



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

MINUTES Legislative Committee Meeting

Location: 1010 Richards Street, #118 and via Zoom
Date: January 31, 2024
Time: 12:00 p.m.

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

ABSENT: Rosanna Daniel-Kanetake, Charlotte Townsend, Committee Members

GUESTS: Peter Fritz, Donald Sakamoto

I. Chairperson Violet Horvath called the meeting to order at 12:03 p.m.

II. The attendees introduced themselves.

III. Statement from Public and Written Testimonies Submitted

Bryan Mick reported that staff did not receive written testimonies.

IV. Approval of Legislative Committee Meeting Memo of January 24, 2024

The January 24, 2024 Legislative Committee meeting memo was approved as circulated (M/S/P Akamine/Kozai).

V. DCAB Legislative Positions Relating to 32nd Legislature

There were no proposed changes to the DCAB Legislative Positions.

VI. Bills and Resolutions

A. [SB 2688](#) – Relating to Information Accessibility. Establishes the Access Hawai'i Advisory Committee to advise the Access Hawai'i Committee on how to improve accessibility to government information for people with diminished access to government information arising from disabilities. *DCAB Executive Director is a member.

Kirby Shaw commented that this might duplicate some of the duties that DCAB should be doing. Guest Peter Fritz provided background on the Access Hawaii Committee. Bryan Mick suggested the Committee may want to suggest that DCAB be added as a standing member of the existing Access Hawaii Committee.

MOTION: SUPPORT THE INTENT AND COMMENT THAT THE DCAB EXECUTIVE DIRECTOR BE ADDED TO THE EXISTING ACCESS HAWAII COMMITTEE (M/S/P Akamine/Kozai).

- B. [HB 2391](#) / [SB 3080](#) – Relating to Telecommunications Access for Individuals with Print Disabilities. Clarifies that the Public Utilities Commission under the Universal Service Program may provide and may use funds from the Universal Service Fund to provide, free telecommunications access to certain individuals with a print disability.

Bryan Mick explained that the Committee already voted to support the intent, but staff would also like to request that some of the funds be directed to the DCAB Communication Access program in order to increase the statewide numbers of American Sign Language (ASL) interpreters.

MOTION: SUPPORT THE INTENT AND COMMENT THAT SOME OF THE FUNDS SHOULD BE DIRECTED TO DCAB’S COMMUNICATION ACCESS PROGRAM TO INCREASE THE STATEWIDE NUMBERS OF ASL INTERPRETERS (M/S/P Akamine/Kozai).

- C. [SCR 4](#) / [SR 4](#) – Requesting the Hawai’i State Public Library System to Establish a Hawai’i Deaf Culture Digital Library for the Deaf and Hard of Hearing Community.

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

- D. [SCR 5](#) / [SR 5](#) - Urging the Prompt Implementation of the Hawai’i Electronic Information Technology Act on or before December 31, 2024.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- E. [HB 2039](#) – Relating to the State Capitol. Requires DAGS and DPS, in consultation with the legislature and other entities, to plan and implement security improvements at the state capitol. Requires DAGS to remove all parking meters from the capitol parking facility and reallocate parking in the capitol district.

Bryan Mick explained if the accessible parking spaces are relocated to Kinau Hale, there is not an accessible route to get to the Capitol. Even if improvements are made, it is still a long distance which will require crossing a very busy street. Kirby Shaw mentioned this will be especially challenging when it rains. Chairperson Violet Horvath said DCAB needs to prepare to respond to ant statement that people with disabilities can just participate virtually if the lack of parking is an issue for them. Guest Peter Fritz responded that idea would violate ADA Title II provisions for equal access to programs and services.

MOTION: COMMENT (M/S/P Akamine/Kozai)

- F. [HB 2330](#) / [SB 2306](#) – Relating to Automated External Defibrillators. No later than January 1, 2025, requires the Department of Accounting and General Services to install and maintain automated external defibrillators in all state buildings. Requires the Department of Accounting and General Services to provide trainings on the use of automated external defibrillators for certain state employees and security staff.

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

- G. [HB 2364](#) / [SB 3053](#) - Relating to the Conveyance Tax. Allocates ten percent of conveyance tax collections to the Dwelling Unit Revolving Fund for the purpose of funding infrastructure programs in transit-oriented development areas.

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

- H. [HB 2571](#) / [SB 3201](#) – Relating to Accessible Housing. Establishes the multifamily housing accessibility modifications grant program to facilitate the installation of accessibility modifications in certain properties. Staff note, DCAB mentioned in bill.

Bryan Mick commented that there has already been internal discussion at DOH where such a program would be the best fit. It would require additional staff and funding to administer the program. The City and County of Honolulu has a zero interest loan program that can be used for accessibility modifications, but as that uses federal funds the City often experiences delays in processing applications and distributing the loan. There would probably be much more demand for a state funded grant program, so the eligibility criteria need to be carefully considered.

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

- I. [SB 2021](#) – Relating to Important Housing Lands. Directs the Hawai'i Public Housing Authority to conduct a study identifying state owned lands within one-half mile of any rail transit station for the purpose of construction of 100,000 housing units.

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

- J. [SB 2064](#) – Relating to the Hawai'i Housing Finance and Development Corporation. Authorizes the Corporation the right of first refusal for the development of property for all development on state lands, excluding the Stadium Development District and lands under the Hawai'i Public Housing Authority and Department of Hawaiian Home Lands, that are within county-designated transit-oriented development zones, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones.

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

- K. [HB 1658](#) / [HB 1768](#) / [SB 2046](#) / [SB 2474](#) – Relating to Family Leave. Provides that eligible public and private sector employees in the State of Hawai'i are provided with up to 16 weeks per calendar year of paid family leave to take care of a newborn child, for a serious health condition, absence due to domestic abuse or stalking of the employee or a family member, or to take care of a sick family member. Establishes an insurance fund.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- L. [HB 1769](#) / [SB 2473](#) – Relating to Taxation. Establishes a refundable tax credit for nonpaid family caregivers. Requires the Department of Taxation to report to the Legislature before the convening of each Regular Session.

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

- M. [HB 1772](#) / [SB 2471](#) – Relating to Fall Prevention. Appropriates funds to support the Department of Health's Senior Fall Prevention Campaign.

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

- N. [HB 1889](#) / [SB 2231](#) – Relating to Workers' Compensation Medical Benefits. Expands workers' compensation medical benefits for firefighters to include coverage for breast cancer and cancer of the female reproductive organs.

Bryan Mick explained that currently, several types of cancers which have been linked to environmental hazards firefighters are exposed to are covered. This would add to that list of covered cancer types.

MOTION: SUPPORT (M/S/P Akamine/Kozai)

- O. [HB 1944](#) – Relating to Workers Compensation. Authorizes certain types of radiographical coverage and specialist consultations without a treatment plan within the context of workers' compensation coverage for employees with cervical and lumbar spinal injuries, or suspected cervical and lumbar spinal injuries.

Guest Peter Fritz commented that workers' compensation can be tricky because it bars the employee from bringing a lawsuit against the employer.

MOTION: SUPPORT (M/S/P Kozai/Horvath)

- P. [HB 2450](#) / [SB 2246](#) / [SB 3139](#) – Relating to Crisis Intervention. Establishes an expanded crisis intervention and diversion activities program within the Department of Health to expand existing activities to divert those with mental health issues to appropriate health care services.

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

- Q. [HB 2452](#) / [SB 3141](#)- Relating to Mental Health. Requires the Department of Health to track and publicly report certain data relating to crisis reports, emergency mental health transports, and court-ordered treatments. Requires the Department of Health to respond to reports about persons having severe mental illness who are in need of assistance, assess whether those persons may fulfill the criteria for assisted community treatment, and coordinate the process for an assisted community treatment order if indicated. Establishes that a court's denial of a petition for involuntary commitment shall serve as notification to the Department of Health that the person should be evaluated for assisted community treatment. Appropriates funds to the Department of Health for software and data collection and publication. Appropriates funds to the Department of Health for statewide education and training on policies related to emergency examination and hospitalization and assisted community treatment.

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

- R. [SB 3001](#) – Relating to Autism. Appropriates funds to increase the funding for applied behavioral analysis services for persons with autism. Requires the Department of Human Services to obtain maximum federal matching funds and pursue all other funding sources.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- S. [HB 2071](#) – Relating to Photo Red Light Imaging Detector Systems. Provides that any photo red light imaging detector system's clear and unobstructed recorded image of a motor vehicle license plate shall be prima facie evidence that the motor vehicle to which the license plate is attached is the motor vehicle for which the license plate was issued.

Bryan Mick explained that DCAB supported the creation of the red light system and this bill seeks to clarify how it can be properly enforced. While not strictly disability related DCAB's guiding principles on pedestrian mobility and safety includes using technology to improve pedestrian safety.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- T. [HB 2267](#) / [SB 2443](#) – Relating to Highway Safety. Establishes the Automated Speed Enforcement Systems Program. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System.

MOTION: SUPPORT (M/S/P Akamine/Kozai)

- U. [HB 1975](#) / [SB 2751](#) – Relating to the Sunshine Law. Establishes accessibility standards for the distribution of public documents and media presentations by boards as defined in section 92-2, Hawai'i Revised Statutes. Requires DCAB to assist OIP.

Guest Peter Fritz commented that currently OIP's stance is accessibility issues are outside of their scope. Bryan Mick commented that DCAB has not yet discussed the bill with OIP to find out what their thoughts are on the bill. He added the bill contains a line to add funding for training materials but not to hire additional staff.

MOTION: SUPPORT INTENT WITH COMMENTS (M/S/P Horvath/Kozai)

- V. [HB 1607](#) – Relating to Algorithmic Discrimination - Prohibits users of algorithmic decision-making from utilizing algorithmic eligibility determinations in a discriminatory manner. Requires users of algorithmic decision-making to send corresponding notices to individuals whose personal information is used. Requires users of algorithmic decision-making to submit annual reports to the Department of the Attorney General. Provides for appropriate means of civil enforcement.

