

HB546

Testimony



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

Senate Committee on Judiciary and Labor
Hearing: Monday, April 4, 2011
9:00 a.m., Conference Room 016

Testimony in **Strong Support of HB546**
Relating to Civil Rights

Chair Hee, Vice-Chair Shimabukuro and Members of the Committee:

I submit testimony in my capacity as a Member of the Hawai'i State Board of Education (BOE) because ALL of our students and graduates entering the workforce should have equal access to employment opportunities, regardless of their gender expression or identity.

BOE Policy #4211, an anti-discrimination policy that includes "gender identity & expression" among the list of protected classification states, in relevant part: "A student shall not be excluded from participation in, be denied the benefits of, or otherwise be subjected to . . . discrimination under any program, services, or activity of the Department of Education."

Our students' access to equal opportunities should not stop at the schoolyard gates. According to the Hawai'i Department of Labor and Industrial Relations, approximately 13,000 work permits are issued every year to young people between the ages of 14-17 years old.

The Department of Education (DOE) prepares its graduates for both college and careers. The DOE is currently rolling out 61 various Career & Technical Education programs to better prepare our graduates to meet the demands of today's workplace. I urge this Committee to support HB546 to better prepare our workplace to employ and promote today's graduates based on their industry knowledge and work ethic – and NOT on the bases of their gender identity or expression.

Thank you for your consideration.

Kim Coco Iwamoto, Esq.
State of Hawaii Board of Education Member, Oahu-at-Large



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Sixth Legislature, State of Hawaii
The Senate
Committee on Judiciary and Labor

Testimony by
Hawaii Government Employees Association
April 4, 2011

H.B. 546 – RELATING TO CIVIL RIGHTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 546 which prohibits discrimination on the basis of gender identify and expression as a public policy matter and specifically with regard to employment.

The Hawaii Government Employees Association is the state's largest labor union, representing more than 29,000 public employees. We are steadfast in our support for anti-discrimination in employment. Our members work hard providing public services throughout the state. It is their knowledge and skill in providing these services that support the quality of life of our citizens.

We urge passage of this bill. Thank you for the opportunity to testify in support of H.B. 546.

Respectfully submitted

Nora A. Nomura
Deputy Executive Director



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 4, 2011
Conference Rm. 016
9:00 a.m.

To: The Honorable Clayton Hee, Chair
and Members of the Senate Committee on Judiciary and Labor

From: Coral Wong Pietsch, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 546

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

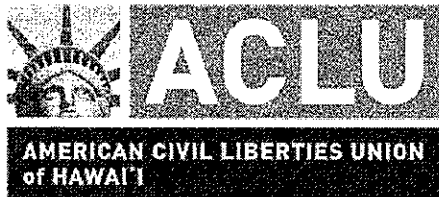
The HCRC supports H.B. No. 546, which amends H.R.S. §§ 378-1 and 378-2 to clarify that discrimination on the basis of gender identity or expression is a form of prohibited sex discrimination, and also amends H.R.S. § 368-1, to specifically state that sex discrimination, *including* discrimination based on gender identity or expression, is against the public policy of Hawai‘i. In H.B. No. 546 Section 1, the purpose of the bill is clearly stated to be clarification of existing law, critical language that ensures that passage of the bill will not adversely affect cases which arose prior to enactment.

This legislation is consistent with the HCRC’s position that discrimination based on gender identity or gender expression is a form of sex discrimination under existing

law. (See, *HCRC Final Decision and Order Granting Declaratory Relief*, D.R. No. 02-0015, June 29, 2002; *vacated on other grounds, RGIS Inventory v. Hawai'i Civil Rights Commission*, 104 Hawai'i 158 (2004).) The Hawai'i Supreme Court has not directly addressed this issue, but has indicated that it takes a broad view of discrimination based on sex in the equal protection context. *Baehr v. Lewin*, 74 Hawai'i 530 (1993). A growing number of state and federal courts have held that discrimination on the basis of gender identity is prohibited sex or gender stereotyping. (See, *Price Waterhouse v. Hopkins*, 490 U.S. 229 (1989) (denying a highly-qualified woman a promotion because she would not act and dress more femininely, and wear makeup is sex stereotyping, a form of prohibited sex discrimination); *Smith v. City of Salem, Ohio*, 378 F.2d 566 (6th Cir. 2004) (employment discrimination against a transgender person is sex stereotyping).)

No person in Hawai'i should be denied employment opportunity because they do not conform with traditional sex and gender stereotypes. The proposed amendments to H.R.S. chapter 378 extend the protections against this kind of discrimination in employment, mirroring similar statutory language in H.R.S. chapters 515 (housing) and 489 (public accommodations).

The HCRC supports H.B. No. 546 and urges your favorable consideration.



Committee: Committee on Judiciary and Labor
Hearing Date/Time: Monday, April 4, 2011, 9:00 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Support of H.B. 546, Relating to Civil Rights

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 546, which seeks to prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Civil rights laws are valuable not only because they provide remedies when discrimination occurs, but also because they discourage such discrimination from occurring at all. Discrimination based on gender identity and expression is less likely to occur where civil rights laws, by their own language, put the entire community on notice that such discrimination is unlawful. It is important that legislatures clarify that the scope of sex discrimination laws includes discrimination based on gender identity and expression.

Unfortunately, the rise in the visibility of the gay, lesbian, bisexual and transgendered community has been accompanied by a rise in discrimination based on gender identity and expression. That rise in discrimination makes it imperative that we make it clear now that the law protects against discrimination based on actual or perceived sexual orientation and that such discrimination is illegal and unacceptable.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



Randy Perreira
President

HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor

Testimony by
Hawaii State AFL-CIO
April 4, 2011

H.B. 546 – RELATING TO CIVIL RIGHTS

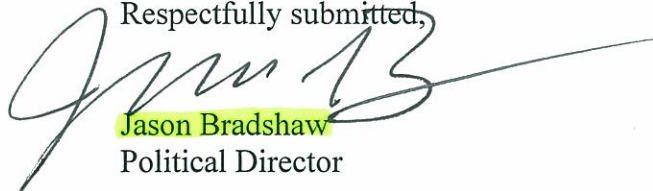
The Hawaii State AFL-CIO supports H.B. 546 which would prohibit discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

Under current law, it is unlawful to discriminate because of race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record. However, gender identity and expression have been notably excluded from the law. That should no longer be the case. It is important that everyone is protected under the law and no longer discriminated against. Employees should feel safe and secure wherever they work without the fear of humiliation, embarrassment, and discomfort.

Furthermore, thirteen states, including the District of Columbia have policies that protect against gender identity discrimination in employment. Let's see that number increase to fourteen.

Thank you for the opportunity to testify.

Respectfully submitted,



Jason Bradshaw
Political Director

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 5:19 PM
To: JDLEstimony
Cc: toddhairgrove@yahoo.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Todd Hairgrove
Organization: Individual
Address:
Phone:
E-mail: toddhairgrove@yahoo.com
Submitted on: 3/31/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2011 8:15 PM
To: JDLTestimony
Cc: honoluluprideparade@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM
Attachments: HB546TestSenateJUD

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Rob Hatch
Organization: Honolulu Pride
Address:
Phone:
E-mail: honoluluprideparade@gmail.com
Submitted on: 3/31/2011

Comments:

From: Sarah Viallefont [mailto:mail@change.org]
Sent: Friday, April 01, 2011 11:20 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Sarah Viallefont
St.-Avertin, France

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Klaudio Negric [mailto:change.org]
Sent: Friday, April 01, 2011 11:35 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Klaudio Negric
Rijeka, Croatia

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Cristi Sturgill [mailto:change.org]
Sent: Friday, April 01, 2011 11:40 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Cristi Sturgill
Mount Vernon, KY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Mark Jeason [mailto:change.org]
Sent: Friday, April 01, 2011 11:56 AM
To: JDLEvidence
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Mark Jeason
Pflugerville, TX

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 12:21 PM
To: JDLEstimony
Cc: dennis@hawaiitents.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Dennis Young
Organization: Individual
Address:
Phone:
E-mail: dennis@hawaiitents.com
Submitted on: 4/1/2011

Comments:
Against this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 12:37 PM
To: JDLTestimony
Cc: marcyfrommaui@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Marcy Koltun-Crilley
Organization: Individual
Address:
Phone:
E-mail: marcyfrommaui@gmail.com
Submitted on: 4/1/2011

Comments:
I STRONGLY SUPPORT HB 546

Ending employment discrimination based on Gender Identity must end.

