



## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 27, 2024

### TESTIMONY TO THE SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Senate Concurrent Resolution 5/Senate Resolution 5 – Urging the Prompt Implementation of the Hawaii Electronic Information Technology Accessibility Act on or Before December 31, 2024

The Disability and Communication Access Board (DCAB) supports Senate Concurrent Resolution 5/Senate Resolution 5 – Urging the Prompt Implementation of the Hawaii Electronic Information Technology Accessibility Act on or Before December 31, 2024.

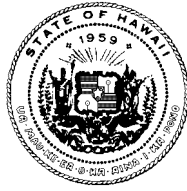
The Hawaii Electronic Information Technology Accessibility Act requires the Office of Enterprise Technology Services to issue the Hawaii Electronic Information Technology Access Standards. These standards will ensure that people with disabilities have equal access to government programs and services. Issuance of the standards on or before December 31, 2024 is reasonable.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
DEPARTMENT OF HUMAN SERVICES  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
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TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

March 26, 2024

To: The Honorable Senator Henry J.C. Aquino, Chair  
Senate Committee on Labor & Technology

FROM: Cathy Betts, Director

SUBJECT: **SCR 5/ SR 5 – URGING THE PROMPT IMPLEMENTATION OF THE HAWAII  
ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY ACT ON OR BEFORE  
DECEMBER 31, 2024**

Hearing: Wednesday, March 27, 2024, 3:00 p.m.  
Conference Room 224, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this resolution and defers to the Office of Enterprise Technology and the Disability and Communication Access Board on its implementation and resource needs.

**PURPOSE:** The purpose of this resolution is to urge the prompt implementation of Act 172, Session Laws of Hawaii 2022 (Act 172), on or before December 31, 2024. Requests and advises the Chief Information Officer to submit a report to the Legislature no later than thirty days prior to the Regular Session of 2025, describing the status of implementation of Act 172 and making any recommendation for future legislation needed to ensure the State's electronic information technology meets or exceeds federal accessibility standards.

DHS agrees that implementing Act 172, as a result of the work of the Office of Enterprise Technology in consultation with the Disability and Communication Access Board and a working group composed of stakeholders, is essential to ensuring that all residents, including individuals

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with disabilities, will have equal access to goods, services, benefits, education, and employment opportunities provided by state entities.

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

Testimony of James Gashel  
Submitted for National Federation of the Blind of Hawaii  
Committee on Labor and Technology (LBT)  
Hawaii State Senate  
Thirty-second Legislature, regular session of 2024  
March 27, 2024, 3:00 PM, hearing on SCR5 and SR5

Aloha chair Aquino, vice chair Moriwaki, and members. I am James Gashel, representing National Federation of the Blind (NFB) of Hawaii, testifying in strong support of SCR5 and SR5. Thank you for scheduling this hearing.

This resolution, SCR5 and SR5, is about implementation of Act 172 (SLH 2022), called the Hawaii Electronic Information Technology Accessibility Act. There were a few versions of that bill, but Senator Moriwaki stepped up first and got it all started. It's a very good law, but it's only a promise right now. It needs to be implemented. Act 172 was signed on June 27, 2022. The effective date is upon approval.

Act 172 says its purpose is to "require the Office of Enterprise Technology Services in consultation with the Disability and Communication Access Board and a working group composed of stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities."

As I read the purpose, it looks like the Office of Technology and DECAB are expected to get together and convene a working group of stakeholders to then develop standards; which begs the questions, who are the stakeholders on the working group, and how's it going with the standards?

The resolution says it's been more than eighteen months since Act 172 became law. That's right, but it's now been twenty months and counting; which begs other questions, how long does the legislature have to wait for a law like this to be implemented? How long do the people have to wait?

It's sad to know that the lack of required accessibility standards now stands in the way of other bills on accessibility from advancing in the legislature. This year the Government Operations and HHS committees deferred two important bills on accessibility of state documents and websites because they first want to see the standards required by Act 172. The deferred bills are SB2688 and SB2751.

I know we're the Aloha state. I guess that's why resolutions like this tend to "urge," when you really feel like saying "demand," instead. Act 172 is law, and compliance is not voluntary. You shouldn't have to pass a resolution to persuade the government to implement a law.

That said, the resolution is important and should be passed. Mahalo for your consideration.

**SCR-5**

Submitted on: 3/25/2024 10:22:25 AM

Testimony for LBT on 3/27/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Clifford Miyashiro	Individual	Support	Written Testimony Only

Comments:

Testimony of Clifford Miyashiro

Committee on Labor and Technology (LBT)

Hawaii State Senate

Thirty-second Legislature, regular session of 2024

March 27, 2024, 3:00 PM, hearing on SCR5 and SR5

Aloha chair Aquino, vice chair Moriwaki, and members. I am (insert your name here), testifying in strong support of SCR5 and SR5. Thank you for scheduling this hearing.

