

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Labor

From: Carlotta Amerino, Director

Date: February 19, 2026, 9:30 a.m.  
State Capitol, Conference Room 309

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

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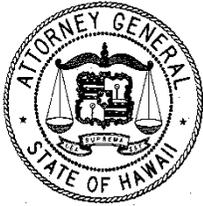
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Thank you for the opportunity to submit testimony on this bill, which would allow government public notices to be done by electronic posting on government websites as an alternative to newspaper publication. The Office of Information Practices (OIP) 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 notice 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 or effective date, as opposed to a public hearing or meeting scheduled for a specific date and time.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**  
H.B. NO. 2388, RELATING TO PUBLIC NOTICE.

**BEFORE THE:**  
HOUSE COMMITTEE ON LABOR

**DATE:** Thursday, February 19, 2026      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Jung Min (Charles) Lee, Deputy Attorney General.

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Chair Sayama and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill is intended to modernize Hawaii's public notice requirements by authorizing government agencies to satisfy obligations to "give public notice or to publish notice" through electronic posting on official state or county websites, while retaining newspaper publication as an alternative. The bill generally treats electronic posting and print publication as separate, stand-alone methods, establishes a default minimum notice period of six calendar days, and requires agencies to maintain physical copies of notices for public inspection. It also repeals several existing provisions, including the comptroller's authority to designate a single publication source per island, the affidavit proof-of-publication requirement, exemptions for chapters 103D, 103F, 127A, and 523A, Hawaii Revised Statutes (HRS), and the reapportionment short-form notice provisions. The bill takes effect upon approval.

First, repealing the exemptions for chapters 103D, 103F, 127A, and 523A, HRS, may create unintended consequences. Those chapters contain notice frameworks tailored to their subject matter, including procurement and emergency contexts where timelines and procedural certainty are critical. Applying amended section 1-28.5, HRS, to those chapters without clear direction may create ambiguity about which notice provisions control, and whether electronic posting is intended to replace or supplement the notice mechanisms already established in those chapters.

Second, the bill does not clarify how amended section 1-28.5, HRS, interacts with other statutes that independently require newspaper publication or that cross-reference section 1-28.5, HRS, including statutes governing foreclosures, condemnation, and other proceedings. Without harmonization language or a clear rule of construction, agencies and courts may reach inconsistent conclusions about whether website posting alone satisfies notice obligations where a more specific statute appears to require publication in a particular medium.

To address these concerns, the Legislature may wish to consider: (1) retaining the existing exemptions for chapters 103D, 103F, 127A, and 523A, HRS, or expressly stating how amended section 1-28.5, HRS, applies to those chapters and how any conflict should be resolved; and (2) adding a savings clause or rule of construction confirming that amended section 1-28.5, HRS, does not supersede or alter more specific notice requirements imposed by other statutes unless expressly stated.

Thank you for the opportunity to provide comments.

JOSH B. GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



BONNIE KAHAKUI  
ADMINISTRATOR  
  
DAYNA OMIYA  
ASSISTANT ADMINISTRATOR

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TESTIMONY  
OF  
BONNIE KAHAKUI, ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE HOUSE COMMITTEE  
ON  
LABOR  
FEBRUARY 19, 2026, 9:30 AM

HOUSE BILL 2388  
RELATING TO PUBLIC NOTICE

Chair Sayama, Vice Chair Lee, and members of the committee, thank you for the opportunity to submit testimony on House Bill 2388. The State Procurement Office (SPO) offers comments in recognition of the bill's intent to reflect current technology, however, the bill requires much clarification to ensure transparency and consistency.

House Bill 2388 amends Section 1-28.5, Hawaii Revised Statutes (HRS), to modernize public notice requirements by allowing electronic posting on government websites as an alternative. Traditional newspaper publication remains an option. The bill also states that supplemental notices may be given through Hawaii FYI or other "electronic means."

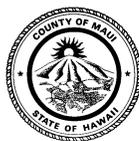
While this approach is appreciated, SPO has several concerns:

- SECTION 2, Page 2, lines 10-12, 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 state-wide website. Identification of the entity responsible for maintaining the electronic calendar or 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 legal notices.
- 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 3, lines 13-14 removes HRS Chapters 103D and 103F from being exempt to HRS §1-28.5, making this section applicable to the Hawaii Procurement Code. Procurement notices pursuant to 103D and 103F are intended for a specifically targeted audience and are publicly posted on the SPO website.
- Retaining SECTION 2, Page 3, Lines 3-21, and Page 4, Lines 1-4 will provide continued framework for traditional publication options.
- SECTION 2, Page 4, line 13, references “Hawaii FYI, the State’s interactive computer system” which originally was the statewide electronic network providing public access to government information. The SPO is unsure about Hawaii FYI’s relevancy. Revised language is needed to reflect the current statewide electronic network providing public access to government information.
- SECTION 2, Page 4, line 14, references “or other electronic means”, but does not define or provide guidance or what platforms are included. As a result, it is unclear what constitutes sufficient electronic access for the public. Clarification is needed to define “or other electronic means.”

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

MOANA M. LUTEY, ESQ.  
County Clerk  
Ke Kākau `Ōlelo Kalana



RICHELLE M. THOMSON, ESQ.  
Deputy County Clerk  
Ke Hope Kākau `Ōlelo Kalana

**OFFICE OF THE COUNTY CLERK**  
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February 17, 2026

TESTIMONY  
TO THE HOUSE OF REPRESENTATIVES  
COMMITTEE ON LABOR  
ON HOUSE BILL NO. 2388  
RELATING TO PUBLIC NOTICE

Chair Sayama, Vice Chair Lee, and Members of the Committee on Labor:

Thank you for the opportunity to provide testimony in support of HB 2388. With declining readership, limited publication schedules, and decreasing distribution, traditional printed newspapers no longer provide adequate notice of governmental processes to the public.

In comparison, digital publication of notices, agendas, and public hearings or meetings provides greater efficiency, cost-effectiveness, timeliness, and environmental sustainability.

Currently, the County Council for the County of Maui publishes its notices, agendas, etc. in the Maui News. Unfortunately, the Maui News publishes only once weekly, which constrains Council's ability to timely schedule meetings that require publication of notice in the newspaper. Likewise, the Star-Advertiser requires a one-week lead time for submission of notices, which provides no reasonable alternative for publication. Finally, the cost of publication in newspapers has risen tremendously. Presently, our office budgets \$75,000 for these annual expenses.

The Maui County Council posts notice of its public meetings online at <https://mauicounty.portal.civicclerk.com>, in compliance with Chapter 92, Hawaii Revised Statutes (the "Sunshine Law"). We have found online posting to be effective and convenient in providing public access to governmental processes.

February 17, 2026  
Page 2

The Office of the County Clerk, County of Maui, is in support of amending and updating Section 1-28.5, Hawaii Revised Statutes, as proposed in HB 2388.

Thank you for this opportunity to testify.

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
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TO: Rep. Jackson D. Sayama, Chair  
Rep. Mike Lee, Vice Chair  
Committee on Labor

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

DATE: February 17, 2026

SUBJECT: **SUPPORT OF HB2388, 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.

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.

PETER L. FRITZ  
[PLFLEGIS@FRITZHO.COM](mailto:PLFLEGIS@FRITZHO.COM)  
T-MOBILE RELAY: (808) 568-0077

To: Committee on Labor

RE: Testimony in Opposition to H.B. 2388

Chair, Vice Chair, and Members of the Committee,

I am Peter Fritz. I am submitting this testimony in opposition to House Bill 2388. I am an attorney with experience in drafting legislation aimed at providing accessibility for individuals with disabilities, and I am an individual with a disability. This perspective allows me to express my concerns about the potential impact of the bill, particularly on individuals who may face barriers to digital access.

