

# HB 1489

RELATING TO CIVIL RIGHTS.

LAB, JUD

# HB1489



Submit Testimony

Measure Title: RELATING TO CIVIL RIGHTS.

Report Title: Discrimination; Sex; Gender Identity or Expression; Sexual Orientation

Description: 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.

Companion: [SB1265](#)

Package: None

Current Referral: LAB, JUD

Introducer(s): BELATTI, EVANS, ICHiyAMA, LOWEN, MATSUMOTO, NAKAMURA, NAKASHIMA, SAN BUENAVENTURA, DeCoite

<a href="#">Sort by Date</a>		Status Text
1/25/2017	H	Introduced and Pass First Reading.
1/30/2017	H	Referred to LAB, JUD, referral sheet 6
2/10/2017	H	Bill scheduled to be heard by LAB on Tuesday, 02-14-17 10:00AM in House conference room 309.

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## A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1           SECTION 1. The legislature finds that Title IX of the  
2 Education Amendments of 1972 (20 U.S.C. 1681 et. seq.), renamed  
3 the Patsy Mink Equal Opportunity in Education Act in 2002, has  
4 had an enormous impact in reducing discrimination on the basis  
5 of sex in programs receiving federal funding. Here in Hawaii,  
6 the generation that followed Congresswoman Mink has taken pride  
7 in fostering diversity and equality: in the classroom, on the  
8 sports field, and in the workplace. Hawaii is a place where all  
9 are welcome and all are given the opportunity to succeed. Yet  
10 notwithstanding the gains made over the last four and a half  
11 decades, sex discrimination persists; indeed, recent public  
12 rhetoric demonstrates that the dream of true equality requires  
13 continued commitment at all levels of government. While the  
14 federal government's faithfulness to the principles of equality  
15 may ebb and flow with changing administrations, the legislature  
16 seeks to guarantee Hawaii's dedication to the principles  
17 articulated in Title IX.



1           Accordingly, the purpose of this Act is to ensure that the  
2           protections that have been articulated in Title IX and its  
3           attendant regulations continue here in Hawaii, notwithstanding  
4           changes in federal administrations, and that Hawaii continues to  
5           be a nationwide leader in promoting equality and opportunity.

6           SECTION 2. Section 368-1.5, Hawaii Revised Statutes, is  
7           amended to read as follows:

8           "**§368-1.5 Programs and activities receiving state**  
9           **financial assistance.** (a) No otherwise qualified individual in  
10          the State shall, [~~solely~~] by reason of [~~his or her~~] disability,  
11          sex, including gender identity or expression, or sexual  
12          orientation, be excluded from the participation in, be denied  
13          the benefits of, or be subjected to discrimination by any state  
14          [~~agencies,~~] agency, or under any program or activity receiving  
15          state financial assistance.

16          (b) As used in this section, the [~~term "disability" means~~  
17          ~~the state of having a physical or mental impairment which~~  
18          ~~substantially limits one or more major life activities, having a~~  
19          ~~record of such an impairment, or being regarded as having such~~  
20          ~~an impairment.~~] terms "disability", "sex", "gender identity or



1 expression", and "sexual orientation" shall have the same  
2 meanings as those terms are defined in section 378-1.

3 (c) As used in this section, "state financial assistance"  
4 [means] shall be broadly construed and shall mean grants,  
5 purchase-of-service contracts, or any other arrangement by which  
6 the State provides or otherwise makes available assistance in  
7 the form of funds to an entity for the purpose of rendering  
8 services on behalf of the State. It does not include  
9 procurement contracts, state insurance or guaranty contracts,  
10 licenses, tax credits, or loan guarantees to private businesses  
11 of general concern that do not render services on behalf of the  
12 State."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.  
16

INTRODUCED BY:

<u>Lindedehingam</u>	<u>Sule A. Belati</u>
<u>[Signature]</u>	<u>Lynn DeLoite</u>
<u>Hakshum</u>	<u>Curly Evans</u>
<u>[Signature]</u>	<u>Nadine K. Neenan</u>
<u>[Signature]</u>	<u>Nicole E. Lowen</u>



# H.B. NO. 1489

**Report Title:**

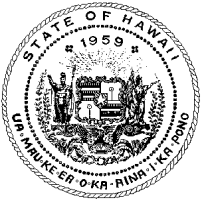
Discrimination; Sex; Gender Identity or Expression; Sexual Orientation

**Description:**

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 summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





# HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 14, 2017  
Rm. 309, 10:00 a.m.

To: The Honorable Aaron Ling Johanson, Chair  
Members of the House Committee on Labor and Public Employment

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

Re: H.B. No. 1489

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 would add the protected categories “sex,” “gender identity and expression,” and “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.

