

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Carlotta Amerino, Director

Date: March 3, 2026, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 2388 H.D. 1
Relating to Public Notice

Thank you for the opportunity to submit testimony on this bill, which would allow government public notices to be done by electronic posting on government websites as an alternative to newspaper publication. The Office of Information Practices (OIP) takes no position on this bill, but offers comments.

OIP itself does not oversee notice requirements other than as set out in the Sunshine Law, part 1 of chapter 92, HRS, and does not oversee the notice requirement being amended here, so OIP is commenting only to provide information. This bill would not affect meeting notices under the Sunshine Law.

The electronic notice provided for in this bill is similar to the electronic notice used for Sunshine Law meetings, and would thus make other types of government notice more similar to Sunshine Law notice. The bill would set a notice deadline of six calendar days before the relevant action, meeting, or effective date, which matches the Sunshine Law's notice deadline. Notice under this bill would be posted either on a state or county calendar (like Sunshine Law notices) or, as an additional option, on a state or county website. The Sunshine Law does not require posting notice on a board's website, but many boards do so in addition to the required

posting on the State or county electronic calendar. Thus, the electronic notices authorized by this bill would be in places members of the public are already accustomed to checking for Sunshine Law notices. OIP notes also that a State or county website is more appropriate than a calendar for posting notice of a proposed action, as opposed to a public hearing or meeting scheduled for a specific time slot.



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TESTIMONY
OF
BONNIE KAHAKUI, ADMINISTRATOR
STATE PROCUREMENT OFFICE
TO THE HOUSE COMMITTEE
ON
JUDICIARY & HAWAIIAN AFFAIRS
MARCH 3, 2026, 2:00 PM
HOUSE BILL 2388, HD1
RELATING TO PUBLIC NOTICE

Chair Tarnas, Vice Chair Poepoe, and members of the committee, thank you for the opportunity to submit testimony on House Bill 2388, HD1. The State Procurement Office (SPO) appreciates the incorporation of the recommendation to exempt Hawaii Revised Statutes (HRS) Chapters 103D and 103F from HRS §1-28.5. The SPO respectfully offers comments in recognition of the bill's intent to reflect current technology to ensure transparency and accessibility of government information.

Comments

House Bill 2388, HD1, amends HRS §1-28.5 to modernize public notice requirements by allowing electronic posting on government websites as an alternative, while preserving traditional newspaper publication options when necessary. The bill also states that supplemental notices may be given through Hawaii FYI or other "electronic means."

While this approach is appreciated, SPO has several concerns:

- SECTION 2, Page 2, lines 8-10, under Section 1-28.5(A) implies that there is **ONE** website. This bill does not address the entity responsible for creating and maintaining a statewide website. Identification of the entity responsible for maintaining a statewide website is needed to ensure consistency and accountability.
- The Hawai'i State Calendar currently only publishes meeting notices of State boards and commissions. The Hawai'i State Calendar will need to be redesigned to accommodate other types of legal notices if the Hawaii State Calendar will be designated as the statewide website of record.

- Searching legal notices in Hawaii.gov is challenging and inefficient as every document with “legal notices” in its body of text will be pulled up, resulting in thousands of notices.
- The bill allows each state agency to independently determine which websites the public may access for information, reducing transparency and accessibility. Furthermore, proposed amendments to the Hawaii Administrative Rules are maintained and disseminated by each agency.
- SECTION 2, Page 4, lines 12-13, references “Hawaii FYI, the State’s interactive computer system or other electronic means” which originally was the statewide electronic network providing public access to government information is no longer operational. Clarification is needed to define or provide guidance or what “other electronic” platforms may be included.

Furthermore, the SD1 version removes the instructions for traditional written publication of public notices.

Recommendations

To ensure consistency and accessibility to such information, the SPO recommends the following revisions:

- Section 2, page 3, lines 1 to 10:

"(b) For purposes of this section, when an agency chooses to post public notices in a newspaper or other publication described in subsection (a) (1) (B), the comptroller pursuant to chapter 103D shall determine a publication for all government agencies to go to one source of publication for published public notice on each island.

(c) Whenever a public notice is published in a newspaper or other publication, proof of publication shall be the affidavit of the printer, publisher, principal clerk, or business manager of the newspaper or other publication of the designated agent of the group that published the notice."

- Section 2, Page 4, lines 11-13:

"(d) Additional supplemental notice may also be given through [~~Hawaii FYI, the States interactive computer system~~ or] other electronic means."

Thank you for the opportunity to submit testimony on this measure.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee On Judiciary & Hawaiian Affairs

FROM: Richard T. Bissen, Jr., Mayor
Layne Silva, Department of Liquor Control

DATE: March 2, 2026

SUBJECT: **SUPPORT OF HB2388 HD1, RELATING TO PUBLIC NOTICE.**

Thank you for the opportunity to testify in **SUPPORT** of this important measure.

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)

We **SUPPORT** this measure for the following reasons:

1. Mandatory newspaper publication can delay government action. Publication schedules, limited print days, and submission deadlines constrain agencies' ability to act quickly when timely notice is critical.
2. Website posting allows for immediate publication, ensuring the public is informed without delay while still preserving transparency.
3. Public notice is intended to ensure transparency, accessibility, and meaningful public awareness of government actions. HB2388 would modernize this process by aligning notice requirements with how many residents access information today.
4. Importantly, this measure does not eliminate newspaper publication. By retaining publication as an option, HB2388 preserves flexibility while giving agencies a practical, efficient, and transparent alternative for meeting public notice requirements.

Mahalo for your consideration.

March 3, 2026, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

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

RE: COMMENTS ON HB2388 HD1 — RELATING TO ADMINISTRATIVE RULES

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii offers **comments** on [HB2388 HD1](#), which would allow government agencies to satisfy public notice requirements by posting notices on official state and county websites, while retaining publication as an option.

This bill recognizes that changes in technology have limited the utility of newspaper publication as a source of public notices and proposes a long-overdue solution: an online alternative.

However, this solution also highlights a major area of concern in government transparency — the fact that there is no central, well-maintained website where the public can access government notices.

While an online option could help address some of the problems caused by the print-publication requirement, allowing notices to be published on a variety of state and county websites comes with its own challenges. An interested individual would be forced to follow dozens of agencies' calendars and websites for periodic and non-standardized notices, creating other potential accessibility and timeliness issues.

Therefore, in addition to retaining the publication option, we suggest that the committee explore a standardized system that designates a single site (or sites) where all such notices can be found.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

HB-2388-HD-1

Submitted on: 2/27/2026 9:21:44 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2388 HB RELATING TO PUBLIC NOTICE.