

HAWAI‘I CIVIL RIGHTS COMMISSION

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Wednesday, April 6, 2022
Via Videoconference, 2:45 p.m.
Conference room 308

To: The Honorable Sylvia Luke, Chair
The Honorable Kyle T. Yamashita, Vice Chair
Members of the House Committee on Finance

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2144, S.D.1, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.B. No. 2144, S.D.1, H.D.1, which requires that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to persons with disabilities. The measure requires the Office of Enterprise Technology Services (ETS), in consultation with the Disability and Communication Access Board (DCAB) and a working group comprised of stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities. Further, the bill mandates review and amendment of the standards every 3 years after the date of publication, or

as needed, to reflect advances or changes in information technology, and requires that the ETS create a State plan for ADA compliance.

The HCRC supports the creation of a working group, and the State's effort to comply with federal law, and create, develop and implement accessibility standards. It is better for the State to proactively and systematically plan for compliance with accessibility requirements, rather than to leave departments, divisions, agencies, and other state entities to their own devices and react to complaints.

Pursuant to Act 164, L. 2021, effective July 1, 2022, the HCRC will have expanded (restored) jurisdiction over state and state-funded agencies regarding disability discrimination pursuant to HRS § 368-1.5. This expanded enforcement jurisdiction will give the HCRC jurisdiction over complaints of disability discrimination in access to state agencies, programs, and activities, including remote access to meetings, website accessibility, and online transactions. With this enforcement jurisdiction and responsibility, it would be inappropriate for the HCRC to be considered for inclusion in the working group that the bill calls for ETS to convene, in consultation with DCAB.

Given this more limited and narrowly focused enforcement role, the HCRC defers to ETS and DCAB expertise regarding the proactive planning measures that will bring the State into compliance with accessibility requirements.

The HCRC supports S.B. No. 2144. S.D.1., H.D.1.



DISABILITY AND COMMUNICATION ACCESS BOARD

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April 6, 2022

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

Senate Bill 2144, Senate Draft 1, House Draft 1 – Relating to Electronic Information Technology Accessibility for Persons with Disabilities.

The Disability and Communication Access Board (DCAB) supports Senate Bill 2144, Senate Draft 1, House Draft 1, Relating to Electronic Information Technology Accessibility for Persons with Disabilities.

This bill would require the Office of Enterprise Technology Services (ETS), in consultation with DCAB and a working group comprised of stakeholders, to develop, publish and periodically update electronic information technology disability access standards to be implemented by state entities.

DCAB recommends changing the definition on page 6, line 1 of “individual with a disability” to include all individuals with disabilities and to cite the Americans with Disabilities Act (ADA) definition of disability.

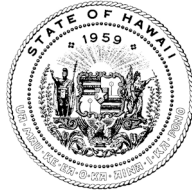
Many states have implemented legislation or policies on electronic and information technology or information and communication technology accessibility. Hawaii should establish a working group to develop, publish and periodically update disability access standards to implement and ensure consistency of access for all state entities. This will ensure that electronic information technology will be accessible for persons with disabilities throughout state government. This bill does not make ETS responsible for enforcement. Persons with disabilities would have a private right of action as specified in Hawaii Revised Statutes §489-7.5. The committee may wish to amend the bill to specify that right.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

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Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the
HOUSE COMMITTEE ON FINANCE
Wednesday, April 6, 2022

SENATE BILL 2144 SD1, HD1
RELATING TO INFORMATION TECHNOLOGY ACCESSIBILITY FOR PERSONS WITH
DISABILITIES

Dear Chair Luke, Vice Chair Yamashita, and members of the committee,

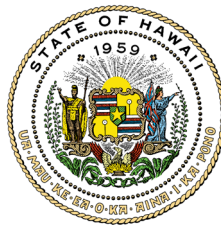
The Office of Enterprise Technology Services (ETS) provides comments on this bill which would require ETS, in consultation with the Disability and Communication Access Board and a working group comprising stakeholders, to develop and publish electronic information technology disability access standards.

