
A BILL FOR AN ACT

RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL,
TRANSGENDER, QUEER, PLUS COMMISSION.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 20 to be appropriately designated
3 and to read as follows:

4 "CHAPTER
5 HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS
6 COMMISSION

7 § -1 Findings and purpose. The legislature finds that
8 there is a need to establish a body to improve the State's
9 interface with members of the lesbian, gay, bisexual,
10 transgender, queer, plus community, identify the short- and
11 long-range needs of its members, and ensure that there is an
12 effective means of researching, planning, and advocating for the
13 equity of this population in all aspects of state government.
14 Accordingly, it is the purpose of this chapter to provide for a
15 statewide program, on a permanent and continuing basis, on the



1 status of lesbian, gay, bisexual, transgender, queer, plus
2 people in Hawaii.

3 § -2 Definitions. For purposes of this chapter:

4 "Commission" means the Hawaii state lesbian, gay, bisexual,
5 transgender, queer, plus commission.

6 "County committee" means each committee on the status of
7 lesbian, gay, bisexual, transgender, queer, plus affairs as
8 appointed by the mayor of each respective county of the State in
9 accordance with this chapter.

10 "Lesbian, gay, bisexual, transgender, queer, plus" includes
11 any individual who identifies as a member of the lesbian, gay,
12 bisexual, transgender, or queer community, or any individual who
13 identifies as a member of a sexual or gender minority, including
14 intersex, asexual, or pansexual individuals.

15 "Trust fund" means the Hawaii state lesbian, gay, bisexual,
16 transgender, queer, plus commission trust fund.

17 § -3 Hawaii state lesbian, gay, bisexual, transgender,
18 queer, plus commission; membership. (a) There is created the
19 Hawaii state lesbian, gay, bisexual, transgender, queer, plus
20 commission for a special purpose within the department of human
21 services for administrative purposes.



- 1 (b) The commission shall consist of the following:
- 2 (1) Ex officio, nonvoting members or their designees,
- 3 including the:
- 4 (A) Superintendent of education;
- 5 (B) President of the university of Hawaii system;
- 6 (C) Director of labor and industrial relations;
- 7 (D) Director of human resources development;
- 8 (E) Director of human services; and
- 9 (F) Director of health; and
- 10 (2) Seven voting members who shall be appointed by the
- 11 governor in accordance with section 26-34; provided
- 12 that of these seven members:
- 13 (A) One member shall be from the county of Hawaii;
- 14 (B) One member shall be from the county of Kauai;
- 15 (C) One member shall be from the county of Maui; and
- 16 (D) Four members shall be from the city and county of
- 17 Honolulu.
- 18 (c) The governor shall appoint members of the commission
- 19 on the basis of their interests and knowledge in, and their
- 20 ability to make contributions to, the solution of problems



1 relating to the status of the lesbian, gay, bisexual,
2 transgender, queer, plus community.

3 (d) A chairperson of the commission shall be elected
4 annually from the seven appointed members of the commission. A
5 quorum to do business or to validate any act of the commission
6 shall consist of a majority of the seven appointed members of
7 the commission.

8 **§ -4 Compensation.** The members of the commission shall
9 serve without compensation but shall be reimbursed for expenses,
10 including travel expenses, necessary for the performance of
11 their duties.

12 **§ -5 Executive director.** The commission shall appoint
13 an executive director for the proper administration and
14 enforcement of this chapter. The executive director shall be
15 appointed without regard to chapter 76.

16 **§ -6 Powers and duties of the commission.** The
17 commission shall:

18 (1) Act as a central clearinghouse and coordinating body
19 for governmental and nongovernmental activities and
20 information relating to the status of the lesbian,



- 1 gay, bisexual, transgender, queer, plus community in
2 the State;
- 3 (2) Create public awareness and understanding of the
4 responsibilities, needs, potentials, and contributions
5 of the lesbian, gay, bisexual, transgender, queer,
6 plus community and their roles in the changing
7 society;
- 8 (3) Recommend legislative and administrative action on
9 equal treatment and opportunities for members of the
10 lesbian, gay, bisexual, transgender, queer, plus
11 community;
- 12 (4) Encourage a long-range program of education of members
13 of the lesbian, gay, bisexual, transgender, queer,
14 plus community in their political rights and
15 responsibilities, particularly with respect to their
16 voting duties;
- 17 (5) Maintain contacts with appropriate federal, state,
18 local, and international agencies concerned with the
19 status of the lesbian, gay, bisexual, transgender,
20 queer, plus community;



- 1 (6) Cooperate and collaborate with national groups on the
2 status of the lesbian, gay, bisexual, transgender,
3 queer, plus community and arrange for participation by
4 representatives of the State in White House
5 conferences and other national conferences;
- 6 (7) Administer funds allocated for its work, including
7 accepting, disbursing, and allocating funds that may
8 become available from other governmental and private
9 sources; provided that all funds shall be disbursed or
10 allocated in compliance with any specific designation
11 stated by the donor; provided further that in the
12 absence of any specific designation, the funds shall
13 be disbursed or allocated to projects related to any
14 of the purposes of this chapter; and
- 15 (8) Submit to the governor and legislature an annual
16 report with recommendations.

