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## A BILL FOR AN ACT

RELATING TO THE SUNSHINE LAW.

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

1           SECTION 1. The legislature finds that it is the policy of  
2 the State that the formation and administration of public policy  
3 be conducted as openly as possible. Access to information used  
4 in discussions, deliberations, decisions, and actions of  
5 governmental agencies must be made available as a matter of  
6 right, consistent with the State's Sunshine Law.

7           The legislature further finds that, when information is  
8 distributed by public agencies, individuals with disabilities  
9 may need alternative formats to access and use the information,  
10 but agencies often fail to meet this need. Failure to provide  
11 individuals with disabilities access to public information is a  
12 denial of that person's rights, and is in contradiction to the  
13 legislature's intent.

14           Accordingly, the purpose of this Act is to:

15           (1) Establish disability access requirements for the  
16           distribution of public documents and media  
17           presentations by public agencies; and



1           (2) Appropriate funds.

2           SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended  
3 by adding a new section to be appropriately designated and to  
4 read as follows:

5           "§92-    Accessibility; documents and media presentations.

6           (a) Documents and media presentations provided to board members  
7 and the public under this chapter shall be made available in a  
8 disability accessible format.

9           (b) A board shall inform individuals who submit documents  
10 and media presentations of the requirement to be in a disability  
11 accessible format. A board shall make reasonable efforts to  
12 provide alternative disability-accessible documents and media  
13 presentations when the format used is not accessible or when  
14 assistive technology is not available.

15           (c) The disability and communication access board shall:

16           (1) Assist the office of information practices with  
17 acquisition of training information and preparation of  
18 training materials, including media presentations  
19 needed to support this section;

20           (2) Take part in training sessions and provide technical  
21 assistance to public agencies; and



1       (3) Review complaints filed with the director of the  
2       office of information practices under section 92-1.5  
3       alleging a board's failure to provide disability  
4       access and provide the office of information practices  
5       expert evaluation to be used in the disposition of  
6       complaints.

7       (d) For the purposes of this section:

8       "Accessible" means information in documents and media  
9       presentations provided to an individual with a disability that  
10      is equally effective to access as information provided to an  
11      individual without a disability.

12      "Assistive technology" means software or equipment used to  
13      support the functional capabilities of an individual with a  
14      disability.

15      "Disability-accessible format" means any communication  
16      method used to provide an individual with a disability access to  
17      information that is equally effective as a communication method  
18      provided to an individual without a disability, including  
19      formats that support assistive technology available to and used  
20      by individuals with disabilities.



1        "Documents and media presentations" means recorded written  
2 or audiovisual materials used to communicate information and  
3 ideas.

4        "Individual with a disability" means an individual having  
5 an impairment that limits the individual's ability to obtain  
6 information from documents and media presentations, including  
7 individuals who have:

- 8        (1) No or limited vision;  
9        (2) No or limited hearing;  
10       (3) No or limited use of their hands; or  
11       (4) Other similar impairments."

12       SECTION 3. In accordance with section 9 of article VII of  
13 the Hawaii State Constitution and sections 37-91 and 37-93,  
14 Hawaii Revised Statutes, the legislature has determined that the  
15 appropriations contained in Act 164, Regular Session of 2023,  
16 and this Act will cause the state general fund expenditure  
17 ceiling for fiscal year 2024-2025 to be exceeded by  
18 \$            or            per cent. This current declaration takes  
19 into account general fund appropriations authorized for fiscal  
20 year 2024-2025 in Act 164, Regular Session of 2023, and this Act



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1 only. The reasons for exceeding the general fund expenditure  
2 ceiling are that:

3 (1) The appropriation made in this Act is necessary to  
4 serve the public interest; and

5 (2) The appropriation made in this Act meets the needs  
6 addressed by this Act.

7 SECTION 4. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2024-2025 to  
10 support the acquisition of training information and the  
11 preparation of training materials and media presentations and to  
12 provide technical assistance to boards as defined in section  
13 92-2, Hawaii Revised Statutes.

14 The sum appropriated shall be expended by the disability  
15 and communication access board for the purposes of this Act.

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: Brend Kofaschi  
JAN 19 2024



# H.B. NO. 1975

**Report Title:**

Deaf and Blind Task Force; Sunshine Law; Disability and Communication Access Board; Office of Information Practices; Disability Access to Public Information and Media Presentations; Expenditure Ceiling; Appropriation

**Description:**

Establishes accessibility standards for the distribution of public documents and media presentations by boards as defined in section 92-2, Hawaii Revised Statutes. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

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