Implementing the requirements in this bill would require additional resources in terms of money and personnel. ETS requests one position with a salary of \$75,000.

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

DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH



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STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
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**Testimony in SUPPORT of SB2144 SD1, HD1
Relating to Electronic Information Technology Accessibility for Persons with Disabilities**

COMMITTEE ON FINANCE
REPRESENTATIVE SYLVIA LUKE, CHAIR
REPRESENTATIVE KYLE T. YAMASHITA, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: April 6, 2022
2:45 PM

Room Number: 308
Via Videoconference

- 1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
- 2 of Health, supports SB2144 SD1, HD1 relating to Electronic Information Technology
- 3 Accessibility for Persons with Disabilities.
- 4 **Fiscal Implications:** None
- 5 **Purpose and Justification:** This measure requires that all electronic information technology
- 6 developed, purchased, used, or provided by a state entity be made accessible to persons with
- 7 disabilities. In addition, the Office of Enterprise Technology Services, in consultation with the
- 8 Disability and Communication Access Board (DCAB) and a working group of stakeholders are
- 9 required to develop, publish, and update electronic information technology accessibility
- 10 standards to be implemented by all state entities.

1 Mr. Philip Ana is the Long-Term Care Disability Specialist in the Executive Office on Aging. He
2 is also a blind user of assistive technology and relies on several pieces of assistive technology to
3 do his work. His laptop is equipped with a Jaws for windows screen reading program allowing
4 him to read information in email. He is also able to access the internet by entering the link to the
5 Legislature and downloading the bill to be read through Jaws or embossed in braille for him to
6 read. He laughed when he thought about what would happen if the Legislative website was not
7 accessible for him to use with his technology?

8 He shares this example with you because technology is equally as important as accessibility. His
9 previous laptop did not have enough resources to support the new operating system along with
10 the assistive technology.

11 A few years ago, when EOA upgraded from Windows 7 to Windows 10 the Jaws screen reading
12 software needed to be upgraded as well. The embosser that he used also needed a software
13 upgrade. Island Skills, a technology business specializing in blind technology assisted him in
14 making the necessary changes. They submitted a proposal to EOA for all the equipment and
15 software upgrades needed including training on the devices. Included in this package was the
16 Kurtzweil Scanning and Reading technology and the Braille Touch note taker device.

17 Mr. Ana supports the Office of Enterprise Technology Services, in consultation with the DCAB,
18 and a working group comprising stakeholders to develop and publish information technology
19 accessibility standards to be implemented by all state entities.

20 **Recommendation:** EOA supports this measure and defers to the Office of Enterprise
21 Technology Services and the DCAB on its implementation.

22 Thank you for the opportunity to testify.

SB-2144-HD-1

Submitted on: 4/4/2022 9:16:33 PM

Testimony for FIN on 4/6/2022 2:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Stan Young	Hawaii State committee of Blind Vendors	Support	Written Testimony Only

Comments:

Testimony of Stan Young, Chair, Hawaii State Committee of Blind Vendors.

Before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. I am Stan Young, supporting SB2144 S.D.1 H.D.1.

SB2144 is simply making the State's communications accessible to those of us with disabilities. It may also make communications available to others like senior citizens and those with reading disabilities. Besides making communications available to all as an equal right, it will enhance information, training, cooperation, compliance, and best practices for the public in Hawaii in general, including all departments of government. It is highly necessary.

National Federation of The Blind of Hawaii

Testimony before the Committee on Finance, (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

April 6, 2022, 2:45 PM, hearing on SB2144 S.D.1 H.D.1

Good afternoon Chair Luke, Vice chair Yamashita, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, fully supporting SB2144 S.D.1 H.D.1.

SB2144 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, when it's much more costly to respond to complaints.

