

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: dabitbol@chowproject.org
Subject: *Submitted testimony for HB1489 on Mar 22, 2017 09:30AM*
Date: Monday, March 20, 2017 4:21:31 PM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	CHOW Project	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Karl Rhoads, Vice Chair

Wednesday, March 22, 2017

9:30 a.m.

Room 016

STRONG SUPPORT FOR HB 1489 HD1 CIVIL RIGHTS

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

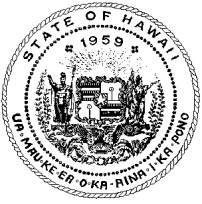
Community Alliance on Prisons is in strong support of this measure that would codify the work of our own Patsy Mink.

By amending HRS § 368-1.5 to include protections against discrimination based on sex, HB 1489 HD1 would, among other things, create a Hawai'i state analog to Title IX of the Education Amendments Act of 1972, renamed in 2002 the "Patsy Mink Equal Opportunity in Education Act." The issue of whether HRS § 368-1.5 protections against discrimination in state and state-funded services apply to educational institutions is currently the subject of a pending appeal before the Hawai'i Supreme Court as explained by the Hawai'i Civil Rights Commission.

The actions of the Trump administration now raise serious concern about the continued enforcement of these protections which prohibit sex, gender, and sexual orientation discrimination in the provision many public and publicly funded programs, in the areas of education, employment, health care, housing, social services, public safety, and corrections.

Community Alliance on Prisons implores our Legislature to pass this measure since we can no longer count on the federal government to protect the rights of our people. We are counting on you! Please make it "effective upon approval" and pass this important bill.

Mahalo for the opportunity to testify.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 22, 2017
Rm. 016, 9:30 a.m.

To: The Honorable Gilbert Keith-Agaran, Chair
Members of the Senate Committee on Judiciary and Labor

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1489, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s 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. Art. I, Sec. 5.

If enacted, H.B. No. 1489, H.D.1, would add the protected categories “sex, including gender identity or expression, or sexual orientation,” as those terms are defined in HRS § 378-1, to HRS § 368-1.5, which now provides that:

- (a) No otherwise qualified individual in the State shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by state agencies, or under any program or activity receiving state financial assistance.
- (b) As used in this section, the term “disability” means the state of having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.
- (c) As used in this section, “state financial assistance” means grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to an entity for the purpose of rendering services on behalf of the State. It does not include procurement contracts, state insurance or guaranty contracts, licenses, tax credits, or loan guarantees to private businesses of general concern that do not render services on behalf of the State.

The HCRC supports H.B. No. 1489, H.D.1. Every Hawai'i anti-discrimination statute enforced by the HCRC – except for HRS § 368-1.5 – prohibits discrimination based on sex, including gender identity and expression, as well as sexual orientation. The HCRC therefore supports the inclusion of the prohibition against discrimination based on sex, including gender identity and expression, and discrimination based on sexual orientation in the protections against discrimination in state and state-funded services under HRS § 368-1.5.

By amending HRS § 368-1.5 to include protections against discrimination based on sex, H.B. No. 1489, H.D.1, would, among other things, create a Hawai'i state analog to Title IX of the Education Amendments Act of 1972, renamed in 2002 the “Patsy Mink Equal Opportunity in Education Act.” The issue of whether HRS § 368-1.5 protections against discrimination in state and state-funded services apply to educational institutions is currently the subject of a pending appeal before the Hawai'i Supreme Court, in *Hawaii Technology Academy v. Elento and the Hawai'i Civil Rights Commission*, SCAP-15-0000520.

H.B. No. 1489, H.D.1, would also create Hawai'i state analogs to other federal statutes and administrative regulations. This is important because the actions and statements of the Trump Administration now raise serious concerns about the continued enforcement of federal regulations prohibiting sex discrimination, which under the Obama Administration were interpreted as prohibiting discrimination based on sex, **including** gender identity and expression, and sexual orientation, in the provision of public and publicly funded programs in the areas of education, employment, health care, housing, social services, public safety, and corrections.

These concerns have intensified since H.B. No. 1489 was first heard in the House in mid-February. For example, on February 22, 2017, Secretary of Education Betsy DeVos withdrew Department of Education Guidance on the protection of transgender children in public K-12 schools, and stated that the matter should be dealt with at the state level. Secretary DeVos has also refused to state whether or not she will continue to implement and enforce Obama-era Title IX programs designed to address sexual assault and gender violence on colleges and university campuses. As federal protections against sex, gender, and sexual

orientation discrimination in education weaken, the need for a state Title IX equivalent becomes increasingly important.

