



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 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

February 3, 2023

12:00 p.m. – 1:00 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://zoom.us/j/99234755572> and enter Meeting ID: 992 3475 5572

To join by phone

Dial 1 669 444 917 and enter Meeting ID: 992 3475 5572

Public Testimony

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.

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

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
- 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. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of Legislative Committee Meeting Minutes of January 17, 2022
- V. DCAB Legislative Positions Relating to 32nd Legislature, 2023 Bills
 - A. Parking
 - Senate Bill 370, Relating to Electric Vehicle Charging Systems: Requires owners of multiple parking facilities within any county of the State who aggregate the required parking spaces for electric vehicles to aggregate the spaces within that same county.
 - Senate Bill 384, Relating to Access for Disabled Persons: Authorizes each county to adopt ordinances to enforce the design, construction and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawai'i Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter private property to enforce violations of the ordinances adopted by the county.
 - B. Non-Discrimination Against Persons with Disabilities/Civil Rights
 - House Bill 131/Senate Bill 179, Relating to Advisory Committees: Renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees. Recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.

- Senate Bill 40, Relating to Discrimination: Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that a person who summons or reports to a law enforcement officer, without reason to suspect a crime, offense, or imminent danger has occurred or is occurring, because of that person's belief or perception involving a member of a protected class shall be civilly liable.
- Senate Bill 613, Relating to Legislative Access Through Remote Testimony: Requires each house of the Legislature to establish by its rules, procedures that enable the Legislature to use remote testimony at legislative committee hearings, enable the public to present oral testimony at legislative committee hearings through remote testimony, and accommodate persons with disabilities through remote testimony. Defines "remote testimony".

C. Communication Access

- House Bill 218/Senate Bill 608, Relating to Prescription Drugs: Requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the Board of Pharmacy to adopt certain rules by December 31, 2023.
- House Bill 388, Relating to Education: Adopts the National Instructional Materials Accessibility Standard. Requires the department of education to obtain instructional materials in accessible formats for eligible students.
- Senate Bill 108, Relating to Access to Instructional Materials: Adopts the National Instructional Materials Accessibility Standard for use by the Department of Education in preparation of instructional materials for eligible students. Defines "eligible student" in accordance with the Individuals with Disabilities Education Act and the Copyright Act. Requires the Department of Education to obtain instructional materials in accessible formats whenever available from the publisher or the National Instructional Materials Access Center when materials are not available from the publisher in the appropriate, accessible format needed by an eligible student. Requires instructional materials to be sufficient for grade level progress by eligible students. Requires the Department of Education to provide assistive technology devices and services for eligible students. Repeals requirements for publishers to provide computer diskettes conforming to American Standard Code for Information Interchange.
- Senate Bill 607, Relating to Access to Instructional Materials: Adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to eligible students in a timely manner and requires the Department of Education to coordinate

with the National Instructional Materials Access Center. Authorizes the Department to assist non-public elementary and secondary school and alternative educational program in obtaining accessible instructional materials. Requires all elementary schools, secondary schools, and alternative educational programs to provide eligible students with accessible instructional materials, assistive technology devices, and assistive technology services at the same time print instructional materials are provided to other students.

- House Bill 818, Relating to Hearing Aids: Requires health insurance policies and contracts issued on or after 01/01/2024 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. Effective 01/01/2024.
- House Bill 935/Senate Bill 606, Relating to Hearing Aids: Exempts from the general excise tax, gross receipts received from the sale of hearing aids.
- House Bill 834/Senate Bill 610, Relating to American Sign Language: Recognizes American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.
- House Bill 933, Relating to Telecommunications Access for Individuals with Print Disabilities: Requires the Public Utilities Commission to use Universal Service Fund moneys to provide free telecommunications access to certain information for individuals with print disabilities.

D. Service and Other Animals

- Senate Bill 612, Relating to Service Animals: Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. Establishes penalties.

