

LATE

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

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

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE HUMAN SERVICES

Hearing Date: 2/16/2021

Hearing Time: 3:00 p.m.

1 **Department Position:** The Department of Health (“Department”) supports the intent of this
2 measure, offers comments and a proposed S.D. 1.

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

9 The Department supports the intent of this measure as it will provide independent
10 employment opportunities for persons living with mental illness in our state. We believe
11 people living with a serious mental illness (SMI) should have the opportunity to pursue self-
12 employment through the vending facilities program, enlarging their economic opportunities
13 and stimulating them to greater efforts in striving to make themselves self-sufficient.

14 We emphasize that the intent of this bill is not to replace or decrease opportunities for
15 vendors participating in the Ho’oponopono Program, but to extend the program to include
16 those with mental illness in state and county public buildings currently without a blind vendor.

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

12 We acknowledge the thoughtful and caring conversations that have occurred around
13 this bill and its companion bill, H.B. 1112. We carefully listened to and considered the
14 testimony provided to the House Committee on Health, Human Services (HHH), and
15 Homelessness from current and aspiring vendors. Additionally, we discussed our vision for
16 expanding supported employment vendor participation to include individuals diagnosed with a
17 mental illness with House and Senate Health committee members, Department of Human
18 Services (DHS) Division of Vocational Rehabilitation (DVR) staff, and advocates from Protect
19 Hawaii's 'Ohana, Children, Under-Served, Elderly and Disabled (PHOCUSED). In all of this
20 exploration, we recognize that there is more work to be completed to identify the most
21 appropriate mechanism to fund, train staff and vendors, secure and operate vending locations,
22 and provide ongoing support for a new vendor program. However, this does not diminish the
23 need for this type of program among those who live with SMI.

24 At this time, we ask that this measure be revised to emphasize the needed discussions
25 around supporting employment opportunities for people who live with SMI and to allow the
26 Department, agency partners, and stakeholders additional time to discuss future opportunities

1 for the expansion of the vending facilities program that would enhance the current vendor
2 program without harm to the current funding mechanism or outcomes of the with blindness or
3 low vision.

4 **Offered Amendments:** Please see attached for a proposed S.D. 1

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

6 **Fiscal Implications:** Undetermined.

A BILL FOR AN ACT

RELATING TO THE VENDING FACILITIES PROGRAM.

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

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

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

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

1 for blind vending facilities in state or county public buildings
2 in Hawaii. Accordingly, the purpose of this act is to:

3 (1) Establish a two-year vendor facilities pilot program
4 task force for vendors with serious mental illness;
5 and

6 (2) Require the vendor facilities pilot program task force
7 submit an annual report to the governor and the
8 legislature at least twenty days prior to the
9 convening of the 2022 and 2023 regular legislative
10 sessions.

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

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

16 (2) Plan and design the implementation of a vendor
17 facilities pilot project for vendors with serious
18 mental illness; and

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

21 (b) The vendor facilities pilot program task force shall
22 be chaired by the director of health or their designee, and
23 shall include the following task force members:

24 (1) The director of health or designee;

- 1 (2) The director of human services or designee;
- 2 (3) Four staff assigned to support Clubhouse operations,
3 one from each County;
- 4 (4) Eight Clubhouse members identified by the Clubhouse
5 Coalition, preferably at least one member from each
6 County;
- 7 (5) One member from the organization Protecting Hawaii's
8 'Ohana, Children, Under-Served, Elderly, and Disabled
9 (PHOCUSED);
- 10 (6) One member from the University of Hawaii at Manoa,
11 Center on Disability Studies;
- 12 (7) One member from the National Alliance for Mental
13 Illness (NAMI); and
- 14 (8) One member from Mental Health America Hawaii.

15 Task force members shall serve without compensation, but
16 shall be reimbursed for reasonable expenses incurred, including
17 travel expenses. The task force shall be exempt from the
18 requirements of parts I and II of chapter 92, Hawaii Revised
19 Statutes.

20 SECTION 3. The department of health shall submit an annual
21 report on the vendor facilities pilot program task force
22 established pursuant to this Act to the governor and the
23 legislature at least twenty days prior to the convening of the
24 2022 and 2023 regular legislative sessions. The annual report

1 shall include a proposal for a vendor facilities pilot program
2 with identified funding sources.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____

5

Report Title:

Vending Facilities Program; Mental Illness; Eligibility

Description:

Creates a two-year vending facilities program working group to identify recommendations for a vending facilities program for persons with a serious mental illness. Identifies working group members. Requires the department of health to submit an annual report. (SD1)

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

SB-1233

Submitted on: 2/12/2021 9:52:16 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stan Young	Testifying for Hawaii State committee of Blind Vendors	Oppose	No

Comments:

Oppose SB1233, relating to the vending facilities program.

I am Stan Young, a blind vendor, and a resident of Honolulu.

Hearing: Senate HMS Committee, February 16. 2021 3 PM

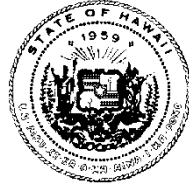
Why SB1233 should not be passed.

1. It is a violation of the Federal Randolph Sheppard Act (20 USC Sec.170) and 34 CFR 395 (Code of Federal Regulations).
2. As part of the Randolph Sheppard, the Hawaii DHS-Department of Human Services was designated the State Licensing Agency under the federal Rehabilitation Services Administration (part of the U.S. Department of Education), and agreed to operate under the terms of the Randolph Sheppard Act.
3. The RS Act only allows licensed blind vendors to operate on government property. The licensing process requires legal and medical qualifications, and encompasses a rigorous process of solicitation, training, testing, probation, and placement, a process that mostly takes several years.
4. The blind vending program is not a short term make -work program for the blind. It is an investment by both the client and the Agency in time and money to provide permanent, long term, entrepreneurial employment for the blind; allowing the blind to become self-employed, tax paying members of society.
5. There are only 43 blind vendors in this State, only a limited number of facilities, and a waiting list of blind people to get into the program.
6. The opening of facilities, the initial inventory, the equipment, the repair and maintenance, are funded by the Randolph Sheppard Account. This account is funded by contributions from the blind vendors and income from vending machines. **There are NO State appropriated moneys in the Randolph Sheppard account.**
7. The supporters of SB1233 do not realize the tremendous amounts of time, money, and resources to open and sustain a vending facility. They do not even consider the minimum rate of return (income to the client). Experience has told

us that a state or county building that has about 100 employees, and only a few outside customers, will have gross sales of \$60 to \$80 per week-day, with a gross profit (minus cost of goods) \$20 to \$25 per week-day. After other expenses such as paper goods, plates, napkins, cups, cleaning supplies, etc., the net profit (income) \$12 to \$20 per week-day. Using an eight hour day, this net income (\$1.50 to \$2.50 per hour) is far below the minimum wage. The supporters of SB1233 may have to pay the difference.