Please note especially the requirement in the bill that the standards developed here in Hawaii must be consistent with the accessibility standards issued pursuant to section 508 of the federal Rehabilitation Act as amended in 1998 and web access standards issued by the World Wide Web Consortium Web Accessibility Initiative. Section 508 requires information technology purchased by federal agencies to meet accessible use standards at the time the technology is purchased. We need SB2144 because section 508 does not have technical applicability to state entities. More law is needed.

By adopting a proactive approach with specific disability access standards applicable to state entities, Hawaii will join the mainstream of states now looking to the federal section 508 standards as an achievable accessibility blueprint. The section 508 federal standards are well known in the information technology industry. They first took effect in 2001 and were last revised in January 2017. With this history we can be confident that our agencies will have the support they need.

Aside from making disability access more efficient when SB2144 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. This is a twenty-first century civil rights bill. It will also become an important key to independence and equality for people with disabilities in our state. Mahalo for hearing this bill and understanding why we need it passed into law.



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HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON FINANCE
Testimony on S.B.2144 SD 1 HD1
Hearing: Wednesday, April 6, 2022

RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR PERSONS
WITH DISABILITIES

Chair Luke, Vice Chair Yamashita, and members of the Committee, Assistive Technology Resource Centers (“ATRC”), the State of Hawaii’s designated Assistive Technology Act agency under the Technical Assistance Act of 1998 (Tech Act), is testifying in **support** of this bill and **suggesting amendments** to conform to the definitions used by Section 508 of the Rehabilitation Act (Rehab Act).

ATRC requests that the legislature take notice of the fact that Hawaii programs that receive certain federal funds need to comply with Section 508 of the Rehabilitation Act.

This bill requires electronic information technology to be accessible to persons with disabilities and the development of accessibility standards that are consistent with Section 508.

A. Definitions In This Bill Should Conform To The Definitions In Section 508 The State Procurement Office Is A Necessary Member Of The Workgroup.

This bill requires that Hawaii standards be consistent with Section 508. (Page 2, lines 20-21 and page 3 lines 1 and 2.). Section 508 uses term Information and Communications Technology. (ICT). It is recommended that this bill’s definition of “Electronic Information Technology” at page 5, lines 20-21 and page 6, lines 1-6 be replaced with the ICT definition from Section 508.

“Information and Communication Technology (ICT). Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content.”

B. Hawaii Is Currently Using Section 508 Standards For Websites.

Examples of Hawaii Compliance with Section 508.

- a. **The Legislature.** The capitol.hawaii.gov website states that it makes “every effort to comply to ADA standards, and Section 508 of the Rehabilitation Act.” (See Exhibit 1)
- b. **The State of Hawaii.** The Office of Enterprise Technology Services’ webpage states that ETS “looks to this standard [Section 508] for reliable guidance on meeting accessibility commitments and compliance for portal architecture sites.” (See Exhibit 2)
- c. **The University of Hawaii** “looks to Section 508” for standards concerning accessibility. (See Exhibit 3). The University of Hawaii must comply with Section 508 because it receives funds under Section 504 of the Rehab Act and the Tech Act.
- d. **Other States.** Not all states have government-mandated accessibility standards for technology. States that do either drafted their own or adopted the 508 and amended it. (See Exhibit 4).

C. ETS Is the Proper Party to Head the Work Group and the State Procurement Office is A Necessary Member.

I. HRS §27-43(c) Requires The CIO To Develop And Implement Statewide Technology Standards.

§27 43(c)(3) provides that the CIO “shall: . . . Develop and implement statewide technology standards”.

The CIO currently has the authority to adopt and implement Section 508 standards for Hawaii right now and the workgroup can review and add to these standards in the future.

II. ETS Currently Uses Section 508 Accessibility Standards For State Websites.

ETS’ web page states:

ETS “looks to this standard [Section 508] for reliable guidance on meeting accessibility commitments and compliance for portal architecture sites.”
<https://ets.hawaii.gov/accessibility-statement>.

