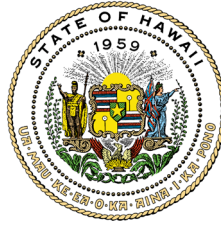


DAVID Y. IGE
GOVERNOR OF HAWAII

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



CAROLINE CADIRAO
DIRECTOR

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STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of SB2144 SD1
Relating to Electronic Information Technology Accessibility for Persons with Disabilities**

COMMITTEE ON HEALTH, HUMAN SERVICES AND HOMELESSNESS
REPRESENTATIVE RYAN YAMANE, CHAIR
REPRESENTATIVE ADRIAN TAM, VICE CHAIR

COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY
REPRESENTATIVE GREGG TAKAYAMA, CHAIR
REPRESENTATIVE LINDA CLARK, VICE CHAIR

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

Hearing Date: March 22, 2022
10:30 AM

Room Number: 329
Via Videoconference

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
2 of Health, supports SB2144 SD1, relating to Electronic Information Technology Accessibility
3 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 bills 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.

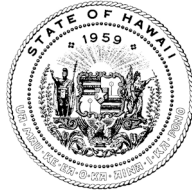
11 A few years ago, when EOA upgraded from Windows 7 to Windows 10 the Jaws screen reading
12 software needed to be upgraded as well. The embosser that he used also needed a software
13 upgrade. Island Skills, a technology business specializing in blind technology assisted him in
14 making the necessary 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.

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
Ph: (808) 586-6000 | Fax: (808) 586-1922
ETS.HAWAII.GOV

Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY
Tuesday, March 23, 2022

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

Dear Chairs Yamane and Takayama, Vice Chairs Tam and Clark, 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

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 22, 2022

The Honorable Representative Ryan I. Yamane, Chair
House Committee on Health, Human Services, and Homelessness
And
The Honorable Representative Gregg Takayama, Chair
House Committee on Higher Education and Technology
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Yamane, Representative Takayama and Committee Members:

SUBJECT: SB2144 SD1 Relating to Electronic Information Technology Accessibility for Persons with Disabilities

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB2144 SD1**, which requires that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to persons with disabilities. Requires the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group comprising stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities. Requires 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.

The intellectual/developmental disability community uses a wide range of accessible technologies to access electronic information. The Council appreciates this measure as it seeks to include our disability community's need to access technology and participate in state programs and services.

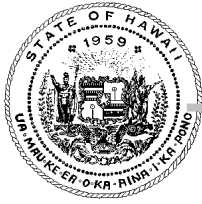
The Council defers to the Disability and Communication Access Board as the State ADA Coordinator for any substantive recommendation to this measure.

Thank you for the opportunity to submit testimony in **support of SB2144 SD1**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

Tuesday, March 22, 2022
Via Videoconference, 10:30 a.m..
Conference room 329

To: The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair
Members of the House Committee on Human Services & Homelessness

The Honorable Gregg Takayama, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Members of the House Committee on Higher Education and Technology

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

Re: S.B. No. 2144, S.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, 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.

National FEDERATION OF THE BLIND OF HAWAII
Testimony before the HHH and HET committees
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, testifying to support SB2144 S.D. 1 and suggesting amendments to make terminology and references consistent with federal provisions.

Before I get to the meat of this testimony, NFB of Hawaii wants to give special thanks to Representative Takayama and the twenty-five representatives in all who have joined in introducing a similar bill, HB1419 which passed the House on March 8. We thank you for your support and understanding.

These committees considered and passed HB1419 on February 17. The bill before you, SB2144, is virtually identical. Speaking for NFB of Hawaii, we hope you pass this bill too.

On March 15, the Senate Government Operations committee amended the House passed bill, HB1419, to update certain terms, stream-line language, and make the Disability and Communication Access Board (DCAB) the lead agency responsible for implementing this bill. SB2144 and the original version of HB1419 proposed that Office of Enterprise Technology Services (OETS) should be the lead agency. This must be resolved by amending the bill at this time or in further discussion between the House and the Senate, but please don't let this difference be an obstacle to final passage.

