

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
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To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: March 15, 2012, 2:00 p.m.
State Capitol, Room 325

Re: Testimony on S.B. No. 2233, S.D. 2
Relating to Electronic Information

Thank you for the opportunity to submit testimony on S.B. No. 2233, S.D. 2. The state Office of Information Practices (OIP) supports this bill, which would require legally required notices to be posted electronically on the state or county website, and would make the current requirement of print publication an additional option. The bill also appropriates funding to establish a centralized website for electronic publication of notices and to provide website access from the public libraries.

OIP would like to request an additional appropriation in S.B. 2233, S.D. 2 for one staff attorney position and \$60,000 for personnel, computer, and operating expenses to implement the provisions of a related bill, S.B. 2234, S.D. 2, which would require all state and county Sunshine Law boards to electronically post notices and minutes of public meetings. OIP's appropriation request arises from S.B. 2234, S.D. 2's new Sunshine Law requirement for electronic posting of all written materials provided to the board at the meeting. While existing law requires boards to provide such materials only upon request, S.B. 2234, S.D. 2 would make it an affirmative obligation of the boards to post such materials within 30 days after a meeting, even if no one was interested in seeing the materials.

Before complying with this new Sunshine Law obligation under S.B. 2234, the board would first have to implicitly meet its obligation under the Uniform Information Practices Act (UIPA) to review and segregate all materials, which may sometimes be voluminous, by redacting any confidential, personal, or excluded information. Not all boards are properly staffed or knowledgeable to be able to do this, yet the failure to properly redact materials may expose the board to potential legal liability. Although OIP already has many online training videos and guides that explain the Sunshine Law and UIPA, it expects to face additional requests for advice, agency training, assistance to the public, and the investigation and resolution of complaints if these provisions of S.B. 2234, S.D. 2 are passed. Thus, OIP will need additional staffing and resources to implement S.B. 2234, S.D.2.

OIP is further concerned about the financial implications of any attempt to amend either S.B. 2233 or S.B. 2234 to create a new Sunshine Law cause of action based on disability access. At the Senate's request, stakeholders have been informally discussing the need to provide electronic access to disabled persons in compliance with the federal Americans with Disabilities Act (ADA). To the extent that there has been additional discussion of possibly creating a Sunshine Law remedy to enforce the ADA requirements (e.g., voiding a Sunshine Law meeting or board action if the electronically posted agenda was not ADA compliant) or charging OIP with determining whether the Sunshine Law notices are ADA compliant, OIP does not believe that it is the appropriate agency to resolve disability access issues or that a new state cause of action concerning federal disability rights should be created within the Sunshine Law. OIP has no enforcement powers of its own, and it should not be expected to enforce the rights of the disabled as part of a Sunshine Law notice requirement. But if the Legislature ultimately decides to charge OIP with the enforcement of new rights, then OIP will need additional staffing and operating funds.

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Depending on the outcome of these other proposals under consideration by the Legislature, OIP may need additional staffing and funding to implement them and thus seeks an appropriation in S.B. 2233, S.D. 2. Thank you for considering OIP's testimony, concerns, and appropriation request.

NEIL ABERCROMBIE
GOVERNOR



SANJEEV "SONNY"
BHAGOWALIA
CHIEF INFORMATION
OFFICER

STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE HOUSE COMMITTEE ON
JUDICIARY

Thursday, March 15, 2012
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

S.B. 2233, S.D. 2

RELATING TO ELECTRONIC INFORMATION

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee, thank you for the opportunity to testify on S.B. 2233, S.D. 2.

The Office of Information Management and Technology supports and recommends passage of S.B.2233, S.D. 2, which would require government agencies to post public notices electronically, while still providing the current requirement of print publication as an additional option.

As electronic posting of information has become an accepted and expected way to conduct business, the state should publish public notices online as well to expand its ability to reach constituents.

This proposed bill aligns with the chief information officer's strategic information technology (IT) vision to leverage new technologies to increase government transparency and enhance citizen engagement and participation, while providing increased cost efficiencies for state government.

Thank you for the opportunity to provide testimony on this matter.



