

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1787
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Human Services and Labor, Culture and the Arts, to which was referred H.B. No. 1787, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish Employment First as a state policy with respect to persons with disabilities;
- (2) Require state and county agencies to implement the Employment First policy in hiring and all programs and services administered or funded by the State or counties; and
- (3) Require the Department of Human Services to apply Employment First principles to Medicaid home- and community-based services waiver program personnel.

Your Committees received testimony in support of this measure from the State Council on Developmental Disabilities, Disability and Communication Access Board, Hawaii Disability Rights Center, Rainbow Family 808, and four individuals. Your Committees received comments on this measure from the Department of Human



Services, Department of Labor and Industrial Relations, and Executive Office on Aging.

Your Committees find that over the past several years, the State has made strides in removing various barriers for individuals with disabilities to enter the workforce, including the enactment of Act 155, Session Laws of Hawaii 2019, which enabled individuals receiving Medicaid to earn up to a livable wage without losing their Medicaid services; and Act 55, Session Laws of Hawaii 2021, which ended the discriminatory practice of paying subminimum wages to individuals with disabilities. This measure will further expand employment opportunities for individuals with disabilities, thereby enabling them to further integrate into their communities.

Your Committees note that S.B. No. 2875, S.D. 1, Regular Session of 2022, is a substantially similar measure. Your Committees believe that the language of S.B. No. 2875, S.D. 1, is preferable as it provides a clearer definition of "Employment First", defines "Person with a disability", and provides a more explicit description of the Department of Human Services' responsibilities.

Your Committees also note the testimony of the Department of Labor and Industrial Relations raising concerns that the requirement under this measure that all state and county agencies share data and information could be construed to require the Department to share confidential data and information, such as unemployment insurance information.

Accordingly, your Committees have amended this measure by:

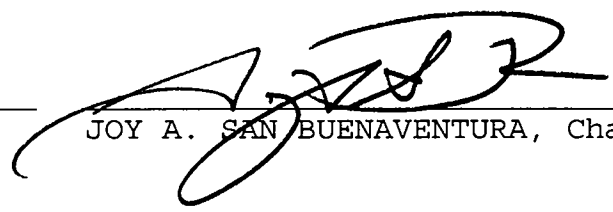
- (1) Deleting its contents and inserting the contents of S.B. No. 2875, S.D. 1, Regular Session of 2022;
- (2) Clarifying that the sharing of data and information among state and county agencies pursuant to this measure is voluntary; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Human Services and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1787, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1787, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Human Services and Labor, Culture and the Arts,

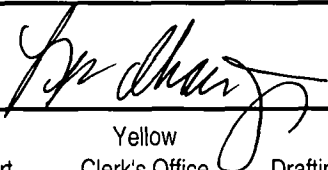

BRIAN T. TANIGUCHI, Chair


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i


Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1787 HD2	HMS/LCA, JDC/WAM	11/22/2022		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:
HB1787, HD2	HMS/LCA, JDC/WAM	3/22/2022
<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	
TANIGUCHI, Brian T. (C)	✓	
IHARA, Jr., Les (VC)	✓	
CHANG, Stanley	✓	
KEOHOKALOLE, Jarrett	✓	
FEVELLA, Kurt		✓
TOTAL	4	0
0	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
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