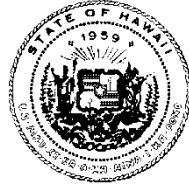


DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 20, 2021

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 1233 SD1 – RELATING TO THE VENDING FACILITIES PROGRAM.**

Hearing: Tuesday, February 23, 2021, 9:45 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and provides comments. The Senate Committee on Human Services amended the measure by:

- (1) Replacing its contents with language received from the Department of Health to:
 - (A) Establish a two-year vendor facilities pilot program task force for vendors with serious mental illness within the Department of Health; and
 - (B) Require the vendor facilities pilot program task force to submit an annual report to the Governor and the Legislature not later than twenty days prior to the convening of the 2022 and 2023 regular sessions;
- (2) Including the Director of the Department of Accounting and General Services, or their designee, and the heads of the building facilities management departments of each county, or their designees in the pilot program;
- (3) Inserting an effective date of May 1, 2029, to encourage further discussion;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

PURPOSE: The purpose of the bill establishes a two-year vendor facilities pilot program task force for vendors with serious mental illness within the department of health. Requires the vendor facilities pilot program task force submit an annual report to the Governor and the

Legislature not later than twenty days prior to the convening of the 2022 through 2023 regular sessions. Takes effect on 5/1/2029. (SD1)

To establish and implement a similar vending facilities program on state property to include individuals with mental illness, DHS recommends that the proposed taskforce identify a sustained source of funding for staff and operations, and funds that will best support program participants long term. The blind vendor program is sustained through the federal Randolph-Sheppard program which is only available to those eligible individuals who are blind or have visual impairments.

The federal Randolph-Sheppard Act was passed by Congress in 1936, giving blind entrepreneurs the right to operate businesses on federal government property. The 1974 amendments expanded the Randolph-Sheppard Act to include military troop dining, cafeterias, and food service.

Prior to Statehood, Hawaii's Territorial Legislature codified its own version of the Randolph-Sheppard Act in 1937, now at section 102-14, Hawaii Revised Statutes (HRS), and is known in Hawaii as the "Mini Randolph-Sheppard Act." Like the federal law, section 102-14, HRS, extends the priority for blind vending facilities to state or county public buildings in Hawaii.

DHS Division of Vocational Rehabilitation (DVR), Ho`opono Services for the Blind Branch, is designated by the United States Department of Education's Rehabilitation Services Administration (DOE RSA), as the State Licensing Agency (SLA) for managing the federal Randolph-Sheppard program to support eligible blind and visually impaired individuals to maintain vending stands through self-employment, also associated with their remunerative employment.

These vending stands include the placement of vending machines in identified locations where foot traffic does not represent sufficient revenue for outcomes of self-sufficiency.

In reference to the initial bill draft, the State's eligibility as an SLA, under federal law may have been impacted by the proposed amendments to current section 102-14, HRS, by adding other groups with disabilities. If the proposed amendment caused Hawaii to lose its

designation as an SLA under the federal Randolph-Sheppard Act, blind vendors could also lose access to federal vending facility sites or to vending machine income on both state and federal property. The current blind vending program in Hawaii could not sustain the loss of federal Randolph-Sheppard Act funds which were set up to ensure business operations were sustainable for blind vendors.

However, DVR's federal award from the US DOE RSA and the required state matching funds are available to support eligible individuals with disabilities to obtain employment in Hawaii's workforce. Potentially, these funds are available to allow for the establishment of a vending stand that supports the placement of an eligible individual with mental illness to operate a vending stand, but under a limited timeframe.

The allowed expenditures associated with an approved Individualized Plan for Employment with self-employment goals, would need to represent self-sufficient outcomes within an identified timeframe. If the self-employment outcomes did not represent self-sufficiency, then DVR would not be able to authorize this plan for a vending facility to be set up. DVR would also be limited in providing needed long-term supports for self-employed individuals after their DVR program services ended.

In contrast, DVR's Randolph-Sheppard program provides ongoing support for the duration of a blind vendors operation of the vending facility. With small businesses operating food services in Hawaii pre-pandemic, the estimated failure rates were above 50% during the first three years of operations.

Without long-term funding for similar vendors with mental illness, they will be at higher risk for failure than their blind or visually impaired peers especially during the current pandemic.

Hawaii's blind vendors' businesses are suffering during this pandemic. Many of the vendors are still open or are preparing to reopen in order to subsist, despite risks to their health and a long-anticipated recovery period. Hawaii's new model for teleworking has significantly decreased foot traffic in many public facilities over the past 11 months, and telework conditions are projected to continue.

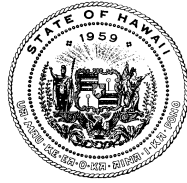
February 20, 2021

Page 4

Fortunately, through the Consolidated Appropriations Act of 2021, Congress appropriated needed funds to blind vendors to support their operations during the pandemic and economic crises.

DHS asks that any appropriation not impact those budget priorities identified in the executive budget.

Thank you for the opportunity to provide comments on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**WRITTEN
TESTIMONY ONLY**

**Testimony in SUPPORT of S.B. 1233 S.D. 1
RELATING TO THE VENDING FACILITIES PROGRAM**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 2/23/2021

Hearing Time: 9:45 a.m.

1 **Department Position:** The Department of Health (“Department”) strongly supports this
2 measure and offers comments.

3 **Department Testimony:** The subject matter of this measure intersects with the scope of the
4 Department’s Behavioral Health Administration (BHA) whose statutory mandate is to assure a
5 comprehensive statewide behavioral health care system by leveraging and coordinating public,
6 private and community resources. Through the BHA, the Department is committed to carrying
7 out this mandate by reducing silos, ensuring behavioral health care is readily accessible, and
8 person-centered.

9 The Department strongly supports this measure as it allows the us to establish a two-
10 year vendor facilities pilot program task force for vendors with serious mental illness (SMI) and
11 allows task force members the opportunity to share an annual report of its meeting discussions
12 and implementation plan for a two-year vendor facilities pilot project.

13 We discussed our vision for expanding supported employment vendor participation to
14 include vendors with SMI with House and Senate Health committee members, Department of
15 Human Services (DHS) Division of Vocational Rehabilitation (DVR) staff, and advocates from
16 Protect Hawaii’s ‘Ohana, Children, Under-Served, Elderly and Disabled (PHOCUSED).

1 Additionally, over the last several months, the Department, through the BHA's Adult
2 Mental Health Division Psychosocial Rehabilitation Section (Clubhouse), have actively
3 encouraged mental health service recipients, specifically members of the Hawaii Clubhouse
4 Coalition who are ready to work, to identify employment opportunities they feel they could be
5 successful in maintaining independently and with supported employment assistance. In a 2014
6 study about supported employment in specialty mental health treatment facilities, researchers
7 found that while over two-thirds of individuals with SMI want to work and consider
8 employment to be a top priority, employment rates as low as 17.9% were found among those
9 receiving public mental health services in the United States. In Hawaii, Clubhouse has utilized
10 the supported employment evidence-based model, and statewide, there are over 680
11 Clubhouse members many of whom are eager to be certified to work as a vendor and begin
12 employment.

13 The Department believes people living with SMI should have the opportunity to pursue
14 self-employment through the vending facilities program, enlarging their economic
15 opportunities and stimulating them to greater efforts in striving to make themselves self-
16 sufficient. We are prepared to work with task force members to identify the most appropriate
17 mechanisms to fund, train staff and vendors, secure and operate vending locations, and provide
18 ongoing support for a new vendor program.

19 **Offered Amendments:** None.

20 Thank you for the opportunity to testify on this measure.

21 **Fiscal Implications:** Undetermined.



Blind InSights Banner © 2011 SKY

POP – A Personal Opinion & Perspective February 19, 2021 Stan Young P O Box 3203 Honolulu HI 96801 Ph.808 221-5656

SB1233 Relating to vending facilities program

SD-1: Proposes a 2 year task force to set up a separate track in the Department of Health to allow persons with serious mental illness to operate in the vending facilities program.

**Senate Judiciary Committee: Decision Making
Tuesday, February 23, 9:45 a.m.**

There's no Zoom hearing, but you can submit testimony: capitol.hawaii.gov

Senators, we OPPOSE this bill.

Please DEFER this Bill because:

- 1. This is a power grab by the Dept. of Health against the Dept. of Human Services, the State Licensing Agency for the blind vending program. DOH wants to allow persons with serious mental illness to operate vending facilities.**
- 2. The non-competition clauses in the Randolph Sheppard Act (20 USC sec. 107) (34 CFR 395, Code of Federal Regulations) does not allow another state agency, besides DHS, to compete for vending facilities or vending machines.**
- 3. The DOH does not need to pass this bill to have a 2 year study. This Bill is an end run to avoid Federal and State laws**
- 4. There are many more employment opportunities for the mentally ill than there are for the blind. There are only 43 blind vendors in this state, and the majority has been temporarily closed, with no income, for a year, because of the pandemic.**

The Senate Judiciary Committee, please defer SB1233 SD-1.

STATEMENT OF THE NATIONAL FEDERATION OF THE BLIND OF HAWAII
opposing SB1233, S.D.1, relating to the vending facilities program
DEPARTMENT OF HEALTH proposes SB1233, S.D.1 AS END RUN AROUND BLIND VENDOR PRIORITY

The Hawaii state Department of Health (DOH) is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on federal, state, and county property. This bill as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified. Please read below to learn more and oppose this effort before it is too late.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "no."

In seeking to interfere with the blind vending facilities business program, the Department of Health (DOH) first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS, NFB of Hawaii, or anyone else but just had a bill introduced. That's when the blind first learned of this proposal.

The House bill, HB1112, had a hearing on February 9, and the bill was deferred, so basically dead in the House. But when the same bill, SB1233 came up for a hearing a week later, DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

Something seems wrong with this picture. DHS is the responsible agency and gently says "no" to SB 1233. However, DOH strongly supports SB 1233 and even submits an extensive S.D.1 amendment to keep the bill alive. Should DOH be allowed to invade the territory of DHS like this; just doesn't seem to be the way the government normally works.

The existing law, which we do not want to change implements and extends a federal law, 20 USC. sec. 107 et. seq., 34 CFR part 395. This is a very successful small business program here in Hawaii and in all other states. DHS has been designated by the federal government to license blind vendors, referred to in federal law as the State Licensing Agency. DOH has nothing to do with this program.

Since DHS is the program agency under existing law, why should the legislature pass another law for DOH to create a task force toward the goal of setting up another vending facilities program outside of DHS? If this is done, the next agency could be the Department of transportation, the city and county of Honolulu, the Honolulu rail agency, or any other state or county agency covered by HRS section 102-14. SB1233 could become the beginning of dismantling the vending facilities business program for the blind.

