

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Ways and Means

From: Cheryl Kakazu Park, Director

Date: February 25, 2020, 12:40 p.m.
State Capitol, Conference Room 211

Re: Testimony on S.B. No. 2898, S.D. 1
Relating to Public Notices

Thank you for the opportunity to submit testimony on this bill, which would allow a government agency to publish public notice on the agency's official website as an alternative to newspaper publication. The Office of Information Practices (OIP) has no position on this bill, because it affects only the general notice provided for in section 1-28.5, HRS, and does not affect notice requirements under part I of chapter 92, HRS, the Sunshine Law, which OIP administers.

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

RONA M. SUZUKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

To: The Honorable Donovan M. Dela Cruz, Chair;
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair;
and Members of the Senate Committee on Ways and Means

From: Rona M. Suzuki, Director
Department of Taxation

Re: S.B. 2898, S.D. 1, Relating to Public Notices

Date: Tuesday, February 25, 2020

Time: 12:40 P.M.

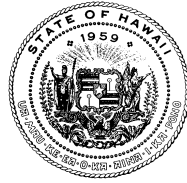
Place: Conference Room 211, State Capitol

The Department of Taxation (Department) strongly supports S.B. 2898, S.D. 1, an Administration measure.

S.B. 2898, S.D. 1, allows government agencies to publish public notice on their website in lieu of newspaper publication. S.B. 2898, S.D. 1, has a defective effective date of July 1, 2050.

It is the Department's experience that few, if any, interested persons gain notice of its public hearings via the newspaper publication, which is also time consuming and expensive. Rather, they gain the information via publication on the Department's website, making the website more effective and cost efficient.

Thank you for the opportunity to testify in strong support of this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB2898 SD1
RELATING TO PUBLIC NOTICES.**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 25, 2020

Room Number: 211

1 **Fiscal Implications:** Operational cost savings in the tens of thousands of dollars for individual
2 programs within executive agencies.

3 **Department Testimony:** The Department of Health (DOH) strongly supports this measure
4 which improves government efficiency without compromising public engagement and
5 transparency. This is accomplished by authorizing executive agencies the option to publish
6 certain public notices on an electronic calendar on an official website in lieu of in printed
7 newspapers. SB2898 SD1 is intended for routine public notices such as those required by the
8 certain federal agencies. For example, the US Environmental Protection Agency requires certain
9 Clean Water Act permit information to be published as public notice for which internet
10 publication is acceptable, but state law requires print publication and thus the stricter state statute
11 prevails.

12 Public notices of substance or great public interest, such as those for public hearings for Hawaii
13 Administrative Rules, Sunshine Law notices, or contested case hearings are governed by more
14 specific statutes that require newspaper and internet posting, so SB2898 SD1 would not apply.

15 As an example of the cost savings this measure will provide, public notices for National
16 Pollutant Discharge Elimination System permits cost applicants about \$100,000 annually; public
17 notices for the Wastewater Branch variance program cost applicants about \$100,000 annually;
18 public notices for Underground Injection Control permits cost applicants about \$5000 annually;

- 1 and public notices for Clean Air Branch permits cost applicants about \$30,000 annually.
- 2 Applicants include state agencies and the public.
- 3 **Offered Amendments:** None.
- 4 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Tuesday, February 25, 2020
12:40 PM**

State Capitol, Conference Room 211

**SENATE BILL 2898, SENATE DRAFT 1
RELATING TO PUBLIC NOTICES**

Senate Bill 2898, Senate Draft 1 allows government agencies to publish public notice on their official website as an alternative to the newspaper. **The Department of Land and Natural Resources (Department) supports this Administration measure.**

The Department supports this measure as it will make the notification process simpler and more effective. Newspaper subscriptions have decreased as more people rely on web-based news sources and information. The option to use web-based notification allows departments to choose the most effective media for their public notices.

