



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2011**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 232, S.D. 1, RELATING TO CIVIL UNIONS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 8, 2011 **TIME:** 2:15 p.m.

**LOCATION:** State Capitol, Room Aud

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Heidi M. Rian, Deputy Attorney General

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Chair Keith-Agaran and Members of the Committee:

The Attorney General provides the following comments on this measure.

The intent of this bill is to provide partners to a civil union with "all the same rights, benefits, protections, and responsibilities" as are provided to couples who marry under Hawaii's marriage laws, but without revising the definition or eligibility requirements of marriage. Eligibility for civil union status does not require that the partners be of opposite sexes.

We believe that the bill, if enacted in its present form, would be legally valid and defensible. However, it contains some omissions and ambiguities that could make implementation difficult. To improve the chances that the bill's intention will be met, we propose the following amendments.

First, the bill does not specifically address the ability of civil union partners to file joint State tax returns. Currently, section 235-93, Hawaii Revised Statutes (HRS), states that "a husband and a wife, having that status for purposes of the Internal Revenue Code and entitled to make a joint federal

return for the taxable year, may make a single return jointly . . . ." It is possible that partners to a civil union would not be eligible to file joint State tax returns because of this section's dependence on the Internal Revenue Code. According to the Internal Revenue Code, at 26 U.S.C.A. § 6013, husbands and wives may file jointly; under the federal Defense of Marriage Act (DOMA), a husband and a wife must be legally married persons of the opposite sex. One could argue that this bill, as the later and more specific enactment, would prevail over the earlier and more general tax statute, but the outcome is not clear.

To avoid the possibility that partners to a civil union would be unable to enjoy the same tax status as married couples because of the Hawaii tax law's reference to federal eligibility, we suggest amending chapters 231, 235, and 236D, HRS, to include a new section in each that would read as follows:

Notwithstanding federal law to the contrary, all provisions of the Internal Revenue Code operative for the purpose of this chapter that apply to a husband and wife, spouses, or persons in a legal marital relationship shall also apply with the same force and effect to partners in a civil union as if they were "husband and wife," "spouses," or other terms that describe persons in a legal marital relationship.

Second, this bill does not specifically address the termination of a civil union partnership. Chapter 580, HRS, governs divorce. It is not clear whether Hawaii courts would determine that the chapter may be used to terminate a civil union partnership. On the one hand, the chapter contains numerous references to "marriage" and "the bonds of matrimony," as in § 580-41: "The family court shall decree a divorce from

the bond of matrimony upon the application of either party when the court finds: (1) The marriage is irretrievably broken; . . . .” Section 1 of S.B. 232, S.D. 1 states that the Legislature does not intend to revise the definition of marriage under chapter 572, HRS; under §§ 572-1 and -1.5, marriage is the relationship licensed under that chapter and is “only between a man and a woman.” So one can argue that divorce is limited to people married under chapter 572. On the other hand, this measure would give partners to a civil union “all the same rights, benefits, protections, and responsibilities under law, . . . as are granted to” persons married under chapter 572. Divorce is a protection given to married persons so that they may terminate the relationship. This measure does not provide another means for terminating a civil union relationship. Thus the argument would be that, for the protection of partners to a civil union, divorce proceedings under chapter 580 must be available to them. Because there is no other statutory mechanism for terminating a civil union, we believe that this is the more likely outcome, but we cannot predict how the courts would decide this issue. To avoid the difficulty, we advise an amendment to chapter 580 that would specifically give the family court jurisdiction over termination of civil unions. The following or similar language could be inserted either at the end of section 580-1, HRS, or in a new section in chapter 580:

The family courts shall have jurisdiction over all proceedings relating to the annulment, divorce, and separation of civil unions in the same manner as marriages.

Third, the bill does not address adoption by civil union partners. Section 578-1, HRS, now allows only an unmarried person or “any person married to the legal father or mother of a

minor child, or a husband and wife jointly," to adopt a child. Section 578-16(d) requires that the parental rights of the child's "former legal parent or parents" be terminated, with one exception: when the child is "adopted by a person married to a legal parent of the individual, . . . ." This is often referred to as the step-parent exception. Recently the family court refused to authorize one party in a same-sex reciprocal beneficiary relationship to adopt the biological ("legal") parent's child unless the biological parent's parental rights were first terminated, because the non-biological-parent partner was not "married" to the biological parent. (The case is currently on appeal to the Intermediate Court of Appeals.) If this measure becomes law, the same problem could arise for partners in a civil union who wanted the non-biological-parent partner to adopt the other's child, unless courts read the statute broadly or the bill makes clear that civil union partners are to be treated the same as "married" individuals for this purpose.

