

CONFERENCE COMMITTEE REP. NO.

91

Honolulu, Hawaii

APR 23 2021

RE: S.B. No. 538
H.D. 1
C.D. 1

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

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 538, 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) Clarify the meaning of "program or activity receiving state financial assistance"; and
- (2) Exclude cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii Civil Rights Commission.

Your Committee on Conference finds that when Act 387, Session Laws of Hawaii 1989, was enacted and codified as section 368-1.5, Hawaii Revised Statutes, it was meant to be the state counterpart to

2021-2688 SCCR SMA.doc



section 504 of the federal Rehabilitation Act of 1973, as amended, to provide a state remedy for disability discrimination and an alternative in situations in which federal remedies are also available. Your Committee on Conference further finds that the intent of section 368-1.5, Hawaii Revised Statutes, was originally, and is now, to give the Hawaii Civil Rights Commission jurisdiction over disability discrimination claims, even if protections under section 504 of the Rehabilitation Act, as amended, are available.


Your Committee on Conference has amended this measure by changing the effective date to July 1, 2022.

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. 538, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 538, 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




RICHARD H.K. ONISHI
Co-Chair



JOY A. SAN BUENAVENTURA
Chair



MARK M. NAKASHIMA
Co-Chair



KARL RHOADS
Co-Chair



JACKSON D. SANAMA
Co-Chair



Hawai'i State Legislature

Record of Votes of a
Conference Committee

CCR 91

Bill / Concurrent Resolution No.: SB 538, HD 1	Date/Time: 4/22/21, 5:00 PM
--	--------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

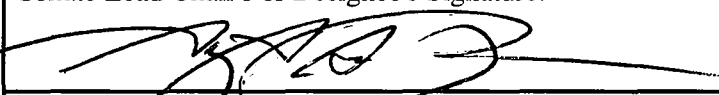
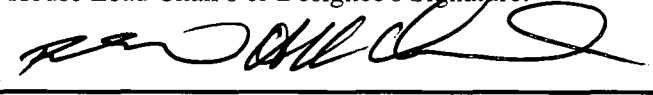
The Committee is reconsidering its previous decision.

<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.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAN BUENAVENTURA, Joy A., Chr.	/	/			ONISHI, Richard H.K., Co-Chr.	/			
RHOADS, Karl, Co-Chr.	/	/			NAKASHIMA, Mark M., Co-Chr.	/			
ACASIO, Laura	/	/			SAYAMA, Jackson D., Co-Chr.	/			
					OKIMOTO, Val				/
TOTAL	3				TOTAL	3			1

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
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
--	---

Distribution: Original Yellow Pink Goldenrod
 File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency