



# DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 586-8129 TTY

## AMENDED NOTICE OF MEETING

### Disability and Communication Access Board

#### Legislative Committee Meeting

December 13, 2022

12:00 p.m. – 1:00 p.m.

#### AMENDED AGENDA

The Disability and Communication Access Board will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

#### **Public In-Person Meeting Location**

Kamamalu Building  
1010 Richards Street, Room 118  
Honolulu, HI 96813

#### **Participate Virtually via Zoom**

Click on the link below or copy and paste it into your browser window:  
<https://zoom.us/j/98474595509> and enter Meeting ID: 984 7459 5509

#### **To join by phone**

Dial 1 669 900 6833 and enter Meeting ID: 984 7459 5509

#### **Public Testimony**

**Oral testimony** - Members of the public may present comment or testimony on each agenda item.

**Written Testimony** -To ensure the public as well as its Board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov)
- By U.S. Postal Mail:  
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street,  
Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

## **AMENDED AGENDA**

- I. Call to Order  
Review Remote Meeting Procedures
  - This meeting is being recorded.
  - A quorum of Committee members is required to be visible on screen.
  - Raise hand to speak unless called upon.
  - Identify yourself before speaking.
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. DCAB Legislative Procedures
  - A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for 32<sup>nd</sup> Legislature, 2023 Bills
    - Parking for Persons with Disabilities
    - Nondiscrimination Against Persons with Disabilities/Civil Rights
    - Communication Access
    - Service and Other Animals
    - Building Code, Design, and Facility Access
    - Community Based Services and Employment
    - Transportation and Mobility
    - Emergency Preparedness
    - Administration
    - Other
  - B. 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 suggest 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.
- V. Rule on Time Limits on Public Testimonies/Comments
- VI. Open Forum:  
Public comment on issues not on the agenda for consideration for the Board’s agenda at the next meeting.
- VII. Next Meeting

## VIII. Adjournment

If you have a disability and require an auxiliary aid or service or other accommodation to participate in the meeting, please contact Scott Castor at (808) 586-8121 or email, [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov). Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats.

The agenda and meeting materials for this meeting are also available for inspection at DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on DCAB's website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.



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### **DRAFT DCAB LEGISLATIVE POSITION STATEMENTS**

#### **2023 Legislature**

**(as of January xx, 2023)**

Due to the rapid pace of the Legislature and short testimony deadlines that do not always allow for bringing a measure to the attention of the DCAB Legislative Committee, the following position statements will facilitate the timely preparation and submittal of testimony on bills and resolutions during the 2023 Legislature.

The following is not an exhaustive list of issues and positions. It is based on consistency of positions taken on similar issues during the most recent Legislative sessions. In addition, there are two new measures that will be introduced.

#### Parking

- Oppose legislation to revert to "free meter parking" for all permit holders.
- Support legislation to increase the minimum number of parking spaces for persons with disabilities or study the issue.
- Support legislation to improve enforcement, provided that law enforcement is able to implement the provisions.
- Oppose legislation to issue disability parking permits to people solely on the basis of vision loss, pregnancy, age, developmental disability, behavioral, or other non-mobility related condition.
- Oppose legislation to issue disability parking permits to agencies or transportation companies.
- Support legislation to authorize the counties to enforce design requirements for accessible parking.

#### Non-discrimination Against Persons with Disabilities/Civil Rights

- Support legislation for the provision of reasonable modification of policies, practices and procedures in state government programs and services to provide for equal access for persons with disabilities (this could impact many different programs).

- Oppose legislation for separate identification cards for people with disabilities in addition to a driver's license or a state identification card.
- Provide comments on the provision of state government services to ensure that the needs of persons with disabilities are taken into consideration without supporting or opposing the underlying service.
- Provide comments on the process of voting to ensure that the needs of persons with disabilities are taken into consideration.
- Support legislation that requires the House and Senate to permit remote testimony, via telephone, at public hearings.

### Communication Access

- Support legislation to maintain or increase captioning provisions in movie theaters.
- Support efforts to include increased access to on-line state information (to include, but not be limited to website accessibility, social media platforms, and digital information provided through kiosks or other similar means) with funding for implementation.

### Service and Other Animals

- Support state legislation to clarify state law to be consistent with federal law, but not to exceed federal law in areas such as certification or licensure. Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Support the interest of individuals with service animals (dogs) when considering legislation to eliminate discriminatory inquiries or practices when entering places of public accommodation.
- Oppose expansion of service animal legislation to assistance animals or other emotional support animals in settings other than housing already required under federal and state law.

### Building Code, Design, and Facility Access

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by Titles II and III of the ADA.
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

## Community Based Services and Employment

- Support legislation to increase reimbursement for hearing aids.
- Support legislation to require the Department of Human Services (DHS) to establish a Medicaid buy-in program for workers with disabilities.