E. Building Code, Design, and Facility Access

- House Bill 1413, Relating to Accessibility: Requires that the legislature ensure that state facilities, businesses, and recreational facilities meet certain accessibility requirements and be in compliance with the federal Americans with Disabilities Act of 1990, as amended.
- House Bill 1414, Relating to Recreation Facilities: Requires all playgrounds located in state and county parks and on public school grounds include special needs recreational playground equipment as part of the recreational apparatuses by 6/30/2025 including at a minimum a wheelchair accessible swing set. Establishes the special needs recreational playground equipment special fund. Appropriates funds.
- Senate Bill 389, Relating to Equity: Requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

F. Community Based Services and Employment

- House Bill 55, Relating to Education: Requires the department of education to establish grant programs to provide funds for the planning and implementation of community schools.
- House Bill 81, Relating to Mental Health: Requires the department of health to conduct a feasibility study for the establishment of an outpatient mental health facility for children and adolescents living in the Ocean View region of Hawai'i island, including in the communities of Ocean View, Milolii, Naalehu, and Pahala.
- House Bill 745, Relating to Equal Pay: Conforms statutory prohibitions against wage discrimination with other prohibitions on employment discrimination. Clarifies allowable justifications for compensation differentials and remedies for pay disparity. Requires employers to disclose wage ranges to employees and prospective employees. Exempts wage disclosure and discussion from the prohibitions on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace.
- House Bill 778, Relating to Health: Establishes a task force within the Department of Health to study issues relating to the accessibility and utilization of essential services by developmentally and intellectually disabled individuals in the State.
- House Bill 870/Senate Bill 614, Relating to the Neighbor Islands Blind and Visually Impaired Service Pilot Program: Requires the Department of Human Services to establish a neighbor islands Blind and Visually Impaired Service Pilot Program that provides training and other services to blind or visually impaired individuals residing on the neighbor islands. Requires the Department of Human Services to establish a working group and submit an implementation plan to the Legislature before the Regular Session of 2024. Requires the Department to report to the Legislature prior to the Regular Session of 2027. Appropriates funds.
- Senate Bill 20, Relating to Disability Health Disparity: Requires the State Council on Developmental Disabilities to submit a report focused on the health disparities experienced by individuals with developmental or intellectual disabilities in the State to the Legislature prior to the convening of the regular session of 2025. Appropriates funds.
- Senate Bill 672, Relating to Health: Eliminates language that subjects the use of the Hawai'i ABLE Savings Program Trust Fund to the discretion of the Director of Finance. Expressly allows the Hawai'i ABLE Savings Program Trust Fund to be used to provide incentive payments to Hawai'i public school ABLE account owners. Establishes one full-time equivalent (1.00 FTE) permanent position to provide statewide outreach, advocacy, and relationship management for the Hawai'i ABLE Savings Program.

- Senate Bill 755, Relating to Disability Health Disparity: Requires the State Council on Developmental Disabilities to submit a report focused on the health disparities experienced by individuals with developmental or intellectual disabilities in the State to the Legislature prior to the convening of the regular session of 2025. Appropriates funds.
- Senate Bill 849, Relating to Social Services: Amends the state supplemental payment ceiling for domiciliary care paid to recipients who are eligible for federal supplementary security income or public assistance, or both. Amends the monthly needs allowance for individuals residing in foster homes, care homes, domiciliary homes, and other long-term care facilities.
- Senate Bill 1151, Relating to the Hawaii Community College Promise Program. Exempts students who are enrolled in certificate programs from the requirement to complete the Free Application for Federal Student Aid each academic year to be considered eligible for the Hawai'i Community College Promise Program.

G. Transportation and Mobility

- House Bill 415/Senate Bill 101, Makes an appropriation to the Department of Health to implement the recommendations of the statewide Mobility Management Task Force, established pursuant to Act 214, Session Laws of Hawai'i 2013.
- Senate Concurrent Resolution 7, Urging the City and County of Honolulu to Improve Access to TheBus in Oahu's Rural Communities.

H. Administration

- House Bill 300/Senate Bill 354, Relating to the State Budget: Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2023-2024 and 2024-2025.
- House Bill 545/Senate Bill 1196, Relating to Boards and Commissions: Clarifies that board and commission holdover members shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office regardless of any conflicting statutes.

I. Other

- House Bill 5, Relating to the General Fund: Provides a tax credit to taxpayers and makes deposits to the emergency and budget reserve fund and other post-employment benefits trust fund pursuant to article VII, section 6, of the Hawai'i State Constitution. Appropriates funds.
- House Bill 1440/Senate Bill 1595, Relating to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act: Adopts the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Repeals the superseded Uniform Guardianship and Protective Proceedings Act.
- Senate Bill 50, Relating to Plastic Straws: Prohibits the distribution, sale, and provision of plastic straws, except for those who request

single-use plastic straws for medical reasons. Establishes a fine for violators. Takes effect 1/1/2024.