By allowing it, you are showing young children it is OK to bully children who have a different gender identity than themselves. You are also telling the children who do get bullied they deserve it , they are not equal or of value.

To say we are against letting children bully each other but to allow gender discrimination at work does not make sense.

I am sorry we even need a law to address this, in this day and age. There is no reason to ever allow gender discrimination in a country like this, and anything less goes against human rights.

I am a female heterosexual married 30 years to my husband.
But it effects me personally to see friends anyone discriminated against I believe it is HARMFUL to my son, who is also heterosexual, to grow up to witness this behavior and to see our "civilized" society allow it.

Discrimination HARMS ALL families and people.

Marcy Koltun-Crilley
Kihei, Hi 96753

From: Jon Spinac [mailto:change.org]
Sent: Friday, April 01, 2011 12:41 PM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jon Spinac
New York, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

Members of the Judiciary & Labor Committee (JDL) of Hawaii's Senate

HB 546

Friday, April 01, 2011

The Twenty-Sixth Legislature

Regular session of 2011

My name is Dan Abrahamsson, I am strongly in support of the HB 546, and I am grateful that this Committee has taken up HB 546 for its consideration to become law in Hawaii.

We all know that there are no distinct or univocal margins between what is considered *feminine* or *masculine* comportment in the various cultures and societies of the world regarding dress, manner, language, and especially regarding expression of feelings. A fellow citizen whose gender identity conflicts with his or her biological sex does not match up neatly with the theory that there are only the two biological categories, *female* and *male*.

This person's unique identity cannot be changed, it is set, and it would be abnormal to try to change it. However, acceptance and tolerance regarding what is appropriate and "normal" within a culture and a society is changeable and constantly has been changing throughout history.

Therefore it is important to strive for that every person can live in harmony with the self and the environment; it is important to accept and tolerate the broad diversity of inborn personal identities and the outward expression of this personal identity.

In a human community this can be done with legislation. "Life, Liberty, and Pursuit of Happiness" is probably the most famous and well-crafted phrase in the United States Declaration of Independence that expresses promotion of well-being of every fellow citizen. Passing the HB 546 would embrace and help to assimilate the minority population of transgender persons and allow them to feel more comfortable in their own skin.

I urge you to vote in favor for and to support HB 546.

Sincerely,

Dan Abrahamsson, RN, BSN

1607 Quincy Place

Honolulu, HI 96816-2019

From: Kieren Valente [mailto:change.org]
Sent: Friday, April 01, 2011 12:56 PM
To: JDLEvidence
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Kieren Valente
Evora, Portugal

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Andy Lynn Oefinger [mailto:mail@change.org]
Sent: Friday, April 01, 2011 1:01 PM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Andy Lynn Oefinger
Newtown, CT

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Ann [manukolea1@mac.com]
Sent: Friday, April 01, 2011 1:07 PM
To: JDLEvidence
Subject: In Support Of HB 546

I support HB 546

Ann Egleston
Honolulu, 96816

732-1640

From: Jeffrey Harwood [mailto:mail@change.org]
Sent: Friday, April 01, 2011 1:11 PM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jeffrey Harwood
Memphis, TN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: John Miller [mailto:change.org]
Sent: Friday, April 01, 2011 1:50 PM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

John Miller
portland, OR

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 10:12 AM
To: JDLEstimony
Cc: patriciablair@msn.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Patricia Blair
Organization: Individual
Address:
Phone:
E-mail: patriciablair@msn.com
Submitted on: 4/1/2011

Comments:

I feel that there should be no employment discrimination based on gender identity.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 10:23 AM
To: JDLEstimony
Cc: taxpayer1654@yahoo.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Edward Fransen
Organization: Individual
Address:
Phone:
E-mail: taxpayer1654@yahoo.com
Submitted on: 4/1/2011

Comments:

I think that it is wonderful and needed in all 50 states . Hawaii should be very honored that they are leading the nation in issues that are important to all people in their state. This is the 21st Century and yet after many deaths and horrible stories we continue to judge and treat people not for their individuality but actually condemn them if they don't fit the "Norm" as people are taught and perceive.
Stand tall and proud Hawaii, you are making a real difference.

From: Caleb Laieski [mailto:change.org]
Sent: Friday, April 01, 2011 10:25 AM
To: JDLEvidence
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Caleb Laieski
Phoenix, AZ

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Robert Scott Wolfe [mailto:change.org]
Sent: Friday, April 01, 2011 10:26 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Robert Scott Wolfe
Cranston, RI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: DONNA MOCK [mailto:change.org]
Sent: Friday, April 01, 2011 10:31 AM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

DONNA MOCK
MEDFORD, OR

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Maureen North [mailto:mail@change.org]
Sent: Friday, April 01, 2011 10:35 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Maureen North
Shortsville, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Courtney VanOrder [mailto:change.org]
Sent: Friday, April 01, 2011 10:36 AM
To: JDLEvidence
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Courtney VanOrder
Spring Hope, NC

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Echo G. [mailto:change.org]
Sent: Friday, April 01, 2011 10:36 AM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Echo G.
Ashland, OH

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Maxi Mock [mail@change.org]
Sent: Friday, April 01, 2011 10:40 AM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Maxi Mock
Medford, OR

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: John Shay Jr [mailto:change.org]
Sent: Friday, April 01, 2011 10:51 AM
To: JDL Testimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

John Shay Jr
Hagerstown, MD

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Jim Mock [mailto:mail@change.org]
Sent: Friday, April 01, 2011 10:55 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jim Mock
Medford, OR

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email

responses@change.org and include a link to this petition.



From: Mary Acosta [mailto:change.org]
Sent: Friday, April 01, 2011 11:00 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Mary Acosta
Baldwin park, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Barbara Witt [mailto:mail@change.org]
Sent: Friday, April 01, 2011 11:01 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Barbara Witt
jackson, SC

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Dick Lee [mailto:change.org]
Sent: Friday, April 01, 2011 11:10 AM
To: JDLEstimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Dick Lee
Grand Rapids, MI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 11:11 AM
To: JDLTestimony
Cc: sarawitt12@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: sherrian witt
Organization: Individual
Address:
Phone:
E-mail: sarawitt12@gmail.com
Submitted on: 4/1/2011

Comments:

I support gender equality and its expression to have full rights as any citizen in Hawaii.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 11:11 AM
To: JDLTestimony
Cc: sarawitt12@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: sherrian witt
Organization: Individual
Address:
Phone:
E-mail: sarawitt12@gmail.com
Submitted on: 4/1/2011

Comments:

I support gender equality and its expression to have full rights as any citizen in Hawaii.

From: ivan castello [mailto:mail@change.org]
Sent: Friday, April 01, 2011 11:15 AM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

ivan castello
barcelona, Spain

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.



From: Patrick Taylor [mailto:change.org]
Sent: Friday, April 01, 2011 11:16 AM
To: JDLTestimony
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong

Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Patrick Taylor
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition.





