



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

AGENDA

Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street., Room 118

Date: January 24, 2018

Time: 12:00 p.m.

- I. Call or Order
- II. Introductions
- III. Positions on Carryover Bills and Subject Matter Categories
- IV. Positions Relating to Bills
 - A. Parking for Persons with Disabilities
 - HB1109, HD1/SB 975, SD2, HD1 – Relating to Parking for Disabled Persons Introduced as part of the 2017 Administrative Package. Clarifies under what circumstances a law enforcement officer or a commissioned volunteer enforcement officer may confiscate a disability parking permit which is being used unlawfully.
 - HB 1108, HD1/974, SD2 – Relating to Parking for Disabled Persons Introduced as part of the 2017 Administrative Package. Will limit who shall pay parking meter fees to a person who is licensed to drive, and not able to reach or operate parking meters due to a physical disability or architectural barrier.
 - B. Nondiscrimination Against Persons with Disabilities/Civil Rights
 - HB 1823 – Relating to Service and Emotional Support Animals Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service dog or emotional support animal.
 - C. Communication Access
 - Movie Theaters Introduced as part of the 2018 Administrative Package. Restores open captioning to two showings per week, removes the requirement for use of open captioning or lightweight eye wear, and makes the law permanent.
 - HB 613/SB 535, SD2 – Relating to Hearing Aids Introduced as part of the Kupuna Caucus Package. Requires health insurance policies and contracts issued after 12/31/18 to provide coverage for the cost of hearing aids at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months.
 - SCR 1/SR1 – Urging the State of Hawaii to Review and Update its Telecommunication Devices and Access for the Deaf, Individuals with Hearing Disabilities, and Individuals with Speech Disabilities
 - D. Building Code/Design

- E. Community Based Services for Persons with Disabilities
 - Relating to Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Fund Introduced as part of the Administrative Package. Creates the Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Fund into which federal monies may be deposited from the Department of Health’s participation in the waiver program.

- F. Emergency Preparedness
 - HB 1728 – Relating to Disaster Preparedness Requires each public school to develop a disaster and attack preparedness plan by 9/1/2018 that includes shelter-in-place drills. Requires each school to maintain emergency goods sufficient for at least 48 hours in its facilities. Appropriates funds for emergency goods.

- G. Administrative
 - HB 1734 – Relating to Neighbor Island Equal Access to Legislative Hearings through Videoconferencing Requires each chamber of the legislature to establish rules that enable oral testimony through audiovisual videoconferencing technology. Appropriates funds for audiovisual technology in conference rooms.

- H. Other
 - HB 1788 – Relating to Identification Cards for Persons with Disabilities Introduced as part of the 2017 and 2018 Counties Package. Amends the Highway Safety Act, Chapter 286, Hawaii Revised Statutes (HRS) and gives individuals with disabilities the option to voluntarily disclose their disabilities in a Hawaii State Identification Card, a Hawaii Driver’s License, and an Identification Card for Persons with Disabilities. “Person with disabilities” is defined in the bill to mean any person with a permanent or temporary disability.
 - Relating to Motor Vehicle Weight Tax Excludes the weight of lifts and ramps, and motors to operate them and vehicle chassis reinforcements, from the determination of net weight for non-commercial vehicles for the purposes of levying taxes the state and county motor vehicle weight tax.
 - Relating to Income Tax Credit Provides an income tax credit to a taxpayer who purchases or modifies a personal vehicle for use by a person with a disability. Applies to taxable years beginning after December 31, 2018.
 - HB 1722 – Minimum Wage Repeals the exemption authorizing compensation of individuals with disabilities less than minimum wage.

- V. Open Forum

Public comment on issues not on the agenda, for consideration for Committee’s agenda at the next meeting

- VI. Next Meeting

Wednesday, January 31, 2018 at 12:00 p.m. at 1010 Richards Street, room 118

- VII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-8121 (voice/tty) or email dcab@doh.hawaii.gov by January 19, 2018.



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MINUTES

Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street., Room 118

Date: January 24, 2018

Time: 12:00 p.m.

PRESENT: Rosanna Daniel-Kanetake, Chairperson; Monty Anderson-Nitahara (via phone), Board Member; Francine Wai, Debbie Jackson, Peggy Liang, Colin Whited, DCAB Staff

ABSENT: Landa Phelan, Board Member

SIGN LANGUAGE

INTERPRETER: Laura Safranski

- I. The meeting was called to order by Chairperson Rosanna Daniel-Kanetake at 12:07 p.m.
- II. Introductions were conducted informally prior to the beginning of the meeting.
- III. Positions on Carryover Bills

This being the second year of the biennium means that all bills that were alive at the end of the 2017 Legislative session are carried over to this session. DCAB took positions on bills from last year, and any of those bills that arise will be put on an agenda for review with a formal position on record in the minutes. It was clarified that testimony on any bills with a DCAB position would be sent to the Legislature under the signature of the Executive Director, due to the short timeframe in which testimony needs to be submitted to the Legislature.

IV. Positions Relating to Bills

A. Parking for Persons with Disabilities

- HB 1109, HD1/SB 975, SD2, HD1 – Relating to Parking for Disabled Persons Introduced as part of the 2017 Administrative Package. Clarifies under what circumstances a law enforcement officer or a commissioned volunteer enforcement officer may confiscate a disability parking permit which is being used unlawfully.

ACTION: SUPPORT

- HB 1108, HD1/SB 974, SD2 – Relating to Parking for Disabled Persons Introduced as part of the 2017 Administrative Package. Will limit who

shall pay parking meter fees to a person who is licensed to drive, and not able to reach or operate parking meters due to a physical disability or architectural barrier.