Please oppose further consideration of SB1233. Blind vendors and the friends of blind vendors in Hawaii don't think it is fair for DOH to undertake a power grab against DHS by placing people who are blind and people who have mental illness in the middle, looking like we are fighting with each other, which we are not and don't appreciate being used this way. DOH should stick to its important mission of keeping our aloha state residents safe in this time of a worldwide pandemic and stop its efforts to place the blind and persons with mental illness at odds with each other.

SB-1233-SD-1

Submitted on: 2/19/2021 2:12:24 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jack Yatsko	Testifying for Clubhouse International	Support	No

Comments:

My name is Jack Yatsko and I am the Chief Operating Officer for Clubhouse International. Clubhouse International is the coordinating center for 320 Clubhouse Programs operating in 30 countries including seven member Clubhouses in Hawaii. I am writing in support of SB1233, Relating to Vending Facilities.

There are many myths associated with mental illness and one of them is that people with this disability cannot work in gainful employment due to the nature of their disability. In my 32 years of working in the Clubhouse Model of Psychiatric Rehabilitation, I have found this to be untrue.

From 1989 - 2002 I worked at Friendship House, a Clubhouse Model program located on Kauai. I worked closely with the Hawaii Clubhouse Coalition during this period. Hawaii Clubhouses successfully placed hundreds of members in gainful employment during this time and continue to do so.

In my current role as Chief Operating Officer at Clubhouse International I have been heavily involved in our accreditation process which measures employment rates of Clubhouse members. Accredited Clubhouses typically have 40% of their average daily attendance involved in either Independent, Supported or Transitional Employment. This more than doubles the national average of employment for persons with serious and persistent mental illness. Adults with mental illness can and do successfully reintegrate into the worlds of work through working productively at various jobs in their respective communities.

It is our understanding that SB1233 will provide a unique opportunity of self-employment, similar to social enterprises. Given the nature of the high unemployment rates due to the pandemic, these kinds of creative work opportunities as outlined in SB1233 would provide adults with mental illness a creative avenue of paid work.

Many times adults with mental illness face so many barriers not only due to the symptoms of their illness but in the way society creates barriers for them. SB1233 is an avenue of opportunity to provide meaningful work and thus meaningful wages and re-entry to society for people with mental illness.

Given the successful track record the accredited Hawaii Clubhouses have in regards to employment, combined with the current challenges to employment posed by the pandemic, we support SB1233 and respectfully ask that you do as well. The members and staff at these Clubhouse programs are very dedicated to each other's success and gaining successful employment is such an important step to recovery that many of our members seek to obtain.

Thank you for your consideration of this request.

Jack Yatsko, MSW,

Clubhouse International

SB-1233-SD-1

Submitted on: 2/19/2021 4:21:12 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kauhale Lahilahi	Testifying for Makaha Clubhouse	Support	No

Comments:

Aloha,

I strongly support this bill and the people that it represents. As adults living with mental illness, employment is an integral part of our recovery and reintegration into the community. Seeing the great benefits and effects of working as a vendor, we simply ask to be given the same opportunity and do not believe it needs to come at the expense of any other person or people group. We ask for the opportunity to put our skills and work ethic into creating gainful and fulfilling employment as a vendor.

Sincerely,

Kauhale Lahilahi

SB-1233-SD-1

Submitted on: 2/20/2021 6:24:08 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laureen Kukino	Testifying for Hawaii Association of the Blind	Oppose	No

Comments:

Please DO NOT pass SB1233! Mahalo!

SB-1233-SD-1

Submitted on: 2/20/2021 9:39:48 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MYLES TAMASHIRO	Testifying for Randolph Sheppard Vendors of Hawaii	Oppose	No

Comments:

Opposition to Senate Bill 1233, S.D.1, relating to the vending facilities program

My name is Myles Tamashiro and I have been a blind vendor for the past 30 years.

I strongly oppose this Senate bill and the accompanying amendment.

The DEPARTMENT OF HEALTH (DOH) proposes SB1233, S.D.1 AS END RUN AROUND BLIND VENDOR PRIORITY.

The Randolph-Sheppard Act was purposely designed to help the blind, creating the Randolph-Sheppard Vending Program - a business enterprise program for the blind. It covers the whole gamut of business operation: financial, technical, marketing, management, sales, strategic planning, human resources, payroll, among others.

SB 1233 and its amendment S.D.1 will not only be in violation of the federal law, it will also destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The Hawaii State DOH is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on state, and county property. This bill, as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "No."

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did

not discuss this idea with DHS or any blind consumer group but just introduced the bill and is lobbying strongly for its passage. That's when the blind first learned of this proposal.

The accompanying House Bill, HB1112 conducted a hearing on February 9, and the bill was deferred. However, the same bill, SB1233, came up for a hearing a week later as DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER IT HAS THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMNISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL. Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for both the blind and the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe especially during this pandemic!

I urge you to oppose further consideration of SB1233 SD1 and defer it.

Mahalo for your consideration.

Sincerely,

Myles Tamashiro
Mililani, Hawaii

Helping Hawai'i Live Well

TO: Senator Karl Rhoads, Chair; Senator Jarrett Keohokalole, Vice Chair;
Senator Chris Lee; Senator Laura Acasio; Senator Mike Gabbard;
Senator Donna Mercado Kim; and Senator Kurt Fevella

From: Bryan L. Talisayan, Executive Director

Re: **TESTIMONY IN STRONG SUPPORT OF SB 1233 SD1 RELATING TO THE VENDING FACILITIES PROGRAM**

Hearing: **February 23, 2021 at 9:45am (via teleconference)**

Thank you for hearing Senate Bill 1233 SD1 which establishes a two-year vendor facilities pilot program task force for vendors with serious mental illness within the Department of Health. Mental Health America of Hawai'i (MHAH), an affiliate of the renowned national organization, is a highly regarded 501(c)(3) non-profit organization serving the State of Hawai'i. For nearly 75 years, MHAH has been fulfilling its mission "to promote mental wellness through education, advocacy, and service. We endeavor to reduce the stigma of mental illness and improve the overall care, treatment, and empowerment of those living with it.

Given the ongoing global pandemic and the resulting economic challenges - a process that works towards expanding employment opportunities for residents with mental illness is critical. On average, one in five people in the U.S. will experience a mental illness in their lifetime, and in Hawai'i 3.2% of adults live with a serious mental health condition¹. Those living with mental illness can find purpose, productivity, and healing through employment, and for many, a vending facilities program may be their only option to do so.

Thank you for considering my written **testimony in support of SB 1233 SD1**. Please contact me at bryan.talisayan@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

¹ "Mental Health Resources in Hawaii." Resources to Recover - Gateway to Mental Health Services. Accessed February 21, 2021. <https://www.rtor.org/directory/mental-health-hawaii/#:~:text=Hawaii%20has%20a%20population%20of,bipolar%20disorder%2C%20and%20major%20depression.>

NATIONAL FEDERATION OF THE BLIND OF HAWAII
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. I am James Gashel testifying for the National Federation of the Blind of Hawaii, opposing SB1233 S.D. 1.

The S.D. 1 version of SB1233 was developed by the State Department of Health and was not seen by testifiers before the HMS hearing on February 16. The testimony we submitted for HMS was responding to the original version of SB1233. The S.D. 1 amendment is really a complete substitute bill but still seeks to undermine the priority for blind people to operate vending facilities on federal, state, and county property. This bill as changed by the DOH S.D. 1, amendment calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "no."

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS, NFB of Hawaii, or anyone else but just had a bill introduced. That's when the blind first learned of this proposal.

The House bill, HB1112, had a hearing on February 9, and the bill was deferred, so basically dead in the House. But when the same bill, SB1233, came up for a hearing a week later, DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

Something seems wrong with this picture. DHS is the responsible agency and gently says "no" to SB1233. However, DOH strongly supports SB1233 and even submits an extensive S.D. 1 amendment to keep the bill alive. Should DOH be allowed to invade the territory of DHS like this? The legislature should not permit this.

The existing law, which we do not want to change, implements and extends a federal law, 20 USC. sec. 107 et. seq., 34 CFR part 395. This is a very successful small business program here in Hawaii and in all other states. DHS has been designated by the federal government to license blind vendors, referred to in federal law as the State Licensing Agency. DOH has nothing to do with this program.

Since DOH is charged with serving people with mental illness, DOH does not need a new law to have a planning task force, unless the eventual goal is to take vending facility opportunities away from the blind and enlisting the Legislature's backing to do so. Since DHS is the program agency under existing law, why should the legislature pass another law for DOH to create a task force toward the goal of setting up another vending facilities program outside of DHS? If this is done, the next agency could be the Department of Transportation, the City and County of Honolulu, the Honolulu rail agency, or any other state or county agency covered by HRS section 102-14. SB1233 could become the beginning of dismantling the vending facilities business program for the blind.

Please defer SB1233. Blind vendors and the friends of blind vendors in Hawaii don't think it is fair for DOH to undertake a power grab against DHS by placing people who are blind and people who have mental illness in the middle, looking like we are fighting with each other, which we are not and don't appreciate being used this way. In deferring this bill, the committee should express the expectation that DOH and DHS should confer and identify services and opportunities which may be provided for persons with mental illness under existing law. Then, if legal impediments do exist, these agencies can return to the legislature with a unified position.

Mahalo for your consideration of our views opposing SB1233 S.D. 1.

SB-1233-SD-1

Submitted on: 2/21/2021 12:14:49 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
maureen sheedy	Testifying for Hawaii Association of the Blind	Oppose	No

Comments:

Opposition to Senate Bill 1233, S.D.1, relating to the vending facilities program

The DEPARTMENT OF HEALTH (DOH) proposes SB1233, S.D.1 AS END RUN AROUND BLIND VENDOR PRIORITY.

The Randolph-Sheppard Act was purposely designed to help the blind, creating the Randolph-Sheppard Vending Program - a business enterprise program for the blind. It covers the whole gamut of business operation: financial, technical, marketing, management, sales, strategic planning, human resources, payroll, among others.

SB 1233 and its amendment S.D.1 will not only be in violation of the federal law, it will also destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The Hawaii State DOH is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on state, and county property. This bill, as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "No."

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS or any blind consumer group but just introduced the bill and is lobbying strongly for its passage. That's when the blind first learned of this proposal.

The accompanying House Bill, HB1112 conducted a hearing on February 9, and the bill

was deferred. However, the same bill, SB1233, came up for a hearing a week later as DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation. In any case, the mentally ill can and do receive training and employment through Goodwill and similar entities that deal with the disabled. These places are not equipped to train the blind.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER HAS IT THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMINISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL. Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for either the blind or the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe, especially during this pandemic!

I urge you to oppose further consideration of SB1233 and defer it.

Mahalo for your consideration.

