

1 status of lesbian, gay, bisexual, transgender, queer, plus
2 people in Hawaii.

3 § -2 **Definitions.** For purposes of this chapter:

4 "Commission" means the Hawaii state lesbian, gay, bisexual,
5 transgender, queer, plus commission.

6 "County committee" means each committee on the status of
7 lesbian, gay, bisexual, transgender, queer, plus affairs as
8 appointed by the mayor of each respective county in accordance
9 with this chapter.

10 "Lesbian, gay, bisexual, transgender, queer, plus" includes
11 any individual who identifies as a member of the lesbian, gay,
12 bisexual, transgender, or queer community, or any individual who
13 identifies as a member of a sexual or gender minority, including
14 intersex, asexual, or pansexual individuals.

15 "Trust fund" means the Hawaii state lesbian, gay, bisexual,
16 transgender, queer, plus commission trust fund.

17 § -3 **Hawaii state lesbian, gay, bisexual, transgender,**
18 **queer, plus commission; membership.** (a) There is established
19 the Hawaii state lesbian, gay, bisexual, transgender, queer,
20 plus commission for a special purpose within the department of
21 human services for administrative purposes.



- 1 (b) The commission shall consist of the following:
- 2 (1) Ex officio, nonvoting members or their designees,
- 3 including the:
- 4 (A) Superintendent of education;
- 5 (B) President of the University of Hawaii system;
- 6 (C) Director of labor and industrial relations;
- 7 (D) Director of human resources development;
- 8 (E) Director of human services; and
- 9 (F) Director of health; and
- 10 (2) Seven voting members who shall be appointed by the
- 11 governor in accordance with section 26-34; provided
- 12 that of these seven members:
- 13 (A) One member shall be from the county of Hawaii;
- 14 (B) One member shall be from the county of Kauai;
- 15 (C) One member shall be from the county of Maui; and
- 16 (D) Four members shall be from the city and county of
- 17 Honolulu.
- 18 (c) The governor shall appoint members of the commission
- 19 on the basis of their interest and knowledge in, and their
- 20 ability to make contributions to, the solution of problems



1 relating to the status of the lesbian, gay, bisexual,
2 transgender, queer, plus community.

3 (d) A chairperson of the commission shall be elected
4 annually from the seven appointed members of the commission. A
5 quorum to do business or validate any act of the commission
6 shall consist of a majority of the seven appointed members of
7 the commission.

8 § -4 **Compensation.** The members of the commission shall
9 serve without compensation but shall be reimbursed for expenses,
10 including travel expenses, necessary for the performance of
11 their duties.

12 § -5 **Executive director.** The commission shall appoint
13 an executive director for the proper administration and
14 enforcement of this chapter. The executive director shall be
15 appointed without regard to chapter 76.

16 § -6 **Powers and duties of the commission.** The
17 commission shall:

18 (1) Act as a central clearinghouse and coordinating body
19 for governmental and nongovernmental activities and
20 information relating to the status of the lesbian,



- 1 gay, bisexual, transgender, queer, plus community in
2 the State;
- 3 (2) Create public awareness and understanding of the
4 responsibilities, needs, potentials, and contributions
5 of the lesbian, gay, bisexual, transgender, queer,
6 plus community and their roles in the changing
7 society;
- 8 (3) Recommend legislative and administrative action on
9 equal treatment and opportunities for members of the
10 lesbian, gay, bisexual, transgender, queer, plus
11 community;
- 12 (4) Encourage a long-range program of education of members
13 of the lesbian, gay, bisexual, transgender, queer,
14 plus community in their political rights and
15 responsibilities, particularly with respect to their
16 voting duties;
- 17 (5) Maintain contacts with appropriate federal, state,
18 local, and international agencies concerned with the
19 status of the lesbian, gay, bisexual, transgender,
20 queer, plus community;



- 1 (6) Cooperate and collaborate with national groups on the
2 status of the lesbian, gay, bisexual, transgender,
3 queer, plus community and arrange for participation by
4 representatives of the State in White House
5 conferences and other national conferences;
- 6 (7) Administer funds allocated for the commission's work,
7 including accepting, disbursing, and allocating funds
8 that may become available from other governmental and
9 private sources; provided that all funds shall be
10 disbursed or allocated in compliance with any specific
11 designation stated by the donor; provided further that
12 in the absence of any specific designation, the funds
13 shall be disbursed or allocated to projects related to
14 any of the purposes of this chapter; and
- 15 (8) Submit to the governor and legislature an annual
16 report with recommendations.

