

CONFERENCE COMMITTEE REP. NO.

61

Honolulu, Hawaii

APR 30 2009 , 2009

RE: S.B. No. 1183
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1183, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to statutorily authorize and require the Hawaii Civil Rights Commission to define in administrative rules certain definitions for purposes of discriminatory employment practices.

Specifically, this measure requires the Hawaii Civil Rights Commission to define:

- (1) "Major life activities";
- (2) "Being regarded as having such an impairment";



- (3) "Disability";
- (4) "Substantially limits"; and
- (5) Other operative terms,

to conform state law protections against disability discrimination in employment to the American with Disabilities Act Amendments Act of 2008, Pub. L. 110-325.

Your Committee upon further consideration has made the following amendments to this measure:

- (1) Placing the provisions that require the Hawaii Civil Rights Commission to adopt rules to define the foregoing terms in Session Laws rather than codifying these provisions in the Hawaii Revised Statutes;
- (2) Including a requirement that the Hawaii Civil Rights Commission complete the rulemaking process no later than December 31, 2010; and
- (3) Changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1183, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1183, S.D. 2, H.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

Karl Rhoads

KARL RHOADS, Co-Chair

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair

John M. Mizuno

JOHN M. MIZUNO, Co-Chair

Dwight Y. Takamine

DWIGHT Y. TAKAMINE, Co-Chair

Ken Ito

KEN ITO, Co-Chair

Brian T. Taniguchi

BRIAN T. TANIGUCHI, Co-Chair



CCR 61

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1183, SD 2, HD 2	Date/Time: 4/23/09 9:10 a.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input checked="" type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
TAKAMINE, Dwight Y., Co-Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				ITO, Ken, Co-Chr.	✓			
					PINE, Kymberly Marcos	✓			
TOTAL	3	0	0	0	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>Suzanne Chun Oakland</i>	House Lead Chair's or Designee's Signature: <i>Karl Rhoads</i>
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