

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO MINIMUM WAGE.

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

1 PART I

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

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

- 8 (1) Is organized and incorporated under the laws of the  
9 United States or this State, and located in this  
10 State;
- 11 (2) Is operated in the interest of and [+]employs[+]  
12 persons with disabilities;
- 13 (3) Does not inure any part of its net income to any  
14 shareholder or other individual;
- 15 (4) Complies with all applicable occupational health and  
16 safety standards required by the federal, state, and  
17 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 and~~  
 6 ~~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[+],  
 12 apprentices[+], full-time students[+], and paroled wards of  
 13 Hawaii youth correctional facility [~~handicapped workers~~]. (a)  
 14 Notwithstanding [~~the provisions of~~] section 387-2, the director  
 15 [~~may~~], by rule, may provide 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]."~~

PART II

12          SECTION 3. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$            or so  
14 much thereof as may be necessary for fiscal year 2019-2020 for  
15 the department of business, economic development, and tourism to  
16 conduct a study on the effects of minimum wage increases on the  
17 economic condition of the State, and to provide case study  
18 examples of incentives and programs that support small business  
19 enterprises in areas where the minimum wage was increased;  
20 provided that the department of business, economic development,  
21 and tourism shall submit a report of its findings and



1 recommendations, including any proposed legislation, to the  
2 legislature no later than twenty days prior to the convening of  
3 the regular session of 2020.

4 The sum appropriated shall be expended by the department of  
5 business, economic development, and tourism for the purposes of  
6 this Act.

7 PART III

8 SECTION 4. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.


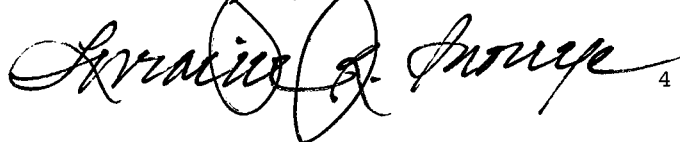
11 SECTION 5. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:



# S.B. NO. 358

**Report Title:**

Employment; Minimum Wage; Persons with Disabilities; Study;  
Impaired Earning Capacity; Appropriation

**Description:**

Excludes persons with impaired earning capacities from having to receive the lower special minimum wage rate. Requires the Department of Business, Economic Development, and Tourism to study the impacts of raising the minimum wage and submit a report to the Legislature on its findings and recommendations. Appropriates funds.

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

