



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 23, 2019

Time: 12:00 p.m.

I. Call or Order

II. Introductions

III. DCAB Legislative Procedures

A. Determining Types of Positions to Take on Bills

- Support – DCAB supports the bill's subject matter without suggesting changes. Requires written testimony.
- Support Intent – DCAB supports the concept of the bill and suggests changes. Requires written testimony.
- Oppose – DCAB is against the concept of the bill and suggests amendments to the bill. Requires written testimony.
- No Position – Comments – DCAB staff understands and empathizes with the intent of the bill and offers comments about how to amend the bill. Requires written testimony.
- Monitor – DCAB staff tracks the bill and if necessary brings to the Committee when the bill may have an impact on the disability community. No written testimony required.

B. Determine Subject Matter Categories for Bills

- Parking for Persons with Disabilities
- Nondiscrimination Against Persons with Disabilities/Civil Rights
- Communication Access
- Service Animals for Persons with Disabilities
- Community Based Services for Persons with Disabilities
- Building Code/Design
- Emergency Preparedness
- Administrative/Other

IV. Legislative Strategy/Positions Relating to Bills

A. Parking for Persons with Disabilities

- Relating to Parking for Disabled Persons. Introduced as part of the 2019 Administrative Package. Clarifies that the exemption from payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station because of a physical disability, and who display a distinguishing parking device, code or placard. Repeals existing time limits for parking fee exemption. Makes the act of selling or buying a parking permit a misdemeanor. Provides that law enforcement

officers may confiscate a parking permit that has been altered or is invalid. Clarifies the type of disabilities that qualify for a disability parking permit.

- B. Nondiscrimination Against Persons with Disabilities/Civil Rights
- Relating to Families. Introduced as part of the Deaf and Blind Task Force Package. To protect best interests of children parented by individuals who have a disability by establishing procedural safeguards.
 - Relating to Remote Legislative Testimony. Introduced as part of the Deaf and Blind Task Force Package. Establishes a temporary, remote testimony task force to develop procedures to allow the public to submit testimony remotely via the Internet during legislative proceedings.
- C. Communication Access
- Relating to Movie Theaters. Introduced as part of the 2019 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.
 - 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.
 - Relating to Movie Theaters. Introduced by the Deaf and Blind Task Force. Makes permanent the requirement for certain motion picture owners and operators to provide open movie captioning for at least two showings per week, one of which has a scheduled start time no earlier than 4:40 p.m. Repeals the requirement to provide an option of personal closed captioning screenings by lightweight eyewear.
- D. Service Animals for Persons with Disabilities
- Relating to Assistance Animals. Introduced as part of the Deaf and Blind Task Force Package. Codifies the administrative rule definition of “assistance animal.” Clarifies the requirements for verification of a request for reasonable accommodation in housing for an assistance animal.
 - Requesting the Department of Human Services to Examine the Implementation of Act 217, Session Laws of Hawaii 2018, Regarding Misrepresentation of Service Animals.
- E. Building Code/Design
- F. Community Based Services for Persons with Disabilities
- Requesting that the Hawaii State Board of Education Amend the Name of the Hawaii School for the Deaf and the Blind to Reduce Confusion. Students who are hearing and blind attend mainstream school classes and are not served at the School for the Deaf and the Blind. Changing the name would reduce confusion for the public who thinks the population of students there also includes blind students.
 - Relating to an Earned Income Disregard Program. 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. Takes effect upon approval by the Centers for Medicare and Medicaid Services.
- G. Emergency Preparedness

H. Administrative

- Relating to Public Meetings. Introduced as part of the Deaf and Blind Task Force Package. Ensures that there is equal access to notice of public meetings by including a statement of how, who and when to request an auxiliary aid, service, or accommodation be included on the public meeting notice. Clarifies that the meeting notice must be posted in an accessible format on the state or county electronic calendar and filed with a confirmed receipt with the Office of the Lieutenant Governor.

I. Other

- Relating to Minimum Wage. Introduced as part of the Deaf and Blind Task Force Package. Repeals the exemption of person with disabilities from minimum wage requirements.
- Relating to Identification Cards for Persons with Disabilities. Introduced as part of the 2019 and 2020 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 the General Excise Tax. Introduced in the Deaf and Blind Task Force Package. Exempts the sales of mobility enhancing equipment sold by prescription, prosthetic devices, prescription drugs sold, and human blood and its derivatives from the general excise tax for taxable years after December 31, 2018. Amends the definitions of "prosthetic device" and "prescription drugs."
- Reaffirming the Use of the Term "Deaf-Blind" by the State of Hawaii and the Counties. Introduced as part of the Deaf and the Blind Task Force Package. The term "deaf-blind" has a specific meaning under federal and state law and should be used in that manner and not changed to "deafblind."

