

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO THE MINIMUM WAGE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 103D-1001, Hawaii Revised Statutes, is  
2 amended by amending the definition of "qualified community  
3 rehabilitation program" to read as follows:

4           "Qualified community rehabilitation program" means a  
5 nonprofit community rehabilitation program for persons with  
6 disabilities that:

- 7           (1) Is organized and incorporated under the laws of the  
8 United States or this State, and located in this  
9 State;
- 10          (2) Is operated in the interest of and [+]employs[+]  
11 persons with disabilities;
- 12          (3) Does not inure any part of its net income to any  
13 shareholder or other individual;
- 14          (4) Complies with all applicable occupational health and  
15 safety standards required by the federal, state, and  
16 county governments; and



1 (5) Holds a current certificate from the United States  
2 Department of Labor pursuant to the Fair Labor  
3 Standards Act, Title 29 United States Code section  
4 214(c), and is certified by the state department of  
5 labor and industrial relations under [~~section 387-9~~  
6 and] applicable administrative rules relating to the  
7 employment of persons with disabilities."

8 SECTION 2. Section 387-9, Hawaii Revised Statutes, is  
9 amended by amending its title and subsection (a) to read as  
10 follows:

11 "§387-9 Special minimum wages for learners; apprentices;  
12 full-time students; paroled wards of Hawaii youth correctional  
13 facility [~~handicapped workers~~]. (a) Notwithstanding the  
14 provisions of section 387-2, the director may by rule provide  
15 for the employment [~~+~~

16 ~~(1)~~ ~~of~~] of learners, of apprentices, of part-time  
17 employees who are full-time students attending public  
18 or private schools other than colleges, universities,  
19 business schools, or technical schools, and of wards  
20 paroled from the Hawaii youth correctional facility,  
21 under special certificates issued by the director, at



1           [~~such~~] wages lower than the applicable minimum wage  
2           and subject to [~~such~~] limitations as to time, number,  
3           proportion, and length of service as the director  
4           shall prescribe [~~;~~ and  
5        ~~(2) Of individuals whose earning capacity is impaired by~~  
6        ~~old age or physical or mental deficiency or injury,~~  
7        ~~under special certificates issued by the director, at~~  
8        ~~such wages lower than the applicable minimum wage and~~  
9        ~~for such period as shall be fixed in the~~  
10       ~~certificates]."~~

11           SECTION 3. This Act does not affect rights and duties that  
12        matured, penalties that were incurred, and proceedings that were  
13        begun before its effective date.

14           SECTION 4. If any provision of this Act, or the  
15        application thereof to any person or circumstance, is held  
16        invalid, the invalidity does not affect other provisions or  
17        applications of the Act that can be given effect without the  
18        invalid provision or application, and to this end the provisions  
19        of this Act are severable.

20           SECTION 5. Statutory material to be repealed is bracketed  
21        and stricken. New statutory material is underscored.



# S.B. NO. 349

**Report Title:**

Employment; Minimum Wage; Persons with Disabilities

**Description:**

Includes persons with disabilities under the minimum wage requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

