

STAND. COM. REP. NO. 157

Honolulu, Hawaii

Feb 10, 2009

RE: H.B. No. 444
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 444 entitled:

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

begs leave to report as follows:

The purpose of this bill is to statutorily establish civil unions for same-sex couples and provide partners to a civil union with the same rights, benefits, and responsibilities granted to spouses in a marriage.

A member of the Board of Education, the Democratic Party of Hawaii, Hawaii State AFL-CIO, Hawaii Government Employees Association, Hui O Mana Ka Pu'uwai Outrigger Canoe Club, TriKauai Triathalons, Holy Innocents Episcopal Church, Planned Parenthood of Hawaii, "I Do" Weddings, Profile Video Productions, Kauai Island Weddings, Screen Actors Guild Hawaii Branch, First Unitarian Church of Honolulu, Family Equality Coalition, Interfaith Alliance Hawaii, Waikiki Neighborhood Board, National Association of Social Workers - Hawaii, Legislative Committee of the Democratic Party of Hawaii, Gregory House Programs, League of Women Voters of Hawaii, Pride Hilo, Progressive Democrats of Hawaii, Children of Lesbians and Gays Everywhere, Da Moms, Kauai Wedding Professional Association, Japanese American Citizens League - Honolulu Chapter, Hawaii Friends of Civil Rights, Life Foundation, Americans for Democratic Action/Hawaii, Hawaii Women's Political Caucus, PFLAG - Oahu, American Friends Service Committee, Filipino American Citizens League, League of Women

HB444 HD1 HSCR JUD HMS 2009-1981



Voters of Hawaii, American Civil Liberties Union of Hawaii, Nursing Advocates & Mentors, Inc., Pride At Work Hawaii, Hawaii State Democratic Women's Caucus, Hawaii HIV/AIDS Community Planning Group - Steering Committee, University of Hawaii Professional Assembly, Advocates For Consumer Rights, GLBT Caucus of the Democratic Party, and a multitude of concerned individuals supported this bill.

The Office of the Lieutenant Governor, Hawaii Family Forum, Christian Voice of Hawaii, Hawaii Christian Coalition, Pro-Family Hawaii, Beth Israel Ministries, Good News Jail & Prison Ministry, Christians in Real Estate, ACTS Foundation, Fiction Readers, Grace 4U Ministries, Fishnet Ministries, Brother Ben Prison Ministries, River of Life Mission, SADAKA International Dance Company, Island Women Restore Lives, Victory Ohana Prison Ministries, Sons of Issacar, Christ Centered Consulting, Market Place Ministries, Youth Vision, Christian Voice of Hawaii, International Dance Academy, The Open Door Academy, Windward Spouse Abuse Shelter, Ho`olohe Pono, Heart Light Ministries, Mercy Ministries International, Shelter of Wisdom, It's All His, It's All God's Ministry, Surfing the Nation, Dads Against Drugs, A2 Media, Hawaii Helps Disabilities, Waikiki Beach Outreach, HE Reigns Christian Network, and numerous concerned individuals opposed this measure.

Several concerned individuals provided comments.

By establishing the status of civil unions for same-sex couples in our state, it is not your Committee's intent to revise the definition or eligibility requirements of marriage under Chapter 572, Hawaii Revised Statutes (HRS).

The status of civil unions proposed in this bill conveys rights, benefits, and responsibilities to both partners of a committed couple who wish to take the legal steps necessary to formalize their relationship. Your Committee finds that the promotion of stable, committed relationships in which private citizens are legally obligated to look after each other's best interests and affairs serves an important public policy, and that if more private citizens are legally obligated to look after each other's well-being, government may be able to direct its efforts in such areas as health and human services in a more focused and efficient manner.



Your Committee notes that this measure does not require or allow a same-sex marriage recognized in another state to be recognized as a marriage in this state, nor does it require a person licensed to perform marriages in this state, whether clergy or not, to undertake solemnization of a civil union.

Your Committee notes its intent that, by automatic operation of law, application of this measure to section 572C-7(c), HRS, would result in the termination of a reciprocal beneficiary relationship upon application by a party thereto for a license to enter into a civil union. The act of application for a license to enter into a civil union, therefore, would result in the eligibility of persons who are party to a reciprocal beneficiary relationship to apply for a license for civil unions without further procedures, assuming that all of the other criteria in section -2 of the proposed new chapter are met.

Some supporters of this measure have expressed concern that section 3 of this measure, which elaborates on the extent to which marriage rights apply to civil unions, may not comprehensively address all issues relating to the protection and benefits afforded to children of same-sex couples. Although your Committee did not intend any omission in that respect, and intends that the language of the measure as currently drafted comprehensively addresses these concerns, your Committee encourages further examination of such issues.

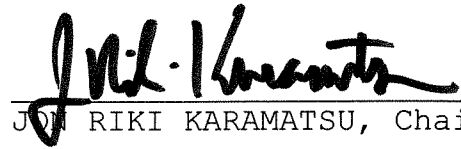
Your Committee has amended this measure by:

- (1) Clarifying that individuals may not simultaneously be parties in a reciprocal beneficiary relationship under Chapter 572C, HRS, and partners to a civil union;
- (2) Adding the term "guardian" to provisions regarding conservatorship; and
- (3) Making various technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 444, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 444, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



