STAND. COM. REP. NO. 570

Honolulu, Hawaii **FEB 19**, 2021 RE: H.B. No. 838 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 H.B. No. 838, 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:

- 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 Hawaii Civil Rights Commission, Disability and Communication Access Board, Hawaii Disability Rights Center, National Federation of the Blind of Hawaii, and one individual. Your Committee received comments on this measure from one individual.



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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 because the State's civil rights values and priorities may not match federal interpretations.

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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 H.B. No. 838, 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



State of Hawaii House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: HB 838 HD I | Committee Referral: LAT, JHA, | FIN | · 2-10-2 | LI |
|---|---------------------------------------|--|---|--|
| θ The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: \bigstar Pass, unamended (as is) θ Pass, with amendments (HD) θ Hold θ 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) | | | | |
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| 2. MATAYOSHI, Scot Z. (VC) | | | | |
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| 3. ICHIYAMA, Linda | | | | |
| 4. KOBAYASHI, Dale T. | | | An | |
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| 5. LoPRESTI, Matthew S. | | | | |
| | | | | |
| 6. LOWEN, Nicole E. | | | | |
| | | | | |
| 7. McKELVEY, Angus L.K. | | | | |
| 8. NAKAMURA, Nadine K. | | | | |
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| 9. TAKUMI, Roy M. | | | andra - andra andra - andra - dan - dan - dan - dan - dan - | n finn ad an an tri the state of the second st |
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| 10. TODD, Chris | | | | |
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| 11. TOKIOKA, James Kunane | | | | |
| 12. WARD, Gene | | | | |
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| TOTAL (12) | 12- | Q | Q | Ø |
| The recommendation is: | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |