

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 1, 2022

The Honorable Representative Sylvia Luke
House Committee on Finance
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Luke, and Committee Members:

SUBJECT: HB1419 HD1 Relating to Electronic Information Technology Accessibility

The Hawaii State Council on Developmental Disabilities supports the intent of **HB1419 HD1**, which requires the office of enterprise technology services to develop, publish, and periodically update electronic information technology disability access standards to be implemented by state entities.

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

For recommendations, the Council defers to and supports the Disability and Communication Access Board's testimony on HB1419 HD1.

Thank you for the opportunity to submit testimony in supporting the intent of **HB1419 HD1**.

Sincerely,

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

Daintry Bartoldus
Executive Administrator

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
CHIEF INFORMATION
OFFICER

OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

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Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the
HOUSE ON FINANCE
Tuesday, March 1, 2022

HOUSE BILL NO. 1419 SD1
RELATING TO INFORMATION TECHNOLOGY SERVICES

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

The Office of Enterprise Technology Services (ETS) supports and provides comments on this bill which would requires ETS to develop electronic information technology disability access standards.

Implementing the requirements in this bill would require additional resources in terms of money and personnel.

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



DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 1, 2022

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 1419, House Draft 1 – Relating to Electronic Information Technology Accessibility

The Disability and Communication Access Board (DCAB) supports House Bill 1419, House Draft 1 Relating to Electronic Information Technology Accessibility. This bill would require the Office of Enterprise Technology Services (ETS), in consultation with the Disability and Communication Access Board and a working group comprising of stakeholders, to develop, publish and periodically update electronic information technology disability access standards to be implemented by state entities.

DCAB recommends changing the definition on page 5-line 4 of “individual with a disability” to include all individuals with disabilities and cite the Americans with Disabilities Act (ADA) definition of disability.

Please note that there are many states that have passed legislation or have policies on electronic and information technology or information and communication technology accessibility. Hawaii needs to develop a working group to develop, publish and periodically update disability access standards to implement and ensure consistency of access to all state entities.

DCAB supports ETS to ensure all state entities have accessible websites, alternate formats and methods of documents, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers.

DCAB thanks the Legislature for bringing attention to the need for the State to develop a Hawaii Electronic Information Technology Disability Access Standards.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Kristine Pagano

for KIRBY L. SHAW
Executive Director



HAWAI‘I CIVIL RIGHTS COMMISSION

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

Tuesday, March 1, 2022
Via Videoconference, 12:30 p.m.
Conference room 308

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

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

Re: H.B. No. 1419, H.D. 1

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

The HCRC supports H.B. No. 1419, H.D. 1, which requires the Office of Enterprise Technology Services (ETS) to develop, publish, and periodically update electronic information technology disability access standards to be implemented by state entities. The measure also requires the Chief Information Officer (CIO), in consultation with the Disability and Communication Access Board (DCAB), to convene a working group to review the ETS accessibility standards every three years and update them as necessary.

The HCRC supports the effort to comply with the ADA, and create, develop and

implement accessibility standards. The HCRC also supports convening a working group to periodically review and update the accessibility standards. It is much better for the state to proactively and systematically plan for compliance with accessibility requirement, rather than to leave departments, divisions, agencies, and all state entities to their own devices to plan for compliance and respond to complaints on an ad hoc, case by case basis.

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

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

The HCRC supports H.B. 1419, H.D. 1.

National Federation of the Blind of Hawaii

Testimony before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, fully supporting HB1419 H.D. 1.

HB1419 is all about making the state's electronic information technology work better for people with disabilities. Disability access is already the law, but at present our state has no standards to comply. This rather haphazard approach is inefficient and more expensive than a rational approach based on standards will be when HB1419 becomes law.

HB1419 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, responding to complaints.

Also, when you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state's information technology is not accessible. It's clear that initial development of accessibility standards may have some short-term cost, mainly staff time, but even that cost will be minimized by looking at federal and state accessibility standards already in use. We don't have to bear the expense of re-inventing anything. Following standards and a planned approach to accessibility will save the state money now spent in personnel time and technology purchases when the existing products are not accessible and have to be replaced.

Please note especially the requirement that the standards must be consistent with the accessibility standards issued pursuant to section 508 of the federal Rehabilitation Act as amended in 1998 and web access standards issued by the World Wide Web Consortium Web Accessibility Initiative. Section 508 requires information technology purchased by federal agencies to meet accessible use standards at the time the technology is purchased. We need HB1419 because section 508 does not have technical applicability to state entities. More law is needed.

By adopting a proactive approach with specific disability access standards applicable to state entities, Hawaii will join the mainstream of states now looking to the federal section 508 standards as an achievable accessibility blueprint. The section 508 federal standards are well known in the information technology industry. They first took effect in 2001 and were last

revised in January 2017. With this history we can be confident that our agencies will have the support they need.

Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. it will also become an important key to independence and equality for people with disabilities in our state. Mahalo for hearing this bill and moving it forward.

HB-1419-HD-1

Submitted on: 2/28/2022 10:55:26 AM

Testimony for FIN on 3/1/2022 12:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stan Young	Hawaii State committee of Blind Vendors	Support	No

Comments:

Good afternoon chair, vice chair, and members. I am Stan Young, Chairperson, Hawaii State Committee of Blind Vendors, fully supporting HB1419 H.D. 1.

