

LEGISLATIVE Digest



JANUARY 29, 2013

2013 – Employment Bills Introduced

Employment Practices and Employment Rights

- HB 6
HB 406
SB 108
SB 534
- Paid Sick and Safe Leave** – Requires employers to provide 1 hour of paid sick and safe leave for every 30 hours an employee works. The maximum leave is 40 hours for small businesses (less than 10 employees) and 72 hours for large businesses each calendar year. Employees may use the leave for their own illness, to care for a family member, upon the public health emergency closure of the employee’s workplace or the employee’s child’s school or place of care, or absence due to domestic violence, sexual assault or stalking. Permits employers to request reasonable documentation for leave more than 3 consecutive days, but requires employers to pay for employees’ out-of-pocket expenses for doctor’s notes.
- HB 54
- Discrimination Against Unemployed Individuals** – Prohibits employers or employment agencies from publishing (or causing to be published) a job advertisement stating that the job applicant must be currently employed, or that the employer or employment agency will not consider for employment an individual who is currently unemployed.
- HB 272
SB 196
- Abusive Workplaces** – Makes abusive conduct against a public employee a workplace safety and health violation, as well as a work injury for which workers’ compensation benefits may be paid. Defines “abusive conduct” as that with malice; that a reasonable person would find hostile, offensive and unrelated to an employer’s legitimate business interests; subjecting an employee to an abusive work environment (which is a workplace where an employee is subjected to abusive conduct that is so severe that it causes physical or psychological harm to the employee); or retaliation against an employee who opposed any safety violation or made a charge or participated in an investigation or proceeding regarding abusive conduct.
- HB 409
SB 532
- Breastfeeding** – Requires employers to provide employees with (a) a reasonable break time to express milk for a nursing child each time the employee has a need to express milk and (b) a location, other than the bathroom, that is sanitary, shielded from view, and free from intrusion from co-workers and the public, for breastfeeding. Requires employers to post a notice of breastfeeding rights in the workplace. Provides exemption for employers with less than 50 employees, upon showing of undue hardship. Repeals/replaces current law requiring employers to allow employees to express breastmilk during any meal or break period required by law or collective bargaining agreement.
- HB 634
- Dislocated Workers Act; Successor Employers** – Provides that a successor employer (through divestiture) for a company with 100 or more employees must hire all incumbent non-supervisory and non-confidential employees, and may not require incumbent employees to file employment applications to be considered for hire unless existing employee files are incomplete. Provides that successor employer may conduct pre-employment screening via criminal background checks and drug testing in accordance with the law. Also provides that successor employers may retain less than 100% if the business of the successor employer is substantially dissimilar to the former employer’s business, or the human resource needs of the successor employer are reduced, resulting in the reduction of employees needed.

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- HB 713 **Social Media Passwords** – Prohibits employers from requiring or asking an employee or
SB 207 job applicant to disclose a username or password for a social media account, accessing a
social media account in the presence of the employer, or divulge any personal social media
(except during the course of an investigation of misconduct.) Provides that employers may
require or request an employee to disclosure a username or password for the purpose of
accessing an employer-issued electronic device. Prohibits employers for disciplining an
employee or job applicant for refusing to divulge a username and password for a social
media account.
- HB 1023 **Internet Privacy** – Prohibits educational institutions and employers from asking a student,
HB 1104 prospective student, employee, or prospective employee to grant access to, allow
observation of, or disclose information that allows access to or observation of personal
internet accounts.
- HB 1057 **Meal Breaks** – Requires employers to provide meal breaks of no less than 30 minutes for
SB 1263 employees who work more than five (total) hours a day, provided that a collective
bargaining agreement does not otherwise contain a meal break provision. Employees
scheduled to work six hours in a day may elect to work for 5.5 hours, and leave 30 minutes
early. Penalty for failure to provide meal breaks shall be payment at 1.5 times the
employee’s regular hourly rate. Provides an exemption for operators of a continuously
operating facility regulated by an environmental permit, if an on-duty meal period is
provided.
- SB 261 **Right to Work** – Makes Hawaii a “right to work” state, which would allow employees of a
unionized company to decline membership in the union. Repeals religious exemption from
union membership.
- SB 325 **ID Theft; Personal Information** – Requires businesses to implement a comprehensive,
written policy and procedure to prevent identity theft and to train all employees in the
implementation of the policy and procedure to prevent identity theft. Requires businesses
to designate an employee of the business to have policy and oversight responsibilities for
protection of personal information.
- SB 353 **Non-Compete Agreements** – Provides that non-compete agreements executed after
commencement of employment, as a condition of employment or continued employment,
are not enforceable.
- SB 575 **Sex Offenders; Prohibited Employment** – Prohibits registered sex offenders from being
employed or volunteering in a capacity where the registered sex offender would be
working directly and in an unaccompanied setting with minors on more than an incidental
and occasional basis or have supervision or disciplinary power over minors. Requires
disclosure by registered sex offenders upon application or acceptance of a position
involving certain association with minors.
- SB 1233 **Leave of Absence; Organ, Bone Marrow or Stem Cell Donation** – Requires employers
with 50 or more employees to provide (a) seven days of leave each calendar year to serve
as a bone marrow or stem cell donor and (b) 30 days each calendar year to serve as an
organ donor. Employer may require employees to use unused sick leave, vacation or paid
time off up to three days for bone marrow or stem cell donations, and up to two weeks for
organ donation. Requires employee to submit proof of donor status. Leave taken for these
purposes shall not constitute a break in service for purposes of salary adjustments, sick

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leave, vacation, annual leave, or seniority. Employers with a collective bargaining agreement providing greater rights must comply with CBA.

