

JAN 18 2013

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:

[Signature]

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S.B. NO. 863

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.

