



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
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doh.testimony@doh.hawaii.gov

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

SENATOR LAURA H. THELEN, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS,
AND MILITARY AFFAIRS

Hearing Date: February 6, 2020

Room Number: 225

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

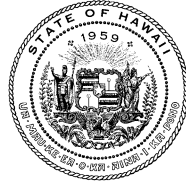
3 **Department Testimony:** The Department of Health (DOH) strongly supports this measure
4 which improves government efficiency without compromising public engagement and
5 transparency. This is accomplished by authorizing executive agencies the option to publish
6 certain public notices on its official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

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

14 As an example of the cost savings this measure will provide, public notices for National
15 Pollutant Discharge Elimination System permits cost applicants about \$100,000 annually; public
16 notices for the Wastewater Branch variance program cost applicants about \$100,000 annually;
17 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
- 4 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR
JOSH GREEN M.D.
LT. GOVERNOR



RONA M. SUZUKI
DIRECTOR OF TAXATION
DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
Phone: (808) 587-1540 / Fax: (808) 587-1560
Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Laura H. Thielen, Chair;
The Honorable Lorraine R. Inouye, Vice Chair;
and Members of the Senate Committee on Government Operations

The Honorable Clarence K. Nishihara, Chair;
The Honorable Glenn Wakai, Vice Chair;
and Members of the Senate Committee on Public Safety, Intergovernmental, and
Military Affairs

From: Rona M. Suzuki, Director
Department of Taxation

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

Date: Thursday, February 6, 2020

Time: 2:45 P.M.

Place: Conference Room 225, State Capitol

The Department of Taxation (Department) strongly supports S.B. 2898.

S.B. 2898 allows government agencies to publish public notice on their website in lieu of newspaper publication. The bill is effective upon approval.

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 to testify in strong support of this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
DEPUTY DIRECTOR

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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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February 6, 2020

To: The Honorable Laura H. Thielen, Chair,
The Honorable Lorraine R. Inouye, Vice Chair, and
Members of the Senate Committee on Government Operations

The Honorable Clarence K. Nishihara, Chair,
The Honorable Glenn Wakai, Vice Chair, and
Members of the Senate Committee on Public Safety, Intergovernmental,
and Military Affairs

Date: Thursday, February 6, 2020
Time: 2:45 p.m.
Place: Conference Room 225, State Capitol

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

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

I. OVERVIEW OF PROPOSED LEGISLATION

SB2898 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 the government agency's official 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 their official

websites. DLIR has several boards and commissions that hold regular meetings that require notice to be given. Allowing these boards and commissions to post notices on the DLIR website will save resources and time, while still providing for governmental transparency and public access to their meetings.

The Department notes that the U.S. DOL during recent Disaster Unemployment Assistance (DUA) incidents (Hawaii Island Volcano and Kauai floods) preferred the press release announcing the availability of DUA benefits be made via the electronic method.

OFFICE OF INFORMATION PRACTICES

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

To: Senate Committees on Government Operations and on
Public Safety, Intergovernmental, and Military Affairs

From: Cheryl Kakazu Park, Director

Date: February 6, 2020, 2:45 p.m.
State Capitol, Conference Room 225

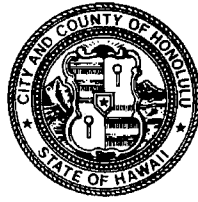
Re: Testimony on S.B. No. 2898
Relating to Public Notices

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 objection 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. OIP is happy to answer any questions the Committees may have about how the Sunshine Law's notice requirements compare to the general notice process proposed by this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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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 6, 2020

The Honorable Laura H. Thielen, Chair
and Members of the Committee on Government Operations
The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Thielen and Nishihara:

**SUBJECT: Senate Bill 2898
Relating to Public Notices**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2898, 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,


Kathy K. Sokugawa
Acting Director

SB-2898

Submitted on: 1/29/2020 7:49:28 PM

Testimony for GVO on 2/6/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

LATE

PETER L. FRITZ

TELEPHONE (SPRINT IP RELAY): (808) 568-0077
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THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEECOMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Testimony on S.B. 2898
Hearing: February 6, 2020

RELATING TO PUBLIC NOTICES

Chairs Thielen and Nishihara, Vice Chair Inouye and Wakai and members of the Committees. My name is Peter Fritz. I am an individual with a disability and testifying in **opposition to** Senate Bill 2898 because it would reduce transparency, could discriminate against individuals with disabilities, kupuna and citizens without access to broadband internet and does not provide citizens with accurate proof that a notice was timely posted electronically.

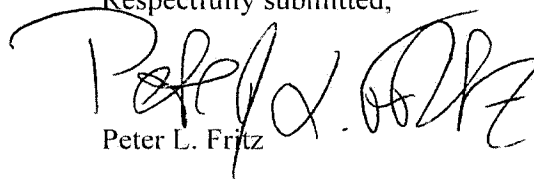
- **Reduces Transparency.** This bill burdens citizens who would be required to check multiple internet webpages to determine if a notice had been posted on a website. A citizen would have to search each website for any notice since there are no rules requiring posting on a particular location. For example, would a notice for a hearing for proposed rules for the Disability and Communication Access Board be posted on its webpage or on a webpage for the Department of Health?
- **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.”

- **No Proof of Timely Posting of Notice.** Information must be posted by strict time periods. There is no proof that a notice was timely posted for information posted on an Agency’s website.

- **The State Calendar May Not Have the Correct Time and Date of Posting.** The state calendar records when an entry is posted on the State Calendar. However, the DLIR is posting notice of a date for a meeting, but posting the notice document on its website. I have noticed that an event may be posted with a link to the agency's website; however, the notice is not available when the event is posted. Any notice document should be posted on the State Calendar and not by a link to an external document.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter L. Fritz". The signature is stylized with a large initial "P" and "F".

Peter L. Fritz