

STAND. COM. REP. NO.

608

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1780  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred S.B. No. 1780 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this measure is to exempt recipients of social service payments from the scope of employment related laws.

Catholic Charities Hawai'i, Supporting Exceptional Citizens of Hawaii, the United Filipino Council of Hawaii, and two individuals submitted testimony in support of this measure. The State Council on Developmental Disabilities, the Hawaii Disability Rights Center, Responsive Caregivers of Hawaii, and two individuals submitted testimony in opposition to this measure. The Attorney General, the Department of Labor and Industrial Relations, the Department of Human Services, and Easter Seals Hawai'i submitted comments.

Your Committee finds that chapters 386, 392, and 393, Hawaii Revised Statutes, currently provide an exemption from the definition of "employer" under those chapters for domestic services, which includes certain attendant care and day care services performed by an individual in the employ of a recipient of social service payments. It appears that the lack of a definition of the term "recipient of social service payments" has caused confusion and disparity in the application of these chapters.



It is your Committee's intent to try to accurately define the term "recipient of social service payments". Your Committee has amended this measure by:

- (1) Defining the term "recipient of social service payments" to include:
  - (A) A person who is an eligible recipient of social services such as attendant care and day care services;
  - (B) A corporation or private agency that contracts directly with the Department of Human Services to provide attendant care and day care authorized under the Social Security Act, as amended; and
  - (C) An independently licensed or certified adult foster home or care home provider who provides attendant care and day care authorized under the Social Security Act, as amended, to an eligible recipient of social services in the provider's place of residence;
- (2) Adding a severability clause, in consideration of concerns that were raised regarding possible conflicts with federal law; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

Your Committee notes that several testifiers raised concerns that this measure could violate federal law as it pertains to the amendments to the Hawaii Employment Security Law and the Prepaid Health Care Act.

Your Committee also notes that the inclusion of corporations or private agencies that contract directly with the Department of Human Services to provide attendant care and day care may have the unintended consequence of causing certain corporations or private agencies to stop providing benefits to some of their employees that they presently provide under chapters 386, 392, and 393, Hawaii Revised Statutes. Therefore, your Committee urges the Committee on Judiciary to examine how that paragraph of the definition can be modified to address this concern.



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. 1780, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1780, S.D. 1, and be referred to the Committee on Judiciary and Labor.


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

  
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.:*	Committee Referral:	Date:		
SB 1780	HSP, JDL	2-15-07		
<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)	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	4	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

\*Only one measure per Record of Votes