

STAND. COM. REP. NO. 1544

Honolulu, Hawaii

A-207, 2009

RE: H.C.R. No. 268

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred H.C.R. No. 268 entitled:

"HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO OPPOSE THE PROPOSED RULE AMENDMENTS PUBLISHED ON APRIL 10, 2008 IN THE FEDERAL REGISTER (73 FED. REG. 19708) THAT IMPLEMENT THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000, AND TO SUPPORT NEW SECTIONS IN THE UPCOMING REAUTHORIZATION,"

beg leave to report as follows:

The purpose of this concurrent resolution is to:

- (1) Declare that the Legislature is opposed to the proposed amendments to the Developmental Disabilities Assistance and Bill of Rights Act of 2000 as published on April 10, 2008, in the Federal Register, and urge the United States Congress to do the same; and
- (2) State that in the process of reauthorization, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 should include provisions regarding oversight, protocol, and transparency with respect to the designated advocacy service provider.

Several concerned individuals supported this concurrent resolution. The State Council on Developmental Disabilities and Hawaii Disability Rights Center (HDRC) opposed this concurrent resolution.

HCR268 HSCR HUS-HLT HMS 2009-3640



Your Committees note the concerns raised by HDRC that there are numerous inaccuracies in this concurrent resolution regarding the contents of the proposed regulations. HDRC stated that the main thrust of the proposed regulations is to codify court decisions which may have been issued regarding the authority of the protection and advocacy systems or to conform these developmental disability regulations with those that govern the program for the Protection and Advocacy for Individuals with Mental Illness. Additionally, HDRC stated that the public comment period for these proposed regulations has elapsed, meaning that any expression of support or opposition by the Legislature will not be entered as part of the record.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 268 and recommend that it be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Health,



RYAN I. YAMANE, Chair



JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

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Record of Votes of the Committee on Human Services

Bill/Resolution No.: HCR 268	Committee Referral: HUS/HLT, J4D	Date: 04/06/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au				/
4. BERTRAM, Joe, III	/			
5. CARROLL, Mele				/
6. NISHIMOTO, Scott Y.	/			
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.	/			
9. WARD, Gene				/
TOTAL (9)	6	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Tom Brown</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

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Record of Votes of the Committee on Health

Bill/Resolution No.: HCR 268	Committee Referral: HUS / HLT , JUD	Date: 4-06-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. BELATTI, Della Au				/
4. BERTRAM, Joe, III	/			
5. BROWER, Tom	/			
6. CARROLL, Mele				/
7. MIZUNO, John M.	/			
8. SHIMABUKURO, Maile S.L.	/			
9. FINNEGAN, Lynn				/
TOTAL (9)	6			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				