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

- W. [HB 1773](#) / [SB 2552](#) / [SB 2567](#) – Relating to Dementia. Requires the law enforcement standards board to develop training materials related to the recognition and signs of Alzheimer's disease and related types of dementia. Requires law enforcement officers to review training materials for at least 1 hour per year.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- X. [HB 1812](#) / [SB 2452](#) – Relating to Corrections. Restricts the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions. Prohibits the use of solitary confinement and requires the use of appropriate alternatives for committed persons who are members of a vulnerable population.

Bryan Mick commented that studies show people with psychological disabilities are assigned solitary confinement at a greater rate than others, and that solitary confinement can often cause psychological disabilities.

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

- Y. [HB 1941](#) / [SB 2250](#) / [SB2467](#) – Making and Emergency Appropriation to the Department of Health to Implement Quality Improvement Recommendations for the Hawai'i State Hospital. Makes an emergency appropriation to provide funds for the Department of Health to implement quality improvement recommendations at the Hawai'i State Hospital.

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

- Z. [HB 2250](#) – Relating to Crisis Intervention. Requires the Department of Law Enforcement to coordinate crisis intervention training for state and county law enforcement agencies and crisis intervention officers. Authorizes crisis intervention officers to order persons determined to be imminently dangerous to themselves or others to be transported to a designated behavioral health crisis center.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- AA. [SB 2003](#) – Relating to Law Enforcement. Requires police commissions to ensure that all full-time police officers receive crisis intervention training relating to interaction with persons with mental disabilities.

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

- BB. [SB 2005](#) – Relating to Mental Health. Requires the Department of Corrections and Rehabilitation to construct a mental health facility for inmates and detainees in their custody who exhibit signs of mental illness, pose a danger of physical harm to themselves or others, or request treatment and meet certain admittance criteria.

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

- CC. [HB 2078](#) / [SB 2883](#) – Relating to Education. Beginning with the 2025-2026 school year, requires the Department of Education to ensure that inclusive curricula are available to all students at public schools. Makes it a discriminatory practice to refuse to approve, remove, or prohibit the use or access of inclusive or diverse materials in schools and public libraries on the basis of materials featuring or written by LGBTQ+ individuals.

Bryan Mick noted the bill also prohibits discrimination based on disability.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- DD. [HB 1977](#) / [SB 2750](#) - Relating to Braille Literacy. Establishes state policy to promote braille literacy for blind students. Requires the individualized education programs of blind students to include the instruction of Braille and provision of Braille instructional materials under certain circumstances. Requires the Department of Education to establish a Braille Literacy Resource Center.

Board member Anthony Akamine commented this should include other accessible formats. Guest Donald Sakamoto commented that teaching Braille to younger people with vision impairments is a good idea as they may lose more of their sight as they age. He mentioned that there recently was a blind public high school student who was unable to obtain textbooks and other materials in Braille format in a timely fashion.

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

- EE. [SB 317 SD1](#) – Relating to Audiology and Speech-Language Pathology Interstate Compact. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact.

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

- FF. [HB 1580](#) – Relating to Animal Cruelty. Amends the penalty for causing injury or death to a service animal from a felony Class C to a Class B, and for intentional interference with the use of a service animal from a misdemeanor to a felony Class C.

Kirby Shaw explained that injuring or killing a service animal is a separate offense from a non-service animal because it not only impacts the animal, but it also has a severe impact on the person with the disability who was relying on the animal. Bryan Mick added that currently injuring a non-service animal is a misdemeanor and injuring a service animal is a felony class C. The bill proposes to move those up one level to felony class C and class B respectively.

MOTION: SUPPORT (M/S/P Horvath/Kozai)

- GG. [HB 1631](#) – Relating to Housing. Requires the school facilities authority to work with the Department of Education to prioritize projects for the construction of educator workforce housing that will house teachers and other staff of the Department.

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

- HH. [HB 1632](#) – Relating to Housing. Requires the counties to adopt an ordinance allowing licensed architects and professional engineers to self-certify that plans accompanying a building permit application are in compliance with all applicable state and county building codes.

Chairperson Violet Horvath commented she is generally uncomfortable with self-certification. Kirby Shaw responded that for Title III projects, they currently are self-certifying when it comes to the ADA or FHA as the counties do not review projects for compliance with either of those.

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

- II. [HB 1702](#) / [HB 1762](#) / [SB 2063](#) – Relating to Housing. Requires any government agency that exercises its authority to develop low- or moderate-income housing projects to process any low- or moderate-income housing project that meets the development requirements of chapter 201H, Hawai'i Revised Statutes, and applicable administrative rules.

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

- VII. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.

There were no comments.

- VIII. The next Committee meeting is scheduled for February 7, 2024 at 11:00 a.m.

IX. Chairperson Violet Horvath adjourned the meeting at 2:03 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/

BRYAN K. MICK