

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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EMAIL: oip@hawaii.gov

To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: April 1, 2019, 2:00 p.m.  
State Capitol, Conference Room 308

Re: Testimony on S.B. No. 335, S.D. 2, H.D. 1  
Relating to Public Meetings

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Thank you for the opportunity to submit testimony on this bill, which in its current form would amend the Sunshine Law, part I of chapter 92, HRS, to (1) require boards to include instructions for requesting an accommodation in their meeting notices, (2) require electronic copies of Sunshine Law notices to be “in an accessible format,” (3) require boards to retain a copy of a proof of filing with the Lieutenant Governor or County Clerk, and (4) require a board seeking to hold an emergency meeting to file notice with the Lieutenant Governor or County Clerk and post notice in the board’s office in addition to posting it electronically. The Office of Information Practices (OIP) does not object to the proposal to require Sunshine Law notices to give instructions for requesting disability accommodations but **has serious concerns regarding the bill’s provisions placing the issue of disability accessibility for electronic notices into the Sunshine Law and urges that they be removed.**

The Sunshine Law’s notice requirements were substantially reworked by Act 64 of 2017, which only became effective July 1, 2018. **Prior to that date**, the Sunshine Law required paper filings with the Lieutenant Governor or the

appropriate County Clerk, and postal mail notice to persons on the board's mailing list, by the deadline of six days prior to the meeting, with the meeting required to be canceled if the board failed to timely file or mail out the paper notice. (The Sunshine Law also required, and still requires, posting a copy of the notice at the board's office and, if practicable, at the meeting site.) The Sunshine Law did not require any form of electronic notice, either on a state or county calendar or through an email list, so although boards commonly did post online notice and keep email lists, any failure to timely post online or email the notice was not enforceable under the Sunshine Law.

**Act 64 changed** the primary form of Sunshine Law notice from paper filing to electronic filing on a state or county online calendar, and added email notice to postal notice as a legally enforceable option for persons on the board's mailing list. **The failure to timely post online or timely send email or postal mail notice to the mailing list now requires cancellation of the meeting.**

Act 64 kept the requirement for boards to provide a copy of the notice to the Lieutenant Governor or County Clerk, but to avoid essentially doubling the number of ways a board could be tripped up and required to cancel its upcoming meeting, it also specified that a failure to meet the paper filing requirement would not require cancelling the meeting (although it would still be a Sunshine Law violation). The year's delay in the effective date for Act 64 was intended to give boards time to learn the new notice requirements and other new Sunshine Law requirements before they became legally enforceable, and boards have now been following these new requirements for the past seven months.

**This bill (at page 3, lines 3-5) would first require Sunshine Law meeting notices to include instructions regarding accommodations for persons with disabilities.** OIP has no objection to including this requirement in

the Sunshine Law, as it does not appear to place the issue of the adequacy of the accommodations themselves into the Sunshine Law, but only the factual question of whether instructions as to how to request an accommodation was included on a meeting notice. OIP is already informing agencies that they should be including on their meeting notices the reasonable accommodation language suggested by the Disability Communications and Access Board (DCAB). Thus, OIP does not see this new statutory requirement as necessary, but it is also not burdensome for boards given that notices commonly include such instructions already.

**More importantly, the HD1 version of this bill (at page 3, line 18) requires boards' notices posted online to be "in an accessible format," which would be burdensome and problematic.** This change requires electronic copies of meeting notices posted in a central location by a county clerk or the Lieutenant Governor to be "accessible." The bill does not define what it means to be "accessible," but OIP understands it to be a reference to accessibility standards that exist under the federal Americans with Disabilities Act (ADA) and applicable state law. **OIP has serious concerns about this proposal, as it would make compliance with current accessibility standards a Sunshine Law requirement, in addition to a requirement under the ADA and related state law as is currently the case.** OIP administers the Sunshine Law and in that capacity is required to advise boards and the general public and accept and make determinations on complaints of Sunshine Law violations. Thus, OIP's expertise and jurisdiction is in the administration of open government laws. **OIP does not currently have technical or legal expertise in accessibility standards for electronic documents, but under this bill it would be required to advise boards and the public and make binding legal determinations on that subject in the course of its duty to advise and make**