Sincerely,

Maureen Sheedy

Honolulu, Hawaii



Friends of Ko'olau Clubhouse

46-016 Alaloa Street
Kaneohe, HI 96744

Ph: (808) 233-3778/ fax: (808) 233-3790 Email: friendskoolauclubhouse@gmail.com
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February 21, 2021

Aloha Chair Rhoads and members of the Senate Judiciary Committee,

My name is Derrick Yasuda and I am writing on behalf of Friends of Ko'olau Clubhouse Board of Directors in strong **support** of SB1233, SD1, Relating to Vending Facilities. I have served as a board member for over seven years. Friends of Ko'olau Clubhouse supports the Ko'olau Clubhouse, a psycho-social rehabilitation program working with participants living with mental illness. Advocacy and the future development for the Mental Health System in Hawai'i is an objective of the Board. Currently, the State of Hawai'i has nine Clubhouses in operation, and we are one of the five Clubhouses operating on Oahu. The Clubhouses have aligned as the Hawai'i State Clubhouse Coalition.

I respect and admire the mission of Ko'olau Clubhouse as well as our mental health consumers as they willingly participate in the Clubhouse's voluntary program. This program offers a wide range of services to assist in building the social skills of each participant.

Our board supports SB1233 because we believe that every individual with a disability should have equal opportunities. We support the amendments in SD1 as it would establish a two-year vendor pilot program task force comprised of entities that have the best interest of the Adult Mental Health Division consumers. The board is confident that the task force will be effective in identifying and optimizing the use of resources for the Vending Facility, given their members' backgrounds and expertise. We appreciate that members have a role on the task force and that their voices will be recognized.

The only concern we have is that this measure is set to be effective in 2029 and we believe that is too long. We are suggesting that the measure be amended to start in 2022.

Thank you for your time,

Derrick Yasuda

February 21, 2021

Aloha Committee Members,

My name is Rhani Naki and I am currently the owner and operator of a blind vending stand and have been for about four years now. This program means a lot to me because it provided me with the opportunity to support my family and I. I was diagnosed with a condition called, Leber Hereditary Optic Neuropathy, since the age of five or six years old. This condition runs in my family on my mother's side and cannot be corrected with glasses, contacts, nor can it be corrected with surgery. The fact that this is a hereditary condition, I have been told that even my future children will have a high chance of inheriting this same condition.

Growing up was pretty rough for me, always having to sit in the front of classrooms and I still had a hard time seeing the board. The fine print in books or reading in general always gave me a headache. I even need to put my phone screen close to my face and have it on a large font in order to read it. I am not able to legally get my driver's license and I will never be able to fully distinguish specific features on things or tell the slight difference between similar colors normally. However, I am blessed that I can see well enough to do most things on my own, like catching the bus or staying fit and running my business.

I am grateful that my condition is only dealing with my sight, because given the circumstances of being a blind vendor, running a business is hard work. It is not only physically taxing, but it is also mentally taxing as well. Being a business owner means that you're the first one in and the last one out and you still work on the weekends. A business owner needs to always be thinking of their customers' health and safety first. They need to be on it with preparing their paperwork every month and keeping track of everything they have or need to run the business, this includes: inventory, wasted goods, insurance, telephone bills, any employees and their wages, and things like how are they going to go shopping and how are they going to transport their goods. Especially for us blind vendors everything is about being prepared ahead of time. Knowing how I am going to get all of these things done always takes a lot of planning.

I am not trying to keep opportunities from others who have different conditions from us blind vendors; I am only stating what I know from experience. The whole purpose of the Business Enterprise Program is to make people who are legally blind, have some sense of normalcy and are able to run this business independently. My opposition of bill SB1233 SD-1 comes with the understanding that running a business is not an easy job and depending on a person's abilities, it can become difficult to maintain. We shouldn't be against each other, especially in these hard times. My opposition is in fear that if other entities get involved, then it will take away from what this program has been doing for years, which is helping those who are blind.

My hope is that the committee really takes all of this information I have provided, as well as the information from my fellow blind vendors and their family and friends, with large consideration and choose to defer this bill, SB1233 SD-1. I have also provided below an additional statement provided by NFBH. Thank you for taking the time to read this statement in its entirety.

Mahalo,

Rhani Naki

**STATEMENT OF THE NATIONAL FEDERATION OF THE BLIND OF HAWAII
opposing SB1233, S.D.1, relating to the vending facilities program**

**DEPARTMENT OF HEALTH proposes SB1233, S.D.1 AS END RUN AROUND
BLIND VENDOR PRIORITY**

The Hawaii state Department of Health (DOH) is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on federal, state, and county property. This bill as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified. Please read below to learn more and oppose this effort before it is too late.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "no."

In seeking to interfere with the blind vending facilities business program, the Department of Health (DOH) first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS, NFB of Hawaii, or anyone else but just had a bill introduced. That's when the blind first learned of this proposal.

The House bill, HB1112, had a hearing on February 9, and the bill was deferred, so basically dead in the House. But when the same bill, SB1233 came up for a hearing a week later, DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

Something seems wrong with this picture. DHS is the responsible agency and gently says "no" to SB 1233. However, DOH strongly supports SB 1233 and even submits an extensive S.D.1 amendment to keep the bill alive. Should DOH be allowed to invade the territory of DHS like this; just doesn't seem to be the way the government normally works.

The existing law, which we do not want to change implements and extends a federal law, 20 USC. sec. 107 et. seq., 34 CFR part 395. This is a very successful small business program here in Hawaii and in all other states. DHS has been designated by the federal government to license blind vendors, referred to in federal law as the State Licensing Agency. DOH has nothing to do with this program.

Since DHS is the program agency under existing law, why should the legislature pass another law for DOH to create a task force toward the goal of setting up another vending facilities program outside of DHS? If this is done, the next agency could be the Department of transportation, the city and county of Honolulu, the Honolulu rail agency, or any other state or county agency covered by HRS section 102-14. SB1233 could become the beginning of dismantling the vending facilities business program for the blind.

Please oppose further consideration of SB1233. Blind vendors and the friends of blind vendors in Hawaii don't think it is fair for DOH to undertake a power grab against DHS by placing people who are blind and people who have mental illness in the middle, looking like we are fighting with each other, which we are not and don't appreciate being used this way. DOH should stick to its important mission of keeping our aloha state residents safe in this time of a worldwide pandemic and stop its efforts to place the blind and persons with mental illness at odds with each other.

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SB-1233-SD-1

Submitted on: 2/21/2021 12:15:07 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clifford Miyashiro	Testifying for Hoopono	Oppose	No

Comments:

I am strongly opposing this bill sb1233.

My name is Clifford Miyashiro-- age 74 and legally blind. currently with Hoopono -- training for vendors program.

Currently I am surviving only on social security income training to qualify as a blind vendor operator.

I am qualified already because of 27 years of experience as an independent store owner.

Your assistance for opposing this bill will be much appreciated especially for the other blendors already in operation.

This definetely is our only source of income and surviving for being independent.

SB-1233-SD-1

Submitted on: 2/19/2021 4:16:36 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Nihipali Jr	Individual	Support	No

Comments:

I would like to support this bill, as I have witnessed how employment has impacted people with Mental Illness. It has allow them to be more active in their strive for Independent living. I could very well imagine how this would only increase independence, if they were able to have their own business. It would allow them to freely strive to be self-reliant. Also I feel that it should be done sooner than 2029, maybe like 2022 instead. Mahalo, Warren Nihipali, Jr.

SB-1233-SD-1

Submitted on: 2/19/2021 8:13:03 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Smith	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads.

My name is Jill Smith and I am testifying in strong support for SB 1233, Relating to Vending Facilities. I support mental health because I have experienced working with mental health consumers while volunteering for the Clubhouse Programs. I believe that every disability should have equal access to opportunities.

Thank you,

Jill Smith

SB-1233-SD-1

Submitted on: 2/19/2021 8:15:55 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Smith	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads.

My name is Nathan Smith and I am testifying in strong support for SB 1233, Relating to Vending Facilitites. I support mental health because I have experienced working with mental health consumers while volunteering for the Clubhouse Programs. I believe they will be successful in their vending business as they are friendly and easy to talk to.

Mahalo,

Nathan Smith

SB-1233-SD-1

Submitted on: 2/19/2021 8:23:49 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Akutagawa	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads.

My name is Jon Akutagawa and I am testifying in strong support for SB 1233, Relating to Vending Facilities, because I believe consumers of Adult Mental Health Services will be successful in owning their own vending facilities.

Thank you,

Jon Akutagawa

SB-1233-SD-1

Submitted on: 2/20/2021 7:48:23 AM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Cho	Individual	Comments	No

Comments:

Aloha Chair Rhoads and Senate Judiciary Committee,

The Randolph Sheppard Act is one of the greatest acts of kindness that the United States Congress has ever extended to the blind. When our own Legislators here at home in Hawaii adopted the Act by creating its own mini version of the Act in 1937, our legislators kicked off what would become an 85 year history of one of the most successful Randolph Sheppard programs in America. Through hard work, creativity, and imagination, this program has allowed blind people to prove what they are capable of when given the opportunity. As we struggle with the rest of society in the midst of these uncertain times, we would very much like to maintain our focus on our survival and to hopefully find ways to rebuild our program.

Senate Bill 1233 and its last minute amendment have no specific drawn out plan on how it would be implemented to help the long term employment needs of the mentally ill. The proponents of this bill say that they do not intend to hurt our program, but there has been no transparency shared by the creators of SB1233 with our elected Hawaii State Committee of Blind Vendors nor our State Licensing Agency and up until this point our concerns about the implications that passing SB1233 would have on our program and our ability to maintain our status and eligibility as a Randolph Sheppard program have been dismissed.

SB1233 is provoking a rift between two very important State Departments but it is and through absolutely no desire of our own, it is shamelessly drawing out battle lines between two unique disability groups that have no desire at all to fight one another.

If the true intent is to help the mentally ill find job placement opportunities, then let's open up that discussion to see what we can do to help each other and stop wasting time and put an end to this needless legislation.

Mahalo,

Joel Cho

SB-1233-SD-1

Submitted on: 2/20/2021 10:39:49 AM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
RONALD FLORMATA	Individual	Oppose	No

Comments:

Aloha,

My name is Ronald Flormata and I am a blind vendor under the Randolph-Sheppard Vending Program for the Blind. My current vending facility is the Sundries Store at the Hale koa Hotel in Waikiki.

For 10 years I've been a productive member of the community, working as a blind vendor in different facilities located in Oahu.

In 2003, I started working for a blind vendor as an employee for 6 years and when I met the requirements, I earned my license as a blind vendor.

Needless to say, I have lived in Hawaii for more than 17 years.

As a blind individual, even with the help of Ho'Opono, I tried but failed to secure a meaningful job. The only opportunity open to me to work was through the Blind Vending Program administered by Ho'Opono Business Enterprise Program in Hawaii. Through promotion and transfer, a licensed blind vendor can move up the ladder, improve his/her career by moving to a more lucrative vending facility when it becomes available.

