

STAND. COM. REP. NO.

2051

Honolulu, Hawaii

, 2006

Feb. 14

RE: S.B. No. 2338

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2338 entitled:

"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION,"

begs leave to report as follows:

The purpose of this measure is to make an emergency appropriation to the Department of Health for the State's medicaid home and community-based services for the developmentally disabled or mentally retarded program, also known as the title XIX waiver program.

Your Committee finds that a critical funding emergency exists for the Developmental Disabilities Division of the Department of Health due to an increase in the anticipated admissions to the medicaid waiver program. This increase in admissions is a result of the settlement agreement in HDRC v. State, Civil No. 03-00524 HG-KSC, in August 2005, under which the Department of Health must continue to reasonably admit individuals with mental retardation or developmental disabilities into the medicaid waiver program, a program that matches state funds with federal funds to meet the needs of disabled individuals so that they may live in the community.

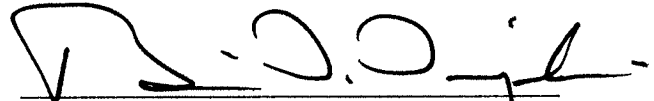
Your Committee believes that this emergency appropriation will enable the State to comply with the settlement agreement, Chapter 333F, Hawaii Revised Statutes, and the United States



Supreme Court's decision in Olmstead v. Zimring, 527 U.S. 581 (1999).

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2338 and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Ways and Means  
(Bills and Resolutions)

Measure:* SB 2338	Committee Referral: HTH/HMS, WAM	Date: 2/14/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (2312) <input type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
TANIGUCHI, Brian T. (C)	/			
TSUTSUI, Shan S. (VC)	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol				/
HOOSER, Gary L.	/			
INOUE, Lorraine R.	WR			/
KANNO, Brian				/
KIM, Donna Mercado	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.	/			
SAKAMOTO, Norman	/			
HEMMINGS, Fred	/			
SLOM, Sam	/			
TRIMBLE, Gordon	/			
TOTAL	13 <sup>ST</sup> 12	0	0	3 <sup>ST</sup> 3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Do not list more than one measure per Record of Votes.