- SB 1264 **Wellness Programs** - Allows healthcare insurers, employers, and Medicaid programs to offer voluntary wellness programs. Establishes what a wellness program may and may not use as rewards or incentives for participation in a wellness program. Protects confidentiality of participants in a wellness program.

Hawaii Family Leave Law (“HFLL”)

- HB 169 **HFLL; Military Leave** – Expands the HFLL to allow leave for any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parents is on covered duty in the U.S. armed forces.
SB 546
- HB 305 **HFLL; Long Term Care** – Expands the HFLL to allow leave for the purpose of providing care to a child, spouse or reciprocal beneficiary, parent or family member with a physical, sensory, cognitive, or self-care disability. “Family member” includes an uncle or aunt.
- HB 456 **HFLL; Sibling** – Expands the HFLL to allow leave for a “sibling,” which is defined as one of two or more individuals having at least one parent in common, whether biological or by adoption.
SB 1288
- HB 616 **HFLL; Sibling, Grandchild and Civil Union Partner** – Expands the HFLL to allow leave for a sibling, grandchild, or civil union partner.
SB 393
- HB 745 **Family School Leave** – Expands the HFLL to allow parents of children in K-12 a total of ___ hours of leave during a year, up to ___ hours per month, to participate in school activities. The employee shall use available paid leave for purposes of Family School Leave, unless otherwise provided by a collective bargaining agreement entered into before July 1, 2013. At the request of the employer, the employee shall provide documentation from the school as proof that the employee participated in the school activity.
SB 562

Wage and Hour – Minimum Wage

- HB 53 **Minimum Wage** – Increases the State minimum wage to \$8.25 on July 1, 2013, and \$8.75 on July 1, 2014. Beginning July 1, 2015, minimum wage will be adjusted annually according to the consumer price index for urban wage earners and clerical workers for the twelve months prior to September 1 of each year.
SB 331
- HB 512 **Minimum Wage** – Increases the State minimum wage to \$7.75 on July 1, 2013. Beginning January 1, 2014, minimum wage will be adjusted annually according to the consumer price index for urban wage earners and clerical workers for the twelve months prior to September 1 of each year.
- HB 916 **Minimum Wage** – Increases the State minimum wage to \$8.75 on January 1, 2014. For subsequent years, sets minimum wage based on consumer price index, to the nearest 5 cents, to be calculated on September 30 of each year. Consumer price index based on twelve months prior to July 1 of each year. Provides that minimum wage shall be equal to, or greater, than previous years, and shall be take effect on January 1 of each year.
SB 1147
Increases tip credit to \$0.30.

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- HB 1028 **Minimum Wage; UI Contribution Rate; UI Benefit Amount** – Increases the State minimum wage to \$8.00 on January 1, 2014; \$8.25 on January 1, 2015; and \$8.75 on January 1, 2017. Sets the UI contribution rates schedule for 2013 at Schedule F. Extends the maximum weekly benefit amount at 75% of the average weekly wage from December 31, 2012 to December 31, 2013.
- HB 1215 **Minimum Wage** – Increases the State minimum wage to \$8.00 on January 1, 2014; \$8.25 on January 1, 2015; and \$8.75 on January 1, 2017.

Wage and Hour – Miscellaneous

- HB 56 **Domestic Workers** – Requires overtime for domestic workers who work (a) over 40 hours in a week and do not reside in the employers home or (b) over 44 hours in a week and do
HB 413 reside in the employer’s home. Mandates a 24 consecutive hours of rest period each week
SB 535 for domestic workers. Prohibits an employer from engaging in sexual, gender, race, religion or national origin harassment against a domestic worker.
- HB 59 **Wage Payment Information; Penalties** – Requires employers to post its violations of
SB 332 wage and hour laws in employee areas and if the violation is willful, then also for general public viewing. Increases fines for willfully hindering the Director’s enforcement of Section 387 to a maximum of \$5,000 (instead of \$500) and imprisonment for up to 1 year (instead of 90 days). For every subsequent offense committed within 6 years, employer will be guilty of a class C felony with a fine between \$500 and \$20,000. Prohibits retaliation against an employee who complains about wage and hour violations. Requires employers to provide upon hire and annually a notice of the pay rate, any minimum wage allowances (e.g., tip, meal, lodging), employer name, address, telephone number and other material information. The notice must be in English and in the primary language of the employee. Requires employers to provide certain information on each paycheck, including the rates of pay and basis thereof (e.g. hourly, shift, day, week, salary, piece, or commission). Mandates the employer provide a written explanation of how wages were computed, upon employee request. Provides for an automatic 15% penalty for judgments remaining unpaid for 90 days. If the employer fails to comply with an order for 10 or more days after the appeal period expires, the Director may require the employer to provide an accounting of its financial assets or be subject to a civil penalty no more than \$10,000.
- HB 917 **Pay Records; Wage Payment Information** – Requires employers to keep record of rates
SB 1148 of pay for each employee. Also requires employers to provide employees additional information on pay stubs, including names of employee and employer, address and telephone number of employer, employee’s total hours worked, employee’s regular and overtime hours, employee’s straight time compensation, allowances, and rates of pay for hours worked.
- HB 920 **Labor and Industrial Relations Appeals Board (“LIRAB”) Filing Fee** – Authorizes the
SB 1151 LIRAB to set a \$30 filing fee for appeals, and other administrative expenses associated with the processing of appeals.
- HB 921 **LIRAB Sanctions; Electronic Appeals** – Provides LIRAB with authority to issue
SB 1152 administrative sanctions and monetary sanctions up to \$250 per offense, for violations of LIRAB’s rules or orders. Allows for appeals to circuit court to be filed electronically.

Unemployment Insurance (“UI”)

- HB 58 **Work Sharing** – Through a “work-sharing plan” that must be approved by the Director, claimants may work reduced hours in lieu of “temporary layoffs” (lasting 2 to 6 months) and still receive UI benefits. The benefit amount is equal to the regular weekly benefit amount times the percentage reduction in the individual’s usual weekly hours of work, as specified in the approved work-sharing plan.
- HB 915 **Income Tax Offsets; Overpayment of Benefits; Interest on Overpayments** – Provides
SB 1146 that any employer in default of contributions, advance payments or reimbursement may be subject to offset of federal tax refund payments of the amount owed, plus penalties, interest, costs and fees. Provides that any redetermination based on information provided by the employer after the prescribed period shall be effective upon the date of the redetermination, and the amount of benefits overpaid due to employer’s failure to timely or adequately respond to request for information shall be charged against the employer. Sets a 15% penalty on overpaid benefits.
- HB 918 **Employment and Training Fund (“ETF”); Workforce Investment Act** – Allows
HB 1211 money from the ETF to be used for cover costs for Title I programs funded under the
SB 1149 federal Workforce Investment Act of 1998.
- HB 927 **Employment and Training Fund** – Allows moneys in the Employment and Training
SB 1158 Fund to be used for serving small businesses by serving the training needs for industries included in the State’s economic development strategy as recommended by the state and counties.
- HB 1214 **UI Contribution Rate Schedule** – Sets the UI contribution rates schedule for 2013 at
SB 1272 Schedule F.
- SB 263 **Family-Owned Corporations** – Provides family-owned corporations with only one stockholder with the option to participate in the State’s unemployment insurance program.
- SB 283 **Government Employee Exemptions** – Exempts the following positions from the definition of “employee” for purposes of UI benefits: elected officials (or person appointed to serve out term of elected official), member of legislative body, member of judiciary, member of the National Guard or Air National Guard, employee serving on a temporary basis in the case of fire, storm, earthquake, flood or similar emergency or an advisory or policymaking position the performance of which ordinarily does not require more than 8 hours per week.
- SB 285 **Repeal of Alternative Base Period** – Repeals provision giving consideration to an "alternative base period," for unemployment claims, which is defined as the four completed calendar quarters immediately preceding the first day of the person's benefit year. Repeals definition of "alternative base period."
- SB 297 **Erroneous UI Payments** – In cases of overpayment of UI benefits, provides that an employer’s account shall not be relieved of resulting charges if the erroneous payment was due to the employer’s failure to timely and adequately respond to a request for information, and the employer had a pattern of failing to timely and adequately respond to requests for information.
- SB 792 **UI Taxable Wage Base** – Reduces the taxable wage base for UI contributions to \$7,000.

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Workers' Compensation ("WC")