ETS is in the best position to evaluate the technical standards using Section 508.

ETS employees are currently applying Section 508 standards to the State’s internet systems. Section 508 includes technical standards for the

accessibility web-based Intranet and Internet information and applications; includes accessible alternatives such as software applications and operating systems; telecommunications products; and desktop and portable computers.

DCAB does not have experts with the Web Content Accessibility Guidelines.

Section 508 incorporates the Web Content Accessibility Guidelines. DCAB would need to hire experts in website accessibility and such hires would duplicate the skills already used by employees of ETS to create accessible internet content.

III. The State Procurement Office is a necessary member of the workgroup.

Because the standards will be used by the State Procurement Office, the State Procurement Office is a necessary party.

D. Hawaii Programs and Activities Receiving Federal Financial Assistance Under Section 504 of the Rehabilitation Act Must Comply With Federal Non-Discrimination Laws.

Section 504 provides:

"No otherwise qualified individual with a disability in the United States [...] shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or **be subjected to discrimination under any program or activity receiving Federal financial assistance [emphasis added]** or any program or activity conducted by any Executive agency or by the United States Postal Service."

Whether a Hawaii program receiving federal funds must comply with Section 508 nondiscrimination requirements usually depends on whether the federal funds include stipulations requiring these programs to provide accessible technology and web content.

For example, the Tech Act will not provide funding to states unless they guarantee that all programs – including colleges and universities – will comply with Section 508 of the Rehab Act.

What is Section 508?

Section 508 covers access to federal programs and services in regards to electronic and information technology. This law requires that alternative, accessible information technology be provided to disabled members of the public. It ensures accessibility to web content.

Section 508 states that "When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency [. . .] shall ensure, [. . .] that the electronic and information technology allows, regardless of the type of medium of the technology, individuals with disabilities [. . .] to have access to and use of information and data that is comparable to the access of [those] who are not individuals with disabilities."

The technical standards include accessible alternatives such as software applications and operating systems; web-based Intranet and Internet information and applications; telecommunications products; and desktop and portable computers.

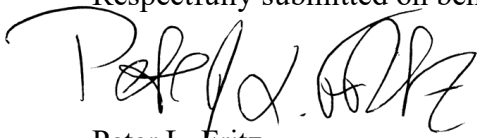
What's the Difference Between the Rehabilitation Act and the ADA?

The Americans with Disabilities Act (ADA) applies mainly to the public sector, while the Rehabilitation Act applies to federal agencies and federally funded programs. The Americans with Disabilities Act exists separately from the Rehabilitation Act. The ADA acts like an expansion of Section 504 that protects a broader range of individuals with disabilities. The ADA is not limited to Federal agencies and federally funded programs, as the Rehabilitation Act. The ADA contains a provision that nothing within the law amends, overrides, or cancels anything in Section 504.

The ADA has not set forth requirements for electronic and information technology similar to Section 508; however, Section 508 standards have been used in settlement agreements relating to violation of the ADA involving online businesses and state and local governments.

Thank you for the opportunity to testify.

Respectfully submitted on behalf of Assistive Technology Resource Centers by:



Peter L. Fritz

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[Hawaii State Legislature](#)

31st Legislature, 2022
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Floor session convene time for March 3, 2022:
Senate: 11:30 a.m. | House of Representatives: 12:00 p.m.

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We make every effort to comply to ADA standards, and Section 508 of the Rehabilitation Act. [Visit our ADA page here](#) or press Ctrl+U to activate our accessibility menu. If you have any problems with any of these pages, please [contact the webmaster](#) with the page address and problems encountered.

