



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

February 2, 2023

VIA ONLINE

The Honorable Scot Z. Matayoshi
Chair
The Honorable Andrew Takuya Garrett
Vice-Chair
House Committee on Labor & Government Operations
Hawaii State Capitol, Rooms 422, 323
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 572 – Relating to administrative rulemaking**

Dear Chair Matayoshi, Vice-Chair Garrett, 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 HB 572. This bill seeks greater transparency for the public and for Stakeholders to provide meaningful input when an agency attempts to change its administrative rules.

We strongly support the new language which would amend HRS § 91-3 by requiring prior to the adoption, amendment, or repeal of an administrative rule that electronic notice of the proposed rulemaking be provided to all persons who have made a timely request of the adopting agency for advanced notice of its rulemaking proceedings. 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.

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.

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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 that this bill also include amendments to HRS § 91-2.6 and HRS § 91-4 requiring the full text of the agency's proposed rules be in a digitally accessible and searchable format on the Office of Lieutenant Governor's website and compelling agencies to provide detailed information on proposed rule changes with minimal effort on their part to accomplish:

SECTION 1. 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 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.”

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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 HB 572 as we have suggested.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President



HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS
Tuesday, February 7, 9 am, State Capitol Room 309 & Videoconference
HB 572

Relating to Administrative Rulemaking

TESTIMONY

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

Chair Matayoshi, Vice Chair Garrett, and Committee Members:

The League of Women Voters of Hawaii supports HB 572.

We support electronic notice to persons who have requested electronic advance notice of proposed rulemaking. We note that §92-7, HRS, was amended several years ago to require timely electronic mail notice of board meetings.

Thank you for the opportunity to submit testimony.