Thank you for this opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson



TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

FEBRUARY 25, 2020
12:40 P.M.
CONFERENCE ROOM 211

SENATE BILL NO. 2898 SD1
RELATING TO PUBLIC NOTICES

Chairperson Dela Cruz, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2898 SD1, which allows government agencies to publish public notice on their official website as an alternative to the newspaper. The Department supports this measure.

The Department observes that separate noticing requirements under HRS Ch. 91 and 92 are not affected by this measure.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov



February 25, 2020

To: The Honorable Donovan M. Dela Cruz, Chair,
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Tuesday, February 25, 2020
Time: 12:40 p.m.
Place: Conference Room 211, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2898 SD1 RELATING TO PUBLIC NOTICES

I. OVERVIEW OF PROPOSED LEGISLATION

SB2898SD1 proposes to amend Section 1-28.5, Hawaii Revised Statutes (HRS) to allow government agencies that are required to give public notice or to publish notices the option to post notices on a central government website.

The DLIR supports this measure.

II. CURRENT LAW

Section 1-28.5, HRS requires that government agencies that are required to give public notice or to publish notices to do so for statewide publication either in a daily or weekly publication of statewide circulation or in separate daily or weekly publications whose combined circulation is statewide, and for county-wide publication, a daily or weekly publication in the affected county.

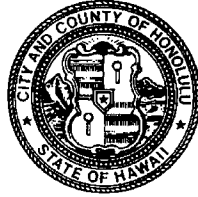
III. COMMENTS ON THE HOUSE BILL

The DLIR supports allowing government agencies to post notices on a central website. Allowing the posting of notices on a central website will save resources and time, while still providing governmental transparency and public access.

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

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 25, 2020

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways and Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Committee Members:

**SUBJECT: Senate Bill 2898, SD 1
Relating to Public Notices**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2898, SD 1, which allows government agencies to publish public notices on their official website as an alternative to the newspaper.

Public notices in newspapers are expensive and have limited visibility, especially among those who tend to obtain daily news and information from social media and other online sources. Last year, the DPP spent more than \$18,000 on legal ads that were published in newspapers, and more than \$23,000 in the year prior. The public's access to information has evolved with advancement in internet and mobile technology. It is our responsibility to adapt and accommodate the public, in order to serve them in the most efficient and cost-effective way possible.

This Bill would allow the DPP to accommodate people's preference and reach a wider audience at lower cost, which will increase government efficiency, transparency, and encourage more public engagement.

Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink that reads "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director

Harry Kim
Mayor

LATE



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 24, 2020

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members:

RE: SB 2898, SD1 Relating to Public Notices

Although SB 2898, SD1 might be superficially beneficial to the operation of government, I submit this testimony in opposition to its provisions.

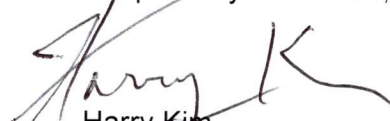
I think that SB 2898, SD1 would be bad public policy for two reasons which are entirely unrelated to each other:

First, although it may be true that, as SB 2898 states, "electronic posting is more expedient and cost-effective," democracy depends on more than expediency and cost effectiveness. Officials should be careful in spending taxpayer dollars, but we have to balance that against the need for openness and transparency. In the case of public notices, I would argue that all practical sources for disseminating information should be utilized. Declaring that posting on one of innumerable government websites would be sufficient to give all citizens adequate notice of the doings of their government would, I think, be inaccurate, unwise, and contrary to our values.

I also offer a perspective that does not seem to have been presented in earlier testimony. Across the country, local newspapers are going out of business, and I wonder whether our publications in Hawai'i, especially on the neighbor islands, are financially healthy. If we take away the revenue they get from publishing public notices, they will have an even tougher time surviving. Losing local news coverage is bad for democracy, and I do not think this Legislature wants to do anything that might contribute to creating another news desert. SB 2898, SD1 might do just that.

Thank you for your consideration.

