



HAWAI'I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai'i Civil Rights Commission Office
January 22, 2018
2:30 p.m.

Present: Linda Krieger, Liann Ebesugawa, Joan Lewis, and Joakim Peter, Commissioners; Robin Wurtzel, Bill Hoshijo, and Marcus Kawatachi, Staff; Deputy Attorney General Frances Lum; Francine Wai, Executive Director, Disability Communication Access Board; Anita Hofschneider, Civil Beat.

Chair Linda Krieger called the meeting to order.

Initially, Chair Krieger and Commissioners Liann Ebesugawa and Joakim Peter were present.

Approval of Minutes

The minutes of the December 12, 2017, meeting were approved. (m/s/p Ebesugawa/Lewis; 3-0).

HCRC staff and commissioners congratulated Commissioner Joakim Peter for his recent defense of his doctoral thesis and the award of his Ph.D. in Education

Executive Director's Report

Commissioner Joan Lewis joined the meeting.

Deputy Executive Director (DED) Marcus Kawatachi presented a FY 2018 HCRC Mediation Program year-to-date summary.

Summary & Details (7/1/17 through 1/22/18)

Referrals:	25	
Dispositions:	26	
Settlements:	17	
Non-agreements:	9	
Settlement Rate:	65.4 %	
Employment cases settled:		12
Non-employment cases settled:		5
Dual-filed (EEOC/HCRC) settlements:		16
State-only settlements		1

Primary Bases for Complaints Settled in Mediation

Disability	6
Ancestry/National Origin	3
Retaliation	3
Arrest and Court Record	2
Sex	2 (1 pregnancy)
Familial Status	1

Dispositions by Mediation Center

Mediation Center of the Pacific	7/9	(settlement rate 77.8%)
Mediation Services of Maui		
Private Mediators	3/4	(settlement rate 75%)
Ku'ikahi Mediation Services (Hilo)	0/2	(settlement rate 0%)
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.	0/1	
Hawai'i Civil Rights Commission	7/10	(settlement rate 70%)

OVERALL 17/26 (settlement rate 65.4%)

Chair Krieger asked if it was possible to deploy the HCRC mediator to mediate Neighbor Island cases, given her rate of successful mediation. DED Kawatachi responded that the majority of the HCRC's mediation cases were conducted in fair housing cases, as part of a fair housing mediation pilot project. Executive Director (ED) Bill Hoshijo recalled that at least one or two of the HCRC mediator cases involved Neighbor Island cases.

DED Kawatachi also presented a data and production report showing caseload data through January 22, 2018.

As of, January 22, 2018, the report showed 153 open cases, an increase of 2 cases from the number reported as of December 12, 2017. Of those, 3 (2.0%) were filed in 2015, 18 (11.8%) in 2016, 122 (79.7%) in 2017, and 10 (6.5%) in 2018.

The report also showed a breakdown of the status of the open cases by investigation stage.

	2015	2016	2017	2018	Total
Housing Cases	0	1	13	3	17
Response Monitoring	0	4	68	6	78
Mediation	0	1	1	13	15
Pending Assignment	0	4	10	0	14

Active Investigation	2	8	19	0	29
TOTAL	2	18	111	22	153

DED Kawatachi reported that there were no actions or pending actions for subpoena enforcement.

DED Kawatachi went over the year-to-date data for the past five fiscal years:

Category	7/1/13 – 1/22/14	7/1/14 – 1/22/15	7/1/15 – 1/22/16	7/1/16 – 1/22/17	7/1/17 – 1/22/18
PCQ Received	398	389	385	348	303
Intake Decision	386	382	424	373	298
Complaint Filed	173	169	236	197	141
Investigation Closed	209	178	217	240	164
Notice of Cause	0	6	10	9	6
Enforcement Closure	3	7	15	8	12

Focusing on the lower numbers of intake decisions and complaints filed in FY 2018 to date, Chair Krieger wondered if there a similar trend at EEOC with charge filings.

Commissioner Ebesugawa asked about the number of state-funded services discrimination complaints under HRS § 368-1.5 that were being dismissed as a result of the Hawai‘i Supreme Court’s decision in the Hawai‘i Technology Academy in December 2017. DED Kawatachi said that the number of cases was small, but ED Hoshijo noted that all or nearly all such complaints pending or in intake were affected.

Update on William D. Hoshijo as executive Director for the Hawai‘i Civil Rights Commission, on behalf of Serena Kyi-Yim vs. Morning Hill Foods, LLC, dba Mana Bu’s; Docket No. 16-002-E-A.

