

STAND. COM. REP. NO. 389

Honolulu, Hawaii

FEB 18 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,



JOY A. SAN BUENAVENTURA, Chair



Record of Votes Committee on Human Services HMS

*Only one measure per Record of Votes