

STAND. COM. REP. NO.

1269

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 1399
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 Public Safety, to which was referred H.B. No. 1399 entitled:

"A BILL FOR AN ACT RELATING TO INCARCERATED PERSONS,"

begs leave to report as follows:

The purpose of this measure is to clarify that inmates who participate in work, education, and vocational training programs are exempt from statutory employee benefits.

Testimony in support of this measure was submitted by the Department of Public Safety and the Department of Labor and Industrial Relations.

Your Committee finds that the Federal Unemployment Tax Act exempts inmates from statutory employee benefits such as unemployment benefits, but state law does not explicitly provide for a similar exemption. Your Committee further finds that if inmates are considered employees of the State, the cost of unemployment insurance and other statutorily created employee benefits could force the closure of important rehabilitative programs.

Your Committee amended this measure to correctly reflect existing language in the Hawaii Revised Statutes.

It is the intent of your Committee to specify that inmates involved in work, education, or vocational training programs are exempted from statutory employee benefits.

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As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1399, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1399, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,




WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Public Safety
PBS

Bill / Resolution No.:* HB 1399	Committee Referral: PBS, JDL	Date: 3-15-07		
<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
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman	✓			
WHALEN, Paul	✓			
TOTAL	4			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