Chair Krieger reported that the Commission issued its decision in Case No.17947, Docket No. 16-002-E-A, on December 12, 2017. The Commission then received a letter from Morning Hill Foods, LLC counsel Andrew Stewart, urging that the Commission revisit the decision and objecting to Commissioner Ebesugawa’s involvement in the adjudication of the case. Respondent’s counsel based the objection on Commissioner Ebesugawa’s sister having been employed by Respondent Morning Hill Foods for 11 months in 2009 to 2010. Counsel did not provide any information asserting that there was any acrimony or tension between Commissioner Ebesugawa’s sister and Respondent employer. Per Respondent’s counsel, he and Commissioner Ebesugawa were friends and there was no issue regarding her integrity.

Chair Krieger explained that the Commission would go into closed executive session to consider advice of counsel as to how to respond to the letter from Respondent’s counsel.

CLOSED EXECUTIVE SESSION

The Commissioners voted to go into closed executive session to confer with counsel, Deputy Attorney General Frances Lum, on how to respond to the letter from Respondent’s

Counsel. (m/s/p Lewis/Peter; all).

The Commissioners went into closed executive session. Participating were Chair Krieger and Commissioners Lewis and Peter, and counsel, Deputy Attorney General Lum. Commissioner Ebesugawa was not present. HCRC staff and members of the public were excluded from the closed executive session.

The Commissioners came out of closed executive session.

Commissioner Ebesugawa, HCRC staff, and members of the public reentered the room.

Chair Krieger reported that during the closed executive session, the Commissioners conferred with their counsel and reached a decision on a course of action regarding Mr. Andrew Stewart's letter dated December 14, 2017. She noted that the letter was actually dated December 14, 2007, but they assumed it was meant to be 2017. Chair Krieger stated that the record should reflect that in the deliberation and decision-making, and in taking a vote on how to frame a motion for open session regarding that decision, Commissioner Ebesugawa excused herself and was not present. She did not participate in the closed executive session vote and would abstain from voting on any motion in open session.

There was a motion to authorize the Chair, with assistance of counsel, to write a letter to Mr. Stewart, in response to his December 14, 2017, letter, stating in essence the following:

The Commission finds that there were not and are not now grounds for Commissioner Ebesugawa to recuse herself from decision making in Hoshijo vs. Morning Hill Foods. Among the reasons are that Commissioner Ebesugawa has reconfirmed that, other than the fact of her sister's brief employment at Mana Bu's, which ended approximately three years before any of the events giving rise to the Morning Hill Foods contested case took place, Commissioner Ebesugawa had no knowledge about the Respondent or the conduct of his restaurant business, and that she was able to be fair and unbiased in her decision making.

The motion was approved. (m/s/p Lewis/Peter; 3-0; Ebesugawa abstained).

2018 Legislation

The Commissioners reviewed Legislative Summary 1A, with staff recommendations, and decided on HCRC positions as follows:

HCRC

**HB 2139
SB 2353**

Relating to Discrimination in Education - state Title IX Act

Adds a new section to Chapter 368 to prohibit discrimination in State educational programs and activities based on sex, including gender identity and expression and sexual orientation. Allows a civil suit, and defines the terms "educational program or activity."

Discussion: Staff recommended support. The Commissioners noted that the bill, if enacted, would have broad impact on education, prohibiting sex discrimination in K-12 and university levels, not limited to sexual harassment and athletics.

HCRC position: Strong support. (m/s/p Lewis/Peter; all in favor).

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Administration Bill – Relating to the Civil Rights Commission

Amends HRS § 368-13 to allow HCRC Executive Director to discretion to either issue a final demand or dismiss cases in which there has been a finding of reasonable cause to believe that discrimination has occurred, conciliation efforts have failed

Status: pending introduction of Administration Package

Discussion: Staff recommended support. This is an administration bill, similar to bills introduced in 2015 and 2016.

HCRC position: Support, based on staff recommendation. (m/s/p Ebesugawa/Lewis; all in favor).

EMPLOYMENT

HB 1753

Discriminatory practices based on employee’s status as a qualified patient under the medical use of cannabis

Amends HRS § 378-32 (not under HCRC jurisdiction) to make it unlawful for any employer to refuse to hire, discharge or discriminate against an employee based on status as a registered qualifying patient for medical use of cannabis

Discussion: Staff recommended support. The HCRC supported a similar bill in 2015 (HB 795). However, with the explanation that HCRC’s sole concern is accommodation based on disability, not on medical use of cannabis. This is not within HCRC’s jurisdiction.