Respectfully Submitted,


Harry Kim
MAYOR

SB-2898-SD-1

Submitted on: 2/20/2020 6:08:49 PM

Testimony for WAM on 2/25/2020 12:40:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Oppose	No

Comments:

NOT everyone has access to the internet and social media or websites. This bill contributes to the elitism and privilege of a few. While it may be cost efficient for the agencies, it is wrong because it will not be accessible to all.

SB-2898-SD-1

Submitted on: 2/21/2020 5:17:36 PM

Testimony for WAM on 2/25/2020 12:40:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Oppose	Yes

Comments:

Aloha kakou,

I vehemently OPPOSE SB 2898 SD 1 as written now. While I agree that using official websites and calendar's will increase efficiency and decrease expenditures this is not the way to inform the public, i.e. Citizens of government activity and notices. Please offer the proposed change as an additional notification option to Section 2.a.(1) and 2.a.(2). It should no be a third choice, as is being proposed now.

We continue our subscription of the ONLY daily publication to stay informed. Not only do we need to know what's going on locally and globally, we need to know everything like:

- Where road construction is and how it'll affect us.
- Marriages, Divorces, Births
- Name Changes
- Probates
- Public Auctions
- Impounded vehicles
- Public Comment on Issue's (i.e.

[REQUEST FOR PUBLIC COMMENTS ON DRAFT AIR PERMIT REGULATING THE EMISSIONS OF AIR POLLUTANTS \(Docket No. 20-CA-PA-01\)](#)

•

[DEPARTMENT OF TRANSPORTATION NOTICE OF SOLICITATION OF COMMENTS STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM \(STIP\) FEDERAL FISCAL YEARS 2019 to 2022 \(+2\) REVISION #7](#)

- Public Notice (i.e.

[Notice to Applicants Request for Application No. J20376 The Hawaii Justice Foundation, as Administrator for the Judiciary,](#)

-

[NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS February 5, 2020 City and County of Honolulu Department of Budget and Fiscal Services](#)

-

[NOTICE TO BUSINESSES THAT STORE, USE, OR MANUFACTURE ANY HAZARDOUS SUBSTANCE\(S\)](#)

-

[NOTICE OF PROPOSED WATER POLLUTION CONTROL PERMIT FOR THE KAILUA REGIONAL WASTEWATER TREATMENT PLANT KAILUA, ISLAND OF OAHU NPDES PERMIT NO. HI 0021296 DOCKET NO. HI 0021296](#)

- Applications for various Agencies

[OAHU NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN TO interested persons that the applications listed below have been filed with the HAWAII PUBLIC UTILITIES COMMISSION.](#)

I'm not familiar with the Hawaii Revised Statutes, most of it's Chapters and Sections, but any time government is eliminating easy access to information is of grave concern to me. This would mean that we'd have to check all the Agencies to see if something interests or applies to me, my family, friends, neighbors and community. Who has time to pull multiple Agency's websites, hunt for their public postings? I, like the general public, don't and I imagine you don't either.

Again, please allow the proposed change as an ADDITIONAL OPTION not one of the ways to keep the public, our residents, informed. Mahalo for this opportunity to engage and share my mana'o with you.

Kapua Keliikoa-Kamai

Waianae Resident and Voter

PETER L. FRITZ

TELEPHONE (SPRINT IP RELAY): (808) 568-0077
E-MAIL: PLFLEGIS@FRITZHQ.COM

THE SENATE THE THIRTIETH LEGISLATURE REGULAR SESSION OF 2020

COMMITTEECOMMITTEE ON WAYS AND MEANS

Testimony on S.B. 2898 SD1
Hearing: February 24, 2020

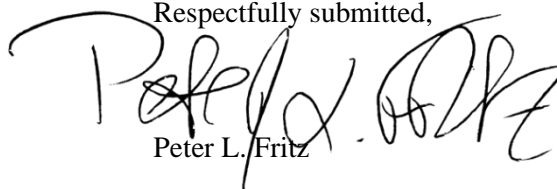
RELATING TO PUBLIC NOTICES

Chair Dela Cruz, Vice Chair Keith-Agaran and members of the Committee. My name is Peter Fritz. I am an individual with a disability and offering comments relating to a concern that posting on the state calendar will not provide the proof that the notice was posted on the state calendar the requisite number of days prior to the event and because could discriminate against individuals with disabilities, kupuna and citizens without access to broadband internet.

