
A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

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

1 SECTION 1. The legislature finds that the Americans with
2 Disabilities Act and other federal and state disability laws
3 require state and local governments to provide qualified
4 individuals with disabilities equal access to programs,
5 services, and activities. The legislature further finds that
6 chapter 92, Hawaii Revised Statutes, also known as the sunshine
7 law, has not provided in its implementation the same access and
8 rights to individuals with disabilities.

9 The sunshine law allows individuals to request that an
10 agency mail them notices of meetings. Under the old sunshine
11 law, a public meeting notice was required to be mailed at the
12 same time it was filed with the lieutenant governor. Under
13 amendments made to the sunshine law, an agency need only mail a
14 notice no less than six days prior to the meeting, even when an
15 agenda or draft agenda was posted on the state electronic
16 calendar weeks prior to the meeting. Individuals that request
17 the notices be mailed to them are often individuals who lack
18 computer access or cannot use a computer due to a disability.



1 These individuals do not receive the same amount of notice as
2 individuals with access to online notices.

3 The purpose of this Act is to ensure equal access to notice
4 of public meetings.

5 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) The board shall give written public notice of any
8 regular, special, emergency, or rescheduled meeting, or any
9 executive meeting when anticipated in advance. The notice shall
10 include an agenda that lists all of the items to be considered
11 at the forthcoming meeting[7]; the date, time, and place of the
12 meeting[7]; instructions on how to request an auxiliary aid or
13 service or an accommodation due to a disability, including a
14 response deadline, if one is provided, that is reasonable; and
15 in the case of an executive meeting, the purpose shall be
16 stated. If an item to be considered is the proposed adoption,
17 amendment, or repeal of administrative rules, an agenda meets
18 the requirements for public notice pursuant to this section if
19 it contains a statement on the topic of the proposed rules or a
20 general description of the subjects involved, as described in
21 section 91-3(a)(1)(A), and a statement of when and where the
22 proposed rules may be viewed in person and on the Internet as



1 provided in section 91-2.6. The means specified by this section
2 shall be the only means required for giving notice under this
3 part notwithstanding any law to the contrary.

4 (b) No less than six calendar days prior to the meeting,
5 the board shall post the notice on an electronic calendar on a
6 website maintained by the State or the appropriate county and
7 post a notice in the board's office for public inspection. The
8 notice shall also be posted at the site of the meeting whenever
9 feasible. The board shall [~~provide a copy of the notice to the~~
10 ~~office of the lieutenant governor or the appropriate county~~
11 ~~clerk's office at the time the notice is posted,~~] file a copy of
12 the notice with the office of the lieutenant governor or the
13 appropriate county clerk's office and retain a copy of proof of
14 filing the notice, and the office of the lieutenant governor or
15 the appropriate clerk's office shall timely post paper or
16 electronic copies of all meeting notices in a central location
17 in a public building; provided that a failure to do so by the
18 board, the office of the lieutenant governor, or the appropriate
19 county clerk's office shall not require cancellation of the
20 meeting. The copy of the notice to be provided to the office of
21 the lieutenant governor or the appropriate county clerk's office
22 may be provided via electronic mail to an electronic mail



1 address designated by the office of the lieutenant governor or
2 the appropriate county clerk's office, as applicable."

3 SECTION 3. Section 92-8, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

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

- 9 (1) The board states in writing the reasons for its
10 findings;
- 11 (2) Two-thirds of all members to which the board is
12 entitled agree that the findings are correct and an
13 emergency exists;
- 14 (3) An emergency agenda and the findings are
15 electronically posted pursuant to section 92-7(b) [→],
16 filed with the office of the lieutenant governor or
17 the appropriate county clerk's office, and posted in
18 the board's office; provided further that the six
19 calendar day requirement for filing and electronic
20 posting shall not apply; and



1 (4) Persons requesting notification on a regular basis are
2 contacted by postal or electronic mail or telephone as
3 soon as practicable.

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

11 (1) The board states in writing the reasons for its
12 finding that an unanticipated event has occurred and
13 that an emergency meeting is necessary and the
14 attorney general concurs that the conditions necessary
15 for an emergency meeting under this subsection exist;

16 (2) Two-thirds of all members to which the board is
17 entitled agree that the conditions necessary for an
18 emergency meeting under this subsection exist;

19 (3) The finding that an unanticipated event has occurred
20 and that an emergency meeting is necessary and the
21 agenda for the emergency meeting under this subsection
22 are electronically posted pursuant to section



1 92-7(b) [7], filed with the office of the lieutenant
2 governor or the appropriate county clerk's office, and
3 posted in the board's office; provided further that
4 the six calendar day requirement for filing and
5 electronic posting shall not apply;

6 (4) Persons requesting notification on a regular basis are
7 contacted by postal or electronic mail or telephone as
8 soon as practicable; and

9 (5) The board limits its action to only that action that
10 must be taken on or before the date that a meeting
11 would have been held, had the board noticed the
12 meeting pursuant to section 92-7."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Deaf and Blind Task Force; Public Meetings; Notice

Description:

Requires public meeting notices to include instructions regarding accommodations for persons with disabilities. Requires boards to post a notice in the board's office and to retain a copy of proof of filing the notice with the Lieutenant Governor's office or county clerk's office. Requires the Lieutenant Governor's office or the county clerk's office to timely post paper or electronic copies of all meeting notices in a central location in a public building. Requires an emergency meeting agenda to be filed with the Lieutenant Governor's office or the county clerk's office and posted in the board's office.
(CD1)

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