HCRC testified in years past that there was no precedent for this, other than jurisdictions which had specifically passed legislation. However, a recent Massachusetts case, *Barbuto*, found that a positive drug test was not cause for dismissal if medical cannabis use was for a disability.

Chair Krieger noted that the HCRC position is that the bill, as drafted, does not affect the right of persons with a disability to a reasonable accommodation

HCRC position: Support intent, with explanation. (m/s/p Ebesugawa/Peter; all in favor).

HB 1844

Short Form

Discussion: Staff recommended no position, but monitor, because of broad civil rights title

SB 2220

Relating to Employment Practices – Medical Cannabis

Prohibits an employer from suspending, discharging or discriminating against an employee for testing positive for cannabis, if employee is registered medical user.

Discussion: Staff recommended support the intent. This bill differs from HB 1753, but HCRC's concerns are the same. This bill addresses discrimination based on a positive drug test by a medical cannabis user. HCRC's focus is only on those cases in which the person has a disability.

HCRC position: Support intent, with reservations. (m/s/p Lewis/Krieger; all in favor).

HOUSING

None.

PUBLIC ACCOMMODATIONS

SB 2650

Relating to Movie Theatres

Amends the requirements so that that a motion picture theater in more than two locations in the state must provide: 1) open movie captioning at least twice per week, one of which must be 4:30 or later. Repeals the requirement to provide an option of personal closed caption screenings with use of lightweight eyewear.

Discussion: Staff recommended support. The HCRC supported 2016's Act 39, which created these requirements. Hawai'i was the first state to require this for the hearing and sight impaired community, though it was amended in 2017. This bill would return the statutory requirements to those established by enactment of the 2016 bill and eliminate the sunset date.

HCRC position: Support, based on staff recommendation. (m/s/p Ebesugawa/Peter; all in favor).

NOTE: A SIMILAR BILL WILL ALSO BE INTRODUCED AGAIN AS PART OF DOH ADMINISTRATION PACKAGE

OTHER CIVIL RIGHTS ISSUES/ RELATED BILLS

HB 1823

Criminalizes misrepresentation of a service, or emotional support, animals.

H.B. No. 1823, if enacted, would amend the Penal Code to establish a new criminal offense, classified as a misdemeanor. It would also amend HRS Chapter 347 to add a definition of "emotional support animal."

SB 2461

Relating to Service Animals

Establishes the offense of misrepresentation of a service animal, and establishes a new criminal offense, classified as a misdemeanor, punishable by imprisonment for up to six months or one year and a fine of \$250, up to \$2000. Uses the definition of service animal found in Chapter 347.

These bills are not identical, but have the same intent.

Discussion: Staff recommended oppose. HB 1823 would have a chilling effect on the exercise of rights by persons with disabilities under both the federal Fair Housing Act and state fair housing law (HRS Chapter 515). HB 1823 is identical to 2017's HB 1599 which HCRC opposed in 2017.

SB 2461 only refers to service animals, not emotional support animals, and established a misdemeanor penalty for fraudulently representing a dog as a service animal and uses the definition of service dog, that is found in H.R.S. § 347-2.5 and conforms with the Americans with Disabilities Act of 1990.

Francine Wai from DCAB noted that there is no registry for service animals or emotional support animals, to prevent fraud, but there has been a proliferation of online sellers of “certification” documents for service animals and emotional support animals. DCAB supports the creation of a national registry. They recognize that the proposed criminal statutes would be difficult to enforce.

HCRC position: Oppose, based on staff recommendation. (m/s/p Ebesugawa/Lewis; all in favor).

HB 1848

Relating to Law Enforcement Racial Profiling

Requires state and county law enforcement officers (AGs, police, conservation officers, DOT, public safety) to develop policies to prohibit officers from using a person’s race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle, but can use race or ethnicity to confirm a previously obtained description of a suspect. Appropriates funds to annual racial profiling prevention training.

Discussion: Staff recommended support intent with amendment to delete clauses “but may use a person’s race or ethnicity to confirm previously obtained descriptions of a subject”. People often cannot correctly determine an individual’s race/ethnicity by appearance since many people here in Hawaii are of mixed heritage. Descriptions based on race/ethnicity are also subject to stereotypes by the observer. This bill is identical to 2017’s SB 311 and HB 1405

HCRC position: Support intent, with suggested amendment. (m/s/p Ebesugawa/Peter; all in favor).

