

Honolulu, Hawaii

APR 27 , 2018

RE: H.B. No. 1489
H.D. 1
S.D. 2
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1489, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote civil rights in education.

More specifically, the measure provides for a state corollary to Title IX of the Educational Amendments of 1972 (20 U.S.C. 1681 et seq.) (Title IX) that prohibits discrimination on the basis of sex, including gender identity or expression or sexual orientation, in any state educational program or activity or any state-funded educational program or activity.

Your Committee on Conference finds that although Title IX triggered a seismic shift in the education landscape by prohibiting



discrimination on the basis of sex by any education program or activity receiving federal funds, the efficacy of Title IX federal protections against sex discrimination in education has been more recently diminished and eroded. Your Committee therefore believes that it is time for the State to consider and address the need for a corollary to Title IX in state law.

Your Committee on Conference has amended this measure by:

- (1) Deleting certain sex-specific exemptions to the general anti-discrimination provisions of the measure;
- (2) Deleting various provisions relating to enforcement and remedies;
- (3) Deleting all references to the Hawaii Civil Rights Commission;
- (4) Inserting the anti-discrimination provisions of the measure into a new chapter within Title 20 of the Hawaii Revised Statutes;
- (5) Inserting a section, effective July 1, 2018, that requires the Legislative Reference Bureau to:
 - (A) Conduct a study of existing Title IX procedures at the federal level and in other jurisdictions; and
 - (B) Submit to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2019, a report including findings, recommendations, and proposed legislation concerning an appropriate enforcement mechanism for the anti-discrimination provisions of the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1489, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1489, H.D. 1, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



JILL N. TOKUDA
Chair



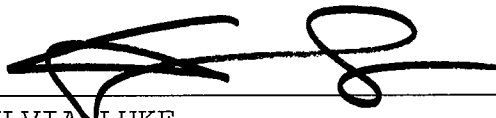
AARON LING JOHANSON
Co-Chair



BRIAN T. TANIGUCHI
Co-Chair



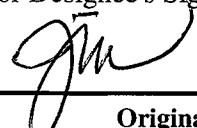
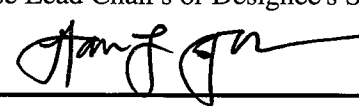
SCOTT Y. NISHIMOTO
Co-Chair



SYLVIA LUKE
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1489, HD 1, SD 2					Date/Time: <i>April 27, 2018</i> <i>10:40 AM</i> 10:30 AM				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	✓				JOHANSON, Aaron Ling, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
ENGLISH, J. Kalani	✓				LUKE, Sylvia, Co-Chr.	✓			
RHOADS, Karl	✓				ICHIYAMA, Linda	✓			
					YAMASHITA, Kyle T.	✓			
					MCDERMOTT, Bob				✓
TOTAL	<i>4</i>				TOTAL	<i>5</i>			<i>1</i>
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution: Original <i>File with Conference Committee Report</i>					Yellow <i>House Clerk's Office</i>		Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>