



## OFFICE OF THE LIEUTENANT GOVERNOR

TO: Chair Angus McKelvey  
Vice Chair Mike Gabbard  
Members of the Senate Committee on Government Operations

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for S.B. 8 – Relating to Administrative Rules

Thank you for the opportunity to **provide comments on S.B. 8** which requires all state agencies adopting, amending, or repealing an administrative rule make the full text of the rules available on our Office'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 on the Lieutenant Governor's website as these updates will make it easier for the public and community stakeholders to view and understand proposed changes that will impact their lives.

If the Legislature proceeds with these amendments, we respectfully request funding to build and maintain the new website components and one FTE position to oversee the multitude of website updates.

Thank you for the opportunity to provide comments on S.B. 8.



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THE SENATE  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2022

COMMITTEE ON JUDICIARY  
Testimony on S.B. 8  
Hearing: January 27, 2022

RELATING TO ADMINISTRATIVE RULES

Chair Rhoads, Vice Chair Gabbard, and members of the Committee, Assistive Technology Resource Centers (“ATRC”), the State of Hawaii’s designated Assistive Technology Act agency under the Technical Assistance Act of 1998 (Tech Act), is testifying in **support** of this bill.

This bill would require all state agencies adopting, amending, or repealing a rule to make the full text of the proposed rules of the agency available on the website of the the Office of the Lieutenant Governor in a digitally accessible and searchable format. In addition, the bill would also require agencies to make the full text of the rules of the agency available in a digitally accessible and searchable format on the website of the Office of the Lieutenant Governor.

ATRC supports the bill. Digitally accessible and searchable documents enable individuals with vision and mobility disabilities to participate in government. Digitally accessible files have the necessary features to make the files compatible with the assistive technology required to access the documents.

In addition, this bill provides a state remedy should an agency fail to make an accessible copy available on the Office of the Lieutenant Governor’s website. Without this bill, the only remedy is to file a lawsuit for violation of the Americans with Disability Act in Federal Court.

Should the Committee be inclined to include a definition for digitally accessible and searchable files, ATRC suggests:

Digitally accessible and searchable files 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 2.0 adopted by the World Wide Consortium for accessibility.

Respectfully submitted on behalf of Assistive Technology Resource Centers by:

Peter L. Fritz



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

January 24, 2023

**ONLINE / FAX: 808-586-6071; 808-586-6679**

The Honorable Angus L.K. McKelvey  
Chair  
The Honorable Mike Gabbard  
Vice-Chair  
Senate Committee on Government Operations  
Hawaii State Capitol, Rooms 201, 223  
415 South Beretania Street  
Honolulu, HI 96813

Re: **SB8-Relating to Administrative Rules**

Dear Chair McKelvey, Vice-Chair Gabbard, 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 SB8. This bill seeks greater transparency for the public and stakeholders to provide meaningful input when an agency attempts to change its administrative rules.

We strongly support the new language which would amend HRS §91-26 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 SB8 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.

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The Honorable Angus L.K. McKelvey, Chair  
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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 the following language (yellow highlight) be inserted into SB8, which will compel an agency 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 SB8 as we have suggested.

Respectfully submitted,

ROBERT “BOBBY” CAVACO  
SHOPO President

**SB-8**

Submitted on: 1/30/2023 9:40:29 AM

Testimony for GVO on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alec Marentic	Individual	Support	Written Testimony Only

Comments:

I am employed by a State agency and I **support** the intent of this bill.

**SB-8**

Submitted on: 1/24/2023 6:23:44 PM

Testimony for GVO on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Zehner	Individual	Support	Written Testimony Only

Comments:

A good idea.

**SB-8**

Submitted on: 1/26/2023 1:10:46 PM

Testimony for GVO on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl B.	Individual	Comments	Written Testimony Only

Comments:

Comments:

Should not only put on office of Lt. Governor's website but also be submitted in some way through a public notice. Though it is 2023, not all community members have access to internet and computer.