

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 Human Services

From: Cheryl Kakazu Park, Director

Date: January 29, 2013, 10:00 a.m.
State Capitol, Conference Room 329

Re: Testimony on H.B. 330
Relating to Public Agency Meetings

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) generally favors changing the paper filing requirement under the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (“HRS”) to an electronic filing requirement, and does not object to requiring Sunshine Law notice to include contact information for the board, but opposes the bill in its present form. The bill (1) creates an electronic filing requirement in addition to the paper filing requirement, thus increasing rather than decreasing the burden on boards; (2) creates new disability access requirements within the Sunshine Law, thus requiring OIP to administer a set of legal requirements currently outside its jurisdiction and expertise; and (3) enacts into law highly technical specifications that could become quickly outdated. Instead, OIP has attached suggestions for amendments to the bill that would reasonably provide for electronic, rather than paper, notice of Sunshine Law meetings.

OIP generally favors the concept of replacing the current paper notice requirements with electronic notice. However, as noted above, the electronic notice proposed by this bill would be in addition to the existing filing requirements, rather

than as a replacement for them, and thus it would increase rather than relieve the administrative burden on Sunshine Law boards. If this Committee wishes to pursue a switch to electronic notice, OIP has attached suggested language to do so, which also addresses the Sunshine Law's emergency meeting notice provision.

While OIP has no objection to disability access requirements in general, OIP strongly requests that the Committee place the provisions of this bill implementing the Rehabilitation Act of 1973, the provisions creating technical standards for accessible websites, and any other provisions relating to disability access requirements, in another section of the Hawaii Revised Statutes, if at all. The Sunshine Law's primary purpose is to promote public access to government board decisionmaking by setting standards for when a meeting must be open to the public, what board members may discuss outside a meeting, what information must be part of a board's notice, and what information must be included in a board's minutes. The disability access provisions of this bill set standards for a different and only tangentially related issue, i.e., what technical features a website must have to be accessible to individuals with disabilities, and also incorporate compliance with the federal Rehabilitation Act of 1973 into the Sunshine Law's requirements.

The proposed requirement for boards to include contact information on the notice, proposed section 92-7(a)(3) on page 1 of the bill, is consistent with the Sunshine Law's current notice provisions, and OIP does not object to including such a requirement. However, OIP would suggest amending that language to read "A telephone number, facsimile number, and email address, if available, for individuals with disabilities to contact if they need an accommodation in order to participate at the meeting. . . ." This change would recognize that not all boards will have all the listed forms of contact information, and would leave the responsibility for receiving

accommodation requests on the board itself rather than an individual member or employee.

The bill's other proposed amendments to section 92-7 relating to disability access are not appropriate for the Sunshine Law. Because OIP is required to administer the Sunshine Law, including resolving complaints and issuing decisions regarding potential violations, inclusion of the disability access standards in the Sunshine Law would require OIP to begin administering disability access standards, an area of the law entirely new to OIP and in which OIP has no prior expertise. By the same token, the bill would also require the Attorney General and the county Prosecutors to enforce those same requirements through the Sunshine Law's civil and criminal enforcement provisions. OIP does not have the resources to take on the new requirement of enforcing disability access, and the bill provides no additional funding for OIP. OIP further questions whether it is appropriate to create a complaint resolution and enforcement process for disability access requirements through the back-door method of adding them to the Sunshine Law, with its existing complaint resolution and enforcement structure, instead of openly providing an enforcement process for existing disability access requirements. Finally, OIP does not believe that the Legislature should enact into law the highly technical specifications proposed in the bill, which could become quickly outdated as technology advances.

OIP opposes this bill in its present form. However, OIP does not object to requiring contact information to be included in a board's notice in the amended form suggested above, and OIP would support an electronic notice requirement as a replacement for, instead of an addition to, the current paper notice, based on OIP's attached language for doing so. Thank you for the opportunity to testify.

"§92-7 Notice. (a) The board shall give written public notice of any regular, special, emergency, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time, and place of the meeting, and in the case of an executive meeting the purpose shall be stated. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.

(b) [~~The~~] At least six calendar days before the meeting, ~~the board shall file the notice in the [office of the lieutenant governor or the appropriate county clerk's office, and in the] board's office for public inspection, [at least six calendar days before the meeting. The notice shall also be posted]~~ and shall also post the notice at the site of the meeting whenever feasible. At least six calendar days before the meeting, a state board shall post the notice on the electronic calendar maintained on the State of Hawaii's Internet website, and a county board shall file the notice either by posting on the electronic calendar maintained on the State of Hawaii's or county's Internet website or in the appropriate county clerk's office. In the event that a board is unable to post its notice on an electronic calendar because of an interruption in service that prevents access to the electronic calendar, the board shall

file the notice in the office of the lieutenant governor if a state board, or in the appropriate county clerk's office if a county board. The office of the lieutenant governor or the appropriate county clerk's office shall then post the notice on the state or county electronic calendar as soon as service is restored.

