



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: February 13, 2019

Time: 12:00 p.m.

- I. Call or Order
- II. Introductions
- III. Approval of February 6, 2019 Meeting Minutes
- IV. Legislative Strategy/Positions Relating to Bills
- V. Legislative Positions and Update
 - A. Parking for Persons with Disabilities
 - B. Nondiscrimination Against Persons with Disabilities/Civil Rights
 - C. Communication Access
 - D. Service Animals for Persons with Disabilities
 - E. Building Code/Design
 - F. Community Based Services for Persons with Disabilities
 - G. Emergency Preparedness
 - H. Administrative
 - I. Other
- VI. Open Forum
Public comment on issues not on the agenda, for consideration for Committee's agenda at the next meeting
- VII. Next Meeting
Tuesday, February 19, 2019 at 12:00 p.m. at 1010 Richards Street, room 118
- VIII. 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 February 8, 2019. If a request is received after February 8, 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: February 13, 2019

Time: 12:00 p.m.

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

ABSENT: Violet Horvath, Board Member

GUEST: Peter Fritz

- I. Chairperson Rosanna Daniel-Kanetake called the meeting to order at 12:04 p.m.
- II. All members, staff and guest present introduced themselves.
- III. The minutes of the February 6, 2019 minutes were approved as circulated (M/S/P Akamine/Georgiev).
- IV. Legislative Strategy/Positions Relating to Bills

A. Parking for Persons with Disabilities

- HB 1310 – Relating to the State Capitol. Requires DAGS and DPS, in consultation with the Legislature and other entities, to plan and implement security improvements at the State Capitol. Requires DAGS to remove all parking meters from the Capitol parking facility and reallocate parking in the Capitol district. Appropriates funds.

UPDATE: Heard in the joint House Committees on Legislative Management and Judiciary, February 13, 2019. DCABsent comments related to if metered parking is removed that will eliminate parking spaces for persons with disabilities, too. Bill was deferred and language of HB 1310 was incorporated into HB 1488.

ACTION: **OPPOSE** (Similar language that will be incorporated in HB 1488.)

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- HB 168/SB 136 – Relating to the Electronic Transmission of Ballots. Authorizes a voter with special needs to request that a ballot be forwarded by electronic transmission at any time.

UPDATE: HB 168 Single referral bill to the House Committee on Judiciary. Heard and passed out of Judiciary. Will cross over to the Senate after third reading on the House floor.

SB 136 Single referral bill to the Senate Committee on Judiciary. No hearing scheduled to date.

ACTION: **SUPPORT - COMMENTS** (Include comments similar to SB 560 that it needs to include accommodations for people with disabilities. Also ask about the definition for "special needs" voters. Does this mean voters with disabilities or voters who need ballots in other languages due to limited English proficiency? If it refers to people with disabilities only, need to clarify in the bill.)
(Abstain: Akamine)

C. Communication Access
No bills were discussed in this category.

D. Service Animals for Persons with Disabilities
No bills were discussed in this category.

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

F. Community Based Services for Persons with Disabilities
No bills were discussed in this category.

G. Emergency Preparedness
No bills were discussed in this category.

H. Administrative

- SB 533, SD1 – Relating to State Boards and Commissions. Clarifies that any member of a state board or commission, whose nomination for appointment or reappointment is withdrawn by the governor for cause prior to the senate's action to advise and consent or not advise and consent, shall be considered disqualified, and in the case of the nomination for reappointment, be ineligible to continue to serve as a holdover member beyond the member's most recent term of appointment.

UPDATE: Double referral to the Senate Committee on Government Operations (GVO), and then the Senate Committee on Ways and Means. Heard and amended in GVO with technical, non-substantive amendments for style and clarity. Heard in the Senate Committee on Ways and Means and passed with amendments. Awaiting third reading on the floor and will cross over to the House for hearings.

ACTION: **MONITOR**

- SB 663 – Relating to Highway Safety. Establishes a red-light running committee. Establishes the photo red light imaging detector systems program effective 7/1/2020. Authorizes counties to administer the program. Requires proceeds of fines to be expended in the county from which they were collected for operation of the program. Effective 7/1/2020.

UPDATE: Bill referred to the joint Senate Committees on Transportation and Judiciary, then to the Senate Committee on Ways and Means. Heard in the Senate joint committees and passed with amendments. Awaiting third reading on the Senate floor, then referral to the Senate Committee on Ways and Means.

ACTION: NO POSITION/MONITOR

I. Other

- HB 345/SB 530 – Relating to the General Excise Tax. Exempts gross receipts from the sale of mobility enhancing equipment, prosthetic devices, and prescription drugs sold pursuant to a doctor's prescription from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body.

UPDATE: HB 345 referred to the House Committee on Health, then to House Committee on Finance. Heard and amended in the House Committee on Health with an effective date of July 1, 2050 and with other technical, non-substantive amendments for style and clarity. Passed second reading on the House floor and referred to the House Committee on Finance.

SB 530 referred to the Senate Committee on Commerce, Consumer Protection and Health (CPH), and then the Senate Committee on Ways and Means. Amended in the Committee on CPH by adding hearing aids to the bill and making other technical, non-substantive amendments for style and clarity. Heard and amended in the Senate Committee on Ways and Means and passed with amendments. Awaiting third reading on the Senate floor, then will cross over to the House for hearings.

ACTION: SUPPORT

- HB 632/SB 332 – Relating to the General Excise Tax. Exempts the sales of mobility enhancing equipment sold by prescription, prosthetic devices, prescription drugs sold pursuant to a prescription, diabetic supplies, medical oxygen, and human blood and its derivatives from the general excise tax for taxable years beginning after December 31, 2018. Amends the definitions of "prosthetic device" and "prescription drugs".

UPDATE: HB 632 was a double referral to the House Committee on Health (HLT), and then the House Committee on Finance. Hearing scheduled in HLT on February 14, 2019.

SB 332 was a double referral to the Senate Committee on Commerce, Consumer Protection and Health, then to the Senate Committee on Ways and Means. No hearings scheduled to date.

ACTION: SUPPORT

- HB 523 – Relating to the General Excise Tax. Exempts gross receipts from the sale of mobility enhancing equipment and durable medical equipment from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body. Exempts gross receipts from the repair of prosthetic devices from the general excise tax.

UPDATE: Double referral to the House Committee on Health (HLT), then the House Committee on Finance. Hearing scheduled in HLT on February 14, 2019.

ACTION: SUPPORT (Prefer wording in this bill because it includes durable medical equipment and the other bills do not.)

NOTE: All positions taken on the bills were approved by the Committee unless otherwise noted (M/S/P Georgiev/Daniel-Kanetake).

V. Legislative Update

A. Parking for Persons with Disabilities

- HB 696, HD1 – Relating to Parking for Disabled Persons. Prohibits the unauthorized sale or purchase of disability parking placards and special license plates. Clarifies authority of enforcement officers to confiscate placards and special license plates for violations of requirements for manufacture, sale, purchase, or use. Allows advanced practice registered nurses to make a determination regarding a person's mobility.

UPDATE: The bill was heard in the joint House Committees on Health and Human Services and Homeless. Passed with amendments which included deleting increases in fines for unauthorized use of disabled parking permit or special license plate, and changing the effective dated to July 1, 2050 to promote further discussion. Decision making on the bill deferred until February 13, 2019.

- SB 1236 – Relating to Parking for Disabled Persons. Governor's Package bill. 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.

UPDATE: Hearing for the bill is scheduled for February 14, 2019 in the joint Senate Committees on Transportation and Judiciary. Committee will be updated on status of the bill at next week's meeting.

