

February 21, 2021

Senator Karl Rhoads, Chair  
Senate Judiciary Committee

Judiciary Chair Rhoads and Committee Members,

RE: HAB submitting testimony against SB 1233, SD 1

The Hawaii Association of the Blind (HAB) submits this testimony in opposition to SB 1233, SD 1, Relating to the Vending Facilities Program.

The Randolph-Sheppard Act (the Act), a Federal law (20 USC, Section 107 et. seq., 34 CFR part 395) that was originally passed on June 20, 1936 and amended in 1974, mandates a priority to blind persons to operate vending facilities on Federal property. A number of impediments to the program's progress have emerged over the years. HAB believes this bill, if passed, will have a devastating effect on blind vendors in our state and it should be pointed out that the Act provides full due process to aggrieved blind vendors which enables them to resolve disputes with State agencies through hearings, arbitrations, and Federal court.

The Department of Human Services (DHS) serves as the operating agency responsible for the vending facilities program for blind individuals. The Department of Health (DOH), on the other hand, serves mentally ill individuals through the Adult Mental Health Division (AMHD). The DOH, through its Bio-Psycho-Social Rehabilitation (BPSR) programs, offer the Clubhouse model that, specifically, serves the mentally ill and which has an employment component that has been successful.

This bill, we believe, pits one disability group against another and is something totally avoidable if SB 1233, SD 1 passes.

We recommend that the Legislature conduct its internal research regarding Federal laws that protect blind individuals and vending facilities program for the blind.

HAB therefore opposes SB1233, SD1 and thanks you for the opportunity to submit this testimony.

Donald Thomson  
Chair, Legislative Committee  
Hawaii Association of the Blind  
Tel. 671-1160

Submitting Testimony

March 26, 2021

Senate Committee on Education, Senator Michelle N. Kidani, Chair

Senate Committee on Human Services, Joy A San Buenaventura, Chair

RE: SCR 5 Urging the Department of Education to Develop and Implement a Program to Recruit and Employ Qualified Blind Persons to Serve As Orientation and Mobility Instructors and In Other Positions As Teachers of Visually Impaired Students

To Committee Chairs and Committee members:

The Hawaii Association of the Blind (HAB) is opposed to SCR 6.

This resolution, though well meaning, makes an exception of teachers of the blind who are not otherwise who are not academically qualified to teach in the system in Hawaii. The roots of this resolution is from the National Federation of the Blind train people to teach travel training to blind people. They are trying to get their foot in the door in as many states as possible and thus become the sole provider of travel training teachers in the United States. Furthermore, the resolution requests that the teachers of travel should be blind people. The jury is still out on whether blind people make the best travel training teachers. One weakness of having blind people be travel training teachers is that they cannot notice from a distance how well the student is progressing. We are not taking the position that blind people should not be hired as travel training teachers because they are now working in this capacity throughout the nation. Our point is that the job should not be exclusively for the blind.

Any person hired by the DOE in a specialized capacity as a teacher should be otherwise qualified to teach in the system. If the DOE believes that should make travel training is something which should be taught to blind students, it should make present staff qualified to teach travel training to the blind. If that means that more teachers are needed, so be it.

No study is to find out to find out that less qualified teachers should not be in the system. No study is required to find out that teaching travel training to blind students should discriminate against sighted people who are qualified to teach.

In conclusion, we, the HAB, respectfully request that our name is imposed on this resolution in any form.

Thank you for the opportunity to submit this testimony in opposition of SCR 6.

Donald Thomson, Chair

Legislative Committee, Hawaii Association of the Blind

Hawaii Association of the Blind

Tel. 671-1160

# HB1622

Measure Title: RELATING TO THE EMPLOYMENT OF PERSONS WITH DISABILITIES.  
Report Title: Deaf and Blind Task Force; Employment First; Persons with Disabilities; Employment  
Description: 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.  
Companion:  
Package: None  
Current Referral: LAT, HHH, FIN  
Introducer(s): MIZUNO, BRANCO, GANADEN, ILAGAN, JOHANSON, KAPELA, LOPRESTI, LOWEN, MARTEN, MCKELVEY, PERRUSO, TARNAS, WILDBERGER

<u>Sort by Date</u>	<u>Status Text</u>
1/20/2022	H Pending introduction.
1/21/2022	H Introduced and Pass First Reading.
1/26/2022	H Referred to LAT, HHH, FIN, referral sheet 2

**S** = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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## HB1622

# HB1787 HD1

Measure Title: RELATING TO PERSONS WITH DISABILITIES.  
Report Title: Public Service; Persons with Disabilities; Employment  
Description: Establishes employment first as a state policy with respect to persons with disabilities. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to medicaid home- and community-based waiver programs. Effective 12/25/2040. (HD1)  
Companion:  
Package: None  
Current Referral: LAT, CPC, JHA  
Introducer(s): ONISHI, BELATTI, HOLT, MIZUNO, MORIKAWA, SAYAMA, TAKAYAMA

<u>Sort by</u> <u>Date</u>		Status Text
1/21/2022	H	Pending introduction.
1/24/2022	H	Introduced and Pass First Reading.
1/26/2022	H	Referred to LAT, CPC, JHA, referral sheet 2
1/28/2022	H	Bill scheduled to be heard by LAT on Tuesday, 02-01-22 9:30AM in House conference room 312 Via Videoconference.
2/1/2022	H	The committees on LAT recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 8 Ayes: Representative(s) Onishi, Sayama, Belatti, Holt, D. Kobayashi, Quinlan, Takayama, Okimoto; Ayes with reservations: none; Noes: none; and Excused: none.
2/3/2022	H	Reported from LAT (Stand. Com. Rep. No. 1-22) as amended in HD 1, recommending passage on Second Reading and referral to CPC.
2/3/2022	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on CPC with none voting aye with reservations; none voting no (0) and Representative(s) LoPresti excused (1).

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## HB1787 HD1

# HB1945

Measure Title: RELATING TO THE NEIGHBOR ISLANDS BLIND AND VISUALLY IMPAIRED SERVICE PILOT PROGRAM.

Report Title: Neighbor Islands Blind and Visually Impaired Service Pilot Program; Department of Human Services; Division of Vocational Rehabilitation; Ho'opono Services for the Blind Branch; Appropriation (\$)

Description: 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 report to Legislature before the Regular Session of 2025. Appropriates funds. Repeals 06/30/2025.

Companion: [SB2437](#)

Package: None

Current Referral: HHH, CPC, FIN

Introducer(s): B. KOBAYASHI, BELATTI, BRANCO, GANADEN, HASHIMOTO, ICHIYAMA, ILAGAN, JOHANSON, KAPELA, KITAGAWA, LOPRESTI, LOWEN, MARTEN, MATAYOSHI, MATSUMOTO, MCKELVEY, MIZUNO, MORIKAWA, NAKAMURA, NAKASHIMA, NISHIMOTO, OHNO, ONISHI, PERRUSO, SAYAMA, TAM, TARNAS, TODD, WILDBERGER, YAMASHITA

<u>Sort by</u> <u>Date</u>	<u>Status Text</u>
1/24/2022	H Pending introduction.
1/26/2022	H Introduced and Pass First Reading.
1/28/2022	H Referred to HHH, CPC, FIN, referral sheet 3
1/31/2022	H Bill scheduled to be heard by HHH on Thursday, 02-03-22 9:00AM in House conference room 329 Via Videoconference.
2/3/2022	H The committees on HHH recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Yamane, Tam, Gates, Har, Kapela, Nishimoto, Ward; Ayes with reservations: none; Noes: none; and Excused: none.

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## HB1945

# HB1944

Measure Title: RELATING TO SERVICE ANIMALS.  
Report Title: Deaf and Blind Task Force; Emotional Support Animal; Disclaimer; Service Animal; Penalties  
Description: 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.  
Companion: [SB2438](#)  
Package: None  
Current Referral: HHH, CPC, JHA  
Introducer(s): B. KOBAYASHI, BRANCO, CLARK, GANADEN, GATES, HASHIMOTO, ICHIYAMA, ILAGAN, JOHANSON, KITAGAWA, LOPRESTI, LOWEN, MARTEN, MATSUMOTO, MCKELVEY, MORIKAWA, NAKAMURA, OHNO, ONISHI, TAKAYAMA, TARNAS, TODD, YAMASHITA, Matayoshi

<u>Sort by Date</u>	<u>Status Text</u>
1/24/2022	H Pending introduction.
1/26/2022	H Introduced and Pass First Reading.
1/28/2022	H Referred to HHH, CPC, JHA, referral sheet 3

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## HB1944

# SB2022

Measure Title: RELATING TO HEARING AND VISION PROGRAM.  
Report Title: Hearing and Vision Program; Hearing Screening; Vision Screening  
Description: Amends the hearing and vision program statute to increase the early identification of children with hearing or vision loss, by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection for quality improvement.  
Companion:  
Package: None  
Current Referral: HTH, JDC  
Introducer(s): KEOHOKALOLE

<u>Sort by</u> <u>Date</u>	<b>Status</b>	<b>Text</b>
1/14/2022	S	Pending Introduction.
1/19/2022	S	Introduced and passed First Reading.
1/20/2022	S	Referred to HTH, JDC.
1/21/2022	S	The committee(s) on HTH has scheduled a public hearing on 01-26-22 1:00PM; Via Videoconference.
1/26/2022	S	The committee(s) on HTH recommend(s) that the measure be PASSED, UNAMENDED. The votes in HTH were as follows: 5 Aye(s): Senator(s) Keohokalole, Baker, Moriwaki, San Buenaventura, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/3/2022	S	Reported from HTH (Stand. Com. Rep. No. 2043) with recommendation of passage on Second Reading and referral to JDC.
2/3/2022	S	Report adopted; Passed Second Reading and referred to JDC.

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## SB2022

# SB2381

Measure Title: RELATING TO TECHNOLOGY ACCESS FOR INDIVIDUALS WITH DISABILITIES.  
Report Title: Electronic Information Technology; Individuals with Disabilities; Accessibility  
Description: Declares the policy of the State that electronic information technology developed, purchased, or provided by the State shall be accessible to and usable by individuals with disabilities equivalent to access and use by individuals without disabilities. Requires the Disability and Communication Access Board to develop, review, and revise electronic information technology disability access standards. Requires all state entities to incorporate the disability access standards into their development and procurement policies and processes within a specific timeframe.  
Companion:  
Package: None  
Current Referral: HMS/GVO, WAM  
Introducer(s): MORIWAKI, ACASIO, KANUHA, MISALUCHA, Baker, Gabbard, Ihara, Kim, San Buenaventura

<u>Sort by</u> <u>Date</u>	<u>Status</u>	<u>Text</u>
1/21/2022	S	Introduced.
1/21/2022	S	Passed First Reading.
1/24/2022	S	Referred to HMS/EET/GVO, WAM.
1/28/2022	S	Re-Referred to HMS/GVO, WAM.
2/3/2022	S	The committee(s) on HMS/GVO has scheduled a public hearing on 02-08-22 3:00PM; Conference Room 225 & Videoconference.

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## SB2381



# SB2436

Measure Title: RELATING TO LEGISLATIVE ACCESS THROUGH REMOTE TESTIMONY.  
Report Title: State Legislature; Legislative Access; Remote Legislative Committee Hearings; Remote Testimony; Deaf and Blind Task Force  
Description: Requires each house of the legislature to establish by its rule, procedures that enables 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".  
Companion: [HB1542](#)  
Package: Deaf and Blind Task Force  
Current Referral: GVO, JDC/WAM  
Introducer(s): RHOADS, SAN BUENAVENTURA, Kanuha

<u>Sort by Date</u>		<u>Status Text</u>
1/21/2022	S	Introduced.
1/24/2022	S	Passed First Reading.
1/24/2022	S	Referred to GVO, JDC.
1/28/2022	S	Re-Referred to GVO, JDC/WAM.

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## SB2436

# SB2875

Measure Title: RELATING TO PERSONS WITH DISABILITIES.  
Report Title: Public Service; Persons with Disabilities; Employment  
Description: Establishes employment first as a state policy with respect to persons with disabilities. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to Medicaid home- and community-based waiver programs.  
Companion:  
Package: None  
Current Referral: HMS/LCA, JDC/WAM  
Introducer(s): SAN BUENAVENTURA, ACASIO, CHANG, FEVELLA, MISALUCHA, MORIWAKI, RHOADS, Baker, Keith-Agaran

<u>Sort by</u> <u>Date</u>	<b>Status Text</b>
1/21/2022	S Introduced.
1/24/2022	S Passed First Reading.
1/24/2022	S Referred to HMS/LCA, JDC/WAM.
2/4/2022	S The committee(s) on HMS/LCA has scheduled a public hearing on 02-07-22 3:05PM; Conference Room 225 & Videoconference.

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## SB2875