(c) If the [~~written public~~] notice is [~~filed in the office of the lieutenant governor or~~] posted on the state or county calendar or filed in the appropriate county clerk's office less than six calendar days before the meeting, the [lieutenant governor] board's electronic notice shall be rejected by the electronic calendar or the appropriate county clerk shall immediately notify the chairperson of the board, or the director of the department within which the board is established or placed, of the tardy filing of the meeting notice. If there is a dispute as to whether a notice was timely filed on an electronic calendar, a printout of the electronically time-stamped agenda shall be conclusive evidence of the filing date.

[The] If a meeting notice is filed late, the meeting shall be canceled as a matter of law, and the chairperson of the board or the department director shall ensure that a notice canceling the meeting is posted in the board's office and at the place of the meeting, and no meeting shall be held.

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

(e) The board shall maintain a list of names and addresses of persons who request notification of meetings and shall mail or electronically transmit a copy of the notice to such persons at their last recorded address no later than the time the agenda is [~~filed~~] posted under subsection (b)."

SECTION 3. Section 92-8, Hawaii Revised Statutes, is amended to read as follows:

"§92-8 **Emergency meetings.** (a) If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided that:

- (1) The board states in writing the reasons for its findings;

- (2) Two-thirds of all members to which the board is entitled agree that the findings are correct and an emergency exists;
- (3) An emergency agenda and the findings are posted or filed [~~with the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office, and~~] as required for notices by section 92-7; and
- (4) Persons requesting notification on a regular basis are contacted by mail, ~~[or]~~ telephone, or electronically as soon as practicable.

(b) If an unanticipated event requires a board to take action on a matter over which it has supervision, control, jurisdiction, or advisory power, within less time than is provided for in section 92-7 to notice and convene a meeting of the board, the board may hold an emergency meeting to deliberate and decide whether and how to act in response to the unanticipated event; provided that:

- (1) The board states in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary and the attorney general if a state board, or the county counsel if a county board, concurs that the conditions

necessary for an emergency meeting under this subsection exist;

- (2) Two-thirds of all members to which the board is entitled agree that the conditions necessary for an emergency meeting under this subsection exist;
- (3) ~~[The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are filed with the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office;]~~ An emergency agenda and the findings are posted or filed as required for notices by section 92-7;
- (4) Persons requesting notification on a regular basis are contacted by mail, ~~[or]~~ telephone, or electronically as soon as practicable; and
- (5) The board limits its action to only that action which must be taken on or before the date that a meeting would have been held, had the board noticed the meeting pursuant to section 92-7.

(c) For purposes of this part, an "unanticipated event" means:

- (1) An event which members of the board did not have sufficient advance knowledge of or reasonably could

not have known about from information published by the media or information generally available in the community;

- (2) A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a board; or
- (3) A consequence of an event for which reasonably informed and knowledgeable board members could not have taken all necessary action."



DISABILITY AND COMMUNICATION ACCESS BOARD

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

January 29, 2013

TESTIMONY TO THE HOUSE COMMITTEE ON HUMAN SERVICES

House Bill 330 – Relating to Public Agency Meetings

The Disability and Communication Access Board (DCAB) supports House Bill 308 - Relating to Public Agency Meetings. The purpose of the bill is to comply with the Americans with Disabilities Act, in part, that state and local government entities ensure that all 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, and include website information in an accessible format for individuals with disabilities to have access to the same information as anyone in the general public.

The bill details how to make documents on websites accessible under Section 508 of the Rehabilitation Act of 1973. The detailed information listed in the bill is from the current Section 508 that is in the process of being revised. For state agencies, these specifics are also delineated in Comptroller's Memorandum 2010-28, which is attached with our testimony.

We suggest amending the bill as follows:

- On page 2, line 13, delete text beginning "In order to ... " through page 4 and ending at page 5 including line 3.

With that amendment, the statute will reference Section 508 of the Rehabilitation Act and be able to accommodate any future changes to the standards.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson

FRANCINE WAI
Executive Director

Attachment



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.


