

STAND. COM. REP. NO.

1464

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 483
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 483, H.D. 2, 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 extend the deadline for the Legislative Reference Bureau to complete its study of existing Title IX enforcement practices and procedures at the federal level and in other jurisdictions.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commissions, Hawai'i State Commission on the Status of Women, The Sex Abuse Treatment Center, American Association of University Women of Hawaii, Pride at Work Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and four individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that Title IX of the Education Amendments of 1972 (Title IX), renamed the Patsy Mink Equal Opportunity in Education Act, prohibits discrimination on the basis of sex by any educational program or activity receiving federal funds. Your Committee also finds that Title IX has given millions of girls and women educational opportunities in the classroom and on playing fields; in research, teaching, and



graduate schools; and in employment, medicine, law, and other professions.

However, your Committee recognizes that the efficacy of Title IX federal protections against sex discrimination in education has been diminished and eroded. For these reasons, in 2018 the legislature passed a corollary to Title IX in state law. Act 110, Session Laws of Hawaii 2018 (Act 110), prohibits discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity, or in any educational program or activity that receives state financial assistance, without regard to whether the educational program or activity also receives federal funds. Act 110 also directs the Legislative Reference Bureau to conduct a study of existing federal Title IX procedures and enforcement, in addition to examining Title IX corollaries in other jurisdictions. The Legislative Reference Bureau was to submit its report in advance of the convening of the regular session of 2019. However, the study is still in progress.

Your Committee notes that Act 110 takes effect on January 1, 2020. However, given the recent dramatic changes to the federal Department of Education's Title IX guidance and potential changes to the Title IX regulation, your Committee finds that it is important to ensure that Act 110 is aligned with the same narrow gender-segregated activities as permitted in federal law that were in effect on January 1, 2019, specifically, the narrow exceptions applicable to same-sex dormitories and limited same-gender social clubs. Your Committee notes that the caveat regarding the effective date is necessary to ensure the existing minimum limitations in federal law are incorporated into Hawaii's corollary law, in the event the current federal administration changes the law to permit broader exceptions.

Accordingly, your Committee has amended this measure by:

- (1) Amending Act 110, Session Laws of Hawaii 2018, to incorporate federal law regarding Title IX, which permits a narrow exception from Title IX for same-sex living facilities and membership practices of social fraternities, social sororities, and certain youth service organizations;



- (2) Changing its effective date to upon approval; provided that the amendments made to section 2 of Act 110, Session Laws of Hawaii 2018 shall take effect on January 1, 2020, to correspond with the effective date of Act 110; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 483, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 483, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

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

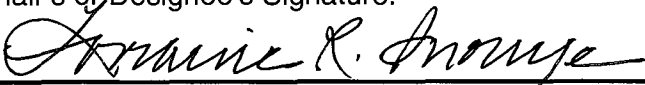


LAURA H. THIELEN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB483 HD2	GVO, JDC	3/14/2019		
<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
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
BAKER, Rosalyn H.	✓			
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes