

JAN 19 2024

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



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

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S.B. NO. 2751

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.