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 30, 2019 at 12:00 p.m. at 1010 Richards Street, room 118

VII. Adjournment

If you need an auxiliary aid/service or assistance due to a disability, please contact Cindy Omura at (808) 586-8121 or email dcab@doh.hawaii.gov by January 18, 2019. If a request is received after January 18, 2019, we will try to obtain the auxiliary aid/service or assistance but cannot guarantee that the request will be fulfilled. This notice is available in alternate format such as large print, Braille or electronic copy, upon request.



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MINUTES

Legislative Committee Meeting

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

Date: January 23, 2019

Time: 12:00 p.m.

PRESENT: Rosanna Daniel-Kanetake, Chairperson; Anthony Akamine, Monty Anderson-Nitahara (via phone), Dean Georgiev, Violet Horvath (via phone), Board Members; Francine Wai, Debbie Jackson, DCAB Staff

GUEST: Peter Fritz

- I. Chairperson Rosanna Daniel-Kanetake called the meeting to order at 12:04 p.m.
- II. After staff connected Violet Horvath via conference phone, all members present introduced themselves. Monty Anderson-Nitahara was not available at noon, however he called into the meeting at 12:40 p.m.

III. DCAB Legislative Procedures

Francine Wai attended a meeting at the Department of Health (DOH). DOH relayed to staff the following positions on bills should divisions decide to testify: a position on such as support or oppose may include comments. The Governor wants to focus on whether an agency supports or opposes a bill. The monitor position is an internal position only, and when bills are at a point for the Committee to take a position, then it will be added to a Legislative Committee agenda.

A. Determining Types of Positions to Take on Bills

- Support – DCAB supports the bill's subject matter without suggesting changes. Requires written testimony.
- Oppose – DCAB is against the concept of the bill and suggests amendments to the bill. Requires written testimony.
- Comments – DCAB staff understands and empathizes with the intent of the bill and offers comments about how to amend the bill. Requires written testimony.
- Monitor – DCAB staff tracks the bill and if necessary brings to the Committee when the bill may have an impact on the disability community. No written testimony required.

B. Determine Subject Matter Categories for Bills

- Parking for Persons with Disabilities
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- Building Code/Design
- Emergency Preparedness
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Committee members reviewed bill categories and agreed using those categories.

IV. Legislative Strategy/Positions Relating to Bills

A. Parking for Persons with Disabilities

- HB 696 – Relating to Parking for Disabled Persons. Clarifies that the exemption from payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station because of a physical disability, and who display a distinguishing parking device, code or placard. Repeals existing time limits for parking fee exemption. Makes the act of selling or buying a parking permit a misdemeanor. Provides that law enforcement officers may confiscate a parking permit that has been altered or is invalid. Clarifies the type of disabilities that qualify for a disability parking permit.

ACTION: SUPPORT (Prefer the Administrative Package Parking Bill because it is more comprehensive.)

- SB 1235/HB 1010 – Relating to Parking for Disabled Persons. Clarifies that the exemption from payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station because of a physical disability, and who display a distinguishing parking device, code, or placard. Repeals existing time limits for parking fee exemption. Makes the act of selling or buying a parking permit a misdemeanor. Provides that law enforcement may confiscate a parking permit that has been altered or is invalid. Clarifies the types of disabilities that qualify for a disability parking permit.

ACTION: SUPPORT

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- HB 674/SB 333 – Relating to Families. Introduced as part of the Deaf and Blind Task Force Package. To protect best interests of children parented by individuals who have a disability by establishing procedural safeguards.

ACTION: SUPPORT (Comment that although there may be no current cases, this may prompt the court to revisit and revise their current policies related to how such cases are reviewed to ensure disability is not the sole reason to make a decision related to the best interest of the child.)

- SB 715 – Relating to a Right to Parent for Blind Persons. Establishes parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.

ACTION: Comments (The issue should involve all parents with disabilities and not focus only on parents who are blind. DCAB prefers the language in HB 674/SB333 as it relates to parental rights for adults with various types of disabilities.)

- HB 635/SB 811 – Relating to Legislative Access Through Remote Testimony/SB 337 – Relating to Legislative Access Through Remote Testimony (similar). Requires both chambers of the Legislature to establish, by rule, procedures that enable the Legislature to use remote testimony at Legislative committee hearings to enable the public to present oral testimony at committee hearings and accommodate persons with disabilities.

ACTION: SUPPORT (Comment that people with disabilities should be consulted regarding what is needed to testify remotely.)

SB 337 establishes a Remote Access Program to be supervised by the Joint Legislative Access Committee to be composed of representatives appointed by the President of the Senate and Speaker of the House of Representatives. The Legislative Remote Access Committee shall consider different methods of communication including teleconference and videoconference and different technologies that accommodate people with visual and hearing disabilities.