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- SB 958 – Relating to Elections. Requires the chief election officer, with assistance from the county clerks for elections involving county offices and countywide ballot issues, to publish and distribute a voters' pamphlet. Appropriates moneys to allow the chief election officer to produce and distribute a voters' pamphlet for each election.

UPDATE: Heard in the Senate Committee on Judiciary and passed out with amendments. After bill passes second reading on the Senate floor, it will be referred to the Senate Committee on Ways and Means for a hearing.

- SB 560/HB 1248 – Relating to Elections. Enacts voting by mail uniformly across all counties for all elections commencing in 2022. Establishes a limited number of voter service centers 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.

UPDATE: SB 560 was heard passed out with amendments from the Senate Committee on Judiciary. After second reading on the Senate floor, the bill was referred to the Senate Committee on Ways and Means for a hearing.

HB 1248 was heard and amended in the House Committee on Judiciary. After second reading on the House floor it will be referred to the House Committee on Finance for hearing.

- SB 1313 – Relating to the Legislature. Requires both chambers of the legislature to establish rules for livestreaming public hearings and informational briefings at the state capitol to the public through audiovisual technology.

UPDATE: Scheduled to be heard in the Senate Committee on Technology this afternoon at 2:50 p.m.

C. Communication Access

- HB 1009, HD1 – Relating to Movie Theaters. Requires a movie theater to provide at least two showings per week per movie offered with open movie captioning. Removes the option of a movie theater to provide eyewear to fulfill the movie captioning requirement. Makes the requirement permanent by repealing the sunset date from Act 39, Session Laws of Hawaii 2015.

UPDATE: The House Committee on Judiciary scheduled decision making for February 13, 2019 at 2:00 p.m.

D. Service Animals for Persons with Disabilities

- 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.

UPDATE: HB 681 was heard and amended in the House Committee on Agriculture. Amendments included clarifying that dogs could be included in a restaurant if it had an outside dining area, clarifying the definition of restaurant include an outside dining area and making the effective date January 1, 2050 to continue discussion on the bill. After second reading on the House floor the bill will be referred to the joint House Committees on Consumer Protection and Commerce and Judiciary.

SB 1152 was referred to the Senate Committees on Commerce, Consumer Protection and Health, and then to the Senate Committee on Judiciary. No hearings scheduled to date. Friday, February 15, 2019 is first lateral. Any bills referred to more than one committee needs to be referred to the final committee by that date. If not, the bill is dead for this session. It can be revived during the second year of the biennium.

E. Building Code/Design

No bills were discussed in this category.

F. Community Based Services for Persons with Disabilities

- 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. Required federal matching funds.

UPDATE: SB 467 was referred to the Senate Committee on Human Services and was passed out with no changes. After a second reading on the Senate floor, the bill was referred to the Senate Committee on Ways and Means (WAM). No hearing in WAM scheduled to date.

HB 787 was referred to the joint House Committees on Health and Human Services, and then to the House Committee on Finance. No hearings have been scheduled to date. Bill did not make the first lateral deadline and is dead for this session.

G. Emergency Preparedness

No bills were discussed in this category.

H. Administrative

No bills were discussed in this category.

I. Other

- HB 762, HD1 – 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.

UPDATE: The bill was referred to the House Committees on Energy and Environmental Protection (EEP), then to Consumer Protection and Commerce (CPC) and then to Judiciary (JUD). The House Committee on EEP heard the bill and amended it to prohibit counties from enacting an ordinance, rule, or regulation regulating single-use plastic straws, and making the effective date July 1, 2100 for further discussion on the bill. The House Committee on CPC heard the bill and passed it unchanged. No hearing has been scheduled in the final committee as of this date.

VI. Open Forum

No public comment received from guests.

VII. The next meeting is scheduled for Tuesday, February 19, 2019 at 12:00 p.m. at 1010 Richards Street in room 118.

VIII. The meeting adjourned at 1:10 p.m.

Respectfully submitted,



DEBBRA L. JACKSON