



HAWAI'I STATE ETHICS COMMISSION

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

Committee: Senate Committee on Education
Bill Number: HB 1873 HD2
Hearing Date/Time: March 16, 2026, 1:00 p.m.
Re: Opposition to HB 1873 HD2

Aloha Chair Kim, Vice-Chair Kidani, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") respectfully **opposes** the provisions in HB 1873 HD2 that would shield from public view the financial disclosure statements filed by members of the University of Hawai'i Board of Regents by making those disclosures 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 University, stakeholders, and fellow Regents 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 also 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 allows fellow Regents, University staff, and stakeholders – those present when matters arise – to identify potential conflicts of interest as they occur and raise concerns before decisions are finalized. By contrast, if disclosures are hidden from the public, potential conflicts are more likely to surface only after the fact, when the Commission may be asked to investigate decisions after any harm to the public trust has already occurred.

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.

March 16, 2026

Page 2

Although some individuals may decline to serve because of these transparency requirements, the State has never lacked qualified candidates willing to meet those requirements and serve on the UH Board of Regents. 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

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.¹ 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.

¹ *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.² The Regents' disclosures should remain public.

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

² 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.



UNIVERSITY
of HAWAII
SYSTEM

Board of Regents

LATE

**Senate Committee on Education
Monday, March 16, 2026 1:00 P.M.**

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

HB1873 HD2 RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII

Chair Kim, Vice Chair Kidani, 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.ⁱ 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 HD2.

ⁱ 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: Senate Committee on Education

From: Carlotta Amerino, Director

Date: March 16, 2026, 1:00 p.m.
State Capitol, Conference Room 229

Re: Testimony on H.B. No. 1873, H.D. 2
Relating to the Board of Regents of the University of Hawaii

Thank you for the opportunity to submit testimony on this bill, which among other things would create an annual 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 one strategic planning retreat held by the Regents per year 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 except insofar as the limitation to one retreat per year implies that the retreat cannot be continued for an indefinite number of days. 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 would prefer that the proposed Sunshine Law exemption be deleted from this bill. However, OIP notes that the H.D. 2 version of the bill has at least narrowed the scope of the proposed retreat by limiting it to one per year. **If this Committee wishes to provide an exemption**, OIP respectfully requests that this Committee **further narrow its scope** by limiting it to stated topics and to no more than a stated number of hours in length.

Thank you for considering OIP’s testimony.



House Committee on Judiciary and Hawaiian Affairs

Monday, March 16, 2026, 1 PM Hearing in Conference Room 229 on
HB 1873, HD2, Relating to the Board of Regents of the University of Hawaii

TESTIMONY

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

Chair Kim, Vice Chair Kidani, and Committee Members:

The League of Women Voters of Hawaii opposes HB 1873, HD 2. 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. The LWVHI’s position is that all board deliberations which may affect future board decisions, including discussion of strategic plans, should occur at public meetings subject to the “Sunshine Law”. It is also our position that all political appointees authorized to decide how public lands are used or how public funds are spent should prepare a public financial disclosure statement.



March 16, 2026

Chair Donna Kim
Senate Education Committee
State Capitol
Honolulu, Hawaii 96813

Re: House Bill 1873, HD2

Chair Kim and Committee Members:

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

We fail to see any good reason for provision – at least the bill’s author still fails to give us one. No one has specified why a retreat needs to be done in secret.

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 could not find wording making financial disclosure statements of regents’ secret, but oppose any such effort.

Thank you for your time and attention.

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