- 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. 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: 1010 Richards Street #118 and via Zoom
Date: February 3, 2023
Time: 12:00 p.m.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Violet Horvath, Committee Members; Kirby Shaw, Bryan Mick, Staff

ABSENT: Rosanna Daniel-Kanetake, Committee Member

GUEST: Peter Fritz

- I. Chairperson Dean Georgiev called the meeting to order at 12:03 p.m.
- II. The attendees introduced themselves.
- III. There were no public testimonies submitted prior to the meeting.
- IV. The Committee voted on the following bills:

A. Parking

- Senate Bill 370, Relating to Electric Vehicle Charging Systems: Requires owners of multiple parking facilities within any county of the State who aggregate the required parking spaces for electric vehicles to aggregate the spaces within that same county.

MOTION: **COMMENT** (M/S/P Akamine/Horvath)

- Senate Bill 384, Relating to Access for Disabled Persons: Authorizes each county to adopt ordinances to enforce the design, construction and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawai'i Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter private property to enforce violations of the ordinances adopted by the county.

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

B. Non-Discrimination Against Persons with Disabilities/Civil Rights

- House Bill 131/Senate Bill 179, Relating to Advisory Committees: Renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees. Recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.

MOTION: **SUPPORT INTENT** (M/S/P Horvath/Georgiev)

- House Bill 807/Senate Bill 40, Relating to Discrimination: Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that a person who summons or reports to a law enforcement officer, without reason to suspect a crime, offense, or imminent danger has occurred or is occurring, because of that person's belief or perception involving a member of a protected class shall be civilly liable.

MOTION: **MONITOR** (M/S/P Horvath/Akamine)

- Senate Bill 613, Relating to Legislative Access Through Remote Testimony: Requires each house of the Legislature to establish by its rules, procedures that enable the Legislature to use remote testimony at legislative committee hearings, enable the public to present oral testimony at legislative committee hearings through remote testimony, and accommodate persons with disabilities through remote testimony. Defines "remote testimony".

MOTION: **SUPPORT WITH COMMENTS** (M/S/P Horvath/Akamine)

C. Communication Access

- House Bill 218/Senate Bill 608, Relating to Prescription Drugs: Requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the Board of Pharmacy to adopt certain rules by December 31, 2023.

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

- House Bill 388, Relating to Education: Adopts the National Instructional Materials Accessibility Standard. Requires the department of education to obtain instructional materials in accessible formats for eligible students.

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

- Senate Bill 108, Relating to Access to Instructional Materials: Adopts the National Instructional Materials Accessibility Standard for use by the Department of Education in preparation of instructional materials for eligible students. Defines "eligible student" in accordance with the

Individuals with Disabilities Education Act and the Copyright Act. Requires the Department of Education to obtain instructional materials in accessible formats whenever available from the publisher or the National Instructional Materials Access Center when materials are not available from the publisher in the appropriate, accessible format needed by an eligible student. Requires instructional materials to be sufficient for grade level progress by eligible students. Requires the Department of Education to provide assistive technology devices and services for eligible students. Repeals requirements for publishers to provide computer diskettes conforming to American Standard Code for Information Interchange.

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

- Senate Bill 607, Relating to Access to Instructional Materials: Adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to eligible students in a timely manner and requires the Department of Education to coordinate with the National Instructional Materials Access Center. Authorizes the Department to assist non-public elementary and secondary school and alternative educational program in obtaining accessible instructional materials. Requires all elementary schools, secondary schools, and alternative educational programs to provide eligible students with accessible instructional materials, assistive technology devices, and assistive technology services at the same time print instructional materials are provided to other students.

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

- House Bill 818/Senate Bill 609, Relating to Hearing Aids: Requires health insurance policies and contracts issued on or after 01/01/2024 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. Effective 01/01/2024.

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

- House Bill 935/Senate Bill 606, Relating to Hearing Aids: Exempts from the general excise tax, gross receipts received from the sale of hearing aids.

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

- House Bill 834/Senate Bill 610, Relating to American Sign Language: Recognizes American Sign Language as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

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

- House Bill 933/Senate Bill 611, Relating to Telecommunications Access for Individuals with Print Disabilities: Requires the Public Utilities

Commission to use Universal Service Fund moneys to provide free telecommunications access to certain information for individuals with print disabilities.

MOTION: **SUPPORT INTENT** (M/S/P Horvath/Akamine)

D. Service and Other Animals

- House Bill 871/Senate Bill 612, Relating to Service Animals: Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses for emotional support animals that the animal is not a service animal. Establishes penalties.

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

E. Building Code, Design, and Facility Access

- House Bill 1413, Relating to Accessibility: Requires that the legislature ensure that state facilities, businesses, and recreational facilities meet certain accessibility requirements and be in compliance with the federal Americans with Disabilities Act of 1990, as amended.

