

Honolulu, Hawaii

APR 22 2010

, 2010

RE: S.B. No. 2565
S.D. 1
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
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. 2565, S.D. 1, H.D. 1, entitled:

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

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:

- (1) Extend the timeframe in which the Hawai'i Civil Rights Commission (Commission) is required to complete the rulemaking process to conform state law protections against disability discrimination to the federal Americans with Disabilities Act Amendments Act of 2008 (Act), from December 31, 2010, to twelve months after the United States Equal Employment Opportunities Commission publishes final rules interpreting the Act; and



- (2) Authorize the Commission to make a determination regarding whether a witness' identity or statement may be kept confidential and establish the process by which and the factors that the Commission must consider when the Commission makes this determination.

Your Committee on Conference finds that the provisions in this measure will enhance the Commission's ability to perform its mission. First, by extending the target date by which the Commission is required to complete the rulemaking described above, the Commission will have the necessary time to adequately analyze the federal guidelines to assure compliance with federal law. Second, by clarifying the provisions regarding the confidentiality of a witness' identity or statement, the Commission will be better able to fully investigate and prosecute discrimination complaints.

Your Committee on Conference has amended this measure by making technical, nonsubstantive changes for purposes of consistency, style, and clarity.

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. 2565, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2565, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



KARL RHOADS, Co-Chair



JON RIKI KARAMATSU, Co-Chair





BRIAN T. TANIGUCHI, Chair



Hawaii State Legislature

85-10

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2565, SD 1, HD 1					Date/Time: <i>April 21, 2010 3:10 p.m.</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input 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.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
TAKAMINE, Dwight Y.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
SLOM, Sam	✓				LUKE, Sylvia	✓			
					YAMASHITA, Kyle T.	✓			
					PINE, Kymberly Marcos	✓			
TOTAL	3	0	0	0	TOTAL	5	0	0	0
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:		Original <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>				