

STAND. COM. REP. NO.

156

Honolulu, Hawaii

Feb 9, 2011

RE: S.B. No. 232
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 232, S.D. 1, 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 in Hawaii, and in so doing provide partners to a civil union the same rights, benefits, and responsibilities granted under chapter 572, Hawaii Revised Statutes (HRS). By establishing civil unions, it is not your Committee's intent to revise the definition or eligibility requirements of marriage under chapter 572, HRS.

The Governor, Office of the Lieutenant Governor, Hawaii Civil Rights Commission, Progressive Democrats of Hawaii, University of Hawaii Professional Assembly, American Civil Liberties Union of Hawaii, GLBT Caucus, Japanese Americans Citizens League, Private Work Hawaii, Parents Families and Friends of Lesbians and Gays Oahu, Honolulu Pride, Planned Parenthood Hawaii, Americans for Democratic Action, Hawaii Alliance for Retired Americans, Lambda Legal, Equality Hawaii, Integrity Hawaii, Hawaii State AFL-CIO, Unite Here Local 5, ILWU Local 142, Da Moms, American Friends Service Committee, Mestizo Association, Holy Innocents Episcopal Church, Lambda Law Student Association, Hawaii State Democratic Women's Caucus, Lambda Legal Defense and Education Fund, Both Sides Now, Citizens for Equal Rights, XYZ Gay-Straight Alliance of

SB232 HD1 HSCR JUD HMS 2011-2044



the University of Hawaii at Manoa, Le Jardin Gay-Straight Alliance, a member of the Board of Education, and copious numbers of concerned individuals testified in support of this bill. Hawaii Citizens for the Separation of Church and State, Hawaii Family Forum, Hawaii Catholic Conference, Pro-Family Hawaii, and a large multitude of concerned individuals opposed this measure. The Department of the Attorney General, the Democratic Party of Hawaii, the Employees' Retirement System, The Williams Institute, and several individuals offered comments.

Your Committee finds that this measure will provide fairness and equality to all committed couples under state law and that the promotion of stable, committed relationships in which private citizens are legally obligated to look after the well-being of one another serves an important public policy interest. By increasing the number of legally recognized couples, state government may more efficiently direct its efforts in such areas as health and human services.

It is the intention of your Committee that this measure be liberally construed to provide equality of rights, benefits, protections, and responsibilities to the partners of a civil union. It is not the intention of your Committee to omit any substantive rights, benefits, protections, or responsibilities with respect to the application of this new chapter to any current law, including any law relating to parent-child relationships.

Your Committee has amended this measure by:

- (1) Adding three new sections to specifically include civil unions and the partners to a civil union in the application of chapters 231 (administration of taxes), 235 (income taxes), and 236D (estate and transfer tax), HRS;
- (2) Specifically granting jurisdiction over all proceedings relating to the annulment, divorce, and separation of civil unions to the family court of each circuit;
- (3) Clarifying that for a civil union entered into in a jurisdiction other than Hawaii to be recognized, it must have been performed in accordance with the laws of the other jurisdiction and can be documented;



- (4) Codifying the references and inclusions provision for the terms denoting family and spousal relationships in the new chapter establishing civil unions; and
- (5) Making technical, nonsubstantive revisions for the purposes of 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 S.B. No. 232, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 232, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



GILBERT KEITH-AGARAN, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 156

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB232, SD1 (SSCR21)	Committee Referral: JUD	Date: 2/8/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.				✓
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. ITO, Ken	✓			
8. LUKE, Sylvia	✓			
9. McKELVEY, Angus L.K.				✓
10. MORITA, Hermina M.	✓			
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.			✓	
13. TSUJI, Cliff	✓			
14. FONTAINE, George R.			✓	
15. MARUMOTO, Barbara C.	✓			
16. THIELEN, Cynthia	✓			
TOTAL (16)	11	0	2	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Karl Rhoads</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				