
A BILL FOR AN ACT

RELATING TO UNIVERSITY OF HAWAII ATHLETICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Over forty years ago, the United States
2 Congress passed Public Law 92-318, Title IX of the federal
3 Education Amendments of 1972, renamed the Patsy Mink Equal
4 Opportunity in Education Act in 2002. Title IX mandates: "No
5 person in the United States shall, on the basis of sex, be
6 excluded from participation in, be denied the benefits of, or be
7 subjected to discrimination under any education program or
8 activity receiving federal financial assistance."

9 One of the most visible impacts of Title IX is in
10 athletics. With respect to athletic programs, the United States
11 Department of Education evaluates several factors in determining
12 whether equal treatment exists, including, but not limited to:
13 whether the selection of sports and levels of competition
14 effectively accommodate the interests and abilities of members
15 of both sexes, the provision of equipment and supplies,
16 scheduling of games and practice time, travel and per diem



1 allowance, and the provision of locker room, practice, and
2 competitive facilities.

3 As a recipient of federal funds, the University of Hawaii
4 must comply with Title IX. For example, in order to have a
5 football team composed of all male athletes, a corresponding
6 number of opportunities for women athletes is required.

7 The legislature finds that compliance with Title IX and
8 funding of athletics at the University of Hawaii is a matter of
9 statewide concern.

10 The purpose of this Act is to support the University of
11 Hawaii in meeting this federal mandate.

12 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
13 amended by adding four new sections to part V to be
14 appropriately designated and to read as follows:

15 "§304A- The University of Hawaii at Manoa athletics
16 department; program identification number. All appropriations
17 to the University of Hawaii at Manoa athletics department in the
18 general appropriations act and supplemental appropriations act
19 shall be designated by a program identification number separate
20 from all other University of Hawaii program identification
21 numbers.



1 §304A- Athletic scholarship expenses. (a) The
2 University of Hawaii shall annually allocate funds to the
3 University of Hawaii at Manoa athletics department sufficient to
4 cover all scholarship expenses of the University of Hawaii at
5 Manoa athletics department.

6 (b) Each fiscal year, the University of Hawaii shall
7 transfer an amount equal to all tuition revenue paid by student
8 athletes of the University of Hawaii at Manoa to the University
9 of Hawaii at Manoa athletics department.

10 §304A- University of Hawaii at Manoa athletics
11 department; general funds prohibited. The University of Hawaii
12 shall not allocate general funds to the University of Hawaii at
13 Manoa athletics department, except as appropriated by the
14 legislature for the purpose of complying with Public Law 92-318,
15 Title IX of the federal Education Amendments of 1972, as
16 amended.

17 §304A- Men's athletics; self-sufficiency. (a) Men's
18 sports teams at the University of Hawaii at Manoa, collectively,
19 shall be fiscally self-sufficient.

20 (b) Total annual expenditures for University of Hawaii at
21 Manoa men's sports teams shall not exceed the sum of the revenue



1 generated by the University of Hawaii at Manoa athletics
2 department and donations to the University of Hawaii at Manoa
3 for athletics.

4 (c) For the purposes of this section, "men's sports team"
5 means a team for any intercollegiate sport, as defined in
6 section 481E-1, of which at least seventy-five per cent of the
7 student athlete members are male."

8 SECTION 3. No later than twenty days prior to the
9 convening of each regular session, the University of Hawaii
10 shall submit an annual report to the legislature regarding the
11 status of implementation of this Act and the following:

- 12 (1) Annual revenues and expenditures of the University of
13 Hawaii at Manoa athletics department, segregated by
14 women's teams and men's teams;
- 15 (2) Allocation of revenue to women's teams and men's teams
16 from media revenues, student fees, donations, and
17 other sources; and
- 18 (3) Average cost of each student athlete, including the
19 costs of coaches, trainers, meals, travel, facilities,
20 and uniforms.



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2016-2017 for the
4 University of Hawaii at Manoa athletics department.

5 The sum appropriated shall be expended by the University of
6 Hawaii for the purposes of this Act; provided that the sum
7 appropriated shall be in addition to the base budget of the
8 University of Hawaii set forth in House Bill No. 1700, regular
9 session of 2016.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2525, and
12 shall be repealed on June 30, 2021.



Report Title:

UH Athletics; Special Fund

Description:

Requires that the UH-Manoa Athletics Department be a separate program ID in the State Budget Act. Requires that funds be transferred to the UH-Manoa Athletic Department for scholarship expenses. Prohibits allocation of general funds to the UH-Manoa Athletic Department except for Title IX compliance. Requires that UH-Manoa men's teams collectively be self-sufficient. Requires UH to report annually. Repealed 6/30/21. Appropriates funds. (HB539 HD2)

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