Email to: JDLTestimony@Capitol.hawaii.gov
Hearing on: Monday, April 1, 2011 @ 9:00 a.m.
Conference Room #016

DATE: April 1, 2011

TO: Senate Judiciary & Labor Committee
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Opposition to HB 546 Relating to Civil Rights

Mahalo for the opportunity to testify in opposition to this measure. I am Allen Cardines, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We oppose this bill that would prohibit discrimination on the basis of "gender identity and expression" as a public policy matter and specifically with regard to employment.

"Gender Identity Disorder" is currently classified as a mental disorder by the American Psychiatric Association. We object to this new "inclusion" because Christian and other organizations with an opposing view ought to have freedom to act on their beliefs, without facing stigma or punishment.

There are several specific provisions of the bill which are objectionable.

1) **The definition of "gender identity" trivializes the significance of biological sex.**

The bill defines "gender identity" (p. 1, lines 8-14) as "a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth."

Sex is an objective biological reality, identified based on the presence of external genitalia, internal sex organs, and chromosomes, which in the overwhelming majority of cases are entirely consistent and unambiguous at birth. It is simply foolish to treat this as a characteristic that can be changed at will.



2) **Exemptions to the bill need to be included**

For example, when the federal Employment Non-Discrimination Act (ENDA) was introduced with gender identity protections in 2007 (H.R. 2015), it included exemptions for employers with less than 15 employees and religious organizations.

These exemptions are critical and necessary to protect, for example, small family businesses and churches from affirming behaviors that they find offensive and/or contrary to their moral convictions.

3) **The bill violates the privacy rights of every Hawaii citizen**

The most extreme application of the principle of "non-discrimination" based on "gender identity" would be to the use of gender-separated restrooms, locker rooms, and showers. As currently written, this bill would legally protect the right of a person who is still biologically male (but who has adopted a female "gender identity") to strip nude in front of women in a women's locker room.

If this bill is passed, there will be nothing whatsoever preventing a temporarily cross-dressing male from entering a women's restroom or locker room and exposing himself. Behavior that would normally be considered criminal will now be protected as a civil right. This is a very dangerous public policy precedent.

We end our testimony by using a quote that does a good job of encapsulating our position:

“We have wasted scientific and technical resources and damaged our professional credibility by collaborating with madness rather than trying to study, cure, and ultimately prevent it.”

– Dr. Paul McHugh, former Psychiatrist-in-Chief, Johns Hopkins University Hospital.

A similar statement may be made about the Hawaii Legislature if you adopt House Bill 546.

Mahalo for the opportunity to testify.

The Twenty-Sixth Legislature
Regular Session of 2011

THE SENATE
Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

State Capitol, Conference Room 016
Monday, April 4, 2011; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 546
RELATING TO CIVIL RIGHTS**

The ILWU Local 142 supports H.B. 546, which prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The ILWU supports civil rights for all and opposes discrimination in any form. One form of discrimination that is, as yet, not legally recognized or protected against is discrimination based on gender identity or expression. H.B. 546 will rectify this omission and ensure that actual or perceived gender identity or gender related self-image, appearance or expression will not be used to discriminate against anyone, especially in employment. This includes discrimination in hiring as well as on the job.

The most important quality that an employer should be concerned about is the employee's ability to perform the duties of his or her job. Gender identity, appearance or expression should not be a factor.

The ILWU urges passage of H.B. 546. We thank you for the opportunity to provide testimony on this matter.

Testimony to the Senate Committee on Judiciary and Labor
Tuesday, February 8, 2011
10:00 a.m.
State Capitol - Conference Room 016

RE: HOUSE BILL NO. 546 RELATING TO CIVIL RIGHTS

Chair Hee, Vice Chair Shimabukuro, and members of the committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). The Chamber is not opposed to the measure but would like to offer amendments to the measure.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.

The Chamber does not oppose the measure but does have concerns as it relates to workplace dress standards. We believe:

- Employers should be able to apply gender-based grooming standards on employees. The employee should have to adhere to either male or female dress code, grooming, and daily habits.
- The employee in question should be held to only one gender and not change back and forth on a day-to-day basis. There should be consistency in the appearance of the employee. For example, if a male pre-school teacher were to dress up as a female one day and not the next, how does that impact the students and how do they address the teacher?
- Bathroom Usage should be clearly identified and adhered to, based on the gender of the grooming standard applicable to the employee. The employer may choose which grooming standard to adhere to if there is any question.

Below is proposed language that we hope you will consider incorporating into HB 546.

Exceptions 378-3:

Nothing in this section shall limit or circumscribe the right of any employer to establish and enforce grooming and dress standards consistent with a particular gender. Employees must present as one gender at work throughout employment and may change gender identification for dress and grooming standards only once throughout employment. Employees will be assigned to changing rooms, locker rooms and bathrooms of the gender applicable for grooming standards unless other options are agreed upon with the employer.

For these reasons, The Chamber of Commerce of Hawaii respectfully requests that the committee incorporate the above—mentioned amendments. Thank you for the opportunity to provide testimony.

April 3, 2011

To: To Chair Senator Clayton Hee and Senate Committee on Judiciary and Labor

Date: Monday, April 4, 2011 at 9:00AM, Room 016

Re: HB546

Aloha Senator Hee and Senate Committee Members:

My name is Elaine C. Goldberg and I strongly support HB546. Please stop discrimination in the workplace against gay, lesbian, transgender and other persons whose sexual orientations differ from others in the workplace.

I have worked and socialized with persons where I worked, whose sexual orientations were different than mine, however have found these persons work abilities and job performance not affected by their preferences. These co-workers performance was superior and provided superior work ethics and performance.

I have witnessed discrimination in the workplace against these persons by others who were narrow minded and unable to focus on the employee's ability to perform the duties of his or her job, rather than her or her gender identity or expression. This discrimination must be stopped.

Transgender and gender non-conforming citizens rely on their jobs to pay for food, healthcare and housing for themselves and their families. Also these persons help the economy here in Hawaii by shopping and spending for pleasurable events such as dinners at local restaurants.

I worked at Tripler Army Medical Center for 14 years and experienced discrimination by an NCOIC who was anti-semetic and told me on my high holiday of Yom Kippur, "I'll let you take off this time, but in the future I won't." On another occasion on December 11, 2008, the date of torrential rain here in Hawaii, when Governor Lingle signed a Disaster Proclamation for Oahu, this NCOIC consuled me for coming late to work. This SSG stated that I didn't call in that I would be late, and remedial action would be taken against me. So, I do understand how it is to be discriminated in the workplace by narrow-minded, ignorant persons.

The persons in the Army environment who created problems were the "straight managers" whose beliefs based on unfounded hate. I would prefer to work with 100 gay, lesbian, transgender, or cross dressers rather than 1 discriminatory "straight" manager.

Thank you for the opportunity to submit testimony in support of HB546.

Mahalo,

Elaine C. Goldberg

Kapolei Resident

EQUALITY HAWAII

Monday, April 4, 2011 • 9 a.m.

Testifying in Support of HB546 On Behalf of Equality Hawaii

Aloha, Chairman Hee:

On behalf of Equality Hawaii, the state's largest LGBT advocacy organization, we emphatically recommend that the House's Judiciary Committee approve HB546.

A cornerstone of this nation has been the belief that if you work hard and apply yourself, you can achieve any anything. No dream is impossible.

But this is not true for many individuals who do not "fit" into rigid stereotypes of what is "masculine" and what is "feminine." Or for those whose soul does not match their biological gender. Too many times, we have witnessed or heard horrible stories of perfectly capable, able-bodied men refused or denied a job because they were "too feminine." Or talented, productive women denied a promotion because she was "too butch."

