



January 25, 2020

House's Committee on Human Services and Homelessness
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, HI 96813

Hearing: Wednesday, January 29, 2019 – 8:30 a.m.

RE: **STRONG SUPPORT for House Bill 2037**

Aloha Chair San Buenaventura, Vice Chair Nakamura and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 2037 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. HB 2037 establishes the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission and the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund.

It has been 7 years since we passed Marriage Equality here in the Aloha State, while that was a huge milestone for Hawaii's LGBTQIA+ community we have a lot more work to do to ensure Hawaii's LGBTQIA+ community has full equality at every level government and society. We also need to remain vigilant to ensure there is no back sliding for all of the advancements we have made to the lofty goal of equality.

Even with all of the advances we have made here are just some of the difficulties facing Hawaii's LGBTQIA+ community:

- LGBTQIA+ suicide rates are 3 to 4 times than that of their straight and/or cisgender peers
- 85% of LGBTQIA+ students have experienced verbal harassment
- When the State of Hawaii's Department of Health did do a study for Hawaii's LGBTQIA+ community they only included lesbians, gays and bisexuals
- There is no federal law protecting employees from discrimination based on sexual orientation, gender identity and/or expression in the United States.
- Homophobia and transphobia are the most publicly accepted forms of bigotry, harassment and discrimination
- 80% of the transgender population who were employed experienced harassment or mistreatment on the job or took steps to avoid it
- When it comes to statistics about Hawaii's LGBTQIA+ community we have to rely on studies done on the continent or Europe
- When the State of Hawaii's Department of Health did do a study for Hawaii's LGBTQIA+ community they only included lesbians, gays and bisexuals

The LGBT Caucus understands that even when the Commission is established the Commission alone will not be able to solve all of these problems facing Hawaii's LGBTQIA+ community. But just imagine having a Commission, with commissioners from every county, working with other community stakeholders and the ex-officio members representing the Department of Education,

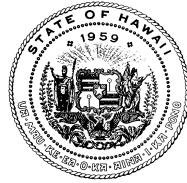
LGBT Caucus Testimony is Strong Support of House Bill 2037

University of Hawai'i, Department of Labor and Industrial Relations, Department of Human Services, Department of Human Resources Development, and Department of Health can do to start to address these and other difficulties facing Hawaii's LGBTQIA+ community.

For all these reasons the LGBT Caucus humbly asks that you support HB 2037 as it is the right thing to do.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB2037
RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL,
TRANSGENDER, QUEER, PLUS COMMISSION.
REP. JOY SAN BUENAVENTURA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
Hearing Date: January 29, 2020 Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) supports the intent of HB2037
3 which is to address disparate treatment, including bullying, for lesbian, gay, bisexual,
4 transgender, queer, plus (LGBTQ) residents.

5 Epidemiological data for this community describes higher rates of adverse conditions such as
6 being victims of targeted violence, behavioral health issues, and communicable disease. These
7 conditions may be exacerbated by social and economic pressure such as employment
8 discrimination or lack of family support.

9 Although the measure requires further refinement for it to be practical, examples like the Hawaii
10 State Commission on the Status of Women are useful models from which to draw. DOH looks
11 forward to the ongoing comprehensive public policy and public administration conversations for
12 and with LGBTQ communities.

13 Thank you for the opportunity to testify.

14

HB-2037

Submitted on: 1/27/2020 5:56:11 PM

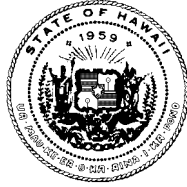
Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Filipina Advocacy Network FAN	Support	Yes

Comments:

We support this measure that provides a structure and resources to monitor and support the civil rights and full inclusion of the LGBTQ community in our state.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 27, 2020

TO: The Honorable Representative Joy A. San Buenaventura, Chair
House Committee on Human Services & Homelessness

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2037 – RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL,
TRANSGENDER, QUEER, PLUS COMMISSION.**

Hearing: January 29, 2020, 8:30 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of the bill and provides comments.

PURPOSE: The purpose of this bill is to establish the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission and the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund.

DHS supports and recognizes the generosity and efforts of the different LGBT and LGBTQ advocacy groups, especially around the issues of bullying prevention and equity. The proposal is modeled after the statutes that establish the Hawaii State Commission on the Status of Women, which has long been successful in its promotion and advocacy to improve the status of women in Hawaii.

DHS comments that an appropriation for the executive director as well as an operational budget is necessary for the proposed Commission to function and implement its statutory mission. The Legislature should also know that office space within DHS is also lacking so an appropriation may need to include funds to develop an office and to obtain necessary IT and other office systems.

DHS defers to more knowledgeable agencies regarding the proposed trust fund and associated non-profit organization.

Thank you for the opportunity to testify on this bill.

HB-2037

Submitted on: 1/28/2020 8:30:44 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Winston Welch	Hawaii Rainbow Chamber of Commerce	Support	Yes

Comments:

Hawaii Rainbow Chamber of Commerce strongly supports the establishment of the Hawaii LGBTQ+ Commission and the LGBTQ+ Commission Trust Fund. Hawaii's rich and diverse history is also shown in the diversity of its sexual orientation and gender identity of its people. Unfortunately, LGBTQ+ members of society have faced historic discrimination and difficulties well known to members of the committees. Hawaii can help give all of its citizens the best life possible by addressing needs specific to this community and help do so through the creation of these two organs. Please support the creation of the Commission and the Commission Trust.

Warm aloha, Winston Welch

President, Hawaii Rainbow Chamber of Commerce

HB-2037

Submitted on: 1/27/2020 5:54:57 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

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

Comments:

January 29, 2020 - 8:30am

Committee on Human Services and Homelessness
Conference Room 329
State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Support For HB 2037

To The Committee on Human Services and Homelessness,

The Trevor Project writes to support HB 2037, which creates the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission and the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund.

The Trevor Project is the world's largest suicide prevention and crisis intervention organization for LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning) young people. We work to save young lives by providing support through free and confidential suicide prevention and crisis intervention programs available by our 24/7 phone lifeline, chat, and text services; TrevorSpace, the world's largest safe space social networking site for LGBTQ youth; and through our innovative education, research, and advocacy programs.

Evidence demonstrates that LGBTQ people are disproportionately affected by disparities in areas of policy and government affairs and are often underserved by currently available public support. LGBTQ youth present a unique set of needs that should be considered for research, planning, and implementation of public policy. According to The Trevor Project's 2019 National Survey on LGBTQ Mental Health, 39% of LGBTQ youth seriously considered attempting suicide in the past twelve months, with more than half of transgender and non-binary youth having seriously considered attempting suicide. 71% of LGBTQ youth in our study reported discrimination due to either their sexual orientation or gender identity. Further, 76% of LGBTQ youth felt that the recent political climate impacted their mental health or sense of self. The establishment of the LGBTQ+ Commission and Trust Fund will address these unique needs and send a powerful message to Hawaii's youth that their government is taking them into account.

For these reasons, we enthusiastically support HB 2037. Should you have any questions or if we can be of any assistance regarding this matter, please contact me at 202-768-4413 or Sam.Brinton@TheTrevorProject.org.

Sincerely,



Sam Brinton
Head of Advocacy and Government Affairs
The Trevor Project

HB-2037

Submitted on: 1/27/2020 1:37:28 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch, Jr.	Pride @ Work - Hawaii	Support	Yes

Comments:

Aloha Representatives,

Pride at Work – Hawai'i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai'i fully supports House Bill 2037 because Hawaii's LGBTQIA+ community needs the support that this commission will provide especially in light of the discrimination our community faces from the school yard to the boardroom.

We humbly ask for your support.

Mahalo for the opportunity to testify.

Pride at Work – Hawai'i

HB-2037

Submitted on: 1/26/2020 9:04:46 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Support	No

Comments:

The LGBTQ+ community has a lot of wonderful people who can make great contributions to our community. The more that we find ways to include them and to treat them as first-class citizens, the more that all of us will benefit from the contributions that they can make. If I need a doctor who can save my life, i don't care if that person is LGBTQ+. I want anyone and everyone with the potential and desire to reach that level to be fully empowered to get there. If my kid needs a reading specialist to help them learn how to read, i don't care if that person is LGBTQ+ or not. I just want someone to be filling that gap in my kid's education and in our community. So many great LGBTQ+ people are living great lives and doing great things, but none of them are reaching the potential that they could have if we were a more inclusive society.

