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 6, 2019
Time: 11:30 a.m.

I. Call or Order

II. Introductions

III. Approval of January 30, 2019 Meeting Minutes

IV. Legislative Update

A. Parking for Persons with Disabilities

- HB 696 – Parking for Disabled Persons. Limits the exemption from parking fees to drivers with a disability who are unable to operate a parking meter or pay station because of the driver's disability and who display a distinguishing parking device, code, permit, or decal. Clarifies time limits applicable to the exemption. Establishes a misdemeanor offense for unauthorized sale or purchase of a disability parking permit. Clarifies law enforcement authority to confiscate altered, invalid, or unauthorized disability parking permits.

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- SB 560/HB 1248 – 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

D. Service Animals for Persons with Disabilities

- SB 334, SD1 – 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.

E. Building Code/Design

F. Community Based Services for Persons with Disabilities

G. Emergency Preparedness

H. Administrative

I. Other

- 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.
- 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."

V. Legislative Strategy/Positions Relating to Bills

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

- 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

- HB 662 – Relating to Health. Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" to annually recognize the immense contributions and achievements of persons with disabilities in the State.

I. Other

- HB 232/HB 1341/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 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.

VI. Open Forum
Public comment on issues not on the agenda, for consideration for Committee's agenda at the next meeting

VII. Next Meeting
Wednesday, February 13, 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 1, 2019. If a request is received after February 1, 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 6, 2019
Time: 11:30 a.m.

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

ABSENT: Rosanna Daniel-Kanetake, Chairperson

GUEST: Peter Fritz

I. Dean Georgiev, Acting Chairperson, called the meeting to order at 11:40 a.m.

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

III. The minutes of the January 30, 2019 meeting were approved as circulated (M/S/P Anderson-Nitahara/Horvath).

IV. Legislative Strategy/Positions Relating to Bills

A. Parking for Persons with Disabilities
No bills were discussed in this category.

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.

  ACTION: **COMMENTS** (Abstain: Akamine) (Ensure print format is accessible and available in alternate format. Also, if available in another format and posted on the internet, it should be accessible.)

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

- SB 1/SB 400/HB 479/HB 1141 – Relating to Housing. Establishes the ALOHA homes program under the Hawaii Housing Finance and Development Corporation to facilitate the development of low-cost homes for sale to Hawaii residents on state-owned and county-owned land near rail stations of the Honolulu rail transit system, to be known as the urban redevelopment district. Establishes guidelines within the urban redevelopment district. Establishes provisions related to the sale of leasehold interest of ALOHA homes. Exempts land set aside or leased to the Hawaii Housing Finance and Development Corporation from the definition of public lands in section 1712, HRS. Establishes the ALOHA homes revolving fund. Authorizes the Hawaii Housing Finance and Development Corporation to adopt rules pursuant to chapter 91, Hawaii Revised Statutes.

  ACTION: **COMMENT** (DCAB has no position on the program. However, should the bill pass the correct design standard to use would be those in the Federal Fair Housing Act for residences and the Americans with Disabilities Act for public areas.)

F. Community Based Services for Persons with Disabilities

- HB 219/SB 950 – 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.

  ACTION: **SUPPORT** (M/S/P Horvath/Anderson-Nitahara)

- 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.

  ACTION: **SUPPORT** (M/S/P Horvath/Anderson-Nitahara)

- 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.

  ACTION: **SUPPORT** (M/S/P Horvath/Anderson-Nitahara)

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.

ACTION: **COMMENT** (Explain the need to include people with disabilities as members of the task force and consider options provided by members with disabilities on the task force.)

H. Administrative

- HB 662 – Relating to Health. Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" to annually recognize the immense contributions and achievements of persons with disabilities in the State.

  ACTION: **MONITOR**

I. Other

- HB 232/HB 1341/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.

  ACTION: **MONITOR**

- HB 179, HD1/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.

  ACTION: **MONITOR** (Need more information on the bill.)

- HB 185/SB 167 – Relating to Traffic Control. Prohibits drivers of vehicles in a county with a population greater than 500,000 from making any turns while a traffic control device facing oncoming traffic displays a red signal.

  ACTION: **SUPPORT** (People in wheelchairs can't be seen at night when a driver turns right on a red light.)

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

  ACTION: **MONITOR**

V. Legislative Update

A. Parking for Persons with Disabilities

- HB 696, HD1 – Relating to Parking for Disabled Persons. Limits the exemption from parking fees to drivers with a disability who are unable to operate a parking meter or pay station because of the driver's disability and who display a distinguishing parking device, code, permit, or decal. Clarifies time limits applicable to the exemption. Establishes a misdemeanor offense for unauthorized sale or purchase of a disability parking permit. Clarifies law enforcement authority to confiscate altered, invalid, or unauthorized disability parking permits.

  UPDATE: Heard in the House Committee on Health and passed with amendments. Changes included removing the exemption for payment of parking meter fees for those who cannot reach the meter (no change to law); change the definition of "disabled;" work with DCAB to obtain the number of authorized users of

disability parking permit; and change the effective date to July 1, 2050. Referred to the House Committee on Judiciary.

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- SB 560/HB 1248 – 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 and passed with amendments. Referred to the Senate Committee on Ways and Means.

  HB 1248 was heard in the House Committee on Judiciary. Decision making scheduled for Friday, February 8, 2019.

- 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.

  UPDATE: Heard in the Senate Committee on Human Services. Measure was deferred, so is technically dead for this session.

- SB 947/HB 674 – Relating to Families. Prohibits the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, parent seeking custody or visitation, or provider of a safe family home.

  UPDATE: SB 947 was heard in the Senate Committee on Human Services and passed out with amendments. Will be referred to the Senate Committee on Judiciary.

  HB 674 was referred to the House Committee on Human Services and Housing and then to the Committee on Judiciary. No hearing has been scheduled to date. All bills referred to more than one committee must be referred to the final committee by February 15, 2019. If not, the bill is technically dead for this session.

- HB 1153 – Relating to Remote Testimony in Legislative Hearings. Requires each house of the Legislature to establish, by rule, procedures for the public to present oral testimony at legislative committee hearings through remote testimony. Appropriates funds.

UPDATE: The bill was heard in the House Committee on Legislative Management and was passed out with no changes. Will be referred to the House Committee on Finance.

C. Communication Access

- HB 1009/SB 1235 – Relating to Movie Theaters. Repeals the sunset date from Act 39, Session Laws of Hawaii 2015 as amended by Act 211, Session Laws of Hawaii 2017, and makes permanent the requirement applicable to motion pictures produced and distributed with open movie captioning and audio descriptions.

  UPDATE: HB 1009 was heard in the House Committee on Labor and was passed out with one amendment. It was to add a new effective date. All other substance in the bill will remain the same. Will be referred to the House Committee on Judiciary and then the House Committee on Finance.

  SB 1235 was referred to the Senate Committee on Commerce and Consumer Protection, then the Senate Committee on Judiciary. No hearing has been scheduled to date. If there is not hearing before February 15, 2019, this bill is technically dead for this session.

- SB 331/HB 1340 – Relating to Movie Theaters. Makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning for at least two showings per week, one of which occurs on a Saturday or Sunday. Repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

  UPDATE: SB 331 was heard in the Senate Committee on Commerce, Consumer Protection, and Health and passed out with no changes. It is referred to the Senate Committee on Judiciary.

  HB 1340 was referred to the House Committee on Labor and Employment, then the House Committee on Judiciary, and then House Committee on Finance. No hearing has been scheduled to date. Since the bill has a triple referral, it is technically dead for this session.

- SB 1027/HB 469 – Relating to Hearing Aids. 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.

  UPDATE: SB 1027 was heard in the Senate Committee on Commerce, Consumer Protection and Health and passed with amendments. It will be referred to the Senate Committee on Ways and Means.

  HB 469 was heard in the House Committee on Health and passed with amendments. The amendments blanked out how much will be paid by insurance carriers for hearing aids and defect the effective date. The Department of the Attorney

General and Department of Commerce and Consumer Affairs indicated that a Sunrise analysis was necessary, and DCAB indicated that an analysis was completed in 2014 and the bill addresses concerns from the analysis. The bill will be referred to the House Committee on Consumer Protection and Commerce, and then to the House Committee on Finance.

D. Service Animals for Persons with Disabilities

- SB 334, SD1 – 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: Heard in the Senate Committee on Commerce, Consumer Protection and Health. Passed out with amendments. Will be referred to the Senate Committee on Judiciary.

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
No bills were discussed in this category.

I. Other

- HB 762, HD1/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.

  UPDATE: HB 762 was heard in the House Committee on Energy and Environmental Protection. It was passed out with amendments to add in a defective date and remove provision prohibiting the counties from enacting ordinances, rules or regulations about single-use plastic straws. Referred to the House Committee on Consumer Protection and Commerce and then to the House Committee on Judiciary.

  SB 1290 was referred to the joint Senate Committees on Agriculture and Environment and Commerce, Consumer Protection and Health, and then to the joint Senate Committees on Judiciary and Ways and Means. No hearing has been scheduled to date.

  ACTION: **MONITOR** (Changed from Comment to Monitor for both bills.)

- SB 522 – Relating to Plastic. Prohibits the use of plastic bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state agencies by July 1, 2021, and by businesses selling food and beverages by July 1, 2022.

Bans the distribution or sale of plastic bags after July 1, 2023. Bans the sale or distribution of single-use plastic beverage containers after July 1, 2025. Creates the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging. Appropriates funds.

UPDATE: Scheduled to be heard in the joint Senate Committees on Agriculture and Environment and Commerce, Consumer Protection and Health on Wednesday, February 6, 2019 at 1:15 p.m.

ACTION: **MONITOR** (Changed from Comment to Monitor.)

NOTE: All positions taken on the bills were approved by the Committee unless otherwise noted (M/S/P Anderson-Nitahara/Akamine).

VI. Open Forum
No comments were made from the guest.

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

VIII. The meeting adjourned at 1:07 p.m.

Respectfully submitted,

Debbra L. Jackson

DEBBRA L. JACKSON