As of this writing, there are 45 licensed blind vendors (out of 5,000 working age blind persons in Hawaii) competing for a better stand as it opens for bidding regardless of location - federal, state or city & county. This system of promotion ensures career advancement within the blind vending program. In comparison, there are currently 44,000 mentally disabled Hawaiian individuals.

By amending the law to include the mentally disabled individuals into the Blind Vending Program of Hawaii curtails that opportunity to move. It diminishes the chances of licensed blind vendors to operate a better facility. We do not have an unlimited number of vending facilities in the State. Setting up a facility requires a lot of resources – manpower, equipment, time and money.

SB 1233 SD1 will do more harm than good to the Randolph Sheppard Vending Program in Hawaii. If passed, SB 1233 D1 which hopes to drastically change the

target beneficiaries of the RAct, will be a big blow to the Blind Vending Program which receives financial resources from the Federal government.

SB 1233 D1 muddles the objectives of the Randolph-Sheppard Act which promises a better life for the blind and visually impaired citizens of the United States.

The Hawaii State DOH is supporting a bill, SB1233 SD1, which seeks to undermine the priority for blind people to operate vending facilities on state, and county property. This bill, as changed by a DOH amendment, SB1233, SD1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233 SD1. DHS does not support SB1233 SD1 but follows the soft approach of making comments that add up to saying "No."

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS or any blind consumer group but just introduced the bill and is lobbying strongly for its passage. That's when the blind community first learned of this proposal.

1. accompanying House Bill, HB1112 conducted a hearing on February 9, and the bill was deferred. However, the same bill, SB1233, came up for a hearing a week later as DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER IT HAS THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMINISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL.

Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

While I sincerely don't have anything against the mentally disabled Hawaii residents and help this sector of our community in any way I can, I VEHEMENTLY OPPOSE Senate Bill SB1233 SD1. If the Randolph Sheppard Vending Program in Hawaii goes down, it would directly and negatively affect the blind of Hawaii and concomitantly, the mentally ill adults which ironically is the target beneficiary of the bill. Clearly, a LOSE-LOSE proposition.

Ronald Flormata

Ewa Beach, HI 96706

eMail: comhaus1@hotmail.com

Phone: (808) 381-0291

SB-1233-SD-1

Submitted on: 2/20/2021 10:50:34 AM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Flormata	Individual	Oppose	No

Comments:

My name is Elizabeth Flormata and I am married to a blind vendor.

I am a strong advocate for the blind and visually impaired and an active member and officer of 3 blind organizations.

I strongly oppose Senate Bill 1233 SD1 and the accompanying House Bill 1112 as it will adversely impact the current and future blind vendors in a very detrimental way.

As it is, employment opportunities for the blind are very limited and it is only through the Randolph Sheppard's blind vending program that they are given the opportunity to operate a business and become useful and productive members of society. The blind community, along with its advocates and supporters, have worked hard to get where they are now in this program. The blind vendors are struggling to keep afloat especially during this pandemic.

The amendment to this bill introduced by the Department of Health (DOH) is a clear tactic of encroaching on the mandate of the Department of Human Services (DHS) which is tasked with administering the Blind Enterprise Program through the Ho'Opono Blind Services Branch of DVR. It is also a blatant way of railroading and arm-twisting DHS into submission. DOH should be focusing its efforts and resources with health matters of the state and does not have any business going into vocational rehab.

I have nothing against people with mental illness but adding them to this program will greatly diminish the opportunities for the blind. Let the advocates of those who are mentally ill work hard and create and build their own program, secure their own funding, and provide the necessary infrastructure.

The law is very clear – IT IS MEANT FOR BLIND INDIVIDUALS! Opening it up to those who are not blind will have negative consequences for current and future blind entrepreneurs, not to mention the enormous violations that would be created as a result of existing federal and state policies and procedures that are in place in the administration of this program.

I strongly urge the proponents of this bill to withdraw this bill as it will put everyone in jeopardy, especially the blind.

Thank you.

Elizabeth Flormata

Email: egflormata55@gmail.com

Phone: 808-358-3217

SB-1233-SD-1

Submitted on: 2/20/2021 1:53:18 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Cogo	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Kelly Ann Cogo and I am a member of the Hale Oluea Clubhouse, part of the Clubhouse Advocacy Coalition. I encourage you to support SB1233 as it will help people with Mental Illness to be self employed. We admire the Blind Vendors efforts in how they have a training program that helps them to be employed and to become a vendor themselves. We would be interested in establishing a relationship with the Blind Vendors, so we can gain their expertise and learn from them.

As mental health consumers, we can identify with someone with a disability even if it is a different one from ours. We feel joy, happiness, frustration, some days more than others. I appreciate each person and I feel this is an opportunity for all of us to advocate together as one. As mental health consumers, we can identify with someone with a disability even if it is a different one from ours. We feel joy, happiness, frustration, some days more than others.

I appreciate SD1 as it creates a Task Force for People with Mental Illness to be self-employed. This Task Force is made up of People who support us and know us. The only concern we have is the effective date is 2029, and that is 8 years away.

Please support SB1233 as it would create an opportunity for us.

Mahalo and Aloha, Kelly Cogo

SB-1233-SD-1

Submitted on: 2/20/2021 2:07:00 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Yamamoto	Individual	Oppose	No

Comments:

Aloha my name is Daniel Yamamoto and I am opposed to Senate Bill SB1233 SD1. While I believe that all persons with disabilities have the right to earn an income the Randdolph Sheppard Act which is a federal law clearly covers Blind people. This law is a fair and just law and should not be modified. There are over 5000 blind people of working age in the state of Hawaii and yet there are only 45 stores available to operate. To include those with mental illnes in this category is akin to paying Peter by robbing Paul. The state should look at other oppportunities to gainfully employ those with mental illness.

Sincerely

Daniel Yamamoto

SB-1233-SD-1

Submitted on: 2/20/2021 2:13:02 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gail Stewart	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Gail Stewart and I am a member of Hale O Honolulu Clubhouse. I am also a member of the Hawaii Clubhouse Coalition. I have mental illness and I am not ashamed of having a disability. Accepting I have a serious mental illness was not easy for me, to accept in the beginning of my recovery 18 years ago. Today, I believe everyone has struggles with keeping themselves mentally strong. The soldier coming back from a war fighting in foreign countries struggles to a mother caring for a child with mental issues struggles. We, with serious mental illness, want to be accepted as having a problem and be accepted as such instead of having a stigma against us. I fully understand the blind vendors concern that we do not understand the problems before us.

But we really do understand! We want the task force to help us to handle all problems we may have as Vendor Facilities Programs. Their help will enable us to make a better living for ourselves.

This is why I am in favor of SB1233. We are anxious and ready for the challenge.

Sincerely,

Gail Stewart

SB-1233-SD-1

Submitted on: 2/20/2021 3:02:56 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Eula Conde	Individual	Oppose	No

Comments:

To the JDC Committee,

I am writing in opposition to Senate Bill 1233, S.D.1, relating to the vending facilities program.

The DEPARTMENT OF HEALTH (DOH) proposes SB1233, S.D.1 AS END RUN AROUND BLIND VENDOR PRIORITY.

The Randolph-Sheppard Act was purposely designed to help the blind, creating the Randolph-Sheppard Vending Program - a business enterprise program for the blind. It covers the whole gamut of business operation: financial, technical, marketing, management, sales, strategic planning, human resources, payroll, among others.

SB 1233 and its amendment S.D.1

will not only be in violation of the federal law, it will also destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The Hawaii State DOH is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on federal, state, and county property. This bill, as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be

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Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for both the blind and the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe especially during this pandemic!

I urge you to oppose further consideration of SB1233 and defer it.

Mahalo for your consideration.

Sincerely,

Joan Eula Conde

Honolulu (Hawaii Kai)

SB-1233-SD-1

Submitted on: 2/20/2021 3:09:06 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Derwin Teranishi	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Derwin Teranishi and I am a member of the Waipahu Aloha Clubhouse. I am also an advocate for the Hawaii Clubhouse Advocacy Coalition. I am in support of SB1233. I believe this bill should be passed because we are in need of a task force that will give us a supportive group of individuals who will provide a non-threatening environment for everyone with mental health disabilities, those with blind disabilities, necessary agencies, and for other groups to be called upon to share their experience and give input in order for us to achieve a function-able, feasible program for those qualified to be in this mental health training program.

I believe that we can use what is already appropriated by DVR and find the proper funding through this board to continue the expenses needed for anyone who will venture into the business of owning their own vending facility. The needed locations can be appropriated and approved through this task force. I know that the Clubhouse that is already supporting each member will continue to do their part to get us prepared by giving us the skills necessary to participate in this program. As of now, we have already experienced handling money, inventory, and customer service in our Clubhouse snack bar. Also, we have a clerical and technology basic training that is ongoing within the Clubhouse program. We are very grateful to the commitment of the staff in the Clubhouse who provides a unique psycho-social rehabilitation program through working side-by-side with us. A part of this is the support we get from our representative from PHOCUSED.

The last thing that is of concern is the date of May 1, 2029 on SB1233 SD 1 can be considered to be moved to an earlier date which would provide a higher incentive for those concerned.

Thank you for your time,

Derwin Teranishi

SB-1233-SD-1

Submitted on: 2/20/2021 3:40:20 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen K Hanohano	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Stephen Hanohano and I am a member of Diamond Head Clubhouse, part of the Hawaii Clubhouse Coalition. I am in support of SB1233.

As a group we have read through SD1. I believe we need this task force for direction and technical support. We hope that this task force will assist us in developing a training program and be a resource to attain funding for starting and sustaining outgoing expenses as needed. The Clubhouse will provide me with access to practice skills which I will be learning by working in the snack bar. They allow us to handle money, do inventory work, and give us customer service training.

We know of an empty vendor site at the Diamond Head Health Clinic that is unoccupied. This is an example of how the task force could be utilized to determine if this would be an appropriate location.

So please support SB1233 Relating to Vending Facilities.

Thank you,

Stephen Hanohano

SB-1233-SD-1

Submitted on: 2/20/2021 4:11:27 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
GEORGE WRIGHT	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Keoki Wright and I am a member of the Ko'olau Clubhouse, part of the Hawaii Advocacy Coalition. I am fully in support of SB 1233 and greatly wish for this task force to be put in place as mentioned in the amended bill. I feel this task force would be a great benefit to mental health consumers as well as others to have a training program for mental health consumers or any person to become successful in seeking their vocational goal.

I feel that the task force will be great advocates, have our best interests and have great ideas for us to put in place in order to make our vocational goals successful. I believe by appointing a task force with those we have a lot in common with would be nothing but successful. For this reason I believe we can work together with them and put our efforts in place. We learn skills at the Clubhouse; for example, we learn clerical skills, food preparation in the kitchen, and other skills that will train us for something like this. We have really energetic and willing mental health consumers who are ready to work. We are peaceful people who, together, work side by side with others.