Similarly, partners to a civil union would not both be able to adopt a child who is not the biological child of either of them unless a judge read the term "husband and wife" to include partners to a civil union.

To avoid these problems, we recommend that this bill amend sections 578-1 and 578-16(d) to make clear that partners to a civil union have the same status as individuals married to a legal parent, or as husbands and wives, for the purposes of these sections. The first sentence of section 578-1 could be amended to read as follows:

§578-1 Who may adopt; jurisdiction; venue. Any proper adult person, not married, or any person married to the legal father or mother of a minor child, or a husband and wife jointly, or partners to a

civil union jointly, may petition the family court of the circuit in which the person or persons reside or are in military service or the family court of the circuit in which the individual to be adopted resides or was born or in which a child placing organization approved by the department of human services under the provisions of section 346-17 having legal custody (as defined in section 571-2) of the child is located, for leave to adopt an individual toward whom the person or persons do not sustain the legal relationship of parent and child and for a change of the name of the individual.

And section 578-16(d) could be amended to read as follows:

(d) Except as provided in subsection (e), all legal duties and rights between the individual and the individual's former legal parent or parents shall cease from the time of the adoption; provided that if the individual is adopted by a person married to a legal parent of the individual, or a person in a civil union with a legal parent of the individual, the full reciprocal rights and duties which theretofore existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, as provided in chapter 560, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parents by reason of the adoption.

Fourth, this bill's section on out-of-state unions (page 7, lines 17-21) does not specify that in order to be recognized in Hawaii as a civil union, those out-of-state unions must have been formalized or recorded, or that it comport with the legal requirements of the other jurisdiction. Thus, partners to a civil union not solemnized in Hawaii may be able to claim civil union status without formal documentation. This would present problems of proof when the individuals invoke rights as partners to a civil union. We recommend amending the language in the bill as follows:

§ -10 Civil unions performed in other jurisdictions. All unions entered into in other jurisdictions between two individuals not recognized under section 572-3 shall be recognized as civil unions; provided that the relationship meets the eligibility requirements of this chapter, has been entered into under the laws of that jurisdiction, and can be documented.

Finally, one of the most important aids to interpreting this bill will not be codified as currently drafted. This is the language in section 4 of the bill (page 8, lines 10-14), which specifies that a party to a civil union is to be included in various terms that "denote the spousal relationship." We recommend that this section be codified as part of the new civil unions chapter so that anyone consulting the chapter will understand its full scope.

We believe these are the most important areas to be clarified. There are others, and we would be happy to work with you on those as well.

We respectfully ask the Committee to amend this bill as described.

**UNIVERSITY OF HAWAII AT MĀNOA**

LGBT Student Services Office

**TO:** Rep. Gilbert S. C. Keith-Agaran, Chair, Senate Judiciary Committee

**FROM:** Camaron Miyamoto, Director  
LGBT Student Services, University of Hawai'i at Mānoa  
Hawaii Safe Schools Coalition

**DATE:** February 8, 2011, 2:15 p.m. in the Auditorium

**RE:** **SUPPORT of SB232 sd2 relating to Civil Unions**

Dear Gilbert S. C. Keith-Agaran and Members of the Senate Judiciary Committee:

Thank you for this opportunity to testify tonight; my name is Camaron Miyamoto. I am tenured faculty at the University of Hawaii at Manoa where I am the coordinator of Lesbian, Gay, Bisexual and Transgender (LGBT) Student Services. I am also founding member (1999)/co-chair of Hawaii Safe Schools Coalition. Our coalition continues to advocate for efforts to curtail harassment, bullying and discrimination in our schools.

As a professional who continues to work directly with students, I am **gravely concerned the negative messages sent to the students of Hawaii who are made to believe that they can not hope or dream for marriage, or even the civility of a civil union.**

The most recent data from the Department of Health/Centers for Disease Control Youth Risk Behavior Survey shows that of all fifty states, students in our public schools have the worst results in relation to suicide ideation and attempts—this is directly relating to on-going harassment and bullying.

I ask you, what will your legacy be? As you vote today, will you encourage liberty and justice for all? ...or will you validate the claims of those who believe that lesbian, gay, bisexual, transgender people do not deserve the same respect, compassion, or even tolerance of other human beings.