8. On state or county properties, where there is no blind vendor, the State Licensing Agency, through the Randolph Sheppard, has the priority to place vending machines. No other competition, vending facilities or vending machines, are allowed to compete with Randolph Sheppard vending machines.
9. The vending facilities program has been operating nationwide and in Hawaii successfully for more than 80 years. It would be sad for you to try to take it apart.
10. Diluting the vending program and violating the Federal regulations may cause the withdrawal of Federal support and destroy the vending facilities program in Hawaii.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

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

February 12, 2021

TO: The Honorable Senator Joy San Buenaventura, Chair
Senate Committee on Human Services

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

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

Hearing: Tuesday, February 16, 2021, 3:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent and provides comments.

PURPOSE: The purpose of the bill allows persons with a mental illness to participate in the vending facilities program. Limits vending facilities owned or operated by persons with mental health disorders to only those state or county public buildings not currently occupied by blind or visually handicapped vendors.

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

Prior to Statehood, Hawaii's Territorial Legislature codified its own version of the Randolph-Sheppard Act in 1937, now at section 102-14, Hawaii Revised Statutes (HRS), and is known in Hawaii as the "Mini Randolph-Sheppard Act." Like the federal law, section 102-14,

HRS, extends the priority for blind vending facilities to state or county public buildings in Hawaii.

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

If state law is amended as proposed to include individuals with mental illness to establish vending facilities on State property, DHS will require state general funds to support the long-term programmatic needs of these vendors, as well as additional general fund appropriations for staff and operations. As described above, federal funding received from the federal Randolph-Sheppard program and managed by DHS is only available to those eligible individuals who are blind or have visual impairments.

The proposed amendments incorporating "persons with mental illness" into the existing statute, may cause confusion or federal scrutiny and lead Hawaii to lose its designation as a state licensing agency under the federal Randolph-Sheppard Act; consequently, this may jeopardize Hawaii's receipt of federal Randolph-Sheppard funds for blind individuals.

DVR's federal award and the required state match used to support eligible individuals with disabilities to obtain employment allows for expenditures associated with an approved Individualized Plan for Employment with self-employment goals, but funds for long-term supports are limited.

If the measure passed as written, DVR's funding would allow for the establishment of a vending stand to support the placement of an eligible individual with mental illness to operate, though support would be for a limited duration. Whereas DVR's federally funded Randolph-Sheppard program provides ongoing support for the duration of a blind vendors operation of the vending facility.

With small businesses operating food services in Hawaii pre-pandemic, the estimated failure rates were above 50% during the first three years of operations. Without long-term

funding for these vendors with mental illness, they would be at higher risk for failure than their blind or visually impaired peers in the current pandemic and economic crisis.

Due to the pandemic conditions, Hawaii's blind vendors' businesses are suffering. Many are still open or are preparing to reopen in order to subsist, despite risks to their health and a long-anticipated recovery period, as well as the new model for teleworking that has decreased foot traffic in many facilities over the past 11 months. However, the Consolidated Appropriations Act of 2021, did provide needed funding to support blind vendors during the economic crisis.

The non-profit PHOCUSED and stakeholders within the Club House community, have a working group in discussions with DVR. However, to replicate a similar program like the blind vendor program, will require a sustainable source of long-term funding to mitigate the high risks associated with entrepreneurs operating successful vending stands statewide.

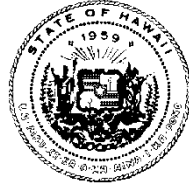
DHS recommends the Legislature consider funding of a pilot program to evaluate this opportunity to expand vending facilities to allow persons with a mental illness to access use of public buildings for the purpose of providing remunerative employment through vending facilities for self-employment and leverage the expertise of blind vendors as well as other successful entrepreneurs to support this initiative without adjusting the current State laws.

Lastly, DHS asks that any appropriation not reduce or replace budget priorities identified in the executive budget.

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

LATE

DAVID Y. IGE
GOVERNOR



CATHY BETTS
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DHS recommends the Legislature consider funding of a pilot program to evaluate this opportunity to expand vending facilities to allow persons with a mental illness to access use of public buildings for the purpose of providing remunerative employment through vending facilities for self-employment and leverage the expertise of blind vendors as well as other successful entrepreneurs to support this initiative without adjusting the current State laws.

Lastly, DHS asks that any appropriation not reduce or replace budget priorities identified in the executive budget.

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

SB-1233

Submitted on: 2/11/2021 4:37:18 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Rosehill	Testifying for Hale Aikane/The Kona Paradise Club	Support	No

Comments:

Adults with mental illness, throughout time, have been discriminated against when it comes to employment. They have been thought of as incapable and unpredictable, and therefore, do not make good employees or business owners. As the Director of a psychosocial rehabilitation program for adults with mental illness, I know, first hand, the capabilities of these individuals. They have been stigmatized and disenfranchised and yet they persevere. SB 1233 would allow individuals with mental illness the opportunity to open a business, run a business, and become self-sufficient in the process. They aren't asking legislators to kick out a capable blind vendor, but in spaces currently unoccupied, maybe an individual with a mental illness can fill that gap. That way the space is used, an individual gets the opportunity of a lifetime to be self-employed, and one more person becomes a contributing taxpayer. It's a win-win situation. Please support this bill.

SB-1233

Submitted on: 2/13/2021 1:42:08 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Robar	Testifying for National Federation of the Blind of Hawaii	Oppose	No

Comments:

As a blind person I support the vending facilities program and strongly oppose SB1233. The vending program has been a successful program under Federal law. If this bill passes, the state would lose the benefits of the federal program. This includes the loss of vending facility space and vending machine income. State money is not available to make up for the deficit if the program were to lose federal benefits. This bill has been deferred by the committee in the house and should not be passed by the Senate.

SB-1233

Submitted on: 2/13/2021 8:52:37 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

My name is Don Thomson and I am the chair of the Legislative Committee for the Hawaii Association of the Blind. We are a blind consumer organization whose mission is to advocate for the independence, equality and opportunity for the blind. We are opposed to SB1233. The current bill, which seems to be well-intended could unintentionally impact blind individuals who currently participate and those who wish to participate in the Randolph-Sheppard Vending Facility Program(Vending Program for short). The Randolph-Sheppard Act, which was enacted in 1936, is a federal law that ensures priority to blind individuals to operate a vending facility on federal and state property. The program has been a great benefit to business owners who are blind, and we hope it will continue to be a great benefit to those individuals. If SB1233 were to pass, Hawaii may be excluded from the Randolph-Sheppard Act having a direeffect on blind individuals.

Other disability groups have tried to take part in the program in the past. While we recognize their needs, the legislature could consider a program specifically for those groups outside of the Randolph-Sheppard Act.

Another issue that may arise with the being excluded from the Randolph-Shepard Act could include private corporate businesses the ability to take over many of the larger stands. This is a particular problem in Hawaii, as there are several military installations with Vending Program facilities, and those corporations would be allowed to take over these stands on military locations. Some members of the military have already tried to allow private companies to operate those locations on government property. Therefore, the Hawaii Association of the Blind strongly opposes SB1233. Thank you for the opportunity to express our concerns.

NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony before the Committee on Human Services (HMS)
Hawaii State Senate
Thirty-First Legislature, Regular Session of 2021
February 16, 2021, 3:00 PM, hearing on SB1233

Good afternoon Madam Chair, Mr. Vice Chair, and committee members. I am James Gashel, testifying for the National Federation of the Blind of Hawaii. I am a resident of Honolulu.

The NFB of Hawaii stands in strong opposition to SB1233. Although well meant, this bill conflicts with Federal law. The state would be at odds with the federal government, and employment of blind vendors on federal and state property would be in jeopardy. The State would have to spend thousands of dollars trying to fulfill new promises and administer new responsibilities. At the same time the state could lose access to vending sites and vending machine revenue used to finance the current program. No one, including the proponents of this bill, should want this to happen.

Hawaii's vending facilities program for the blind is by far our most successful blind persons employment program. Through their efforts blind vendors give valuable services to public employees and do so at a net revenue gain to the state. If you examine the facts and figures you will find that Hawaii's vending facilities program for the blind is an undeniable success, even more so than similar programs in some other states with much larger populations on the mainland. Hawaii's blind vendors bring pride to our aloha state. No one, including the proponents of this bill, should want to lose this.

The vending facilities program established in HRS section 102-14 is conducted to carry out and extend the federal vending facilities program for the blind pursuant to a federal law known as the Randolph-Sheppard Act, 20 USC. section 107 et. seq., with extensive federal regulations at 34 CFR part 395. The federal law authorizes designation of a licensing agency for blind vendors in each state. This agency in Hawaii, referred to as the "state licensing agency" is the Division of Vocational Rehabilitation. The operating unit for this federal/state program is the Services for the Blind branch, Business Enterprises Program. 45 blind vendors operate facilities on federal, state, and county property in Hawaii. Enactment of SB1233 would preclude expenditure of federal funds for the vending facilities program and result in substantial additional expenditure of state funds, which are not available.

An application designating the state licensing agency has to be and has been approved by the U. S. Department of Education and is in effect for Hawaii. Signed by the governor, this application amounts to a contract between the state and the federal government. The terms of the application, binding on the state, specify that persons eligible to be licensed vendors must be blind. The Hawaii Supreme Court, in Tamashiro v. Dept. of Human Services, 112 Haw. 388 (2006), ruled that "[t]hus, if funds derived from the operation of vending facilities on any federal property, are used to establish or operate a blind vendor facility on non-federal property, the provisions of the federal RSA [Randolph-Sheppard Act] apply." HRS 347-12.5 establishes the Randolph-Sheppard Revolving Account, which the Tamashiro court stated:

The RSR Account provides a strong implication that the state and county properties fall within "other property" because income generated from state and county vending facilities, as well as federal facilities, are deposited into one central account, from which funds may be used for the benefit of blind vendors in Hawai'i.

Tamashiro v. Dept. of Human Serv., 112 Haw. 388, 407 (Haw. 2006). SB1233 also contravenes HRS § 347-5, which provides:

[DHS] may, as an agency of the State for the assistance of blind or visually handicapped persons, *do all things* which will enable the State and the blind and the visually handicapped in the State *to have the benefits of all federal laws for the benefit of blind and visually handicapped persons.*

[HRS § 347-5](#) (1993) (emphases added by Supreme Court in Tamashiro).

Once approved, the designation of a state licensing agency allows the state to establish vending facilities on federal property, state and county property by extension of the federal program. Designation of a state licensing agency does not permit licensing any person who is not blind, no matter the person's disability or need for employment.

The federal and state law and regulations define blind as vision no greater than 20/200 in the better eye with correction (10 percent of normal vision), or a restricted visual field of no greater than 20 degrees, as if looking down a gun barrel.

Approximately five thousand people of working age are blind under this definition in Hawaii. Approximately 70 percent are unemployed.

Blindness is the threshold qualification to be trained and licensed as a vendor. This is a federal requirement fulfilled by the state acting as the state licensing agency. The state does not have discretion to change who is eligible to be licensed. If the state did change eligibility by virtue of SB1233, the Hawaii vending facilities program would be placed in conflict with the federal law, regulations, vending machine revenue, and spending requirements.

The vending facilities program in Hawaii is operated financially with a combination of state funds and revenue from vending machines located on federal, state, and county property. Federal money for vocational rehabilitation, received under title I of the federal Rehabilitation Act is often used for training or retraining blind vendors, and may be used for purchasing vending facility equipment and initial inventory for blind vendors. The federal law, Department of Education General Administrative Regulations (EDGAR), and Office of Management and Budget (OMB) Circulars applicable to use of federal funds by state and local governments, and state laws and regulations govern use of program funds.

As the Hawaii Supreme Court recognized in *Tamashiro*, providing support of any kind (purchase of equipment, use of space, personal services, or otherwise), for individuals who are not blind would not only be impermissible from the point of view of the federal government but would also expose the state to federal audit which would likely result in adverse audit findings. This would place operation of the existing vending facilities program for the blind (not to mention employment of blind vendors) at risk.

Our opposition to SB1233 is not opposition to persons with mental illness or their advocates. For reasons that must be obvious, we support stability of the existing vending facilities program. We know the proponents of SB1233 do not mean harm to this program. We believe their proposal is in good faith but not fully informed as to the consequences.

Moving from the legal to the practical, if there would ever be a time to enact a bill like SB1233, now, during the time of the covid-19 pandemic, is not the time to do it. Please consider this. The statutory priority for blind vendor facilities applies to federal and state property. These are government buildings. A vending facility site is chosen by the state licensing agency based on the building population and potential patronage of the vending facility.

Opening a vending facility means an outlay of funds (normally around \$150,000). This expenditure must be justified by a determination of sufficient business to support a blind vendor. The vending facilities belong to the state and must meet the federal requirements for their establishment and operation, including the requirement to have a blind licensee. Licensees are not free to set up shop wherever they may decide. They are part of a supervised blind vendor program conducted within a framework of interwoven federal and state requirements. Even the state regulations which are published at HAR section 17-403 must be approved by the federal government and would not be approved for licensing any individual who is not blind.

At present most of the government buildings served by the vending facilities program are closed or substantially closed. Personnel assigned to work in these buildings are working from home. Public access is essentially prohibited. Consequently, the vending facilities that serve the employees and the public coming to these buildings are closed. The blind vendors are temporarily out of work, some may be permanently out of work. Their businesses require their physical presence and that of their patrons.

Experts say that office space occupancy will change after the pandemic subsides, but no one knows the pattern of the future. One thing we do know is, working from remote locations is likely to be much more prevalent than it was before the pandemic. All government agencies will seek to save money by reducing use of space, reducing the need for vending facilities.

Existing vending facilities operated by 45 blind vendors will have to be realigned to meet the needs of remaining government employees and the public. Each vendor remaining in the program can expect many changes needed to maintain a sustainable business. Some facilities will certainly be closed.