We would like to acknowledge others who have positions in the community, the International Clubhouse Program and wish this measure go through in a good manner. I have high hopes, believing if we all work together, with the task force, we have what is needed to become successful.

So please support SB1233.

Aloha,

Keoki Wright

SB-1233-SD-1

Submitted on: 2/20/2021 4:11:57 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
erika sicam	Individual	Oppose	No

Comments:

The Randolph-Sheppard Act was purposely designed to help the blind, creating the Randolph-Sheppard Vending Program - a business enterprise program for the blind. It covers the whole gamut of business operation: financial, technical, marketing, management, sales, strategic planning, human resources, payroll, among others.

SB 1233 and its amendment S.D.1

will not only be in violation of the federal law, it will also destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The Hawaii State DOH is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on state, and county property. This bill, as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

The Department of Human Services (DHS) is the operating agency responsible for the vending facilities program which is the subject of SB1233. DHS does not support SB1233 but follows the soft approach of making comments that add up to saying "No."

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law,

HRS102-14, by inserting “or persons with a mental illness” in every place where current law says “blind.” DOH did not discuss this idea with DHS or any blind consumer group but just introduced the bill and is lobbying strongly for its passage. That’s when the blind first learned of this proposal.

The accompanying House Bill, HB1112 conducted a hearing on February 9, and the bill was deferred. However, the same bill, SB1233, came up for a hearing a week later as DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER IT HAS THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMINISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL. Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for both the blind and the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe especially during this pandemic!

I urge you to oppose further consideration of SB1233 and defer it.

Mahalo for your consideration.

Sincerely,

Erika Sicam

Ewa Beach

96706

SB-1233-SD-1

Submitted on: 2/20/2021 4:36:14 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Nakandakari	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Roy Nakandakari and I am from the Diamond Head Clubhouse. I am an advocate for the Hawaii State Advocacy Coalition. I am in support for SB1233.

I was wondering if you folks could support us and help us and give us direction in how to make a Facility Program that will allow us to work on our own business.

What we need is your help in developing a training program for us to understand how to run our own Facility Business.

I believe with the help with finding the proper buildings and locations, we will meet our needs.

I know that I will get all the support and encouragement that I need from the Clubhouse and staff. I would be grateful if this bill would consider giving us a chance to make this program happen.

Thank you for your time.

Roy Nakandakari

SB-1233-SD-1

Submitted on: 2/20/2021 5:38:39 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Flora Patton	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Flora Patton and I am a member of the Waipahu Aloha Clubhouse. I am also an advocate for the Hawaii Clubhouse Advocacy Coalition. I am born with development learning disabilities, I went to special-ed. I have been diagnosed with a mental illness for eleven years.

Clubhouse is a good program that helps people get ready to work. In Waipahu Aloha Clubhouse, we have a career development unit with two staff. I learn how to apply for jobs, do applications, search for jobs during the work day, and they also take us to job fairs. So that members can be successful and stay connected. We have a snack bar that sells items at cost to members and I have work in this area during lunch and in the afternoon.

As a Clubhouse member, we are very intrested in participating in all opportunities and want to be good examples for others living with mental illness. We share and seek new opportunities, encouraging other to participate and be successful. We believe in ourselves and our peers. We each have ability and confidence in ourselves and other people have confidence in us.

I believe this task force set by SD1 will help us in finding funding to run a training program. They will also assist in finding expenses to start and run a business. Us Clubhouse would like to work with Blind Vendors People as a team. We can give details with Blind Vendors while we work together. This would allow all mental health consumers to become independent. I hope that this bill could be passed. As peers we stay connected and be successful looking forward to setting goals to make our own business of Vending. We need employment opportunities. As advocates, we look to expand opportunities for all mental health consumers, even for years to come.

One thing we are asking is that this measure be amended to be effective to a more appropriate deadline.

So please Support SB1233. We would like the community to trust us and know that we stand by our word. Our group will work with the task force and do our part in being successful.

Thank you very much for reading my testimony,

Flora Patton

SB-1233-SD-1

Submitted on: 2/20/2021 8:21:04 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Huffman	Individual	Oppose	No

Comments:

The DEPARTMENT OF HEALTH (DOH) proposes SB1233, S.D.1 AS END RUN AROUND BLIND VENDOR PRIORITY.

The Randolph-Sheppard Act was purposely designed to help the blind, creating the Randolph-Sheppard Vending Program - a business enterprise program for the blind. It covers the whole gamut of business operation: financial, technical, marketing, management, sales, strategic planning, human resources, payroll, among others.

SB 1233 and its amendment S.D.1 wow in violation of the federal law. It will destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The Hawaii State DOH is supporting a bill, SB1233, which seeks to undermine the priority for blind people to operate vending facilities on state, and county property. This bill, as changed by a DOH amendment, SB1233, S.D.1, calls for a two-year task force under DOH to study how a vending facilities program could be created for persons with mental illness, not whether such a program should be created or whether the state expense to create and operate the program would be justified.

In seeking to interfere with the blind vending facilities business program, DOH first tried a version of SB1233 to amend the current blind vendor law, HRS102-14, by inserting "or persons with a mental illness" in every place where current law says "blind." DOH did not discuss this idea with DHS or any blind consumer group but just introduced the bill and is lobbying strongly for its passage. That's when the blind first learned of this proposal.

The accompanying House Bill, HB1112 conducted a hearing on February 9, and the bill was deferred. However, the same bill, SB1233, came up for a hearing a week later as DOH scrambled to keep the bill alive by changing their proposal to the task force idea mentioned above.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise

Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER IT HAS THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMNISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL.

Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for both the blind and the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe especially during this pandemic!

I urge you to oppose further consideration of SB1233 and defer it.

Mahalo for your consideration.

Sincerely,

Brian Huffman
Honolulu

SB-1233-SD-1

Submitted on: 2/20/2021 10:46:02 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Allan Hegent	Individual	Oppose	No

Comments:

Aloha my name is Allan Hegent

I am blind i'm from Puna Big island and I'm 37 years old, I'm going to new visions program it's called Hoopono , I am on the waiting list to attend the vending program so that's the reason why I am opposing this bill so it will give me a chance, and come to find out there's many students like me are waiting to attend the vending program. So pretty much that's the reason why i'm writing a testimony, so please I urge you don't pass this bill I beg you folks please don't crush my hopes and dreams

Testimony for Bill SB1233 SD-1

MY name is Brian Tamashiro and I am a blind vendor. I say NO to bill SB1233 SD-1

I was not always considered blind. Doctors just could not fit me with corrective lenses to see better as a child. I was born with macular dystrophy but was not diagnosed until I was 28 of age. I always struggled in school and wondered why I could not see what the other children was able to see. I went on with life because doctors did not know what was wrong with my eyes until later in my life. The deterioration of my vision was slow but noticeable as the years went on.

I was fortunate to have a good job as a bartender for 30years at one of the major Sheraton hotels until my vision got so bad, I needed to do something about my situation being a family man with two boys.

I then went to Hoopono the division of the blind a section of DHS for help and guidance. They then told me of the blind vendor program. I was in denial for a long time and was hesitant to leave my job. Finally the hotel human services was notified that I was having trouble seeing and they wanted to help me with visual aids. That is when HOOPONO the division of the blind stepped in to provide me with the tools I needed to see the register and the checks.

After a while I went to HOOPONO the division of the blind and was trained as a blind vendor in the program and became a licensed vendor in the year 2000. I always felt the program was GOD sent and I thank GOD every day for the program and the opportunity to be self sufficient and provide for my family.

I have worked hard as a blind vendor for 20 years and have learned so much about running a business and how the blind vending program works and how much they do for the blind in guiding us to success.

As for the DOH attacking the DHS is unheard of an appalling. With all that is happening with the world wide pandemic you would think that they had more important things to do than come against the DHS and its blind vending program.

Please don't allow the DOH to make changes to the current program when the DOH doesn't have any right to say or sway at this time. With all the responsibilities that the DOH already has, why are they even trying to make changes to something they aren't currently in charge of?

Thank you Brian Tamashiro

State Senates Judiciary Hearing
Thirty-First Legislature, Regular Session of 2021
February 23, 2021, 9:45 PM
SB1233-SD1

Aloha Mr. Chairman, Vice Chairman, Member of the Committee. I am Wanda Takaesu, testifying to oppose SB1233-SD1. I am a blind vendor in Honolulu.

I was diagnosed legally blind since childhood. I have an eye condition called Retinitis Pigmentosa. RP is a retinal degeneration disorder of the eye that causes loss of vision.

I learned about Hoopono's Business Enterprise Program from my doctor. I enrolled in the program in 2010 and was placed on a long waiting list. In 2016, I started training and was finally awarded a facility after 8 years of waiting.

The reason for the long wait is there are simply not enough facilities for all of the over 5,000 people that suffer some form of blindness. The program allows us, the legally blind clients to be self-sustaining, making a living independently. Passing SB 1233-SD1 will make it even harder for blind clients to get into the program and receive a facility in the future. It will affect our livelihood.

I have much passion for all disabilities, including mental illness. However, I strongly oppose Senate Bill 1233-SD1. Passing SB1233-SD1 at this time will not benefit blind and mental illness patients. It will only hurt the already hurting Blind Vendors in this COVID 19 pandemic and jeopardize the future vendors and the business program.

Please consider not advance SB1233-SD1. Even for the sake of the proponents. It will not benefit to promise opportunities to the mental illness when there are not enough facilities to fulfill even to just the Blindness patients.

Sincerely,
Wanda Takaesu

2-21-2021

Dear Senator,

My name is Ivy Galariada. I am a licensed blind vendor.

I was a restaurant manager for 15 years before I started incurring vision loss. I was recommended by my Doctor to attend Ho'opono School for the Blind. While attending Ho'opono I was told about the Randolph Sheppard program and inquired about it.

Through the Randolph Sheppard Program I became a Blind Vendor in 2005 and have been operating successfully now for 16 years. Currently I'm at my third location and thriving. This opportunity restored my life and continues to provide independence and stability for myself and others in the blind community.

That is why I'm opposing bill SD1233 S.D.-1.

Sincerely,

Ivy Galariada

Brandon G. Young

980 Maunawili Rd.

Kailua, HI 96734

Phone: (808) 351-6676

Email: young.brandon4@gmail.com

Would damage the leverage that all blind vendors have here in Hawaii to operate vending stands. In a time of a world-wide Pandemic, when most vendors have not been operating their stands for many months and have lost thousands of dollars, the Department of Health now wants to come in with this bill to further the damage done to this program in our state.