- **The state calendar does not provide legal proof of the date of publication of a notice.**
 - Some statutes require that notices be posted a certain number of days prior to the event.
 - The State Calendar only records the date that someone edited the page on the State Calendar. The state calendar does not record the date that the agenda was posted. See attachment.
 - Some agencies do not post the notice. Instead, the agency only posts a link to an external document which could be amended or changed after the event was posted on the State Calendar. To comply with certain laws, notices and agendas cannot be changed after a particular date.
 - **Requiring Notices of Rule Making with the Lieutenant Governor would provide an accurate date for the posting of the Notice on the State Calendar. Notices of Boards and Commissions are required to be filed with the Lieutenant Governor.**
 - **Alternatively, programing the State Calendar to operate in a manner similar to the Legislature’s testimony submittal portal, which allows submission of testimony but no further editing of submitted documents might provide sufficient proof to satisfy the legal time requirements.**
- **Disability Discrimination.** This bill could discriminate against the disabled who cannot use a computer. The Department of Justice has consistently interpreted the ADA to cover websites that are operated by public entities and stated that such sites must provide their services in an accessible manner so that individuals with disabilities have an equal degree of access in terms of hours of operation and the range of options and programs available. Based on personal experience, agencies frequently do not post electronic information that is accessible to individuals with disabilities. To ensure that notices do not discriminate, language should be added to the end of paragraph (3), line 18 on page 2 to read:

“Notices posted electronically shall conform to the standards for accessible electronic information and information technology as set forth by s. 508 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. s. 794(d), including the regulations set forth under 36 C.F.R. part 1194.”

Respectfully submitted,



Peter L. Fritz

Senate Bill 2898
Testimony of Peter Fritz
February 25, 2020
Page 2

The screenshot shows the Hawaii State Calendar website. On the left is a calendar for March 2020 with the 14th highlighted. On the right, under "Events for March 14, 2020", two events are listed: "Medical Advisory Board" at 12:30 PM and "Land Board Meeting" at 9:00 AM. The "Land Board Meeting" event details are expanded, showing it is organized by the Board of Land and Natural Resources, scheduled from 02/14/20 to 12/11/20, at 09:00 AM, and located at Kalanimoku Bldg, 1151 Punchbow St., Room 132, Honolulu, HI 96813. A "View In Official State Calendar" link is provided below the details.

This screenshot shows a detailed view of the "Land Board Meeting" event. At the top, a dropdown menu is set to "Board of Land and Natural Resources" with a "Select" button and a "Login" link. Below this is a calendar for March 2020 and an "Events List" table. The table has columns for "Time" and "Event". The event listed is at 09:00 AM, titled "Land Board Meeting", with details: "Calendar: Board of Land and Natural Resources" and "Location: Kalanimoku Bldg, 1151 Punchbow St., Room 132, Honolulu, HI 96813". A "Details" link is at the end of the row. Navigation options for "Today", "This Week", "This Month", and "This Year" are visible, along with a search bar.

The screenshot shows an email client interface. At the top, it says "All Unread" and "Search Unread Mail". Below is a table of email headers:

FROM	SUBJECT	RECEIVED	SIZE	IN FOLDER
Board of Land and Natural Resources	Land Board Meeting	Sat 3/14/2020 2:00 AM	5 KB	Board of Land and Natu...

Below the table, the email content is displayed:

Land Board Meeting
Board of Land and Natural Resources
Posted On: Sat 3/14/2020 2:00 AM
Feed: Board of Land and Natural Resources

Location: Kalanimoku Bldg, 1151 Punchbow St., Room 132, Honolulu, HI 96813
Date: 2020/03/14
Time: 09:00 AM

Meeting materials are available for public review in advance of the meeting on our website:
<http://www.dlnr.hawaii.gov/meetings>