- HB 152 **WC Medical Fee Schedule** – Increases the WC medical fee schedule to 130% (instead of 110%) of the Medicare Resource Based Relative Value Scale applicable to Hawaii, beginning January 1, 2014.
- HB 312 **WC Spousal Exemption** – Exempts service performed by an individual in the employ of the individual's spouse from WC.
- HB 436 **Examination by Impartial Physician** – Requires that a WC impartial examination be
SB 874 conducted by a physician whose specialty is appropriate for the injury being examined.
- HB 437 **Independent Medical Examinations; Permanent Impairment Ratings** – Eliminates
SB 875 employers' current right to select physician for independent medical examinations. Instead, provides that choice of physician for purposes of an independent medical examination or permanent impairment rating by mutually agreed upon by employers and employees. If parties cannot agree, they may request that the Director of Labor and Industrial Relations appoint a physician within seven days. Prohibits combining the IME and permanent impairment rating examination into a single medical examination unless the employee consents in writing.
- HB 438 **DLIR Administrative Rules** – Provides that Director of Labor and Industrial Relations may "adopt" rules, instead of current language stating Director may "make" rules, regarding workers' compensation laws.
- HB 891 **WC Repackaged Drugs** – Sets price caps on drugs in accordance with a medical fee
SB 1122 schedule adopted by the Director of Labor and Industrial Relations or a lower amount for which the carrier contracts. Provides that payment for prescription drugs capped at average wholesale price in the Red Book, plus 40%. Provides reimbursements to physicians of \$__, depending on population of island.
- HB 922 **WC Decisions** – Permits the Director of Labor and Industrial Relations to make decisions
SB 1153 regarding treatment plans and continued medical services without a hearing.
- HB 1176 **WC Medical Fee Disputes** – Allows the employer or insurer to notify the Director of
Labor and Industrial Relations of a disagreement over medical service charges. Parties are required to negotiate for 31 days upon filing of notice with Director, and Director may issue a final and non-appealable decision over the dispute, without a hearing, if parties cannot reach agreement within 31 days.
- HB 1240 **WC Repackaged Medications** – Provides that reimbursement for prescription medication
SB 1302 shall be the average wholesale price listed in the Red Book, (a) plus 40% for brand name medication or (b) plus 60% for generic prescription medication, except where the carrier and provider seeking reimbursement have agreed on a lower reimbursement amount. Compounded medications shall be reimbursed at the wholesale price due for each medication ingredient having an assigned national drug code, plus 40%. If information pertaining to the original labeler or manufacturer, the reimbursement shall be based on the most reasonable and closely related average wholesale price for the underlying medication.
- HB 1247 **UI Administration Fund** – Makes a technical amendment by replacing the word "the" with "this" in reference to "administration fund."

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- HB 1248 **WC Benefits Facilitator Unit** – Makes technical amendments by replacing “All professional and clerical employees” with “Every professional and clerical employee.”
- SB 876 **WC Medical Service Fee Disputes** – Authorizes the employer and provider of services to notify the director of labor and industrial relations in the event of a reasonable disagreement relating to specific medical service charges. Requires that the notice of dispute is done in writing and that the parties negotiate during the thirty-one calendar days following the date of the notice to the director. Allows parties to request the director to render an administrative decision without a hearing in the event the parties fail to reach an agreement within the thirty-one day negotiation period. Establishes that the administrative decision rendered by the director is final and non-appealable.

Health and Insurance

- HB 636 **Health Insurance; Hearing Aid** – Requires health insurance policies and contracts to provide coverage for the cost of hearing aids in their base plans, beginning January 1, 2014.
- SB 309
- SB 199 **Colorectal Cancer Screening Pilot Program** – Establishes a two-year Hawaii colorectal cancer screening pilot program using the Hawaii comprehensive breast and cervical cancer control program as a model. Appropriates funds for the pilot program.
- SB 252 **Medical Tort Reform** – Revises medical tort reform laws to: allow for arbitration of medical services contracts, create a new cap on noneconomic damages for medical torts, allow for introduction of evidence, limit contingency fees, and allow for periodic payments for future damages. Redefines noneconomic damages for purposes of tort actions. Limits the amount recoverable for noneconomic damages to \$250,000.
- SB 253 **Medical Savings Accounts** – Permits employers to offer to establish medical savings accounts for their employees, for which the employer may contribute up to \$3,000. Provides that employees who do not have medical savings accounts provided by their employers may establish a medical savings account on their own. Employer contributions shall be deductible from the employer’s State income tax. Employee contributions may be made on a pre-tax basis.
- SB 513 **Mental Health; Insurance** – Specifies that each day of in-patient hospital services may be exchanged for one day of outpatient mental health services, for a total covered benefit of thirty days per year for mental health services. Requires the total covered benefits for mental health services to include up to twenty-four authorized outpatient visits per year. Specifies that if needed, an additional six covered visits may be used for outpatient mental health services; provided that coverage of the additional six visits shall require a medical necessity determination.
- SB 654 **Health Insurance; Tobacco Use Cessation** – Mandates health insurance coverage for tobacco use cessation treatments. Requires the insurer to provide their policyholders information about tobacco use cessation treatment coverage.
- SB 659 **Hawaii Health Connector** – Appropriates \$___ to the Hawaii Health Connector.

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- SB 668 **Health Insurance; Autism Spectrum Disorders** – Requires health insurers, mutual benefit societies, and health maintenance organizations to provide health care coverage and benefits for autism spectrum disorders beginning January 1, 2014.
- SB 830 **Hawaii Health Connector; Open Meeting** – Requires the Hawaii health insurance exchange to comply with open meeting and notice provisions and provide an annual report to the legislature. Clarifies the conduct of board meetings. Implements enforcement provisions and penalties for violations of open meeting and notice requirements.

