

STAND. COM. REP. NO.

1244

Honolulu, Hawaii

MAR 16 , 2023

RE: S.B. No. 389
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Labor & Government Operations, to which was referred S.B. No. 389, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EQUITY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require a new establishment, defined as a place of public accommodation or state building construction that is constructed after December 31, 2023, to provide universal changing accommodations that are equally accessible to men and women on each floor containing restrooms for public use, subject to certain hardship exemptions;
- (2) Make a violation of the universal changing accommodations requirement an unlawful discriminatory practice; and
- (3) Create a private cause of action for a violation, with defined remedies.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Disability

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and Communication Access Board, Hawai'i Family Caregiver Coalition, Hawaii Disability Rights Center, Epilepsy Foundation, and four individuals. Your Committee received comments on this measure from the Department of Accounting and General Services, Hawai'i Civil Rights Commission, and Hawai'i State Public Library System.

Your Committee finds that by providing for universal changing accommodations, this measure would create a more inclusive environment for individuals who are unable to utilize conventional restroom facilities and allow these individuals to more fully enjoy and participate in community-based activities.

Your Committee has amended this measure by:

- (1) Changing the requirement for state building construction from construction occurring after December 31, 2023, to state building construction projects bid after June 30, 2024, where feasible and cost effective;
- (2) Requiring the universal changing accommodation to be provided at family restrooms instead of on each floor containing restrooms for public use;
- (3) Requiring a minimum of one universal changing accommodation at each family restroom that would accommodate any gender, rather than two universal changing accommodations that are accessible, one by women and one by men, or one universal changing accommodation accessible by both women and men;
- (4) Only requiring a universal changing accommodation at an enclosed restroom facility whose interior is not exposed to weather; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

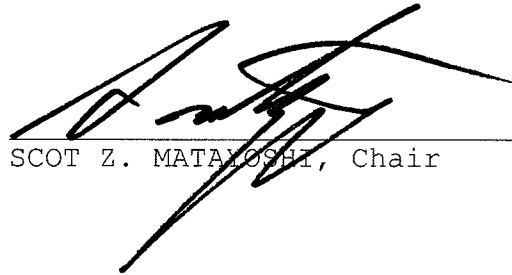
Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider whether the universal changing accommodation requirement should apply to places of public accommodation, as defined in section 489-2, Hawaii Revised Statutes, or only to state building construction.



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As affirmed by the record of votes of the members of your Committee on Labor & Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 389, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 389, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Government
Operations,



SCOT Z. MATAYOSHI, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCP 1244

Record of Votes of the Committee on Labor & Government Operations

Bill/Resolution No.: SB 389, SD1	Committee Referral: LGO, JHA, FIN	Date: 3/14/23
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

LGO Members	Ayes	Ayes (WR)	Nays	Excused
1. MATAYOSHI, Scot Z. (C)	✓			
2. GARRETT, Andrew Takuya (VC)	✓			
3. KAPELA, Jeanne	✓			
4. MARTINEZ, Rose	✓			
5. SAYAMA, Jackson D.	✓			
6. TAM, Adrian K.	✓			
7. ALCOS III, David	✓			
TOTAL (7)	7			

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: 