



OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair Karl Rhoads
Vice Chair Mike Gabbard
Members of the Senate Committee on Judiciary

Chair Donovan Dela Cruz
Vice Chair Gilbert Keith-Agaran
Members of the Senate Committee on Ways and Means

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for S.B. 306 – Relating to Public Information

DATE: March 1, 2023

Thank you for the opportunity to **provide comments on S.B. 306** which requires all state agencies adopting, amending, or repealing an administrative rule to make the full text of the rules of the agency available on the Office of the Lieutenant Governor's website in a digitally accessible and searchable format.

In the short period that I have been in office, my staff and I have witnessed firsthand that the current system is antiquated and not user-friendly. We fully support the addition of searchability functions and the centralization of administrative rules as these updates will make it easier for the public and community stakeholders to view and understand proposed changes that will impact their lives.

We appreciate the prior Committee's amendments and inclusion of two (2) FTE positions to oversee the implementation and maintenance of this project.

Thank you for the opportunity to provide comments on S.B. 306.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
" A Police Organization for Police Officers Only "
Founded 1971

February 25, 2023

VIA ONLINE

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice-Chair
Senate Committee on Judiciary
Hawaii State Capitol, Rooms 228, 201
415 South Beretania Street
Honolulu, HI 96813

The Honorable Donovan M. Dela Cruz
Chair
The Honorable Gilbert S.C. Keith-Agaran
Vice-Chair
Senate Committee on Ways and Means
Hawaii State Capitol, Rooms 208, 221
415 South Beretania Street
Honolulu, HI 96813

Re: **SB 306 SD1 - Relating to Public Information**

Dear Chairs Rhoads and Dela Cruz, Vice-Chairs Gabbard and Keith-Agaran, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in **strong support** of SB 306 SD1. This bill seeks to provide a centralized location and greater accessibility for the public to find an agency's rules and policies used by the agency to discharge its functions.

We support the proposed amendment to amend HRS § 91-2 which will require all government agencies subject to HRS chapter 91 to have their rules and policies available at the Office of the Lieutenant Governor. A centralized location for all such rules and policies will provide easier access to the public and any interested party who would like to avail themselves of such information.

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We also strongly support the new language which would amend HRS §91-2.6 by requiring the full text of an agency's proposed rule changes to be in a digitally accessible and searchable format. However, we do not believe this amendment goes far enough, especially when administrative rules have the force and effect of law, and any changes should be carefully scrutinized with a fair opportunity provided to all interested parties to provide comment. It is no different than the legislative process SB 306 SD1 is being subjected to by way of your noticed hearing.

An agency's administrative rules can consist of voluminous pages making it extremely difficult to decipher what specific rule changes are being proposed if the proposed changes are not properly highlighted and marked. For example, the Hawaii Labor Relations Board's ("HLRB") administrative rules consist of over 100 pages, and 266 individual rules. We recently encountered this very problem when the HLRB recently amended its administrative rules. The proposed rules as presented to the public were in a form that made it extremely difficult to understand what rule changes were buried in the 103 pages of rules. Despite asking the HLRB for additional detail to help the public identify and understand what specific rule changes were being proposed, the HLRB declined to provide such information leaving the public in the dark as to what changes were being proposed among the 100 plus pages of rules. If the public knows exactly what rule changes are being proposed such as formatting the proposed rule changes in a Ramseyer format which shows the proposed omissions and insertions by strike-through, italics, parallel columns, or other appropriate typographical devices, including citation to any existing rule or part thereof in which the proposed insertion originated from or replaces, that will greatly assist the public's comprehension as to what is being proposed. In turn, the public can meaningfully review and offer comments to the proposed rule changes. After all, the circulation of proposed rule changes is to ensure the public and other interested parties have a fair opportunity to provide public comment.

Given these concerns, we propose the following language (yellow highlight) be inserted into SB 306 SD1, which will compel an agency to provide detailed information on proposed rule changes with minimal effort on their part to accomplish:

SECTION 2. Section 91-2.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Beginning January 1, 2000, all state agencies, through the office of the lieutenant governor, shall make available on the website of the office of the lieutenant governor each proposed rulemaking action of the agency and the full text of the agency's proposed rules or changes to existing rules **in Ramseyer format showing the proposed omissions and insertions by stricken-through type**

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and italics, parallel columns, or other appropriate typographical devices, including citation to any existing rule or part thereof in which the proposed insertion originated from or replaces in whole or in part. The full text of the agency's proposed rules shall be in a digitally accessible and searchable format. The internet website shall provide instructions regarding how to download the information regarding proposed rulemaking actions and the full text of the agency's proposed rules.”

SECTION 2. Section 91-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each agency adopting, amending, or repealing a rule, upon approval thereof by the governor or the mayor of the county, shall file forthwith certified copies thereof with the lieutenant governor in the case of the State, or with the clerk of the county in the case of a county. In addition, the clerks of all of the counties shall file forthwith certified copies thereof with the lieutenant governor. A permanent register of the rules, open to public inspection, shall be kept by the lieutenant governor and the Clerks of the counties. All state agencies, through the office of the lieutenant governor, shall make available on the website of the office of the lieutenant governor the full text of the rules of the agency in a digitally accessible and searchable format, and in Ramseyer format showing the proposed omissions and insertions by stricken-through type and italics, parallel columns, or other appropriate typographical devices, including citation to any existing rule or part thereof in which the proposed insertion originated from or replaces in whole or in part. The full text of the agency's proposed rules shall be in a digitally accessible and searchable format.”

We thank you for allowing us to be heard on this very important issue and we hope your committee will unanimously support and amend SB 306 SD1 as we have suggested.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President

SB-306-SD-1

Submitted on: 2/24/2023 9:29:57 PM

Testimony for JDC on 3/1/2023 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Leigh	Individual	Support	Written Testimony Only

Comments:

Having the usability of a site increase how informed the public is. I am in full support of this bill for the reason stated above and for specifically for the education of students. I myself am high school student constatly curious and find it frustrating to find needed information about something and going down a rabbit hole. It also is a way to help clearly learn what is going on around us.

SB-306-SD-1

Submitted on: 2/25/2023 8:16:02 AM

Testimony for JDC on 3/1/2023 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter L Fritz	Individual	Support	Written Testimony Only

Comments:

I am testifying support this bill. This bill would provide a centralized location for the public to find an agency's rules and policies at the Office of the Lieutenant Governor. A centralized location will provide greater access to the public and requiring information to be digitally accessible will enable individuals with disabilities to access this information.

Regarding a standard for files that are digitally accessible and searchable, the committee may want to incorporate the following language into the bill:

Information section shall meet or exceed the most current, ratified standards under section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended, and the Web Content Accessibility Guidelines adopted by the World Wide Consortium for accessibility."