

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY

P.O. BOX 119, HONOLULU, HAWAII 96810-0119
www.hawaii.gov/oimt

**SANJEEV "SONNY"
BHAGOWALIA**
CHIEF INFORMATION
OFFICER

RANDY BALDEMOR
DEPUTY CHIEF INFORMATION
OFFICER – BUSINESS
TRANSFORMATION

KEONE KALI
DEPUTY CHIEF INFORMATION
OFFICER – OPERATIONS

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE HOUSE COMMITTEE ON
JUDICIARY

Thursday, February 14, 2013
2:00 p.m.
Conference Room 325
State Capitol

WRITTEN TESTIMONY ONLY

H.B. 330

RELATING TO PUBLIC AGENCY MEETINGS

Chair Rhoads, Vice Chair Har and members of the committee, thank you for the opportunity to testify on H.B. 330, H.D. 1. My name is Sanjeev "Sonny" Bhagowalia, Chief Information Officer (CIO) for the State of Hawaii.

The Office of Information Management and Technology (OIMT) supports H.B. 330, H.D. 1 as it removes the technical requirements and specifications from the initial draft of the bill and reflects the revisions recommended by the Office of Information Practices (OIP). As OIP has testified, technical specifications may change over time and thus are best addressed by policies, procedures and standards rather than statute.

Thank you for the opportunity to testify on this matter.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 14, 2013, 2:00 p.m.
State Capitol, Conference Room 325

Re: Revised Testimony on H.B.330, H.D. 1
Relating to Public Agency Meetings

Thank you for the opportunity to submit testimony on this bill. The state Office of Information Practices (“OIP”) initially strongly opposed H.B. 330, but can now generally support the bill as it was amended in H.D. 1 and with further amendments proposed as follows.

OIP strongly opposed the initial bill, which had (1) created an electronic filing requirement in addition to the paper filing requirement for some, but not all, Sunshine Law notices, thus creating potential confusion as to which will be the official filing while also increasing the administrative burden on boards; (2) created new federal disability access requirements within the state’s Sunshine Law, thus requiring OIP to administer a set of legal requirements currently outside its jurisdiction and expertise, and failed to provide funding for its enforcement; and (3) enacted into law highly technical specifications that could become quickly outdated.

The H.D. 1 passed by the House Committee on Human Services addressed most of OIP’s concerns but retained language in the bill’s purpose “to comply with the Americans with Disabilities Act of 1990 to require, in part, that state and local government entities ensure that all programs, services, or activities

be accessible to persons with disabilities.” OIP recommends removal of this language, as the bill is no longer creating a separate state cause of action based on the federal ADA law and is not limited to providing access to only disabled persons. As amended, the bill has removed the objectionable provisions from the Sunshine Law and its requirement to provide board contact information is a provision that all persons, not just the disabled, can benefit from. Therefore, the purpose section on page 1, lines 1-5 should be amended to simply state the following: **“The purpose of this Act is to provide board contact information for persons seeking a disability accommodation or general information to participate in a public meeting.”**

While the amended notice provisions are consistent with the Sunshine Law’s current notice provisions, OIP recommends that H.D. 1 also be amended as follows on page 2, lines 1-3: **“A telephone number, facsimile number, and email address, if available, for individuals ~~with disabilities~~ to contact if they need an accommodation for a disability or general information in order to participate at the meeting.”** This change would recognize that not all boards have their own staff persons or all of the listed forms of contacts, and makes clear that the contact information will help people with disabilities who need accommodations or non-disabled members of the public who need general information about a meeting.

In conclusion, OIP would support the bill if amended as proposed. Thank you for the opportunity to testify.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 14, 2013
Rm. 325, 2:00 p.m.

To: The Honorable Karl Rhoads, Chair
Members of the House Committee on Judiciary

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

Re: H.B. No. 330, 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. 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.

The purpose of H.B. No. 330 was to amend HRS §92-7 to require state and local government entities to comply with the Americans with Disabilities Act by requiring state and local government entities to ensure that all programs, services, or activities are accessible to persons with disabilities. The HCRC agrees that public notices of meetings should provide contact information so that people with disabilities can ask for an accommodation to participate in public meetings and that these notices if posted electronically should be posted in an accessible form. It is the HCRC’s understanding that failure to comply with the public notice requirements of HRS § 92-7 results in cancellation of a board meeting or the risk of a lawsuit to void board actions at the meeting in question. This is consistent with the HRS § 368-1.5 mandate that no otherwise qualified person be excluded from participation, be denied the benefits of, or otherwise discriminated against in state-funded programs and activities solely on the basis of disability.