Public Employees

- HB 435 **Office of Talent Management** – Establishes the office of talent management within DHRD to design and facilitate state initiatives in the areas of talent administration, professional development, performance management, and leadership enterprise. Authorizes the talent management administrator to receive from any state agency, such assistance, services, facilities, and data the administrator deems necessary to carry out the duties of the office.
- HB 495 **Hours of Work** – Allows state and county employees to request modified office hours. Mandates that the chief executive bargain in good faith with the employees' exclusive representative.
- HB 578 **Collective Bargaining** – Prohibits a public employer implementing, or attempting to
SB 1247 implement, any term of a collective bargaining agreement without the agreement of the public employees' union. Also prohibits public employee or employee representative from implementing, or attempting to implement, any term of a collective bargaining agreement without the agreement of the employer.
- HB 743 **Paid Leave; Academic Calendared Activities** – Provides public employees with up to three hours of paid leave during normal business hours to attend an academic calendared activity, which is defines as a preschool or school activity that is directly related to a child's educational advancement. Leave may be taken up to three times per calendar year.
- HB 1183 **Overpayment of Wages; Garnishment** – Specifies the amount of wage overpayment a
SB 1300 disbursing officer may recover from a public employee in the case of wage overpayment. Overpayments up to \$1,000 may be recovered in full from the next paycheck. Overpayments over \$1,000 may be recovered by deducting one-quarter of the employee's compensation until the overpayment is reimbursed in full.
- SB 272 **Payroll Lag** – Eliminates the payroll lag for public employees. Provides that paydays for public employees shall be on the first and fifteenth day of the month.
- SB 289 **Employee Organizations; Public Employees** – Amends Chapter 89 to permit employees to form an employee organization within their bargaining unit to negotiate with their employer.
- SB 284 **Payroll Deductions; Union Dues Excluded; Public Employers** – Provides that public employers are permitted to deduct group insurance premiums from employee's compensation upon written permission; removes public employer requirement to deduct membership or union dues from compensation.

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SB 851 **Electronic Salary Payments** – Require the salary of all public employees to be paid by electronic deposit into the employee’s designated financial institution, beginning January 1, 2014.

Public Contracts

HB 166 **Veteran-Owned Small Businesses** – HB 166 requires that at least 3% of the 20% set aside
HB 313 for small businesses are awarded to veteran-owned and service-disabled veteran-owned small businesses. HB 313 sets the 3% as a “goal” instead of a requirement.

HB 187 **Apprenticeship Agreements** – Amends the preference of awarding public works contracts to bidders participating in an apprenticeship program by limiting application to counties with a population of not less than 500,000, increasing the threshold contract value, reducing the effect on the bidding process of the number of apprenticeable trades that the bidder plans to employ for the contract, and limiting certification of a apprenticeship agreement to the commencement of the project.

SB 800 **Prevailing Wage** – Prohibits prevailing wage requirement for public works construction contracts or public work project contracts to be construed to require the retention of individuals, laborers, or mechanics who are represented by an exclusive representative of a collective bargaining unit.

Government Agencies

HB 151 **Hawaii Labor Relations Board (“HLRB”) Decisions** – Requires the Hawaii Labor Relations Board to issue decisions on complaints within 90 days.

HB 577 **HLRB Decisions** – Provides that a complaint before the Hawaii Labor Relations Board not
SB 1248 resolved within 30 days shall be deemed resolved in favor of the complainant.

HB 789 **HLRB Temporary Member** – Authorizes the governor to appoint an acting member of
SB 890 the HLRB if a regular member is temporarily recused.
SB 1019

HB 923 **Disability Compensation Division (“DCD”) Special Fund** – Establishes a DCD Special
SB 1154 Fund and authorizes the DCD to establish reasonable fees for issuing subpoenas, and filing injury reports and hearings applications; and also authorizes the establishment of and funds two full-time positions.

HB 924 **HLRB Hearing Notices; Collective Bargaining** – Requires the Hawaii labor relations
SB 868 board to provide written notice of a hearing to all parties by first class mail at least fifteen
SB 1155 days before the scheduled hearing.

HB 925 **UI Appeals Office; Notices; Electronic Filing** – Modifies the notice period for
SB 1156 unemployment appeal hearings from fifteen days to twelve days and authorizes notices and correspondence to be sent electronically in lieu of notice by mail.

HB 926 **HLRB Hearing Notices; HIOSH** – Authorizes the appeals board to give a 15-day written
SB 877 notice of a hearing by first class mail, instead of registered or certified mail. Clarifies the
SB 1157 Board’s powers for conducting appeals.

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- HB 928 **DLIR Fund Reclassification** – Reclassifies certain funds under the Department of Labor
SB 1159 and Industrial Relations as “trust” funds, instead of “special” funds.
- HB 929 **Employment and Training Assessment** – Exempts the employment and training
SB 1160 assessment on contributory employers with zero per cent and the maximum rate according
 to the applicable UI contribution rate schedule.