By amending HRS § 368-1.5 to include protections against discrimination based on sex, H.B. No. 1489 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 would also create Hawai'i state analogs to other federal statutes and administrative regulations. 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.

The HCRC supports H.B. No. 1489. Every Hawai'i anti-discrimination statute enforced by the HCRC – except for HRS § 368-1.5 – prohibits discrimination based on sex, gender identity and expression, and sexual orientation. 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'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 drafted 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 included



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 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 does suggest one amendment to the current version of H.B. No. 1489. Specifically, because of its focus on Title IX, Section 1 of the current version of H.B. No. 1489 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 Takemoko Mink. However, the HCRC is concerned that, unless Section 1 is broadened slightly, 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 be modified to provide as follows:

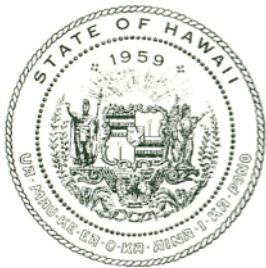
The 1972 legislature finds that Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et. seq.), renamed the Patsy Mink Equal Opportunity in Education Act in 2001, has had an enormous impact in reducing discrimination based on sex, gender, and sexual orientation in federal programs and programs 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 one suggested revision, the HCRC supports H.B. No. 1489 and urges the Committee to report it favorably out of Committee.



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

February 13, 2017

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

**To:** Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair  
Members of the House Committee on Labor and Public Employment

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

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

The Commission supports HB 1489, 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. 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 would codify some of these strong federal anti-discrimination laws into state law. HB 1489 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 and respectfully urges this Committee to pass this important safeguarding measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 4:27 PM  
**To:** LABtestimony  
**Cc:** laurie.field@ppvnh.org  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/10/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 2:56 AM  
**To:** LABtestimony  
**Cc:** camaronm@hawaii.edu  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Camaron Miyamoto	LGBTQ+ Center, UH Manoa	Support	Yes

Comments: I am writing to submit testimony in strong support of HB 1489. While I am not here to represent the official position of the University of Hawaii, my opinion is based on nearly two decades of professional experience working to support the well-being of students in Hawaii. This legislation is critical. please uphold the legacy of Congresswoman Patsy Mink and her legacy through Title IX. Mahalo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 4:41 PM  
**To:** LABtestimony  
**Cc:** jbsestak@prodigy.net  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betty Sestak	AAUW Windward	Support	No

Comments:

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# COMMUNITY ALLIANCE ON PRISONS

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

Phone/E-Mail: [\(808\) 927-1214](tel:8089271214) / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Aaron Ling Johanson, Chair

Rep. Daniel Holt, Vice Chair

Tuesday, February 14, 2017

10:00 am

Room 309

### HB 1489 - STRONG SUPPORT - CIVIL RIGHTS

Aloha Chair Johanson, Vice Chair Holt 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 1,400 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.

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.

Community Alliance on Prisons is in strong support of this measure. We wish there would not have to be legislation to prohibit discrimination in Hawai'i, especially since the Aloha Spirit is in statute. However, we believe that our statutes must expressly prohibit discrimination as we have witnessed some disturbing incidents over the past decade.

In the past, Hawai'i was known for our welcoming Aloha Spirit and ho`okipa. This bill will mandate equal rights for all our people.

We, therefore, urge the committee to pass this bill to ensure that all are treated with aloha, dignity, and respect.

Mahalo for this opportunity to testify.

*We will never have true civilization until we have learned to recognize  
the rights of others.*

*Will Rogers*



February 11, 2017

To: Hawai'i State House Committee on Labor and Public  
Employment, and the House Committee on Judiciary  
Hearing Date/Time: Tuesday, February 14, 2017 (10:00 a.m.)  
Place: Hawai'i State Capitol, Rm. 309  
Re: Testimony of American Association of University Women –  
Hawai'i in **SUPPORT of H.B. 1489**, relating to civil rights

Dear Representative Aaron Ling Johanson (Chair), Representative Daniel Holt (Vice Chair), Representative Scott Y. Nishimoto (Chair), Representative Joy A. San Buenaventura (Vice Chair), and Members of the LAB and JUD Committees,