MOTION: **SUPPORT INTENT WITH TECHNICAL COMMENTS**
(M/S/P Akamine/Horvath)

- House Bill 1414, Relating to Recreation Facilities: Requires all playgrounds located in state and county parks and on public school grounds include special needs recreational playground equipment as part of the recreational apparatuses by 6/30/2025 including at a minimum a wheelchair accessible swing set. Establishes the special needs recreational playground equipment special fund. Appropriates funds. The motion to of HB 1414 was adopted (M/S/P Horvath/Akamine).

MOTION: **SUPPORT INTENT WITH TECHNICAL COMMENTS**
(M/S/P Horvath/Akamine)

- House Bill 1145/Senate Bill 389, Relating to Equity: Requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

MOTION: **SUPPORT** (M/S/P Horvath/Akamine).

F. Community Based Services and Employment

- House Bill 55, Relating to Education: Requires the department of education to establish grant programs to provide funds for the planning and implementation of community schools.

MOTION: **MONITOR** (M/S/P Horvath/Akamine)

- House Bill 81, Relating to Mental Health: Requires the department of health to conduct a feasibility study for the establishment of an outpatient mental health facility for children and adolescents living in the Ocean View region of Hawai'i island, including in the communities of Ocean View, Milolii, Naalehu, and Pahala.

MOTION: **MONITOR** (M/S/P Horvath/Akamine)

- House Bill 745, Relating to Equal Pay: Conforms statutory prohibitions against wage discrimination with other prohibitions on employment discrimination. Clarifies allowable justifications for compensation differentials and remedies for pay disparity. Requires employers to disclose wage ranges to employees and prospective employees. Exempts wage disclosure and discussion from the prohibitions on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace.

MOTION: **MONITOR** (M/S/P Horvath/Akamine)

- House Bill 778, Relating to Health: Establishes a task force within the Department of Health to study issues relating to the accessibility and utilization of essential services by developmentally and intellectually disabled individuals in the State.

MOTION: **SUPPORT WITH COMMENTS TO EXPAND SCOPE OF BILL** (M/S/P Horvath/Akamine).

- House Bill 870/Senate Bill 614, Relating to the Neighbor Islands Blind and Visually Impaired Service Pilot Program: Requires the Department of Human Services to establish a neighbor islands Blind and Visually Impaired Service Pilot Program that provides training and other services to blind or visually impaired individuals residing on the neighbor islands. Requires the Department of Human Services to establish a working group and submit an implementation plan to the Legislature before the Regular Session of 2024. Requires the Department to report to the Legislature prior to the Regular Session of 2027. Appropriates funds.

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

- Senate Bill 672, Relating to Health: Eliminates language that subjects the use of the Hawai'i ABLE Savings Program Trust Fund to the discretion of the Director of Finance. Expressly allows the Hawai'i ABLE Savings Program Trust Fund to be used to provide incentive payments to Hawai'i public school ABLE account owners. Establishes one full-time equivalent (1.00 FTE) permanent position to provide statewide outreach, advocacy, and relationship management for the Hawai'i ABLE Savings Program.

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

- Senate Bill 755, Relating to Disability Health Disparity: Requires the State Council on Developmental Disabilities to submit a report focused on the health disparities experienced by individuals with developmental or intellectual disabilities in the State to the Legislature prior to the convening of the regular session of 2025. Appropriates funds.

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

- V. Chairperson Dean Georgiev recessed the meeting at 1:05 p.m. and announced it would reconvene February 10, 2023 at 12:00 p. m. The Zoom link will be posted on the DCAB website.
- VI. Chairperson Dean Georgiev reconvened the meeting February 10, 2023 at 12:07 p.m.
- VII. The attendees introduced themselves.

PRESENT: Dean Georgiev, Chairperson; Anthony Akamine, Rosanna Daniel-Kanetake, Violet Horvath, Committee Members; Kirby Shaw, Bryan Mick, Curtis Motoyama, Staff

GUESTS: Donald Sakamoto, Peter Fritz

- VIII. The Committee voted on the following bill:

A. Parking

- Senate Bill 370, Relating to Electric Vehicle Charging Systems: Requires owners of multiple parking facilities within any county of the State who aggregate the required parking spaces for electric vehicles to aggregate the spaces within that same county.

MOTION: Reconsider Senate Bill 370, Relating to Electric Vehicle Charging Systems and revise position to **SUPPORT AS AMENDED** (M/S/P Akamine/Daniel-Kanetake).

- IX. The meeting adjourned at 12:11 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,



BRYAN K. MICK