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Thursday, March 15, 2012, 2:00 p.m.
State Capitol, Conference Room 325

by

Kevin Thornton
Support Services Department Head
The Judiciary, State of Hawaii

Bill No. and Title: Senate Bill No. 2233, S.D.2, Relating To Electronic Information.

Purpose: Authorizes government agencies to disseminate publications of notice electronically, or in a daily or weekly publication of statewide circulation, or in a daily or weekly publication in the affected county, as appropriate; appropriates funds for the operational expenses of the office of information management technology; appropriates funds for the Hawaii public library system for public access support services; electronic notice requirement effective 7/1/2013. (SD2)

Judiciary's Position:

The Judiciary supports the intent of this bill, with comments, and with concerns for Hawaii residents who may not have easy access to the Internet.

The Judiciary recognizes the additional costs, but believes that there is still a segment of our community who would be served better through print media. It is therefore requested that notices be published on-line and in print media rather than "or in a daily or weekly publication".

Since cost is an issue, it is recommended that the Hawaii.Gov web page is designated as the "centralized website of the State of Hawaii" "For statewide publication". The Hawaii.Gov web page is managed by the State's portal manager, Hawaii Information Consortium, through a self-funded contract. Like the State calendar, the centralized publication website could be created and managed at no additional cost to the State. The Access Hawaii Committee is responsible for



Senate Bill No. 2233 S.D. 2, Relating To Electronic Information
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managing the State's portal manager and could be responsible for setting up the "centralized web site". The Access Hawaii Committee is a cross jurisdictional committee empowered under HRS 27G and could also potentially aggregate public notices from the counties to create a single centralized website for the entire State.

Finally, it is recommended that the centralized website, include email notification services to alert subscribers to the addition of new publications.

Thank you for the opportunity to testify on Senate Bill No. 2233, S.D. 2.

NEIL ABERCROMBIE
GOVERNOR



RICHARD BURNS
STATE LIBRARIAN

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

**House Committee on Judiciary
Thursday, March 15, 2012
State Capitol, Room 325**

SB 2233, SD2 – Relating to Electronic Information

The Hawaii State Public Library System supports SB 2233, SD2 with one suggested amendment.

Page 5, lines 3-4 state "The sum appropriated shall be expended by the department of education for the purposes of this Act." These funds need to be appropriated to and expended by the Hawaii State Public Library System.

This bill appropriates funds for public access support services for the Hawaii Public Library System including the installation of ADA compliant workstations, including furniture, hardware and assistive software (JAWS and ZoomText) in all our libraries.

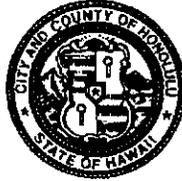
We have already had several meetings with the Chief Information Officer and the Office of Information Management Technology to review requirements to provide this access, and we look forward to playing a significant role in the Government to Citizen information link.

Thank you for the opportunity to comment on this bill.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 15, 2012

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members of the Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Committee Members:

**Subject: Senate Bill No. 2233, SD2
Relating to Electronic Information**

The Department of Planning and Permitting (DPP) **supports** Senate Bill 2233, SD2. This bill authorizes government agencies to disseminate publication of notices electronically or in a daily or weekly publication.

Because the public is increasingly using the Internet to follow news items and to stay informed, it is used to receiving e-mail and text alerts of matters of interest. Passage of this bill will reduce the cost of notices for the Department, and shorten the time required to post notices by eliminating the need to submit them to the newspapers several days in advance of publication.

Please pass Senate Bill No. 2233, SD2. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
sb2233sd2-ElecInfo-bs.doc



To: Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair

Date: March 15, 2012, Conference Room 325, 2:00 p.m.

Re: **SB2233, SD2 – RELATING TO ELECTRONIC INFORMATION**

Chair Keith-Agaran, and Committee Members:

AARP is a membership organization of people 50 and older with nearly 150,000 members in Hawaii. We are committed to championing access to affordable, quality health care for all generations, providing the tools needed to save for retirement, and serving as a reliable information source on issues critical to Americans age 50+.

