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HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

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STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON WATER & LAND
ON
HOUSE BILL NO. 867

February 4, 2025
9:00 a.m.
Room 411 and Videoconference

RELATING TO RECREATIONAL FACILITIES

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 867: 1) requires all playgrounds located in State parks and on public school grounds to have a minimal set of special needs recreational playground equipment (SNRPE) that comply with applicable federal and State laws by June 30, 2027; 2) establishes the SNRPE Special Fund (SNRPESF) to be administered by the Department of Land and Natural Resources (DLNR) and sets the only source of revenue to be appropriations made by the Legislature; 3) requires all unencumbered and unexpended funds in the SNRPESF above an unspecified amount to lapse to the general fund at the close of each fiscal year; 4) appropriates an unspecified amount of general funds for FY 26 and FY 27 to be deposited into the SNRPESF; 5) appropriates an unspecified amount of special funds out of the SNRPESF for FY 26 and FY 27 to DLNR to purchase and install SNRPE in State parks; 6) and appropriates an unspecified amount of special funds out of the SNRPESF for FY 26 and FY 27 to the Department of Education (DOE) to purchase and install SNRPE on DOE public school grounds.

As a matter of general policy, B&F does not support the creation of any special fund, which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 867, it is difficult to determine whether the proposed SNRPESF would be self-sustaining or why the effort cannot be implemented under the general fund appropriation process.

Thank you for your consideration of our comments.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/04/2025

Time: 09:00 AM

Location: 411 VIA VIDEOCONFERENCE

Committee: House Water & Land

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0867 RELATING TO RECREATIONAL FACILITIES.

Purpose of Bill: Requires all playgrounds located in state parks and on public school grounds to include special needs recreational playground equipment as part of the recreational apparatuses by 6/30/2027, including at a minimum a wheelchair accessible swing set. Establishes the Special Needs Recreational Playground Equipment Special Fund. Appropriates funds.

Department's Position:

The Hawaii State Department of Education (Department) respectfully offers comments on HB 867, which will require all playgrounds located in state parks and on public school grounds to include special needs recreational apparatuses by June 30, 2027, including at a minimum a wheelchair accessible swing set. HB 867 will also establish the Special Needs Recreational Playground Equipment Special Fund.

Since the late 1990's, the Department has been installing playground equipment and safety surfacing that meets the American with Disabilities Act of 1990 (ADA) as well as compliance with the American Society for Testing and Materials International F1487, F1292, F1292 and F1951, which are international voluntary standards and are referenced in the ADA. The Department also requires a review and approval of designs by the Department of Health, Disability and Communications Access Board, who ensures ADA requirements for playground equipment and safety surfacing are met.

However, this bill requires special needs recreational playground equipment as part of playground apparatuses. This would require an additional level of regulations in addition to the ADA requirements and would require additional time and resources for the Department to comply with. For example, there are a limited number of certified installers who are able to install playground equipment and surfacing. Additionally, all 522 playground equipment and surfacing will need to be assessed for a retrofit prior to designing and purchasing the equipment. Moreover, the playground

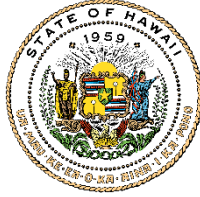
equipment will need to be manufactured and shipped from the continent or abroad, which will take a considerable amount of time to arrive and then be put into a queue for installation, which is based upon contractor availability.

Currently, there are 522 playground equipment with safety surfacing at schools throughout the state. Playground designs are unique to each school and location. Swings are rarely installed due to space and maintenance requirements and cost. Playground equipment within the Department typically has a lifespan of approximately 12-15 years but could be as short as 3 years depending on environmental conditions in a specific location. All playground equipment throughout the Department are assessed and maintained on a regular basis until the end of their life cycles. Safety surfacing on the other hand, has a lifespan of 8-10 years and is repaired and maintained, as needed until replacement. The Department supports inclusive playgrounds but is concerned about specifying that a wheelchair accessible swing set be installed at every playground. School playgrounds are thoughtfully designed to include all students with all disabilities and include as many opportunities as possible for sensory engagement and cognitive, motor and social skill development. And while the Department services students with physical disabilities that require a wheelchair, there are other types of disabilities that make up the special need's population.

Thank you for the opportunity to provide comments on HB 867.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF STATE PARKS
P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, February 4, 2025
9:00 AM
State Capitol, Conference Room 411

In consideration of
HOUSE BILL 867
RELATING TO RECREATIONAL FACILITIES

House Bill 867 proposes to require all playgrounds located in state parks and on public school grounds to include special needs recreational playground equipment as part of the recreational apparatuses by 6/30/2027, including at a minimum a wheelchair accessible swing set, and establishes the Special Needs Recreational Playground Equipment Special Fund. **The Department of Land and Natural Resources (Department), Division of State Parks (State Parks) provides the following comments.**

The Department appreciates the intent of this bill and supports efforts to provide additional recreational opportunities to special needs children. However, the park units under State Parks do not contain recreational playground equipment and there are no capital improvement projects in process where recreational playground equipment is being designed and installed. These recreational features and devices are typically installed and managed by the respective county parks and recreation departments.