I am grateful for this opportunity to testify in **strong support of H.B. 1489**, relating to civil rights, and the incorporation of national Title IX protections in Hawai'i state law. Patsy T. Mink's legacy is under threat outside the state, and given the tremendous progress made in tertiary-level educational policy in Hawai'i, it should be protected here.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawai'i, who list equal pay and gender violence (including Title IX) as important current concerns. My testimony is informed by many years of teaching at the University of Hawai'i – Mānoa, where my students have told me stories about pay and work discrimination, based on all the components in this bill (i.e., "sex, including gender identity or expression, or sexual orientation" [lines 11-12]). At this point in time, with the increasing mainland attacks on civil rights, it is important to support minority groups under threat here with state-level action. Not only does this honor Patsy T. Mink's legacy, but it also honors Native Hawaiian residents, since Hawai'i was a region with a greater range of gender identities than those found in European nations at contact. While one might hope that 18<sup>th</sup>-century-type prejudice and discrimination would be eliminated by the year 2017, there are a wealth of studies indicating that such is not the case (e.g., Besnier & Alexeyeff [2014], Odo & Hawelu [2011], etc.), indicating the need for legal protections.

For all these reasons, I argue that passage of H.B. 1489 is important, with potential to improve the wellbeing of many residents of Hawai'i.

Thank you for the opportunity to testify.

Sincerely

*Susan J. Wurtzburg*

Ph.D., Policy Chair



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 2:17 PM  
**To:** LABtestimony  
**Cc:** mgolojuch@hotmail.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments: The LGBT Caucus of the Democratic Party of Hawai'i fully supports HB 1489 - NO minority should face discrimination!

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Committee on Labor & Public Employment  
Hawaii State Capitol, Room 309  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: February 14, 2017 10:00AM

**RE: STRONG SUPPORT for HB 1489 RELATING TO CIVIL RIGHTS**

To: Members of the Labor & Public Employment Committee

From: Chad Au, President of the Lambda Law Student Association

The Lambda Law Student Association (LLSA) at the William S. Richardson School of Law writes in strong support of HB 1489, which prohibits discrimination based on sex, gender identity or expression, or sexual orientation in all state and state-funded programs and activities.

The protections that have been articulated in Title IX need to be preserved in Hawaii. If enacted, HB 1489 will amend HRS §368-1.5 (a) and (b) to include sex, including gender identity or expression, or sexual orientation as a protected class.

The Trump administration has already withdrawn the Executive Branch's support opposing discrimination based on gender identity.

Hawaii has consistently been ranked as the state with the highest percent of adults who identify as transgender.<sup>1</sup> To deny the passing of HB 1489 would be an injustice to the large transgender community that reside in Hawaii.

We have come so far in the pursuit of equality. The legacy of Congresswoman Patsy Mink needs to be upheld in Hawaii, regardless of what happens at the federal level. By doing so, Hawaii can uphold its proud tradition for being the spearhead of civil rights protections.

To ensure the protections of the transgender community, the LLSA respectfully ask for your support in passing HB 1489.

Mahalo nui loa,

Chad Au

---

<sup>1</sup> Andrew R. Flores, Jody L. Herman, Gary J. Gates, Taylor N. T. Brown, How Many Adults Identify as Transgender in the United States? The Williams Institute (June 2016)  
<http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf>

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 10:22 AM  
**To:** LABtestimony  
**Cc:** dabitbol@chowproject.org  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Lusk	CHOW Project	Support	No

Comments: This is an important bill that guarantees that the rights of ALL people will be respected. We must keep reminding everyone that the Aloha Spirit is in statute. If we really want peace in our communities, we must treat each other with aloha and kindness.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 7:22 AM  
**To:** LABtestimony  
**Cc:** kschneider@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kimberly schneider	Individual	Support	No

Comments:

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**KIM COCO IWAMOTO, ESQ.**

PO Box 235191  
Honolulu, HI 96823  
[kimcoco@kimcoco.com](mailto:kimcoco@kimcoco.com)

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
Hearing on Tuesday, February 14, 2017  
10:00 AM in Conference Room 309

Testimony in STRONG SUPPORT for HB1489

Dear Chair Johanson, Vice Chair Holt, and Committee Members,

Having served as a Board of Education member and Civil Rights Commissioner for the State of Hawaii, I can attest to the importance of codifying the protections contained in HB1489, which had been safeguarded by the Obama White House, but are now in the crosshairs of the current president's administration.

HB1489 will provide the continuation of protections that students, parents, clients and community members have learned to expect during their day to day pursuit of education, health, housing and access to other services provided with the benefit of government funds.

We have relied on the federal government to uphold the standard of respect for diversity, equal access and equal opportunity. Today, the 45th President has made his anti-citizen agenda clear by his cabinet selection and executive orders. HB1489 provides our state the opportunity to reaffirm the legacy of Patsy Mink, Title IX, and the fair-minded ideals contained therein by codifying them into Hawaii's own revised statutes.