17 § -7 **County committees on lesbian, gay, bisexual,**
18 **transgender, queer, plus affairs; membership; organization.** (a)
19 The mayor of each county shall appoint a county committee on the
20 status of lesbian, gay, bisexual, transgender, queer, plus
21 affairs. Each county committee shall be charged with:



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1 (1) The duty and responsibility of developing information
2 as the commission requires or as the county committee
3 deems advisable concerning the status of the members
4 of the lesbian, gay, bisexual, transgender, queer,
5 plus community within the respective counties; and

6 (2) Any other appropriate duties and responsibilities as
7 may be deemed necessary by the respective counties.

8 (b) The county committees shall submit to the commission
9 plans and proposals affecting the status of members of the
10 lesbian, gay, bisexual, transgender, queer, plus community in
11 the respective counties.

12 (c) Each county committee shall endeavor to secure the
13 widest possible citizen participation in its efforts and may use
14 existing public or private organizations for this purpose. The
15 membership of each county committee shall include, ex officio,
16 the county attorney or corporation counsel and the county
17 representative of the commission. The other members shall be
18 selected on the basis of their interest and knowledge in, and
19 their ability to make contributions to, the solution of problems
20 relating to the lesbian, gay, bisexual, transgender, queer, plus
21 community within the respective county and their knowledge of



1 local conditions. The chairperson shall be elected annually
2 from the nongovernmental members of the county committee. The
3 terms of office of each member shall be four years. Each county
4 committee shall meet at least four times a year. The members of
5 the county committees shall not receive compensation for their
6 services. The county legislative bodies shall be authorized to
7 make appropriations to meet the necessary expenses of their
8 respective committees.

9 **§ -8 Hawaii state lesbian, gay, bisexual, transgender,**
10 **queer, plus commission trust fund.** (a) There is established a
11 Hawaii state lesbian, gay, bisexual, transgender, queer, plus
12 commission trust fund. All funds contributed to the trust fund,
13 including income and capital gains earned by the trust fund,
14 shall be used exclusively for commission programs as defined in
15 the articles, bylaws, resolutions, and other instruments
16 executed on behalf of the commission or any nonprofit
17 organization established by the commission. The trust fund may
18 receive any and all types of private contributions, and the
19 income and capital gains earned by the trust fund; provided that
20 funds or properties donated for the commission's use shall be
21 deposited and accounted for in accordance with policies and



1 procedures adopted by the comptroller. The trust fund shall be
2 subject to the following restrictions:

- 3 (1) All funds, and the income and capital gains earned by
4 investment of those funds, shall be expended only for
5 the support of the commission or any nonprofit
6 organization established by the commission; and
7 (2) Other restrictions imposed by the legislature with
8 respect to the transfer or appropriation of funds.

9 (b) Any funds deposited in the trust fund, and any income
10 and capital gains earned by the trust fund, not used for the
11 commission or any nonprofit organization established by the
12 commission, shall be invested in accordance with the provisions
13 of the articles, bylaws, resolutions, or other instruments
14 executed on behalf of the commission or any nonprofit
15 organization established by the commission, and in a manner
16 intended to maximize the rate of return on investment of the
17 trust fund.

18 (c) If the trust fund is terminated or the commission or
19 any nonprofit organization established by the commission is
20 dissolved, all funds, including the income and capital gains
21 earned by the investment of funds, shall be distributed in



1 accordance with the articles and bylaws of the commission or any
2 nonprofit organization established by the commission.

3 (d) The commission shall require an annual audit of the
4 trust fund, the results of which shall be submitted to the
5 department of budget and finance not more than thirty days after
6 receipt by the commission. The commission shall retain for a
7 period of three years any documents, papers, books, records, and
8 other evidence that are pertinent to the trust fund, and permit
9 inspection or access thereto by the department of budget and
10 finance, department of accounting and general services, state
11 legislators, and the auditor, or their duly authorized
12 representatives.

13 (e) The trust fund shall be subject to the terms and
14 conditions provided in this section. The trust fund shall not
15 be placed in the state treasury and the State shall not
16 administer the trust fund nor be liable for its operation or
17 solvency. The trust fund shall be a private charitable trust
18 fund administered by a private trust company as trustee.

19 (f) Subsections (a) to (e) shall take effect upon the
20 creation of a Hawaii state lesbian, gay, bisexual, transgender,
21 queer, plus commission foundation as a tax-exempt, nonprofit



1 foundation that is subject to the terms and conditions provided
2 in this section."

3 SECTION 2. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____

Amy Penuso

JAN 21 2022



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Report Title:

Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission; Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund; County Committees

Description:

Establishes the Hawaii state lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) commission and the Hawaii state lesbian, gay, bisexual, transgender, queer, plus commission trust fund. Requires each county mayor to appoint a county committee on the status of lesbian, gay, bisexual, transgender, queer, plus affairs.

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