Furthermore, during the Obama Administration, numerous other federal administrative agencies, including the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, and the Department of Health and Human Services followed the Department of Education's lead and interpreted the phrase "sex discrimination," as encompassing discrimination based on gender identity and expression and sexual orientation. These interpretations provided protection against all forms of sex, gender, and sexual orientation discrimination in federally funded programs and services as diverse as public and publicly subsidized housing, juvenile justice, the provision of medical care, care in nursing homes and assisted living facilities, and corrections. It is very unlikely that the Trump Administration will continue to enforce this broad interpretation of legal protections against sex discrimination. As federal protection in these areas is diminished and rolled back, the need for analogous state law protections increases. The HCRC therefore supports the extension of coverage against all forms of sex discrimination by including these prohibited bases of discrimination under HRS § 368-1.5.

The HCRC further supports H.B. No. 1489, H.D.1's elimination of the word "solely" from HRS § 368-1.5(a). That word was borrowed from Section 504 of the Rehabilitation Act of 1973, upon which § 368-1.5 was modelled when it was enacted in 1988-89. Since that time, however, many civil rights statutes have been interpreted as permitting both sole-motive and mixed motive theories in individual disparate treatment cases. *See, e.g., Price Waterhouse v. Hopkins*, 490 U.S. 228, 109 S.Ct. 1775 (1989). *Hawai'i* law has followed that trend. *See, e.g., Shoppe v. Gucci America, Inc.*, 94 *Hawai'i* 368, 14 P.3d 1049 (2000)(adopting and applying mixed motive theory in employment discrimination suit arising under HRS Chapter 378, Part I). The word "solely" can be interpreted to preclude use of mixed motive theory, so since 1989, civil rights statutes are generally worded to omit the word "solely" from their operative provisions.

So, for example, in order to make clear that mixed motive theory would be available in cases alleging discrimination in public services, Title II of the Americans with Disabilities Act of 1990, did not include

word “solely” in its operative provisions. 42 U.S.C. Section 12132 therefore provides that, “[s]ubject to the provisions of this subchapter, no qualified individual with a disability shall, *by reason of such disability*, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. The word, “solely,” was not used.

The HCRC supports the deletion of the word “solely” that H.B. No. 1489, H.D.1, would effect. This change will further the uniformity in the interpretation and implementation of Hawaii’s civil rights laws contemplated by the Legislature and expressed in HRS § 368-1.

The HCRC suggests an amendment to the current version of H.B. No. 1489, H.D.1. Specifically, because of its focus on Title IX, Section 1 of the current version of H.B. No. 1489, H.D.1, focuses almost exclusively on discrimination in education. The focus on education is understandable, given the importance to Hawaii’s people of honoring the legacy of Patsy Takemoto Mink. However, the HCRC is concerned that, unless Section 1 is broadened, it could create the misimpression that the bill addresses only educational programs and services, rather than public and publicly funded programs and services more broadly.

The HCRC therefore recommends that Section 1 of H.B. No. 1489, H.D.1, be modified to provide as follows:

The 1972 legislature finds that Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et. seq.), renamed the Patsy Mink Equal Opportunity in Education Act in 2001, has had an enormous impact in reducing discrimination based on sex, gender, and sexual orientation in federal programs and programs receiving federal funding. Here in Hawai’i, the generation that followed Congresswoman Mink has taken pride in fostering diversity and equality in all aspects of public life. Hawai’i is a place where all are welcome, all are entitled to participate equally in and receive equal benefits from all state and state-funded programs and activities. Yet notwithstanding the gains made over the last four and a half decades, discrimination persists. Indeed, recent public developments demonstrate that the dream of true equality requires continued commitment at all levels and in all spheres of public life. While the federal government’s faithfulness to the principles of equality may ebb and flow with changing administrations, the legislature seeks to guarantee Hawai’i’s dedication to the principles embodied in Title IX, as those principles apply in all state and state-funded programs and services.

Accordingly, the purpose of this Act is to ensure that the protections against discrimination articulated in Title IX and its attendant administrative agency interpretations continue here in Hawai’i, notwithstanding changes in federal administrations, and that Hawai’i continues to be a nationwide leader in promoting equality in educational and other state and state-funded programs and activities.

With this suggested revision, the HCRC supports H.B. No. 1489, H.D.1, and urges the Committee to report it favorably out of Committee with an effective date of January 1, 2018.



Senate Committee on Judiciary & Labor

Board of Directors:

Hawai'i Alliance for Progressive Action strongly supports: HB1489

Gary L. Hooser
President

Andrea N. Brower
Joshua D. I. Mori
Co-Vice Presidents

Ikaika M. Hussey
Treasurer

Paul Achitoff

Malia K. Chun

Bart E. Dame

Laura Harrelson

Kim Coco Iwamoto

Katie McMillan

Walter Ritte Jr.

Karen Shishido

Leslie Malu Shizue Miki

Kekaulike Prosper Tomich

Cade Watanabe

Dear Chair Keith-Agara, Vice Chair Rhodes and members of the committee,

My name is Anne Frederick and I am the Executive Director for the Hawai'i Alliance for Progressive Action (HAPA). HAPA is a statewide environmental, social and economic justice organization. HAPA engages over 10,000 local residents annually through our work.

Our organization supports HB1489 because this measure would guarantee equal participation in any state-funded program or activity regardless of an individual's sex, including gender identity or expression, or sexual orientation. Now more than ever, Hawai'i must continue to lead the way in the protection and promotion of equal civil rights and opportunity.

HB1489 is an important measure for the future of peace and kindness in our communities in Hawai'i. In keeping up with the aloha spirit in Hawai'i, I urge you to support HB1489.

Thank you kindly for considering HAPA's testimony in strong support of the measure.

Sincerely,

Anne Frederick,
Executive Director
Hawai'i Alliance for Progressive Action (HAPA)

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

Executive Director
CATHY BETTS

Email:
Catherine.a.betts@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 21, 2017

Testimony in Support, HB 1489, HD1, Relating to Civil Rights

To: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary and Labor

From: Cathy Betts, Executive Director,
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 1489, HD1, Relating to Civil Rights

The Commission supports HB 1489, HD1, which would prohibit any state agency, program, or activity receiving state financial assistance from denying benefits to or discriminating against a qualified individual by reason of disability, sex, gender identity, gender expression or sexual orientation.

Despite having strong federal laws and regulations in place, discrimination based on gender and gender identity continue to persist throughout the nation. It is now apparent that the current federal administration is working to dismantle and decline to enforce anti-discrimination laws and programs, including Title IX and its respective enforcement branch, the Office of Civil Rights (OCR). Given the current administration's recent act of rescinding guidance on restroom use by transgender individuals, it is clear that prohibiting discrimination and practicing inclusivity will not be made a priority. We have a timely opportunity to continue our commitment to gender equity and enforce anti-discrimination here in Hawaii.

HB 1489, HD1, would codify some of these strong federal anti-discrimination laws into state law. HB 1489, HD1, is necessary to ensure that the protections against discrimination found in Title IX and its administrative agency interpretations continue.

The Commission strongly supports HB 1489, HD1 and respectfully urges this Committee to pass this important safeguarding measure.



March 21, 2017

Senate Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

Re: H.B. 1489, HD 1 Relating to Civil Rights

Hearing: Wednesday, March 22, 2017, 9:30 am, Room 016

Dear Chair Keith-Agaran and Members of the Committee on Judiciary and Labor:

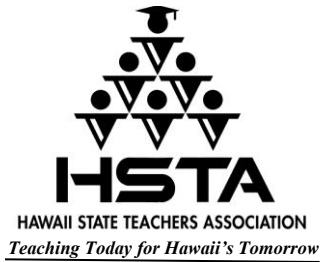
Hawaii Women Lawyers submits testimony in **strong support** of H.B. 1489, HD1, which amends the Hawaii statute that prohibits discrimination by state agencies or any program or activity receiving state financial assistance from discriminating on the basis of disability to include “sex, including gender identity or expression, or sexual orientation.”

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers supports this bill because it will increase access for women to state programs and state funding or assistance. H.B. 1489, HD1 creates an analog in state law for the protections articulated in Title IX of the Education Amendments Act of 1972, renamed in 2002 the “Patsy Mink Equal Opportunity in Education Act.” This measure will strengthen protections against sexual discrimination in Hawaii, and harmonizes HRS § 368-1.5 with the rest of Hawaii’s anti-discrimination laws. It will provide clarity that state agencies and programs that receive funding from the State are prohibited from discriminating on the basis of gender or sexual orientation.