I am very thankful that you have allowed us this opportunity to submit testimony on this matter. I would recommend reading the statement that I have emailed to Chair Rhoads office and that many have submitted in their testimony for this hearing. The Department of Health should know that they have galvanized the blindness community together by this one issue. They should know that we will hold them to answer on this issue in person and will never forget what they tried to do to our vending program. Again, I am testifying in opposition of this measure and would suggest that you defer this measure immediately. Again, thank you for you and your committee's time in considering our position and testimony on this issue. It is an issue that is important to the entire blindness community here in Hawaii.

31st Session of the State Legislature of the State of Hawaii

Senate Judiciary Committee

Testimony of Opposition for SB 1233 SD 1

Hearing on Tuesday, February 23,2021 at 9:30 A.M.

Dear Chair Rhoads and Vice-Chair,

My name is Brandon Young, and I am a member of the National Federation of the Blind of Hawaii and I am submitting testimony in opposition of SB 1233 SD 1. I am a strong advocate for the blind vending program. It is a shame what the Department of Health has tried to do in their efforts in creating a program that would position one group of disabled persons against another group of disabled persons here in Hawaii. If you pass this bill forward, it will strongly jeopardize the blind vending program here in Hawaii. This bill not only goes against the federal Randolph-Shepard Act of 1936, but

SB-1233-SD-1

Submitted on: 2/21/2021 2:49:45 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Robar	Individual	Oppose	No

Comments:

My name is Tammy Robar. I oppose SB1233 S.D.1. because DOH is trying to interfere with the blind vending business program. I support blind vendors and oppose SB1233 S.D.1. I believe that DOH could set up a task force to study employment for persons with mental illness without legislation. Please defer this bill.

SB-1233-SD-1

Submitted on: 2/21/2021 3:33:27 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Don Patterson	Individual	Oppose	No

Comments:

February 21, 2021

The SB1233 SD1 needs to be deferred. I am a blind vendor in the the Randolph-Sheppard program operating under federal law. The Department of Health should not be trying to create another program that competes with the Randolph-Sheppard program. The blind and mentally disabled should not be competing against each other. There are blind people already waiting to be trained to become a blind vendor We are business owners and have to know how to do everything such as: ordering, stocking, inventoring, pricing, doing a profit and loss statement, cleaning, equipment maintenance, handling money, etc., and most important providing excellent customer service **ALL without the luxury of having sight**. I have been doing this since 1995 and have been promoted several times. Currently, I have one of the best locations. There are many other very successful blind vendors as well. This is due to all the extra time and effort they are willing to put forth. As blind persons, good oportunites are so few outside the program. I know from experience that it is hard to compete against a sighted person. A valuable benefit of the program is that we network with each other to share ideas to provide better service. Eventually, oportunites for blind vendors would be diminished, especially for blind persons wanting to enter the program. Say no to SB1233 SD1.

Respectfully,

Don Patterson

Susan Rockwood Gashel
Testimony before the Committee on Judiciary
Hawaii State Legislature
31st Legislative Regular Session of 2021

February 23, 2021, decision making on SB 1233 S.D. 1, 9:45 AM

From 2004 through 2012, I was a deputy attorney general assigned to the blind vending program (my last name then was Kern). My assignment involved, in part, assisting Ho'opono to secure securing additional vending sites for the individual blind vendors to operate, securing vending machine income from machines located on Federal and State property for the operation of the blind vending program, as well as fending off attempts by non-blind vending machine concerns to appropriate opportunities that Congress and this body had set aside for Hawaii's blind vendors, who currently number about 45.

During that time the Department of Health sought to appropriate a cafeteria on the top floor, operated for many years by blind vendors, so that it could have that space for meetings. Ho'opono was able, at that time, to maintain that vending facility.

I continue to work with the blind vending program on a national level. I have represented 14 states in arbitrations and negotiations with Federal entities to preserve the blind vending priority when non-blind operated vending concerns sought to appropriate that opportunity. So, I am very familiar with efforts across the nation to wrench facilities and vending machines profits from blind vendors, and thus saddened by this effort by the Department of Health.

If SB 1233, SD 1 is passed out by this Committee, it would create a task force that would merely delay this effort to deprive blind vendors of their livelihoods, while appointing 27 members to this task force, but not one single blind vendor.

The Federal Randolph-Sheppard requires each state to have a blind vendor elected state committee, yet no one from that committee would be on the proposed task force. This appears to be an attempt to build a consensus that completely leaves out the blind vendors, effectively silencing their collective voice.

Moreover, SD 1 provides that the task force members are to be exempt from Chapter 92, Public Agency Meetings and Records. This means that blind vendors and their representatives would be prevented from participating at all in this task force. They could not testify or even obtain meeting minutes. Effectively, this bill, seen from the view point of those current, and future, blind vendors, appears to be an effort to deprive them of their livelihood without them having any voice whatsoever in their future.

Furthermore, task force members are to be reimbursed for their "reasonable expenses," thus draining our treasury during a time when Hawaii is experiencing many adverse economic impacts from Covid 19.

Many vendors have been required to temporarily close their vending facilities because of Covid, and are, like all of us, eagerly awaiting the day when everything will get back to normal. In SD 1 goes forward and becomes law, they will have to wait another two years to see if the State is going to take away their exclusive right to operate vending facilities on Federal, State, and county property in Hawaii. (Note that HRS § 102-14 exempts “the judiciary history center facilities in the Ali‘iolani Hale building, University of Hawai‘i system, public library system facilities, department of education facilities, department of transportation airport and harbor restaurant and lounge facilities and operations, public parks, and state and county facilities designed and intended for use as facilities for entertainment and other public events” from participation in the blind vending program.)

A cursory internet search reveals that many states have employment programs for mentally ill individuals. Many of those programs are so-called “supportive” employment programs, with agency staff involved in providing services to assist individual clients to be successful in their employment outcomes.

For instance, the National Alliance on Mental Illness’s website discusses supported employment, in the context to placing people in jobs that match their talent and interests, and notes that competitive employment rates for participating individuals are close to 60%, compared to 24% for individuals not in the programs.

Ho‘opono has valuable experience in providing supportive employment and could assist the Department of Health to establish its own program without infringing on the program that Congress has termed “one of the most practical and effective employment opportunity programs ever enacted by Congress,” stating that “[b]lind vendors return in taxes and economic activity far in excess of the initial small investment required to establish their business operations.” S. REP. NO. 93-937,

For these reasons, I respectfully request that the Committee decline to pass SB 1233 S.D. 1.

Jaclyn Borsa
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D.1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Jaclyn Borsa, I am a member of The National Federation of the Blind of Hawaii, a resident of Ewa Beach at 91-031 Parish Drive and I am in strong opposition to SB1233 S.D. 1.

I am requesting you please defer SB1233. It is a cruel and unjust stance the DOH has taken putting blind and mentally ill people in the midst of our legislative arena fighting against each other, which is unfair and not true at all. As individuals who are blind and mentally ill, we already have to fight so hard for opportunities, we do not need to be pitted against each other and used by government state agencies with their own agendas. We do not appreciate being used or put in this position.

On February 16, I along with other blind individuals submitted and gave oral testimony based on the original SB1233. Unbeknownst to us until the hearing, DOH had submitted a substantial change to SB1233 with the SD1 version before the HMS committee hearing that day. In a nutshell, it took us off guard and set us, blind people, up once again to look like the bad guys fighting with people with mental illness. We do not appreciate this state agency play being allowed to continue. Like the original version of SB1233. The S.D.1 amendment, although is a complete change to the original SB1233, it still seeks to undermine the opportunities for blind individuals in the blind vending program under DHS, not DOH. So what is DOH after so aggressively and with no consideration to talk to us the blind, or the DHS before taking this action to legislation?

In the SB1233 S.D.1, it establishes a task force that can be done outside of legislation by a state department. With your decision to defer SB1233 S.D.1, the DOH and DHS could consider current programs and existing regulations established to create employment opportunities for people with mental illness. If the departments find regulatory barriers, come at a future time with "one voice" to make amendments rather than in opposition to each other putting disabled people in the middle. During the pandemic, it would seem to me the priority of our State Department of Health, is the wellbeing and vaccinations of all people of Hawaii, rather than undermine the blind, the smallest group of disabled and most under employed group at 70% for working age adults. The blind vendors along with others on the waiting list for training and a facility, are trying to return to economic solvency like so many people of Hawaii, which many may not be able to do with telework becoming the norm in many of our state, county and city properties without the population to support a living wage in their facilities.

Please seriously consider opposing SB1233 S.D.1. Mahalo for hearing my testimony.

MEMORANDUM

To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Jr., Vice-Chair
Senate Committee on Judiciary

RE: SB1233, SD1 RELATING TO THE VENDING FACILITIES PROGRAM
Tuesday, February 23, 2021, 9:45 am
Place: By Videoconference

Date: February 23, 2021

Chair Rhoads, Vice Chair Keohokalole and members of the Senate Committee on Judiciary:

My name is Kyle Aihara, and I own and operate the Kauai Blind Vendor facility at the Lihue Airport. My vending facility is part of the State and federal blind vendor program administered by the US Department of Education and the Hawai'i Department of Human Services. I am writing in opposition to SB1233, SD1.

SB1233, SD1 establishes a two-year vendor facilities pilot program task force for vendors with serious mental illness within the department of health, and requires the vendor facilities pilot program task force submit an annual report to the Governor and the Legislature.

The original version of SB1233 acknowledges that expanding the current State vending facility program as part of the Randolph Sheppard Act to the mentally ill may not be appropriate. The Randolph-Sheppard Act, 20 USC §107 et. seq., provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. The State's vending facilities program, embodied in HRS §102-14, is in accordance with federal law, and extends the program specifically for the blind to operate in state and county facilities. The State agency responsible for licensing and overseeing the Randolph Sheppard Act is the Department of Human Services Division of Vocational Rehabilitation.

It is unclear as to why the Department of Health would be administering a similar vocational program for the blind that has been successfully implemented by the Department of Human Services for decades. SB1233, SD1 requires the DOH to establish a task force which is potentially duplicative, overlapping, confusing and a waste of precious State funds with respect to DHS's existing vocational programs.

While expanding Hawai'i's vending facilities program to the mentally ill is well intended, the State's expansion of such vocational programs as outlined in SB1233, SD1 is not appropriate. For those reasons, I urge you to hold SB1233, SD1.

Thank you for the opportunity to testify on this matter.

SB-1233-SD-1

Submitted on: 2/21/2021 9:19:01 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Pamintuan	Individual	Support	No

Comments:

Aloha Senator Karl Rhoads,

My name is Jennifer Pamintuan and I am testifying as a private citizen. I support SB1233 and the amendments of SD1. I am a Social Worker working with Individual with Severe and Persistent Mental Illness. I believe that every individual with a disability deserves an opportunity. The Vending Facility Program for the Blind appears to be a successful and fully supportive program for this group of individuals. The reason I support SD1 is that I would like to see a program like this created for mental health consumers, and I believe the pilot program and task force identified in SD1 will make this possible.