Respectfully,

A handwritten signature in black ink, reading "Kim Coco Iwamoto", followed by a horizontal line extending to the right.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 10:16 PM  
**To:** LABtestimony  
**Cc:** barbarapolk@hawaiiantel.net  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments: Dear Chair Johanson, Vice Chair Holt, Members of the Committee: 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. 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. Barbara Polk

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 11:18 AM  
**To:** LABtestimony  
**Cc:** csantoma@gmail.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Santomauro	Individual	Support	No

Comments: My name is Chris Santomauro and I am a teacher in the Hawaii Department of Education. I write in strong support of bill HB1489. Although we have made great progress in our state to combat discrimination on the basis of membership to a minority group, we need to expand this prohibition to any agency or organization that receives state or federal dollars. Discrimination in any context is abhorrent, and we all need to be responsible for helping to create a more just world for our keiki to grow up in.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 10:16 AM  
**To:** LABtestimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Support

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 5:30 AM  
**To:** LABtestimony  
**Cc:** simashang@yahoo.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Smith	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 8:43 PM  
**To:** LABtestimony  
**Cc:** jamesjtz@aol.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Gauer	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 6:11 PM  
**To:** LABtestimony  
**Cc:** joyl247@aol.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Lacanienta	Individual	Support	No

Comments: Equality and respect are absolutely necessary in our community. Please pass this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 1:24 PM  
**To:** LABtestimony  
**Cc:** andresyg@hawaii.edu  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andres Gonzalez	Individual	Support	No

Comments:

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I support this Bill because of the need for Hawai'i to uphold the legacy of Hawaii's Congresswomen Pasty Mink, who was one of the sponsors of Title IX, by creating a state law version of Title IX so that, whatever happens at the federal level, Hawai'i can uphold its tradition of being at the forefront of civil rights protections.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 5:55 PM  
**To:** LABtestimony  
**Cc:** joyamarshall0416@gmail.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/10/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 10:24 AM  
**To:** LABtestimony  
**Cc:** sk8legal808@yahoo.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Virginia E Hench	Individual	Support	No

Comments: This bill is needed immediately to preserve basic rights for ALL people in Hawai'i. I urge you to pass this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 11:53 AM  
**To:** LABtestimony  
**Cc:** keani\_nwr@msn.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keani	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 11:47 AM  
**To:** LABtestimony  
**Cc:** catherineishida@gmail.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Catherine Ishida	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 1:15 PM  
**To:** LABtestimony  
**Cc:** jbickel15@yahoo.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Bickel	Individual	Support	No

Comments: In light of attacks on LGBT civil rights in other states, Hawaii should take its place as the beacon of civil rights by passing this bill.

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# HB 1489

## Late Testimony

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 2:15 PM  
**To:** LABtestimony  
**Cc:** zertle13@gmail.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Seena Clowser	Individual	Support	No

Comments:

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**LATE**

**LATE**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 5:53 PM  
**To:** LABtestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments:

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**LATE**

**LATE**

**LATE**

Committee: Committee on Labor & Public Employment  
Hearing Date/Time: Tuesday, February 14, 2017, 10:00 a.m.  
Place: Conference Room 309  
Re: Testimony of the ACLU of Hawaii in **Support** of H.B. 1489, Relating to Civil Rights

Dear Chair Johanson, Vice Chair Holt, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 1489, which seeks to codify the protections of Title IX at the state level. 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. At a time when the longevity of federal protections is uncertain, measures such as H.B. 1489 are necessary to safeguard equality.

For these reasons, The ACLU of Hawaii urges the Committee to support H.B. 1489.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

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](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

**LATE**

**LATE**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2017 8:23 AM  
**To:** LABtestimony  
**Cc:** daegnut@gmail.com  
**Subject:** \*Submitted testimony for HB1489 on Feb 14, 2017 10:00AM\*

**HB1489**

Submitted on: 2/14/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Long	Individual	Support	No

Comments:

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**LATE**

**LATE**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2017 7:54 AM  
**To:** LABtestimony  
**Cc:** tardend@yahoo.com  
**Subject:** Submitted testimony for HB1489 on Feb 14, 2017 10:00AM

**HB1489**

Submitted on: 2/14/2017  
Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas A. Dickey	Individual	Support	No

Comments: I support passage of HB1489.

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**LATE**

**LATE**

The Twenty-Ninth Legislature  
Regular Session of 2017

THE HOUSE  
Committee on Labor and Public Employment  
Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair  
State Capitol, Conference Room 309  
Tuesday, February 14, 2017; 10:00 a.m.

**LATE**

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

The ILWU Local 142 supports H.B. 1489, 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 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 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 urges passage of H.B. 1489. Thank you for the opportunity to share our views on this matter.