



UNIVERSITY  
of HAWAII®  
SYSTEM

**House Committee on Judiciary & Hawaiian Affairs  
Thursday, March 5, 2026 2:00 P.M.**

**Testimony in SUPPORT by:** Gabriel Lee, Chair, Board of Regents

**HB1873 RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII**

Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

On behalf of the University of Hawai'i Board of Regents, I write to provide our support for this bill. This bill offers additional language to areas that will help the Board of Regents improve on their fiduciary and oversight duties over the University of Hawai'i. We appreciate the acknowledgement that good Governance starts with the selection of regents, the support and professional development of regents, and once selected to be on the Board, the ability to plan strategically for the University of Hawai'i.

We also note that all of the regents support the filing of financial disclosures but acknowledge that the public disclosure of their spouses, dependent children, business partners, or legacy investments and other financial information to the public do in fact give pause and discourages otherwise highly experienced and qualified candidates of good character from ultimately applying to be a regent.

Please note that the Board of Regents already requires conflicts of interests to be disclosed and has a process that has been successfully utilized in the past.<sup>i</sup> Should there be any question, there is also the ability for a complaint to be filed with the Hawaii Ethics Commission.

The burden of having the Ethics Commission review and monitor the eleven (11) regents for any possible conflict of interest is a small price to pay in order for our state's premier educational institution, and one of our largest economic generators, from having the best, most experienced individuals to help govern one of our most impactful public institutions.

Thank you for the opportunity to provide testimony in support of HB1873.

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<sup>i</sup> Article X. Conflicts of Interest of the [Bylaws of the Board of Regents of the University of Hawai'i \(as of July 20, 2023\)](#)

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Carlotta Amerino, Director

Date: March 5, 2026, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 1873, H.D. 1  
Relating to the Board of Regents of the University of Hawaii

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Thank you for the opportunity to submit testimony on this bill, which among other things would create an exemption to the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (HRS), for the University of Hawaii Board of Regents (Regents) to hold strategic planning retreats. The Office of Information Practices (OIP) offers comments on the proposed exemption and takes no position on the remainder of the bill.

Starting on bill page 1, proposed section 304A-\_\_, HRS, would exempt strategic planning retreats held by the Regents from the Sunshine Law with several conditions: (1) no decision-making during the retreat; (2) the retreat was not convened “for the purpose of discussing” specific business “requiring action;” (3) materials used during the retreat are made public; and (4) the public is notified of who was there and, briefly, the retreat’s purpose. There is no limitation on the length of a retreat or how often it can be used. The only limitation of subject matter is that the Regents cannot make decisions at the retreat.

Since the exemption would not allow a retreat convened “for the purpose of” discussing business requiring action, OIP believes the intent likely is that a

strategic planning retreat's focus should be on topics related to future plans rather than current action items. However, the exemption only prohibits making such discussion the whole purpose of the retreat; it does not prohibit incidental discussion of current action items during the retreat. Beyond that, there appears to be no limit on what constitutes strategic planning and nothing to prohibit the Regents from fully talking through major issues they will need to act on in the future.

OIP is concerned that this proposed exemption would allow the Regents to have their most important conversations in private, so that when major issues need action in the future the Regents' consideration of them in Sunshine Law meetings will be based on a shared understanding previously reached in private. OIP therefore respectfully requests that this Committee **delete** the proposed Sunshine Law exemption. Alternatively, **if this Committee wishes to provide an exemption** of some sort, OIP requests that this Committee **significantly narrow its scope** by, for example, limiting it to stated topics and to no more than one retreat a year of no more than a stated number of hours.

Thank you for considering OIP's testimony.



# HAWAI'I STATE ETHICS COMMISSION

*Komikina Ho'opono Kulekele o Hawai'i Moku'āina*

Committee: House Committee on Judiciary & Hawaiian Affairs  
Bill Number: HB 1873 HD1  
Hearing Date/Time: March 5, 2026, 2:00 p.m.  
Re: Opposition to HB 1873 HD1

Aloha Chair Tarnas, Vice-Chair Poepoe, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") respectfully **opposes** the provisions in HB 1873 HD1 that would make the financial disclosure statements filed by members of the University of Hawai'i Board of Regents confidential.

The Commission generally supports legislation that promotes openness and transparency in government, and respectfully submits that this measure moves in the opposite direction. If enacted, the public would no longer be able to review whether a Regent holds a financial interest in a business or organization that could be affected by the Board's decisions. The Commission is concerned that removing public access to these disclosures could undermine public confidence in the Board of Regents' integrity, which is contrary to the purpose of the State Ethics Code.

The University of Hawai'i Board of Regents oversees an institution with billions of dollars in public assets, significant procurement authority, and major policy decisions affecting the State's higher education system. Public financial disclosure helps ensure that the public can identify potential conflicts of interest and promotes confidence that decisions are made in the State's best interests.

The Commission recognizes the importance of recruiting and retaining highly qualified individuals to serve on boards and commissions, and acknowledges that some potential nominees have expressed concerns about public financial disclosure requirements. On balance, however, the Commission believes that individuals serving on high-profile policymaking boards with substantial fiduciary responsibilities – such as the University of Hawai'i Board of Regents – should file public financial disclosure statements. Transparency is particularly important where board members exercise broad decision-making authority over public funds and institutional governance.

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The Commission also observes that since the public disclosure requirement for Regents took effect, the quality of applicants and appointees serving on the Board has remained high.

If the Committee is nevertheless inclined to approve this measure, the Commission respectfully requests that the effective date provide sufficient time for the Commission to implement the necessary changes to its electronic financial disclosure filing system.

Mahalo for the opportunity to testify on this measure.

Very truly yours,

**/S/** Robert D. Harris

Robert D. Harris

Executive Director and General Counsel



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.



House Committee on Judiciary and Hawaiian Affairs

Thursday, March 5, 2026, 2 PM Hearing in Conference Room 325 on  
HB 1873, HD1, Relating to the Board of Regents of the University of Hawaii

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

**The League of Women Voters of Hawaii opposes HB 1873, HD 1.** Our position is that board deliberations which may affect future board decisions, including discussion of strategic plans, should occur at public meetings subject to the “Sunshine Law”. It also is our position that political appointees authorized to decide how public lands are used or how public funds are spent should prepare a public financial disclosure statement. Exemption of the UH Board of Regents from normal statewide “Sunshine Law” and public financial disclosure requirements may “involve a matter of statewide concern”. But not in a good way.



March 5, 2026

Chairman David Tarnas  
House Judiciary and Hawaiian Affairs Committee  
State Capitol  
Honolulu, Hawaii 96813

Re: House Bill 1873, HD1

Chairman Tarnas and Committee Members:

We oppose this measure, which would exempt strategy retreats for the University of Hawaii Board of Regents.

We fail to see any good reason for this measure – at least the bill’s author still fails to give us one.

Exemptions from the opening meeting requirements of the Sunshine Law should be extremely rare, particularly when the direction and policy of the state’s university are at play, and we feel this business should be done in public. So we must oppose this proposal which establishes so broad an exemption that it defies description.

We offer no opinion about training for regents.

Thank you for your time and attention.

Stirling Morita  
President  
Hawaii Professional Chapter of the Society of Professional Journalists