HB1419 will make the state’s electronic information technology work better for people with disabilities. Disability access is already the law, but at present Hawaii has no standards to comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards will be when HB1419 becomes law.

HB1419 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, responding to complaints.

When you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state’s information technology is not accessible. Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. It will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and moving it forward.

Brandon G. Young

Testimony of Brandon Young

before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am Brandon Young, fully supporting HB1419 H.D. 1.

HB1419 will make the state's electronic information technology work better for people with disabilities. Disability access is already the law, but at present Hawaii has no standards to comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards will be when HB1419 becomes law.

HB1419 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, responding to complaints.

When you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state's information technology is not accessible. Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. It will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and moving it forward

Testimony of Virgil Stinnett
before the Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. My name is Virgil Stinnett, a blind entrepreneur in service to our Department of Defense, and elected president of the National Federation of the Blind of Hawaii in strong support of HB1419 H.D. 1.

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

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

Testimony of Hoku Burrows
before the Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. My name is Hoku Burrows, a blind woman and member of the National Federation of the Blind of Hawaii in strong support of HB1419 H.D. 1.

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

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

Testimony of Katie Keim
before the Committee on Finance (FIN)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. My name is Katie Keim, a blind business woman and member of the National Federation of the Blind of Hawaii in strong support of HB1419 H.D. 1.

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

Each time a state agencies electronic digital application gets designed or updated, new barriers arise. The technology is there yet not implemented within the design of the online application.

A top priority for working age adults with disabilities is to engage fully in employment we are qualified for, including applying for state agency positions. Imagine seeking employment which due to the requirements of the state agency is to apply on line, yet you cannot simply because you cannot fill out or file the forms due to the lack of accessibility of the online process? And if you made it past the submittal of your application to an interview, yet what would you do if you couldn't get past the barriers on a digital interview platform? Just because the format was not accessible due to your disability? One more job opportunity lost even though there is existing technology that would enable an individual to participate. Far too often this is the case.

The importance of passing this bill to those of us with disabilities, is critical to our equality and full participation in our community.

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

HB-1419-HD-1

Submitted on: 2/28/2022 9:31:18 AM

Testimony for FIN on 3/1/2022 12:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ANNETTE TASHIRO	Statewide Independent Living Council of Hawaii	Support	No

Comments:

Testimony of Annette Chiyo Tashiro

before the Committee on Finance (FIN)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am Annette Chiyo Tashiro, fully supporting HB1419 H.D. 1.

HB1419 will make the state’s electronic information technology work better for people with disabilities. Disability access is already the law, but at present Hawaii has no standards to comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards will be when HB1419 becomes law.

HB1419 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, responding to complaints.

When you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state’s information technology is not accessible. Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology

bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. it will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and moving it forward.

Testimony of Leni Ebisutani
before the Committee on Finance (FIN)
Hawaii State House of Representatives

Thirty-First Legislature,
Regular Session of 2022
March 1, 2022, 12:30 PM,
hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am Leni Ebisutani, fully supporting HB1419 H.D. 1.

HB1419 will make the state's electronic information technology work better for people with disabilities. Disability access is already the law, but Hawaii has no standards to comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards. HB1419 will address this inefficiency.

When you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state's information technology is not accessible. Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. it will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and moving it forward.

Testimony of Donald Sakamoto before the Committee on Finance (FIN) Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022 March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am Donald Sakamoto, fully supporting HB1419 H.D. 1.

This bill HB1419 will definitely make the state's electronic information technology to work better for all those people with disabilities. Disability access is already the law however, at the present time Hawaii has no standards to comply. This order less approach is inefficient and much more expensive than a rational approach based on the standards that will be when HB1419 finally becomes law.

Furthermore, HB1419 emphasizes the including disability access in the specifications at the point of the project design and procurement of information technology. For decades of experience in other states and the federal government shows that planning for the disability access at the beginning basically eliminates the cost as compared to access solutions attempted after the implementation, responding to complaints.

When you are thinking about cost, please consider both the cost of lost jobs and productivity for people with disabilities when the state's information technology is not accessible. Also, aside from making disability access more efficient when HB1419 is in effect, the legislature will definitely be making a powerful statement on behalf of equal rights and equal opportunity. This is a technology bill for sure, but for blind people, this is very much an essential twenty-first century civil rights bill. it will also become an important key to independence and equality for people with disabilities in our state. Famous "by failing to prepare, you are preparing to fail" by Benjamin Franklin.

Mahalo for hearing this bill and to moving it forward.

Testimony of Jaclyn Borsa
before the Committee on Finance (FIN)
Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022
March 1, 2022, 12:30 PM, hearing on HB1419 H.D. 1

Good afternoon chair, vice chair, and members. I am Jaclyn Borsa, fully supporting HB1419 H.D. 1.

HB1419 will make the state's electronic information technology work better for people with disabilities. Disability access is already the law, but at present Hawaii has no standards to comply. This haphazard approach is inefficient and more expensive than a rational approach based on standards will be when HB1419 becomes law.

HB1419 emphasizes including disability access in the specifications at the point of project design and procurement of information technology. Decades of experience in other states and the federal government show that planning for disability access at the beginning basically eliminates the cost as compared to access solutions attempted after implementation, responding to complaints.

When you are thinking about cost, please consider the cost of lost jobs and lost productivity for people with disabilities when the state's information technology is not accessible. Aside from making disability access more efficient when HB1419 is in effect, the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. It will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and moving it forward.