Given the uncertainty of the federal landscape, it is more important than ever that Hawaii act to secure civil rights for its residents. For these reasons, we respectfully request that the Committee pass H.B. 1489, HD1.

Thank you for the opportunity to testify in strong support of this measure.



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

Corey Rosenlee
President
Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

RE: HB 1489, HD 1 – RELATING TO CIVIL RIGHTS.

WEDNESDAY, MARCH 22, 2017

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Keith-Agaran and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1489, HD 1**, relating to civil rights.

Earlier this month, President Donald Trump rescinded protections for transgendered students that had been put into effect by former President Barack Obama. This move is just the latest in a series of hostile gestures from the Trump administration causing concern for public school teachers, who are also worried about future repeals of LGBT protections by the Trump administration and rising rates of bullying of LGBT persons nationwide.

Discrimination in all forms is morally reprehensible. Hawai'i has a history of recognizing and defending against discrimination toward the LGBT community, carrying the distinction of being the state that inaugurated the legal battle for marriage equality in the landmark *Baehr v. Miike* ruling in 1993. Similarly, Board of Education Policy 305.10 prohibits discrimination under any DOE program and HRS Chapter 489 bans discrimination in public accommodations, including on the basis of gender or sexual orientation. It is imperative that in an era of uncertainty about LGBT rights, we strengthen protections in state law that are under clear and present danger of elimination by the federal government.

To advance civil rights for LGBT families and their keiki, the Hawaii State Teachers Association asks your committee to **support** this bill.

The Twenty-Ninth Legislature
Regular Session of 2017

THE STATE SENATE

Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

State Capitol, Conference Room 016

Wednesday, March 22, 2017; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1489 HD 1
RELATING TO CIVIL RIGHTS**

The ILWU Local 142 supports H.B. 1489 HD 1, which prohibits a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

Patsy Mink's legacy is well known in Hawaii, and the renaming of Title IX to the "Patsy Mink Equal Opportunity in Education Act" in 2002, reflects that she was tenacious when it came to fighting against the various forms of discrimination. H.B. 1489 H.D. 1 provides more meaning to the role that she played, by strengthening the implementation of the law that she fought so hard for.

H.B. 1489 HD 1 amends Section 368-1.5 HRS, and prohibits any "otherwise qualified individual in the State" . . . to be excluded or "be subjected to discrimination by any state agency" by reason of "disability, sex, including gender identity or expression, or sexual orientation". This will reinforce and underscore Hawaii's reputation of fostering diversity and equality.

The ILWU strongly urges passage of H.B. 1489 HD 1. Thank you for the opportunity to share our views on this matter.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR HOUSE BILL 1489, HOUSE DRAFT 1, RELATING TO CIVIL RIGHTS

**Senate Committee on Judiciary and Labor
Hon. Gilbert S.C. Keith-Agaran, Chair
Hon. Karl Rhoads, Vice Chair**

**Wednesday, March 22, 2017, 9:30 AM
State Capitol, Conference Room 016**

Honorable Chair Keith-Agaran and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony in strong support of HB 1489, HD 1, relating to civil rights.

On February 22, 2017, the administration of President Donald Trump revoked Obama-era protections that allowed transgender students to use bathrooms and facilities corresponding with their gender identity in public schools. Education and LGBT advocacy groups quickly and correctly denounced the revocation as a politically motivated attack that will endanger transgender children and sow confusion over the federal government's role in enforcing civil rights. As attacks on minorities escalate across the country following Donald Trump's election to the nation's highest political office, the President and his executive team have demonstrated a willingness to violate civil liberties with reckless abandon, from banning Islamic individuals from entering the United States to threatening immigrant communities with deportation to appointing a Secretary of Education descended from an anti-LGBT dynasty that promotes conversion therapy to "cure LGBT children of same-sex attractions."