HB 1856

Regarding Sign Language Interpreting at any stage of Criminal Proceeding

Adds a section to Chapter 801 requires that a person in need of a sign language interpreter be provided with one, including when taken into custody. Provides for administrative fines which would be provided to DCAB

Discussion: Staff recommended support intent. A violation of this bill, if passed, would have previously been considered a violation of HRS §368-1.5. However, after the decision in the Hawaii Technology Academy case, HCRC would not have jurisdiction over the police department because they received federal funds.

The Commissioners wanted to emphasize that there is now no state law remedy for disability discrimination by state law enforcement agencies that receive any federal funds.

HCRC position: Support intent, based on staff recommendation. (m/s/p Baxa/Lewis; all in favor).

HB 1944

Relating to Filipino Veterans Burial Assistance

Appropriates funds for burial grants for qualifying Filipino American vets living in Hawaii to transport their remains to the Philippines if federal funds are unavailable

Status: Passed in 2017 as HB 1420

Discussion deferred until January 26, 2018.

HB 1994 **Ho‘okipa Welcoming Policy Act**
SB 2290 Prohibits state law enforcement agencies from complying with federal immigration detainees unless required by judicial warrant or law

Discussion: Staff recommended support. In 2017, the HCRC supported the Ho‘okipa resolutions (HCR 125, HR 76 and SCR 104). The Hawai‘i Attorney General joined an amicus brief in support of California’s challenge to the Trump administration’s threat to withhold federal funds from Sanctuary states and cities.

HCRC position: Support, based on staff recommendation. (m/s/p Lewis/Ebesugawa; all in favor).

SB 2622 **Relating to Selective Service**
Requires compliance with the Military Selective Service Act to be eligible for enrollment in a state support college, to qualify for state financial assistance for college, or to be eligible for state or county employment.

Discussion: Staff recommended strongly oppose. In 2017, HCRC strongly opposed the identical bill, HB 422 and SB 49, and in 2015, the HCRC opposed a similar bill (HB 52) on the grounds that it codified sex discrimination – it only applies to males and imposes a discriminatory burden on men that does not apply to women. It also may affect conscientious objectors who do not register for religious reasons.

HCRC position: Strongly oppose, based on staff recommendation. (m/s/p Lewis/Peter; all in favor).

For later discussion

SB 2512 **RELATING TO DRIVERS LICENSE**
SB 2528 **Authorizes issuance of a limited purpose driver’s license to include**
HB 1942 **applicants who chose to obtain a REAL ID compliant State Civil**
Identification Card

Bills not yet reviewed that are introduced through the bill introduction cut-off on January 24, 2018, and set for hearing before the January 26, 2018, continued meeting.

It was agreed that the meeting would be continued to a date after the legislative bill introduction deadline, so the Commissioners could complete review and action on staff recommendations. The date and time for the continued meeting was scheduled for January 26, 2018, at 2:30 p.m.

Based on the timing of the meeting, to be continued on January 26, 2018, it was possible that hearings could be scheduled in the interim on bills that the Commission had not yet reviewed or taken positions on.

Staff requested a motion to partially address the scheduling issue, and the Commission approved this motion:

On bills introduced through the bill introduction cut-off on January 24, 2018, which the

Commission has not had the opportunity to review and take action on during this January 22 meeting, staff is authorized to identify bills set for hearing before the continued meeting scheduled for January 26, which bills are similar to bills introduced during the 2016-2017 sessions or bills reviewed by the Commission on January 22, 2016, which the Commissioners have acted on, and to submit testimony consistent with those positions. Any such testimony will be reported to the Commission at its continued meeting on January 26, and the position will be subject to Commission review and action at that time. (m/s/p Ebesugawa/Lewis; all in favor).

Old Business

CC Wurtzel reported on the status *Cervelli v. Aloha Bed & Breakfast*, pending before the Intermediate Court of Appeals, which issued a minute order stating that there would be no oral argument.

ED Hoshijo said there was no follow-up communication from the Council for American-Islamic Rights (CAIR) Conference on American Muslims and Civil Rights, so he assumed that it would not be held in February 2018 as CAIR had proposed.

There was nothing new to report on the proposal for a forum on sexual harassment. ED Hoshijo indicated that a follow up communication had to be sent to invited community partners.

Chief Counsel's Report

CC Wurtzel reported on the status of the *Bate* case. Jury trial is set for October 15, 2018, with a settlement conference on December 21, 2017.

New Business

There was no new business.

Announcements

There were no announcements.

Continued Meeting

The meeting was continued to January 26, 2018, at 2:30 p.m.

Recess



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MINUTES

Hawai'i Civil Rights Commission Office
January 26, 2018*
2:30 p.m.

Present: Linda Krieger, Liann Ebesugawa, and Joan Lewis, Commissioners; Robin Wurtzel, Bill Hoshijo, and Marcus Kawatachi, Staff.

Joakim Peter, Commissioner, excused.

Chair Linda Krieger called the continued meeting back to order.

Legislation - 2018 Session

The Commissioners reviewed Legislative Summary 1B, which had been updated to include HCRC position, bill status, and staff recommendations on new bills, and took action on bills not addressed on January 22, 2018, deciding on HCRC positions as follows:

EMPLOYMENT

HB 1735 Relating to Extending Aloha to Veterans

Veterans Hiring preference. This bill allows private businesses, employment agencies to adopt preferential hiring treatment as allowed by Title VII of Civil Rights Act

Status: ref. to: LAB, FIN

Discussion: Staff recommended no position. This is a policy, and political, matter. It would likely have a disparate impact on women, since there are fewer women than men in the military.

HCRC position: No position, based on staff recommendation. (m/s/p Ebesugawa/Lewis; 3-0 in favor).

HB 2201 Relating to Employment SB 2993

* Meeting continued from January 22, 2018.

Discussion: Staff recommended oppose. In both 2016 and 2017 the Chamber of Commerce proposed a similar bill to legislatively reverse the Supreme Court's decision in *Adams v. CDM Media USA, Inc.*, 135 Haw. 1 (2015). These bills include the amendments to the bill from the 2017 session. In 2017, the HCRC opposed S.B. 675.

The bill seemingly amends the meaning of "legitimate, non-discriminatory reason" for termination of an employee. The result is to overturn the current standard that an employer's proffered reason for an action be both legitimate and nondiscriminatory. It may also create an affirmative defense for employers, by allowing them to show any reason for an adverse action that is not based on a prohibited base, regardless of circumstantial evidence of discriminatory intent.

Chair Krieger noted that she did not think the amendment would create an affirmative defense.

HCRC position: Oppose, based on staff recommendation. (m/s/p Lewis/Ebesugawa; 3-0 in favor).

SB 2233 **Uniform Employee and Student Online Privacy Act**
HB 2289 See HB 814, HD 1 and SB 429 from 2017. Adopts uniform laws on protecting the online accounts of employees and students from employers and educational institutions. Includes exception for employers to comply with federal or state laws.

Status: HRE/JDC/CPH, WAM

Discussion: Staff recommended support the intent with an amendment that expressly provides that nothing in the new section shall diminish the authority and obligation of an employer to investigate complaints, allegations, or the occurrence of sexual, racial, ancestry, or other harassment prohibited under chapter 378, part I.

HCRC position: Support intent with an amendment, based on staff recommendation. (m/s/p Ebesugawa/Lewis; all in favor).

HB 2018 **Relating to Employment Practices**
Adds reproductive health decisions to the list of categories that are protected against discriminatory employment practices.

Discussion: Staff recommended support. This adds a new protected basis to our statute. If health insurance law changes, this might add protection and require coverage. We do not know if this is an issue in Hawai'i.

HCRC position: Support, based on staff recommendation. (m/s/p Ebesugawa/Lewis; 3-0 in favor).

HB 2438 **Relating to the Hawaiian Language**
Makes knowledge of the Hawaiian language a desirable qualification for all state positions. Requires all public information officers of the State to

have basic skills in the Hawaiian language. Requires UH to develop and implement a program to translate public documents, including the State Constitution. Makes an appropriation.

Discussion: Staff recommended no position, and monitor. Could not ascertain who the proponents of the bill were, and its intended impact. It seems to have 3 components, 1) job qualifications; 2) Public information officers; 3) Translation. Some questions to address are:

- Language as a “desired qualification,” but it may not be related to job duties.
- Why there is mandatory language regarding the positions public information officers specifically, and not other positions.
- How to measure basic Hawaiian skills
- It will have a disparate impact on immigrants

Commissioner Lewis suggested support of the intent, with reservations, noting that language as a “desired qualification” raised a question about what level would be required, if more than shallow knowledge.

The Commissioners agreed that it would be best to wait, monitor, express interest and get more information.

HCRC position: Monitor based on discussion. (m/s/p Lewis/Ebesugawa; 3-0 in favor).

OTHER CIVIL RIGHTS ISSUES/ RELATED BILLS

SB 2512 **Relating to Driver’s Licensing**

SB 2528

Status: TRE, JDC

HB 1942

Status: ref to: TRN, JUD

Authorizes issuance of a limited purpose driver’s license to include applicants who chose to obtain a REAL ID compliant State Civil Identification Card

Discussion: Staff recommended support, if the intent of the bill is to provide applicants with a REAL ID compliant State Civil Identification Card, support of the bill. However, the vehicle title is narrow, and the language of the bill, and the intent, are unclear.

HCRC position: Support if intent is to create a limited purpose State Civil ID Card, and suggest amendment to make purpose clear. (m/s/p Ebesugawa/Lewis; 3-0 in favor).

HB 2658 Relating to Driver’s Licensing

Exempts citizens of countries having a valid Compact of Free Association with the United States from the requirement that a driver's license of a legal immigrant expire no later than the legal immigrant's authorized period of stay in the United States. Requires the legal immigrant to provide proof of legal residence in the United States as defined by the Director of Transportation by rule.

Discussion: Staff recommended support. COFA residents have previously been ineligible to receive license for an 8 year period, because of their unique immigration status. This would remedy that.

HCRC position: Support, based on staff recommendation. (m/s/p Ebesugawa/Lewis; 3-0 in favor).

SB 2622 Relating to Selective Service

HB 2518

The Commission voted to oppose SB2622. HB 2518 is identical. Note position on HB 2518 is the same.

PUBLIC ACCOMMODATIONS

SB 2650 Relating to Movie Theatres

HB 2370

Amends the requirements so that that a motion picture theater in more than two locations in the state must provide: 1) open movie captioning at least twice per week, one of which must be 4:30 p.m. or later. Repeals the requirement to provide an option of personal closed caption screenings with use of lightweight eyewear.

SB 2797 } These Administration bills do not include the requirement that the showing must be after 4:30 p.m.

HB 2520 } Staff recommends these bills over the others.

Status: ref to: CPH/HMS, JDC

Discussion: Staff recommended support all four bills, with a preference for the Administration bills. The HCRC supported 2016’s Act 39, which created these requirements. We were the first state to require this for the hearing and sight impaired community, though it was amended in 2017. This bill would return the statute to the 2016 bill.

HCRC position: Support all four bills, with a preference for the Administration bills. (m/s/p Ebesugawa/Lewis; 3-0 in favor).

HB 1944**Relating to Filipino Veterans Burial Assistance**

Appropriates funds for burial grants for qualifying Filipino American living in Hawaii to transport their remains to the Philippines if federal funds are unavailable.

Discussion: Staff recommended strongly support. Burial benefits were provided to Filipino soldiers but only at U.S. national and state cemeteries. Many Filipino veterans have unsuccessfully petitioned for decades to have their relatives granted residence in Hawaii and are dying without family here. This grant would enable their remains to be to their families in the Philippines for burial.

CC Wurtzel explained that 2017 Act 105 made one-time appropriation of \$50,000, and HB 1944 would establish stable and dedicated funding.

HCRC position: Strong support, based on staff recommendation. (m/s/p Lewis/Ebesugawa; 3-0 in favor).

Previously discussed bills (January 22, 2018)**HCRC****SB 2805****Relating to the Hawaii Civil Rights Commission****Administration Bill – Relating to the Civil Rights Commission****HB2378, 2514**

Amends HRS § 368-13 to allow HCRC Executive Director to discretion to either issue a final demand or dismiss cases in which there has been a finding of reasonable cause to believe that discrimination has occurred, conciliation efforts have failed

SB 2805 Status: ref. to: LBR/JDC, WAM

HCRC Position: Support. Clarified that Commission supports HB 2514 also, not just the administration package bills.

The Commission considered a motion requested by staff:

On bills that are substantially similar to bills or resolutions introduced during the 2016 or 2017 sessions, or bills or resolutions noted on January 22, 2018, that the Commission reviewed and acted on, staff is authorized to identify bills which are similar to those 2016, 2017 or 2018 session bills and to submit testimonies consistent with the positions taken by the Commission on those bills or resolutions. Any such testimony will be reported to the Commission at its February 2018 meeting, and the position taken will be subject to Commission review and action at that time.

The motion was approved. (m/s/p Lewis/Ebesugawa; 3-0 in favor).

Next Meeting

The next meeting of the Commission was scheduled, for February 16, 2018, at 2:30 p.m., subject to polling of and confirmation by the Commissioners.

Adjournment