According to the 2009 National Transgender Discrimination Survey, transgender individuals experience unemployment at twice the rate of the general population, 97 percent report experiencing harassment or mistreatment on the job and report a poverty rate twice that of the general population.

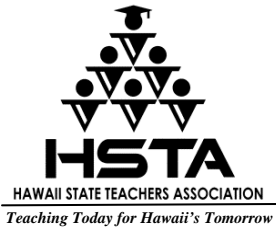
It was not that long ago that tennis great Martina Navratilova was passed over for endorsement contracts because she was too masculine for mainstream America and booed when taking the court against the "ideal" Chris Everett or Stefi Graff.

Hawaii is better than that and once lived by the intent of this bill.

Before Capt. Cook, Hawaiians embraced, nurtured and encouraged its *mahu* and *aikane*. It's time that we return to this time-honored island tradition of acceptance and equal employment opportunity for all Hawaii's residents.

Please reaffirm the American dream to our next generation. Restore Hawaii's tradition of acceptance and aloha and pass this measure today.

Mahalo,
Josh Frost, Legislative Chair
Alan Spector, Co-Chair
Janel Dulan, Board Member
Donald L. Bentz, Treasurer



1200 Ala Kapuna Street λ Honolulu, Hawaii 96819
Tel: (808) 833-2711 λ Fax: (808) 839-7106 λ Web: www.hsta.org

Wil Okabe
President

Karolyn Mossman
Vice President

Joan Kamila Lewis
Secretary-Treasurer

Alvin Nagasako
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

RE: HB 546 -- RELATING TO CIVIL RIGHTS.

MONDAY, APRIL 4, 2011

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Hee and Members of the Committee:

The Hawaii State Teachers Association strongly supports HB 546, which prohibits discrimination on the basis of gender identity and expression as a public policy matter with regard to employment.

We believe in and are committed to the rapid elimination from the workplace of unfair and unlawful employment discrimination. Achieving this goal is necessary if the American workplace is to reflect American values of fairness and equal opportunity.

Therefore, HSTA is in strong support of HB546.

Thank you for the opportunity to testify.



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

Brien Hallet, President
Juliet Begley, Vice-President
Fritz Fritschel, Treasurer
Chuck Huxel, Secretary

DIRECTORS

Nancy Bey Little
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Tom Horton
Jim Olson
Barbara Polk
Jan Lubin
Stephen O'Harrow
George Simson

Guy Archer (Alt)
Josh Frost (Alt)
Bart Dame (Alt)
Karin Gill (Alt)

Marcia Schweitzer (Alt)

MAILING ADDRESS

PO. Box 617
Honolulu,
Hawai'i 96822

April, 2011

TO: Sen. Clayton Hee, Chair: Sen. Maile Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

SUBJECT: SUPPORT FOR HB 546, RELATING TO CIVIL RIGHTS

Americans for Democratic Action/Hawaii (ADA/H) is in strong support of extending protection from discrimination to all people, regardless of gender identity and expression. The more we can rid our society of the cancer of discrimination based on personal characteristics, the better. Our organization supports equal rights for all people, and urges passage of HB 546.



April 1, 2011

TO: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice-Chair
Committee on Judiciary and Labor

FR: Glenn Cannon, President, Screen Actors Guild Hawaii Branch
Brenda Ching, Executive Director, Screen Actors Guild Hawaii Branch

RE: **TESTIMONY FOR H.B. 546, RELATING TO CIVIL RIGHTS**

Dear Chair Hee, Vice-Chair Shimabukuro and members of the Committee,

The Screen Actors Guild Hawaii Branch represents over 700 members working in the film, video and new media industry. We strongly support H.B. 546, relating to Civil Rights and urge the passage of this measure.

Thank you for the opportunity to submit testimony.

SCREEN ACTORS GUILD

949 KAPI'OLANI BLVD., SUITE 105, HONOLULU, HI 96814 ★ TEL. 808.596.0388 ★ FAX 800.305.8146 ★ SAG.org

Branch of Associated Actors and Artistes of America / AFL-CIO ★ Affiliate of International Federation of Actors



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: JDLTestimony@Capitol.hawaii.gov
Hearing on: Monday, April 4, 2011 @ 9:00 a.m.
Conference Room #016

DATE: April 1, 2011

TO: Senate Committee on Judiciary & Labor
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Strong Opposition to HB 546 Relating to Civil Rights

Mahalo for the opportunity to testify on this measure. I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We strongly oppose this bill that would prohibit discrimination on the basis of “gender identity and expression.” We oppose this bill for the following reasons:

For the basis of clarity, permit us first to state two basic tenets of Catholic Church teaching on this issue. First, persons with a homosexual inclination “must be accepted with respect, compassion and sensitivity,” and, second, “[u]nder no circumstances can [homosexual acts] be approved.” *Catechism of the Catholic Church* (“CCC”), nos 2357-58.

Catholic teaching states that all people are created in the image and likeness of God and thus possess an innate human dignity that must be acknowledged and respected, by other persons and by law. We recognize that no one should be an object of scorn, hatred or violence for any reason, including sexual inclination. The Church affords special concern and pastoral attention to those who experience a homosexual inclination and stands committed to avoid “[e]very sign of unjust discrimination in their regard.” CCC, no. 2358.

The Catholic Church makes an important distinction between actions and inclination. While the Church is ardently opposed to all unjust discrimination on the grounds of sexual inclination, whether homosexual or heterosexual, it does teach that all sexual acts outside of a marriage between one man and one woman are morally wrong. The Catholic Church’s teaching cannot, therefore, be equated with “unjust discrimination,” because it is based on fundamental truths about the human person and personal conduct.

Just as every other group in our society, the Catholic Church enjoys the same rights to hold to its beliefs, organize itself around them, and argue for them in the public square. This is guaranteed by our Constitution. This includes the right to teach what it holds to be the truth concerning homosexual conduct – and to act as an employer consistent with that truth – without the threat of government sanction.

PAGE TWO

Further, we believe that an employee's appearance is certainly relevant to employment, and employers should have the right to take this into account when considering whether to hire an employee. Legislation protecting immutable characteristics such as race or sex is based on the fact that these characteristics are inborn, involuntary, and immutable. None of these criteria apply, however to the voluntary decision of some individuals to present themselves to the public with a gender identity which is the opposite of the inborn biological sex that is written immutably in the chromosomes found in every cell of their bodies. And, under this bill, the adopted gender identity need not even be permanent, but could change virtually from day to day.

Under present law, it is legitimate for employers to set dress and grooming standards for their employees. Yet one of the most fundamental dress and grooming standards imaginable is that people should be dressed and groomed in a way that is culturally appropriate for their biological sex. We urge you not to take away the right of employers and businesses to set such a reasonable standard.]

Because the passage of this bill could be use to punish as discrimination what the Catholic Church teaches, language needs to be put into the bill to protect the religious freedom of the Church and all others who hold similar religious views. Without such protections, this bill could be applied to jeopardize our religious freedom to live our faith and moral tenets in today's society. We would urge that language such as the following be inserted as a new section in Hawaii Revised Statutes Ch. 378:

"§ 378-____. Exemption for Religious Organizations.

(a) The provisions of section 378-2 regarding sexual orientation and gender identity or expression:

(1) Shall not apply to any of the employment practices of a religious corporation, association, educational institution, or society which has as its primary purpose religious ritual or worship or the teaching or spreading of religious doctrine or belief;

(2) For any religious corporation, association, educational institution, or society that is not wholly exempt under subsection (a) (1), shall not apply with respect to the employment of individuals whose primary duties consist of teaching or spreading religious doctrine or belief, religious governance, supervision of a religious order, supervision of persons teaching or spreading religious doctrine or belief, or supervision or participation in religious ritual or worship.

