stand. com. rep. no. **696** 

Honolulu, Hawaii

February 17

, 2017

RE: H.B. No. 809

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 809 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this measure is to clarify that Hawaii's antidiscrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer, or from discharging an individual, for reasons unrelated to unlawful discriminatory practices.

The Chamber of Commerce Hawaii, Ocean Tourism Coalition, Fair Wind Cruises, and Society for Human Resource Management Hawaii Chapter testified in support of this measure. The Hawaii Civil Rights Commission, International Longshore and Warehouse Union Local 142, and Fujiwara & Rosenbaum, LLLC testified in opposition.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee finds that the intent of this measure is to preserve an employer's prerogative to refuse to hire or refer or to discharge an individual for legitimate, work-related reasons that are not discriminatory. Should the Committee on Judiciary deliberate on this measure further, your Committee respectfully requests that it consider if this measure goes beyond the scope of this intent.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 809, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 809, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Labor & Public Employment,

AARON LINE JOHANSON, Chair

## State of Hawaii House of Representatives The Twenty-ninth Legislature



## Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 809			Date: 2/14/17	
θ The committee is reconsidering its previous decision on the measure.		)	-,,,,,	
The recommendation is to: $\theta$ Pass, unamended (as is) Pass, with amendments (HD) $\theta$ Hold $\theta$ Pass short form bill with HD to recommit for future public hearing (recommit)				
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LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	J			:
2. HOLT, Daniel (VC)		Pietrikas marsinas turbitus, rijus s		
			inimate in a minimate instance in an according to	
3. KEOHOKALOLE, Jarrett				
A NAVASHIMA Mork M				
4. NAKASHIMA, Mark M.				
5. TAKUMI, Roy M.				
6. YAMASHITA, Kyle T.		alaminist et liiti di amerikaan kirik ka ka ka amina ka lamitsada atimbanadi	Etti simitishirimidakulumakadada kabasis 25, C. S.	Salahan Good Landal Landa Andrews
7. MATSUMOTO, Lauren Kealohilani				
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TOTAL (7)		0	D	0
The recommendation is: Adopted 0 Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				