

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

32nd Legislature, State of Hawaii
Senate Committee on Government Operations
February 6, 2024

Testimony on
S.B. 2816 - RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR

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

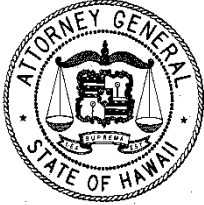
Thank you for the opportunity to provide **comments on S.B. 2816** which establishes an Apostilles and Certifications Special Fund, sets a \$10 fee for the issuance of an apostille or certification, and makes various changes to the administrative rules process, including requirements that state agencies provide electronic notice, display changes in Ramseyer format, and make the full text of their rules available on the Office of the Lieutenant Governor'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 our current systems are antiquated and not user-friendly. As mentioned in my testimony on S.B. 3169, last year our office provided approximately 10,800 authentication services – a 44% increase over the prior year – and anticipates processing a similar, if not higher, amount this year. The creation of an Apostilles and Certifications Special Fund will ensure that my office can execute its constitutional obligations and modernize its processes to best serve the public in a cost-effective and convenient manner.

Additionally, I 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, I respectfully request funding to build and maintain the new website components and FTE positions to oversee the multitude of website updates.

Thank you for the opportunity to provide comments on S.B. 2816.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2816, RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR.

BEFORE THE:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

DATE: Tuesday, February 6, 2024 **TIME:** 3:10 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Candace J. Park, Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General provides the following comments.

Part I of this bill: (1) adds a new chapter to the Hawaii Revised Statutes (HRS) for the certification of documents by the Lieutenant Governor, which includes a \$10 fee for each certification issued; and (2) establishes and appropriates funds into the Apostilles and Certifications Special Fund for operational expenses. Part II of this bill: (1) amends sections 91-2.6 and 91-4, HRS, to require that proposed rules posted on the website of the Office of the Lieutenant Governor be formatted using certain indicated styles to aid the reader and be in a digitally accessible searchable format; (2) amends section 91-3 to add a requirement that state agencies email notices of proposed new, amended, or repealed rules to all persons who have provided the state agency with a valid working email address; and (3) appropriates funds for various purposes.

Part I of this bill does not contain an appropriation out of the Apostilles and Certifications Special Fund. Article VII, section 5, of the Hawaii State Constitution provides in part: "No public money shall be expended except pursuant to appropriations made by law." Money may not be expended from the Apostilles and Certifications Special Fund unless an appropriation is made out of the fund. We recommend amending the bill by adding a new section 3 to part I, to read as follows:

“There is appropriated out of the apostilles and certifications special fund the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2024-2025 for operational expenses of the office of the lieutenant governor.”

The sum appropriated shall be expended by the office of the lieutenant governor for the purposes of this Act.”

Part II of this bill, section 4, amends section 91-3(a), HRS, to require that state agencies email notices of proposed new, amended, or repealed rules to all persons who have provided the state agency with a valid working email address. Article III, section 14, of the Hawai'i Constitution, provides in pertinent part that “[e]ach law shall embrace but one subject, which shall be expressed in its title.” The proposed amendment to section 91-3(a) appears to be inconsistent with the title of the bill, Relating to the Office of the Lieutenant Governor. We recommend deleting section 4 of this bill.

Part II of this bill, section 5, amends section 91-4(a) to require that proposed rules posted on the website of the Office of the Lieutenant Governor be formatted using certain indicated styles to aid the reader and be in a digitally accessible searchable format; this is the same amendment that is proposed in section 3 of the bill to section 91-2.6(a). Section 91-4(a) refers to rules that have been approved by the Governor and does not refer to proposed rules. We recommend deleting section 5 of this bill.

If the Committee decides to pass this bill, the Department respectfully requests the Committee to amend the bill as recommended.

Thank you for the opportunity to provide these comments.

Feb. 6, 2024, 3:10 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

COMMENTS ON SB8016 — RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR

Aloha Chair McKelvey, Vice-Chair Gabbard and Committee Members,

The Grassroot Institute of Hawaii would like to offer support for the portion of [SB2816](#) that would require state agencies to provide electronic notice of any proposed changes to their administrative rules and display those changes in Ramseyer format, which would make clear which rules were being added, changed or removed.

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 for informing the public of 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.

Thus, the electronic notification system proposed in SB2816 would promote transparency and civic engagement on these important changes.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

SB-2816

Submitted on: 2/1/2024 5:51:46 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Silva	Individual	Oppose	Written Testimony Only

Comments:

a fee of \$10 for the issuance of an apostille or non-apostille certification