



SYLVIA LUKE
LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'āina

The 33rd Legislature, State of Hawaii
Senate Committee on Government Operations
January 28, 2025

Testimony on
S.B. 55 - RELATING TO ADMINISTRATIVE RULES

Chair McKelvey, Vice-Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to **provide comments on S.B. 55** 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 website of the Office of the Lieutenant Governor in a digitally accessible and searchable format.

Improving accessibility is an important component of providing government services and if passed, we will work with the Legislature and state agencies to implement the intent of the measure.

We respectfully request the effective date be amended to January 1, 2026 to allow state agencies the opportunity to coordinate with our office.

Thank you for the opportunity to provide comments on S.B. 55.

Jan. 28, 2024, 3 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Government Operations
Sen. Angus McKelvey, Chair
Sen. Mike Gabbard, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

TESTIMONY IN SUPPORT OF SB55 — RELATING TO ADMINISTRATIVE RULES

Aloha Chair McKelvey, Vice-Chair Gabbard and other members of the Committee,

The Grassroot Institute of Hawaii would like to offer support for [SB55](#), which would require all state agencies adopting, amending or repealing a rule to make the full text of the proposed rule available on the website of the Office of the Lieutenant Governor in a digitally accessible and searchable format.

Administrative rules govern all aspects of life in Hawaii, from invasive species control to deadlines for the issuance of professional licenses, but currently there is no statewide system that makes it possible for the public to know of and track proposed changes to agencies' administrative rules.

Instead, an interested individual must follow dozens of agencies' calendars and websites for periodic and non-standardized rulemaking notices.

The amendments proposed in SB55 would make it far easier for affected parties to learn of changes to administrative rules, thereby promoting transparency and civic engagement in agency rulemaking.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



Senate Committee on Government Operations

Tuesday, January 28, 2025 3 PM Hearing in Conference Room 225 on
SB 55, Relating to Administrative Rules

TESTIMONY

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

Chair McKelvey, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii supports SB 55. We also would strongly support a bill amendment to require each county to post all county agency rules, in a digitally accessible and searchable format, on a single county website.

Thank you for the opportunity to submit testimony.



Senate Committee on Government Operations
Honorable Angus McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

RE: Testimony in Support of S.B. 55, Relating to Administrative Rules
Hearing: January 28, 2025 at 3:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony **in support** of S.B. 55.

This measure would help *all* members of the public to better understand and track proposed agency rules by making the full text of proposals available on a centralized website, in a digitally accessible and searchable format. We commend the Legislature's effort to increase transparency and access in the agency rulemaking process. This, in turn, will promote more informed public participation.

Thank you again for the opportunity to testify in support of S.B. 55.



PETER L. FRITZ
Attorney at Law
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Senate Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

RE: **Testimony in Support of the Intent of SB55**
Hearing: January 28, 2025 at 3:00 p.m.

Dear Chair, Vice Chair and Members of the Committee:

My name is Peter Fritz. I am an individual with a disability, an attorney and an advocate for individuals with disabilities that has filed ADA complaints against the State. I am a former chair of the Disability and Communication Access Board (DCAB) and the Rehabilitation Advisory Council. I am testifying **in support of the INTENT of SB 55.**

The intent of Senate Bill 55 is to provide greater accessibility to administrative rules posted on the Lieutenant Governor's website by requiring those documents to be "in a digitally accessible and searchable format." However, the standard for what constitutes a digitally accessible and searchable format are not specified. Without specifications, it is impossible for an entity to comply with the requirements of this bill.

This bill ignores the fact that the State of Hawaii is required to comply with Title II of the Americans with Disabilities Act. (ADA). Title II has standards, regulations and case law interpreting what is an ADA accessible document. An individual has a cause of action for any discriminatory conduct in federal court. There are no remedies in SB 55.

The Lieutenant Governor testified at other hearings that staff are assigned to post documents that comply with the ADA. Other states, such as Florida, California, and New Jersey have addressed accessibility by incorporating the Title to ADA standards specific standards into their statutes and Hawaii should do the same. I am a member of the Florida Bar and I can provide a copy of the Florida statute. I made such a suggestion at a Hawaii Deaf Blind Task Force meeting.

With respect to a possible claim that Hawaii has already established a statewide standard because of the committee created by Act 172, Session Laws Hawaii 2022, that committee was tasked with developing a report recommending accessibility standards and electronic information technology (EIT) accessibility standards to be implemented by all state entities. Act 172 did not have any requirements to implement these standards as part of Hawaii Revised Statutes. The standards in the report stand by themselves and have no enforceability.

To ensure that the same accessibility standards apply to all state agencies, I respectfully request that the Committee hold this bill in and pass legislation that establishes a statewide standard for accessible documents.

Thank you for the opportunity to testify.

SB-55

Submitted on: 1/27/2025 12:08:04 PM

Testimony for GVO on 1/28/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

As written, "digitally accessible and searchable" still can be accomplished by minimally linking agency website or document repositories to the office of the lieutenant governor's site, however does not make the searchable useful.

I support this measure and recommend there be more distinct requirements and standards of how each agency interfaces their rules, proposals, etc. so that it is not simply a link to an agency and we have to navigate that agency's website.

SB-55

Submitted on: 1/27/2025 2:20:59 PM

Testimony for GVO on 1/28/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Individual	Support	Written Testimony Only

Comments:

Support