The amendments suggested by NFBH and attached to this testimony, are offered to update terminology and references to federal standards made in section 3 of SB2144. For example, the phrase: "electronic information technology," used throughout the bill is amended to: "information and communication technology," following the exact terminology used by the United States Access Board and all other federal agencies. Also, the suggested amendments include more precise references to the applicable federal statutes which this bill would implement here in Hawaii. The federal laws are section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794D) and section 255 of the Communications Act (47 U.S.C. 255).

The amendments are important to avoid confusion caused by using different words between federal and state laws relating to the same subject, accessible government technology. Passing these amendments is really advisable to get the bill in shape for final passage and successful implementation once passed.

We really need this bill for what it will do to improve technology accessibility. By passing it, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. This bill is a technology bill for sure, but blind people know this is our twenty-first century civil rights bill. Mahalo for hearing this bill and understanding why we need it.

Suggested House amendments to SB2144 S.D. 1

Offered by National Federation of the Blind of Hawaii

Submitted to HHH/HET on 3-22-22

Purpose: to revise terminology and references to federal standards for consistency with referenced federal provisions

(a) Suggested terminology amendments:

(1) In SECTION 3, subsection (h), strike the definition of “electronic information technology,” and insert the following: “Information and communication technology (ICT) has the meaning given such term by the United States Access Board in standards and guidelines issued to implement section 508 of the Rehabilitation Act of 1973, as amended, and section 255 of the Communications Act.”

(2) Throughout the bill, delete the phrase “electronic information technology,” wherever it appears and insert in lieu thereof: “information and communication technology”.

Note: The phrase, “information and communication technology,” or “(ICT),” is the precise term of art used in the federal section 508 standards. Adopting this term, rather than “electronic information technology,” presently in SB2144, will help to avoid confusion between state and federal terminology.

(b) Suggested amendment to referenced federal standards:

In SECTION 3, paragraph (2) of subsection (c), strike all that appears and insert the following: “Be consistent with standards and guidelines issued by the United States Access Board in the implementation of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794D), and Section 255 of the Communications Act (47 U.S.C. 255)”

Note: As originally introduced and as currently written in SB2144 S.D. 1, the bill would require the state’s information technology accessibility standards to “Be consistent with standards issued by the United States Access Board in the implementation of section 508 of the Rehabilitation Act of 1973, as amended”. However, the correct reference to the federal standards should cite both section 508 of the Rehabilitation Act of 1973, as amended, and section 255 of the Communications Act, as issued by the United States Access Board, effective January 18, 2017. The addition of section 255 of the Communications Act to the reference is suggested for correctness and consistency with federal provisions and does not change the intent or scope of the bill.

SB-2144-SD-1

Submitted on: 3/19/2022 10:06:55 PM

Testimony for HHH on 3/22/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joel Cho	Individual	Comments	Written Testimony Only

Comments:

Aloha Committee,

This is a good bill. While it will provide today's disabled community with the right to necessary and critical access to technology it will also broadly demonstrate to the public how easy these things can be, and offer peace of mind to others who may be facing the reality of needing this same ease of access to information and technology at some point in their lives.

Testimony of Leni Ebisutani
before the HHH and HET committees
Hawaii State House of Representatives

Thirty-First Legislature,
Regular Session of 2022
March 22, 2022, 10:30 AM,
hearing on SB2144 S.D. 1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. I am Leni Ebisutani, testifying in support of SB2144 S.D. 1.

This bill will make the state's information technology work better for people with disabilities. Hawaii has no standards to help anyone comply with laws saying technology must be accessible. This haphazard approach is inefficient and more expensive than a rational approach based on standards.

This bill will be sure that disability access is planned from the beginning. This makes more sense to me than the unplanned approach now used.

Aside from making disability access more efficient, the legislature will be making a really strong statement on behalf of equal rights and equal opportunity by passing SB2144. This is a technology bill, but it is also a civil rights mandate. Call it our twenty-first century civil rights bill.

Mahalo for hearing this bill and moving it forward.

Brandon G. Young

Testimony of Brandon Young

before the HHH and HET committees

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 2

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. I am Brandon Young, testifying in support of SB2144 S.D. 1.

SB2144 will make the state's electronic information technology work better for people with disabilities. Disability access is already the law, but Hawaii has no standards to help anyone comply. The standards that would be established by passing SB 2144 SD 2, would help in creating accessibility for all individuals with disabilities including those who are blind and visually impaired.