**determinations regarding the Sunshine Law. OIP does not have the resources to hire additional personnel with expertise in this area, and learning this new area and then advising and making determinations regarding it would take significant time away from OIP's administration of the current provisions of the Sunshine Law as well as chapter 92F, HRS, the Uniform Information Practices Act (UIPA), which it also administers. Moreover, OIP's involvement in this area would conflict with the duties of the Disability and Communications Access Board (DCAB), which, among other things, "[s]erve[s] as the designated state agency to coordinate the efforts of the State to comply with the requirements of the Americans with Disabilities Act for access to services, employment, telecommunications, and facility and site design." HRS § 348-3 (7).**

**Adding enforcement of ADA accessibility into the Sunshine Law would also allow interested persons to seek to enforce accessibility complaints using the Sunshine Law's court enforcement mechanisms, including the ability to void a board action, to seek an injunction against the board, and even possible criminal liability for an intentional violation.**

These new remedies would be in addition to the enforcement mechanisms already provided for accessibility complaints, and would create an inconsistency between enforcement of accessibility standards for electronic notices and enforcement of accessibility standards for all other forms of electronic documents as well as other types of accessibility addressed by the ADA and related laws.

**Given that DCAB already exists to administer laws such as the ADA that specifically address accessibility, OIP sees the insertion of such a requirement into the Sunshine Law as both unnecessary and a prospective**

**drain on OIP's ability to perform its primary duties** under the Sunshine Law and the UIPA.

**Additionally**, this bill would make other changes to the still-new Sunshine Law notice scheme, namely to 1) add a requirement for boards to retain a proof of filing with the Lieutenant Governor or County Clerk, and (2) add a requirement that emergency meeting filings include not just the electronic posting and contacting persons on the board's notification list, but also filing with the Lieutenant Governor or County Clerk and posting at the board's office. While OIP does not have serious concerns about the impact of these requirements, the **Legislature may wish to avoid significant changes to the Sunshine Law's notice scheme until the newly effective notice scheme has had time to be used so that the Legislature can better assess how well it is working in practice.**

OIP recommends that this bill be amended to leave only the proposed amendment to subsection 92-7(a), which would require that a board's notice include instructions on how to request an auxiliary aid or service or an accommodation due to a disability, and that the remaining amendments proposed by this bill be removed. Alternatively, this committee may wish to amend this bill to insert the provisions of H.B. 1076, H.D. 1, which is the companion bill that the House passed out earlier this session and has not yet been passed out by the Senate.

Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
FINANCE**

**Monday, April 1, 2019  
2:00 PM  
State Capitol, Conference Room 308**

**In consideration of  
SENATE BILL 335, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO PUBLIC MEETINGS**

Senate Bill 335, Senate Draft 2, House Draft 1 proposes to make changes to the Sunshine Law to ensure persons with disabilities have access to hard copies of the agendas of state boards and commissions, either by request through the mail, or through postings at the Office of the Lieutenant Governor, or at the office of the board or commission holding the meeting. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comment.**

The Governor has mandated all state agencies to go paperless and last year significant changes were made to the Sunshine Law to allow agendas and submittals to be posted electronically. While the vast majority of people interested in meetings held by the boards and commissions of the Department get their information on line, 38 people still request hard copies of the Board of Land and Natural Resources meetings.

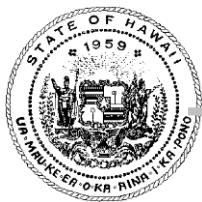
Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 1, 2019  
Rm. 308, 2:00 p.m.

To: Hon. Sylvia Luke, Chair  
Hon. Ty J.K. Cullen, Vice-Chair  
Members of the House Committee on Finance

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 335, S.D. 2, H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 335, S.D. 2, H.D. 1, amends H.R.S. Section 92-7 regarding posting of notices for meetings and emergency meetings of boards. The amendments require boards to post meeting notices in an accessible format, that all electronic copies be accessible, and that public meeting notices include instructions regarding accommodations for persons with disabilities. Additional requirements regarding emergency meeting agendas are included.

The HCRC supports Section 2 of the bill, amending HRS 92-7(a) to require that postings include instructions on requesting an auxiliary aid or service. All community members should have equal access to open government meetings and forums. The HCRC also supports accessible postings. The HCRC defers to other state agencies regarding retention of proof of filing with the lieutenant governor and the other requirements of the measure.

The HCRC supports the accessibility requirements of S.B. No. 335, S.D. 2, H.D. 1.

# PETER L. FRITZ

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## HOUSE OF REPRESENTATIVES THE THIRTIETH LEGISLATURE REGULAR SESSION OF 2019

### COMMITTEE ON FINANCE Testimony on S.B. 335 SD2 HD1 Hearing: April 1, 2019

#### RELATING TO PUBLIC MEETINGS

Chair Luke, Vice Chair Cullen and members of the Committee. My name is Peter Fritz. I am an attorney and an individual with a disability testifying in **support** of S.B. 335 SD2 HD1.

I support the provisions in House Draft 1 that require that notices include information about how to request an accommodation for a disability and provisions that require a notice and agenda to be posted in an accessible format that allows for access for individuals with disabilities.

**Departments and agencies have long been required to post documents in an accessible format.** Comptrollers Memorandum 2010-28 provides that “**the State must ensure that these web sites are accessible to persons with disabilities.**”

Administrative Directive 12-06 amplifies this requirement and states:

State websites provide access to information about programs, services, and activities to the public twenty-four hours a day, seven days a week (24/7). **Departments and agencies shall ensure such information is accessible to everyone, including individuals with disabilities** by complying with the DAGS, Information and Communication Services Division (ICSD) policy for accessibility of state department and agency websites in Comptroller's Memorandum (CM) 2010-28.

For your convenience, copies of the Administrative Directive and Comptrollers Memorandum have been attached to my testimony.

#### **Agencies have the Tools are to Test Electronic Documents for Accessibility and Training is Offered by Enterprise Technology Services (“ETS”)**

Technical assistance is available from ETS to regarding how to create and post accessible notices of meetings. Adobe Acrobat has a tool to test the accessibility of PDF documents. Adobe Acrobat also has an Action Wizard to make PDF documents accessible. ETS recently offered training to agencies and departments regarding the creation of ‘s accessible documents using Microsoft Word and Adobe Acrobat. Agencies have the resources to create and post accessible documents.



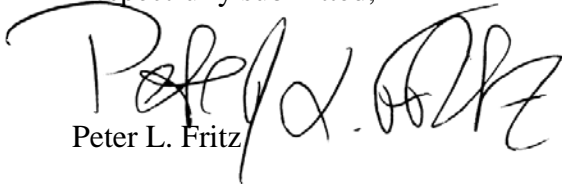
**Practical Considerations for the Office of Information Practices (“OIP”)**

- OIP is already required to post documents on its website in an accessible format that complies with Administrative Directive 12-06 and Controllers Memorandum 2010-28. To comply with this with The Directive, Memorandum and nondiscrimination law, OIP already has the necessary technical know-how and tools to determine if notice is accessible and assistance is available from
- Only when a complaint is registered will OIP need to determine if a notice is inaccessible and very few inaccessible notices are being posted at this time. Furthermore, the person making the complaint would have the burden to state the reasons for their claim that a notice is inaccessible. OIP does not need to review each and every notice that is published on the state calendar nor every notice filed with the Lieutenant Governor.

I respectfully request the committee’s support of this bill.

Thank you for the opportunity to testify.

