

STAND. COM. REP. NO.

1870

Honolulu, Hawaii

APR 04 2019

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

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 483, H.D. 2, S.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:

- (1) Incorporate federal law regarding social groups and youth services organizations and same-sex living facilities into Act 110, Session Laws of Hawaii 2018;
- (2) Extend the deadline for the Legislative Reference Bureau to complete the study requested by Act 110, Session Laws of Hawaii 2018, on existing federal Title IX enforcement practices and procedures on the federal level and in other jurisdictions; and
- (3) Require the Legislative Reference Bureau to submit a report to the Legislature no later than August 1, 2019.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work Hawaii, American Association of University Women of Hawaii, Healthy Mothers Healthy Babies, League of Women



Voters of Hawaii, The Sex Abuse Treatment Center, Oahu County Democrats Committee on Legislative Priorities, Midwives Alliance of Hawaii, and seven individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that although Title IX of the Education Amendments of 1972 prohibited discrimination on the basis of sex by any educational program or activity receiving federal funds, the efficacy of Title IX federal protections against sex discrimination in education has eroded over time. Your Committee further finds that Act 110, Session Laws of Hawaii 2018 (Act 110), was enacted as a corollary to Title IX in state law to prohibit 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. Your Committee additionally finds that 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. This measure updates Act 110 to be consistent with new protections under federal law and extends the deadline for the Legislative Reference Bureau to complete the Title IX study and report.

Your Committee has amended this measure by:

- (1) Incorporating federal law regarding sex-restricted scholarships, fellowships, or other forms of financial assistance pursuant to a domestic or foreign will, trust, bequest, or similar instrument into Act 110; and
- (2) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 483, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 483, H.D. 2, S.D. 2.



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

*Karl Rhoads*

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KARL RHOADS, Chair



