



House Committee on Higher Education  
Honorable Andrew Takuya Garrett, Chair  
Honorable Terez Amato, Vice Chair

**RE: Testimony in Opposition to H.B. 1873, Relating to the Board of Regents of the University of Hawaii**

Hearing: February 4, 2026 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to respectfully submit testimony in **opposition** to H.B. 1873.

The Sunshine Law promises an open and transparent government. This bill unnecessarily dilutes that promise by creating a vague, ill-defined, and unlimited exemption that invites abuse.

As written, H.B. 1873 authorizes the Board of Regents of the University of Hawai'i to discuss board business outside of duly noticed meetings and without public comment or participation—so long as it does not relate to “specific board of regents business requiring action.” The proposal does not define or further clarify the circumstances in which board business “requires action.”

If the concern is governance training, no Sunshine Law exemption is necessary. *E.g.*, OIP Annual Report 2021 at 42 (“Board business’ . . . does not typically include general information about background legal requirements such as the Sunshine Law and ethics and financial disclosure requirements. . . . Similarly, background information about what the board does, the laws creating and governing it, and administrative information about office procedures would not likely be ‘board business’ in the absence of specific examples involving current issues before the board.”). But an open-ended exception for anything that the Regents label as a “retreat” is not justified. A.G. Op. No. 86-19 (retreats generally concern board business and must comply with the Sunshine Law).

Thank you again for the opportunity to testify in opposition to H.B. 1873.

