



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

ON THE FOLLOWING MEASURE:

S.B. NO. 3186, 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 COMMITTEE ON HIGHER EDUCATION

DATE: Tuesday, February 1, 2022 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chair Kim and Members of the Committee:

The Department of the Attorney General provides the following comments.

The bill proposes an amendment to article X, section 6, of the Constitution of the State of Hawai'i to eliminate the candidate advisory council for the board of regents of the University of Hawai'i.

Article X, section 6, of the Hawai'i Constitution requires the Governor to appoint members of the Board of Regents of the University of Hawai'i from pools of qualified candidates presented by the Candidate Advisory Council for the Board of Regents of the University of Hawai'i. If the Committee decides to pass this bill, we recommend that page 1, lines 1 to 4, of the bill be amended to clarify that it is the requirement that is being eliminated:

“Section 1. The purpose of this Act is to propose an amendment to article X, section 6, of the Constitution of the State of Hawaii to eliminate 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.”

We further recommend page 2, lines 10 to 13, of the bill be amended as follows:

“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of candidates presented by the candidate advisory council for the board of regents of the University of Hawaii be [~~repealed to allow~~]

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.



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**Senate Committee on Higher Education
Tuesday, February 1, 2022, 3:00 p.m.**

Testimony by:

Kendra Oishi, Executive Administrator and Secretary of the Board of Regents

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

S.B. No. 3187 – RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL.

Chair Kim, Vice Chair Kidani, and members of the Committee:

These comments on S.B. No. 3186 and S.B. No. 3187 are offered in my capacity as the Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss these measures. Discussion is expected to occur at the Board's next meeting on February 17, 2022.

Thank you for the opportunity to offer comments on S.B. No. 3186 and S.B. No. 3187.

LATE



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COMMUNITY COLLEGE

Staff Council

TESTIMONY

TO: Senate Higher Education Committee
FR: Jeri Ann S. Poti, Chair, Staff Council
DATE: February 1, 2022

**Testimony in Opposition of Senate Bills 3186 & 3187
Re: Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution
to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council**

The Kapiolani Community College Staff Council respectfully submits testimony in opposition to S.B. 3186 and S.B. 3187, Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council. The Staff Council opposes the elimination of the Candidate Advisory Council because this legislative proposal contradicts the University of Hawaii's commitment to transparency and shared governance for its stakeholders.

We respectfully ask the Committee vote "no" to S.B. 3186 & 3187 to refrain from eliminating the University of Hawai'i Board of Regents Candidate Advisory Council.

Sincerely,

A handwritten signature in cursive script that reads 'Jeri Ann S. Poti'.

Jeri Ann S. Poti
Chair, Staff Council

LATE

Association of Emeritus Regents

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

LEGISLATIVE TESTIMONY IN OPPOSITION OF SB3186

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

Hearing Date:

3:00 PM, Tuesday, February 1, 2022

Conference Room 229 & Videoconference

Submitted by:

ASSOCIATION OF EMERITUS REGENTS
UNIVERSITY OF HAWAII

Senator Donna Kim, Chair
Senator Michelle N. Kidani, Vice-Chair
Committee on Higher Education (HRE)
State Senate
Hawaii State Legislature
Thirty-First Legislature, Regular Session of 2022

Senator Donna Kim, Chair, Senator Michelle N. Kidani, Vice-Chair, and members
of the Senate Committee on Higher Education:

This testimony is being submitted by the Association of Emeritus Regents of the University of Hawaii (AER). The University's Board of Regents (BOR) established the AER on January 13, 1995. Our members include all former University Regents appointed by Governors Ariyoshi, Waihee, Cayetano, Lingle, and Ige.

AER respectfully submits testimony in **opposition to SB 3186** proposing an amendment to Article X, Section 6 of the Hawaii Constitution to repeal the University of Hawaii Board of Regents Candidate Advisory Council (CAC). 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 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 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, and the AER appoints the ex-officio non-voting member.

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 reasonable reason to do away with the CAC, and eliminating the CAC disregards the previous mandate of Hawaii voters.

As a former regent, the AER appointee to the CAC 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 as a former BOR member. The AER member actively participates and contributes many hours in the candidate recruiting, screening and selection process. Former AER appointees to the CAC were Emeritus Regents Roy Takeyama, Joseph Blanco, Andres Albano, and Capsun Poe. Emeritus Regent Brandon Marc Higa is the AER's current appointee on the CAC.

AER respectfully asks that SB3186 be held in Committee.

Testimony Presented Before the
Senate Committee on Higher Education
Conference Room 229 & Videoconference
Tuesday, February 1, 2022
3:00 PM
by Brandon Marc Higa

**Testimony in Opposition of Senate Bills 3186 & 3187
Re: Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution
to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council**

Chair Kim, Vice Chair Kidani, and Members of the Higher Education Committee:

Thank you for the opportunity to submit testimony in response to Senate Bills 3186 & 3187, Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council. I am submitting my testimony **in opposition to S.B. 3186 and S.B. 3187** in my personal capacity and not as a member of the Candidate Advisory Council.

The Candidate Advisory Council (CAC) was created following public support of a constitutional amendment in 2006 to facilitate a transparent and comprehensive vetting process for qualified candidates to serve on the University of Hawai'i Board of Regents. The volunteers appointed to the CAC are intended to represent various communities and professions to provide perspective in recruiting and recommending candidates that have the right qualifications, *and more importantly, motivation, temperament, and fit* to serve as Regents. The eight CAC members will represent a broader, more diverse cross section of community supporters of the University than a single elected official, if the Governor is provided with the sole appointing authority.

Given the University of Hawai'i's commitment to shared governance with its faculty, students, and other stakeholders, the CAC has made efforts to engage with internal governance organizations in support of transparency and inclusion. In particular, I have prioritized my engagement with the UH Student Caucus in encouraging student leaders to consider serving as the Student Regent and have nominated individuals who would otherwise not have had a direct conduit to the Governor's Office for consideration for appointment. By eliminating the CAC, the progress toward inclusion of the University's shared governance organizations will be undone.

I respectfully ask the Committee vote "no" to S.B. 3186 & 3187 to refrain from eliminating the University of Hawai'i Board of Regents Candidate Advisory Council.

Respectfully submitted,
s/Brandon Marc Higa
Regent Emeritus ('19)

Committee on Higher Education
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: SB 3186 & 3187 Testimony

January 31, 2022

Dear Chair Kim, Vice Chair Kidani, and esteemed members of the Higher Education Committee,

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

As an educator in higher education that is impacted by all choices the Board of Regents makes, I find it of extreme importance that we choose BOR members that have a background in or understanding of academic workings. I cannot understand why the Senate would choose to propose eliminating the University of Hawai'i BOR Candidate Advisory Council, whose job it is to provide a list of qualified BOR candidates from which the governor may select to serve on the BOR. 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 and SB 3187 and help secure the quality of higher education on our islands for years to come. Mahalo nui!

Sincerely,

A handwritten signature in black ink, appearing to read 'Erika Molyneux', written in a cursive style.

Erika Molyneux
Instructor, New Media Arts
Leeward Community College