Honolulu, Hawaii

FEB 1 8 2021

RE: S.B. No. 538

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

Sir:

Your Committee on Human Services, to which was referred S.B. No. 538 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION,"

begs leave to report as follows:

The purpose and intent 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 received testimony in support of this measure from the Disability and Communication Access Board, Hawai'i Civil Rights Commission, Hawaii Disability Rights Center, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee 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 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 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.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 538 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services,

Chair

The Senate Thirty-First Legislature State of Hawaiʻi

Record of Votes Committee on Human Services HMS

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 538	HMS, JDC		,	02/16/2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WF	R) Nay	Excused
SAN BUENAVENTURA, Joy A. (C)		V			
IHARA, Jr., Les (VC)		V			
ACASIO, Laura		<i>V</i>			
MISALUCHA, Bennette E.					
FEVELLA, Kurt		$_ u$			
			<u> </u>		
					
<u> </u>				_	<u> </u>
		·	 		
			-		
	_				
		<u> </u>			
TOTAL		5	0	0	0
Recommendation:					
Adopted			Not Adopted		
Chair's or Designee's Signature:					
John allen					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					
File with Committee Report Clerk's Office / Drafting Agency Committee File Copy					

*Only one measure per Record of Votes