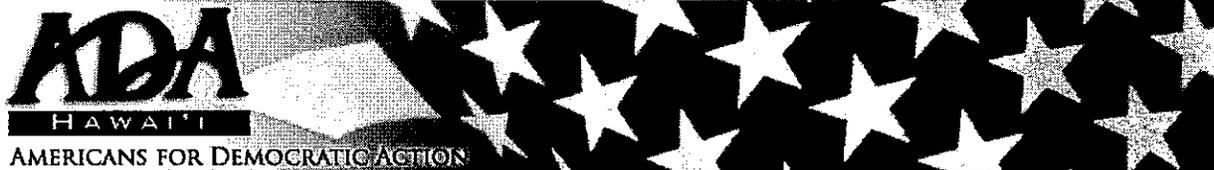
AARP **opposes** SB2233, SD2 which authorizes government agencies to disseminate publications of notice electronically, in a daily or weekly publication of statewide circulation, or in a daily or weekly publication in the affected county; appropriates funds for the operational expenses of the office of information management technology; and appropriates funds for the Hawaii public library system for public access support services

Currently public notice is required in daily or weekly newspapers. This bill allows electronic or online public notice, and makes public notice optional in daily or weekly newspapers.

We acknowledge that there is a possible cost savings if public notice can be provided online or electronically; and that the Hawaii state public library system can be setup for the computer literate, to access public notices. However, our concern is that people who are not computer literate would not be able to access public notice information. This is particularly true of many seniors, disabled, and disadvantaged groups who still rely on newspapers for vital information and would miss public notices if not published in newspapers.

While online use is gaining ground, we know from our own membership that printed material remains their top preference. Until it is clear consumers more readily access public information online we believe that public notification needs to be published in daily or weekly newspapers. Public interest is best served by assuring that public information is easily accessible and we ask that the public notice requirement remain as-is.

Thank you for the opportunity to testify.



OFFICERS	DIRECTORS			MAILING ADDRESS
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March 14, 2012

TO: Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads
Members of the Judiciary Committee

FROM: Barbara Polk, Legislative Chair, Americans for Democratic Action/Hawaii

RE: Support for SB 2233 Relating to Electronic Information

Americans for Democratic Action/Hawaii is pleased to support SB 2233. Electronic publication of notices on the statewide of county website will make them more readily available to a greater number of people by centralizing those notices and having them available beyond the dates during which they might be published in a newspaper. In addition, this bill makes certain that libraries will be able to assist people who do not otherwise have access to a computer to access the information.

We would like to suggest an amendment to further centralize information. We realize that there will be occasions when it is desirable that a notice be published in print, and this bill offers that option. However, we would ask that the bill be amended to require that **all** notices be placed on the state or respective country website, whether or not published in a print publication. It would not seem to place an undue burden on any state agency that publishes notices to do so electronically, since they will already have an electronic format to enable print publication, and it would be a benefit to the computer using public to have only one place to look for statewide and for county notices.

Thank you for your consideration of this amendment. We urge that you pass SB 2233.

The Maui News

Founded in 1900

March 13, 2012

Ladies and Gentlemen::

Please accept this letter as an expression of continued opposition to SB2233.

It is my firm belief that public notices are not simply solicitations for bid by governmental entities nor are postings of new or changed legislation simply for the benefit of insiders. The founders of our republic believed in the widest possible dissemination of the workings of government. The general public needs to know what its government is doing.

Posting public notices on a governmental website will not accomplish that.

Newspapers of general circulation have long been the medium for that wide dissemination. Certainly the residents of our state and county do not search governmental websites for news. *The Maui News* has the largest audience on Maui and our readers rely on us as a source of information. Public notices are an important part of that information.

In closing, please reject SB2233 for the following reasons:

- Publication on a governmental website will obscure the information from a vast majority of the citizenry;
- Newspapers are not an arm of government and publication of governmental workings in an independent forum is essential in a free society;
- Printed pages provide a permanent record of the notice;
- Public notice laws and newspapers have always shared common goals – to keep an informed electorate and make sure governmental actions are transparent.

For those reasons, please reject SB2233.

Respectfully submitted,



Joe Bradley
Publisher
The Maui News

Hawaii Tribune Herald

March 14, 2012

The Hawaii Tribune-Herald opposes SB2233 S.D. 2.

While the said purpose of the bill is to save money and increase public access, the solution stated in this bill is not in the best interest of the local citizenry. Because the notices are now available in print **and** online on newspaper websites removing them from newspapers will, in fact, reduce public access.

