

DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 VP

NOTICE OF MEETING

Disability and Communication Access Board

Legislative Committee Meeting

December 2, 2024

11:00 a.m. – 12:00 p.m.

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://us02web.zoom.us/j/81150156760> and enter Meeting ID: 811 5015 6760.

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 811 5015 6760

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 Committee members are able to review testimony prior to the meeting, we request written testimony be submitted 48 hours prior to the scheduled meeting date and time.

- By email to: 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

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. Roll Call/Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Adoption of Oral Testimony Time Limit.
- V. Next Meeting and Meeting Schedule.
- VI. DCAB Legislative Procedures.
 - A. Review of DCAB Legislative Position Statements and Determine Subject Matter Categories for 33rd Legislature, 2025 Bills

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 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.
- Support legislation consistent with federal law and guidance that seeks to clarify the professional-client relationship that must exist when a professional is providing credible evidence that an individual has a disability and requires an assistance animal.

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 Americans with Disabilities Act (ADA).
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by the Fair Housing Act (example: require elevators, require a percentage of units be on the ground floor).

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.

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 suggests the bill be deferred or 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 the bill will impact people with disabilities as written and/or what amendments might improve 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.
- C. Authorizing testimony for official unamended companion bills and resolutions when the Legislative Committee has previously taken a stance on the sibling bill or resolution. Authorizing testimony for bills and resolutions which are functionally similar to bills or resolutions the Legislative Committee has previously taken a stance on.

VII. Legislative Bills (bill numbers are still pending)

- A. DCAB Parking Bill – Authorizes the counties to adopt ordinances relating to the enforcement of accessible parking space design requirements at places of public accommodation.
- B. DCAB Travel Placard Bill – Authorizes DCAB to issue a travel parking placard to a permittee for use at their destination.
- C. DCAB Surcharge Bill Budget Bill – Establishes a surcharge for violations of Hawaii Revised Statutes 291 part III and remits 50 percent of the surcharge to the county police department in which the violation occurred.

VIII. Open Forum:

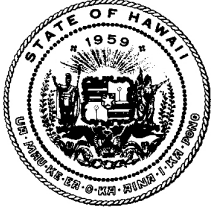
Public comment on issues not on the agenda for consideration for the Board’s agenda at the next meeting.

IX. 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. 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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MINUTES **Legislative Committee Meeting**

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

Date: December 2, 2024

Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Anthony Akamine, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Elizabeth Pearson, Staff

ABSENT: Rosanna Daniel-Kanetake, Summer Kozai, Board Members

PUBLIC

PARTICIPANTS: Donald Sakamoto; Che Silvert, Developmental Disabilities Council; Jian Tan, Access to Independence

I. Chairperson Violet Horvath called the meeting to order at 11:03 a.m.

II. Committee members, staff, and the public participants introduced themselves.

III. Statement from Public and Written Testimonies Submitted

Bryan Mick reported that DCAB received an inquiry regarding the use of the term assistance animal instead of service animal. Staff replied to the inquiry that the section in question referenced the Federal Fair Housing Act which defines assistance animals and clarifies that the term includes, but is not limited to, service animals.

IV. Adoption of Oral Testimony Time Limit

The Committee adopted an oral time limit of one minute for all public testimony (M/S/P Townsend/Akamine).

V. Next Meeting and Meeting Schedule

The Committee agreed to meet on Mondays, starting January 27, 2025, from 11:00 a.m. - 12:30 p.m.

VI. DCAB Legislative Procedures

A. Types of Positions

The Committee adopted five (5) types of positions to take on bills and resolutions: Support, Support Intent, Oppose, No Position–Comments, and Monitor (M/S/P Akamine/Townsend).

B. Legislative Position Statements

The Committee reviewed the following position statements.

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.

The Parking position statements were adopted (M/S/P Townsend/Horvath).

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.~~] Support legislation that requires the House and Senate to have fully accessible remote testimony, including via telephone, at public hearings.

The Non-discrimination Against Persons with Disabilities/Civil Rights position statements, as amended, were adopted (M/S/P Horvath/Akamine).

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.
- Support legislation that addresses increasing the number of American Sign Language (ASL) interpreters, including funding.
- Support legislation adding ASL as a World Language by the Department of Education as a credit course.

The Communication Access position statements as amended, were adopted. (M/S/P Horvath/Townsend).

Service and Other Animals

- Support 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.
- 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.
- Support legislation consistent with federal law and guidance that seeks to clarify the professional-client relationship that must exist when a professional is providing credible evidence that an individual has a disability and requires an assistance animal.

Bryan Mick suggested that the Committee adopt the remaining position statements in one motion.

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 Americans with Disabilities Act (ADA).
- Oppose legislation that would require DCAB to perform tasks that DCAB staff have no expertise.

- Support legislation to increase building accessibility for persons with disabilities that exceed federal guidelines for entities covered by the Fair Housing Act (example: require elevators, require a percentage of units be on the ground floor).
- Oppose legislation that forgives building requirements for public works/commercial facilities that bypass civil rights, particularly in relation to accessibility.

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 and/or accounts.

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.

The remaining position statements as amended, were adopted (M/S/P Akamine/Townsend).

- C. The Committee authorized testimony for official unamended companion bills and resolutions when the Legislative Committee has previously taken a stance on the sibling bill or resolution and for bills and resolutions which are functionally similar to bills or resolutions the Legislative Committee has previously taken a stance on (M/S/P Horvath/Townsend).

VII. Legislative Bills

The Committee reviewed three (3) draft bills relating to the parking program.

VIII. Open Forum

It was suggested that staff meet with incoming freshman legislators and provide information on DCAB's purpose and mission.

- IX. The meeting adjourned at 1:18 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/

BRYAN K. MICK