

Honolulu, Hawaii

April 27 , 2012

RE: H.B. No. 2569
H.D. 2
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2569, H.D. 2, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to reconfirm and clarify the original intent of the Hawaii civil union laws enacted by Act 1, Session Laws of Hawaii 2011, by, among other things:

- (1) Clarifying that two individuals who are married, partners to a civil union, or reciprocal beneficiaries and hold property as tenants by the entirety will maintain continuous ownership as tenants by the entirety when they change their legal relationship status under specified conditions;



- (2) Establishing that if two reciprocal beneficiaries enter into a civil union with one another, their rights, benefits, protections, or responsibilities as reciprocal beneficiaries will be continuous through the time they enter into the civil union and be deemed to have accrued from the first date those rights and responsibilities existed under the reciprocal beneficiary relationship if the couple terminates their reciprocal beneficiary relationship simultaneously with their entry into their civil union or terminates within ninety days prior to their entry into a civil union;
- (3) Clarifying that the rights, benefits, protections, or responsibilities created by the solemnization of a civil union that were not included within a reciprocal beneficiary relationship are to be recognized as of the date the civil union was solemnized;
- (4) Clarifying the statutory requirements for a valid marriage contract and to enter into a valid civil union;
- (5) Clarifying the statutory requirements for the solemnization of a civil union, including which persons are authorized to solemnize a civil union and the reporting requirements of a civil union solemnization;
- (6) Clarifying that legal unions validly performed in other state jurisdictions that are substantially that are equivalent to a civil union in this State will be treated the same as civil unions entered into in this State;
- (7) Clarifying that a person may not enter into a reciprocal beneficiary relationship if the person is already in a civil union, and that a reciprocal beneficiary relationship will automatically terminate when either party enters into a marriage, civil union, or an out-of-state union recognized by law as a marriage or civil union in the State;
- (8) Authorizing a change of name upon entering into a civil union;
- (9) Confirming that the Family Court has jurisdiction over the divorce, annulment, and separation of a union that is recognized as a civil union in this State;



- (10) Allowing couples who terminated their reciprocal beneficiary relationships after October 3, 2011, but before the effective date of this Act, and subsequently entered into civil unions no later than ninety days after their reciprocal beneficiary relationships terminated to have their rights held in the reciprocal beneficiary relationships carry over, uninterrupted into their civil unions; and
- (11) Allowing certain reciprocal beneficiaries who, prior to the effective date of section 17, enter into a legal union in another jurisdiction that is not marriage as recognized in Hawaii but is equivalent to a civil union under Hawaii law, to have their legal union recognized as a civil union.

Your Committee on Conference has amended this measure by:

- (1) Simplifying Section 1 of this measure to emphasize the legislature's intent to reconfirm and clarify the provisions of chapter 572B, Hawaii Revised Statutes, as enacted by Act 1, Session Laws of Hawaii 2011;
- (2) Including a provision relating to a liability exemption under certain circumstances for religious organizations and religious facilities; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2569, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2569, H.D. 2, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



CLAYTON NEE, Chair



GILBERT KEITH-AGARAN, Co-Chair



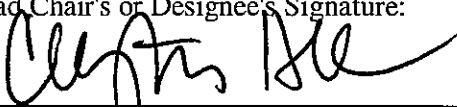
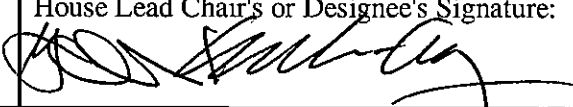
JOSH GREEN, M.D., Co-Chair



MARCUS R. OSHIRO, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2569, HD 2, SD 1					Date/Time: 04-27-12 5:56pm						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
HEE, Clayton, Chr.		✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.		✓			
GREEN, Josh, M.D., Co-Chr.		✓				OSHIRO, Marcus R., Co-Chr.		✓			
IHARA, Les, Jr.		✓				HAR, Sharon E.		✓			
						ITO, Ken					✓
						THIELEN, Cynthia		✓			
TOTAL		3	0	0	0	TOTAL		4	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
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