

CONFERENCE COMMITTEE REP. NO.

34

Honolulu, Hawaii

APR 22 , 2021

RE: H.B. No. 1253
H.D. 3
S.D. 1
C.D. 1

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1253, H.D. 3, S.D. 1, entitled:

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

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) Prohibit an employer, with certain exemptions, from requiring an employee or prospective employee to download to their personal communication device a mobile application that enables the employee's location to be tracked or their personal information to be revealed, as a condition of employment or continued employment;

2021-3235 HB1253 CD1 HCCR HMSO



- (2) Prohibit an employer, with certain exemptions, from terminating, discharging, or otherwise discriminating against an employee or prospective employee for refusing to download or refusing to consent to download the mobile application to the employee's personal communication device; or opposing any forbidden practice or filing a complaint, testifying, or assisting in any proceeding concerning an unlawful practice;
- (3) Allow a person who alleges a violation to bring a civil action for injunctive relief, actual damages, or both; and
- (4) Set fines for violations.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

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 H.B. No. 1253, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1253, H.D. 3, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


BRIAN T. TANIGUCHI
Chair


RICHARD H.K. ONISHI
Co-Chair


KARL RHOADS
Co-Chair


LISA KITAGAWA
Co-Chair


SCOT Z. MATAYOSHI
Co-Chair

Hawaii State Legislature
Record of Votes of a
Conference Committee

CER 34

Bill / Concurrent Resolution No.: HB 1253, HD 3, SD 1	Date/Time: <div style="font-size: 18pt; font-weight: bold;">04/21/2021 10:05 a.m.</div>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				ONISHI, Richard H.K., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				KITAGAWA, Lisa, Co-Chr.	✓			
KEOHOKALOLE, Jarrett				✓	MATAYOSHI, Scot Z., Co-Chr.	✓			
					OKIMOTO, Val	✓			
TOTAL	2	0	0	1	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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