

ACT 190

H.B. NO. 32

A Bill for an Act Relating to Family Leave.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 109, Session Laws of Hawaii 2018, (Act 109) directed the legislative reference bureau to conduct a sunrise analysis to impart the legislative intent that the State must understand the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and caregivers prior to choosing a model or framework that will work best for Hawaii's workforce. The intent of Act 109 was to lay the groundwork for the establishment of a paid family leave framework that will enable employees to access leave benefits during times when they need to provide care for a family member. Act 109 also authorized the legislative reference bureau to contract the services of a consultant without regard to chapter 103D, Hawaii Revised Statutes, and required the bureau to submit a report on its findings and recommendations to the legislature by September 1, 2019.

Upon the enactment of Act 109, the legislative reference bureau proceeded to implement this legislative directive and subsequently crafted and issued a request for proposals to conduct the analysis. After the proposal submission deadline occurred, the legislative reference bureau determined that, to require that any work product produced by a contractor include direct consultation with potentially affected state agencies and to ensure the unbiased objectivity of the contracted work, it was in the best interest of the State to cancel the original request for proposals and issue a new, amended request for proposals. The new request for proposals includes a specific requirement that the selected contractor directly consult with potentially affected state agencies. The new request for proposals also requires that, if the contractor employs or subcontracts any portion of the analysis to a person or entity that has an interest in the recommendations or outcome of the analysis, the contractor must explain how any appearance of actual or perceived bias would be mitigated by the contractor.

Due to the cancellation of the original request for proposals and the issuance of a new request for proposals, the legislative reference bureau believes that it will be extremely difficult, given the remaining timeframe and the bureau's workload during session, for the bureau to sufficiently evaluate and execute a contract and provide a selected contractor with adequate time to conduct a thorough analysis by the September 1, 2019, submission deadline. Consequently, the legislative reference bureau finds that, in order to ensure that the bureau and any selected contractor are provided with adequate time to produce a thorough and unbiased analysis as contemplated under Act 109, additional time is required for the bureau to complete the task assigned to it under Act 109.

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The purpose of this Act is to extend the report submission deadline established under Act 109 from September 1, 2019, to no later than November 13, 2019.

SECTION 2. Act 109, Session Laws of Hawaii 2018, section 2, is amended by amending subsection (b) to read as follows:

“(b) The legislative reference bureau shall submit a report of its findings and recommendations, including proposed legislation, to the legislature no later than ~~[September 1, 2019.]~~ November 13, 2019.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 2, 2019.)