Here are four of the reasons important public notices should not be solely posted on a government website.

- Publication is in a forum independent of the government;
- The published notice is archivable and secure;
- The notice is accessible by all segments of society;
- Publication is verifiable (by way of an affidavit of publication).

Posting information on a government website on the Internet has none of these elements of permanency, reliability and accessibility. While IT departments confidently talk about the security of their sites it in fact is still possible to hack any online site and change the information posted. This is happening frequently and was publically evidenced again recently when an animated beer-guzzling robot was elected the head of the Washington DC school board. Just today is a story out of India that reports over 100 websites belonging to government agencies have been hacked over the last 3 months.

On the Internet, everything seems to move, change or cease to exist without notice or explanation. When ink is pressed to paper thousands of times, the notice is either right or wrong, but it will never be right one moment and wrong the next.

Obviously, the official website of the state is not independent of the legislative body that enacted the ordinance. Therefore, posting on a government site alone deprives the notice of the independence that protects against tampering, alteration, political bias and post-deadline posting.

The purpose of public notices is to display information in places where the public is likely to see them. Newspapers, purchased by the consumer, contain news, information on events, advertisements, and other content that is attractive to locally engaged members of the community.

Putting public notices on a government website, while the notices will be available, will effectively remove it from the view of the general public.

The online solution is premature and we urge you to vote in opposition to SB2233 S.D. 2.

Respectfully submitted,



Ted Dixon
Publisher
Hawaii Tribune-Herald
Hilo, HI 96720

West Hawaii Today

75-5580 Kuakini Highway, Kailua-Kona, HI 96740 Phone (808) 329-9311, Fax (808) 329-3659
www.westhawaii.com

March 14, 2012

I am writing to express our disapproval of SB 2233, SD2 that would allow legal notices to be published electronically on state or county government websites.

The clear intention of publishing legal notices in an adjudicated publication that reaches the majority of residents in a community is to ensure the information is presented to as many of those citizens as possible. This is accomplished with the publication of those notices in the dominant information source that is the local newspaper. Notification of legal and government actions is paramount to government transparency and accountability. When this information is not made easily available to the public in an independent and prominent manner, government actions have the potential to move forward without the critical check and balance system required for an open society.

Online postings will deprive citizens of a permanent record of the notice as electronic listings are subject to deletion or revisions. The printed notice is protected and offers a reliable history with a clear date attached. The newspaper is also accessible to all citizens while government websites require an online connection and computer. Many citizens do not have the equipment or skills to access the internet. For those readers who prefer to get information online, the legal notices are provided on the newspaper's website expanding the total number of citizens reached. The important difference, however, is that the notice is provided in a variety of formats reaching many more people who are reading for a variety of reasons. This offers the best potential for the notices to be read by the majority of our citizens while the government website would severely limit this potential.

Newspapers are the primary source for news in a community and citizens rely on them to provide this credible information. They are delivered every day to millions of homes. The required government notices are presented to readers who pay to receive information in a format that is "pushed" to them rather than having to hunt online through a complex government site.

It is critical at this time to reduce government costs but citizens' rights should never be sacrificed for these reductions. Awareness of government processes and actions is of utmost importance and must be protected and the current system of independent and widespread publication of these processes and actions is essential. For this reason and those listed above, we strongly oppose SB 2233, SD2.

Respectfully submitted,

Tracey Fosso
Publisher
West Hawaii Today

Star Advertiser

TO: Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
House Committee on Judiciary

FR: Dave Kennedy, Senior Vice President
Honolulu Star-Advertiser

RE: **TESTIMONY IN OPPOSITION TO SB 2233 SD2 – Relating to Electronic Information**
Thursday, March 15, 2012 – 2:00 PM
Hawaii State Capitol, Room 325

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

The Honolulu Star-Advertiser respectfully opposes SB 2233 SD2, which, if enacted, would limit the requirement that state and county legal ads be published in newspapers of general circulation, creating the option that they be published on the official website of the state or affected county.

SB 2233 SD2 erodes access to vital public information.

