

STAND. COM. REP. NO. 621

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1183

S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1183, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to conform the State's laws to the Americans with Disabilities Act Amendments Act of 2008, P.L. 110-325, by broadening the types of disabilities that are protected against employment discrimination.

On September 25, 2008, President George W. Bush signed into law the ADA Amendments Act of 2008, P.L. 110-325 ("ADAAA"). In the ADAAA, Congress found that several United States Supreme Court decisions interpreted the definition of disability inconsistently with legislative intent. The ADAAA clarified laws relating to employment disability, broadened the definition of "disability" and resulted in certain federal law protections being stronger than corresponding protections currently provided under Hawaii state law.

Your Committee has amended this measure on the recommendation of the Hawaii Civil Rights Commission to require the Hawaii Civil Rights Commission to define certain terms contained in this measure, in lieu of doing so by statutory amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and

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purpose of S.B. No. 1183, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1183, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Government Operations,




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BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1183, SD1	HMS / LBR, JGO	2/27/09		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓	✓		
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>2</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