17 **§ -7 County committees on lesbian, gay, bisexual,**
18 **transgender, queer, plus affairs; membership; organization. (a)**
19 The mayor of each county shall appoint a county committee on the
20 status of lesbian, gay, bisexual, transgender, queer, plus
21 affairs. Each county committee shall be charged with:



1 (1) The duty and responsibility of developing information
2 as the Hawaii state lesbian, gay, bisexual,
3 transgender, queer, plus commission requires or as the
4 county committee deems advisable concerning the status
5 of the members of the lesbian, gay, bisexual,
6 transgender, queer, plus community within the
7 respective counties; and

8 (2) Any other appropriate duties and responsibilities as
9 may be deemed necessary by the respective counties.

10 (b) The county committees shall submit to the commission
11 plans and proposals affecting the status of members of the
12 lesbian, gay, bisexual, transgender, queer, plus community in
13 the respective counties.

14 (c) Each county committee shall endeavor to secure the
15 widest possible citizen participation in its efforts and, for
16 this purpose, may use existing public or private organizations.
17 The membership of each county committee shall include, ex
18 officio, the county attorney or corporation counsel and the
19 county representative of the Hawaii state lesbian, gay,
20 bisexual, transgender, queer, plus commission. The other
21 members shall be selected on the basis of their interest and



1 knowledge in, and their ability to make contributions to, the
 2 solution of problems relating to the lesbian, gay, bisexual,
 3 transgender, queer, plus community within the respective county
 4 and their knowledge of local conditions. The chairperson shall
 5 be elected annually from the nongovernmental members of the
 6 committee. The terms of office of each member shall be four
 7 years. Each county committee shall meet at least four times a
 8 year. The members of the county committees shall receive no
 9 compensation for their services. The respective county
 10 legislative bodies are authorized to make appropriations to meet
 11 the necessary expenses of the committees.

12 **§ -8 Hawaii state lesbian, gay, bisexual, transgender,**
 13 **queer, plus commission trust fund.** (a) There is established a
 14 Hawaii state lesbian, gay, bisexual, transgender, queer, plus
 15 commission trust fund. All funds contributed to the trust fund,
 16 including income and capital gains earned therefrom, shall be
 17 used exclusively for commission programs as defined in the
 18 articles, bylaws, resolutions, and other instruments executed on
 19 behalf of the Hawaii state lesbian, gay, bisexual, transgender,
 20 queer, plus commission or any nonprofit organization established
 21 thereunder. The trust fund may receive any and all types of



1 private contributions, and the income and capital gains earned
2 by the fund; provided that funds or properties donated for the
3 commission's use shall be deposited and accounted for in
4 accordance with policies and procedures adopted by the
5 comptroller. The trust fund shall be subject to the following
6 restrictions:

7 (1) All funds, and the income and capital gains earned by
8 investment of those funds, shall be expended only for
9 the support of the commission or its nonprofit
10 organization's programs; and

11 (2) Other restrictions imposed by the legislature with
12 respect to the transfer or appropriation of funds.

13 (b) Any funds deposited in the trust fund, and any income
14 and capital gains earned therefrom, not used for the commission
15 or its nonprofit organization's programs, shall be invested in
16 accordance with the provisions of the articles, bylaws,
17 resolutions, or other instruments executed on behalf of the
18 commission or its nonprofit organization, and in a manner
19 intended to maximize the rate of return on investment of the
20 fund.



1 (c) If the trust fund is terminated or the commission or
2 its nonprofit organization is dissolved, all funds, including
3 the income and capital gains earned by the investment of funds,
4 shall be distributed in accordance with the articles and bylaws
5 of the commission or its nonprofit organization.

6 (d) The commission shall require an annual audit of the
7 trust fund, the results of which shall be submitted to the
8 department of budget and finance not more than thirty days after
9 receipt by the commission. The commission shall retain for a
10 period of three years any documents, papers, books, records, and
11 other evidence that are pertinent to the trust fund, and permit
12 inspection or access thereto by the department of budget and
13 finance, the department of accounting and general services,
14 state legislators, and the auditor, or their duly authorized
15 representatives.

16 (e) The trust fund shall be subject to the terms and
17 conditions provided in this section. The trust fund shall not
18 be placed in the state treasury and the State shall not
19 administer the fund nor be liable for its operation or solvency.
20 The fund shall be a private charitable trust fund administered
21 by a private trust company as trustee.

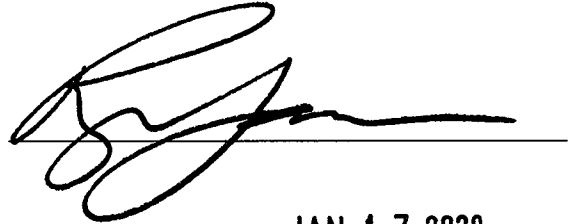


1 (f) Subsections (a) to (e) shall take effect upon the
2 creation of a Hawaii state lesbian, gay, bisexual, transgender,
3 queer, plus commission foundation as a tax-exempt nonprofit
4 foundation that is subject to the terms and conditions provided
5 in this section."

6 SECTION 2. This Act shall take effect upon its approval.

7

INTRODUCED BY:

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JAN 17 2020



H.B. NO. 2037

Report Title:

Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission; Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund

Description:

Establishes the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission and the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund.

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