Thank you for your time,

Jennifer Pamintuan

Dr. Ann Lemke
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Dr. Ann Lemke, a resident of the island of Kauai, a retired blind professor of Oahu's Windward Community college, and a member of The National federation of the Blind of Hawaii.

I am writing to voice my absolute, unequivocal opposition to SB1233 in any form. This legislation would, either in the short or long term, have a crippling impact on the decades old and very successful blind vendors program. I am a recently retired blind person who spent my entire career in positions in higher education. I can attest first hand to the pervasive discrimination we blind people face, simply because we dare to be independent in a world that would keep us as second-tier citizens. Unemployment among blind people is still shockingly high. Yet this legislation would weaken the protections for blind vendors and would pit two populations of people with disabilities against one another for no decent purpose. This is shameful!

Very likely, some bureaucrat thought that if blind people could somehow become successful entrepreneurs, then anyone else should be able to do this too. This ignorant point of view shows a fundamental lack of understanding of blind people, even as it simultaneously fails to offer any real solutions to people with mental health diagnoses.

We blind people in Hawaii will never support such legislation and we will not remain silent and have our rights and opportunities eroded.

Ann Lemke, Ph.D.

Virgil Stinnett, Licensed Blind Vendor
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Virgil Stinnett, a leader and member of The National federation of the Blind of Hawaii, and a licensed blind vendor living in Honolulu at 2943 Kalakaua Avenue. I am in strong opposition to SB1233 S.D. 1.

please oppose and defer SB1233 S.D.1. It has placed us as blind vendors along with our blind peers in the middle of a state agency and legislative action in a seeming power struggle we did not initiate or want with people with mental illness. There is no reason to legislatively establish the proposed task force through a legislative measure and I believe it should be removed and taken back to the DOH and DHS to determine current programs and existing regulation opportunities for people with mental illness. We do not appreciate being put in this position and used unfairly as the bad guys. We are not against people with mental illness, yet DOH by supporting SB1233 put us against each other unnecessarily.

In the SB1233 S.D.1, it proposes to establish a task force which still undermines the blind vending program. Please defer SB1233 S.D.1 putting it back in the hands of DOH and DHS to resolve under current programs and regulations offering opportunities to people with mental illness. If restrictive laws exist, come to the table in the future as a unified voice rather than in opposition.

During the HMS committee hearing on February 16, many of the blind submitted and gave oral testimony based on the original measure SB1233, not knowing until the hearing that DOH had made a substantial amendment with S.D.1. Once again, we were lined up to be the bad guys, blind against people with mental illness. This is a cruel back step for all people with disabilities when we have fought for so long for our rights as valuable people in our communities and work place.

It is a priority to ensure the people of Hawaii are vaccinated and economically solvent once again. Yet DOH seems to have put their priorities inappropriately undermining the blind vending program. the blind vendors are already struggling during the pandemic, many unemployed due to the Corona virus. Some may not ever return to a good living wage with state, county and city properties. vending facilities are more limited because of smaller building populations, due to teleworking. Will this be the new accepted norm? That is what most of our blind vendors are asking.

The blind vending program still has people waiting for facilities to be assigned and a waiting list of individuals wanting training. there is no shortage of blind people seeking

work in the program yet there is a shortage of quality living wage facilities and opportunities.

Please oppose SB1233 S.D. 1. Mahalo for hearing my testimony.

SB-1233-SD-1

Submitted on: 2/21/2021 10:32:04 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnathan Baliguat	Individual	Oppose	No

Comments:

Aloha Distinguished Senators,

I come to you all vehemently opposing further consideration of SB1233. I am a volunteer as well as a significant other for a current Blind Vendor. I am not blind, but am also legally disabled (and physically handicapped/challenged). It was a Blessing that my significant other was referred to this program by his doctor more than 6-7 years ago. We would have not known of it otherwise, and after training, have been progressing in this program since January of 2016. I am involved in a lot of ways (assisting behind the scenes), and I know firsthand (through zoom/cellphone meetings and emails) how detrimental this Bill could possibly be to the survival and integrity of the Randolph Sheppard Blind Vending Program.

There are many more employment opportunities for the Mentally Ill than there are for the Blind, so preserving the Randolph Sheppard Vending Program is crucial for the Blind. And with only 43 Blind Vendors in Hawai'i, many have struggled financially, as a majority of their facilities have been temporarily closed since early last year (March/April 2020) - including our Vending Facility - due to COVID. Going forward with this Bill would only add to the hardships that the Blind Vendors face, as they fight to reopen their facilities Post-COVID, and begin the journey in hopes of regaining some sense of financial stability and normalcy.

In my honest opinion, the bottom line is that the mentally ill do deserve a separate program, but NOT like the one that has been designated for the Blind for over 80+ years.

I HUMBLY ASK YOU TO PLEASE NOT ALLOW THIS BILL - SB1233 - TO PROGRESS ANY FURTHER.

DO NOT PUT THIS VERY IMPORTANT PROGRAM AT RISK FOR HAWAI'I'S BLIND COMMUNITY.

Mahalo, God Bless & Stay Safe,

Johnathan Baliguat

Email: JFKBaligat@aol.com

Debra Braiman
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Debra Braiman, a resident of Honolulu at 728 Kinau Street and a member of The National federation of the Blind of Hawaii.

I oppose SB1233 S. D. 1, which is a power grab by the Department of Health against DHS and the blind vending facilities program. I support blind vendors and oppose sb1233. DOH could set up a task force to study employment for persons with mental illness without legislation. Please defer this bill.

Mahalo for your consideration of my testimony. Respectfully, Debra Braiman

Katie Keim
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Katie Keim, a member of The National Federation of the Blind of Hawaii, a resident of Honolulu at 2943 Kalakaua Avenue and a blind business woman in strong opposition to SB1233 S.D. 1.

I am requesting you please defer SB1233. It is a cruel and unjust position DOH has created by placing blind and people with mental illness in the middle of their power grab from DHS, we the blind are not against people with mental illness, yet SB1233 puts us in the middle which we do not appreciate.

On February 16, I along with other people in opposition to SB1233, submitted and gave oral testimony based on the original SB1233. Unbeknownst to us until the hearing, DOH had submitted a substantial change to SB1233 with the SD1 version before the HMS committee hearing that day. In a nutshell, it took us off guard and set us, blind people, up once again to look like the bad guys fighting with people with mental illness, which we are not. We do not appreciate the DOH power play being allowed to continue pitting the blind against people with mental illness.

Both the original version of SB1233 and the S.D. 1 amendment, although a complete change to the original measure, S.D.1 still seeks to undermine the opportunities for blind individuals in the blind vending program. SB1233 S.D.1 task force can be done outside of legislation. With your decision to defer SB1233 S.D.1, the DOH and DHS could consider current programs and existing regulations established to create employment opportunities for people with mental illness. If the departments find regulatory barriers, they could come at a future time with "one voice" to make amendments rather than in opposition to each other.

It seems to me that our priorities and focus should be on the people of Hawaii receiving our vaccinations and finding economic solutions for everyone, rather than undermining the blind vending program. The program has a waiting list of trained blind people waiting for facilities and others still waiting to complete the training program. The blind are the smallest categorical disabled group with the highest rate of unemployment at 70% for working age adults. Due to the pandemic many of our existing blind vendors are now unemployed for many months, and may not be able to regain a living wage ever again with telework becoming the norm in many of our state, county and city properties without the buildings population to support a living wage in their facilities.

Please oppose SB1233 S.D. 1. Mahalo for considering and hearing my testimony.

John Phillips
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is John Phillips, of Honolulu at 2947 Kalakaua Avenue. I am a member of The National Federation of the Blind of Hawaii in strong opposition to SB1233 S.D. 1.

I am requesting you please defer SB1233 S.D.1 to protect the blind vending program.

Mahalo for your consideration of my testimony and the NFB of Hawaii's views opposing SB1233 S.D. 1.

SB-1233-SD-1

Submitted on: 2/21/2021 11:27:37 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyllon Asami	Individual	Oppose	No

Comments:

Aloha All,

My name is Dyllon Asami, and I am a Blind Vendor operating in the State of Hawaii, and I am submitting this testimony to voice my objections to SB1233.

Please understand, I have no objection to assisting people with disabilities other than blindness and striving for self-sufficiency, financial independence, or job opportunities and I strongly feel that everybody should have an equal chance to build a life for themselves. That being said, I would like to point out that people with mental disabilities have far more job opportunities than people with blindness. This bill will not only reduce the available Vending facilities that the Randolph Sheppard act, which is a federal law, provides the blind by adding people with mental disabilities into the program, but it cannot guarantee those individuals with mental disabilities a spot in a vending facility, as there are already people in the blind community on a waiting list for a very limited amount of facilities. I would also like to point out that the Vending program is under the jurisdiction of the DHS, not the DOH who are the ones responsible for this bill, and the DHS have voted "NO" once already on the previously submitted bill that the DOH wanted to add "mentally disabled" to the Vending law.

Finally, when I had recently called all party's offices to voice my concern on this bill I discovered that the people who are a part of the task force does not include a person from the DHS, whom again have jurisdiction on the Vending facility program, nor a Blind Vendor or representative chosen by the Blind Vendor's in Hawaii, which shows a conflict of interest and equality.

Thank you for your time,

Dyllon A. K. Asami

Email: DJSnakShak@aol.com

SB-1233-SD-1

Submitted on: 2/21/2021 11:44:03 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Kim	Individual	Oppose	No

Comments:

My name is Steve Kim and I've been a blind vendor for about 19 years under the Randolph-Sheppard Vending Program for the Blind.

I strongly oppose bill SB1233 SD-1 for following reasons.

1. The non-competition clauses in the Randolph Sheppard Act (20 USC sec. 107) (34 CFR 395, Code of Federal Regulations) does not allow another state agency, besides DHS, to compete for vending facilities or vending machines.

2. There are many more employment opportunities for the mentally ill than there are for the blind. There are only 43 blind vendors in this state, and the majority has been temporarily closed, with no income, for a year, because of the pandemic.

I am not prejudiced against the mentally challenged. I would hope there would be some other way to help them gain more independence.

Thank you and God bless.

SB-1233-SD-1

Submitted on: 2/22/2021 8:04:50 AM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Joseph Flormata	Individual	Oppose	No

Comments:

Dear Chair and Members of the Judiciary Committee,

I strongly oppose SB1233 and SB1233 SD1 as it would adversely affect the blind individuals and their livelihood.

My father is a licensed blind vendor and if this amended bill passes, it will diminish his capacity to earn a living.

SB 1233 and its amendment S.D.1 will not only be in violation of the federal law, it will also destroy the program for the blind and will have devastating economic impact on the existing and future blind vendors in Hawaii.

