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To: Senate Committee on Government Operations

From: Carlotta Amerino, Director

Date: February 5, 2026, 3:01 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2929
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 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.

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



BONNIE KAHAKUI
ADMINISTRATOR

DAYNA OMIYA
ASSISTANT ADMINISTRATOR

STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I
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TESTIMONY
OF
BONNIE KAHAKUI, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
GOVERNMENT OPERATIONS
FEBRUARY 5, 2026, 3:01 PM

SENATE BILL 2929
RELATING TO PUBLIC NOTICE

Chair McKelvey, Vice Chair Gabbard, and members of the committee, thank you for the opportunity to submit testimony on Senate Bill 2929. 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.

Senate Bill 2929 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 11-12, 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. Furthermore, the website is subject to the federal Rehabilitation Act requiring accessibility of electronic content to employees and the public with disabilities; and U.S. Department of Justice Title II Americans with Disabilities Act (ADA) standards.

- 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.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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TO: Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair
Committee on Government Operations

FROM: Richard T. Bissen, Jr., Mayor
Victoria Takayesu-Hamilton, Corporation Counsel

DATE: February 3, 2026

SUBJECT: SUPPORT OF SB2929, RELATING TO PUBLIC NOTICE.

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

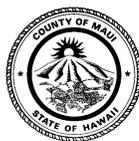
Allows government agencies to satisfy public notice requirements by posting notices on official state or county websites, while retaining publication as an option.

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. SB2929 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, SB2929 preserves flexibility while giving agencies a practical, efficient, and transparent alternative for meeting public notice requirements.

Mahalo for your consideration.

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



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

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February 3, 2026

TESTIMONY
TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
ON SENATE BILL NO. 2929
RELATING TO PUBLIC NOTICE

Chair McKelvey, Vice Chair Gabbard, and Members of the Committee on Government Operations:

Thank you for the opportunity to provide testimony in support of SB 2929.

With declining readership, limited publication schedules, and decreasing distribution, traditional printed newspapers no longer provide adequate notice of governmental processes to the public.

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

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. Print publication costs have also 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.

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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 SB 2929.

Thank you for this opportunity to testify.

PETER L. FRITZ

Email: PLFLEGIS@FRITZHQ.COM

T-MOBILE RELAY: (808) 568-0077

To: Committee on Government Operations

RE: Testimony on Senate Bill 2929

Chair McKelvy, Vice Chair Gabbard, and Members of the Committee,

I am Peter Fritz. I am submitting this **testimony in opposition** to Senate Bill 2929, and I **offer comments** for your consideration. 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.

Senate Bill 2929 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

Senate Bill 2929 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

Currently, there is no centralized state or county website specifically for posting public notices. Senate Bill 2929 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. Senate Bill 2929 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 change 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. Senate Bill 2929 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 my 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.

A Yale working paper, *Newspaper Notice as a Government Transparency Mechanism: Evidence from Florida*, [https://som.yale.edu/sites/default/files/2025-09/Public Notices BNS .pdf](https://som.yale.edu/sites/default/files/2025-09/Public%20Notices%20BNS.pdf), concerning digital accessibility, discusses how simply shifting to digital platforms may not increase access for individuals who already face barriers to digital technology, such as limited internet access or a lack of digital literacy. The paper points out that moving public notices online could make the disparities worse for low-income, rural, and elderly populations, who may not have the resources or technology to access such notices. This indicates a need for a more balanced approach to ensure that the change to digital notices does not leave certain groups at a disadvantage.

This issue 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.

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. Senate Bill 2929 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, Senate Bill 2929 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.

Senate Bill 2929 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

Senate Bill 2929 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 for public meetings law as any portion of a day, which means a notice can be published on the sixth day as long as it appears for part of that day. Senate Bill 2929 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

I suggest the following amendments should the committee choose to move the bill forward:

- **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.

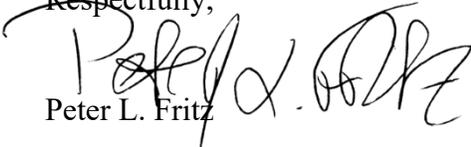
- **Define "Calendar Day":** Define "calendar day" as a full 24-hour period (from midnight to midnight) to ensure clarity and prevent the "one-second" interpretation that could shorten the public's response time.
- **Requirement for Functional Accessibility:** Include a provision that a notice is not 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 Remarks

I request that the Committee to carefully consider whether changing to discretionary electronic notices can provide the level of transparency and legal certainty provided by the current newspaper requirement. Digital platforms offer some advantages, but it is important that this change does not reduce accessibility for those who may not have reliable internet access or the tools necessary to access online notices.

Thank you for the opportunity to testify.

Respectfully,


Peter L. Fritz