Respectfully submitted,



Peter L. Fritz

DIR  
C.DCAB



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OFFICE OF THE DIRECTOR  
DEPT OF HEALTH

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EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

December 18, 2012

ADMINISTRATIVE DIRECTIVE NO. 12-06

TO: All Department and Agency Heads

SUBJECT: Accessibility to State Government by Persons with Disabilities

This Administrative Directive supercedes, consolidates, and updates the previous Administrative Directives (AD) and Executive Memorandum (EM) relating to accessibility and persons with disabilities as listed below:

- AD 97-01 Responsibilities for Americans with Disabilities Act Coordination and Implementation,
- AD 97-02 Communication Access for Persons with Disabilities to Programs, Services, and Activities of the State of Hawaii,
- AD 97-03 Non-Discrimination to Programs, Services, and Activities of the State of Hawaii on the Basis of Disability,
- AD 98-01 Reasonable Accommodation for Persons with Disabilities,
- AD 98-02 Facility Access, and
- EM 06-02 Access to State Government by Persons with Disabilities.

The State of Hawai'i, as an employer and an operator of government programs, services, and activities, is committed to the needs and civil rights of individuals with disabilities through compliance with the Americans with Disabilities Act (ADA), Public Law 101-336, and the ADA Amendments Act (ADAAA), Public Law 110-325. As stated in the aforementioned Administrative Directives and Executive Memorandum, we remain committed to our legal obligation to provide equal access to employment, programs, services, and activities of State government for persons with disabilities in the State of Hawai'i. On September 15, 2010 and March 25, 2011, the U.S. Department of Justice (DOJ) and the U.S. Equal Employment Opportunity Commission (EEOC), respectively, issued new federal administrative rules relating to the ADA. The rules related to ADA Titles II and III became effective on March 15, 2011. Other portions of

12-005076

the rules relating to the 2010 ADA Standards for Accessible Design went into effect on March 15, 2012. The EEOC rules for the ADAAA became effective on May 24, 2011. This directive reaffirms the State's commitment to accessibility for individuals with disabilities set forth under the ADA, the previous directives, and highlights the changes found in the new administrative rules promulgated by the DOJ and EEOC.

Although the following sections summarize portions of the ADA, the ADA provides the broad framework for equal opportunity and access to agency programs, services and activities, including state government, for individuals with disabilities. This memorandum focuses on the following topics:

- a. Facility Access;
- b. Access to State Programs, Services, and Activities;
- c. Communication Access;
- d. Employment; and
- e. ADA Coordination.

#### Facility Access

Facility accessibility involves new construction and alteration of buildings, facilities, and sites by the State (or on behalf of the State), existing state facilities, state agencies occupying space in leased facilities, and a state facility that is leased to a private entity. Each type of facility shall be fully accessible to and usable by individuals with disabilities.

For new construction and alteration, the State of Hawai'i adheres to legal requirements set forth under §103-50, Hawai'i Revised Statutes (HRS) that provides for the review of state and county construction projects by the Disability and Communication Access Board (DCAB) as well as the issuance of interpretive opinions. The Americans with Disabilities Act Accessibility Guidelines (ADAAG), Federal Fair Housing Amendments Act Accessibility Guidelines (FHAG), and DCAB interpretive opinions are the guidelines reviewed under §103-50, HRS.

Each department and agency shall ensure that all plans and specifications are submitted to DCAB for timely review prior to construction consistent with Hawai'i Administrative Rules (HAR), Title 11, Chapter 216, *Disability and Communication Access Board Rules of Practice and Procedure*.

If a department or a state agency plans to lease an existing facility from a private entity for office space, the responsible party should contact the Department of Accounting and General Services (DAGS). DAGS has a checklist that will assist the agency to select a site that is accessible to individuals with disabilities. A copy of the checklist can be obtained from the DAGS, Public Works Division, Leasing Branch at (808) 586-0508.

