

Honolulu, Hawaii

, 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.

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,

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MARK M. NAKASHIMA, Chair