

STAND. COM. REP. NO.

2118

Honolulu, Hawaii

FEB 07 2008

RE: S.B. No. 2830

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred S.B. No. 2830 entitled:

"A BILL FOR AN ACT RELATING TO CAREGIVING,"

begs leave to report as follows:

The purpose of this measure is to effectuate recommendations of the joint legislative committee on family caregiving.

Specifically, this measure:

- (1) Extends the Joint Legislative Committee on Family Caregiving;
- (2) Changes the name of the committee to the Joint Legislative Committee on Aging in Place;
- (3) Expands the committee mandate to include aging in place issues related to family caregiving;
- (4) Requires the Aging and Disability Resource Center to report to the aging in place committee;
- (5) Requires the aging in place committee to conduct a cash and counseling project;
- (6) Appropriates funds to the committee;



- (7) Allows the Kupuna Care Program to include overnight, weekend, and emergency respite services and provide grants to caregivers for home modification; and
- (8) Appropriates funds to the Kupuna Care Program.

As this measure was identical to S.B. No. 2042, which was heard by your Committee on January 24, 2008, no testimony was taken on this measure.

Testimony in support of S.B. No. 2042 was received from the Executive Office on Aging, the Office of Hawaiian Affairs (Na Tutu Coalition), State Council on Developmental Disabilities, Policy Advisory Board for Elder Affairs, City and County of Honolulu Department of Community Services, Elderly Affairs Division, Catholic Charities Hawai'i, Project Dana, Hawai'i Alliance for Retired Americans, Hawaii Chapter - American Physical Therapy Association, Kokua Council, AARP, ILWU Local 142, Hawaii Aging Advocates Coalition, Maui County Executive on Aging, and four private citizens. The Maui County Council on Aging requested amendments. The National Federation of Independent Businesses submitted comments. The Attorney General submitted testimony stating that the measure violates the separation of powers doctrine and is therefore unconstitutional.

Your Committee finds that certain issues related to caregiving and aging in place are critical to the welfare of the aging and their caregivers and families, and therefore must be addressed by the State. As such, your Committee has responded to this need with an omnibus measure that deals with a variety of concerns raised in the elder community relating to caregiving, the Kupuna Care Program, grandparents raising grandchildren, and respite care.

Your Committee notes that a comment made by the Maui County Council on Aging to S.B. No. 2042 requested that the phrase, "including the use of home health technologies" be added to the last sentence of the measure. As it was unclear exactly where this proposed amendment should be placed, it was not adopted by the Committee into this measure. However, your Committee wishes to indicate that kupuna care services could incorporate the use of home health technologies.



Your Committee has amended this measure by:

- (1) Incorporating the contents of S.B. No. 2045, relating to grandparents raising grandchildren, and S.B. No. 2048, relating to the respite inventory project of the University of Hawaii, into this measure;
- (2) Addressing the comments made by Catholic Charities Hawaii on S.B. No. 2042 by specifying that any moneys appropriated to the Kupuna Care Program would fund existing operations and services as well as the new services authorized by the measure;
- (3) Incorporating the comments made by the Executive Office on Aging on S.B. No. 2042, by removing an inaccuracy in the description of the Kupuna Care Program, changing the word "donations" to "contributions," eliminating a redundant reference to state units on aging as designing statewide programs, amending the appropriation to specify that the moneys are specifically for expansion of the kupuna care program, and adding a new appropriation specifically to address the kupuna care program waitlist;
- (4) Addressing a concern raised by the Department of the Attorney General to S.B. No. 2042 that having the Joint Legislative Committee on Aging in Place conduct a cash and counseling program would raise constitutional separation of powers issues by requiring the aging in place committee to design a cash and counseling project, rather than conduct the program;
- (5) Addressing comments made by Na Tutu Coalition on S.B. No. 2042 by adding two additional members of the grandparents raising grandchildren task force to include a member of Partners in Development, and an individual who is a grandparent; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Human Services and Public Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2830, as amended herein, and recommends that



it pass Second Reading in the form attached hereto as S.B.
No. 2830, S.D. 1, and be referred to the Committee on Ways and
Means.

Respectfully submitted on
behalf of the members of the
Committee on Human Services and
Public Housing,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* <i>SB 2830</i>	Committee Referral: <i>HSP, WAM</i>	Date: <i>1/29/08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
HOOSER, Gary L.				✓
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Fred Hemmings</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes