

STAND. COM. REP. NO. 1422

Honolulu, Hawaii

APR 09 2015

RE: H.B. No. 683  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 683, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS  
COMMISSION, "

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Executive Director of the Hawaii Civil Rights Commission, in the Executive Director's discretion, to dismiss a complaint of a discriminatory practice and issue a notice to the complainant indicating that the complainant may bring a civil action;
- (2) Establish that the Executive Director's determination that a complaint is to be dismissed and a notice of right to sue issued shall not be subject to reconsideration by the Hawaii Civil Rights Commission or judicial review; and
- (3) Comply with the federal Fair Housing Act by authorizing the Executive Director to demand that a respondent cease an unlawful discriminatory practice when the Executive Director determines that there is reasonable cause to believe that an unlawful discrimination practice has occurred and conciliation efforts have failed to resolve



the complaint with respect to complaints alleging violations of chapter 515, Hawaii Revised Statutes, and the federal Fair Housing Act.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that existing law requires the Executive Director of the Hawaii Civil Rights Commission to issue a final conciliation demand when conciliation efforts in an unlawful discriminatory practice case fail to secure a conciliation settlement then requires that the case be docketed for a contested case hearing before a hearings officer. According to the testimony submitted by the Hawaii Civil Rights Commission, these requirements have negatively impacted the efficiency and effectiveness of its civil rights enforcement powers. This measure provides prosecutorial discretion by allowing the Executive Director to decide which cases should be litigated.

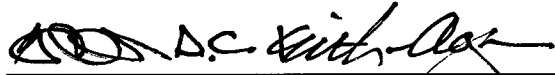
Your Committee has amended this measure by:

- (1) Clarifying that Executive Director's determination that a complaint is to be dismissed and a notice of right to sue issued shall be subject to reconsideration by the Hawaii Civil Rights Commission on its own initiative but shall not be subject to judicial review;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; 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 H.B. No. 683, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 683, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



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



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GILBERT S.C. KEITH-AGARAN, Chair