H.B. No. 330, H.D.1, has been amended by deleting the requirement that public notices of meetings be posted electronically in an accessible format. The HCRC continues to support amendment of Chapter 92 to require that public notices of meetings should provide contact information and be posted in an accessible format.

Thank you for consideration of these comments.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 14, 2013

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

House Bill 330, HD1 – Relating to Public Agency Meetings

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 330, HD1 - Relating to Public Agency Meetings. The purpose of the bill is to ensure that state and local government entities programs, services, or activities be accessible to persons with disabilities.

DCAB agrees that state and county agencies should include information on notices so people with disabilities will know who to contact to ask for an auxiliary aid or service or request an accommodation to participate in a meeting.

We suggest amending the bill as follows:

- On page 2, beginning on line 1, “(3) A telephone number, facsimile number, and email address for individuals with disabilities to contact if they need an accommodation or auxiliary aid or service.” and ending and including line 3.

We also recommend that the following language from House Bill 330 be inserted:
“Notices of meetings be posted on the State calendar be in an accessible format.”

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson

FRANCINE WAI
Executive Director

PETER L. FRITZ
200 NORTH VINEYARD BOULEVARD, #430
HONOLULU, HAWAII 96817
TELEPHONE (I711 CALL ME): (808) 568-0077
E-MAIL: PLFLEGIS@FRITZHQ.COM

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON JUDICIARY

Hearing February 14, 2012
Time: 2:00 PM
Testimony on H.B. 330 H.D. 1

(RELATING TO PUBLIC AGENCY MEETINGS)

Chair Rhoads, Vice Chair Har, and members of the Committee my name is Peter Fritz. I draw from my experience as an individual with a disability, an attorney that has over 30 years of experience, and as a member of the Disability and Communication Access Board ("DCAB") to testify **in support of the intent** of H.B. 330 H.D. 1.

As currently drafted, H.B. 330 H.D. 1 cannot "ensure that all programs, services, or activities [are] accessible to persons with disabilities" because provisions requiring electronic posting of the notice and agenda that enable access for individuals who cannot easily travel to the capitol to read notices for meetings are not in this bill. The attached **Proposed H.B. 330 H.D. 2** (Attachment 1) contains provisions that will ensure access for the disabled.

Proposed H.D. 2 provides:

- **Electronic Access to Notices of Meetings and Agendas**
 - Blind individuals will be able to use software to have their computer read a notice to them. At the present time, the only way that they get such information is to have someone go to the capitol in the basement and ask a stranger to read the notice to them.
 - Mobility impaired individuals will be able use their computer to read notices and agenda. Presently, this individual must travel to the Capitol and ask someone to lift pages of some agendas because he or she cannot reach the agenda while sitting in their wheel chair or cannot lift their arms high enough to move the pages.
 - While Executive Memorandum 11-11 directs boards to post their agendas on the state calendar, there is no remedy because this requirement is not in the law.
 - Filing with the Lieutenant Governor is still required for protection of the board.
 - Filing with the Lieutenant Governor protects the agency by providing a date for the filing and for archival purposes.
 - It protects the agency should the state calendar be down.

Chapter 92 is enforced by the Attorney General, not the Office of Information Practices. The Attorney General did not testify in opposition to the provisions contained in H.B. 330 and accordingly, because there has been no opposition to provisions requiring agencies to file electronically by the person responsible for enforcing Chapter 92, I respectfully ask that the Committee provide this necessary access for individuals with disabilities.

The need for the provisions in this bill becomes readily apparent upon checking the State Calendar. For example, a meeting of the Stadium, Authority is scheduled for January 31, 2013. (Attachment 2). The listing says that there is "handicap access". However, as is evident from the printout of the agenda, the agenda does not have any information about how to request an accommodation. There is no number for someone to call, name of a person to contact or other information to help someone request an accommodation. So how does someone request documents in large print, an American Sign Language ("ASL"), Computer Assisted Real time Translation ("Cart"), closed loop systems for the hearing impaired, etc.?


The Marine and Coastal Zone Advocacy Council's agenda (Attachment 3) says that the meeting has "handicap access" and "hearing impaired". However, the agenda fails to provide any information, such as the phone number to call and the name of the person in charge of making accommodations. What is meant by access for "hearing impaired? I am hearing impaired. The appropriate accommodation for me is a CART or a Computer Assisted Note taker ("CAN") because I am not proficient in ASL very well. Does hearing impaired mean that all accommodations for someone who is hearing impaired are available at the meeting? I can't because I can't contact someone to ask for an accommodation.

Even more challenging is the listing for a meeting of the Plans & Projects Review Committee. (Attachment 4) The information does not include an agenda, notwithstanding the requirements to post an agenda in Executive Memorandum 11-11. How does one enforce an Executive Memorandum?

