



OFFICE OF THE LIEUTENANT GOVERNOR

TO: Chair David Tarnas  
Vice Chair Gregg Takayama  
Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for H.B. 572 – Relating to Administrative Rulemaking

DATE: February 16, 2023

Thank you for the opportunity to **provide comments on H.B. 572** which requires that prior to the adoption, amendment, or repeal of an administrative rule, electronic notice be provided to all persons who have made a timely written request and requires the full text of the rules be made 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 H.B. 572.



HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Thursday, February 16, 2 pm, State Capitol Room 325 & Videoconference  
HB 572, HD1  
Relating to Administrative Rulemaking

**TESTIMONY**

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

Chair Tarnas, Vice Chair Takayama, and Committee Members:

**The League of Women Voters of Hawaii supports HB 572, HD1.**

Both the use of Ramseyer format and electronic notice should be required for proposed rulemaking.

Thank you for the opportunity to submit testimony.



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

February 14, 2023

**VIA ONLINE**

The Honorable David A. Tarnas  
Chair  
The Honorable Gregg Takayama  
Vice-Chair  
House Committee on Judiciary & Hawaiian Affairs  
Hawaii State Capitol, Rooms 442, 404  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB 572 HD1 – Relating to administrative rulemaking**

Dear Chair Tarnas, Vice-Chair Takayama, 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 HD1. 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 §§ 91-2.6, 91-3 and 91-4 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 with a valid email address who have made a timely request of the adopting agency for advanced notice of its rulemaking proceedings. HB 572 HD1 also includes important amendments requiring the full text of the agency’s proposed rules be set forth in Ramseyer format which also specifies with the use of bracketing/strike-through/underscoring the proposed changes to be provided in a digitally accessible and searchable format on the Office of Lieutenant Governor’s website. Compelling agencies to provide detailed information on proposed rule changes ensures that any changes to administrative rules, which have the force and effect of law, can be carefully scrutinized with a fair opportunity provided to all interested parties to provide comment.

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The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice-Chair  
House Committee on Judiciary & Hawaiian Affairs  
February 14, 2023  
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Re: HB 572 HD1 – Relating to administrative rulemaking

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.

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 HD1 so that it is effective upon approval.

Respectfully submitted,

ROBERT “BOBBY” CAVACO  
SHOPO President

**HB-572-HD-1**

Submitted on: 2/14/2023 4:07:24 PM

Testimony for JHA on 2/16/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support