



# 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: Kamamalu Building  
1010 Richards Street, Conference Room 111A  
Honolulu, HI 96813

Date: February 5, 2020

Time: 12:00 p.m.

- I. Call to Order
- II. Introductions
- III. Approval of December 18, 2019 Meeting Minutes
- IV. New Business
  - A. Parking for Persons with Disabilities
    - HB 1869/SB 2341 – Parking for Disabled Persons. Amends the definitions of "certificate of disability" and "person with a disability" to allow a person with a disability that does not limit or impair the ability to walk and needs special accommodations to enter and exit their vehicle to be issued a disability parking permit.
    - HB 2141 – Parking for Disabled Persons. Requires private businesses selling goods and services to the public, including retail malls and shopping centers, to provide a minimum of 6 per cent of its parking spaces for persons with disabilities. Imposes a penalty for failure to comply.
  - B. Nondiscrimination Against Persons with Disabilities/Civil Rights
    - HB 2053/SB 2312 – Relating to Civil Rights. Prohibits discrimination against any individual in selection, termination, terms, or conditions of an internship or training program because of the individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health decision.
    - HB 2119/SB 2005 – Relating to Voting. Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification

card information to election officials and the statewide voter registration system. Effective 1/1/2021.

- HB 2418/SB 2243 – Relating to Legislative Testimony. Requires the house and senate to permit remote testimony, via telephone, at public hearings.
- HB 2420/SB 2244 – Relating to the Hawaii Civil Rights Commission. Clarifies the meaning of "program or activity receiving state financial assistance". Excludes cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii civil rights commission.
- SB 2032 – Relating to Rental Discrimination. Prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.
- SB 2137 – Relating to Elections. Authorizes election officials to establish additional voter service centers.
- SB 2528 – Relating to Health. Requires a retail establishment with an employee restroom to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability in allowing a customer to use an employee restroom. Establishes fines.
- HB 2664/SB 2676 – Relating to Elections. Addresses various inconsistencies in existing elections law to clarify and improve the administration of elections by mail.
- SB 2794 – Relating to Elections. Makes housekeeping amendments to elections laws to clarify the administration of elections by mail.

C. Communication Access

- HB 2417/SB 2248 – Relating to Human Services. Requires the Department of Human Services to establish a neighbor islands blind and visually impaired service pilot program to provide services and training for blind and visually impaired neighbor island residents. Appropriates funds. Repeals 06/30/2021.
- SCR 4/SR 3 – Relating to Accessible Government Documents. Requesting the Disability and Communication Access Board, in collaboration with the Office of Enterprise Technology Services, to convene a working group on accessible government documents.

D. Service Animals for Persons with Disabilities

- SB 2200 – Relating to Fair Housing Reasonable Accommodations. Requires licensed health care providers to make written findings whether a patient or client has a disability and whether the need for an assistance animal or service animal is related to the disability so long as certain circumstances are present. Requires the civil rights commission in consultation with the department of the attorney general to adopt rules and prescribe forms.
- SB 2473 – Relating to Guide Dogs. Makes an appropriation for the planning and design of a professional training facility for guide dogs and

other professionally trained career dogs on a designated portion of the state animal quarantine facility in Halawa valley on Oahu.

E. Building Code/Design

F. Community Based Services and Employment for Persons with Disabilities

- HB 1613 – Relating to Persons with Disabilities. Requires the department of human services to establish a Medicaid buy-in program for workers with disabilities.
- HB 1633/SB 2245 – Relating to Auditory Devices. Exempts gross receipts from the sale of auditory devices, such as hearing aids, 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.
- HB 2419/SB 2247 – Relating to the Employment of Persons with Disabilities. Establishes Employment First as a state policy for persons with disabilities. Requires state and county agencies to implement Employment First in hiring and in all programs and services administered or funded by the State or counties. Applies Employment First principles to Medicaid home- and community-based waiver programs.
- HB 2656/SB 2479 – Relating to Access to Justice. Establishes the Hawaii Justice League Program to provide loan repayments on behalf of eligible lawyers that pursue public interest work in Hawaii. Provides for loan repayments by the University of Hawaii William S. Richardson School of Law. Creates the Hawaii Justice League Revolving Fund. Makes an appropriation. Effective July 1, 2020.
- SB 2583 – Relating to Hearing Aids. Requires health insurance policies and contracts issued after 12/31/2021 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. Exempts mandatory health care coverage from impact assessment report.

G. Transportation and Mobility

- HB 1676 – Relating to Highway Safety. Establishes a three-year photo red light imaging detector system pilot program. Authorizes any impacted county to administer the photo red light imaging detector system pilot program. Establishes a photo red light imaging detector systems pilot program account as a special account within the general fund. Requires proceeds of fines expended in the county from which they were collected for operation of the photo red light imaging detector system pilot program. Appropriates funds. Sunsets 6/30/2023.
- HB 2253 – Relating to the Traffic Code. Amends the statewide traffic code to allow for the chairperson of the Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations.

