



House Committee on Judiciary and Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair

RE: Testimony in Opposition to H.B. 1873 H.D. 1, Relating to the Board of Regents of the University of Hawaii
Hearing: March 5, 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 submit testimony in **opposition** to H.B. 1873 H.D. 1, which represents a dramatic – and wholly unnecessary – retreat from prior Legislative commitments to transparency and accountability.

H.B. 1873 H.D. 1 dilutes the Sunshine Law by creating a vaguely-defined exemption that is subject to misuse. As written, it 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.” But the proposal does not define or further clarify the circumstances in which board business “requires action.”

And the proposed exemption is unnecessary. Regents *already* do not need to hold a meeting to attend trainings because trainings are not considered “board business.” The same is true of board orientations or retreats – so long as board business is not discussed. *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.”).

H.B. 1873 H.D. 1 also makes the Regents’ now-public financial disclosures secret, contrary to the intent of the disclosure. The Regents serve on what is perhaps the most powerful government board in Hawai`i. They oversee the entire ten campus UH system and expenditure of significant taxpayer funds. The public nature of the disclosures guards against conflicts of interest. They should remain public.



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Here again there is no need for increased secrecy. Notwithstanding the existing public disclosure requirements, there are no board vacancies and no shortage of qualified people applying for the Board of Regents. There is no need to change the existing disclosure requirements.

Thank you again for the opportunity to testify in opposition to H.B. 1873 H.D. 1.