House Bill 2388 proposes to amend Section 1-28.5 of the Hawaii Revised Statutes, which currently requires public notices to be published in a newspaper of general circulation. The proposed amendments would allow state and county agencies to choose between traditional newspaper publication and electronic posting on government-maintained websites. While there are potential benefits to using digital platforms, there are also important issues that need to be addressed to ensure that all residents have equal access to the information.

### **Decentralization and the Repeal of the "One Source" Requirement**

House Bill 2388 proposes to strike Subsection (b) of Section 1-28.5, which requires the state comptroller to designate a specific publication for all government agencies, ensuring that notices are made available in one location for each island. This system provides a centralized, predictable source for public notices.

By removing this requirement, the bill decentralizes public notice. Allowing state and county agencies to select where they publish notices removes the predictability of the current system. This may require citizens to check multiple agency websites depending on the subject matter, which could increase the chances of missing notices. The bill also does not require agencies to disclose their chosen method of publication in advance, shifting the burden of searching for notices to the public. Without a centralized portal or uniform publication standard, the system could become fragmented, making it more difficult for residents to access critical information.

### **Technical Barriers and Website Infrastructure**

There is no centralized state or county website specifically for posting public notices. House Bill 2388 does not provide any statutory requirements or technical specifications for how such websites should be structured or maintained.

In my experience with public meetings law under Chapter 92, Hawaii Revised Statutes, there have been instances where links to notices or agendas on government websites were broken or malfunctioning, making the notices inaccessible. House Bill 2388 does not address how to

handle situations where links are inactive or non-functional during the notice period, which could result in a failure to comply with notice requirements.

### **Accessibility and the Digital Divide**

The transition to electronic notice raises concerns about accessibility for individuals with disabilities. Many government documents are posted in image-based PDF formats that are not compatible with screen-reading software, making it difficult for individuals who rely on these tools to access the information. House Bill 2388 does not include specific provisions to ensure compliance with Web Content Accessibility Guidelines (WCAG), which are necessary for ensuring that online government notices are accessible to all residents.

Changing to a digital-first approach could create challenges for residents in areas with limited internet access. According to recent research, approximately 12 to 15 percent of Hawaii households lack an internet subscription. Even for those who do have internet access, many rural areas face difficulties with connection speeds that can hinder the ability to download large government documents. These challenges may limit the ability of some residents to access important information.

This issue also impacts Hawaii's kupuna, many of whom rely on traditional newspapers for government information. Removing the newspaper mandate would reduce their ability to access timely public notices, creating further obstacles for those who rely on print media.

Munevara, Nakhmurina, and Samuels, *Newspaper Notice as a Government Transparency Mechanism: Evidence from Florida* (working paper, 2026), studied Florida's House Bill 7049, the first statewide law permitting local governments to replace mandatory newspaper publication of public notices with postings on county-operated websites. Their findings are directly relevant to the concerns raised by H.B. 2388. After the Florida reform took effect, local governments with access to a county notice website reduced their newspaper notices by 37% overall, with cities reducing notices by 48%. The decline was sharpest for notices most critical to civic participation, including public hearing notices (44% reduction), planning and zoning announcements, and ordinance proposals. Critically, the study found no corresponding increase in traffic to county public notice websites, indicating that citizens did not follow the notices to the new platform. As a direct consequence, public meeting attendance in affected cities fell by 14%, and commercial zoning permits increased by 28% to 35%, consistent with reduced citizen opposition to new development when fewer residents were aware of planning proceedings. The Florida experience demonstrates that simply shifting public notices from newspapers to government websites does not maintain public awareness and leads to measurable declines in civic participation.

### **Verification and Administrative Oversight**

Newspaper publication provides an independent, third-party record of notice through an affidavit of publication. If an agency publishes its own notice on its website, this independent verification

is removed. House Bill 2388 does not provide for oversight or ensure that notices published online meet statutory requirements.

The Office of Information Practices (OIP) has indicated that agencies may modify the content of notices posted on their websites. However, House Bill 2388 does not clarify whether an agency can update a notice or agenda posted on an external website that is accessible through a link from the state's central website, without restarting the notice period. Without an independent record-keeping system, there is no way to verify that digital notices have not been altered or deleted after posting, which could lead to disputes over the accuracy or timeliness of public notices.

### **Website Failure and Timing Verification**

The bill does not address whether the notice period should be extended if the government website becomes inaccessible during the required six-day window. Without a clear provision, technical failures could result in missed or invalid notices, potentially violating the public's right to timely information.

Additionally, House Bill 2388 does not provide a means for citizens to verify that a notice was posted within the required timeframe. Unlike newspapers, which have set print dates and physical archives, electronic notices depend on agency-controlled timestamps. Without certified digital timestamps or a log of website uptime, there is no way to confirm that the notice was posted on time. This could lead to uncertainty and legal challenges regarding the timing of public notices.

### **Notice Periods and Calendar Days**

House Bill 2388 specifies that a notice must be posted or published no less than six calendar days before the required action, meeting, or effective date. However, the bill does not define what constitutes a "calendar day." The Office of Information Practices (OIP) has interpreted a 'day' under public meetings law as any portion of a day. Under this interpretation, a notice published at 11:59 PM, or one second into the sixth day before a meeting, would satisfy the six-day notice requirement, potentially leaving the public with fewer than six full days to respond. House Bill 2388 does not clarify whether a 30-day notice requirement could be satisfied by posting a notice 29 days and one second before the deadline. Agency-controlled timestamps may create uncertainty about whether the public has sufficient time to respond within the required notice period.

### **Suggestions**

Should the committee choose to move the bill forward, I recommend the following amendments:

- **Mandate Dual-Notice Rather than "Choice":** Amend Section 2 to require that electronic posting serve as a supplement to, rather than a replacement for, newspaper

publication. This will help ensure that notices remain accessible to those without reliable internet access and to Hawaii's kupuna while expanding the reach of public notices.

- **Prohibit Link-Only Notices:** Require that the full text of public notices be posted directly on official government websites, rather than using links to external departmental pages or third-party repositories.
- **Restore the "One Source" Mandate:** Retain and update Subsection (b) to require a centralized, state-wide portal for all electronic notices. This would address the fragmentation of public notice locations and provide a single, predictable place for citizens to check for government updates.
- **Define "Calendar Day":** Define "calendar day" as a full 24-hour period (from midnight to midnight) to ensure clarity and prevent the "one-second" interpretation that could shorten the public's response time.
- **Requirement for Functional Accessibility:** Include a provision that a notice is not legally sufficient if the website is non-functional or the document is not in a machine-readable format compatible with screen-reading software during the notice period.
- **Website Failure Protocol:** Add a provision that if the government website is inaccessible for any portion of the notice period, the notice period must be extended by the length of time the website was unavailable.
- **Integrity and Archiving:** Prohibit the modification of a notice once it is posted electronically. If a change is required, the agency should post a new notice and restart the notice period.

## Closing Comments

I request that the Committee carefully consider whether adopting discretionary electronic notice can provide the level of transparency and legal certainty provided by the current newspaper requirement. The evidence from Florida's experience is instructive: when local governments were permitted to shift public notices from newspapers to government websites, newspaper notices dropped sharply, website traffic did not increase, public meeting attendance declined by 14%, and commercial zoning permits rose by 28% to 35%. These are not hypothetical concerns. They are measurable consequences that followed a reform substantially similar to what H.B. 2388 proposes for Hawaii. Digital platforms offer some advantages, but the Committee should ensure that any transition to electronic notice does not replicate Florida's experience by reducing access to public information for Hawaii's residents, including those without reliable internet access, individuals with disabilities, and our kupuna.