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Exhibit 1

COVID-19 Related Information:**Safe Travels Hawaii Program | Safe Travels Platform Help | HI SMART Health Card | COVID-19 Vaccine | Labor FAQs | Human Services**

State of Hawaii

Office of Enterprise Technology Services

[Home](#) » Accessibility Statement

ACCESSIBILITY STATEMENT

If you use assistive technology and the format of any material on our website interferes with your ability to access the information, please email webmaster@hawaii.gov or call the Assistance Center at (808) 586-0000. In your message, please indicate the nature of your accessibility problem, the preferred format in which to receive the requested material, the web address of the requested material, and your contact information so that we may best serve you.

The Office of Enterprise Technology Services (ETS) wishes to ensure access to egovernment is available to all individuals.

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals.

This standard was recently refreshed to include Web Content Accessibility Guidelines (WCAG), a globally recognized voluntary consensus standard for web content and information communication technology created by the World Wide Web Consortium (W3C). The WCAG 2.0 Level AA standard and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, shall be used to measure accessibility and functionality of on-line content. ETS looks to this standard for reliable guidance on meeting accessibility commitments and compliance for portal architecture sites.

This site has been designed to be compatible with a wide variety of browsers, and with assistive technologies in mind. Our goal is to continue to work to make access available to all individuals. Improving access to citizens with disabilities is one of our top priorities, and any suggestions or comments are welcome.

[Web Accessibility Resources](#)

Exhibit 2

Standard

<https://www.hawaii.edu/access/uh-guidelines-for-accessibility/#ict>

The applicable guidance is the World Wide Web standards defined in the Federal Rehabilitation Act [Section 508](#), specifically subsections 1194.22 and subsection 1194.31. Section 508 is the standard for federal government websites and technology. UH looks to this standard for reliable guidance on meeting accessibility commitments and compliance.

This standard was recently refreshed to include Web Content Accessibility Guidelines (WCAG), a globally recognized voluntary consensus standard for web content and information communication technology created by the World Wide Web Consortium (W3C). The WCAG 2.0 Level AA standard and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, shall be used to measure accessibility and functionality of on-line content.

WCAG provides recommendations for content accessibility. It is, however, no substitute for human decision making that would produce better outcomes. The university's primary obligation is to ensure a high quality user experience for all users, including those with disabilities.

Procurement of Accessible ICT Products or Services

The university is committed to purchasing, using, maintaining and implementing the most accessible solutions possible. It is unacceptable to use emerging technology without requiring this technology be accessible to all. To help ensure the university meets this goal, faculty and staff who have the ability to purchase, the responsibility to influence or make decisions on products to purchase must consider ICT access as one of the criteria for acquisition. This is critical for enterprise-level systems and other technologies that affect a large number of students, employees and/or the public.

- Ask the vendor to provide information about the accessibility of the products or services. They may already have a Voluntary Product Accessibility Template (VPAT), which will give you information about the product's accessibility. However, simply obtaining a VPAT is not a guarantee.
- Ask the vendor to demonstrate the accessibility of the products or services.
- Have an ICT accessibility expert review and evaluate ICT accessibility requirements and expectations with the selected supplier before purchase.
- Include accessibility assurances in contracts with vendors.

Exhibit 3

Many individual states within the US have accessibility policies for Information and Communications Technology (ICT). These policies often include references to national or international standards. They provide websites and software authors with technical details to ensure that users with disabilities can access the information and that adequate functionality is assured. The most commonly referenced standards are Section 508 and the W3C's Web Content Accessibility Guidelines. The table below provides information for all fifty states and indicates whether policies are in place for websites and software. It also indicates what standards the web policies are based on.