1. Accessibility is most important reason for public notices to remain mandatory in print.
 - 74% of Americans read the newspaper – in Hawaii our readership is even higher with 8 in 10 Hawaii adults reading the newspaper each week;
 - 25% of Hawaii adults do not access the internet in an average week;
 - 76% of non-internet users are newspaper readers;
 - By not advertising in newspapers, government is alienating residents who either are seniors, have a high school education or less, and the poor; and
 - 46% of the poorest households do not own a computer and racial minorities have much lower instances of internet access.

Removing state and county legal ads from newspapers would force residents to hunt for proposed government action on often difficult-to-navigate government websites. For residents, especially in rural and remote areas, not everyone has easy access to a computer. It's hard to imagine people going to the trouble of regularly visiting a public library in order to check out the day's legal notices.

2. Publishing to a government website doesn't meet the traditional definition of a legal notice that appears in an independent third-party publication. There is an inherent danger which rests in citizens not knowing about government actions such as:
 - Government hearings and meetings;
 - Opportunities to bid on government contracts;
 - Proposed property developments zoning and land-use changes; and
 - Road construction and road closures.

These are all matters that affect people's livelihoods and well-being.

Further, it is helpful to examine why newspaper publication of notices is such a longstanding and universal requirement. This requirement ensures that once printed, state and county legal ads can be archived and are secure from modification and tampering and are widely and easily accessible. If any of these elements were absent, a legal notice could not be authenticated and would be subject to challenge.

If state and county legal ads were no longer published in newspapers of general circulation, but instead only appeared online – let alone on a *government-run* website – they would have none of these hallmarks of reliability, verifiability, permanency and accessibility. Legal notices – like all serious business – must be transparent, independently verifiable and above suspicion. The government cannot and should not be relied upon to check itself.

Newspapers have extremely broad circulation and penetration. Our readership and print circulation are both rising at a very healthy rate. Contrary to widespread belief, newspapers are not going the way of the dinosaurs – and certainly not in Hawaii.

In closing, it is true that newspapers earn revenue from state and county legal ads. However, this is a very small proportion of our overall revenue. In fact, our current state and county legal rates are less than they were a decade ago and far less than the rates paid by most.

The bottom-line issue here isn't about revenue for us; it's about public access and the public's right to know. That's something we in the news business take very seriously.

This is why we respectfully oppose SB 2233 SD2, and request that you hold this bill in committee.



Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
House Committee on Judiciary

March 15, 2012; 2:00 PM
Hawaii State Capitol, Conference Room 325

RE: SB 2233 SD2 - Relating to Electronic Information - IN OPPOSITION

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

As the publisher of MidWeek newspaper and as vice president of the Hawaii Publisher's Association (HPA), I respectfully oppose SB 2233 SD2. I have been with MidWeek since its inception 28 years ago in 1984. I have also been involved in the public/legal notices processes in that time, beginning from when MidWeek was awarded the contract to provide such notices for the state of Hawaii.

I was involved 12 years ago when it was determined that MidWeek did not have the frequency needed to provide adequate notice in spite of having the highest circulation in the state and with a supplemental notice we provided to the neighbor islands. We were asked to set aside the contract and subsequently the Honolulu Star-Bulletin was awarded the contract under the RFP process.

That process was modified to include the neighbor island daily newspapers in order to have the notices reach the greatest number of Hawaii residents with the optimum number of days to satisfy frequency.

And I was also here when the Star-Bulletin could no longer be sustained and the Honolulu Star-Advertiser came into being, providing a much greater circulation and readership for Oahu and therefore reach for these notices.

In these 28 years I can attest that the state has always done what was best to achieve the purpose of these notices, which was to reach and inform the most people possible in the state of Hawaii. It was always to do what was best for all our people and not what was best for the interest of state government. The intent of this bill before us seems to be eliminating the expense to the state of placing these notices in newspapers.

It does not address the needs of our senior population as AARP has testified nor those of the disabled.

HPA looked at this and questioned if this was such a great idea, why all 50 states were not doing it including those states like California that are in dire financial condition. We could only find evidence that only Alaska and Utah recently attempted to have all notices go online.

My research found that Alaska still places notices in the newspapers in spite of that legislation and that in Utah the legislation was literally reversed to include newspapers as the primary source of posting with an aggregate web site containing free postings as added value.

The Utah situation was an example where government and the private sector worked together to provide services in the best interest of the public. At its best, this is what government is supposed to do, and not further its own agenda.