General Excise Tax (“GET”); Tax Credits

- HB 16 **GET Exemption for Food Grown in State** – Provides an exemption for amounts received
SB 816 from sales of food that is grown in the State of Hawaii, including food prepared from
 ingredients entirely grown in the state, from the General Excise Tax.
- HB 149 **GET Increase** – Increases the State general excise tax and use rates from 4% to 4.5% of
 the gross proceeds of sales of the business, beginning January 1, 2014.
- HB 333 **GET; Non-Profits Exemption** – Repeals the general excise tax exemption on income
SB 485 derived by fraternal benefit, religious, charitable, scientific, and educational nonprofit
 organizations from fees for convention, conference, or trade show exhibits or display
 spaces. Specifies that representatives authorized or employed by an unlicensed seller
 through the use of exhibit or display space at a conference, convention, or trade show is
 subject to the general excise tax.
- HB 468 **Job Creation Tax Credit** – Creates a tax credit for up to the amount of unemployment
SB 521 insurance taxes paid to the State on each eligible employee hired after April 30, 2013 and
 before May 1, 2014 into a new permanent full-time employment position. The new
 employee (who must have been hired off of UI insurance) must be continuously employed
 for at least 9 months. The employer must continue to employ at least the number of full-
 time employees on an annualized basis after hiring the additional full-time employee.
 Failure to maintain “substantial operations” in Hawaii for at least 2 years after receipt of
 the tax credit results in a 50% repayment of the credit claimed.
- HB 470 **Tax Credit; Senior Citizen Hires** – Provides income tax credit (50% of qualified wages
SB 522 for first 6 months after hire) for taxpayer who hires a person 65 years of age or older.
- HB 526 **National Guard; Income Tax Credit** – Establishes an employer income tax credit for
 taxpayers who maintain employee insurance coverage for national guard members for the
 duration of the national guard members' active duty. Expands the powers of the governor
 and governor's designee in calling the national guard into active duty. Allows the adjutant
 general to order the national guard into active service for nonemergency purposes that are
 necessary and attendant to the mission of the department of defense. Expands the rights
 granted to national guard members to incorporate rights granted under the Servicemembers
 Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.
- HB 553 **Growing Economy Tax Credit** – Creates a tax credit for companies to expand or locate
SB 215 their operations in Hawaii and increase employment.
- HB 554 **Location Efficiency Tax Credit** – Creates a tax credit for proposed projects to be located
 in areas that are location efficient. Location efficiency means a project that maximizes the
 use of existing investments in infrastructure, avoids or minimized additional government

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expenditures for new infrastructure, and has nearby affordable workforce housing or accessible and affordable mass transit, or some combination of both.

- HB 563 **GET; Returns** – Amends the date of filing monthly, quarterly and semi-annual general excise tax returns from the 20th day of the calendar, quarterly, or semiannual month, to the last day of the month.
- HB 569 **After School Programs Tax Credit** – Establishes a dollar-for-dollar tax credit for businesses that sponsor after-school programs in conjunction with a public school in the Stat, up to a yet-to-be determined limit.
- HB 954 **GET; Non-Profits** – Mandates that nonprofit organizations receive notice before denial of general excise tax benefit; limits liability of persons having control of certain amounts held in trust for nonprofit organizations; and defines "nonprofit organization".
- SB 1185
- HB 974 **Income Tax Law** – Provides a vehicle for conforming amendments to the Hawaii income tax law based upon amendments to the Internal Revenue Code made by American Taxpayer Relief Act.
- SB 1205
- HB 1298 **Tax Credit; Employment of Developmental, Intellectual or Physical Disability** – Provides a nonrefundable tax credit of 50% of qualified wages for the first six months for a taxpayer who hires a developmentally, intellectually or physically disabled individual.
- SB 249 **GET Holidays** – Establishes “GET Holidays” for consumers and businesses for retail goods and services. (Current dates are first weekends in June 2011, September 2011, December 2011 and March 2012.) Savings are to be passed onto consumer, without any increase in price. Exemption shall not apply to rebates, layaway sales, rain checks, exchanges, or mail, telephone, email or internet sales with businesses operating outside the State.

Miscellaneous

- HB 1 **Long Term Care** – Requires the director of the executive office on aging to contract for the performance of an actuarial analysis for a limited, mandatory, public long term care insurance program for the State's working population. Requires a report to the legislature. Appropriates funds for the actuarial analysis.
- SB 104
- HB 2 **Long Term Care** – Requests the executive office on aging of the department of health to conduct an education and awareness campaign on long term care and have the campaign independently evaluated. Appropriates funds.
- SB 103
- HB 34 **Condominium Smoking Ban** – Provides condominium and cooperative housing units with authority to adopt rules to prohibit owners, residents, or guests from smoking in units, common elements, or limited common elements.
- SB 945
- HB 67 **Heavy Trucks; Driving within Right-Hand Lane** – Requires heavy trucks having a gross vehicle weight rating of more than 10,000 pounds to drive as nearly as practicable entirely within the right-hand lane of an interstate highway except when the heavy truck is turning left or avoiding an obstruction.