Amending HRS §368-1.5 to defend against discrimination based on gender, gender expression, or sexual orientation, then, codifies into state law what exists at the federal level under Title IX of the Education Amendments Act of 1972, redesignated in 2002 as the Patsy Mink Equal Opportunity in Education Act. While the applicability of protections articulated under HRS § 368-1.5 to educational institutions is currently the subject of a pending appeal before the Hawai'i Supreme Court in *Hawaii Technology Academy v. Elento and the Hawai'i Civil Rights Commission*, the actions of the Trump administration mandate greater state protections for LGBT individuals in education, employment, health care, housing, social services, public safety, and corrections, among other areas, as federal protections appear on the cusp of elimination.

Under Obama, the Equal Employment Opportunity Commission broadened the scope of existing employment nondiscrimination law to encompass LGBT people by interpreting Title VII's ban on workplace "sex discrimination" to include discrimination based on sexual orientation and gender identity. EEOC officials reasoned that discrimination against LGBT people is rooted in stereotypical beliefs about gender expression, biology, and romantic attraction, which directly connect to beliefs about sex. The commission's 2015 decision that antigay discrimination is sex discrimination was 3–2; the majority was composed entirely of Obama appointees.

More controversially, the U.S. Department of Education borrowed the EEOC's logic to interpret Title IX as banning sex discrimination in any educational institution or program that receives federal funds, unless the institution receives an explicit waiver for religious purposes. In 2014, under Obama's purview, the DOE announced that Title IX's sex discrimination provision bans LGBT discrimination (while also holding that excluding transgender students from the bathroom that corresponds to their gender identity constitutes illegal sex discrimination). When religious schools swiftly moved to obtain a waiver from the new rules, the DOE responded by providing a public list of the exempted institutions, which were previously permitted to exempt themselves in secrecy. We must call to mind children like Ash Whitaker, who sued his transphobic school after it banished him from the boys' bathroom and considered making him wear a bright green wristband so the staff could monitor his restroom use. In September of 2016, Whitaker won an emphatic ruling forbidding his school from discriminating against him. Notably, the judge was an Obama appointee. Now that Obama Era is over and an "alt-right" regime has taken its place, one can easily imagine each of these anti-discrimination policies being repealed, as the Trump administration has already begun to do.

Every Hawai'i anti-discrimination statute prohibits discrimination based on sex, gender identity and expression, and sexual orientation, except for HRS § 368-1.5. According to researchers at the Williams Institute, Hawai'i maintains the highest percentage of persons who identify as transgender individuals. Hawai'i also has a long history of guarding against discrimination toward our LGBT community, beginning with the landmark *Baehr v. Miike* ruling in 1993 that initiated the legal battle for marriage equality in the United States. When it comes to education specifically, Board of Education Policy 305.10 prohibits discrimination under any DOE program and HRS Chapter 489 bans discrimination in public accommodations, including on the basis of gender expression or sexual orientation. Thus, this bill amplifies protections already established in state law, board policy, and administrative rules.

Hawai'i prides itself on being a paradise for all. To keep the arc of the islands' history bending toward justice, we ask your committee to support this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



February 23, 2017

Senate's Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Wednesday, March 22, 2017 – 9:30 a.m.

RE: **STRONG SUPPORT for House Bill 1489 HD 1 – RELATING TO CIVIL RIGHTS**

Aloha Chairperson Keith-Agaran, Vice Chair Rhoads and fellow committee members,

I am writing in STRONG SUPPORT to House Bill 1489 HD 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. HB 1489 prohibits a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

The LGBT Caucus believes that any state agency or program should not be allowed to discriminate against anyone in any of the protected classes. Now with the complete uncertainty of protections the LGBTQIA community will receive at that federal level HB 1489 is so desperately needed.

Thank you, Chair and Members of the Committee, for your thoughtful consideration of HB 1489 HD 1.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
LGBT Caucus for the DPH

TESTIMONY
THE LIBERTARIAN PARTY OF HAWAII
c/o 1658 Liholiho St #205
Honolulu, HI 96822

March 19, 2017

RE: HB 1489 to be heard Wednesday March 22, in Room 016 at 9:30 AM

To the members of the Senate Committee on Judiciary and Labor

Dear Sirs:

We **support** this bill. It is unfortunate that it is necessary to tell government agencies that they should not be engaged in discrimination. We libertarians have been the first and most consistent supporter of equal protection under the law.

