

STAND. COM. REP. NO.

582

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 892
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 892, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SERVICE ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to update and conform state law regarding service animals to the federal Americans with Disabilities Act, Public Law 101-336 (ADA) and the Fair Housing Act, Public Law 100-430 (FHA), by:

- (1) Clarifying section 143-4, Hawaii Revised Statutes (HRS), regarding dog licensing, to appropriately conform provisions applicable to service dogs to the ADA;
- (2) Conforming section 347-13, HRS, relating to public conveyances, to Titles II and III of the ADA; and
- (3) Conforming section 515-3, HRS, regarding discriminatory practices in real estate transactions, to the FHA.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Disability and Communication Access Board, the Hawai'i Civil Rights Commission, and the Hawai'i Legislative Action Committee of the Community Associations Institute.

Your Committee finds that certain state laws regarding service animals are either obsolete or inconsistent with federal

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law. The ADA and the FHA provide a floor of protection to persons with disabilities and therefore may preempt any conflicting state law unless the state law provides greater or equal protection for persons with disabilities than is provided by the ADA or FHA, as applicable. Your Committee believes that updating and conforming state law to the ADA and FHA will assist persons with disabilities and government and private entities serving the public by assuring that the applicable state laws meet the floor set by the requirements under federal law.

Your Committee has amended this measure by:

- (1) Further amending section 515-3, HRS, regarding discriminatory practices in real estate transactions, to accurately reflect the language in the FHA, as recommended by the Hawai'i Civil Rights Commission;
- (2) Revising the purpose section to accurately reflect the amended purpose of this measure, as recommended by the Hawai'i Legislative Action Committee of the Community Associations Institute; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 892, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 892, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

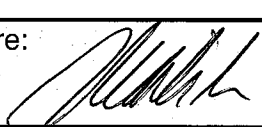


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 892, SD 1	PGM, JDL	2/23/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes