

Senate Committee on Education  
Honorable Donna Mercado Kim, Chair  
Honorable Michelle N. Kidani, Vice Chair

**RE: Testimony in Opposition to H.B. 1873 H.D. 2, Relating to the Board of Regents of the University of Hawaii**  
Hearing: March 16, 2026 at 1:00 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. 2.

H.B. 1873 H.D. 2 creates a vaguely-defined and unnecessary open meetings exemption that is subject to misuse. The UH Board of Regents do *not* need to hold a meeting under existing law 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.<sup>1</sup> We respectfully recommend **deleting** the proposed exemption.

If the exemption is maintained, we suggest clarifying that the exempted meeting is limited to *one day* – to preserve the intent of the one meeting per year limitation. We also recommend adding guardrails analogous to those provided under section 92-2.5, which balance board operational flexibility with the public’s right to know, such as:

- Require publication of notice and an agenda in accordance with HRS § 92-7;
- Prohibit discussion of board business (strike “requiring action” at p. 1, l. 17);
- Prohibit commitments relating to any vote on board business;
- Require, at the next duly noticed meeting of the board, a public report about meeting attendance and the matters presented and discussed; and
- Expressly provide that the strategic planning meeting shall not be used to circumvent the purpose of part I, chapter 92.

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<sup>1</sup> *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. 2 also makes Regents' now-public financial disclosures secret, contrary to the intent of the disclosure provision. In enacting Act 230 (2014), the Legislature found "the public is in the best position to identify conflicts of interest." Additionally, the public nature of the disclosure – knowing that anyone can view it – *encourages* truthful, forthright, and timely conflict disclosures from sitting Regents.

Here again there is no need for increased secrecy. Regents serve on perhaps the most powerful government board in Hawai'i. They oversee the entire ten campus UH system and expenditure of significant taxpayer funds. Notwithstanding the existing public disclosure requirements, there are no board vacancies and no shortage of qualified people applying for the Board of Regents due to the public disclosure requirement.<sup>2</sup> The Regents' disclosures should remain public.

Thank you again for the opportunity to testify in opposition to H.B. 1873 H.D. 2.

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<sup>2</sup> Although we are aware of potential difficulty fielding Hawai'i Island candidates of late, that is likely a function of the level of scrutiny in the appointment process, and not caused by the financial disclosure requirement.