Signed:



Tracy Ryan, Chair

Helping Hawai'i Live Well

To: Senator Gilbert S.C. Keith-Agaran, Chair, Senator Karl Rhoads, Vice Chair, and members of the Senate Committee on Judiciary and Labor

From: Trisha Kajimura, Executive Director

Re: **Testimony in support of HB 1489 HD1**, Relating to Civil Rights

Hearing: Wednesday, March 22, 2017, 9:30 am, Conference Room 016

Thank you for hearing HB 1489, HD1, which would prohibit any state agency, program, or activity receiving state financial assistance from denying benefits to or discriminating against a qualified individual by reason of disability, sex, gender identity, gender expression or sexual orientation.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 75 years ago that serves the community by promoting mental health through advocacy, education and service. Some of our work focuses on LGBTQ+ youth who have been found to have much higher rates of victimization by bullying and also higher rates of suicide, suicide attempts and suicidal ideation. Systematic protection from discrimination is essential for these individuals.

Despite having strong federal laws and regulations in place, discrimination based on gender and gender identity continue to persist throughout the nation. Further, it is likely that the current federal administration will either dismantle or decline to enforce anti-discrimination laws and programs, including Title IX and its respective enforcement branch. We have an opportunity to continue our commitment to gender equity and enforce anti-discrimination here in Hawaii. HB 1489 HD1 would codify some of these strong federal anti-discrimination laws into state law. HB 1489 HD1 is necessary to ensure that the protections against discrimination found in Title IX and its administrative agency interpretations continue.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 75 years ago that serves the community by promoting mental health through advocacy, education and service.

Thank you for the opportunity to submit this testimony. You can reach me at trisha@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Joshua A. Wisch

Date: March 22, 2017

To: The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of H.B. 1489
Relating to Civil Rights

Good morning Chair Keith-Agaran, Vice Chair Rhoads, and members of the Senate Committee on Judiciary and Labor:

The Sex Abuse Treatment Center (SATC) supports H.B. 1489, which prohibits a state agency, or a program or activity receiving state financial assistance, from discriminating against anyone due to that person's sex, including gender identity or expression, or sexual orientation. As noted in Section 1 of the bill, the intent of this measure is to extend the requirements of the federal Title IX of the Education Amendments of 1972 (Title IX), which protects individuals against discrimination on the basis of sex in education programs that receive federal funds, to recipients of state funds.

Gender-based discrimination, as covered by Title IX, is broadly defined and interpreted.¹ For example, Title IX protects against gender discrimination in school sports programs, but also addresses discrimination based on pregnancy, marital and parental status, as well as gender parity in science, technology, engineering, and math programs. Title IX further provides protections to all persons involved with federally-funded education programs, regardless of their gender, concerning issues of sexual harassment and gender-based violence, including stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, intimate partner and domestic violence, and attempted or completed sexual assault.

By extending these protections to state-funded programs, passage of H.B. 1489 would be a powerful affirmation that the State of Hawai'i is aligned with the objectives of Title IX to reject gender-based discrimination, including sexual harassment and all forms of gender-based violence.

¹ "Title IX in Detail," Know Your IX. Available online at: <http://knowyourix.org/title-ix/title-ix-in-detail/> (Accessed February 13, 2017).

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: kalqire@ywcaohu.org
Subject: *Submitted testimony for HB1489 on Mar 22, 2017 09:30AM*
Date: Monday, March 20, 2017 3:52:20 PM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen	YWCA O'ahu	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From:
To: [JDLTestimony](#)
Subject: Please support HB1489 HD1
Date: Saturday, March 18, 2017 5:47:12 PM

Aloha,

I am a public school teacher and writing in support of HB1489 HD1. I urge your committee to do the same. By updating the Patsy Mink Equal Opportunity in Education act, this Bill will help make classrooms & communities more safe & inclusive for LGBT youth (and adults).

Thank you,

Angela Huntemer

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Tuesday, March 21, 2017 6:17:14 AM

HB1489

Submitted on: 3/21/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments: I strongly support HB 1489 to ensure that all state agencies and private entities that receive state money will not discriminate against people on the basis of disability, sex, sexual orientation, or gender identity or expression. It is important in these changing times that Hawaii remain the inclusive state that it has always been. Unless covered elsewhere in the State Constitution or state law, I would urge that this bill also prohibit discrimination on the basis of race, religion, or national origin, to truly put Hawaii on record as being a welcoming state. Thank you for the opportunity to submit testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Monday, March 20, 2017 11:49:30 AM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dean hamer	Individual	Support	Yes