When the pandemic subsides, those blind vendors who have already completed training, and who are ready to be licensed and assigned, may not be assigned due to lack of facilities. Unemployed blind people who want to enter the training program to become licensees are having to wait, with no training and no facilities available. Uncertainty is the only certainty. If there is ever a time to put this program at risk by changing eligibility, now is not the time to do it.

All of the foregoing considered, please do not advance SB1233. Even for the sake of the proponents, it would be wrong to pass a bill, jeopardizing the state's investment in current opportunities and promising opportunities to people with mental illness that the state could not

then fulfill. The intent is good but passing SB1233 is not the way to help people with mental illness or people who are blind. Mahalo for caring, for understanding our lived experience as blind people, and much mahalo for considering our concerns about SB1233.

SB-1233

Submitted on: 2/14/2021 6:19:25 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Norman Ota	Testifying for Randolph Shepard Vendors of Hawaii	Oppose	No

Comments:

My name is Norman Ota and I am representing the Randolph Sheppard Vendors of Hawaii.

We oppose SB1233, relating to the Vending Facilities Program. The Randolph Sheppard Act was enacted exclusively for blind people. The primary purpose of this act was to provide employment for blind people. The Blind population unemployment rate is 70%, so as much as possible, we'd like to continue to focus on that primary purpose. By opening up the "floodgates," earning opportunities for blind people would decrease considerably and most likely increase our unemployment percentage.

We urge you to consider our opposition as a huge number in the blind population struggle to obtain employment which is even more difficult given the pandemic situation.

Thank you for this opportunity to testify.

SB-1233

Submitted on: 2/15/2021 2:18:40 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vickie Kennedy	Testifying for Hawaii Association of the Blind (HAB)	Oppose	No

Comments:

Aloha:

RE: SB1233 and HB1112

My name is Victoria Kennedy. I have been legally blind since 1978, and totally blind since 2000. I am a member of the Hawaii Association of the Blind board of directors. I am active in the blind community in many ways, trying to help those newly diagnosed as going blind to cope, and to let them know about resources and opportunities available.

I am **deeply concerned** about and opposed to SB1233, and HB1112. The reason is that already there are too few job opportunities, and in particular vending opportunities for the blind. The Randolph Sheppard Vending Program specifically targeted the blind community in order to allow them some opportunities to become better self-sufficient, with hope to provide a better living for their families. Adding more potential people to the already very keen competition, will only terrible dilute the intention of the Act.... and will have serious negative consequences to the blind community.

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

Please, I urge both bills to be either withdrawn or not passed.

Victoria Kennedy

91-1012 Kaipalaoa St. #5506

Ewa Beach, HI 96706

Tel. 808-222-8862

Email: vreikok@gmail.com

SB-1233

Submitted on: 2/10/2021 6:01:17 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
warren nihipali jr	Individual	Support	No

Comments:

I support SB1233. I have been able to work with individuals with Mental Illness. They have benefited from employment. Now in having an opportunity to be independent as a sole proprietor, will totally increase their lifestyle. Mahalo

SB-1233

Submitted on: 2/12/2021 10:41:23 AM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

February 12, 2021

The Randolph Sheppard program for the blind needs to remain for the blind only. There are blind people waiting to be trained now. I have been a blind vendor since 1995. I have worked my way up through promotions. It has enabled me to support my family with 3 kids. It takes blind people longer to accomplish tasks, but as owners we can take all the time we need to get the job done very well. There are very few good opportunities for blind people, and this program is the best one. We do not have to be worried about being discriminated against. If other disability groups are allowed in the program, they will take businesses away from blind people who want to get in the program and will be promoted easier because blindness is the most severe disability. Blind people would become very discouraged, and we may be left with only seasoned blind vendors like myself.

Respectfully,

Don Patterson

SB-1233

Submitted on: 2/12/2021 11:39:58 AM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Senator San Buenaventura,

My name is Keoki Wright and I am a member of the Ko'olau Clubhouse, part of the Hawaii Clubhouse Coalition. I am in support of SB1233 because I would like mental health consumers to be included.

I understand and have compassion for the blind vendors, and I know it probably feels like we are taking away from them. We both have a disability. A long time ago, someone came up with an idea for their employment as a business to be sustainable. And we would like the same thing.

We would like to have the opportunity, not to take away from their opportunities. I have nothing but aloha for blind vendors. We would like to utilize space in State or County buildings that the Blind Vendors do not occupy. As a group we are working on looking for funding for this program, should it pass.

I feel we should be able to work comfortably together, side by side, with the blind vendor community. I would like to share my aloha with the blind vendors and all those in support of them, knowing how much work it takes to put a program together. Just as we have been putting this program together.

Another reason why I am in so much support of this program is because it would reduce stigma attached to mental health, seeing mental health consumers owning vending facilities. So please consider supporting SB1233

Mahalo and Aloha,

Keoki Wright

SB-1233

Submitted on: 2/12/2021 2:55:54 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Sen. San Buenaventura,

My name is Kelly Cogo and I am a Member of the Hale 'Oluea Clubhouse, part of the Hawaii Clubhouse Advocacy Coalition. I encourage you to support SB1233 as it will help People with Mental Illness to be self-employed. We admire the Blind Vendors efforts in how they have a Training Program to be employed and also to become a Vendor themselves.

We know that those in the Blind Vendors Program has done alot to keep their Program successful. We hope that somehow we could partner and learn what it would take for us with Mental Health Disabilities to develop a Program in DVR along side of them.

As Mental Health Consumers, we can identify with someone with a Disability even if it's a different one from ours. We feel, Joy, Happiness, Sadness, some days more than others. I appreciate each person and I feel this iis an opportunity for all of us to Advocate together as One.

We are taking consideration for your recommendations that you had mentioned on February 11, And we are asking you to Support SB1233.

Aloha and Mahalo.

Sincerely, Kelly Cogo

SB-1233

Submitted on: 2/12/2021 3:30:25 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Senator San Buenaventura,

This is for SB1233, Relating to the Vending Facilities Program. I am strongly in support, my name is Flora Patton, I go to Waipahu Aloha Clubhouse. I go to advocacy coalition meetings with all different Clubhouses and members. We would like to see the Vendor Expansion Bill pass, because us Clubhouse members are willing to learn and be successful. And to have a good experience and to be good employees. I hope that we can do our share to show the community that we also fit in with everyone.

Currently our group is looking for funding to help us member maintain our business. I would like to work together with with Blind Vendors and may be even be employed by them. I think and believe we can share our thoughts and communicate with each other and agree to each others. I believe that us Clubhouse members and the Blind Vendors could get along as we learn from them.

Thank you for meeting with our Advocacy Coalition. We appreciate you coming to our meeting. We all happy and appreciate your suggestions.

