

STAND. COM. REP. NO.

164

Honolulu, Hawaii

FEB 12 2007

RE: S.B. No. 1485
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 S.B. No. 1485 entitled:

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

begs leave to report as follows:

The purpose of this measure is to exempt inmates participating in work, education, and vocational training programs from statutorily-mandated employee benefits.

Specifically, this measure adds "services performed by an inmate or any person committed to a penal institution" to the list of services excluded from the definition of "Employment" in the Hawaii Revised Statutes provided in section 383-7, the State's Unemployment Insurance Law.

Testimony in support of this measure was submitted by the Department of Public Safety.

Your Committee finds that employment and training programs are important to an incarcerated person's rehabilitation. However, these programs were not intended to give the incarcerated person a basis for claiming unemployment benefits once completing the programs. In fact, the increase in unemployment insurance costs that would result if incarcerated persons were included could make these programs cost prohibitive.

Your Committee finds the amendments proposed in this measure are wise and would comport with the provisions of the Federal

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Unemployment Tax Act. Your Committee further finds that in keeping with the gender neutral nature of the Hawaii Revised Statutes, it is appropriate to amend section 383-7(5), relating to services excluded from the definition of "employment" by substituting the terms "child" for "son, daughter" and "parent" for "father or mother".

Technical, nonsubstantive amendments were made to add missing statutory language, reflect recommended drafting conventions, and to make the gender neutral changes discussed above.

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 S.B. No. 1485, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1485, 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

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|--|---------------------|----------|-----|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 1485 | PBS, JDL | 2/06/07 | | |
| <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 | ✓ | | | |
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| TOTAL | 3 | | | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive;">Clarence K. Nishihara</div> | | | | |
| Distribution: Original Yellow Pink | | | | |
| File with Committee Report Clerk's Office Drafting Agency | | | | |

*Only one measure per Record of Votes