### Access to State Programs, Services, and Activities

Policies and practices of the State of Hawai'i departments and agencies shall be non-discriminatory and inclusive of the whole community (including individuals with and without disabilities). This right includes not only the opportunity to participate, but an opportunity that is equally effective as that provided to individuals without disabilities. Policies, practices, and procedures of departments and agencies shall be modified to provide equal access to individuals with disabilities, unless doing so would fundamentally alter the nature of the program, service, or activity or create undue administrative or financial burden to state government.

Programs, services, and activities of the State of Hawai'i shall be delivered in the most inclusive setting appropriate to the individual's level of need. The inclusion of individuals with disabilities is the goal of the ADA and the goal of the State of Hawai'i. In the delivery of programs, services, and activities, the State of Hawai'i departments and agencies shall not use eligibility criteria that screen out or tend to screen out individuals with disabilities unless such eligibility criteria are a necessary provision for the program, service, or activity. Access shall also be provided to ongoing programs as well as periodic events such as conferences, workshops, public hearings, and all events sponsored or co-sponsored by the state.

Departments and agencies shall not charge individuals with disabilities a fee to offset the costs associated with providing access.

State websites provide access to information about programs, services, and activities to the public twenty-four hours a day, seven days a week (24/7). Departments and agencies shall ensure such information is accessible to everyone, including individuals with disabilities by complying with the DAGS, Information and Communication Services Division (ICSD) policy for accessibility of state department and agency websites in Comptroller's Memorandum (CM) 2010-28. Creating and maintaining accessible websites allows individuals with disabilities access to information 24/7, similar to anyone in the general public using a State website.

Guidance regarding access to programs, services, and activities of State government is available in the *Programs and Services Manual for Persons with Disabilities* published by DCAB.

### Communication Access

To ensure that all individuals with disabilities be they consumers, companions, or family members have equal opportunity to participate in programs, services, and activities of the State of Hawai'i, auxiliary aids and services shall be provided upon request of the qualified individual with a disability. Auxiliary aids or services may be for individuals who are deaf, hard of hearing, deaf-blind, blind, have low vision or have speech

disabilities. When the department or agency chooses an auxiliary aid or service, preference should be given to the request of the individual with a disability.

State agencies shall reference the guidelines set forth in the *Communication Access Services for Persons who are Deaf, Hard of Hearing, and Deaf-Blind*, pursuant to HAR Title 11, Chapter 218, as adopted by DCAB to follow when hiring sign language interpreters and communication assistants for persons requesting such services.

State agencies shall also ensure that all contact points where the agency interacts with the public are accessible to persons with communication access needs.

State agencies may establish reasonable timeframes for individuals to request auxiliary aids or services in order to fill those requests. For a list of Communication Access Providers (i.e., American Sign Language (ASL)/English interpreters, real-time captioners, or computer-assisted notetakers), contact DCAB at (808) 586-8121.

### Employment

As a major employer, the State of Hawai'i will provide equal opportunity in State employment to qualified individuals with disabilities. This commitment includes a legal obligation to provide reasonable accommodation to facilitate the employment of qualified individuals with disabilities. Reasonable accommodation is a logical adjustment made to the application process, in the work environment to enable the person to perform the essential functions of the job, or to receive benefits of employment.

The ADAAA of 2008 expanded the definition of "disability," so that the determination about whether or not an individual has a disability does not require extensive analysis. The expanded definition adds two non-exhaustive lists to clarify the meaning of "major life activities," as well as a list defining "major bodily functions." The expanded definition overturns previous Supreme Court decisions that narrowly construed the definition of disability.

When a person with a disability is an applicant or employee of the State of Hawai'i, the department or agency with the job vacancy has the primary responsibility to provide and pay for a requested accommodation. Guidance on the provision of reasonable accommodation for State job applicants and employees is available in the *Reasonable Accommodation for State Employees with Disabilities Manual* published by DCAB.

