

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 H.B. 572 – Relating to Administrative Rulemaking

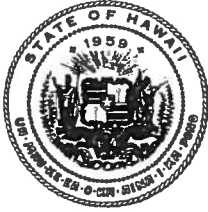
DATE: March 14, 2023

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.



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 14, 2023

TESTIMONY TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

House Bill 572 HD1 – Relating to Administrative Rulemaking

The Disability and Communication Access Board (DCAB) offers comment on House Bill 572 HD1 – Relating to Administrative Rulemaking. This bill would require that prior to the adoption, amendment, or repeal of an administrative rule, electronic notice of the proposed rulemaking be provided to all persons who have made a timely written request to, and provided a valid working email address to, the adopting agency for advance notice of its rulemaking proceedings, and alterations to administrative rules be displayed in Ramseyer format and the full text of rules be made available in a digitally accessible and searchable format.

This bill should clarify that the full text of the agency's proposed rules shall be in a digital format that is accessible to people with disabilities and searchable. Digitally accessible could mean ease of access for stakeholders or accessible to people with disabilities or both. This clarification will ensure agencies are aware that the intended meaning of accessible includes providing digital documents in a format that is accessible to people with disabilities.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



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

March 9, 2023

Via ONLINE

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

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

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 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 Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice-Chair
Senate Committee on Government Operations
March 9, 2023

SHOPO Testimony Page 2

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 transparency and provide the public and other interested parties 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



SENATE COMMITTEE ON GOVERNMENT OPERATIONS
Tuesday, March 14, 3 pm, State Capitol Room 225 & Videoconference
HB 572, HD1
Relating to Administrative Rulemaking

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 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.

HB-572-HD-1

Submitted on: 3/13/2023 8:48:34 AM

Testimony for GVO on 3/14/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter L Fritz	Individual	Support	Written Testimony Only

Comments:

As written **this bill could require an adopting agency to mail and also email a copy of the notice of a public hearing.** The bill provides on Page 3, lines 7-9:

The notice shall be mailed AND [emphasis added] electronically provided to all persons who have made a timely written request of

I respectfully suggest that this bill be amended to follow language similar to the language in Section 92-7(e), HRS. The new language would read as follows:

The adopting agency shall maintain a list of names and postal or electronic mail addresses of persons who request notification of hearings and shall mail or electronically mail a copy of the notice to the persons by the means chosen by the persons at their last recorded postal or electronic mail address no later it provides advance notice for a public hearing required by Section 91-3(a)(1), Hawaii Revised Statutes.

This proposed language makes it clear that the notice may be either mailed or electronically mailed to an individual that requested notification of hearings. It also states that the notice shall be sent no later than the time the notice for the hearing is publicized.