

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2875
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 S.B. No. 2875 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"--defined as the competitive employment and full inclusion of persons with a disability in an integrated setting as a first and preferred option for employment services--as a policy of the State and counties;
- (2) Require state and county agencies to ensure that Employment First is effectively implemented in hiring and all programs and services administered or funded by the State and counties; and
- (3) Require the Department of Human Services to apply Employment First principles to Medicaid home and community-based services programs.

Your Committees received testimony in support of this measure from the State Council on Developmental Disabilities and Hawaii Disability Rights Center. Your Committees received comments on this measure from the Department of Human Services.



Your Committees find that over the past few years, the State has been 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 the testimony of the Department of Human Services stating that it will require time, additional resources, and clarification from the Department of Human Resources Development to implement this measure.

Your Committees also note the testimony of the State Council on Developmental Disabilities requesting that the definition of Employment First be clarified in a manner consistent with the intent of nationally adopted Employment First practices.

Your Committees have amended this measure by:

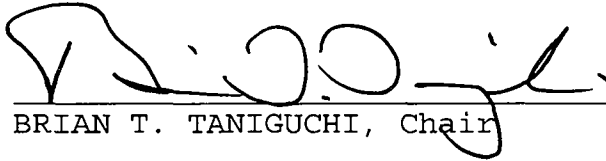
- (1) Clarifying the definition of "Employment First" to ensure that it is consistent with the intent of nationally adopted Employment First practices;
- (2) Clarifying the definition of a "person with a disability" to conform to the definition used in the employment context;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) 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 S.B. No. 2875, as amended herein, and recommend that it pass Second Reading in the form attached hereto



as S.B. No. 2875, 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:		
SB 2875	HMS/LCA, JDC/WAM	02/07/2022		
<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 Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

