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## A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

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

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

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

8           "§92-7 Notice. (a) The board shall give written public  
9 notice of any regular, special, or rescheduled meeting, or any  
10 executive meeting when anticipated in advance. The notice shall  
11 include an agenda which lists ~~[all]~~ :

12           (1) All of the items to be considered at the forthcoming  
13           meeting~~[, the]~~;

14           (2) The date, time, and place of the meeting~~[, and in]~~;

15           (3) A telephone number, facsimile number, email address,  
16           and person for individuals with disabilities to  
17           contact if they need an accommodation in order to  
18           participate at the meeting; and



1       (4) In the case of an executive meeting, the purpose shall  
2            be stated.

3        (b) The board shall post the information electronically on  
4 the state calendar and the board's website. The information  
5 shall conform to the applicable provisions set forth by section  
6 508 of the Rehabilitation Act of 1973, as amended by title 29  
7 United States Code section 794d, including the regulations  
8 implementing that Act as set forth under title 36 Code of  
9 Federal Regulations part 1194, except when compliance with those  
10 provisions imposes an undue burden; in such instance, the board  
11 shall provide individuals with disabilities with the information  
12 and data involved by an alternative method of access that allows  
13 the individual to use the information and data. In order to  
14 ease access to state websites and make them accessible to  
15 persons with disabilities, the websites shall comply with the  
16 following guidelines, at minimum:

- 17       (1) A text equivalent for every non-text element;  
18       (2) Equivalent alternatives for any multimedia  
19            presentation synchronized with the presentation;  
20       (3) Web pages designed so that all information conveyed  
21            with color is also available without color, for  
22            example from context or markup;



- 1        (4) Documents that are organized so they are readable  
2        without requiring an associated style sheet;
- 3        (5) Redundant text links for each active region of a  
4        server-side image map;
- 5        (6) Client-side image maps, instead of server-side maps,  
6        shall be provided except where the regions cannot be  
7        defined with an available geometric shape;
- 8        (7) Row and column headers shall be identified for data  
9        tables;
- 10       (8) Markup shall be used to associate data cells and  
11       header cells for data tables that have two or more  
12       logical levels of row or column headers;
- 13       (9) Frames shall be titled with text that facilitates  
14       frame identification and navigation;
- 15       (10) Pages shall be designed to avoid causing the screen to  
16       flicker with a frequency greater than two Hertz and  
17       lower than fifty-five Hertz;
- 18       (11) A text-only page, with equivalent information or  
19       functionality, shall be provided to make a website  
20       comply with this section when compliance cannot be  
21       accomplished in any other way. The content of the



1 text-only page shall be updated whenever the primary  
2 page changes;

3 (12) When pages utilize scripting languages to display  
4 content, or to create interface elements, the  
5 information provided by the script shall be identified  
6 with functional text that can be read by assistive  
7 technology;

8 (13) When a webpage requires that an applet, plug-in, or  
9 other application be present on the client system to  
10 interpret page content, the page shall provide a link  
11 to a plug-in or applet that complies with title 36  
12 Code of Federal Regulations section 1194.21(a) through  
13 (1);

14 (14) When electronic forms are designed to be completed  
15 online, the form shall allow people using assistive  
16 technology to access the information, field elements,  
17 and functionality required for completion and  
18 submission of the form, including all directions and  
19 cues;

20 (15) A method shall be provided that permits users to skip  
21 repetitive navigation links; and



1        (16) An alert to notify the user when a timed response is  
2                    required, with sufficient time given to the user to  
3                    indicate more time is required, shall be provided.

4 The means specified by this section shall be the only means  
5 required for giving notice under this part notwithstanding any  
6 law to the contrary.

7        [~~(b)~~] (c) The board shall file the notice in the office of  
8 the lieutenant governor or the appropriate county clerk's  
9 office, and in the board's office for public inspection, at  
10 least six calendar days before the meeting. The notice shall  
11 also be posted at the site of the meeting whenever feasible.

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



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

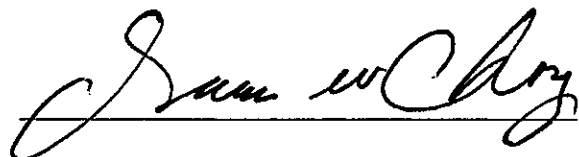
10           ~~[(e)]~~ (f) The board shall maintain a list of names and  
11 addresses of persons who request notification of meetings and  
12 shall mail a copy of the notice to such persons at their last  
13 recorded address no later than the time the agenda is filed  
14 under subsection ~~[(b)-]~~ (c)."

15           SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



JAN 18 2013



# H.B. NO. 330

**Report Title:**

Public Agency Meetings; Notice Requirements; Disabilities

**Description:**

Requires public notices to provide a contact person, including contact information, to whom requests for accommodations for individuals with disabilities may be made. Requires notices that are posted electronically to conform to the applicable provisions under the Rehabilitation Act of 1973.

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

