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**House Committee on Higher Education and Technology  
Friday, January 27, 2023, 2:00 p.m.**

**Testimony by:**

**Jamie Go, Interim Executive Administrator and Secretary of the Board of Regents**

**H.B. No. 231 – 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 Perruso, Vice Chair Kapela, and members of the Committee:

These comments on H.B. No. 231 are offered in my capacity as the Interim 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 this measure. Discussion is expected to occur at the Board's next meeting on February 16, 2023.

Thank you for the opportunity to offer comments on H.B. No. 231.



The House Committee on Higher Education and Technology  
Friday, January 27, 2023  
Room 309, 2:00 pm, Videoconference

**RE: HB 231 Proposing an amendment to Article X, Section 6, of the Hawai'i State Constitution to modify the appointment process for the Board of Regents of the University of Hawai'i.**

Attention: Chair Amy Perruso, Vice Chair Jeanne Kapela and members of the Committee

The University of Hawaii Professional Assembly (UHPA) **strongly opposes the intent and purpose of HB 231**. HB 231 only serves to eliminate The Candidate Advisory Council; an important entity in the process to vet the most qualified candidates.

The CAC acts and plays the role similar to that of an executive search committee as they find, vet, and review the qualifications of candidates prior to submitting their names for consideration to the Governor. Based on UHPA's review, this is the only portion of the Constitution that is asked to be changed. It's pure intention of removing a full and complete opportunity to ensure that the most qualified persons are considered for one of the most important higher education positions in the state, that of a Regent for the University of Hawai'i.

The removal of this language would put the Regent selection and Regent confirmation process **ALL** within the walls and purview of the legislature and executive office.

Under the premise of keeping and maintaining an open and transparent government, the process proposed runs contrary and does not allow multiple stakeholders to participate in the process.

**UHPA strongly opposes the intent and purpose of HB 231.**

Respectfully submitted,

Christian L. Fern  
Executive Director  
University of Hawaii Professional Assembly

## Association of Emeritus Regents

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

LEGISLATIVE TESTIMONY RE HB231  
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:

2:00 pm on January 27, 2023  
House Conference Room 309 & Videoconference

Submitted by:

ASSOCIATION OF EMERITUS REGENTS  
UNIVERSITY OF HAWAII

Representative Amy Perruso, Chair  
Representative Jeanne Kapela, Vice Chair  
Committee on Higher Education & Technology (HET)  
House of Representatives  
Hawaii State Legislature  
Thirty-Second Legislature, Regular Session of 2023

Representative Perruso, Chair, Representative Kapel, Vice-Chair, and members  
of the House Committee on Higher Education and Technology:

The Association of Emeritus Regents (AER) of the University of Hawaii respectfully submits testimony in **opposition to HB 231** proposing an amendment to Article X, Section 6 of the Hawaii Constitution to eliminate 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 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 as a former BOR member. 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. 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.

In closing, the AER respectfully asks the Committee NOT to pass this legislation which would abolish the CAC and add language that restores the AER appointee on the CAC as a full voting member.

Testimony Presented Before the  
House Committee on Higher Education & Technology  
Conference Room 309 & Videoconference  
Friday, January 27, 2023  
2:00 PM  
by Brandon Marc Higa

**Testimony in Opposition of House Bill no. 231  
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 Perruso, Vice Chair Kapela, and Members of the House Higher Education & Technology Committee:

Thank you for the opportunity to submit testimony in response to House Bill No. 231, 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 H.B. 231** in my personal capacity and not in an official capacity 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 H.B. 231 to refrain from eliminating the University of Hawai‘i Board of Regents Candidate Advisory Council.

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

## Stanford J. Fichtman

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Testimony in Opposition of House Bill No. 231

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

By: Stanford J. Fichtman

Aloha Chair Perruso, Vice Chair Kapela, and Members of the House Higher Education & Technology Committee,

Mahalo for the opportunity for the public to submit testimony regarding House Bill No. 231, a constitutional amendment to repeal the University of Hawai'i Board of Regents Candidate Advisory Council ("CAC"). My testimony is **in opposition** to the measure.

The CAC was created to vet names proposed to become members of the Board of Regents and recommend to the Governor those who would be the best fit for this critical position. Because of this role, the Council plays a vital part in making sure that no undue influence is leveraged, and that those who are put forward are evaluated fairly.

As a resident who, upon encouragement from a former Regent to apply to the Council, I have come to appreciate that the CAC is made up of people who are not beholden to other whims but are dedicated to evaluating and putting forward good quality Regent candidates. This is something that I feel is worthy, thus the reason why I put in my name through the Boards and Commissions portal earlier this month.

Removing the role of the CAC in this process would remove a level of evaluation that could, potentially, add an undue amount of partisan influence to the selection of Regents. Furthermore, transparency of the selection would be eliminated, and questions as to the veracity of the Regent candidate selected by the public would increase exponentially. Instead of eliminating this transparency, the CAC should be retained.

As to the bill itself, I would like to remind the committee that a bill just like this was introduced in the Senate last year (SB 3186), which eventually crossed over to the House and was not given any more hearings. When that bill was heard in the Senate, one key missing piece was why such a measure was introduced in the first place. Just like with SB 3186, HB 231 omits any explanation as to why this measure has been introduced, let alone why it should pass. I would hope that for this bill, the introducer, Representative Micah Po'okela Kim Aiu, could provide the public with his reasonings.

Thank you for allowing me to provide testimony **in opposition to HB No. 231**.

Reverently submitted,



Stanford J. Fichtman