Thank you very much for listening to my testimony,

Flora Patton

SB-1233

Submitted on: 2/12/2021 3:53:30 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Senator San Buenaventura,

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

Thank you so much for the meeting and your assistance in providing advice and suggestions about the possibility of finding an appropriate vending site. We know of an empty vendor site at the Diamond Head Health Clinic that is unoccupied. This wouldn't be taking away from the Blind Vendors. This is an example of how we can have a vending site without taking away from a current Blind Vendor Site. May be we can make a business relationship with the blind vendors and learn to work together.

So please support SB1233 Relating to Vending Facilities.

Thank you,

Stephen Hanohano

SB-1233

Submitted on: 2/12/2021 4:04:19 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Senator San Buenaventura,

Hi my name is Derwin Teranishi. I am from the Waipahu Aloha Clubhouse and an advocate of the Hawaii State Advocacy Coalition. I am in support of SB1233.

We realize the importance for us to establish that there is no intent on those presenting this bill, to take away any buildings, revenue or opportunities from those in the Blind Vendors Program. We are in the process of discussing buildings not occupied, deemed not profitable, and possibly even the private sector. We are also looking for funding outside of what is already appropriated for those that are blind.

We are seeking to partner with those in the blind vendor program, through DVR, so we can use their assistance and experience to find a path to create a program mirroring theirs for the mental health sector.

In the process in which this bill was proposed, we failed to make ourselves understood better in an attempt to develop an advocacy group involving those with mental health illness in a limited time. We still hope that this bill can pass with some amendments that could possibly be made in order to meet our goals.

Thank you,

Derwin Teranishi

SB-1233

Submitted on: 2/12/2021 5:48:53 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Senator San Buenaventura,

My name is Gail Stewart. I am with Hale O Honolulu Clubhouse. As a member of the Hawaii Clubhouse Coalition, I support SB1233. I have mental illness and I have been in recovery for 18 years. I feel strongly that we be allowed to work in State buildings that the Blind Vendors feel is not a money making business for them. We do not want to compete with blind vendors but want a chance and opportunity to earn a living. Our Clubhouse, I feel, will support us in our endeavors and ask us if we need their help.

Thank you,

Gail Stewart

SB-1233

Submitted on: 2/14/2021 1:28:31 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy Abe	Individual	Support	No

Comments:

My name is Stacy Abe and I am in strong support of SB1233. Currently I am a board member for the Koolau Clubhouse and I am in support of this bill because it would open up vocational opportunities for the mental health community.

Throughout my affiliation with all the Clubhouses on Oahu, and with my work with mental health consumers, I believe that given the right training and support, they can be very successful candidates to own and operate their own vending facilities. Work gives those suffering with mental illness a purpose and sense of belonging and being able to eventually own their own business will empower them and allow them to be active participants in the community. Personally, I have seen mental health consumers successfully work throughout different businesses in the community.

Please support SB1233, relating to vending facilities.

SB-1233

Submitted on: 2/13/2021 2:28:21 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Chair San Buenaventura,

I am in support of SB1233. As a Friends of Ko'olau Clubhouse board member I have regular, sometimes daily interaction with the members of the Ko'olau Clubhouse which is always an honor and privilege to be part of. I was first drawn to the Ko'olau Clubhouse four years ago and one of the standards I most appreciate and admire is the staff and members complete all tasks as a team working together side by side. I have been a working professional in the mental health/substance abuse treatment field for almost twenty years and I really love what the Clubhouse model offers.

SB1233 will give the clubhouse members an amazing opportunity as it does the blind vendors. One major component of the clubhouse is employment and all staff are job coaches. I have personally seen members successfully transition into working in the community. These individuals will have support as needed from ongoing Clubhouse job coaching to assist them in being successful in this vending program.

I have witnessed/experienced the clubhouse members in the State Capitol on other activities and functions and believe the members are totally respectful, professional, and kind, so please support SB1233, relating to vending facilities.

Aloha,

Almedo "Junior" Pamintuan

MEMORANDUM

To: Senator Joy A. San Buenaventura
Senator Les Ihara, Jr., Vice-Chair
Senate Committee on Human Services

RE: SB1233 RELATING TO THE VENDING FACILITIES PROGRAM
Tuesday, February 16, 2021, 3:00 pm
Room 225 & Videoconference

Date: February 16, 2021

Chair San Buenaventura, Vice Chair Ihara and members of the Senate Committee on Human Services:

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

SB1233 seeks to expand the State's vending facilities program to include persons with mental illness. Because the proposed amendments are not accordance with the federal Randolph Shepard Act, I am writing in opposition to the SB1233

The Randolph-Sheppard Act, 20 USC §107 et. seq., provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. The State's vending facilities program, embodied in HRS §102-14, is in accordance with federal law, and extends the program specifically for the blind to operate in state and county facilities. The State agency responsible for licensing and overseeing the Randolph Sheppard Act is the Department of Human Services Division of Vocational Rehabilitation.

While expanding Hawai'i's vending facilities program to the mentally ill is well intended, the State's expansion of the program is not contained within the current parameters of existing federal law. For the State to expand the blind vending program to the mentally ill, it would appear that Congressional approval to amend the Randolph Shepard Act is required. Until then, including the mentally ill in the State's vending facilities program would not be permissible. For those reasons, I urge you to hold SB1233

Thank you for the opportunity to testify on this matter.

SB-1233

Submitted on: 2/14/2021 5:55:16 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DERRICK A YASUDA	Individual	Support	No

Comments:

Aloha Senator San Buenaventura,

My name is Derrick Yasuda and I am in support for SB1233. I have been involved with the Clubhouse since 2013.

Many years ago my ancestors came from Japan because they were hopeful for the opportunity in America because America provided hope and opportunity. This is very similar to the mental health consumer looking for opportunity.

I've worked with and supported mental health consumers for a number of years and I believe they truly deserve to learn and enhance their skills in our society. As a board member of the Clubhouse, I know first hand the difficulty the mental health community has in finding willing employers. As a manager in the community I have seen their motivation based on how hard the consumers work and have gotten to interact with each worker on a personal level. Being on the Clubhouse board and working along side them has been a learning experience for me. I can honestly say that I was afraid to associate with someone with a mental disability but have learned by working and interacting with the members that I'm very safe. I have found the members of the Clubhouse to be real, honest, and open about their lives, like they have a pure, innocent perception of life. Yes, I've erased the stigma that is usually associated with mental illness.

Everyone should have "opportunity," and I believe opportunity instills hope. Please consider supporting SB1233.

Thank you for your consideration,

Derrick Yasuda

SB-1233

Submitted on: 2/14/2021 6:28:36 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Ing	Individual	Support	No

Comments:

Aloha Senator San Buenaventura,

My name is Sandra Ing and I am on the Friends of Ko'olau Clubhouse Board of Directors. I strongly support SB1233, Relating to Vending Facilities.

Through our board meetings and attending meetings with Clubhouse on zoom, I understand the Clubhouse member's vision to be involved in the Vending Facilities. I understand they want the opportunity to be a part of the Ho'opono program, through DVR, and the opportunity to own their own vending facility. The mental health community is often an overlooked community that has to overcome stigma. This bill would not only provide members an opportunity to achieve their vocational goals as well as decrease stigma attached to mental illness.

Although I am currently retired, I worked at the Clubhouse throughout most of my career as an occupational therapist, specifically a job coach. I have helped develop jobs and worked in close contact with employers. I have found that mental health consumers who are interested in working are driven to do a good job, they try to do their very best and they are open to feedback. I have seen mental health consumers working in their own jobs within the community. When hearing about these vending facilities, I believe mental health consumers would be a good and successful fit as they would have the right support in place.

So please support SB1233, Relating to Vending Facilities, which would give mental health consumers a chance and opportunity to be a part of a program.

Thank you,

Sandra Ing

Katie Keim

Testimony before the Committee on Human Services (HMS)
Hawaii State Senate
Thirty-First Legislature, Regular Session of 2021
February 16, 2021, 3:00 PM, hearing on SB1233

Good afternoon Madam Chair, Mr. Vice Chair, and committee members. My name is Katie Keim a blind business woman and a member of The National Federation of the Blind of Hawaii. I reside at 2943 Kalakaua Avenue in Honolulu.

I stand in strong opposition to SB1233.

7 years ago I was a public servant of the Department of human Services, Division of Vocational Rehabilitation working as a program specialist and client liaison. DVR is an employment program primarily funded by federal dollars that gives support through training and education ensuring individuals with disabilities can attain a good job with a living wage. I was once a non-disabled individual and did not ever expect to become blind, yet at the age of 36 awoke one morning with no sight and no medical chance of recovery. I had been in the height of my career that left me at the bottom of my career unemployed. It was a long 8 years before I was able to advocate my abilities to an employer and become gainfully employed once again. That is what our blind are against everyday of our lives just because of misperceptions about our capacity as blind people.

Blind individuals are the smallest population of our disabled and the highest percentage of unemployed at 70%. The Randolph Sheppard program is the most successful employment program for blind people interested in a career in the food service industry with very specific federal and state regulations. The first and most important eligibility requirement is the individual must be medically proven to be legally blind. that is a very specifically defined disability and requirement.

For our legislation to even consider passing SB1233 at any time would be a back step for our blind vendors. How often I worked hard to ensure an individual got a good job yet my blind clients were left in the dust just because they were blind. How many times i was asked, well seriously Katie, what can a blind person really do? Here I am standing in front of the employer as a totally blind individual being told indirectly that we the blind have no value in the work place. Imagine me a blind person myself attempting to explain how the individual who was often highly educated let alone well trained and the employer could not get past the mere fact they were blind. I too ran into those issues when seeking employment and still do today in all facets of my life, how can you really do all you do? This common misperception keeps blind people limited in our opportunities.

Although SB1233 may be written with good intentions in mind, it will tragically be a great disservice to the blind and mentally ill if it passes. DHS and DVR already struggle with limited state funding yet have excellent employment programs using federal dollars for all disabilities. if

SB1233 passes, the department will be required to use extremely limited state funding to support vending facilities for individuals who are not legally blind.

Under DHS, The state licensing agency for the blind vending program has blind people currently still waiting for training and facilities to gain respect and value as working citizens. many have been waiting for years, which in itself is telling.

Licensed blind vendors are currently displaced and have been unemployed since march, 2020 with many whose facility may never see the light of day and population needed to give them a living wage again. this means the waiting list will get longer once we regain the uncertain future of our unknown normal post COVID.

SB1233 will rather than establish the intended success for blind and mentally ill individuals, will be more detrimental ensuring the blind and mentally ill stay underemployed or unemployed waiting for years for an opportunity of a good wage.

The Randolph Sheppard program is a long established successful program and is the best employment opportunity for legally blind people who are interested in being business owners and managers in the food service industry.

I am in strong support of the testimony of The National Federation of the blind of Hawaii which does an excellent job of outlining the specific regulations and how it will impact our state and blind vendors. and encourage you to take seriously the ramifications if SB1233 passes.

Passing SB1233 would not only push aside our blind who are already a small population and least employed, but would switch the scale restricting funds from federal to our precious state funding. This is the time we need to focus on getting our people back to work, vaccinated to prevent further illness and death from COVID and ensure our economic solvency in Hawaii once again. Please do not take away what has been hard earned and is currently already in jeopardy for many due to the pandemic.

Mahalo for your commitment to our community and consideration of my testimony.

SB-1233

Submitted on: 2/14/2021 7:55:20 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Chow	Individual	Support	No

Comments:

I would like to share my support for this bill. So many opportunities are limited to those people living with mental illness and this bill would put them on parity with the opportunity blind vendors have. The people living with mental illness behind this bill have put many hours into reviewing their options and felt this is a fair opportunity to advocate for and I applaud them for this.

Virgil Stinnett
Hawaii Licensed Blind Vendor

Testimony before the Committee on Human Services (HMS)
Hawaii State Senate
Thirty-First Legislature, Regular Session of 2021
February 16, 2021, 3:00 PM, hearing on SB1233

Good afternoon Madam Chair, Mr. Vice Chair, and committee members. My name is Virgil Stinnett testifying for myself as a Licensed Blind Vendor in Hawaii. I am a leader and member of the National Federation of the Blind of Hawaii. I am a resident of Honolulu at 2943 Kalakaua Avenue.

I am in strong opposition to measure SB1233 and I am asking you to vote this measure down. I believe that there are other ways to assist the proponents of this measure without destroying what is a successful employment program for the blind.

I am in strong support of the testimony submitted by James Gashel on behalf of The National Federation of the Blind of Hawaii and ask you to take our request and testimony for the blind of Hawaii into serious consideration.

The reality is if SB1233 passes, the smallest population of our disabled community will be pushed aside. We are considered by the federal government as one of the most catastrophic disabilities. The blind categorically amongst disabilities, has to this day the highest unemployment rate of qualified working age blind adults of any other disability group.

As blind individuals, we struggle so hard to become employed, even when meeting the job educational and essential function requirements, merely on the fact that we are blind due to misperceptions of blind people and our capacity to fully participate as contributing citizens. I ask you, why then even consider SB1233 which will jeopardize our program? There are blind individuals who have been on the waiting list for vending facilities and training that this measure if passes will further limit their hard earned opportunity. to attempt to jeopardize one of the oldest and best employment opportunities for the blind is just wrong.

When employment opportunities become available, a lot of folks apply for it as well as the blind and the blind may be the most qualified, yet who ends up being hired? I have firsthand experience as so many other blind people do and will guarantee that the blind will be the last person to be considered if at all. When you look at a blind person, what thoughts come up in your mind? The majority of the population will feel sorry for us and think to yourself glad it's not me.

Just consider what would happen to the blind if this measure passes? I believe that it is a negative action and further reaching than has been considered than the success for the individuals not blind in the measure if SB1233 passes. Please seriously consider how you are undermining and continuing misperceptions about the capacity of blind people by passing SB1233.

Note that other disabilities will not be able to use the Federal funds that would support this program which is written into law for the blind.