All individuals should have access to government information. Just as the employment law, fair housing law, tax laws, even the laws concerning to Iolani Palace contain provisions providing guidance with respect to individuals with disabilities, to provide adequate protection that provide access to individuals with disabilities to public meetings, the statutes relating to public meetings should contain language that to provide such access and the changes to Chapter 92, HRS made by H.B. 330 H.D. 2 will help disabled individuals to be included in the government process. I respectfully ask for your support.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter L. Fritz", with a large, sweeping flourish above it that extends across the width of the signature.

Peter L. Fritz

1

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

2 SECTION 1. The purpose of this Act is to comply with the
3 Americans with Disabilities Act of 1990 to require, in part,
4 that state and local government entities ensure that all
5 programs, services, or activities be accessible to persons with
6 disabilities.

7 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§92-7 Notice.** (a) The board shall give written public
10 notice of any regular, special, or rescheduled meeting, or any
11 executive meeting when anticipated in advance. The notice shall
12 include an agenda which lists all of the items to be considered
13 at the forthcoming meeting, the date, time, place of the meeting
14 and a telephone number, facsimile number, email address for
15 individuals with disabilities to contact if they need an
16 accommodation in order to participate at the meeting; and in the
17 case of an executive meeting, the purpose shall be stated.

18 (b) The board shall file the notice in the office of the
19 lieutenant governor or the appropriate county clerk's office,

1 and in the board's office for public inspection, at least
2 six calendar days before the meeting and [~~The notice shall also~~
3 ~~be posted~~] post the notice at the site of the meeting whenever
4 feasible. The board shall also post the notice and agenda
5 electronically on the state calendar. The information shall be
6 copied and pasted into the notes section for the event on the
7 state calendar.

8 (c) If the written public notice is filed in the office of
9 the lieutenant governor or the appropriate county clerk's office
10 less than six calendar days before the meeting, the lieutenant
11 governor or the appropriate county clerk shall immediately
12 notify the chairperson of the board, or the director of the
13 department within which the board is established or placed, of
14 the tardy filing of the meeting notice. The meeting shall be
15 canceled as a matter of law, the chairperson or the director
16 shall ensure that a notice canceling the meeting is posted at
17 the place of the meeting, and no meeting shall be held.

18 (d) No board shall change the agenda, once filed, by
19 adding items thereto without a two-thirds recorded vote of all
20 members to which the board is entitled; provided that no item
21 shall be added to the agenda if it is of reasonably major
22 importance and action thereon by the board will affect a
23 significant number of persons. Items of reasonably major
24 importance not decided at a scheduled meeting shall be

1 considered only at a meeting continued to a reasonable day and
2 time.

3 (e) The board shall maintain a list of names and addresses
4 of persons who request notification of meetings and shall mail a
5 copy of the notice to such persons at their last recorded
6 address no later than the time the agenda is filed under
7 subsection (b)."

8 (d) The proceedings for review shall not stay the
9 enforcement of any agency decisions; but the reviewing court may
10 order a stay if the following criteria have been met:

11 (1) There is likelihood that the party bringing the action
12 will prevail on the merits;

13 (2) Irreparable damage will result if a stay is not
14 ordered;

15 (3) No irreparable damage to the public will result from
16 the stay order; and

17 (4) Public interest will be served by the stay order.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

22

2



[RSS](#) Stadium Authority

[Sele](#)

◀ January 2013 ▶

◀ January, ▶

Mo	Tu	We	Th	Fr	Sa	Su
31	1	2	3	4	5	6 wk
7	8	9	10	11	12	13 wk
14	15	16	17	18	19	20 wk
21	22	23	24	25	26	27 wk
28	29	30	31	1	2	3 wk

Date 2013/01/31
Time 10:00 AM
Recurring
Event status Handicap access
Title Stadium Authority Meeting Agenda
Location Aloha Stadium

January 2013 Go

AGENDA

Stadium Authority Meeting

99-500 Salt Lake Boulevard, Honolulu, Hawaii 96818

January 31, 2013

10:00 a.m.

