
A BILL FOR AN ACT

RELATING TO PUBLIC NOTICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that existing law
2 requires publication of government notices in newspapers of
3 general circulation. These requirements were adopted before
4 widespread electronic access and no longer reflect the most
5 efficient or accessible means of informing the public.

6 The legislature further finds that posting notices on
7 official state and county websites provides greater
8 transparency, accessibility, and timeliness. Aligning public
9 notice requirements with the sunshine law will modernize state
10 communications and ensure consistent public access to government
11 information.

12 The purpose of this Act is to update the requirements for
13 publication of public notices by allowing electronic posting on
14 official government websites, while preserving traditional
15 publication options when necessary.

16 SECTION 2. Section 1-28.5, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "~~§1-28.5~~ [Publication of] Public notice. (a)

2 Notwithstanding any other statute, law, charter provision,
3 ordinance, or rule to the contrary, whenever a government agency
4 is required to give public notice or to publish notice, the
5 notice shall be given ~~[only]~~ as follows:

6 (1) For statewide ~~[publication:]~~ notice:

7 (A) ~~[In a daily or weekly publication of statewide~~
8 ~~circulation;]~~ By posting the notice on an
9 electronic calendar or website maintained by the
10 State; or

11 (B) ~~[By]~~ In a daily or weekly publication of
12 statewide circulation, or by publication in
13 separate daily or weekly publications whose
14 combined circulation is statewide; and

15 (2) For county-wide ~~[publication, by]~~ notice:

16 (A) By posting the notice on an electronic calendar
17 or website maintained by the appropriate county;
18 or

19 (B) By publication in a daily or weekly publication
20 in the affected county.



1 ~~[(b) For purposes of this section, the comptroller~~
2 ~~pursuant to chapter 103D shall determine a publication for all~~
3 ~~government agencies to enable the public to go to one source of~~
4 ~~publication for published public notice on each island.~~

5 ~~(c) Whenever a public notice is published in a newspaper~~
6 ~~or other publication described in subsection (a), proof of the~~
7 ~~publication shall be the affidavit of the printer, publisher,~~
8 ~~principal clerk, or business manager of the newspaper or other~~
9 ~~publication or of the designated agent of the group that~~
10 ~~published the notice.~~

11 ~~(d) This section shall not apply to notices required by~~
12 ~~chapters 103D, 103F, 127A, and 523A.~~

13 ~~(e) For purposes of publishing a proposed, revised, or~~
14 ~~final reapportionment plan pursuant to section 25-2, public~~
15 ~~notice shall be permitted in a short form; provided that each~~
16 ~~short form public notice shall include the following~~
17 ~~information:~~

18 ~~(1) Whether the reapportionment plan has been either~~
19 ~~proposed, revised, or adopted;~~

20 ~~(2) The online location to view the reapportionment plan;~~



1 ~~(3) A list of the location of each public office where the~~
2 ~~hard copies of the reapportionment plan and maps are~~
3 ~~available; and~~

4 ~~(4) The public hearing dates.]~~

5 (b) Unless otherwise provided by law, notice shall be
6 posted or published no less than six calendar days before the
7 required action, meeting, or effective date.

8 (c) Each agency shall maintain a physical copy of all
9 public notices in its office for public inspection during
10 regular business hours.

11 (d) Additional supplemental notice may also be given
12 through Hawaii FYI, the State's interactive computer system[-],
13 or other electronic means.

14 (e) This section shall not apply to notices required by
15 chapters 103D, 103F, 127A, and 523A; provided that government
16 agencies subject to those chapters may, in addition to any
17 notice required under those chapters, provide supplemental
18 notice by electronic posting pursuant to subsection (a).

19 (f) Nothing in this section shall be construed to
20 supersede, alter, or diminish any specific notice requirement
21 imposed by any other law, including but not limited to



1 requirements specifying the medium, frequency, duration, or
2 manner of publication. Where another statute imposes a more
3 specific notice requirement that conflicts with this section,
4 the more specific requirement shall control unless that statute
5 expressly provides otherwise.

6 [~~f~~] (g) For purposes of this section, "government
7 agency" means each department, board, commission, or officer of
8 the State or any of its political subdivisions."

9 SECTION 3. Section 206E-5.6, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) The authority shall issue a public notice in
12 accordance with section 1-28.5 and post the notice on its
13 website; provided that the decision-making hearing shall not
14 occur earlier than five business days after the notice is
15 posted. Public notice issued pursuant to this subsection for
16 public hearings on the acceptance of a developer's proposal to
17 develop lands under the authority's control shall state that any
18 written motion to intervene as a formal party to the proceeding
19 shall be received within twenty days after the posting or
20 publication date of the public notice."



1 SECTION 4. Section 486H-13, Hawaii Revised Statutes, is
2 amended by amending subsection (k) to read as follows:

3 "(k) The maximum pre-tax wholesale gasoline price imposed
4 by this section shall take effect on September 1, 2005,
5 notwithstanding the lack of the adoption of rules pursuant to
6 this section; provided that notwithstanding any law to the
7 contrary, the maximum pre-tax wholesale price under this section
8 shall be suspended indefinitely upon the effective date of Act
9 78, Session Laws of Hawaii 2006, and shall not thereafter become
10 effective until and unless the governor publishes a notice
11 statewide in accordance with section 1-28.5 that the
12 reinstatement of the maximum pre-tax wholesale price under this
13 section is beneficial to the economic well-being, health, and
14 safety of the people of the State. The maximum pre-tax
15 wholesale price shall become effective five days after the
16 posting or publication of the notice by the governor unless
17 otherwise specified by the governor, and shall remain in effect
18 for thirty days, after which time it shall be automatically
19 suspended. Thereafter, the governor may reinstate the maximum
20 pre-tax wholesale price for thirty-day periods on the same
21 conditions as set forth above. Upon a finding that the maximum



1 pre-tax wholesale price would impose a financial hardship upon a
2 distributor within a zone, the governor, in the governor's
3 discretion, may increase the maximum pre-tax wholesale price for
4 the zone in an amount determined necessary to eliminate the
5 financial hardship on any affected distributor who does not
6 operate a refinery within the State. Any increase in the
7 maximum pre-tax wholesale price shall be included in the notice
8 published by the governor."

9 SECTION 5. Section 844D-31, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Testing pursuant to this section shall begin
12 immediately for all persons who have been convicted of murder in
13 any degree or any felony offense defined in chapter 846E and all
14 persons convicted of any felony offense who are confined in a
15 correctional facility or other detention facility, including
16 private correctional facilities, but shall not begin for other
17 persons until thirty days after statewide [~~publication of~~]
18 notice by the attorney general pursuant to section 1-28.5."

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Public Notices; Electronic Posting

Description:

Allows government agencies to satisfy public notice requirements by posting notices on official state or county websites, while retaining publication as an option. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

