AGENDA

Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street., Room 118
Date: January 30, 2019
Time: 11:30 a.m.

I. Call or Order

II. Introductions

III. DCAB Legislative Procedures
    A. Flow of Committee Business

IV. Legislative Strategy/Positions Relating to Bills
    A. Parking for Persons with Disabilities
    B. Nondiscrimination Against Persons with Disabilities/Civil Rights
       • 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.
       • SB 247 – Relating to Elections. Enacts voting by mail uniformly across all counties for all elections commencing in 2020. Establishes a limited number of voter service centers, with a minimum of two on each island with a population over 75,000, that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system. Takes effect on 1/1/2020.
    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.

• HB 1017/SB 1243 – Relating to Newborn Hearing Screening. Amends the Newborn Hearing Screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants and to update definitions and terminology.

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 – Relating to Dogs. Allows dogs in restaurants at the restaurant owner’s or manager’s discretion provided that certain conditions are met.


E. Building Code/Design

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.

• SB 467/HB 787 – Making an Appropriation to Restore Adult Dental Benefits to Medicaid Enrollees. Makes an appropriation to the department of human services to restore adult dental benefits to Medicaid enrollees. Requires federal matching funds.

• 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
   • SB 271/HB 1249 – Relating to Emergency Response Vehicles. Establishes an emergency response vehicle noise task force to determine the impact of emergency response vehicle sirens in terms of excessive noise, the effect on public safety, and the relative effectiveness of the use of emergency lights instead of the use of sirens at night.

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
   • SB 260 – Relating to Plastic Straws. Prohibits the distribution and selling of plastic straws. Establishes a fine for individual and business violators. Requires individual violators to additionally pick up litter or perform community service. Effective 1/1/2020.
   • HB 672/SB 1290 – Relating to Single-Use Plastic Straws. Prohibits a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer. Takes effect 1/1/2020.
   • 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 632/SB 332 and SB 530/ HB 345/HB 523 (similar) – 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.

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, February 6, 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 25, 2019. If a request is received after January 25, 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.
Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street, Room 118
Date: January 30, 2019
Time: 11:30 a.m.

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

GUESTS: Jaydon Ahue, Peter Fritz, Sarah Huffstetler

I. Chairperson Rosanna Daniel-Kanetake called the meeting to order at 11:34 a.m.

II. All members, staff and guests present introduced themselves.

III. The minutes of the January 23, 2019 meeting were approved as circulated (M/S/P Akamine/Horvath).

IV. DCAB Legislative Procedures

A. Flow of Committee Business

Rosanna Daniel-Kanetake stated that due to limited time and the Committee’s need to get through as much of the agenda as possible, there will be new procedures for Committee meetings. The new meeting procedures include announcing your name when you speak as a courtesy to people joining the meeting via teleconference, when reviewing items on the agenda the staff will provide history and staff recommendations on the measure Committee members will then discuss the prior to taking comments from guests. The Committee will take a position on the bill and the discussion will move to the next measure. A final vote will be taken at the end of the bills discussed to reaffirm positions on the bills.

V. Legislative Strategy/Positions Relating to Bills

A. Parking for Persons with Disabilities

Staff informed the Committee that a hearing has been scheduled for HB 696 Relating to Parking for Disabled Persons on Friday, February 1, 2019. This is Rep. Mizuno’s bill and not the bill that DCAB sponsored in the Governor’s Package. A notice has been emailed to DCAB’s Standing Committee on
Parking to inform them of the hearing and to submit testimony. Staff will provide an update on the bill at the next meeting.

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- **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.

**UPDATE:** The last meeting minutes indicated that the position on this bill was support. Staff reported although the Committee did not discuss it at the last meeting, the position was taken because it was included in DCAB's current Plan of Action.

- **SB 560/HB 1248 (SB 247 similar) – Relating to Elections.** Enacts voting by mail uniformly across all counties for all elections commencing in 2020. Establishes a limited number of voter service centers, with a minimum of two on each island with a population over 75,000, that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system. Takes effect on 1/1/2020.

**UPDATE:** SB 560 was heard in the Senate Committee on Judiciary on Tuesday, January 29, 2019. Decision making was deferred until Friday, February 1, 2019.