Today This This This
 Week Month Year
 Calendar List
 View View

Search:

From: Month: Month
 Year: 2013

To: Month: Month
 Year: 2013

[Search](#)

- I. Call to Order
- II. Approval of Minutes
 - A. Regular Session - December 20, 2012
 - B. Executive Session - December 20, 2012
- III. Monthly Reports
 - A. Chairman's Report
 - B. Stadium Manager's Report
 - 1. Administration
 - 2. Events
 - 3. Capital Improvement Projects/Maintenance
 - 4. Sales & Marketing
 - 5.
 - C. Approval of Events

1. GEKD, Inc. (Repeat)
6th Annual Silky Love Valentine Dance
Hospitality Room
February 16, 2013 (Saturday)

2. Xtreme Flag Football (Repeat)
End-of-Season Playoffs
March 10, 2013 (Sunday)

3. Oahu County Committee Democratic Party (Repeat)
Annual Convention
May 11, 2013 (Saturday)

D. University of Hawaii Athletic Department Monthly Report

E. Swap Meet Monthly Report: Centerplate

1. Comparison of December 2011 vs. December 2012
Attendance
Stall Sales
Days Open

2. Marketing Updates and Events
Media

F. Aloha Sports Properties Monthly Report

1. Fiscal Year 2013 Update
2. New Business Update

IV. Unfinished Business: Discussion and Appropriate Action

1. Federal Deed Restriction - Discussion and action on request to the General's Office regarding the federal deed restriction on the Aloha property.

2. Stadium Property Optimization - Discussion and action on request information regarding optimizing the use of the Aloha Stadium property.

V. New Business: Discussion and Appropriate Action

1. Discussion and action on granting Stadium Management authority appropriate and compliant events held in the Hospitality room with Board approval.

VI. Executive Session

1. To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, and Stadium Operation issues including the federal deed restriction on Stadium property and optimizing the use of the Aloha Stadium property.

VII. Next Meeting: February 28, 2013

VIII. Adjournment

TCal

[Contact us/About us](#) | [Terms of Use](#) | [Privacy Policy](#) | [ADA Compliance](#) | [Feedback/Comments](#) | [State portal/home](#) | [Subscription Services](#)

Copyright © 2000 - 2007 Hawaii Information Consortium, LLC. All rights reserved.

Powered by  ehawaii.gov

3

◀January, 28 2013▶

Date 2013/01/28 - 2013/01/28
Time 09:30 AM - 03:00 PM
Recurring
Event status Handicap access
Hearing Impaired
Title MACZAC Quarterly Meeting
Location Office of Planning, 6th Floor, 235 S. Beretania St. Honolulu, HI 96813

Marine and Coastal Zone Advocacy Council (MACZAC) / Ke Kahu O Na Kumu Wai**Monday, January 28, 2013 9:30 am - 3:00 pm****Office of Planning's Conference Room, 235 South Beretania Street, 6th Floor, Honolulu, HI
96813****MEETING AGENDA****I. Call to Order**

Welcome, introductions, and announcements

II. Approval of October 26, 2012 Meeting Minutes**III. Hawaii Coastal Zone Management (CZM) Program Report****IV. Hawaii Ocean Resources Management Plan (ORMP) Draft Update Plan****V. Public Input****BREAK****VI. Highlighting Critical Marine and Coastal Hotspot Issues, By Island****VII. Reports from MACZAC Working Groups**

Education and Outreach Working Group

Shoreline Access Working Group

Website Working Group

Legislative Working Group

VIII. New Business

Next meeting date - 2nd Quarter 2013

Discussion on agenda items

IX. Adjournment**LUNCH****Afternoon: MACZAC members to make visits to Legislature.**

4



Policy Advisory Board for Elder Affairs

Sele

◀ **February 2013** ▶

◀ **February**

Mo	Tu	We	Th	Fr	Sa	Su
28	29	30	31	1	2	3 wk
4	5	6	7	8	9	10 wk
11	12	13	14	15	16	17 wk
18	19	20	21	22	23	24 wk
25	26	27	28	1	2	3 wk

Date 2013/02/01
Time 11:00 AM
Recurring
Event status
Title Plans & Projects Review Committee
Location No. 1 Capitol District

Local

February 2013 Go

Today This This This
Week Month Year

Calendar List
View View

Search:

From: Month: Month

Year: 2013

To: Month: Month

Year: 2013

Search

[Contact us/About us](#) | [Terms of Use](#) | [Privacy Policy](#) | [ADA Compliance](#) | [Feedback/Comments](#) | [State portal/home](#) | [Subscription Services](#)

Powered by Hawaii.gov

Copyright © 2000 - 2007 Hawai'i Information Consortium, LLC. All rights reserved.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 2:19 PM
To: JUDtestimony
Cc: lkakatsu@hawaii.rr.com
Subject: Submitted testimony for HB330 on Feb 14, 2013 14:00PM

HB330

Submitted on: 2/13/2013

Testimony for JUD on Feb 14, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Comments Only	No

Comments: I am an individual with a disability. I had previously strongly supported the SB 863's original version which was the companion to HB 330. I support the intent of HB 330, HD1 but noticed that this HD1 version does not have the requirement that "All agendas to be posted in an accessible format" that was in the original SB 863 and HB 330 versions. This requirement should be added back. Thank you for allowing me to testify on HB 330, HD 1.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov