

STAND. COM. REP. NO.

529

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1042
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 1042 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to extend the deadline for the Legislative Reference Bureau to submit a report studying how other jurisdictions oversee Title IX of the Education Amendments of 1972 (Title IX) enforcement.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawai'i Civil Rights Commission; LGBT Caucus of the Democratic Party of Hawai'i; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; National Association of Social Workers, Hawai'i Chapter; Midwives Alliance of Hawaii; and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Republican Party. Your Committee received comments on this measure from the Legislative Reference Bureau and one individual.

Your Committee finds that Title IX prohibits discrimination on the basis of sex by any education program or activity receiving federal funding. Your Committee also finds that in 2018 the Legislature passed a corollary to Title IX in State law, Act 110,



Session Laws of Hawaii 2018 (Act 110), that prohibits such discrimination by programs or activities receiving state funding.

Act 110 requires the Legislative Reference Bureau to conduct a study and submit a report about the existing Federal Title IX and Title IX corollaries in other jurisdictions by January 24, 2019. However, due to the substantial complexity of the study's subject matter, the Legislative Reference Bureau needs additional time to complete its report. An amendment to this measure is needed to extend the due date for the Legislative Reference Bureau's report which will provide additional time for the report to be completed. The completed report will ultimately help reinforce Hawaii's Title IX corollary and address important civil rights laws.

Your Committee has amended this measure by:

- (1) Extending the due date for the Legislative Reference Bureau's Title IX report to March 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the United States Department of Education recently published a Notice of Proposed Rulemaking that seeks to amend Title IX's implementing regulations. The extent to which the final regulations will differ in substance from the Notice of Proposed Rulemaking is currently unknown. There is also a degree of uncertainty with respect to any impact the amended Title IX rules may have on the states' approaches to enforcing state law corollaries. With this uncertainty in mind, your Committee intends to keep this amended measure moving as a Title IX corollary vehicle, while the federal Department of Education finalizes its rulemaking process.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1042, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



LAURA H. THIELEN, Chair



