

STAND. COM. REP. NO. 426

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 360  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Labor and Technology and Health and Human Services, to which was referred S.B. No. 360 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY LEAVE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Labor and Industrial Relations to establish and administer a family leave insurance program;
- (2) Provide family leave insurance benefits and extend the period of family leave to sixteen weeks for businesses that employ one or more employees who meet the hourly qualifications;
- (3) Eliminate the previous threshold of one hundred employees for employers to be subject to the family leave law; and
- (4) Appropriate an unspecified amount of funds.

Your Committees received testimony in support of this measure from Rainbow Family 808.com Inc; Americans for Democratic Action Hawai'i; Labor Caucus of the Democratic Party of Hawai'i; Stonewall Caucus of the Democratic Party of Hawai'i; Women's Caucus of the



Democratic Party of Hawai'i; Education Caucus of the Democratic Party of Hawai'i; International Alliance of Theatrical Stage Employees Local 665; Pride at Work - Hawai'i; UNITE HERE Local 5; Hawai'i State AFL-CIO; Hawaii Association for Infant Mental Health; Our Hawaii, Inc.; Hawai'i Nurses' Association, OPEIU Local 50; Obesity Prevention Task Force of the Hawaii Public Health Institute; Hawaii State Teachers Association; Hawai'i Family Caregiver Coalition; Hawai'i Foodbank, Inc.; Hawaii Appleseed Center for Law & Economic Justice; Hawai'i Alliance for Progressive Action; American Association of University Women of Hawaii; Hawai'i Workers Center, Hawai'i State Coalition Against Domestic Violence; Imua Alliance; Hawai'i Children's Action Network Speaks!; Save Medicaid Hawaii; Hawai'i Women Lawyers; and thirty-eight individuals. Your Committees received testimony in opposition to this measure from Hawaii Energy Marketers Association, Chamber of Commerce Hawaii, Society of Human Resource Management Hawaii, and one individual. Your Committees received comments on this measure from the Department of Budget and Finance, Department of Human Resources Development, Department of Labor and Industrial Relations, Department of the Attorney General, and Department of Human Services.

Your Committees find that although Hawaii's Family Leave Law provides four weeks of protected leave for employees of employers with one hundred or more employees for the birth or adoption of the employee's child or care of the employee's child, spouse, reciprocal beneficiary, sibling, grandchild, or parent with a serious health condition, this leave is generally unpaid. Given the concerns raised by the Department of Labor and Industrial Relations and Department of the Attorney General regarding the implementation of the program as proposed by this measure, your Committees believe that the development of a family leave insurance program in the State requires more study.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have:
  - (A) Required the Department of Labor and Industrial Relations to establish and administer a family leave insurance program;



- (B) Provided family leave insurance benefits and extended the period of family leave to sixteen weeks for businesses that employ one or more employees who meet the hourly qualifications; and
  - (C) Eliminated the previous threshold of one hundred employees for employers to be subject to the family leave law;
- (2) Inserting language that:
- (A) Requires DLIR to study and submit a report to the Legislature that addresses the development of a family leave insurance program in the State that pays family leave insurance benefits prior to the Regular Session of 2024; and
  - (B) Appropriates an unspecified amount of funds and establishes an unspecified number of positions within DLIR to conduct the study;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees suggest that, in its study on the development of a family leave insurance program in the State that pays family leave insurance benefits, DLIR review the Hawaii State Paid Family Leave Analysis Grant Report (November 2017) and the Paid Family Leave Program Impact Study generated in accordance with Act 109, Session Laws of Hawaii 2018. Your Committees also urge DLIR to work with the Department of the Attorney General and the Department of Human Services to address the concerns raised.

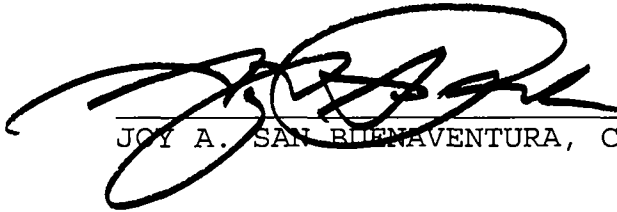
Your Committees note that the Senate Draft 1 of this measure contains an unspecified appropriation amount and an unspecified number of positions within DLIR to conduct a study that addresses the development of a family leave insurance program in the State. Should your Committee on Ways and Means choose to deliberate on



this measure, your Committees respectfully request that it considers inserting language for DLIR to contract out the study in lieu of establishing positions and requiring an actuarial component to the study as recommended by the Department of Budget and Finance.

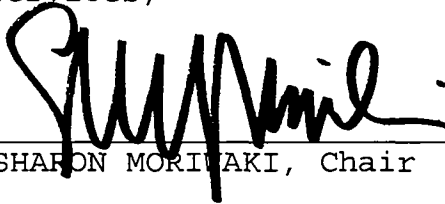
As affirmed by the records of votes of the members of your Committees on Labor and Technology and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 360, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 360, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Labor and Technology and Health and Human Services,



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JOY A. SAN BUENAVENTURA, Chair



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SHARON MORIWAKI, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>SB360</b>	Committee Referral: <b>LBT/HHS, WAM</b>	Date: <b>2/13/23</b>		
<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
MORIWAKI, Sharon Y. (C)	x			
LEE, Chris (VC)	x			
IHARA, Jr., Les	x			
KEITH-AGARAN, Gilbert S.C.	x			
FEVELLA, Kurt				x
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

