

STAND. COM. REP. NO.

1457

Honolulu, Hawaii

MAR 25

, 2021

RE: S.B. No. 538

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 538, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the jurisdiction of the Hawaii Civil Rights Commission. Specifically, this measure:

- (1) Clarifies the intent for a state law counterpart for disability discrimination in federally-funded programs and services; and
- (2) Excludes jurisdiction over programs or activities that are covered by the Individuals with Disabilities Education Act.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Disability and Communication Access Board, National Federation of the Blind of Hawaii, Hawaii Disability Rights Center, and ten individuals. Your Committee received testimony in opposition to this measure from Hoopono. Your Committee received comments on this measure from one individual.

2021-2845 SB538 HD1 HSCR HMSO



Your Committee finds that Hawaii has a long history of enacting state civil rights protections that complement and provide stronger protections than federal law. Your Committee further finds that Hawaii's civil rights laws, including those analogous to federal law, are critically important. This measure will clarify the intent of state law and provide the Hawaii Civil Rights Commission jurisdiction over certain disability discrimination claims, even in cases where a federal remedy is also available.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 538, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



HSOR1457

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 538, HDI	Committee Referral: LAT, JHA, FIN	Date: 3-24-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				