majority of BOR appointments. Please maintain the University of Hawai'i BOR Candidate Advisory Council consider alternative means to ensure BOR appointees are educated, unbiased, non politicized, and service-minded in order to most effectively serve the interests of residents and UH-System stakeholders.

Without this kind of council, I worry candidates may not have the background or qualifications to make the best choices for our students or University System. Allowing the governor to choose any candidate he or she wishes may make these important positions more vulnerable to political leanings, rather than choosing candidates that have the background to best support the mission of our State University system.

For all these reasons and more, I strongly support OPPOSING BILLS SB 3186 SD1 and SB 3187 SD1 and help secure the quality of higher education on our islands for years to come. Mahalo nui!

Sincerely,



Erika Molyneux
Instructor, New Media Arts
Leeward Community College

SB-3186-SD-1

Submitted on: 2/28/2022 10:40:10 PM

Testimony for JDC on 3/3/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Gerard Silva | Individual | Oppose | No |

Comments:

The Governor is one of the Biggest Crooks we Ever Had!!

He should not be given any more power. He is the biggest problem in Hawaii Next to the Lt Governor the next problem!!