

STAND. COM. REP. NO.

1163

Honolulu, Hawaii

March, 2007

RE: H.B. No. 833

H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 833, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this bill is to clarify and expand exemptions to certain employment-related laws by:

- (1) Inserting a definition for "recipient of social service payments" under the Unemployment Insurance law, Workers' Compensation law, Temporary Disability Insurance law, and the Prepaid Health Care law; and
- (2) Excluding domestic services performed by an individual in the employ of a recipient of social service payments from the Unemployment Insurance law.

Supporting Exceptional Citizens of Hawaii, Aloha Care Home Corporation, Filipino Coalition for Solidarity, Home & Community Services of Hawaii, Inc., United Filipino Council of Hawaii, Congress of Visayan Organizations, Oahu Filipino Community Council, National Federation of Filipino American Associations, Philippine Nurses Association - Hawaii, Nursing, Advocates & Mentors, Inc., and several concerned individuals supported this bill. Catholic Charities Hawaii supported this bill with amendments. Family Voices of Hawaii and Responsible Caregivers of Hawaii opposed this measure. The Attorney General, Department of

HB833 HD2 HSCR FIN HMS 2007-2860



Labor and Industrial Relations (DLIR), State Council on Developmental Disabilities, and Easter Seals Hawaii submitted comments.

Your Committee has amended this measure by deleting its contents and inserting revised provisions to clarify and expand exemptions to certain employment-related law. Specifically, this bill:

- (1) Establishes a definition for "medicaid waiver service" to mean service performed in the employ of a contractor of the State when such service is:
 - (A) Authorized and paid for by the Department of Human Services (DHS) under the Social Security Act (SSA); and
 - (B) Performed by a licensed or certified adult foster care home operator-owner in the operator-owner's home for residents of that particular home;
- (2) Inserts the definition of "medicaid waiver service" in the Workers' Compensation law and Temporary Disability Insurance law;
- (3) Excludes, from the Unemployment Insurance law, medicaid waiver service performed in the employ of a contractor of the State when such service is:
 - (A) Authorized and paid for by DHS under the SSA;
 - (B) Performed by a licensed or certified adult foster care home operator-owner in the operator-owner's home for residents of that particular home; and
 - (C) Performed for other than governmental entities, federally recognized tribes, and nonprofit organizations;
- (4) Contains a savings clause; and
- (5) Contains an effective date of July 1, 2059, to encourage further discussion.

Due to the important issues and concerns raised by this bill, it is the intent of your Committee that DLIR request that the U.S.



Department of Labor review the bill's provisions and assess their impact.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 833, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 833, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



MARCUS R. OSHIRO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1163

Record of Votes of the Committee on Finance

Bill/Resolution No.: HB 833 HD1		Date: 2/28/07		
Committee Referral: LAB/HSH, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold		<input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration		
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. BELATTI, Della Au	✓			
4. BROWER, Tom	✓			
5. CARROLL, Mele				✓
6. CHONG, Pono	✓			
7. HANOHANO, Faye P.	✓			
8. HAR, Sharon E.	✓			
9. MAGAOAY, Michael Y.	✓			
10. MANAHAN, Joey	✓			
11. MIZUNO, John	✓			
12. NAKASONE, Bob	✓			
13. RHOADS, Karl	✓			
14. SAGUM, Roland D., III				✓
15. TOKIOKA, James Kunane	✓			
16. AWANA, Karen Leinani	✓			
17. MEYER, Colleen Rose	✓			
18. WARD, Gene, Ph.D.				✓
TOTAL	15	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div> <div style="text-align: center; margin-left: 100px; font-family: cursive; font-size: 1.5em;">Marilyn B. Lee</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				