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- HB 78 **Contractor Licensing** – Provides that general engineering and general building
SB 347 contractors will be required to undergo further examination and payment of additional fees before obtaining additional specialty licenses.
- HB 79 **Advance Practice RNs** – Recognizes the National Council of State Boards of Nursing's
SB 198 advanced practice registered nurse consensus model and clarifies language relating to advanced practice registered nurse educational requirements consistent with that consensus model.
- HB 83 **Liquor On Public Housing Projects** – Makes it unlawful for any person to possess an
SB 88 open container of intoxicating liquor in any common area of a public housing project.
SB 944
- HB 85 **Limitation on Deductions for Employee Benefits** – Limits the amount an employer may
deduct for benefits provided to an employee to 50 times the State's median household income, beginning January 1, 2014.
- HB 86 **Smoking on Public Housing Projects** – Prohibits smoking in a public housing project,
SB 651 including the dwelling units. Provides that the State shall not enter into or renew any lease that does not prohibit the tenant or the tenants' guests from smoking anywhere in a public housing project.
- HB 87 **Trespass on Public Housing Projects** – Makes it unlawful to enter or remain unlawfully
SB 943 on a public housing project after a reasonable warning or request to leave by housing authorities or a police officer, or between 10 pm and 5 am when the person is not an invited guest.
- HB 144 **Professional Employer Organizations** – Adds registration and corresponding fee
SB 813 requirements for Professional Employer Organizations ("PEOs"). Provides Director of Labor and Industrial Relations with authority to adopt rules regarding registrations, and to notify the Department of Taxation of any violation of the registration requirements. Requires PEOs to provide notice to the DLIR of the relationship between the PEOs and client companies. Amends exemptions for General Excise Tax for PEOs. Provides clarification on status of PEO as off-site employer for unemployment, workers' compensation, temporary disability insurance, and prepaid health care coverage, and client company as work site employer for compliance with labor and employment laws, collective bargaining rights, anti-discrimination provisions, and other laws. Allows PEO to apply for a transfer of a client company's experience record for unemployment insurance contribution purposes.
- HB 264 **Nurse Aid; Certification and Training Program** – Requires training programs, the
recertification process, and continuing education for nurse aides to include multicultural health awareness and education.
- HB 323 **Service Member Licensure** – Clarifies that licensing authorities shall consider relevant
SB 506 education, training, or service completed by service members. Specifies which service members are subject to these provisions. Permits licensure by endorsement or licensure by reciprocity in certain situations for service members. Establishes procedures for service members to receive a license by endorsement or license by reciprocity. Permits issuance of a temporary license if certain requirements are met. Requires the licensing authority to expedite consideration of the application and issuance of a license by endorsement, license by reciprocity, or temporary license to a qualified service member.

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- HB 339 **Contractor; License Requirements** – Allows the contractors license board to accept in lieu of a specific experience requirement for licensure, equivalent knowledge, training, or experience, including self-employed or unlicensed experience, if the board investigates and makes a detailed written finding to that effect and the finding is made available for public inspection.
- HB 372 **Contractor License Board** – Increases the number of non-contractors on the contractors
SB 979 license board from 3 to 8. Reduces the number of contractors from 10 to 5. Adds age, residence, domicile and other requirements for board members. Gives priority to protection of the public over the board’s licensing, regulatory, and disciplinary functions.
- HB 404 **Liquor Warnings** – Requires liquor establishments to post a warning regarding the risks of birth defects and fetal alcohol syndrome for women drinking alcohol during pregnancy.
- HB 412 **Transgender; Birth Certificate** – Requires the DOH to establish a new certificate of birth
SB 533 for a person who provides a written request that DOH issue a new certificate of birth with a gender designation that differs from the gender on the original certificate of birth, a notarized statement from a licensed treating or evaluating physician, and official copy of name change if requesting a name change on the certificate of birth.
- HB 418 **Uniform Mediation Act** – Adopts the Uniform Mediation Act, which provides basic
SB 966 procedural and confidentiality rules for mediations. Provides for confidentiality, disclosure and evidentiary rules, and guidelines for mediators.
- HB 537 **Funeral Industry Refunds** – Requires refunds to include all interest earned when terminating or canceling a pre-need funeral services or pre-need interment services contract. Requires the deposit into trust of one hundred per cent of all funds paid to purchase a pre-need funeral plan plus all interest earned. Allows a cemetery or pre-need authority to deduct certain expenses from a trust. Requires annual statements of the disposition of trust funds.
- HB 654 **Nurses; DCCA** – Requires the professional and vocational licensing division of the
SB 490 department of commerce and consumer affairs and the state board of nursing to collaborate with the center for nursing to enable the center to obtain nursing-related data. Requires the professional and vocational licensing division to provide the center for nursing with various information through a memorandum of understanding and requires completion of a center for nursing survey as part of the license renewal requirements under chapter 457, Hawaii Revised Statutes.
- HB 699 **Legalization of Marijuana** – Legalizes the personal use of marijuana for persons 21 years
SB 467 of age, or older, in a specified quantity. Requires licensing to operate marijuana
SB 738 establishments.
- HB 718 **Professional and Vocational Licensing** – Establishes qualifications for "nonresident
SB 965 military spouses" eligible for expedited procedures for professional and vocational licensing by endorsement or reciprocity, and temporary licensing. Establishes requirements for nonresident military spouses to maintain licenses and requires reporting of changes in status or circumstances that may affect licensure.