State Accessibility Policies			
State	Has Web Site Policy?	Based on...	Has Software Procurement Policy?
Alabama	Yes	Section 508	No
Alaska	Yes	Section 508, WCAG 2.0	No
Arizona	Yes	A.R.S. § 41-3504(A (1(a)))	No
Arkansas	Yes	Section 508	Yes
California	Yes	Section 508, WCAG 1.0 AA	No
Colorado	Yes ^[7]	Section 508	No
Connecticut	Yes	WCAG 1.0 A	No
Delaware	No		No
District of Columbia	Yes	Section 508	No
Florida	Yes ^[11]	Section 508	No

Exhibit 4

State Accessibility Policies

State	Has Web Site Policy?	Based on...	Has Software Procurement Policy?
Georgia	Yes	WCAG 1.0	No
Hawaii	Yes	Section 508	No
Idaho	Yes	Section 508	No
Illinois	Yes	Section 508, WCAG 1.0	Yes
Indiana	Yes ^[17]	Section 508	Yes
Iowa	Yes	WCAG 2.0 AA	No
Kansas	Yes	Section 508, WCAG 2.0 AA	Yes
Kentucky	Yes	Section 508, WCAG 1.0 AA	Yes
Louisiana	No ^[24]	Encouraged to meet Section 508	No
Maine	Yes ^[25]	Section 508, WCAG 1.0, WCAG 2.0	No
Maryland	Yes	Section 508	No
Massachusetts	Yes	Section 508	Yes

State Accessibility Policies

State	Has Web Site Policy?	Based on...	Has Software Procurement Policy?
Michigan	Yes	Section 508	No
Minnesota	Yes	Section 508, WCAG 2.0	Yes
Mississippi	Yes	WCAG 1.0	No
Missouri	Yes	Section 508	Yes
Montana	Yes	Section 508	No
Nebraska	Yes ^[36]	Section 508	Yes ^[37]
Nevada	No		No
New Hampshire	Yes	Section 508	No
New Jersey	Yes	Section 508	No
New Mexico	Yes	WCAG 1.0 AA	No
New York	Yes	Section 508	No
North Carolina	No		No
North Dakota	No		No

State Accessibility Policies

State	Has Web Site Policy?	Based on...	Has Software Procurement Policy?
Ohio	Yes	Section 508	No
Oklahoma	Yes	Section 508	Yes
Oregon	No		No
Pennsylvania	Yes	Section 508	No
Rhode Island	No		No
South Carolina	Yes	Section 508, WCAG 1.0	No
South Dakota	Yes	Section 508, W3C Web Content Guidelines	No
Tennessee	Yes	Section 508	No
Texas	Yes	Section 508	Yes
Utah	Yes	WCAG 1.0	No
Vermont	Yes	Section 508, W3C Web Content Guidelines	No
Virginia	Yes	Section 508	No

State Accessibility Policies

State	Has Web Site Policy?	Based on...	Has Software Procurement Policy?
Washington	No	Encouraged to meet Section 508, W3C	No
West Virginia	Yes	Section 508	No
Wisconsin	Yes	Section 508	No
Wyoming	No		No

Brandon G. Young

Testimony of Brandon Young

Before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Dear Chair Luke and other Committee members,

My name is Brandon Young, and I am submitting testimony in support of SB2144 SD1 HD1. I am a member of the National Federation of the Blind of Hawaii and am a resident of the State of Hawaii. I am testifying in support of the passage of this bill. I hope that you and your committee would support the passage of this bill as well.

This bill is designed to help create standards in accessibility in electronic transmission of all documents that are created by our state government. Currently, there are no set standards that the state must follow and therefore, the level of accessibility for the blind and visually impaired is very low in this state. We as the blind want to participate in this state as well as our sighted counterparts. Currently, if the state designs a program that requires an electronic document, there is not much accessibility built into the electronic document. For example, the Safe Travels program forms that one had to use to travel outside of the state were inaccessible for a blind person using a screen reader to fill out. For many years, the website of this State Legislature was inaccessible for blind people to access. This is why most blind people submitted testimony in the past via email. Previously, the submission buttons were not marked, and we had no way of submitting testimony electronically. The legislature website is now useable, but not totally accessible. I hope that these examples are sufficient to create a set of standards for the state government so that electronic documents can become accessible for the blind and visually impaired. Currently there are no standards, and blind people cannot access many of the state documents that are in an electronic format.