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

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



JIRO A. SUMADA
ACTING DIRECTOR

January 29, 2013

The Honorable Mele Carroll, Chair
and Members of the Committee on Human Services
State House of Representatives
Hawaii State Capitol
415 South Beretania
Honolulu, Hawaii 96813

Dear Chair Carroll and Members:

Subject: House Bill No. 330
Relating to the Public Agency Meetings

House Bill No. 330 requires public notices to identify a contact person to direct requests from individuals with disabilities, and requires the notices to be posted electronically on the State calendar and the board's website. The Department of Planning and Permitting **supports** House Bill No. 330 but ask that the bill be **amended** so that county notices need not be posted on the state calendar. We suggest the following language:

The board shall post the notice either on the electronic calendar maintained on the State of Hawaii's internet website or on the appropriate county's internet website, and either on the website of the board, or on the website of the department within which the board is established if the board does not have a website.

We also ask that the bill allow agencies to publish notices electronically as an alternative to publishing the notices in daily or weekly publications by adding it as an alternative to Section 1-28.5, Hawaii Revised Statutes. The savings in publication costs could be used elsewhere to improve the public's access to its government.

The Honorable Mele Carroll, Chair
and Members of the Committee on Human Services
State House of Representatives
January 29, 2013
Page 2

Please **adopt House Bill No. 330 with the requested amendments.** Thank you
for this opportunity to testify.

Very truly yours,



Jiro A. Sumada, Acting Director
Department of Planning and Permitting

JAS:jmf
Hb330PublicAgency-k

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 HUMAN SERVICES

Hearing January 29, 2013
Testimony on H.B. 330
(RELATING TO PUBLIC AGENCY MEETINGS)

Chair Carroll, Chair, Vice Chair Kobayashi, and members of the Committee:

My name is Peter Fritz. I am an attorney, individual with a disability and a member of the Disability and Communication access Board ("DCAB"). I am testifying in my personal capacity **in support** of H.B. 330.

In order to hold government accountable for its actions, citizens must know what those actions are. Individuals with disabilities are often foreclosed from attending meetings because the agenda is not accessible and/or there is no information about how to request an accommodation on the agenda. This bill implements changes that will help ensure that individuals can participate in such meetings.

This bill would require any organization holding a meeting that is subject to Chapter 92, the "Sunshine Law" to include information about how to request an accommodation for a disability on the meeting agenda. In addition, it requires that any agenda that is posted electronically be accessible as provided in the standards in set out in the Comptrollers Memorandum 2010-28.

The need for this bill becomes readily apparent upon checking the State Calendar. For example, a meeting of the Stadium, Authority is scheduled for January 31, 2013. (Exhibit 1). The listing says that there is "handicap access". However, as is evident from the printout of the agenda (Exhibit 1), 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 Costal Zone Advocacy Council's agenda (Exhibit 2) 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 these accommodations are available at the meeting? Someone who is deaf would want an ASL interpreter. Is an ASL interpreter on standby for the meeting? To effectively accommodate a disability, it is necessary engage in an interactive dialog. I can't because the I don't know who to contact.

Another problem is that the agendas are often inaccessible to the visually impaired. Exhibit 3 is the agenda for the Elections Commission. While it does contain language regarding how to request an accommodation, because it was posted as a PDF file that was created without enabling Adobe's accessibility features. (See attached accessibility report). However, when view on the ehawaii.gov State calendar, this document cannot be read by visually impaired individuals who use JAWS. JAWS is a of the programs that converts the text on a computer screen to text. The program speaks to the visually impaired person. It is not difficult to create an accessible PDF and I would be happy to demonstrate how to convert this inaccessible agenda to an accessible agenda. Alternatively, this problem could have been avoided if the document was posted as a Microsoft Word document.

Even more challenging is the listing for a meeting of the Plans & Projects Review Committee. There is no agenda. So how does someone request an accommodation?

All individuals should have access to government information and this bill will help disabled individuals to be included in the government process and 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 long horizontal line extending from the top of the signature across the page.

Peter L. Fritz

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[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 Week** **This Month** **This Year**
[Calendar View](#) [List 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 pro

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

ICal

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◀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.

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**STATE OF HAWAII
ELECTIONS COMMISSION**

NOTICE OF ELECTIONS COMMISSION MEETING

Date: Friday, January 25, 2013
Time: 10:00 a.m.
Place: State Office Tower
235 So. Beretania Street, Room 204
Honolulu, Hawaii 96813

AGENDA

- I. Call to Order – Chair William Marston
- II. Roll Call and Determination of a Quorum
- III. Approval of Minutes for the meeting of January 11, 2013
- IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item
- V. Status Report from the Chief Election Officer
- VI. Executive Session:

Pursuant to Haw. Rev. Stat. 92-5(a)(4):

Consult with the Commission's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities and action, if appropriate.

Deliberation concerning the sub-committee's investigation of the 2012 General Election ballot shortage and decision making, if appropriate.
- VII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE ELECTIONS COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

Accessibility Report

Filename: 012513 EC Agenda001.pdf

Report created by: [Enter personal and organization information through the Preferences > Identity dialog.]