Testimony of Donald Sakamoto  
Committee on Labor and Technology (LBT)  
Hawaii State Senate  
Thirty-second Legislature, regular session of 2024  
March 27, 2024, 3:00 PM, hearing on SCR5 and SR5

Good afternoon chair Aquino, vice chair Moriwaki, and members. I am Donald Sakamoto, testifying in strong support of SCR5 and SR5. Thank you so much for scheduling this hearing.

These two resolutions are important to me. As a blind individual I often find that I can't read or use many state documents or websites. I truly thought that these things would have been improve when bill SB2144 was passed two years ago in 2022 to establish in having the Hawaii Electronic Information Technology Accessibility Act however, nothing has changed so far yet.

The main intent of the law was to require the Office of Enterprise Technology Services in having discussions with the Disability and Communication Access Board and a working group composed of stakeholders, to develop and publish electronic information technology accessibility standards.

From what I have learned so far is that the hold-up appears to be the Office of Enterprise Technology Services. I am truly frustrated that nothing has been happening since 2022 and that the legislature needs to know about this and hold this agency accountable .

These two resolutions are truly important and must be passed. We definitely need to prepare in having the tech accessibility standards implemented now not later. Famous “by failing to prepare, you are preparing to fail” by Benjamin Franklin. Mahalo for considering SCR5 and SR5 and I urge you all to do the right thing and let’s prepare to “Go For Broke” and move these resolutions forward for this session.

Brandon Young

3/25/2024

Testimony Regarding SCR 5 and SR 5

Dear Chair and Vice Chair,

My name is Brandon Young, and I am a member of the National Federation of the Blind of Hawaii. I am submitting testimony in support of SCR5 and SR 5. It has been several months since the Enterprise and Technology Services has been mandated to come up with technological standards for accessibility for websites and other technology for the State of Hawaii. The law that was passed did not put any time constraints on the Enterprise and Technology Services to come up with these standards. This lack of time line for ETS has caused them to believe that they can take all the time that they want to come up with these standards. Well, this is not something that the National Federation of the Blind is willing to go along with. The ETS needs to create these standards as soon as possible. The ETS has already received a reasonable time to create these standards. However, it seems as with anything that happens in this state, we need to put a deadline on this matter in order for any action to take place. I am in favor of this resolution, and ask that you pass this measure forward. I want to thank you for your time in hearing the measure. I hope you have a wonderful day, and I look forward to working with you soon.

**SCR-5**

Submitted on: 3/26/2024 12:59:06 PM

Testimony for LBT on 3/27/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roderick Macdonald	Individual	Support	Written Testimony Only

Comments:

SCR 5 URGING THE Prompt IMPLEMENTATION OF THE Hawai'i electronic information technology accessibility act on or before December 31, 2024.

Committee on Labor and Technology  
March 27, 2024 - 3:00 pm

Senator Henry J.C. Aquino, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

Mr. Chairman, Madam Vice-Chair, Members:

My name is Rod Macdonald. I am both deaf and blind, and am no longer able to attend these hearings in person.

And yet I do take an active interest in the legislative process, especially legislation related to accessibility for those with special needs.

With respect to SCR5 and electronic access to State information, I very much support the aims of SCR5, but I am disappointed to find that it falls short of my needs. I would respectfully request consideration of an amendment to this Resolution.

When complying with information requests, State agencies simply make a photocopy of the official paper source. however, they make no effort to determine if the electronic file they pass on is, in fact, accessible, and in my experience it often is not. Scanning errors can make the electronic copy of the document a jumble of meaningless characters; is this word "he110" really "hello"? not to me, I am reading this with a refreshable braille display. I am both deaf and blind and I requested an accessible copy of a State contract a few years ago, and found it contained thousands of scanning errors.

I am requesting that this resolution be amended to ensure that the electronic copies passed on to the public are verifiable, quotable copies of the original, and that the source agency has the responsibility of ensuring this.



Thank you,

Rod Macdonald

**LATE**

**SCR-5**

Submitted on: 3/26/2024 9:21:28 PM

Testimony for LBT on 3/27/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andy Kagemoto	Individual	Support	Written Testimony Only

Comments:

Testifying in support. Thank you Chair Aquino for your consideration-aloha

**LATE**

**SCR-5**

Submitted on: 3/26/2024 10:31:50 PM

Testimony for LBT on 3/27/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Honda	Individual	Support	Written Testimony Only

Comments:

in support-thank you!