We the blind are already along with so many struggling for our economic independence due to COVID and many of us once our state opens up will no longer have vending facilities with so many buildings and their tenants considering telework as the future norm. This is not the time to consider adding to a program that has its existing individuals to consider during the pandemic, but rather the time how to best ensure we the blind vendors can regain economic solvency.

There are other opportunities of employment for other disabilities, I believe that in the Department of Human Services, Vocational Rehabilitation. They have a self-employment program for all disabilities. Why not use what is available for other disabilities instead of taking from a small group that normally struggles and is doing more so than we usually do during COVID to find good employment for a quality life.

Mahalo for your serious consideration of the needs of blind individuals already limited and my testimony in opposition to SB1233.

SB-1233

Submitted on: 2/14/2021 8:01:20 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha,

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

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

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

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

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

by moving to a more lucrative vending facility when it becomes available.

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

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

SB 1233 will do more harm than good to the Randolph Sheppard Vending Program in Hawaii. If passed, SB 1233 which hopes to drastically change the target beneficiaries of the RAct, will be a big blow to the Blind Vending Program which receives financial resources from the Federal government.

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

While I don't have anything against the mentally disabled Hawaii residents, I VEHEMENTLY OPPOSE Senate Bill 1233.

Ronald Flormata

Ewa Beach, HI 96706

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comhaus1@hotmail.com

Phone:

(808) 381-0291

SB-1233

Submitted on: 2/14/2021 8:08:21 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

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

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

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

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

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

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

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

Thank you.

Elizabeth Flormata

Email: egflormata55@gmail.com

Phone: 808-358-3217

Brandon G. Young
980 Maunawili Rd.
Kailua, HI 96734
Phone: (808) 351-6676
Email: young.brandon4@gmail.com

31st Session of the State Legislature of the State of Hawaii
Senate Committee on Human Services
Hearing on Tuesday, February 16, 2021 at 3:00 P.M. for SB 1233

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 writing to you to submit my testimony to oppose SB 1233. I am writing in support of the other testimony that has been submitted by the National Federation of the Blind of Hawaii in opposition to this bill. The passage of this bill would hurt many blind vendors in the State of Hawaii, and I would urge you to defer this matter immediately.

The issue with this bill is that it would violate the federal law of the Randolph-Shepard Act of 1936. This federal law gave the priority to blind persons to own and operate vending facilities in state and federal buildings as well as on military bases. The passage of this law would violate the state constitution that mandates that our state must follow all federal laws. The bill would also take away many funds from the blind vending program here in Hawaii which is run through the State Licensing Agency which is Ho`opono Services for the Blind. The proponent of the bill was either unfamiliar with this law or unfamiliar with the priority which has been in effect for over eighty years now. This group did not approach the blindness community before pushing this matter forward. I believe that we should support those that need supports from the state government that are mentally ill, but not at the expense of the blind vendors here in our state. I want to commend you and your committee for taking the time to consider my testimony on this matter. I would again urge you and your committee to defer this measure immediately.

SB-1233

Submitted on: 2/14/2021 9:55:36 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

Aloha Human Services Committee,

Please take a moment to read this. It will give you a more informed view of why SB1233 might not be a very good way to solve the employment needs of the mentally ill or help the current blind vending program;

My name is Joel Cho, I'm from South Kona and I've been a blind vendor in Hawaii's Blind Vending Program for over 21 years. I oppose SB1233 for many reasons, but I'd like to focus directly on the item at hand, vacant blind vending facilities. Long before I became a licensed blind vendor, our program has had vacant facilities. These facilities become vacant for a reason and the reason is never because our program can't find a blind person that wants to run these facilities. There is always a waiting list to enter the program, but there are not always facilities that are economically viable enough to support an income equivalent to even basic minimum wage. The waiting period to enter the program can often take years. We have vacancies in our program due to unexpected drops in the building population and sometimes building access becomes very limited or restricted to the public. These are the two main reasons that we have vacancies in our program. Because of these two main reasons, the facility's customer base shrinks to the point where the facility is no longer worth keeping open. The blind vendor might not want to leave the facility because the building has become very familiar to them and they've built good and often personal relationships with the tenants and visitors of the building. But when the business can no longer support their livelihood, the blind vendor has to pack it up and move on.

Now more than ever, many of our blind vendors are in this situation. Those who were already struggling to make ends meet before the pandemic now find themselves in greater competition with other blind vendors seeking to be promoted to a facility where they can at least earn a decent living above minimum wage. The longer they remain at these marginal facilities, the more debt they acquire because they are spending more to keep the business open than they are actually earning from the business. When a blind vendor is assigned their first blind vending facility, the program provides the initial inventory, but the blind vendor has the responsibility to maintain that inventory while they operate the facility and they are required to replenish or pay back the difference

when they leave the facility. Most of us lost all of our inventory during the shut down and this has caused financial hardships throughout our program.

Outside employment opportunities for the blind are still very limited at best. The waiting list for blind people to enter our program still remains and it will be a long time before many of our current facilities recover from the current situation. Our program is not reckless and we are not going to rush to place candidates into vacant facilities that promise nothing other than certain financial ruin and heartbreak. Our licensing agency understands the demoralizing and defeating psychological effects that sense of failure can have on their clients and they have the common sense not to log jam the entry level of our program because that would only further limit the opportunity for upward mobility.

Allowing other groups into our blind vending program would be unlawful. Even if this action were legal, more importantly it would be very irresponsible and cruel to make false promises and set up individuals with high hopes only to undoubtedly watch them fail.

SB-1233

Submitted on: 2/15/2021 2:48:39 AM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christy MacPherson	Individual	Support	No

Comments:

I strongly support SB1233. This bill is about parity and providing employment opportunities for persons with mental illness. I understand that there are also potential opportunities for collaboration and exploration of various avenues to this end.

SB-1233

Submitted on: 2/15/2021 10:36:25 AM

Testimony for HMS on 2/16/2021 3:00:00 PM

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

Comments:

I'm a blind person and I support the vending facilities program. I strongly oppose SB1233.

Our vending program needs to be protected for hardworking blind person(s).

This bill has been deferred by the committee in the house and should not be passed by the Senate. Please protect rights of hardworking blind person(s).

State Senates

Thirty-First Legislature, Regular Session of 2021

February 16, 2021, 3:00 PM

SB1233

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

I was diagnose legally blind since childhood. I have an eye condition call Retinitis Pigmentosa. RP is retinal degeneration disorder of the eye that cause lost of vision.

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

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

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

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

Sincerely,

Wanda Takaesu

SB-1233

Submitted on: 2/15/2021 1:37:05 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Mansho	Individual	Support	No

Comments:

Aloha Senator San Buenaventura,

My name is Christopher Mansho, I am the Vice President for the Friends of Ko'olau Clubhouse. I support SB1233, Relating to Vending Facilities.

I know how hard it is to be employed as well as owning your own business. I would like to mental health community to have equal opportunities as anyone, especially someone with a disability.