Organization:

Summary

The checker found problems which may prevent the document from being fully accessible.

- Needs manual check: 2
- Passed manually: 0
- Failed manually: 0
- Skipped: 1
- Passed: 11
- Failed: 18

Detailed Report

Document

Rule Name	Status	Description
<u>Accessibility_permission_flag</u>	Passed	Accessibility permission flag must be set
<u>Image-only_PDF</u>	Failed	Document is not image-only PDF
<u>Tagged_PDF</u>	Failed	Document is tagged PDF
<u>Logical_Reading_Order</u>	Needs manual check	Document structure provides a logical reading order
<u>Primary_language</u>	Failed	Text language is specified
<u>Title</u>	Failed	Document title is showing in title bar
<u>Bookmarks</u>	Passed	Bookmarks are present in large documents
<u>Color_contrast</u>	Needs manual check	Document has appropriate color contrast

Page Content

Rule Name	Status	Description
<u>Tagged_content</u>	Failed	All page content is tagged
<u>Tagged_annotations</u>	Passed	All annotations are tagged
<u>Tab_order</u>	Failed	Tab order is consistent with structure order
<u>Character_encoding</u>	Passed	Reliable character encoding is provided
<u>Tagged_multimedia</u>	Passed	All multimedia objects are tagged
<u>Screen_flicker</u>	Passed	Page will not cause screen flicker
<u>Scripts</u>	Passed	No inaccessible scripts
<u>Timed_responses</u>	Passed	Page does not require timed responses
<u>Navigation_links</u>	Passed	Navigation links are not repetitive

Forms

Rule Name	Status	Description
<u>Tagged_form_fields</u>	Passed	All form fields are tagged
<u>Field_descriptions</u>	Passed	All form fields have description

Alternate Text

Rule Name	Status	Description
<u>Figures_alternate_text</u>	Failed	Figures require alternate text
<u>Nested_alternate_text</u>	Failed	Alternate text that will never be read
<u>Associated_with_content</u>	Failed	Alternate text must be associated with some content
<u>Hides_annotation</u>	Failed	Alternate text should not hide annotation
<u>Other_elements_alternate_text</u>	Failed	Other elements that require alternate text

Tables

Rule Name	Status	Description
<u>Rows</u>	Failed	TR must be a child of Table, THead, TBody, or TFoot

TH and TD	Failed	TH and TD must be children of TR
Headers	Failed	Tables should have headers
Regularity	Failed	Tables must contain the same number of columns in each row and rows in each column
Summary	Skipped	Tables must have a summary

Lists

Rule Name	Status	Description
List items	Failed	LI must be a child of L
Lbl and LBody	Failed	Lbl and LBody must be children of LI

Headings

Rule Name	Status	Description
Appropriate nesting	Failed	Appropriate nesting

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[RSS](#)

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

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

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

COMMITTEE ON HUMAN SERVICES

Hearing January 29, 2013
Testimony on H.B. 330
(RELATING TO PUBLIC AGENCY MEETINGS)

Chair Carroll, Chair, Vice Chair Kobayashi, and members of the Committee:

My name is Barbara Fischlowitz-Leong. I am an individual with a disability, the Executive Director of Assistive Technology Resource Centers and a member of the Disability and Communication access Board ("DCAB"). I am testifying in my personal capacity **in support** of H.B. 330.

In my various capacities in Hawaii and nationally, I need to know about government activities and actions. Individuals with disabilities, like me are often foreclosed from attending meetings because the agenda is not accessible and/or there is no information about how to request an accommodation on the agenda. This bill implements changes that will help ensure that individuals can participate in such meetings.

This bill would require any organization holding a meeting that is subject to Chapter 92, the "Sunshine Law" to include information about how to request an accommodation for a disability on the meeting agenda. In addition, it requires that any agenda that is posted electronically be accessible as provided in the standards in set out in the Comptrollers Memorandum 2010-28.

The need for this bill becomes readily apparent upon checking the State Calendar. For example, a meeting of the Stadium, Authority is scheduled for January 31, 2013. The listing says that there is "handicap access". However, as is evident from the printout of the agenda (Exhibit 1), 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 do I request information in a format that is usable by me documents in large print, Zoomtext, Magic

The Marine and Costal Zone Advocacy Council's agenda (Exhibit 2) 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 visually impaired. The appropriate accommodation for me is large print or email and PDF files that are readable by various technology. I do not know who to contact to request an accommodation.

All individuals should have access to government information and this bill will help individuals with disabilities be included in the government process.

I respectfully ask for your support. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Fischlowitz-Leong". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Barbara Fischlowitz-Leong