Comments: I am testifying in strong support of HB1489-HD1. I am a scientist, filmmaker and journalist with an interest in gender diversity and equality in Hawaii. Last year, our team met and filmed a brave young girl who was prevented from walking at her graduation at Kahuku High School simply because she is transgender. A petition and several high visibility news reports later, the HI-DOE issued very excellent transgender guidelines, for which we are grateful. But now that the Trump administration has withdrawn the federal guidance, the states need to have their own mechanisms to make sure proper guidelines are actually followed. HB1849-HD1 is urgently needed to give some teeth to the protection of all students. By amending the Patsy Mink Equal Opportunity in Education Act to give the Hawaii Civil Rights Commission needed statutory authority to reduce discrimination on the basis of sex, specifically including gender identity and sexual orientation, this bill has the effect of giving legal authority to the HI-DOE guidelines. One of the most frustrating things for transgender students and families is lack of clarity about their rights. This bill will help that situation. Dean Hamer Haleiwa, Hawai'i

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Friday, March 17, 2017 12:25:12 PM

HB1489

Submitted on: 3/17/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Bott	Individual	Comments Only	No

Comments: I am the parent of a ten year old transgender child and I would appreciate it if her civil rights were guarantee to be protected by the laws in Hawaii. Thank You

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SCR16 on Mar 22, 2017 09:35AM
Date: Monday, March 20, 2017 8:27:27 PM

SCR16

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:35AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jean Ishikawa	Individual	Support	No

Comments: Although I am one of the fortunate who will not need Retirement Saving for the Private Sector Work Force, I am fully aware that there are over 216,000 Hawai'i workers who do not have the option to secure a more comfortable retirement. I fully support convening a group to bring this resolution to fruition. Too many of our private working sector employees will "fall through the crack" and in the long term the State of Hawai'i will have the burden of caring for them. Now is the time for action, not procrastinate. Respectfully submitted, Jean Ishikawa, a very Concerned Citizen and Resident of Hawai'i nei.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Monday, March 20, 2017 10:11:05 PM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Wilson	Individual	Support	Yes

Comments: To the Senate Committee on Judiciary and Labor: I'm writing to urge STRONG SUPPORT for HB1489 HD1. This measure, known as the Patsy Mink Equal Opportunity in Education Act, seeks to codify the protections of Title IX at the state level and would guarantee equal participation in any state-funded program or activity regardless of an individual's sex, including gender identity or expression, or sexual orientation. As the Trump Administration uses its executive authority to remove federal protections in these areas, it is more important than ever that states act quickly to ensure that our most marginalized and vulnerable communities are protected from discrimination. As an independent filmmaker for public television and a long-time community advocate on issues of diversity and inclusion, I have encountered many people with heartbreaking stories of exclusion, harassment, and discrimination in our public schools and other areas of public accommodation. The Hawai'i I know and love is better than that and, with your support, can serve as an example to other states struggling to find their way in these troubling political times.
Joe Wilson

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

March 18, 2017

To: Senate Committee on Judiciary and Labor
Hearing on Wednesday, March 22, 2017
9:30 a.m. in CR 016

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary and Labor

Re: Testimony of Josephine L. Chang in support of H.B. 1489, HD1, Relating to Civil Rights

Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Senate Committee on Judiciary and Labor,

I am writing in strong support of H.B. 1489, HD 1, which seeks to codify the protections of Title IX against sex discrimination at the state level, and also make clear that all state agencies and state funded entities shall not deny full participation, benefits, or discriminate against sexual minority persons. It is important to the safety, well-being and equal protection of sexual minority persons that these additional bases be explicitly stated, as they already are in Hawaii's other civil rights laws. By including sex, gender identity, gender expression, and sexual orientation in Section 378-1.5, Hawaii will help to assure that needed civil rights protections for sexual minority persons will also apply to those in need of state and state funded services, and that they will not encounter harmful and wrongful barriers to necessary services.

As the mother of a gay son and grandmother of a bisexual grand-daughter, a support person for many parents of sexual minority children, and a volunteer educator and trainer in the community for public and private agencies, I have sought to increase understanding and inclusion of and lessen bias and discrimination towards sexual minority persons. This amendment to Section 378-1.5, HRS, is sorely needed and a long overdue and important step towards truly being the welcoming, inclusive and caring community that we aspire to be.

I respectfully ask all of you for your support for H.B. 1489, HD1.