As those of us who are blind or visually impaired, we face inaccessibility barriers everyday in the electronic interfaces of our state. This would include inaccessible websites, or Point of Sale devices that require the use of a touch-screen. I would hope that you would consider this bill to help to make these interfaces more accessible for those of us who are blind and visually impaired. As a member of the National Federation of the Blind of Hawaii (NFBH), we will work together with the state Office of Enterprise and Technology Services (ETS) to create accessible electronic documents once this bill is made into law. We want access to the same electronic forms and documents that our sighted counterparts have access to currently in this state. At this time, this does not exist. I want to thank you and your committee for taking the time to consider this issue and to hear concerns. Again, I would urge you to pass this bill along so that the blind and visually impaired have standards that the State of Hawaii will follow to make electronic documents accessible so that we can have the same access here in Hawaii that our sighted counterparts currently have.

Testimony of Annette Chiyo Tashiro
Before the HHH and HET Committees
Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good Morning, Chair Yamane, Vice Chair Tam,
Chair Takayama, Vice Chair, Clark and Members:
I am Annette Chiyo Tashiro, testifying in support of SB2144 S.D. 1

SB2144 will make the State's electronic information technology work better for the people of Hawaii including people with disabilities. Disability access is already the law, but Hawaii has no standards for compliance. This haphazard approach is inefficient, ineffective, and more expensive than a rational approach based on standards and a unified process. For too long, State agencies have operated in siloed vacuums.

This bill will assure that access for all is planned from the beginning. It makes more sense than the unplanned approach now being used.

This legislature will be making a powerful statement on behalf of equity, inclusion, and equal opportunity by passing SB 2144. Call it Hawaii's Twenty-First Century Civil Rights Bill.

Mahalo for hearing this bill and moving it forward.

Testimony of Hoku Burrows before the HHH and HET committees
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members.
I am Hoku Burrows, a blind woman and member of the National Federation of the Blind of
Hawaii'i, testifying in support of SB2144 S.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 Virgil Stinnett before the HHH and HET committees
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. I am Virgil Stinnett, a blind businessman serving our Department of Defense and the elected president of the National Federation of the Blind of Hawai'i testifying in support of SB2144S.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.

Testimony of Katie Keim before the HHH and HET committees
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D.1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. My name is Katie Keim, a blind business woman and a member of the National Federation of the Blind of Hawai'i testifying in full support of SB2144 S.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.

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 consideration and support in moving this important bill forward.

Testimony of Donald Sakamoto before the HHH and HET committees Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022 March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good morning, Chair Yamane, Vice- Chair Tam, Chair Takayama, Vice-Chair Clark and members. I am Donald Sakamoto, testifying in support of SB2144 S.D. 1.

SB2144 will definitely make the state's electronic information technology work better for persons with disabilities. Disability access has been established with existent laws however, Hawaii has really no standards to help anyone to comply. This bill will ensure that disability access has the standards and is planned correctly from the beginning. This approach does make more sense to me than the unplanned approach that is now used.

SB2144 is a powerful bill that will enhance technology and to requiring access for all, and bring us up into the twenty-first century too.

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

Testimony of Jaclyn Borsa
Before the HHH and HET committees
Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022
March 22, 2022, 10:30 AM, hearing on SB2144 S.D. 1

Good morning chair Yamane, Vice chair Tam, Chair Takayama, Vice chair Clark and members. I am Jaclyn Borsa, testifying in support of SB2144 S.D. 1.

SB2144 will make the state's electronic information technology work better for people with disabilities. Disability access is already the law, but Hawaii has no standards to help anyone comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards. Access to technology is crucial to independence for anyone in the community.

This bill will be sure that disability access is planned from the beginning. This makes more sense to me than the unplanned approach now used.

Aside from making disability access more efficient, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity by passing SB2144. This is a technology bill, but in requiring access, this is also a civil rights mandate. Call it our twenty-first century civil rights bill.

Mahalo for hearing this bill and moving it forward.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

March 22, 2022

TESTIMONY TO THE HOUSE COMMITTEES ON HUMAN SERVICES AND HOMELESSNESS AND HIGHER EDUCATION AND TECHNOLOGY

Senate Bill 2144, Senate 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.

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