HB 1248 is scheduled for a hearing in the House Committee on Judiciary on Friday, February 1, 2019.

**ACTION:** SUPPORT – COMMENTS (Abstain: Akamine) (The Office of Elections may want to consider increasing the number of voter service centers for counties with larger populations. That would assist voters with disabilities who choose to use the accessible voting machines in lieu of a paper ballot.)

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.
ACTION: SUPPORT

- **SB 331/HB 1340 – 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.

  **UPDATE:** SB 331 was heard in the Senate Committee on Commerce, Consumer Protection, and Health. Passed out with no changes.

ACTION: SUPPORT

- **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.

ACTION: SUPPORT

- **HB 1017/SB 1243 – Relating to Newborn Hearing Screening.** Amends the Newborn Hearing Screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants and to update definitions and terminology.

D. **Service Animals for Persons with Disabilities**

- **SB 334/HB 1074 – 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.

  **UPDATE:** SB 334 was heard in the Senate Committee on Commerce, Consumer Protection, and Health. Passed out with amendments. Will work with the Hawaii Civil Rights Commission to craft language for the SD1.

  **ACTION:** COMMENTS (Language in the bill is inconsistent with HUD regulations. Defer to the Hawaii Civil Rights Commission.)

- **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.
ACTION: OPPOSE

- 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.

ACTION: SUPPORT – COMMENTS (Pets should only be allowed in an outdoor area where there is also a non-pet area and rules should be posted in the restaurant related to appropriate behavior for pets.)


ACTION: OPPOSE – COMMENTS (Not enough data or history related for implementation at this time.)

E. Building Code/Design
No bills were discussed in this category.

F. Community Based Services for Persons with Disabilities
Items in this category are postponed until next week. Committee moved to the next category.

- SB 950/HB 219 – Relating to Persons with Disabilities/SB 330 – Relating to an Earned Income Disregard Program (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.

- SB 467/HB 787 – Making an Appropriation to Restore Adult Dental Benefits to Medicaid Enrollees. Makes an appropriation to the department of human services to restore adult dental benefits to Medicaid enrollees. Requires federal matching funds.

- 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
Item in this category are postponed until next week. Committee moved to the next category.

- SB 271/HB 1249 – Relating to Emergency Response Vehicles. Establishes an emergency response vehicle noise task force to determine the impact of emergency response vehicle sirens in terms of excessive noise, the effect on public safety, and the relative effectiveness of the use of emergency lights instead of the use of sirens at night.
H. **Administrative**

- **SB 335/HB 1076 – 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.

**ACTION:** **COMMENTS**  
(Portions of the bill we agree with for compliance with ADA Title II and DCAB is working with state agencies to work on appropriate wording on agendas.)

I. **Other**

- **SB 260 – Relating to Plastic Straws.** Prohibits the distribution and selling of plastic straws. Establishes a fine for individual and business violators. Requires individual violators to additionally pick up litter or perform community service. Effective 1/1/2020.

**HB 762/SB 1290 – Relating to Single-Use Plastic Straws.** Prohibits a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer. Takes effect 1/1/2020.

**ACTION:** **COMMENTS**  
(Banning plastic straws does not mean that plastic straws need to be offered to customers requesting it. Restaurants may want to consider other types of straws to offer customers.)

Remainder of the items will be moved to next week’s agenda.

- **HB 1341/SB 336 (HB 232 similar) – 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 632/SB 332 and SB 530/HB 345/HB 523 (similar) – 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.”

- **HB 179/SB 161 – Relating to Taxation.** Provides to a taxpayer who hires an individual with a disability a nonrefundable tax credit for the 6-month period after the individual is initially hired by the taxpayer.

- **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 were approved by the Committee unless otherwise noted (M/S/P Horvath/Anderson-Nitahara).
VI. **Open Forum**  
No comments were made from guests.

VII. The next meeting is scheduled for Wednesday, February 6, 2019 at 11:30 a.m. at 1010 Richards Street in room 118.

VIII. The meeting adjourned at 12:58 p.m.

Respectfully submitted,

DEBBRA L. JACKSON