ACTION: SUPPORT

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- HB 1823 – Relating to Service and Emotional Support Animals Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service dog or emotional support animal.

ACTION: SUPPORT INTENT (Comments to include that it will be difficult to prove misrepresentation.)

- HB 1599 (similar)/SB 2461 – Relating to Service Animals Establishes the offense of "misrepresentation of a service animal." Changes the term "service dog" to "service animal" and amends the definition of that term to conform with the Americans with Disabilities Act of 1990.

ACTION: SUPPORT INTENT (Comments to include method or procedure about how this will be enforced.)

- SB 2208/HB 1928 – Relating to a Right Parent for Blind Persons Establishes parental rights for blind parents or prospective blind parents in the contest of child welfare, foster care, family law, and adoption.

ACTION: NO POSITION – COMMENTS (There is no need for this bill, because if the child is in danger or the parents are negligent, there is a means to report that behavior to have the child moved to safety.)

C. Communication Access

- SB 2650/SB 2797/HB 2370 - Movie Theaters Introduced as part of the 2018 Administrative Package. Restores open captioning to two showings per week, removes the requirement for use of open captioning or lightweight eye wear, and makes the law permanent.

ACTION: SUPPORT (SB 2650 is similar to the Administration bill, but introduced by Senator Baker. One difference is that one of the two open captioning showings is required to be after 4:30 p.m. Support all versions of the bill with preference for language in the Administration bill.)

- HB 613/SB 535, SD2 – Relating to Hearing Aids Introduced as part of the Kupuna Caucus Package. Requires health insurance policies and contracts issued after 12/31/18 to provide coverage for the cost of hearing aids at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months.

ACTION: SUPPORT

- SCR 1/SR 1 – Urging the State of Hawaii to Review and Update its Telecommunication Devices and Access for the Deaf, Individuals with Hearing Disabilities, and Individuals with Speech Disabilities

ACTION: SUPPORT INTENT (DCAB is willing to cooperate with agency that conducts the study.)

- HB 1856 – Relating to Sign Language Interpreters Provides for the right to a certified sign language interpreter at any stage of a criminal proceeding, including the taking of a person into custody prior to being charged with any offense. Provides that administrative fines be deposited into the DCAB special fund and criminal fines be deposited into the court interpreting services revolving fund.

ACTION: SUPPORT INTENT (Comments will be how this will be enforced and where to place the funds.)

D. Building Code/Design

No bills discussed in this category.

E. Community Based Services for Persons with Disabilities

- SB 2798/ HB 2371 – Relating to Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Fund Introduced as part of the Administrative Package. Creates the Intellectual and Developmental Disabilities Medicaid Waiver Administrative Claiming Fund into which federal monies may be deposited from the Department of Health's participation in the waiver program.

ACTION: MONITOR

- SB 2050 – Relating to Persons with Disabilities Introduced as part of the Deaf and Blind Task Force Package. Requires the Department of Human Services to implement an earned income disregard program as an intermediate step to implementing a Medicaid buy-in program. Requires reports to the legislature.

ACTION: SUPPORT

F. Emergency Preparedness

- HB 1728 – Relating to Disaster Preparedness Requires each public school to develop a disaster and attack preparedness plan by 9/1/2018 that includes shelter-in-place drills. Requires each school to maintain emergency goods sufficient for at least 48 hours in its facilities. Appropriates funds for emergency goods.

ACTION: MONITOR (Monitor various bills relating to emergency preparedness and bring bills that are moving to the Committee for consideration.)

G. Administrative

- HB 1734 – Relating to Neighbor Island Equal Access to Legislative Hearings through Videoconferencing Requires each chamber of the legislature to establish rules that enable oral testimony through audiovisual videoconferencing technology. Appropriates funds for audiovisual technology in conference rooms.

ACTION: SUPPORT INTENT (Comments ensure that there are captions for accessibility to people with disabilities.)

H. Other

- HB 1788/SB 2171 – Relating to Identification Cards for Persons with Disabilities Introduced as part of the 2017 and 2018 Counties Package. Amends the Highway Safety Act, Chapter 286, Hawaii Revised Statutes (HRS) and gives individuals with disabilities the option to voluntarily disclose their disabilities in a Hawaii State Identification Card, a Hawaii Driver's License, and an Identification Card for Persons with Disabilities. "Person with disabilities" is defined in the bill to mean any person with a permanent or temporary disability.

ACTION: OPPOSE (Possible misuse notation on the driver's license or state identification card to obtain services for which the person is not eligible.)

- HB 2232/SB 2714 – Relating to Motor Vehicle Weight Tax Excludes the weight of lifts and ramps, and motors to operate them and vehicle chassis reinforcements, from the determination of net weight for non-commercial vehicles for the purposes of levying taxes the state and county motor vehicle weight tax.

ACTION: SUPPORT

- HB 2231/SB 2713 – Relating to Income Tax Credit Provides an income tax credit to a taxpayer who purchases or modifies a personal vehicle for use by a person with a disability. Applies to taxable years beginning after December 31, 2018.

ACTION: SUPPORT

- HB 1721/SB 2362 – Minimum Wage Repeals the exemption authorizing compensation of individuals with disabilities less than minimum wage.

ACTION: MONITOR

- Voting by Mail There are a number of bills on this topic. Will bring the ones that are moving to the committee for a position.

ACTION: MONITOR

NOTE: All positions on bills were passed (M/S/P Anderson-Nitahara/Daniel-Kanetake).

V. Open Forum

No comments were made.

VI. The next meeting is scheduled for Wednesday, January 31, 2018 at 12:00 p.m. at 1010 Richards Street in room 118.

VII. The meeting adjourned at 1:00 p.m.

Respectfully submitted,



DEBBRA L. JACKSON