This is why I respectfully oppose SB 2233 SD2.

Sincerely,

Ron Nagasawa
Publisher & Senior Vice President, MidWeek®

PETER L. FRITZ
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HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON JUDICARY

Hearing: Friday, March 15, 2012
Testimony on S.B. 2233 S.D. 2
(Relating to Electronic Information)

Chair Keith-Agaran, Vice-Chair Rhoads; and members of the Committee, my name is Peter Fritz. I am an individual with a disability, past member and Chair of the State Rehabilitation Committee, member and past Chair of the Disability and Communications Access Board and an attorney. I am testifying in my individual capacity **offering comments about S.B. 2233 S.D. 2.**

This measure would allow government agencies to disseminate publications of notice of notice electronically on the centralized website of the state for statewide publication and on the website of the affected county for county-wide publication. It also allows notices to be published in newspapers. The measure also appropriates funds for operational expenses of the Office of Information Management Technology and public library system for public access. The electronic notice requirement is effective July 1, 2013.

I offer the following comments:

- Remedies for Violation of Posting of Accessible Documents.
 - This bill could have an adverse impact on the disabled community. While the bill, on page 3, lines 1-3 provides that the website shall be accessible to the disabled and other individuals who require state assistance to access the notices and website, it does not provide for a remedy if the notices or a website are not accessible.
 - This bill should have language added after line 3 that provides that an individual may file a complaint with the Hawaii Civil Rights Commission (“HCRC”) if a document or website is not accessible. The HCRC has authority under § 368-1.5 Hawaii Revised Statutes (“HRS”) to receive such complaints.¹

¹ §368-1.5 Programs and activities receiving state financial assistance. (a) **No otherwise qualified individual in the State shall, solely by reason of his or her disability,** [emphasis added] be excluded from the participation in, be denied the benefits of, or **be subjected to discrimination by state agencies,** [emphasis added] or under any program or activity receiving state financial assistance.

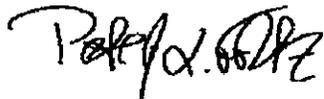
- Notices Published Electronically on a State or County Website Create or Terminate Certain Legal Rights. Section 3 of this bill should be modified to provide stronger protection to the State and County. This would include adding language to Section 3 to provide:
 - Permanent Archiving: To fully protect the State and County, all electronic notices should be permanently archived. Legal rights could arise beyond the 10 year requirement for archiving in the current draft. This change would be consistent with requirements of Alaska which requires a permanent archive. The archive should also be searchable.
 - Document Security: To protect the State and County, all documents electronically posted should be time stamped. In addition, the documents should be locked to prevent alteration after filing.
 - Active Postings Should Be Available for at Least 3 Months. Section 3 of this bill currently provides that active documents will be available for a period of one month. This time period is inconsistent with T§ 92-11, HRS.
 - Filing Procedures. Procedures for filing of documents need to be standardized to ensure the integrity of filed documents.

I have attached a sheet containing some proposed changes to Section 3, of this bill.

If this measure is to be passed, it should be passed with an effective date that goes into effect 90 days after rules providing standards for publication of notices and ensuring accessibility become effective. Furthermore, this measure should provide enforcement powers for violations and or a civil remedy for individuals that allows or recovery of attorney fees by an individual who brings their own action to enforce this law.

Thank you for the opportunity to testify.

Respectfully Submitted,



PETER L. FRITZ

Beginning on Page 4 of S.B. 2233 SD2

the operational expenses of the office of information management and technology, including establishment of a centralized website of the State, to be administered by the office of information management and technology, including but not limited to the following features: one data entry point with multiple destinations; 99.99 per cent reliability; reporting capabilities; electronically stamping each document and locking the document to prevent alteration after the document is filed, integration with the state calendar; equal employment opportunity compliance; mapping and GIS integration; language translation; compliance with Americans with Disabilities Act (ADA) federal requirements; a [~~ten-year~~] searchable permanent archive; active postings for a period of [~~one~~] three month; internet privacy; Electronic Discovery Law compliance; records management compliance, Federal Information Security Management Act of 2002 security management; and RSS (Really Simple Syndication) feeds to public access channels.