I want to thank you for your time in reviewing my testimony. Again, I am in support of the passage of this bill. I would hope that your committee would support the passage of this bill as well.

Testimony of Leni Ebisutani

Before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. I am Leni Ebisutani, testifying to support SB2144 S.D.1 H.D.1.

Please consider the cost of lost jobs and lost productivity for people with disabilities when the state's information technology is not accessible. Development of accessibility standards may have some short-term cost, but this will be much less because of many resources available and experience of other states and the federal government. We don't have to re-invent the wheel to get this done.

SB2144 is a technology bill, but it is also a civil rights bill for me and other people who are blind. Mahalo for hearing this bill and understanding why we need it passed into law.

Testimony of Donald Sakamoto Before the Committee on Finance (FIN) Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022 April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1.

Good afternoon chair Luke, vice chair Yamashita , and members. I am Donald Sakamoto, fully supporting SB2144 S.D.1 H.D.1.

SB2144 will definitely make the state's electronic information technology work better for persons with disabilities.

The electronic information is rapidly replacing print media, and all residents need access to technology to work and to participate fully in state programs and services.

The legislature further finds that uniform standards are needed to ensure that state entities are proactively addressing accessibility in their communications, information technology development, and technology procurement processes.”

State entities are making definite progress to fully embrace the Information Age. Doing so can have enormous advantages when the technology is well designed and accessible. We use the term “accessible” in this context to mean the technology is disability barrier free, and, in that respect, we need the current performance of state entities to be uneven.

Access for people with disabilities is possible however, too often they are not considered as new technologies are designed and deployed. Accessible technology tools do exist, including screen readers able to report words on a computer screen by voice or Braille output for people who are blind, and sign language interpretation or captioning of audio presentations for people who are deaf. The point of this bill is adoption and application of standards needed to ensure that the screen readers and other disability access technology tools can perform as intended. Disability access to electronic information technology just won't happen without standards. As far as access is concerned, the existing law is very clear on this.

People with disabilities are supposed to have access to information and services that is equivalent to access provided to persons without disabilities.

The goal of equivalent disability access is pretty well known however, it is far less often achieved. The main reason is lack of clearly applicable standards to guide design, procurement, and deployment. Equivalent disability access must become part of the product specifications. That's the point of this bill.

It's one thing to talk about disability access barriers in the abstract however, quite another thing to experience these barriers for yourself.

SB2144 is a powerful bill that will enhance technology and to requiring access for all, as well as bringing and preparing us up into the twenty-first century too. Famous “by failing to prepare, you are preparing to fail” by Benjamin Franklin.

Mahalo for hearing this bill and please let it proceed on.

Testimony of Jaclyn Leilani Borsa
Before the Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. I am Jaclyn Leilani Borsa, supporting SB2144 S.D.1 H.D.1.

SB2144 is all about making the state's electronic information technology work better for people with disabilities. Being a visually impaired person myself I would greatly appreciate you also putting your full support behind SB2144 S.D.1 H.D.1.

Mahalo Nui Loa for your time and consideration.

Testimony of Hoku Burrows Before the Committee on Finance (FIN)
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. My name is Hoku Burrows, a blind woman and member of the NFB of Hawai'i supporting SB2144 S.D.1 H.D.1.

Although our state has laws for digital access in place, there are no standards in place that will truly make it accessible to individuals with disabilities. I am asking you take this issue seriously and ensure our opportunity for equal information access is in place by passing this bill.

I stand in strong support of the testimony submitted by James Gashel, Legislative Director for the NFB of Hawaii.

Mahalo nui loa for your support in moving this important bill forward.

Testimony of Katie Keim Before the Committee on Finance (FIN)
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. My name is Katie Keim, a blind business woman and member of the NFB of Hawai'i supporting SB2144 S.D.1 H.D.1.

This bill addresses our need for standards when put in place, Individuals with disabilities will be able to fully access digital electronic information necessary to engage equally with our non-disabled peers.

Each time a state agencies electronic digital application gets designed or updated, new barriers arise. The technology is there yet not implemented within the design of the online application. Consider time and jobs lost for individuals with disabilities who cannot access the electronic digital information. it is time to bring full access into our lives.

Passing this bill is vital to individuals with disabilities access of electronic information, regardless of our age. Youth's education, seeking employment, ability to engage and maintain our jobs and for those like myself with retirement on the horizon, we do not want to be left out, rather to participate fully in our community.

I stand in full support of the testimony submitted by James Gashel, Legislative Director for the NFB of Hawaii.

Mahalo nui loa for your serious consideration and support in moving this important bill forward.

Testimony of Virgil Stinnett Before the Committee on Finance (FIN)
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
April 6, 2022, 2:45 PM, hearing on SB2144 S.D. 1 H.D. 1

Good afternoon chair, vice chair, and members. My name is Virgil Stinnett, a blind businessman and elected president of the NFB of Hawai'i supporting SB2144 S.D.1 H.D.1.

This bill addresses our need for standards that will put in place opportunity ensuring individuals with disabilities full access to digital electronic information. We daily experience limitations to electronic information, regardless of age. Our youth from primary to university education, adults seeking or attempting to maintain and engage in employment, or our kapuna, all needing equal access to electronic information. This bill will put in place standards granting us the opportunity to engage equally and fully alongside our non-disabled peers.

I stand in full support of the testimony submitted by James Gashel, Legislative Director for the NFB of Hawaii.

Mahalo and Aloha for your consideration in moving this important bill forward, in support of our equal access to our participation in electronic information.

SB-2144-HD-1

Submitted on: 4/5/2022 1:01:07 PM

Testimony for FIN on 4/6/2022 2:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Moises	Individual	Support	Written Testimony Only

Comments:

Aloha. My name is Douglas Moises on Kauai. Being blind and disabled, I have been looking forward to this for some time now. Please kokua and pass this bill. Hoping for your kind consideration.

Mahalo, Douglas Moises

SB-2144-HD-1

Submitted on: 4/5/2022 3:26:58 PM

Testimony for FIN on 4/6/2022 2:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	Individual	Support	Written Testimony Only

Comments:

My daughter is 15. She is a sophomore at Kalaheo High School. Because of her ability to use accessible technology tools like a screen reader and a Refreshable Braille display, she is able to attend the same public high school as her sisters, that happen to be sighted. Getting her the electronic devices that enabled her to access her high school curriculum was literally life changing for Emerie. I loath to imagine what her education would have been like without her electronic devices. She is competitive with her sighted peers. She not only participated in class and group activities right alongside her sighted peers; she leads them. Ask any teacher at Kalaheo that has had or been exposed to educating Eme if you need testimony beyond mine.

Please support this effort! Vote yes to change the lives of the blind citizens of Hawaii.

Testimony of Annette Chiyo Tashiro
Before the Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
April 6, 2022, 2:45 PM hearing on SB2144 S.D. 1 H.D. 1

Good afternoon, Chair, Vice Chair, and Members:

I am Annette Chiyo Tashiro, supporting SB2144 S.D.1 H.D.1

SB2144 is about making the State's electronic information technology inclusive for all of our citizens. This will be much more effective and more cost effective for the State. Please consider the cost of lost jobs and lost productivity for people when the State's information technology is not accessible.

Initial development of accessibility standards may have some short-term cost, mainly staff time, but that cost can be minimized by looking at Federal and State accessibility standards already in place. We don't have to bear the expense of reinventing anything. Standards and a planned approach to accessibility will save the State money now spent in personnel time and technology purchases when existing products are not accessible and have to be replaced or retrofitted to standards.

Aside from making technology access more efficient when this bill becomes law and is fully implemented, the Legislature will be making a powerful statement on behalf of equal rights