

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2833
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 2833, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT EXEMPTION FOR DOMESTIC SERVICES FOR PERSONS WITH DEVELOPMENTAL AND INTELLECTUAL DISABILITIES,"

begs leave to report as follows:

The purpose of this measure is to increase access to home- and community-based services by extending the exemption from laws relating to unemployment insurance, workers' compensation, temporary disability insurance, and the Prepaid Health Care Act to domestic in-home and community-based services for persons with developmental and intellectual disabilities when the services are provided through state-funded medical assistance to individuals who are ineligible for Medicaid.

The Department of Labor and Industrial Relations, Department of Health, Department of Human Services, and State Council on Developmental Disabilities testified in support of this measure.

Currently, recipients of federally funded social service payments with developmental and intellectual disabilities are exempt from providing unemployment insurance, workers' compensation insurance, temporary disability insurance, and pre-paid health care when contracting or hiring an individual to perform domestic services for them. However, confusion exists as

SB2833 HD1 HSCR LAB HMS 2012-3042



to whether individuals who are not Medicaid eligible but receive State funded home- and community-based services need to provide these benefits. This measure clarifies this matter by exempting recipients of Department of Human Services' state-funded home- and community-based services from having to provide unemployment insurance, workers' compensation, temporary disability insurance, and pre-paid health care benefits to individuals they hire or contract to perform services for them. Your Committee finds that this exemption will allow greater access to home- and community-based services to needy individuals.

Your Committee has amended this bill by:

- (1) Amending its title to correct a typographical error; and
- (2) Making additional technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2833, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2833, S.D. 1, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSR 1201-12

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: <i>SB 2893 SD1</i>	Committee Referral: <i>HHS, LAB, FIN</i>	Date: <i>3-20-12</i>		
<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 checked="" 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)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. SAIKI, Scott K.				-
9. SOUKI, Joseph M.				-
10. TAKUMI, Roy M.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	10	-	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				