## Transportation and Mobility

- Support legislation following the "DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities" and "DCAB Guiding Principles on Public Transit Fixed Route Bus and Paratransit Services."

## Emergency Preparedness

- Support legislation to ensure the inclusion of persons with disabilities in emergency preparedness efforts; including planning, exercises, notifications, emergency sheltering, and mitigation and recovery efforts.

## Administration

- Support legislation consistent with facilitating the operation of DCAB as a Board or Commission.
- Oppose legislation that would change the status of the DCAB Special Fund.

## Other

- Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the item is due to a person's disability.
- Support legislation that includes a representative from DCAB on a task force if the bill or resolution includes a position above and only if there is adequate staffing to attend and participate in meetings. Oppose the legislation if the criteria above are not met.



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### MINUTES Legislative Committee Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118

Date: December 13, 2022

Time: 12:00 p.m. to 1:00 p.m.

**PRESENT:** Dean Georgiev, Chairperson; Anthony Akamine, Violet Horvath, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Curtis Motoyama, Staff

**ABSENT:** Rosanna Daniel-Kanetake, Board Member

**SIGN LANGUAGE**

**INTERPRETER:** Mala Arkin

**REAL TIME**

**CAPTIONER:** April Chandler

I. Chairperson Dean Georgiev called the meeting to order at 12:08 p.m.

II. Board members and staff introduced themselves.

III. Curtis Motoyama reported that no testimonies were submitted.

IV. DCAB Legislative Procedures

A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for 32<sup>nd</sup> Legislature, 2023 Bills

Curtis Motoyama reported that the 2023 legislative position statements and subject matter categories are the same as the 2022 legislative position statements and subject matter categories except for the following substantive changes:

- Under Parking, removed position statement to "Support the "Dollar Bill" to fund DCAB's parking program."
- Under Parking, added a new position statement to "Support legislation to authorize the counties to enforce design requirements for accessible parking." Section 291-58, Hawaii Revised Statutes, provides a penalty for private entities that do not comply with State accessible parking space design requirements, but the provision has not been enforced. DCAB is planning to seek an amendment to this statute that would authorize each county to enact an ordinance to allow county employees to enforce the ADA and State accessible parking space design requirements with penalties.
- Under Other, revised position statement to "Support legislation to provide a tax credit or deduction or to exempt or reduce general excise tax on the sale of mobility enhancing equipment or durable medical equipment, hearing aids, prosthetic devices, and prescription drugs sold pursuant to a licensed practicing physician's prescription when the basis for the acquisition of the

item is due to a person's disability. The revision added "licensed practicing physician's" to clarify who issues the prescription.

The Committee voted to approve the 2023 legislative positions statements and subject matter categories (M/S/P Horvath/Akamine).

B. Determining Types of Positions to Take on Bills

Curtis Motoyama reported that the types of positions to take on bills are the same as last year.

- 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 suggest 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.

The Committee voted to approve the types of positions to take on bills (M/S/P Horvath/Akamine).

V. Rule on Time Limits on Public Testimonies/Comments

Chairperson Dean Georgiev shared that he discussed with Curtis Motoyama adoption of a two-minute time limit rule. Board member Anthony Akamine felt that a rule would be good to help the flow of the meeting. Board member Violet Horvath agreed and felt that a rule would be a good balance of the public's right to comment and the Committee's ability to conduct business. Curtis Motoyama suggested the following time limit rule for Committee meetings:

"Testimony or comments presented by members of the public during Legislative Committee meetings shall be limited to two minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Legislative Committee meeting agendas."

The Committee voted to adopt the rule (M/S/P Akamine/Horvath). Kirby Shaw suggested including the following second rule that clarifies when public comment is closed, and the Committee members can deliberate uninterrupted.

"Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Board."



The Committee voted to approve the second rule with the change to replace Board with Legislative Committee (M/S/P Horvath/Akamine). Staff should monitor public participation by unmuting the public when it is the individual's opportunity to testify and monitor the time limit. Committee members and staff agreed that the public should be encouraged to submit testimony in advance of the meeting.

The Committee would like to use a digital timer to keep track of testimony by members of the public in subsequent meetings.

VI. Open Forum

There was no public comment on issues not on the agenda for consideration for the Committee's agenda at the next meeting.

VII. Next Meeting

The next Committee meeting is scheduled for January 17, 2023 beginning at 2:00 p.m. and ending at 3:00 p.m. The Committee is scheduled to meet weekly starting on January 27, 2023 beginning at 12:00 p.m. and ending at 1:00 p.m.

VIII. The meeting adjourned at 1:04 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



CURTIS S. MOTOYAMA



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