State Parks manages 54 park units that are comprised of natural and cultural resources, that include monuments, waysides, historic sites, wilderness, beaches and shorelines with activities such as hiking and camping, beach and ocean access or experiencing history or cultural sites. Very few of the park units managed by State Parks would be suitable or appropriate for playground equipment due to the underlying theme and experience that our park users expect and that attract patronage.

The Department defers to the counties and relevant agencies that manage recreational playground facilities and have the appropriate expertise to implement and maintain special needs playground equipment in suitable locations.

Thank you for the opportunity to comment on this measure.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

February 4, 2025

The Honorable Representative Mark J. Hashem, Chair
House Committee on Water & Land
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Hashem and Committee Members:

SUBJECT: HB867 Relating to Recreational Facilities

The Hawai'i State Council on Developmental Disabilities **STRONGLY SUPPORTS HB867**, which requires all playgrounds located in state parks and on public school grounds to include recreational playground equipment that accommodates children with special needs by 6/30/2027. This includes, at a minimum, a wheelchair-accessible swing set. The bill also establishes the Accessible Recreational Playground Equipment Fund and appropriates necessary funds.

This measure is a crucial step in ensuring that all children, regardless of ability, have the same access to recreational opportunities. Accessible play equipment in public spaces is more than just a convenience—it is essential for the dignity, well-being, and full participation of all children. By installing equipment such as wheelchair-accessible swings, we can help break down barriers that prevent children with disabilities from participating in social and recreational activities, which are critical for their development.

HB867 ensures playgrounds are for children of all abilities so they can interact and play together. This will help provide a more welcoming environment and foster a sense of community and belonging. Additionally, we respectfully request **renaming the "Special Needs Recreational Playground Equipment Special Fund" to "Accessible Recreational Playground Equipment Special Fund."** This change emphasizes the importance of accessibility for all children, instead of focusing on differences.

Thank you for the opportunity to submit testimony in **support of HB867.**

Sincerely,

Daintry Bartoldus
Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 4, 2025

TESTIMONY TO THE HOUSE COMMITTEE ON WATER & LAND

House Bill 867 – Relating to Recreational Facilities

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 867, which requires all playgrounds in state parks and public school grounds to include special needs recreational equipment, including at least one wheelchair-accessible swing set, by 6/30/2027. The bill also establishes the Special Needs Recreational Playground Equipment Special Fund.

Inclusive playgrounds allow children with special needs to play alongside their peers, promoting community inclusion. DCAB offers the following recommendations to strengthen this bill:

DCAB recommends removing state parks from the bill, as they typically do not have playgrounds, and instead include county parks, which provide more recreational opportunities for children. Additionally, when a school abuts a county park, the accessibility requirements should apply only to the county park, as these spaces are open to the public, whereas school grounds have restricted access.

To ensure a practical and cost-effective approach, DCAB recommends that these requirements apply to new and renovated playgrounds, while existing playgrounds should be encouraged, rather than mandated, to include special needs recreational equipment. This phased approach will help manage costs while still promoting accessibility.

DCAB further recommends explicitly requiring a wheelchair-accessible swing, as ADA guidelines set clear standards that help developers ensure consistency. While the addition of a wheelchair swing may increase costs by \$20,000 to \$30,000 per playground due to necessary modifications like accessible pathways, this investment will significantly improve accessibility and inclusion for children of all abilities.

These adjustments will make the bill more feasible and effective in creating accessible recreational spaces for all children.

Thank you for considering our recommendations.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

HB-867

Submitted on: 1/31/2025 6:15:15 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

This is a really important bill and we appreciate Representative Amato for introducing it. Sometimes the first step in the life of a child with a disability towards community inclusion is simply playing. To be excluded at such a young age can be traumatizing. While the ADA requires all construction after a certain date to comply with specific guidelines (and even for some older facilities in some contexts) we suspect that many playgrounds are not accessible for children with disabilities. This bill will go a long way toward improving equal access to playgrounds for children with disabilities and providing funding for necessary upgrades. It would also be useful to know how many such playgrounds are not currently accessible with ADA standards, and where they are located in order to prioritize where resources should first be allocated.

HB-867

Submitted on: 2/3/2025 9:22:18 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hawaii Self Advocacy Advisory Council	Hawaii Self-Advocacy Advisory council	Support	Written Testimony Only

Comments:

The Hawaii Self-advocacy Advisory council supports HB867. Request to change "Special Needs" to "Accessible".

HB-867

Submitted on: 2/2/2025 6:44:47 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Support	Written Testimony Only

Comments:

To: Representative Mark Hashem, Chair

Representative Rachele Lamosao, Vice Chair

House Committee on Water & Land

House Committee on Education

House Committee on Finance

From: Veronica Moore, Individual Citizen

Date: February 2, 2025

RE: Upcoming Hearing for HB867

Measure Title: RELATING TO RECREATIONAL FACILITIES.

Report Title: Special Needs Recreational Playground Equipment; State Parks;
Public School Playgrounds; Special Fund; Appropriation (\$)

To All Concerned,

My name is Veronica Moore and I support House Bill 867 as the need for such equipment is long overdue, as is the use of person-first language. Thank you for introducing this bill and I appreciate the opportunity to present testimony regarding it.

Sincerely,

Veronica M. Moore

HB-867

Submitted on: 2/3/2025 9:44:55 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaili	Individual	Support	In Person

Comments:

I am in strong support of this measure because people with disabilities need accessible to the playground recreational facilities please pass this bill thank you