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- HB 758 **Arbitration; Award of Costs** – Allows an arbitrator to award costs in addition to
SB 878 attorneys’ fees and other reasonable expenses of arbitration if the award authorized by law
in a civil action involves a comparable (instead of “same”) claim.
- HB 848 **Health Insurance; Definition of Small Employer** – Amends the definition of “small
employer” under the insurance code to include employers who have between 1 and 100
(instead of 50) employees. Calculation is based on an average amount of employees on
business days in the preceding calendar year.
- HB 1068 **Human Trafficking Poster** – Requires certain establishments to post in a conspicuous
SB 193 place near the primary public entrance or another area where posters and notices are
customarily posted a notice about human trafficking rights. Establishments include (a) any
entity that holds a class 5 or 11 liquor license; (b) a hospital emergency room; (c) a
massage therapy establishment; or (d) a farm operation employing five or more persons.
- HB 1109 **Same-Sex Marriage** – Extends to same-sex couples the right to marry, and receive all the
same rights, benefits, protections and responsibilities of marriage as opposite-sex couples.
- HB 1226 **Public Schools; Charter Schools; Bullying** – Prohibits discrimination in Hawaii’s public
and charter schools, and protects students from bullying, cyber-bullying and harassment.
- HB 1253 **GET; Livestock and Meat** – Provides GET exemption for money received from
interisland loading, transportation, and unloading of livestock and meat.
- HB 1399 **PEOs; Registration; Repeal of 373L** – Adds registration and fee requirements under HRS
373K; Provides Director of Labor and Industrial Relations with authority to adopt rules
regarding registrations, and to notify the Department of Taxation of any violation of the
registration requirements. Provides that PEO shall be the employer for purposes of
disbursing unemployment insurance, WC, temporary disability insurance and prepaid
health care coverage for assigned employees. Requires PEOs to provide notice to the
DLIR of the relationship between the PEOs and client companies. Amends exemptions for
General Excise Tax for PEOs. Creates definitions for “off-site” employer and “work site
employer”; Allows PEO to be a successor to client companies.
- HB 1469 **Smoking in Bars, Nightclubs** – Permits bars and nightclubs with liquor licenses to allow
SB 324 smoking by posting "smoking permitted" signs, and provides that no county ordinance
shall prohibit or restrict smoking in these establishments.
- SB 298 **Statute of Limitations; Sexual Offenses Against Minors** – Repeals 2-year SOL for
bringing a claim.
- SB 330 **Public Housing; Smoking Prohibition** – Requires the Hawaii public housing authority to
implement an incremental smoke-free policy for public housing projects and state low-
income housing projects.
- SB 348 **General Building Contractor** – Requires a general building contractor on construction
projects involving more than four unrelated building trades or crafts. Allows a specialty
contractor to take and execute a construction contract involving two or more crafts or
trades without requiring the performance of the work to be incidental and supplemental.

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- SB 459 **Commercial Motor Vehicles; Right-Hand Lane** – Requires, when a highway has four lanes moving in the same direction, the operator of a commercial motor vehicle to drive in the right most lane.
- SB 465 **Constructive Invasion of Privacy; “Steven Tyler Act”** – Creates the tort of constructive invasion of privacy “if the person captures or intends to capture, in a manner that is offensive to a reasonable person, through any means a visual image, sound recording, or other physical impression of another person while that person is engaging in a personal or familial activity with a reasonable expectation of privacy.”
- SB 472 **Marijuana; Civil Fine** – Establishes a civil violation for possession of one ounce or less of marijuana, not to exceed a fine of \$100. Provides that possession of less than one ounce of marijuana shall not be a criminal offense.
- SB 510 **PEO Registration Fee** – Requires registration for use of phrase “Professional employer Organization” or “PEO.” Sets registration fees. Clarifies employer status of PEO vs. client company. Repeals Hawaii Revised Statutes Chapter 373K.
- SB 692 **Pickup Truck; Passenger in Bed** – Prohibits operation of a pickup truck with a passenger in the bed or load-carrying area.
- SB 732 **RCUH; Board of Directors** – Adds the director of business, economic development, and tourism, or the director’s designee, to the board of directors of the research corporation of the University of Hawaii.
- SB 942 **Public Housing Smoking Ban** – Prohibits smoking anywhere in a public housing project.
- SB 986 **Contractors; Licensing; Specialty Contractors** – Prohibits general engineering and general building contractors from performing incidental or supplemental work. Requires use of appropriate specialty contractor to perform incidental work.
- SB 1332 **Intoxicating Liquor; Caffeine** – Prohibits any liquor licensee or its employee to serve a drink that contains caffeine and has more than 50% alcohol by volume.