

JAN 23 2015

A BILL FOR AN ACT

RELATING TO OPEN GOVERNMENT.

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

1 SECTION 1. The legislature finds that, in order to hold
2 government officials accountable for their actions, citizens
3 must know what those actions are. Unfortunately, meeting
4 notices have often been posted in an inaccessible format on the
5 state calendar or agencies' websites, failing to provide
6 individuals with disabilities with notice of agency actions.

7 The purpose of this Act is to require that notices for
8 meetings be posted in a format that meets the requirements of
9 section 508 of the federal Rehabilitation Act of 1973 in order
10 to ensure that all citizens can access government information
11 and be aware of government actions.

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

14 "**§92-7 Notice.** (a) The board shall give written public
15 notice of any regular, special, or rescheduled meeting, or any
16 executive meeting when anticipated in advance. The notice shall
17 include an agenda which lists ~~[all]~~:



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

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

4 (3) Information, including a point of contact, explaining
5 how to request an accommodation in order to
6 participate at the meeting; and

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

9 If an item to be considered is the proposed adoption, amendment,
10 or repeal of administrative rules, an agenda meets the
11 requirements for public notice pursuant to this section if it
12 contains a statement on the topic of the proposed rules or a
13 general description of the subjects involved, as described in
14 section 91-3(a)(1)(A), and a statement of when and where the
15 proposed rules may be viewed in person and on the Internet as
16 provided in section 91-2.6.

17 (b) The board shall post the information electronically on
18 the state calendar and the board's website. The information
19 shall conform to the applicable provisions set forth by section
20 508 of the Rehabilitation Act of 1973, as amended by title 29
21 United States Code section 794d, including the regulations



1 implementing that Act as set forth under title 36 Code of
2 Federal Regulations part 1194, except when compliance with those
3 provisions imposes an undue burden. The means specified by this
4 section shall be the only means required for giving notice under
5 this part notwithstanding any law to the contrary.

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



1 posted at the place of the meeting, and no meeting shall be
2 held.

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



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

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

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

20

INTRODUCED BY:



S.B. NO. 784

Shannon Chin Oakland



S.B. NO. 784

Report Title:

Public Agency Meetings; Notice Requirements; Persons with Disabilities; Accommodations; Rehabilitation Act of 1973

Description:

Requires public notices to provide information, including a point of contact, explaining how to request an accommodation in order to participate at the public meeting. 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.