The existing Federal law (20 USC. sec. 107 et. seq., 34 CFR part 395) is very clear: IT IS MEANT FOR THE BLIND. It has become a very successful small business program here in Hawaii and in other states. DHS has been designated by the federal government to administer the program through the State Licensing Agency, Business Enterprise Program of Ho'Opono, Blind Services Branch, Division of Vocational Rehabilitation.

DOH HAS NOTHING TO DO WITH THIS PROGRAM. NEITHER IT HAS THE LEGAL MANDATE AS A VOCATIONAL REHAB AGENCY OF THE STATE TO ADMINISTER AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR THE MENTALLY ILL. Vocational rehabilitation entails resources for training, staffing, and funding, among other things.

Is this what DOH would like to embark on? DOH should not encroach on the functions of another state agency and force its will onto DHS by lobbying the state legislature through this bill.

Blind vendors and the advocates of the blind community in Hawaii do not think this is fair for both the blind and the mentally ill. And so do I.

DOH should stick to its important mission of keeping our aloha state residents healthy and safe especially during this pandemic!

I urge you to oppose further consideration of SB1233 and defer it.

Thank you for your consideration.

Sincerely,

RON JOSEPH FLORMATA

Ewa Beach, Hawaii

SB-1233-SD-1

Submitted on: 2/22/2021 8:10:16 AM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Loke Vakatuku	Individual	Oppose	No

Comments:

Aloha,

Loke Vakatuku here and I oppose bill SB1233. As a former employee of a DOD contractor in the blind vending program I've experienced two years at the Kaneohe Marine Corps Base with military men and women who themselves deal with mental illness and abuse in the workplace. My sector had young military corporals who would attempt suicide, or speak abusively to one another as their superiors spoke to them. As a civilian manager in this environment, I was not allowed to criticize or correct how a military officer conducted the management of his/her junior officers. But being in an environment working side by side with men and women who are trained to kill, be prideful in their work even if at times it was not ethical, has provided a toxic work environment for myself.

As a manager I was not respected as I was not good enough to sit at the table of their fellow leaders and neither was my voice heard because for the Marines - they are always right and they are always above civilians. For someone who is educated and hired at the highest level of trust, by a blind vendor, my position of what I do as an Inventory manager of \$1million quarterly budget - I still was not given respect or reverence.

My fear for someone who is mentally ill to lead a vendor program is that they will be treated with the same type of discrimination or be in conflict with other leaders who are already dealing with mentally ill issues such as anger, pride, suicide, unforgiveness.

The military did not show much respect to the blind vending program or their managers. As someone who worked side by side with a military officer, though I wasn't top management, I heard a lot of disrespectful rethoric these military officers would say about the vendor program. To have a business that is run by a mentally ill person will not go well for that person. The military will sleeze their way in booting them out like they did me.

I say you have to be very selective in where you put mentally ill individuals in business. However, you should really focus on getting the mentally ill well and healthy to be mentally capable at running a vendor program. You never know the type of people that will walk into your establishment each day. A vendor program recipient needs to know

how to deal with stress, anger, management of many employees and finance, thorough understanding of government contracts. I don't think one who is mentally ill can be capable to be in charge of this level of work.

Again, I oppose bill SD1233.

Best,

Loke Vakatuku

Roriki duke
Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Roriki duke, a resident of the Island of Hawaii at 15-3795 Hinalea Street. I am the mother of a man who became blind as an adult and a member of The National Federation of the Blind of Hawaii. I am in strong opposition to SB1233 S.D. 1.

I am requesting you please defer SB1233 S.D.1 to protect the blind vending program. My son became blind over 24 years ago and we did not think he would be able to ever do anything again. The opportunities good training and the blind vending program gave him as a business owner has given me relief that we do not have to take care of him or worry. In fact he and his blind wife now take care of me.

I am requesting you please defer SB1233 S.D.1.

Mahalo for your consideration of my testimony and the NFB of Hawaii's views opposing SB1233 S.D. 1.

A BILL FOR AN ACT

RELATING TO THE VENDING FACILITIES PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that individuals living
2 with serious mental illness should have the opportunity to
3 pursue self-employment to improve their economic and health
4 outcomes in a similar manner as individuals participating in the
5 blind and visually handicapped vendor program pursuant to
6 section 102-14, Hawaii Revised Statutes, through the department
7 of human services, division of vocational rehabilitation,
8 Ho‘oponopono Services for the Blind Branch.

9 The legislature recognizes that a program that expands
10 employment opportunities to individuals living with a serious
11 mental illness can lead to economic independence as well as
12 improve the mental health stability and reduce negative health
13 outcomes such as hospitalizations.

14 The legislature finds that a vending facilities program for
15 vendors with serious mental illness must be funded separately
16 from section 102-14, Hawaii Revised Statutes, known as the "Mini
17 Randolph-Sheppard Act", which specifically extends the priority



1 for vending facilities in state or county public buildings in
2 Hawaii to blind and visually handicapped persons.

3 Accordingly, the purpose of this Act is to:

4 (1) Establish a two-year vendor facilities pilot program
5 task force within the department of health for vendors
6 with serious mental illness; and

7 (2) Require the vendor facilities pilot program task force
8 to submit an annual report to the governor and the
9 legislature no later than twenty days prior to the
10 convening of the 2022 and 2023 regular legislative
11 sessions.

12 SECTION 2. (a) There is established within the department
13 of health a vendor facilities pilot program task force for
14 vendors with serious mental illness to:

15 (1) Review existing laws and programs related to vendor
16 priority programs;

17 (2) Plan and design the implementation of a two-year
18 vendor facilities pilot project providing priority to
19 vendors with serious mental illness; and

20 (3) Conduct monthly meetings with vendor facilities pilot
21 project task force members.



1 (b) The vendor facilities pilot program task force shall
2 be chaired by the director of health, or their designee, and the
3 director or director's designee shall invite the following task
4 force members:

5 (1) The director of human services or their designee;

6 (2) The director of accounting and general services or
7 their designee;

8 (3) The head of the building facilities management
9 department of each county or their designee;

10 (4) Eight Clubhouse members identified by the Clubhouse
11 Coalition, with preferably at least one member from
12 each county;

13 (5) Four staff personnel assigned to support Clubhouse
14 Coalition operations from each county;

15 (6) One member from the organization Protecting Hawaii's
16 Ohana, Children, Under-Served, Elderly, and Disabled
17 (PHOCUSED);

18 (7) One member from the University of Hawaii at Manoa,
19 Center on Disability Studies;

20 (8) One member from the National Alliance for Mental
21 Illness (NAMI); and



1 (9) One member from Mental Health America Hawaii.

2 Task force members shall serve without compensation but
3 shall be reimbursed for reasonable expenses incurred, including
4 travel expenses. The task force shall be exempt from the
5 requirements of parts I and II of chapter 92, Hawaii Revised
6 Statutes.

7 SECTION 3. The department of health shall submit a report
8 of its findings and recommendations, including any proposed
9 legislation, to the legislature and governor no later than
10 twenty days prior to the convening of the regular sessions of
11 2022 through 2023 on the status of the vendor facilities pilot
12 program established pursuant to this Act. The annual report
13 shall include a proposal for funding sources for the vendor
14 facilities pilot program.

15 SECTION 4. This Act shall take effect on May 1, 2029.



Report Title:

Vending Facilities Program; Mental Illness; Task Force; Pilot

Description:

Establishes a two-year vendor facilities pilot program task force for vendors with serious mental illness within the department of health. Requires the vendor facilities pilot program task force submit an annual report to the Governor and the Legislature not later than twenty days prior to the convening of the 2022 through 2023 regular sessions. Takes effect on 5/1/2029. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Diane Larson

Testimony before the Committee on Judiciary
Hawaii State Senate
31st Legislature Regular Session of 2021

February 23, 2021, decision making on SB1233 S.D. 1, 9:45 AM

Thank you Mr. Chairman, Vice Chair, and committee members. My name is Diane Larson, a resident of Honolulu at 2943 Kalakaua Avenue. I am a friend of The National Federation of the Blind of Hawaii in strong opposition to SB1233 S.D. 1.

I am requesting you please defer SB1233 S.D.1.

Mahalo for your consideration of my testimony and the NFB of Hawaii's views opposing SB1233 S.D. 1.

rhoads3 - Elena

From: Howard Lesser <howard@hawaiidisabilityrights.org>
Sent: Sunday, February 21, 2021 2:27 PM
To: Sen. Karl Rhoads
Subject: Submitting testimony RE SB 1233 SD1

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 properties. 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 programs 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

LATE

SB-1233-SD-1

Submitted on: 2/22/2021 1:12:42 PM

Testimony for JDC on 2/23/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lily Cho	Individual	Oppose	No

Comments:

Firstly, I would like to humbly thank you for considering my testimony on the foreseeable consequences of Bill S.B.1233. Democracy proves itself to be a continuously endearing aspect of our country.

I am a young adult who is in the middle of earning my psychology degree and the daughter of a well-established blind vendor, of whom you have probably already read the testimony. From my secondhand experiences with the blind vending program, I can confidently confirm the excellence and outstanding work that the Randolph-Sheppard act has enabled for the visually impaired community in O’ahu. America still has a long way to come in terms of equity and true financial opportunities for disabled Americans, and I can see that through this bill’s intentions. The mentally ill are often given the short end of the stick if given any opportunity at independence. I believe that a program akin to the already-established one in Honolulu would immensely benefit this community; however, there is not enough room for both of these communities of disabled individuals.

One of the issues I immediately recognized was the usage of the term “mentally ill” because of the enormous vagueness of it and the endless degrees of accommodation that may arise. This is not mistaken with assuming that such accommodations would prove to be a burden; it is simply not within the program’s capacity despite its best intentions. If SB1233 were to be passed, it would cause a flood of candidates to a program that already has waitlisted blind individuals, not to mention how long many of the blind vendors have waited for their chance at managing a vacancy.

I hope it is clear from the oppositional standpoint that it is not out of prejudice or mistrust of the mentally ill but out of capacity limits and impracticality. The State of Hawaii has proven itself to be creative and innovative in its endeavors in serving disabled communities. It is not doubted that they could prove the same in creating a separate and sensible program that would meaningfully and adequately provide resources, work, and vending opportunities for the mentally ill with staff that is well equipped to manage a spectrum of mentally ill individuals.

I would hope that blindness and mental illness are distinctly different in the challenges and aptitudes they carry in the perspective of both the Senate and the State of Hawaii. To assume that they are similar enough to assimilate to the same accommodations

would be a reckless assumption and end up spending more of the State's time and money, if I may speak bluntly. This bill would, frankly, extend the existing line of people who are already awaiting vending opportunities. I believe that this bill is inadequate in solving mental illness unemployment and that the State is capable of a more robust solution.