This is our kuleana because our work to include them comes with the mutual benefit where they will help us. The only way for us to find out what is possible in a more inclusive society is to make this dream a reality. This Commission is only one part of that, but it can be a valuable part of a brighter future for Hawaii.

HB-2037

Submitted on: 1/26/2020 1:59:38 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

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

Comments:

I strongly support HB2037 to establish the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission and the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission Trust Fund.

I really believe this is long overdue and needed. There are some in the community who believe that with the passage of marriage equity the fight is over. The opposite is true – the fight has just started. Why? Even with the laws on the books, there is still discrimination going on in housing, elder care, jobs, adoptions, and visitor support to name a few. Further, the police forces have not fully implemented the hate crimes law that allows for those attacks against the LGBTQ+ to be properly identified.

The passage of this bill will allow the commission to interact with state and county officials as well as the private sector. It will finally allow one central point for LGBTQ+ issues to be heard with appropriate follow-up.

Although a straight ally, I have worked with a variety of LGBTQ+ organizations. I know the commission is warranted. I have also heard the individual stories of being beaten, fired, thrown out of their homes, and denied various benefits or proper care.

Please pass HB2037.

Thank you for allowing me to provide my comments in favor of this bill.

Sincerely,

Mike Golojuch, Sr., Lt Col, USAF (Ret), MS, MPA

Secretary/Board Member, Rainbow Family 808

Secretary/Board Member, Pride at Work

HB-2037

Submitted on: 1/26/2020 5:54:16 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

HB-2037

Submitted on: 1/27/2020 8:59:02 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Support	No

Comments:

Aloha Chair Buenaventura, Vice Chair Nakamura and Honorable Members of the Human Services and Homelessness Committee.

My name is Jen Jenkins, and I write in **SUPPORT** of HB2037, which would create a Lesbian, Gay, Bisexual, Transgender, Plus (“LGBTQ+”) Commission. The creation of an LGBTQ+ commission would provide Hawai’i with an agency that serves and recognizes some of the most vulnerable members of our community.

Respectfully,

Jen J.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 2037, RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

DATE: Wednesday, January 29, 2020 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
James W. Walther, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Attorney General offers the following comments.

The purposes of the bill are to establish the Hawaii State Lesbian, Gay, Transgender, Queer, Plus (LGBTQ+) Commission within the Department of Human Services, and to establish county committees on LGBTQ+ affairs. In addition, the bill creates a trust fund to support the work of the LGBTQ+ Commission.

The trust fund that is described starting on page 8, line 12, to page 11, line 5, appears to be a special fund, rather than a trust fund. A trust fund is defined in section 37-62, Hawaii Revised Statutes (HRS), as “a fund in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise or bequest that limits the use of the fund to designated objects or purposes.” The proposed wording of the bill does not appear to meet the requirements of a trust fund, because there is no person or class of person identified with a “vested beneficial interest or equitable ownership” in the moneys in the fund, and the fund may more appropriately be designated a special fund.

Special funds are defined in section 37-62, HRS, as “funds which are dedicated or set aside by law for a specified object or purpose, but excluding revolving funds and trust funds.” If the bill is amended so that this fund will be a special fund, additional amendments may be needed to set out the requirements of a special fund. (See, for

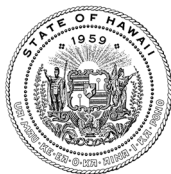
example, page 52 of the Hawaii Legislative Drafting Manual, 10th edition, 2012.) Those amendments may include setting out what sources of funds are to be earmarked for the fund, describing what is to happen to unexpended and unencumbered moneys in the fund at the close of each fiscal year, establishing any minimum or maximum limits and what happens when the special fund balance is outside those limits, as well as any other conditions on the use of the funds. (See also, section 37-52.3, HRS, that sets out the criteria for the establishment and continuance of special funds.)

Further, if a special fund is established to support the operations of the Commission, and if the Commission then were to receive a gift of moneys from a private entity, an administrative trust account could be established through the Department of Accounting and General Services. An administrative trust account does not need to be established by statute, and would allow the Commission to expend those particular donated funds without an appropriation.

We respectfully request that the Committee consider these amendments if the bill passes. Thank you for the opportunity to provide these comments.