(b) For purposes of this chapter, a religious corporation, association, educational institution, or society may require that applicants for, and employees in, similar positions conform to those religious tenets that such corporation, association, institution, or society declares significant. Such a declaration by a religious corporation, association, educational institution or society stating which of its religious tenets are significant shall not be subject to judicial or administrative review. Any such declaration made for purposes of this subsection shall be admissible only for proceedings under this Act."

Thank you for the opportunity to testify.

From: ltanaka@hsta.org
To: [JDLTestimony](#)
Subject: HSTA Testimony
Date: Friday, April 01, 2011 5:17:53 PM

Hawaii State Teachers Association testimony attached for JDL hearing, Monday, April 4, 2011, 9:00 a.m., Conference Room 016.

HB 546 – Relating to Civil Rights

From: [Elisabeth Bechmann](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 12:50:43 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Elisabeth Bechmann
St. Pölten, Austria

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Jamie Horneman](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 5:06:02 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jamie Horneman
chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Julia Steckner](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 4:06:20 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Julia Steckner
burlington, Canada

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [bruce halbach](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 4:30:42 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

bruce halbach
las vegas, NV

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Bernadette Guzman](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:55:32 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Bernadette Guzman
Los Angeles, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Josh Vincent](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 5:25:53 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Josh Vincent
Fillmore, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Jacob Shipton](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 9:05:47 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jacob Shipton
Bunker Hill, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [*C*](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 4:51:03 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

C .
Mosheim, TN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Tim Fisher](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 5:35:42 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Tim Fisher
San Diego, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Judith Abel](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:06:13 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Judith Abel
Basel, Switzerland

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Melissa McCage](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 3:06:12 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Melissa McCage
Phoenix, AZ

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Yasiu Kruszynski](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 8:25:47 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Yasiu Kruszynski
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Rick Tonsing](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 7:15:31 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Rick Tonsing
Fair Oaks, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Lee Margulies](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 4:55:51 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Lee Margulies
Stony Brook, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Pamylle Greinke](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 2:30:43 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Pamylle Greinke
Peconic, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Cyndi Mears](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 3:35:48 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Cyndi Mears
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Susannah Kegler](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 6:41:11 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Susannah Kegler
San Pedro, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Anthony Legg](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 4:15:30 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Anthony Legg
Edwardsville, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [James Walker](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 6:00:50 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

James Walker
janesville, WI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Jennifer Shupe](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 3:20:48 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jennifer Shupe
Rochester, MN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Mario Aguilar](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:01:31 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Mario Aguilar
Purcell, OK

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Dan Jones](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:10:54 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Dan Jones
Sonoma, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Ellie Gow](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 3:30:49 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Ellie Gow
Brisbane, Australia

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Dana Grunwald](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 8:16:02 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Dana Grunwald
Hamburg, Germany

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Dana Wong](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 9:30:47 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Dana Wong
Plano, TX

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Ryan Sullinger](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 4:40:26 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Ryan Sullinger
Erlanger, KY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [patricia m lasek](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 7:56:10 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

patricia m lasek
barneveld, NY

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Paul Haider](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 5:00:41 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Paul Haider
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Richard Dilley](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 9:10:28 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Richard Dilley
Hibbing, MN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Julia Steckner](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 4:06:20 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Julia Steckner
burlington, Canada

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [joe.rodriguez](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:31:09 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

joe rodriguez
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Andrea Boswell](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:25:49 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Andrea Boswell
Provo, UT

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Erik Streeter](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 5:35:29 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Erik Streeter
Salem, MA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [carlee trent](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 5:21:16 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

carlee trent
springfield, OH

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [lori weber](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 3:31:06 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

lori weber
johnson city, TN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Cindy Brower](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 3:50:37 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Cindy Brower
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Vu Nguyen](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 4:45:43 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Vu Nguyen
Silver Spring, MD

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Yasiu Kruszynski](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 8:25:47 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Yasiu Kruszynski
Chicago, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Devante Williams](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 9:05:42 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Devante Williams
Washington, DC

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [J.Colon](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 4:10:36 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

J Colon
Columbus, OH

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Jean L. Corcoran](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 3:40:27 AM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Jean L. Corcoran
Tarpon Springs, FL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Alan Haggard](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Saturday, April 02, 2011 7:00:50 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Alan Haggard
San Diego, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Scott Treinen](#)
To: [JDLTestimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Sunday, April 03, 2011 12:06:13 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Scott Treinen
Greeley, CO

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: [Joshua Mitchell](#)
To: [JDL Testimony](#)
Subject: Please Pass HB546 .. Discrimination Based On Gender Identity and Expression Is Wrong
Date: Friday, April 01, 2011 7:40:43 PM


Dear Honorable Legislator,

I am a member of Equality Hawaii and am writing to ask that you support HB 546, a bill that would add gender identity and gender expression as a protected class in Hawaii's employment anti-discrimination laws.

Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else. Please honor Hawaii's proud tradition of aloha and add this language to our state's laws.

Thank you for your consideration,

Joshua Mitchell
Lodi, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/hawaii-say-no-to-employment-discrimination. To respond, email responses@change.org and include a link to this petition. 

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jacobyyoung@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM
Date: Friday, April 01, 2011 11:57:28 PM
Attachments: [HB546.txt](#)

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Jacoby Young
Organization: Individual
Address:
Phone:
E-mail: jacobyyoung@gmail.com
Submitted on: 4/1/2011

Comments:

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: kahanakitty@gmail.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM
Date: Sunday, April 03, 2011 12:04:42 PM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Kahana Ho
Organization: Individual
Address:
Phone:
E-mail: kahanakitty@gmail.com
Submitted on: 4/3/2011

Comments:

Aloha Kākou, to the Esteemed Senator Clayton Hee, Chair, Senator Maile Shimabukuro, Vice-Chair, and Members of the Senate Committee on Judiciary and Labor

My name is Kahana Ho, and I am a life-long resident of Hawai'i, as well as a long-time resident of Nu'uano. As the subject line of this e-mail indicates, I am requesting your support for the passage of HB 546 by the Senate, and wish to explain my reasons for my own support of this potentially landmark bill, and I wish to thank you in advance for taking the time to read my personal testimony in support of HB546, Relating to Civil Rights. I hope that you will vote for and lend your active support to the passage of this bill by both the Committee on Judiciary and Labor, as well as the full Senate.

Before I proceed, however, I wish to request that despite the fact that this is a few hours late, that I be put on the list to testify before your committee in person, on Monday, April 4th.

My support for HB 546 is first based in my general belief in complete civil rights for all people, based on immutable characteristics such as race, sex, sexual orientation, and age. Civil rights are the basis of a civilized society. While not always popular, civil rights are what prevent the masses from oppressing minorities, committing discrimination, and worse, such as social, economic, educational, and political disenfranchisement. Such marginalization can eventually lead to extreme prejudice and hatred, and in the case of gender identity and expression, such is already a reality of life. One of the roles of a truly democratic government in a truly civilized society is to prevent just such oppression, to speak up for, and defend the rights of ALL citizens. Such is the purpose of civil rights laws such as Act 1, Section 5 of the Hawai'i State Constitution, and §368 of the Hawai'i Revised Statutes.

There is strong evidence that gender identity should be included along with the other traditional parameters for equal protection of civil rights. Transgender individuals and those who do not meet rigid definitions of what is "masculine" or "feminine" deserve the right to make a living just like anyone else.

Medical research increasingly finds that gender identity is NOT a choice, but is rooted in multiple factors, ranging from prenatal exposure to various chemicals, to brain structure differences, to congenital hormonal imbalances, to sex organ anomalies. These have the effect of creating profound dissonance between the internal, psychological, spiritual gender identity, and one's external assigned sex. This dissonance is not amenable to psychological treatment. The current standards of care indicate that transition to living in, to gaining maximum congruence with the target gender, that is, the internal, psychic gender, is what leads to the highest level of mental health and functioning. Gender identity is not changeable; only our outward expression, and how we live. Yes, one can choose to live in one's assigned sex, but that leads to such despair, that suicide is often the solution that many transgender people seek. In the end, NOT changing gender is a non-choice.

In addition to these, however, I also have a very personal stake in the passage of this specific bill, that goes beyond the general principles of civil liberties, rights, and equal protections. As a transgender woman in the process of transitioning, I am currently faced with some very real challenges in one of the most major steps of transitioning into life in my true gender. I need to find gainful employment, but all my previous work history, and educational history not only reflects my previous name, but my previous "assigned sex," as well.

As you well know, the process of obtaining employment requires verification of work history, and educational history. Both of these require an inquiry, based on the name of the applicant. My previous employers can readily confirm my employment in my former name, and will invariably do so by saying the "Mr. So-and-so was employed from 1989-2003". My gender will come up as a matter of course, in the free use of gender specific pronouns, and this can cause problems with any prospective employer. Likewise, my educational background includes attendance at a local all-male school. To list that on my job application or in my resume; is a guaranteed flag as to my transgendered history. Unfortunately, without the protections afforded under HB546, there is absolutely nothing preventing my true merits, skills, knowledge, and other objective qualifications from being summarily discounted for the simple reason of my gender identity.

Additionally, I have experienced discrimination in medical services, having been denied health care insurance to cover psychotherapy, hormone therapy treatment, and surgery, simply because it is legal to deny coverage for transgender-related medical services, despite the fact that such services and access to medical insurance coverage has been advocated by the World Professional Association for Transgender Health, an international organization that is at the forefront of transgender health care.

For many of the transgender population, these two discriminatory aspects, employment, and health care, have profound effects on their success in gaining true gender congruency, a matter that often has life-or-death meaning. Approval for surgical intervention often hinges on successful adaptation to living in one's target gender; however, when faced with workplace discrimination on the basis of gender identity, this becomes a veritable impossibility. Lack of health insurance leads many, if not most of us to use all our life savings to pay for costs that can easily surpass \$100,000 dollars, over the course of several years. Some, perhaps many, are driven into marginalized employment, such as the sex industry. Countless transgender people face the threat of homelessness because of loss of employment.

In addition to these significant effects, while attending Nu'uuanu Elementary School, St. Theresa's School (on School Street), as well as St. Louis High School, I was subject to frequent emotional, mental, and physical abuse on the basis of my subtle, but apparent failure to fulfill the "traditional" stereotypical male gender role expressions. Daily harassment on the playground, in the restroom, and off campus were a fact of life for me. Unfortunately, it was part of what drove me to drug and alcohol addiction, but I am proud to say that as I gradually claimed my identity as a woman, despite all the prejudice, assaults, and discrimination, I also found that I increasingly was free of my addiction, and today I am, despite being unemployed, and unable to get insurance to cover my ongoing treatment for gender transition, clean and sober.

I am not alone in my experiences. The National Center for Transgender Equality recently released a report that found that discrimination is a significant aspect of life for transgender people. In the most comprehensive study done so far, a survey of 6450 people who self-identified as gender non-conforming found that they were, in comparison to the general population:

- 300% (FOUR times) times more likely to live in extreme poverty, with household income under \$10,000;

- 50% the respondents indicated experiencing harassment or other mistreatment in the workplace;

- 26% reported losing a job due to being transgender or gender non-conforming; all this, and other factors leads to

- 41% reporting having attempted suicide at least once in their life, compared to 1.6% of the general population (I myself attempted suicide at least three times with regard to barriers I have

encountered in my gender transition).

These shocking statistics do not even address discrimination in medical care (which I have personally experienced), housing, education, and public accommodations.

Given this overwhelming evidence of disparate effects of current laws on transgender people, it is clear that something must be done to address this. To this end, I respectfully ask that you support HB546, Relating to Civil Rights, in the name of true equality.

If it is at all possible, I would welcome and appreciate the opportunity to speak with you personally to answer any questions you may have regarding this issue, as well as to simply put a personal face to this request.

Mahalo ā nui loa, ā me
ke aloha pūmehana,

Kahana Ho
kahanakitty@gmail.com

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: leeyarbro@aol.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM
Date: Saturday, April 02, 2011 6:21:24 AM
Attachments: [HB546JDLTestimony040211.doc](#)

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Lee M. Yarbrough
Organization: Individual
Address:
Phone:
E-mail: leeyarbro@aol.com
Submitted on: 4/2/2011

Comments:
Please include my testimony attached in WORD document format. Thank you.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: merway@hawaii.rr.com
Subject: Testimony for HB546 on 4/4/2011 9:00:00 AM
Date: Friday, April 01, 2011 10:55:43 PM

Testimony for JDL 4/4/2011 9:00:00 AM HB546

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address:
Phone:
E-mail: merway@hawaii.rr.com
Submitted on: 4/1/2011

Comments:

I hope you will fully support this important legislation. It expressly forbids discrimination based on gender identity and expression in the workplace. This language is currently not in Hawaii's anti-discrimination laws and needs to be added now.
Mahalo for your consideration.



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

April 1, 2011

Testimony in Support: HB 546 Relating to Civil Rights

To: Chair Clayton Hee, Vice Chair Maile Shimabukuro and Members of the Senate Committee on Judiciary and Labor

From: Katie Reardon, Director of Government Relations & Public Affairs, Planned Parenthood of Hawaii

Re: Testimony in Support of HB 546, Relating to Civil Rights

Planned Parenthood of Hawaii (PPHI) supports HB 546, which prohibits employment discrimination based on gender identity or expression. We have a core set of beliefs at PPHI, and among them is the belief that the free and joyous expression of one's own sexuality is central to being fully human. The ability to express one's gender without fear of discrimination is crucial to every person's well being, including their social and economic well being. In 2011, in recognition of the need for quality and reliable health care for transgendered individuals, PPHI will begin providing transgender health care services at our Honolulu Health Center. It is our goal to expand these services to all of our health centers in the near future.

Transgendered individuals face high rates of discrimination in Hawaii. While our anti-discrimination statute currently protects against discrimination on the basis of sex, it may not protect individuals whose perceived or expressed gender does not match the sex characteristics they were born with or with the traditional, yet narrow, concepts of "male" and "female." For these individuals work-place discrimination threatens not just their sense of dignity, but their access to employment and the ability to earn income and other benefits associated with employment. As a hopeful ally of transgendered people, we respectfully ask that the Committee pass HB 546. Thank you.

Honolulu Health Center

1350 S. King Street, Suite 310
Honolulu, HI 96814
808-589-1149

Kailua Kona Health Center

75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center

140 Ho'ohana Street, Suite 303
Kahului, HI 96732
808-871-1176
(A Maui United Way Agency)

Report Title:

Military and Overseas Voters Act

Description:

Enacts Uniformed Military and Overseas Voters Act to ensure ability of members of the military and others eligible voters who are overseas to participate in all elections for federal, state, and local offices. Authorizes election materials to be transmitted by electronic transmission system established by the Chief Election Officer.



1 (3) An overseas voter who, before leaving the United
2 States, would have been last eligible to vote in this State had
3 the voter then been of voting age and, except for a state
4 residency requirement, otherwise satisfies this State's voter
5 eligibility requirements; or

6 (4) An overseas voter who was born outside the United
7 States, is not described in paragraph (2) or (3), and, except for
8 a state residency requirement, otherwise satisfies this State's
9 voter eligibility requirements, if:

10 (A) The last place where a parent or legal guardian of
11 the voter was, or under this chapter would have been, eligible to
12 vote before leaving the United States is within this State; and

13 (B) The voter has not previously registered to vote in
14 any other state.

15 "Dependent" means an individual recognized as a dependent by
16 a uniformed service.

17 "Federal postcard application" means the application
18 prescribed under section 101(b)(2) of the Uniformed and Overseas
19 Citizens Absentee Voting Act, 42 U.S.C. section 1973ff(b)(2).

1 "Federal write-in absentee ballot" means the ballot
2 described in section 103 of the Uniformed and Overseas Citizens
3 Absentee Voting Act, 42 U.S.C. section 1973ff-2.

4 "Military-overseas ballot" means:

5 (1) A federal write-in absentee ballot;

6 (2) A ballot specifically prepared or distributed for use
7 by a covered voter in accordance with this chapter; or

8 (3) A ballot cast by a covered voter in accordance with
9 this chapter.

10 "Overseas voter" means a United States citizen who is living
11 outside the United States.

12 "State" means a state of the United States, the District of
13 Columbia, Puerto Rico, the United States Virgin Islands, or any
14 territory or insular possession subject to the jurisdiction of
15 the United States.

16 "Uniformed service" means:

17 (1) Active and reserve components of the Army, Navy, Air
18 Force, Marine Corps, or Coast Guard of the United States;



1 (2) The Merchant Marine, the commissioned corps of the
2 Public Health Service, or the commissioned corps of the National
3 Oceanic and Atmospheric Administration of the United States; or

4 (3) The National Guard and state militia.

5 "Uniformed-service voter" means an individual who is
6 qualified to vote and is:

7 (1) A member of the active or reserve components of the
8 Army, Navy, Air Force, Marine Corps, or Coast Guard of the United
9 States who is on active duty;

10 (2) A member of the Merchant Marine, the commissioned corps
11 of the Public Health Service, or the commissioned corps of the
12 National Oceanic and Atmospheric Administration of the United
13 States;

14 (3) A member on activated status of the National Guard or
15 state militia; or

16 (4) A spouse or dependent of a member referred to in this
17 definition.

18 "United States", used in the territorial sense, means the
19 several states, the District of Columbia, Puerto Rico, the United



1 States Virgin Islands, and any territory or insular possession
2 subject to the jurisdiction of the United States.

3 **§ -3 Elections covered.** The voting procedures in this
4 chapter apply to:

5 (1) A general, special, or primary election for federal
6 office;

7 (2) A general, special, or primary election for statewide
8 or state legislative office or state ballot measure; and

9 (3) A general, special, recall, primary, or runoff election
10 for local government office or local ballot measure conducted
11 under section 11-91.5 for which absentee voting or voting by mail
12 is available for other voters;

13 **§ -4 Role of chief election officer.** (a) The chief
14 election officer shall be the state official responsible for
15 implementing this chapter and the State's responsibilities under
16 the Uniformed and Overseas Citizens Absentee Voting Act, 42
17 U.S.C. section 1973ff et seq.

18 (b) The chief election officer shall establish an
19 electronic transmission system through which a covered voter may
20 apply for and receive voter registration materials, military-

1 overseas ballots, and other information under this chapter. The
2 chief election officer may satisfy the requirements of this
3 chapter by utilizing an electronic transmission system
4 established by the Federal Voting Assistance Program in lieu of
5 creating a separate electronic transmission system.

6 (c) The chief election officer shall develop standardized
7 absentee-voting materials, including privacy and transmission
8 envelopes and their electronic equivalents, authentication
9 materials, and voting instructions, to be used with the military-
10 overseas ballot of a voter authorized to vote in any jurisdiction
11 in this State;

12 (d) The chief election officer shall accept forms prescribed
13 by the Uniformed and Overseas Citizens Absentee Voting Act, 42
14 U.S.C. section 1973ff et seq. for use by a covered voter that
15 contains the prescribed standard declaration to swear or affirm
16 specific representations pertaining to the voter's identity,
17 eligibility to vote, status as a covered voter, and timely and
18 proper completion of an overseas-military ballot.

19 **§ -5 Overseas voter's registration address.** In
20 registering to vote, an overseas voter who is eligible to vote in
21 this State shall be assigned to the voting district of the

1 person's residence, or the last place of residence prior to
2 leaving this State, or, in the case of a voter described by
3 paragraph (4) of the definition of "covered voter," the address
4 of the last place of residence in this State of the parent or
5 legal guardian of the voter. If that address is no longer a
6 recognized residential address, the voter shall be assigned a
7 district for voting purposes.

8 **§ -6 Methods of registering to vote.** (a) To apply to
9 register to vote, in addition to any other approved method, a
10 covered voter may utilize the federal postcard application, or
11 the application's electronic equivalent for all elections
12 conducted in the State.

13 (b) A covered voter may use the declaration accompanying a
14 federal write-in absentee ballot to apply to register to vote
15 simultaneously with the submission of the federal write-in
16 absentee ballot, if it is received not later than thirty days
17 prior to the election pursuant to section 11-16.

18 (c) The chief election officer shall ensure that the
19 electronic transmission system described in section -4(b) is
20 capable of accepting both a federal postcard application and any
21 other approved electronic registration application sent to the

1 appropriate election official. The voter may use the electronic
2 transmission system or any other approved method to register to
3 vote.

4 **§ -7 Methods of applying for military-overseas ballot.**

5 (a) A covered voter who is registered to vote in this State may
6 apply for a military-overseas ballot using the absentee ballot
7 application prescribed in section 15-4, the federal postcard
8 application, or the application's electronic equivalent, as
9 appropriate.

10 (b) A covered voter who is not registered to vote in this
11 state may use the federal postcard application or the
12 application's electronic equivalent to apply simultaneously to
13 register to vote under section -6 and for a military-overseas
14 ballot.

15 (c) The chief election officer shall ensure that the
16 electronic transmission system described in section -4(b) is
17 capable of accepting the submission of both a federal postcard
18 application and any other approved electronic military-overseas
19 ballot application sent to the appropriate election official.
20 The voter may use the electronic transmission system or any other
21 approved method to apply for a military-overseas ballot.

1 (d) A covered voter may use the declaration accompanying the
2 federal write-in absentee ballot as an application for a
3 military-overseas ballot simultaneously upon its submission if it
4 is received by the appropriate election official by the deadline
5 prescribed in section 15-4.

6 **§ -8 Timeliness and scope of application for military-**
7 **overseas ballot.** An application for a military-overseas ballot
8 shall be timely if received by the request period prescribed in
9 section 15-4. An application for a military-overseas ballot for
10 a primary election, whether or not timely, shall be effective as
11 an application for a military-overseas ballot for the general
12 election and all subsequent elections held before December 31 of
13 that calendar year.

14 **§ -9 Transmission of unvoted ballots.** (a) Not later
15 than forty-five days before the election or, if the forty-fifth
16 day before the election is a weekend or holiday, not later than
17 the business day preceding the forty-fifth day, the election
18 official in each jurisdiction charged with distributing a ballot
19 and balloting materials shall transmit a ballot and balloting
20 materials to all covered voters who by that date submit a valid
21 military-overseas ballot application.

1 (b) A covered voter who requests that a ballot and
2 balloting materials be sent to the voter by electronic
3 transmission may choose facsimile transmission or electronic mail
4 delivery, or, if offered by the voter's jurisdiction, internet
5 delivery. The election official in each jurisdiction charged
6 with distributing a ballot and balloting materials shall transmit
7 the ballot and balloting materials to the voter using the means
8 of transmission chosen by the voter.

9 (c) If a ballot application from a covered voter arrives
10 after the jurisdiction begins transmitting ballots and balloting
11 materials to voters, the official charged with distributing a
12 ballot and balloting materials shall transmit them to the voter
13 not later than two business days or as soon as allowable after
14 the application arrives.