Mahalo,

Josephine (Jo) Chang

While I support this measure, hope that it will also be changed from “sex, including gender identity or expression, or sexual orientation’ to “sex, including gender identity, **perceived** or expression, or sexual orientation” As a person may be heterosexual, but because of the way they dress, act, or just a bias, become perceived as being something they are not. (Which has occurred in my claims of harassment previously, but because it’s a perception, was told that it was not covered as defined by law an actual sexual orientation...as I am perceived to be something I’m not, though through comments of how they perceive me to be)

As to me any place that is receiving state financial assistance, especially when it covers civil rights, should not have the ability to violate those civil rights. And I’m mentioning all of this, as I also don’t believe that complaining about how they’re ‘volunteers’ or ‘how much work’ protecting a person’s civil rights can be, or how they may “recognize her voice”(I did, that’s why it was mentioned), or any other item, that I’ve submitted as testimony or when submitting complaints via the website, should end up as party fodder in my neighborhood – which it has.

Hope this bill is passed, and that it will cover any and **all** state agency’s receiving grants. With especially those who are held in high esteem, and granted “power” to uphold those words not only through work, but during their off hours as well, as representatives of their position within the State agency’s.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Saturday, March 18, 2017 8:08:40 AM

HB1489

Submitted on: 3/18/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments: I strongly support HB1489. Equal treatment and protection from discrimination are necessary for all our citizens. This measure is supported by the platform of the Democratic Party of Hawaii.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Date: March 17, 2017

To:

Sen. Gilbert S.C. Keith Agaran

Chair, Senate Committee on Judiciary and Labor

Sen. Karl Rhoads

Vice Chair, Senate Committee on Judiciary and Labor

Sen. Mike Gabbard

Senate Committee on Judiciary and Labor

Sen. Donna Mercado Kim

Senate Committee on Judiciary and Labor

Sen. Laura H. Thielen

Senate Committee on Judiciary and Labor

From: Nathan Leo Braulick

Re: Strong support for HB1489HD1

Dear Senators:

I am writing to express strong support for HB1489HD1.

This Bill would add sexual orientation, gender identity and expression, as well as disability, to what is known as the Patsy Mink Equal Opportunity in Education Act of 2002, the statute that governs the Hawaii Civil Rights Commission to reduce discrimination on the basis of sex in programs receiving federal funding.

While the Trump administration is rolling back the Federal guidance and protections for LGBT people that the Obama Administration put in place, this Bill would go a long way to ensuring that youth in Hawaii are respected and protected.

Please support **HB1489HD1**.

Sincerely,



Nathan Leo Braulick

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB1489 on Mar 22, 2017 09:30AM*
Date: Monday, March 20, 2017 11:59:26 PM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Smith	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Friday, March 17, 2017 11:47:22 AM

HB1489

Submitted on: 3/17/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: STRONG SUPPORT

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB1489 on Mar 22, 2017 09:30AM
Date: Tuesday, March 21, 2017 8:28:17 AM

HB1489

Submitted on: 3/21/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments: Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Senate Committee on Judiciary and Labor, I am writing in strong support of H.B. 1489, HD 1, which seeks to codify the protections of Title IX against sex discrimination at the state level, and also make clear that all state agencies and state funded entities shall not deny full participation, benefits, or discriminate against sexual minority persons. It is important to the safety, well-being and equal protection of sexual minority persons that these additional bases be explicitly stated, as they already are in Hawaii's other civil rights laws. By including sex, gender identity, gender expression, and sexual orientation in Section 378-1.5, Hawaii will help to assure that needed civil rights protections for sexual minority persons will also apply to those in need of state and state funded services, and that they will not encounter harmful and wrongful barriers to necessary services. As a public health professional, I know that these protections will increase the health and well being of our communities by reducing the harmful impacts of discrimination towards sexual minority persons. This amendment to Section 378-1.5, HRS, is sorely needed and a long overdue and important step towards truly being the welcoming, inclusive, and healthy community that we aspire to be. I respectfully ask all of you for your support for H.B. 1489, HD1. Mahalo, Thaddeus Pham

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB1489 on Mar 22, 2017 09:30AM*
Date: Monday, March 20, 2017 1:01:33 PM

HB1489

Submitted on: 3/20/2017

Testimony for JDL on Mar 22, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Lawrence	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov