

A Bill for an Act Relating to Personnel of the Hawaii Civil Rights Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 368-3 is amended to read as follows:

“~~[[§368-3]]~~ **Powers and functions of commission.** The commission shall have the following powers and functions:

- (1) To receive, investigate, and conciliate complaints alleging any unlawful discriminatory practice under chapters 489 and 515 and part I of chapter 378 and conduct proceedings on complaints alleging unlawful practices where conciliatory efforts are inappropriate or unsuccessful[.];
- (2) To hold hearings and make inquiries, as it deems necessary, to carry out properly its functions and powers, and for the purpose of these hearings and inquiries, to administer oaths and affirmations, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, examine witnesses under oath, require answers to interrogatories [issued], and delegate these powers to any member of the commission or any person appointed by the commission for the performance of its functions[.];
- (3) To commence civil action in circuit court to seek appropriate relief, including the enforcement of any commission order[.];
- (4) To issue the right to sue to a complainant[.];
- (5) To order appropriate legal and equitable relief or affirmative action when a violation is found[.];
- (6) To issue publications and results of investigations and research that, in its judgement, will tend to promote goodwill and minimize or eliminate discrimination in employment, housing, and public accommodations[.];
- (7) To submit annually to the governor and the legislature a written report of its activities and [of its] recommendations for administrative or statutory changes required to further the purposes of this chapter[.];
- (8) To appoint an executive director, deputy executive director, attorneys, and hearings examiners who shall be exempt from chapters 76 and 77, and investigators and other necessary support personnel who shall be subject to chapters 76 and 77. Section 103-3 notwithstanding, an attorney employed by the commission as a full-time staff member may represent the commission in litigation, draft legal documents for the commission, provide other necessary legal services to the commission, and shall not be deemed to be a deputy attorney general[.]; and
- (9) To adopt rules under chapter 91.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 30, 1991.)