

STAND. COM. REP. NO.

3183

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 1489
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 1489, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual because of sex, including gender identity or expression, or by reason of the qualified individual's disability or sexual orientation.

Your Committee received testimony in support of this measure from the Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii LGBT Legal Association, Filipina Advocacy Network, Community Alliance on Prisons, Hawai'i State Democratic Women's Caucus, Hawaii Women's Coalition, IMUAlliance, American Association of University Women Hawaii, Hawai'i Women Lawyers, The Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, American Civil Liberties Union of Hawai'i, and one individual. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission and one individual.



Your Committee finds that a state corollary to the Patsy Takemoto Mink Equal Opportunity in Education Act (Title IX) is critically needed in light of the current federal administration's effort to dismantle federal anti-discrimination laws. The University of Hawai'i's recent Climate Survey Report further highlights this need as it revealed the persistence of sex discrimination, including sexual harassment and violence, on college campuses. Additionally troubling is the fact that the Department of Education is only beginning to move toward meaningful compliance with Title IX. Your Committee believes that no individual should be discriminated against on the basis of sex, gender identity or expression, or sexual orientation in any educational program or activity.

Your Committee further finds that H.B. No. 2139, H.D.1, Regular Session of 2018, amends chapter 368, Hawaii Revised Statutes, by adding a new section prohibiting discrimination on the basis of sex, including gender identity or gender expression, and sexual orientation in state educational programs and activities, or in any educational program or activity that receives state financial assistance is a better vehicle for a true and effective state corollary to Title IX.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with the contents of H.B. 2139, H.D. 1 (Regular Session of 2018), which:
 - (A) Prohibits discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, or in any educational program or activity that receives state financial assistance; and
 - (B) Provides that any student of a state educational program or activity, or an educational program or activity that receives state financial assistance, may bring a civil action for sexual harassment or sexual assault and infliction of emotional distress or invasion of privacy;
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency; and

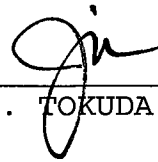


(3) Inserting an effective date of July 1, 2019.

Your Committee requests that your Committee on Judiciary and your Committee on Ways and Means consider creating a mechanism by which the Legislature can follow up on compliance with and enforcement of this measure, should this measure continue in the legislative process.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1489, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1489, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Labor,



JILL N. TOKUDA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* <i>HB1489, HDI</i>	Committee Referral: <i>LBR, JDC / WAM</i>	Date: <i>3/20/18</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
CHANG, Stanley	✓			
IHARA, Jr., Les	✓			
TANIGUCHI, Brian T.		✓		
TOTAL	<i>4</i>	<i>1</i>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes