



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 14, 2016

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

House Bill 2448, HD1 – Relating to Statutory Revision: Amending Various Provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the Purposes of Correcting Errors and References, Clarifying Language, and Deleting Obsolete or Unnecessary Provisions

The Disability and Communication Access Board (DCAB) supports House Bill 2448, HD1 – Relating to Statutory Revision. While DCAB appreciates the updating and amending language used in the Hawaii Revised Statutes and the Session Laws of Hawaii, we offer comments related to obsolete terminology being used for corrections made specifically related to people with disabilities.

Section 4, line 11 of the bill references people with disabilities using outdated terminology such as “handicapped.” This continues through the end of page 10. Prior to the Americans with Disabilities Act (ADA) in 1990, the disability community began to use “people first language” instead of terminology such as “the handicapped.” The change in language indicates the change in society’s perspective and the way we interact with and treat people more respectfully by acknowledging them as people and not a disabling condition.

For the revisions, the following changes are suggested related to disability:

- Delete the use of “handicapped” throughout changes made beginning on page 3, line 10 and concluding at the end of page 10;
- Replace “handicapped” with “people, person or individual with a disability,” reflecting respect and dignity by referring to people first, and the disability second, instead of “handicapped individual”;
- On page 7, line 19 the term “prosthetic appliance” is defined, change it to “prosthetic device”;
- Page 8 and page 10, use another term in place of “remunerative employment,” such as “self-support” or “self-employment” to describe a different means of earning money compared to “competitive employment”; and
- Amend language on page 10 lines 8-9 to combine “(H) Reader services for the blind, and (I) Interpreter services for the deaf” to currently acceptable terminology such as “provide auxiliary aids or services (i.e., print material in alternate format or American Sign Language interpreters, upon request).” That is more general phrasing that will include and not be limited to people who are blind or deaf that may request auxiliary aids and services to receive effective communication to obtain equal access to services.

We recognize that the House Committee on Judiciary acknowledged our recommendation, but chose not to accept them because it believed that the amendments are beyond the measure's original intent. However, we believe that the title of the bill states a purpose to include clarifying language and deleting obsolete or unnecessary provisions and our recommendations fit the title's intent. Hence we are resubmitting our comments for your consideration.

Thank you for the opportunity to testify.

Respectfully submitted,

Handwritten signature of Barbara Fischlowitz-Leong in black ink.

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

Handwritten signature of Francine Wai in blue ink.

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LEGISLATIVE REFERENCE BUREAU
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Written Testimony

HB2448, HD1

RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the Senate Committee on Judiciary and Labor

Monday, March 14, 2016, 10:00 a.m.
Conference Room 016

Chair Keith-Agaran and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill No. 2448, HD1. Bills such as House Bill No. 2448, HD1, have come to be known as the "statutory revision bill" and are prepared and submitted by the Legislative Reference Bureau pursuant to our statute revision functions, set forth in chapter 23G of the Hawaii Revised Statutes.

All amendments are intended to be technical in nature to correct errors, omissions, or obsolete law. They either contain no substantive change to the law, or if they do have substantive effect, they are intended to correct the types of errors noted in the memorandum attached to this testimony. Please note that a copy of a memorandum explaining why each amendment was proposed was previously submitted to the Chair. Also, please note that the bill was reviewed prior to introduction by the Office of the Attorney General and no changes were recommended.

The Bureau would be pleased to assist the Committee in preparing the committee report and making any changes to the revision bill that the Committee deems appropriate. Should the Committee have any follow-up questions, please contact Velma Kaneshige, Assistant Director for Revision of Statutes, by phone at ext. 70657 or by email at kaneshige@capitol.hawaii.gov.