ADA Coordination

The State of Hawai'i reaffirms its commitment to equal opportunity for individuals with disabilities by designating DCAB to coordinate ADA compliance efforts for the Executive Branch.

Each department and agency head shall continue its responsibility and effort to provide equal opportunities to individuals with disabilities in the provision of programs and services, equal access to employment, and effective communication in all aspects of State government. Each department shall designate an ADA coordinator/liaison to work with DCAB to effectuate this directive.



NEIL ABERCROMBIE



STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

August 25, 2010

COMPTROLLER'S MEMORANDUM 2010-28

TO: Heads of Departments and Agencies

SUBJECT: Policy Guidance on Web Site Accessibility

The State of Hawaii, Department of Accounting and General Services, Information and Communication Services Division (ICSD), has adopted the following policy relating to web site design and access to persons with disabilities.

POLICY

The Americans with Disabilities Act (ADA) of 1990 requires, in part, that state and local government entities ensure that all programs, services, or activities be accessible to persons with disabilities. Web sites are considered to be a program or service of government utilized to disseminate information to the public. Therefore, the State must ensure that these web sites are accessible to persons with disabilities.

Because the ADA does not contain any specific standards for web site accessibility, ICSD has established standards for the departments of the Executive Branch to meet the ADA requirements as set forth in the following technical guidelines.

Each agency's home page should include contact information to allow the public an alternative means to ask questions or request additional information. At a minimum, contact information should include a phone number, fax number and general e-mail address. E-mails received by a state agency should be responded to within two (2) business days.

TECHNICAL GUIDELINES

A previous document from March 2003 to Data Processing Coordinators established the following minimum Section 508 guidelines, which are intended to ease access to State web sites and make them accessible to persons with disabilities.


All web-based intranet and internet information and applications should be designed following standards set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d):

- (a) A text equivalent for every non-text element shall be provided.
- (b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
- (c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
- (d) Documents shall be organized so they are readable without requiring an associated style sheet.
- (e) Redundant text links shall be provided for each active region of a server-side image map.
- (f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.
- (g) Row and column headers shall be identified for data tables.
- (h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.
- (i) Frames shall be titled with text that facilitates frame identification and navigation.
- (j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.
- (k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.
- (l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.



- (m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with §1194.21(a) through (l).
- (n) When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.
- (o) A method shall be provided that permits users to skip repetitive navigation links.
- (p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

Questions about this policy should be directed to the Administrator of Information and Communication Services Division, Department of Accounting and General Services at (808) 586-1910 or by email at [debra.a.gagne@hawaii.gov](mailto:debra.a.gagne@hawaii.gov).

  
RUSS K. SAITO  
State Comptroller

c: Debbra Jackson, Planner/ADA Coordinator DCAB  
Cindy Omura, Planner/ADA Coordinator DCAB  
Francine Wai, DOH/DCAB  
Charlotte Townsend, DOH/DCAB  
Access Hawaii Committee  
State of Hawaii Portal Manager



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

April 1, 2019

**LATE**

### TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

#### Senate Bill 335, SD2, HD1 - Relating to Public Meetings

The Disability and Communication Access Board (DCAB) offers comment on one portion of Senate Bill 335, SD2, HD1 - Relating to Public Meetings insofar as access to persons with disabilities is specifically addressed.

The purpose of this act is to ensure equal access to notice of public hearings. DCAB supports the inclusion of language on the notice/agenda for a public meeting with respect to requesting an auxiliary aid or service or accommodation due to a disability as stated on page 3, lines 3-5. DCAB has already provided guidance on such language and such language is already referenced, at least on the web, by the Office of Information Practices (OIP).

Providing a notice in an accessible format is an indication that the state is aware of a requirement of Title II of the Americans with Disabilities Act, insofar as information posted on a state web site is necessary to be accessible to persons with disabilities.

Thank you for the opportunity to provide comments on this bill.

Respectfully submitted,

*Debra L. Jackson*  
for FRANCINE WAI  
Executive Director