DAVID Y. IGE
GOVERNOR

LATE



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS
ON
HOUSE BILL NO. 2037

January 29, 2020
8:30 a.m.
Room 329

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

The Department of Budget and Finance has concerns with House Bill (H.B.) No. 2037 regarding sustainability of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission (Commission) Trust Fund and compliance of the trust fund with Article VII, Section 4, of the Constitution of the State of Hawai'i.

H.B. No. 2037 adds a new Hawai'i Revised Statutes chapter to: establish the Commission within the Department of Human Services; set parameters for the Commission's membership and appointments; authorize the appointment of an Executive Director to administer and enforce the chapter; outline the powers and duties of the Commission; require each county to establish a county committee on lesbian, gay, bisexual, transgender, queer, plus affairs (County Committee); set membership guidelines and duties for the County Committees; establish the Commission Trust Fund (CTF) outside the State treasury; set the allowable revenue sources, the allowable uses of funds, and the audit requirements of the CTF; and make the establishment of the CTF dependent upon establishment of a Commission foundation nonprofit.

As a matter of general policy, the department does not support the creation of trust funds that require regular general fund appropriations to support its activities, and it is unclear if the proposed trust fund would be self-sustaining. Furthermore, the department also has concerns that H.B. No. 2037's current authorization to allow the Commission foundation nonprofit to utilize the CTF does not appear to be in compliance with Article VII, Section 4, of the Constitution of the State of Hawai'i.

Thank you for your consideration of our comments.

TO: House Committee on Human Services & Homelessness

Hearing: Wednesday, January 29 @ 8:30 am Room 329

From: Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

Strong Support for HB 2037 (with suggestions)

Dear Joy A. San Buenaventura, Chair; Nadine K. Nakamura, Vice Chair, and members of the committee:

The Hawaii Health & Harm Reduction Center (HHHRC) strongly supports HB 2037, which will create the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LGBTQ+) Commission. The Hawaii State Department Health was the first health department in the country to publish both a sexual and gender minority health report (2017) and a follow-up report which focused on transgender youth (2018). These reports and the resulting Sexual and Gender Minority Work Group have highlighted the need for a statewide comprehensive strategy for our LGBTQ+ community to address related health disparities and social inequities in Hawaii.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities. We foster health, wellness, and systemic change in Hawai'i and the Pacific through care services, advocacy, training, prevention, education, and capacity building. HHHRC's roots are in the LGBTQ+ community with a transgender health program, a LGBT-specific smoking cessation program and more than 500 participants of other programs who identify as LGBTQ. One of our biggest lessons learned over the past 30 years is the importance of hiring and engaging with people who identify as LGBTQ to ensure that all decisions, programs and policies are inclusive and reflective of the diversity of the LGBTQ+ community.

We respectfully suggest that HB2037 be amended to add one member identified from the Hawaii Sexual and Gender Minority Work Group to participate in the commission as well as add language to its charter about the importance of have a commission that is diverse and represents people with lived experience who identify as LGBTQ+.

Thank you for the opportunity to testify.

HB-2037

Submitted on: 1/28/2020 10:30:46 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

LATE

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

Comments:

LATE

HB-2037

Submitted on: 1/28/2020 10:23:25 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbow	Rainbow Family 808	Support	Yes

Comments:

Rainbow Family 808 supports all families thus we strongly support HB 2037. HB 2037 needs Strong support in view of the current attacks on our Bill of Rights and our US Constitution in both houses of Congress. Any lack of support will be seen as weakness in our long history of support of minorities.

Each day we suffer another loss of one of the basics of our fundamental beliefs of Peace and Justice for all. One of our heroes, Martin Luther King, Jr. Said "Justice delayed is Justice denied." With the precarious status of today, we need to stand up for every support possible of those discriminated in all walks of life.

The Hawai'i State Bureau on the Status of Women is one way we attempt to bring Discrimination and other forms prejudice. Now is the time to open the door for vigilant support and assistance to our LGBT community before more attacks are suffered by this community. Some states have already begun stripping rights from our LGBT children: denying citizenship of Adopted children of LGBT couples; stripping the rights of LGBT couples to serve as Foster Families in an area that is serverly underserved and others.

Rainbow Family 808 requests that HB 2037 post haste.

Thank you for your consideration.

Sincerely,

Carolyn Martinez Golojuch, MSW

Founding President - Rainbow Family 808