15 **§ -10 Receipt of voted ballot.** (a) A valid military-
16 overseas ballot shall be counted if it is received by the close
17 of polls on election day and meets the requirements prescribed in
18 section 15-9.

19 **§ -11 Declaration.** A military-overseas ballot shall
20 include or be accompanied by a declaration or affirmation signed
21 by the voter that a material misstatement of fact in completing

1 the ballot may be grounds for a conviction of perjury or related
2 offenses under the laws of the United States or this State.

3 **§ -12 Federal write-in absentee ballot.** A covered voter
4 may use a federal write-in absentee ballot to vote for all
5 offices and ballot measures in an election described in
6 section -3.

7 **§ -13 Confirmation of receipt of application and voted**
8 **ballot.** The chief election officer, in coordination with local
9 election officials, shall implement an electronic free-access
10 system by which a covered voter may determine by telephone,
11 electronic mail, or Internet whether:

12 (1) The voter's federal postcard application or other
13 registration or military-overseas ballot application has been
14 received and accepted; and

15 (2) The voter's military-overseas ballot has been received.

16 **§ -14 Use of voter's electronic-mail address.** (a) The
17 local election official may request an electronic-mail address
18 from each covered voter who registers to vote after the effective
19 date of this chapter. An electronic-mail address provided by a
20 covered voter may not be made available to the public or any

1 individual or organization other than an authorized agent of the
2 local election official and is exempt from disclosure under
3 chapter 92F. The electronic-mail address may be used only for
4 official communication with the voter about the voting process,
5 including transmitting military-overseas ballots and election
6 materials if the voter has requested electronic transmission, and
7 verifying the voter's mailing address and physical location.

8 (b) A covered voter who provides an electronic-mail address
9 may request that the voter's application for a military-overseas
10 ballot be considered a standing request for electronic delivery
11 of a ballot for all elections held through December 31 of the
12 calendar year of the date of the application or another shorter
13 period the voter specifies, including for any runoff elections
14 that occur as a result of those elections. An election official
15 shall provide a military-overseas ballot to a voter who makes a
16 standing request for each election to which the request is
17 applicable. A covered voter who is entitled to receive a
18 military-overseas ballot for a primary election under this
19 subsection is entitled to receive a military-overseas ballot for
20 the general election.

1 **§ -15 Publication of election notice.** (a) As soon as
2 practicable before an election, an official in each jurisdiction
3 charged with printing ballots and balloting material shall
4 prepare an election notice for that jurisdiction, to be used in
5 conjunction with a federal write-in absentee ballot. The
6 election notice shall contain a list of all of the ballot
7 measures and federal, state, and local offices that as of that
8 date the official expects to be on the ballot on the date of the
9 election. The notice may contain specific instructions for how a
10 voter is to indicate on the federal write-in absentee ballot the
11 voter's choice for each office to be filled and for each ballot
12 measure to be contested.

13 (b) A covered voter may request a copy of an election
14 notice. The official charged with preparing the election notice
15 shall send the notice to the voter by facsimile, electronic mail,
16 or regular mail, as the voter requests.

17 (c) As soon as ballot styles are finalized pursuant to
18 section 11-119, and not later than the date ballots are required
19 to be transmitted to voters under section 15-4, the official
20 charged with preparing the election notice under subsection (a)
21 shall update the notice with the certified candidates for each

1 office and ballot measure questions and make the updated notice
2 publicly available.

3 (d) A local election jurisdiction that maintains an
4 internet website shall make the election notice prepared under
5 subsection (a) and updated versions of the election notice
6 regularly available on the website.

7 (e) The chief election officer or clerk in the case of
8 county elections may satisfy the requirements of this section by
9 making available ballot facsimiles or a certified list of
10 candidates and ballot measures available on their respective
11 websites.

12 **§ -16 Prohibition of nonsubstantive requirements.** (a) If
13 a voter's mistake or omission in the completion of a document
14 under this chapter does not prevent determining whether a covered
15 voter is eligible to vote, the mistake or omission shall not
16 invalidate the document. Failure to satisfy a nonsubstantive
17 requirement, such as using paper or envelopes of a specified size
18 or weight, shall not invalidate a document submitted under this
19 chapter. In a write-in ballot authorized by this chapter if the
20 intention of the voter is discernible under this State's uniform
21 definition of what constitutes a vote, an abbreviation,

1 misspelling, or other minor variation in the form of the name of
2 a candidate or a political party shall be accepted as a valid
3 vote.

4 (b) Notarization is not required for the execution of a
5 document under this chapter. An authentication, other than the
6 declaration on the federal postcard application and federal
7 write-in absentee ballot, shall not be required for execution of
8 a document under this chapter. The declaration and any
9 information in the declaration may be compared with information
10 on file to ascertain the validity of the document.

11 **§ -17 Equitable relief.** A court may issue an injunction
12 or grant other equitable relief appropriate to ensure substantial
13 compliance with, or enforce, this chapter on application by:

14 (1) a covered voter alleging a grievance under this
15 chapter; or

16 (2) the attorney general of the state;

17 No award of attorney fees or costs shall be permitted in any
18 private cause of action initiated under this chapter.

19 **§ -16 Relation to electronic signatures in global and**
20 **national commerce act.** This chapter modifies, limits, and

1 supersedes the Electronic Signatures in Global and National
2 Commerce Act, 15 U.S.C. section 7001 et seq., but does not
3 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.
4 section 7001(c), or authorize electronic delivery of any of the
5 notices described in section 103(b) of that act, 15 U.S.C.
6 section 7003(b)."

7 SECTION 2. Section 15-3.5 is repealed:

8 "~~["§15-3.5] Federal write-in absentee ballot.~~

9 ~~Notwithstanding the provisions of this chapter and chapters 11~~
10 ~~and 16, the federal write in absentee ballot for overseas voters~~
11 ~~in general elections for federal office which must be prescribed~~
12 ~~under section 1973ff of title 42, United States Code, as amended,~~
13 ~~may be used in general elections for federal offices.]"~~

14 SECTION 3. Section 15-5 is amended by amending subsection
15 (b) to read as follows:

16 **§15-5 Delivery of ballots.** (a) Immediately upon receipt
17 of a request within the time limit specified in section 15-4, the
18 clerk shall examine the records to ascertain whether or not the
19 voter is lawfully entitled to vote as requested. As soon as the
20 printed official ballots are available, the clerk shall mail in a

1 forwarding envelope or deliver in person if the voter appears at
2 the office of the clerk, an official ballot and other materials
3 prescribed in section 15-6 except that an incapacitated voter may
4 send a representative to obtain the voter's ballots pursuant to
5 the rules promulgated by the chief election officer. All
6 requests received upon the last day specified in section 15-4 for
7 receipt shall be mailed to the voter requesting the same as soon
8 as reasonably practicable, but in no event later than twenty-four
9 hours after receipt thereof.

10 (b) If mailed absentee ballots are not received by the
11 voter within five days of an election, [~~the~~] a covered voter
12 under Chapter , Uniformed Military and Overseas Voter Act may
13 request that absentee ballots be forwarded by facsimile. Upon
14 receipt of such a request and confirmation that proper
15 application was made, the clerk may transmit appropriate ballots
16 by facsimile together with a form requiring the affirmations and
17 information required by section 15-6, and a form containing a
18 waiver of the right to secrecy, as provided by section 11-137.
19 The voter may return the voted ballots and executed forms by
20 facsimile or mail; provided that they are received by the issuing
21 clerk no later than the close of polls on election day. Upon

1 receipt, the clerk shall verify compliance with the requirements
2 of section 15-9(c), and prepare the ballots for counting pursuant
3 to section 15-10.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2011.