H. Emergency Preparedness

- SB 2080 – Relating to State Buildings. Requires the Department of Accounting and General Services to purchase and install, at minimum, one emergency evacuation chair per floor, excluding the floor of exit

discharge, in each state building having two or more floors. Requires the Department of Accounting and General Services to maintain a list of and perform yearly inspection on emergency evacuation chairs in state buildings. Requires the Disability Communication and Access Board to conduct annual training and produce written informational material regarding the appropriate use of emergency evacuation chairs. Provides a phase-in period for the installation of emergency evacuation chairs. Appropriates funds. Effective 7/1/2020.

I. Administrative

- HB 2200/SB 2075 – Relating to the State Budget. To adjust and request appropriations for Fiscal Biennium 2019-21 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs and to include appropriations from other departmental budget acts deemed necessary for program operations and capital improvements.

J. Other

- HB 1667 – Relating to Health. Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" in recognition of the employment challenges and successes of persons with disabilities in the State.
- HB 1958 – Relating to Taxation. Amends the income tax credit for expenses for household and dependent care services necessary for gainful employment by changing the taxpayer's applicable percentage of employment-related expenses that constitutes the tax credit and cap amount.
- HB 2421/SB 2246 – Relating to the Hawaii School for the Deaf and Blind. Creates a Board of Trustees for the Hawaii School for the Deaf and Blind to establish an independent governance structure for the school.

V. Open Forum: Public comment on issues not on the agenda, but to be considered for placement on a future Committee meeting agenda.

VI. Next Meeting

VII. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Cindy Omura at (808) 586-8121 or [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) as soon as possible, preferably by February 3, 2020. If a response is received after February 3, 2020, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.



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### MINUTES

#### Legislative Committee Meeting

Location: Kamamalu Building  
1010 Richards Street, Conference Room 111A  
Honolulu, HI 96813

Date: February 5, 2020  
Time: 12:00 p.m.

PRESENT: Anthony Akamine, Monty Anderson-Nitahara, Dean Georgiev, Violet Horvath,  
Board Members; Kirby Shaw, Brian Mick, Colin Whited, Staff

ABSENT: Rosanna Daniel-Kanetake, Chairperson

GUESTS: Barbara Fischlowitz-Leong, Peter Fritz

#### SIGN LANGUAGE

INTERPRETER: Yoshiko Chino

#### I. Call to Order

Board Member Dean Georgiev called the meeting to order at 12:07 p.m.

#### II. Introductions

The attendees introduced themselves.

#### III. Approval of December 18, 2019 Meeting Minutes

The Committee approved the December 18, 2019 minutes (M/S/P Anderson-Nitahara/Akamine).

NOTE: The minutes were written in the order the items were shown on the agenda, not as they were discussed at the meeting.

#### IV. New Business

##### A. Parking for Persons with Disabilities

- HB 1869/SB 2341 – Parking for Disabled Persons. Amends the definitions of "certificate of disability" and "person with a disability" to allow a person with a disability that does not limit or impair the ability to walk and needs special accommodations to enter and exit their vehicle to be issued a disability parking permit.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

- HB 2141 – Parking for Disabled Persons. Requires private businesses selling goods and services to the public, including retail malls and shopping centers, to provide a minimum of 6 per cent of its parking spaces for persons with disabilities. Imposes a penalty for failure to comply.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- HB 2053/SB 2312 – Relating to Civil Rights. Prohibits discrimination against any individual in selection, termination, terms, or conditions of an internship or training program because of the individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or reproductive health decision.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

- HB 2119/SB 2005 – Relating to Voting. Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 1/1/2021.

**ACTION: SUPPORT WITH COMMENTS** (Explain the need for considerations pertaining to individuals with disabilities, including staff training and advance notification so individuals may request an accommodation if needed. M/S/P Horvath/Akamine)

- HB 2418/SB 2243 – Relating to Legislative Testimony. Requires the house and senate to permit remote testimony, via telephone, at public hearings.

**ACTION: SUPPORT WITH COMMENTS** (In accordance with the DCAB Legislative Position Statements, explain the need to ensure that all programs, services, or activities associated with livestreaming and remote testimony are accessible to the full spectrum of persons with disabilities, especially persons with communication access needs.)



- HB 2420/SB 2244 – Relating to the Hawaii Civil Rights Commission. Clarifies the meaning of "program or activity receiving state financial assistance". Excludes cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii civil rights commission.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

- SB 2032 – Relating to Rental Discrimination. Prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

- SB 2137 – Relating to Elections. Authorizes election officials to establish additional voter service centers.

**ACTION: SUPPORT** (In accordance with the DCAB Legislative Position Statements)

- SB 2528 – Relating to Health. Requires a retail establishment with an employee restroom to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability in allowing a customer to use an employee restroom. Establishes fines.

**ACTION: SUPPORT** (M/S/P Horvath/Akamine)

- HB 2664/SB 2676 – Relating to Elections. Addresses various inconsistencies in existing elections law to clarify and improve the administration of elections by mail.

**ACTION: MONITOR**

- SB 2794 – Relating to Elections. Makes housekeeping amendments to elections laws to clarify the administration of elections by mail.

**ACTION: MONITOR**

#### C. Communication Access

- HB 2417/SB 2248 – Relating to Human Services. Requires the Department of Human Services to establish a neighbor islands blind and visually impaired service pilot program to provide services and training for blind and visually impaired neighbor island residents. Appropriates funds. Repeals 06/30/2021.

**ACTION: SUPPORT** (M/S/P Horvath/Akamine)

- SCR 4/SR 3 – Relating to Accessible Government Documents. Requesting the Disability and Communication Access Board, in collaboration with the Office of Enterprise Technology Services, to convene a working group on accessible government documents.

**ACTION: MONITOR**

D. Service Animals for Persons with Disabilities

- SB 2200 – Relating to Fair Housing Reasonable Accommodations. Requires licensed health care providers to make written findings whether a patient or client has a disability and whether the need for an assistance animal or service animal is related to the disability so long as certain circumstances are present. Requires the civil rights commission in consultation with the department of the attorney general to adopt rules and prescribe forms.

**ACTION: COMMENT** (Explain that standards already exist under the Federal Fair Housing Act.)

- SB 2473 – Relating to Guide Dogs. Makes an appropriation for the planning and design of a professional training facility for guide dogs and other professionally trained career dogs on a designated portion of the state animal quarantine facility in Halawa valley on Oahu.

**ACTION: MONITOR**

E. Building Code/Design

F. Community Based Services and Employment for Persons with Disabilities

- HB 1613, HD 1 – Relating to Persons with Disabilities. Requires the department of human services (DHS) to establish a Medicaid buy-in program for workers with disabilities. Requires DHS to submit a report to the legislature prior to the 2021 regular session on the progress made in evaluating how to implement and the viability of implementing a full Medicaid buy-in program.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

- HB 1633/SB 2245 – Relating to Auditory Devices. Exempts gross receipts from the sale of auditory devices, such as hearing aids, 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.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.



- HB 2419/SB 2247 – Relating to the Employment of Persons with Disabilities. Establishes Employment First as a state policy for persons with disabilities. Requires state and county agencies to implement Employment First in hiring and in all programs and services administered or funded by the State or counties. Applies Employment First principles to Medicaid home- and community-based waiver programs.

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- HB 2656/SB 2479 – Relating to Access to Justice. Establishes the Hawaii Justice League Program to provide loan repayments on behalf of eligible lawyers that pursue public interest work in Hawaii. Provides for loan repayments by the University of Hawaii William S. Richardson School of Law. Creates the Hawaii Justice League Revolving Fund. Makes an appropriation. Effective July 1, 2020.

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G. Transportation and Mobility

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- HB 2253 – Relating to the Traffic Code. Amends the statewide traffic code to allow for the chairperson of the Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

H. Emergency Preparedness

- SB 2080 – Relating to State Buildings. Requires the Department of Accounting and General Services to purchase and install, at minimum, one emergency evacuation chair per floor, excluding the floor of exit discharge, in each state building having two or more floors. Requires the Department of Accounting and General Services to maintain a list of and perform yearly inspection on emergency evacuation chairs in state buildings. Requires the Disability and Communication Access Board to conduct annual training and produce written informational material regarding the appropriate use of emergency evacuation chairs. Provides a phase-in period for the installation of emergency evacuation chairs. Appropriates funds. Effective 7/1/2020.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

I. Administrative

- HB 2200/SB 2075 – Relating to the State Budget. To adjust and request appropriations for Fiscal Biennium 2019-21 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs and to include appropriations from other departmental budget acts deemed necessary for program operations and capital improvements.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

J. Other

- HB 1667 – Relating to Health. Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" in recognition of the employment challenges and successes of persons with disabilities in the State.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

- HB 1958 – Relating to Taxation. Amends the income tax credit for expenses for household and dependent care services necessary for gainful employment by changing the taxpayer's applicable percentage of employment-related expenses that constitutes the tax credit and cap amount.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

- HB 2421/SB 2246 – Relating to the Hawaii School for the Deaf and Blind. Creates a Board of Trustees for the Hawaii School for the Deaf and Blind to establish an independent governance structure for the school.

**ACTION:** Due to time constraints, this agenda item will be discussed at the next Committee meeting.

V. Next Meeting

To be determined by the Committee.

VI. Announcements

No announcements were made.

VII. Open Forum

Guest Peter Fritz urged the Committee to take a position on Senate Bill 2468, Relating to Qualified Community Rehabilitation Programs. The bill would allow community rehabilitation programs for persons with disabilities to be considered qualified under the State's procurement code without requiring federal and state certification that authorizes the payment of subminimum wage to workers in their program.

VIII. Adjournment

The meeting adjourned at 1:15 p.m.

Respectfully submitted,



COLIN M. WHITED