Thank you for your time,

Christopher Mansho

SB-1233

Submitted on: 2/15/2021 1:57:13 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Desiree Lacewell	Individual	Oppose	No

Comments:

Aloha,

I am writing in opposition to Bill SB 1233.

I am a visually impaired vendor. I applied to get training in 2012. Due to lack of facilities, I had to wait about 7 years to start my blind vendor training. In 2019, I completed my class training, did my onsite shadow training, went through 6 months probation, and finally got my own vending stand. This is my family's livelihood.

I am opposed to Bill SB 1233 because that would be taking away jobs from visually impaired/ blind people who are waiting to be trained under the Randolph Sheppard Act program.

Passing the Bill would also cut off federal funding that is necessary for the upkeep and maintenance of each facility and the equipment we need to earn a living.

The pandemic has hit Hawaii hard. We are no exception. Some of our facilities remain closed or have modified hours.

If you pass this Bill, it would mean even less opportunities for blind/ visually impaired citizens. Please vote NO in passing Bill SB 1233

Sincerely,

Desiree Lacewell

Jaclyn Leilani Borsa
Testimony before the Committee on Human Services (HMS)
Hawaii State Senate
Thirty-First Legislature, Regular Session of 2021
February 16, 2021, 3:00 PM, hearing on SB1233

Good morning Mr. Chairman, vice chair, and committee members. My name is Jaclyn Leilani Borsa, I am a blind woman residing at 91-031 Parish Drive, Ewa Beach, 96706 in Ewa Beach. I am a member of The National Federation of the Blind of Hawaii.

I strongly oppose SB1233 and ask that you do not pass the measure.

I strongly support the testimony submitted by The National Federation of the Blind of Hawaii and ask that you take our testimony into serious consideration.

Mahalo for your commitment to blind people of Hawaii and your consideration of my testimony opposing SB1233.

Testimony of Donald Sakamoto
Bill SB1233
Committee on Human Services, HMS
Hawaii state Senate
February 16, 2021, 3:00 PM

Thank you chair, vice chair, and members of the committee. I am Donald Sakamoto. I live here on Oahu. I am blind and active in the National Federation of the Blind of Hawaii. I strongly oppose SB1233. Changing eligibility so people with mental illness can participate in the vending facilities program is not a good idea. I do not oppose people with mental illness but feel strongly that passing this bill is not the way to help them or their advocates.

If the legislature were to make such an important change as proposed in SB1233, there would have to be a detailed study to show that the change would be justified. Just thinking up a bill before understanding the consequences is not a good way to make public policy. Please think about the impact and possible harm to our state that would result from enacting SB1233. The vending facilities program for the blind is very successful and has operated at a benefit to the state for many years. Nothing should be done that would place this program in jeopardy.

Thank you for considering my views in opposition to SB1233.

Testimony of Hoku Burrows
Bill SB1233
Committee on Human Services, HMS
Hawaii state Senate
February 16, 2021, 3:00 PM

Thank you Committee. I am Hoku Burrows. I live in Honolulu and am blind. I am strongly opposed to SB1233. Changing eligibility so people with mental illness can participate in the vending facilities program is not a good idea although well intentioned.

The vending facilities program for the blind is very successful as it now operates. Eligibility is limited to people who are blind, which I think is the way to do it. Before enacting a bill like SB1233, the legislature needs to have much more information to understand the impact and justification of making a change. The change should not be made just because a few people say they want it. Please think about the impact.

Thank you for considering my views and opposition to this bill.

Testimony of Clifford Miyashiro
Bill SB1233
Committee on HMS
Hawaii state Senate
February 16, 2021, 3:00 PM

Aloha Committee. I am Clifford Miyashiro. I am strongly opposing SB1233. REASON, FOR A SECOND CHANCE IN LIFE,

I am 74, am legally blind with very limited vision in my left eye and right eye with no vision. 3 years ago I had to shut down my retail store, was self-employed for over 26 years, due to vision loss from Glaucoma.

Currently, I am surviving on social security benefits which is not enough to survive without another income.

I am currently attending Hoopono for the blind and have been waiting to begin training for the blind vendors program which would take 9 months to a year to complete program and to be qualified.

I am not being selfish but this blind vendors program has definitely given me hope to be independent and not relying on anyone to help support my family.

My intention has been to qualify for a location, do the best I can to be successful and in 5 to 8 years being able to pass it forward to another qualified vendor.

I hope you will seriously consider my testimony and pray for your help.

sincerely,
Clifford Miyashiro

Dane Alani
Hawaii Licensed Blind vendor

Testimony before the Committee on Human Services, HMS
Hawaii StateSenate
Thirty-First Legislature, Regular Session of 2021
February 16, 2021, 3:00 PM, hearing on SB1233

Good afternoon Madam Chair, vice chair, and committee members. My name is Dane Alani, I am a licensed blind vendor, residing in Honolulu. I am a member of The National Federation of the Blind of Hawaii.

I strongly oppose SB1233 and ask that you do not pass the measure.

I am a Hawaii licensed blind vendor with my current facility at the First Circuit Court 77 Punchbowl.

Only a third of the normal population is currently being served at this location which has greatly reduced my gainful income with an unknown future with so many working from home.

I am distressed and worried by SB1233 that will impact the program that has supported me for 13 years as a blind man. I am concerned for so many of my blind brothers and sisters that are still waiting for a vending facility or training in the blind vending program.

I strongly support the testimony submitted by The National Federation of the Blind of Hawaii. Please seriously consider our lives as blind people and testimony opposing SB1233.

Mahalo for taking my testimony today.

LATE

SB-1233

Submitted on: 2/15/2021 5:19:05 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Moises	Individual	Oppose	No

Comments:

As a blind person I support the vending facilities program and strongly oppose SB1233. Our vending facilities program is operated under a federal law. If SB1233 is passed the state would lose the benefits of the federal program. This includes vending facility space and vending machine income. State money is not available to make up the loss of federal benefits. This bill has been deferred by the committee in the house and should not be passed by the Senate

LATE

SB-1233

Submitted on: 2/15/2021 7:51:47 PM

Testimony for HMS on 2/16/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cy Tomsun	Individual	Support	No

Comments:

Aloha Senator San Buenaventura,

My name is Cy TomSun, and I am the board president for Friends of Ko'olau Clubhouse. I support SB1233, Relating to Vending Facilities.

Throughout the past few weeks, I have been able to be an advocate with this group. I have found them to have a lot of heart, passion, empathy and accountability. I believe they will be successful because their motivation is always present at every meeting.

I support this bill because I would like to see mental health consumers be a productive member of society. I believe everyone should have equal opportunity. If this bill passes, it would be a good opportunity for mental health consumers to give back to the community.

Thank you for your time,

Cy TomSun

SB-1233

Submitted on: 2/16/2021 10:46:41 AM

Testimony for HMS on 2/16/2021 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Chian Hsu	Individual	Support	No

Comments:

I support SB 1233 to allow individuals with Mental Illness to reap the benefits of participating in the State Vending Program.