H B. NO. 3143

A BILL FOR AN ACT

RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES.

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

SECTION 1. Section 577-7.5, Hawaii Revised Statutes, is amended to read as follows:

"**§577-7.5 Parental preferences in government contracts, programs, and services.** (a) The purpose of this section is to help to eliminate any preference in a state or county executive agency or judiciary contract, program, or service that favors one parent over the other in terms of child-rearing; provided that nothing in this section is intended to affect maternity benefits. This section shall not serve as a legal basis to invalidate any state, county, or judiciary contract, program, or service.

(b) All state and county executive agencies and the judiciary shall review their respective contracts, programs, and services that affect parental roles in children's health, welfare, and education and, in the sole discretion of the agency or judiciary, determine whether a preference exists that favors one parent over another in the raising of their children. If a

determination in the sole discretion of the agency or the judiciary is made that a preference exists, it shall direct its staff to analyze the preference and determine whether it unfairly precludes a parent from participating in child-rearing. If so, the state or county agency or the judiciary shall seek to eliminate that preference by encouraging modifications to ensure the inclusion of both parents in all contracts, programs, and services designed to assist in the raising of children; provided that this provision shall in no instance be interpreted to reduce or negatively impact maternity leave benefits or require any changes in personnel programs or work force policies.

(c) This section shall not apply to a preference that:

(1) The state or county agency or the judiciary determines to be in the best interest of the child;

(2) Would impose an unreasonable burden on the State, a county, or the judiciary by removing a preference from existing contracts, programs, or services; or

(3) Conflicts with existing collective bargaining contracts.

[~~(d) Each state and county executive agency and the judiciary under subsection (b) shall report to the legislature on the implementation of this section no later than twenty days~~

~~before the beginning of the regular session of 2003, and annually thereafter.~~]"

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect on July 1, 2008.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

Report Title:
Parental preferences; parental roles

Description:
Repeals an obsolete requirement that all State and County Executive Branch agencies and the Judiciary report to the Legislature annually identifying programs, contracts, and services that provide preference to a parent.

HB 3143

JUSTIFICATION SHEET

DEPARTMENT: Human Resources Development

TITLE: A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES.

PURPOSE: To delete the requirement for annual reporting of parental preferences in government contracts, programs, and services.

MEANS: Amend section 577-7.5, Hawaii Revised Statutes.

JUSTIFICATION: Data are gathered annually from each department. Every year the response from each department indicates that there are no parental preferences in any contract, program, and service.

Impact on the public: None.

Impact on the department and other agencies: The continuing requirement to review government contracts, programs, and services to determine whether parental preferences exist and, if found, to analyze them and to eliminate them if appropriate, will still remain intact except for the reporting requirement, so the only impact would be to lessen a burdensome reporting requirement.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: All state and county executive agencies and the Judiciary.

EFFECTIVE DATE: July 1, 2008.