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# 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 (ADA) and other federal and state disability  
3 laws 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



1 computer access or cannot use a computer due to a disability.  
2 Such individuals do not receive the same amount of notice as  
3 individuals with access to online notices.

4 The legislature additionally finds that a copy of the  
5 notice of the meeting is required to be provided to the  
6 lieutenant governor's office or appropriate county clerk's  
7 office for posting. However, failure of the agency holding the  
8 meeting to timely file the notice does not cancel the meeting,  
9 unlike the failure to timely post a notice of a meeting on the  
10 state calendar. For individuals who rely on the lieutenant  
11 governor's office or the county clerk's office for information  
12 about upcoming public meetings, the lack of consequences for  
13 failure to file or post may also deny equal access to the  
14 activities of state and local government.

15 The purpose of this Act is to ensure equal access to notice  
16 of public meetings.

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

19 "(a) The board shall give written public notice of any  
20 regular, special, emergency, or rescheduled meeting, or any  
21 executive meeting when anticipated in advance. The notice shall



1 include an agenda that lists all of the items to be considered  
2 at the forthcoming meeting, the date, time, and place of the  
3 meeting, instructions on how to request an auxiliary aid or  
4 service or an accommodation due to a disability, including a  
5 response deadline, if one is provided, that is reasonable, and  
6 in the case of an executive meeting, the purpose shall be  
7 stated. If an item to be considered is the proposed adoption,  
8 amendment, or repeal of administrative rules, an agenda meets  
9 the requirements for public notice pursuant to this section if  
10 it contains a statement on the topic of the proposed rules or a  
11 general description of the subjects involved, as described in  
12 section 91-3(a)(1)(A), and a statement of when and where the  
13 proposed rules may be viewed in person and on the Internet as  
14 provided in section 91-2.6. The means specified by this section  
15 shall be the only means required for giving notice under this  
16 part notwithstanding any law to the contrary.

17 (b) No less than six calendar days prior to the meeting,  
18 the board shall post the notice on an electronic calendar on a  
19 website maintained by the State or the appropriate county and  
20 post a notice in the board's office for public inspection. The  
21 notice shall also be posted at the site of the meeting whenever



1 feasible. The board shall file a copy of the notice with the  
2 office of the lieutenant governor or the appropriate county  
3 clerk's office, retain a copy of proof of filing the notice,  
4 ~~[provide a copy of the notice to the office of the lieutenant~~  
5 ~~governor or the appropriate county clerk's office at the time~~  
6 ~~the notice is posted,]~~ and the office of the lieutenant governor  
7 or the appropriate clerk's office shall timely post paper or  
8 electronic copies of all meeting notices in a central location  
9 in a public building; provided that a failure to do so by the  
10 board, the office of the lieutenant governor, or the appropriate  
11 county clerk's office shall not require cancellation of the  
12 meeting. The copy of the notice to be provided to the office of  
13 the lieutenant governor or the appropriate county clerk's office  
14 may be provided via electronic mail to an electronic mail  
15 address designated by the office of the lieutenant governor or  
16 the appropriate county clerk's office, as applicable."

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

19 "(a) If a board finds that an imminent peril to the public  
20 health, safety, or welfare requires a meeting in less time than



1 is provided for in section 92-7, the board may hold an emergency  
2 meeting provided that:

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

5 (2) Two-thirds of all members to which the board is  
6 entitled agree that the findings are correct and an  
7 emergency exists;

8 (3) An emergency agenda and the findings are  
9 electronically posted pursuant to section 92-7(b) [7],  
10 filed with the office of the lieutenant governor or  
11 the appropriate county clerk's office, and posted in  
12 the board's office; provided that the six calendar day  
13 requirement for filing and electronic posting shall  
14 not apply; and

15 (4) Persons requesting notification on a regular basis are  
16 contacted by postal or electronic mail or telephone as  
17 soon as practicable.

18 (b) If an unanticipated event requires a board to take  
19 action on a matter over which it has supervision, control,  
20 jurisdiction, or advisory power, within less time than is  
21 provided for in section 92-7 to notice and convene a meeting of



1 the board, the board may hold an emergency meeting to deliberate  
2 and decide whether and how to act in response to the  
3 unanticipated event; provided that:

4 (1) The board states in writing the reasons for its  
5 finding that an unanticipated event has occurred and  
6 that an emergency meeting is necessary and the  
7 attorney general concurs that the conditions necessary  
8 for an emergency meeting under this subsection exist;

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

12 (3) The finding that an unanticipated event has occurred  
13 and that an emergency meeting is necessary and the  
14 agenda for the emergency meeting under this subsection  
15 are electronically posted pursuant to section  
16 92-7(b) [7], filed with the office of the lieutenant  
17 governor or the appropriate county clerk's office, and  
18 posted in the board's office; provided that the six  
19 calendar day requirement for filing and electronic  
20 posting shall not apply;



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

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

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 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 public meeting notices on an electronic calendar on a state maintained website, file a copy with the office of the lieutenant governor or the appropriate county clerk's office, retain a copy of proof of filing, and post a notice in the board's office. Requires the office of the lieutenant governor or the appropriate clerk's office to timely post paper or electronic copies of all meeting notices in a central location in a public building. Requires a meeting to be canceled when the written public notice is posted on an electronic calendar less than six days prior to the meeting. Requires an emergency meeting agenda to be filed with the office of the lieutenant governor or the appropriate county clerk's office and posted in the board's office. (SD2)

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