ACTION: SUPPORT (Comment that people with disabilities should be consulted regarding what is needed to testify remotely.)

- SB 569 – Relating to the Hawaii Civil Rights Commission. Includes programs and activities other than department of education and charter schools that also receive federal financial assistance within the meaning of programs and activities receiving state financial assistance. Reiterates the legislature's intent of ensuring non-discriminatory access to State financially assisted programs, as it relates to the Hawaii civil rights commission's jurisdiction. Excludes public and charter schools from the commission's disability discrimination jurisdiction.

ACTION: SUPPORT (Position to support is part of DCAB's Annual Plan of Action.)

C. Communication Access

- HB 1009/SB 1235 – Relating to Movie Theaters. Introduced as part of the 2019 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.
- SB 331 – Relating to Movie Theaters. Introduced by the Deaf and Blind Task Force. Makes permanent the requirement for certain motion picture owners and operators to provide open movie captioning for at least two showings per week, one of which has a scheduled start time no earlier than 4:30 p.m. Repeals the requirement to provide an option of personal closed captioning screenings by lightweight eyewear.
- HB 469/SB 1027 – Relating to Hearing Aids. Introduced as part of the Kupuna Caucus Package. Requires health insurance policies and contracts issued after 12/31/19 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 in their base plans.

D. Service Animals for Persons with Disabilities

- SB 334 – Relating to Assistance Animals. Introduced as part of the Deaf and Blind Task Force Package. Codifies the administrative rule definition of

“assistance animal.” Clarifies the requirements for verification of a request for reasonable accommodation in housing for an assistance animal.

- HB 322/SB 673 – Relating to Emotional Support Animals. Allows persons with disabilities to be accompanied by an emotional support animal in public places when the emotional support animal has been determined to provide a therapeutic benefit by a licensed medical professional. Amends the definition of service dog.
- HB 681/SB 1152 – Relating to Dogs. Allows dogs in restaurants at the restaurant owner's or manager's discretion provided that certain conditions are met.
- SCR 9/SR 8 – Requesting the Department of Human Services to Examine the Implementation of Act 217, Session Laws of Hawaii 2018, Regarding Misrepresentation of Service Animals.

E. Building Code/Design

No bills were discussed in this category.

F. Community Based Services for Persons with Disabilities

- SB 330/SB 950 – Relating to an Earned Income Disregard Program/HB 219 – Relating to Persons with Disabilities (similar). 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. Takes effect upon approval by the Centers for Medicare and Medicaid Services.
- SCR 10/SR 9 – Requesting the Department of Education to Explore the Possibility of Updating "Hawaii School for the Deaf and the Blind" to "Hawaii School for the Deaf" to Reduce Confusion and Identify Where Students who are Blind May Access Appropriate Resources and Services.

G. Emergency Preparedness

No bills were discussed in this category.

H. Administrative

- SB 335 – Relating to Public Meetings. Introduced as part of the Deaf and Blind Task Force Package. Ensures that there is equal access to notice of public meetings by including a statement of how, who and when to request an auxiliary aid, service, or accommodation be included on the public meeting notice. Clarifies that the meeting notice must be posted in an accessible format on the state or county electronic calendar and filed with a confirmed receipt with the Office of the Lieutenant Governor.

I. Other

- HB 232/SB 336 – Relating to Minimum Wage. Introduced as part of the Deaf and Blind Task Force Package. Repeals the exemption of person with disabilities from minimum wage requirements.
- HB 345/HB 523/HB 632/SB 332/SB 530 – Relating to the General Excise Tax. Introduced in the Deaf and Blind Task Force Package. Exempts the sales of mobility enhancing equipment sold by prescription, prosthetic devices, prescription drugs sold, and human blood and its derivatives from the general excise tax for taxable years after December 31, 2018. Amends the definitions of “prosthetic device” and “prescription drugs.”

- SCR 11/SR 10 – Reaffirming the Use of the Term "Deaf-Blind" by the State of Hawaii and the Counties.

NOTE: All positions taken on the bills in A. Parking for Persons with Disabilities and B. Nondiscrimination Against Persons with Disabilities were by consensus unless otherwise noted.

Due to time constraints, the remainder of the agenda from C. Communication Access through I. Other will be postponed until next week's meeting.

V. Open Forum

Guest Peter Fritz commented that the Committee may want to consider having a separate meeting to discuss all bills pertaining to Elections.

VI. The next meeting will be an extended meeting on Wednesday, January 30, 2019 beginning at 11:30 a.m. until 1:00 p.m. at 1010 Richards Street in room 118.

VII. The meeting adjourned at 1:06 p.m.

Respectfully submitted,



DEBBRA L. JACKSON