Regardless of any personal beliefs or faith traditions, I implore you to allow others and their families to be truly valued as equal citizens of our democracy. Please, we must not a message to our young people of Hawaii that they must leave Hawaii, their home, in order to have their civil unions recognized. Please support tolerance and aloha and vote in support of SB232 SD1.

Mahalo,



Camaron Miyamoto, Coordinator

## LGBT Student Services

LATE TESTIMONY



## Citizens for Equal Rights

*"We Believe in Equal Rights For All"*

equality808@gmail.com • (808)528-6888  
www.tinyurl.com/equality4808  
2343 Kula Kolea Dr. • Honolulu, HI 96819

Dear Chair Rep. Gilbert S.C. Keith-Agaran, Vice-Chair Rep. Karl Rhoads, and Members of the House Committee on Judiciary:

My name is Rachel Orange and I am here to testify on behalf of Citizens for Equal Rights, a group of more than 1000 citizens from both the straight and LGBT community. Our group includes many progressive business executives and civil servants, and people from all professions: teachers, doctors, lawyers, entertainers, students. I invite you to visit our website at [www.equality808.com](http://www.equality808.com) to meet the great diversity of people of many religions and ethnicities, all ages and communities who have chosen to call themselves Citizens for Equal Rights.

This testimony is supplemental to the general statement of support that I submitted yesterday. While we believe SB 232 is a hopeful step in the direction of providing equality and justice for all families through civil unions, we also believe that there are some potential amendments that would assist in the ease of implementation and interpretation. The following page outlines some areas of SB 232 that could merit amending for clarification. Amending SB232 SD1 with language that addresses these areas of uncertainties would NOT add any more benefits, rights, protections and or responsibilities; it would simply clarify some uncertainties in the bill.

Please amend for clarity and vote in favor of SB 232. Common decency and our sense of justice and aloha demand it.

Respectfully submitted,  
Rachel S. Orange  
President, Citizens for Equal Rights

**Uncertainties Regarding Civil Union Benefits Based on the Statutory Definition of Marriage**

SB232, SD1, § -9 states that “partners to a civil union...have all the same rights, benefits, protections, and responsibilities...as are granted to those who...are solemnized pursuant to chapter 572” [marriage statute defines marriage as limited to “only a man and a woman”], however, Section 1 of the bill also states “it is not the legislature’s intent to revise the definition or eligibility requirements of marriage under chapter 572.”

Certain statutes specifically rely on the definition of marriage and related definitions, such as “bonds of matrimony”, “marries”, “remarries”, “remarriage”, and “husband and wife”. Without revising the definition of marriage to include civil unions or specifically applying these statutes to civil unions, there is uncertainty on whether civil union partners are eligible for the rights, benefits, etc. described below.

1. **Ability to terminate a civil union** [HRS Chapter 580 provides divorce as a protection given only to married persons to enable them to terminate the relationship]
2. **Child adoption by civil union partners** [HRS 578-16(d) was recently interpreted by a court (on appeal) to require a biological parent to first terminate their parental rights before a reciprocal beneficiary parent can adopt the child; this interpretation may also apply to civil union partners]
3. **Terminating workers’ compensation benefits when surviving spouse enters civil union relationship** [HRS 386-43 may allow not terminate workers’ compensation death benefits to a surviving spouse after the spouse enters a civil union relationship (and given 2 years’ worth of benefits in lump sum instead)]
4. **Continuing civil union spouse’s long term care coverage after termination of the relationship** [HRS 431:10H-205(j) allows a married or reciprocal beneficiary (RB) spouse who has long term care insurance through their partner to continue LTC coverage after death or dissolution of marriage or RB, but statute’s terms of continued coverage may terminate LTC insurance for a civil union spouse]
5. **Eligibility of state retirement benefits for surviving civil union spouse; terminating state retirement benefits after a surviving spouse enters a civil union relationship** [HRS Chapter 88 on state pension and retirement systems may not allow a civil union spouse to be eligible for retirement benefits as a surviving spouse, and may also allow a surviving spouse to continue receiving survivorship benefits after entering into a civil union relationship]
6. **Employer contributions when both civil union partners are state employee-beneficiaries** [there may uncertainty in calculating employer contributions for civil union partners who are both employee-beneficiaries subject to HRS Chapter 87A]

**Uncertainties Regarding Civil Union Benefits Related to Federal Definitions of Marriage**

1. **Filing joint state tax returns** [HRS 235-93 allows entitles only “husband and wife, having that status for purposes of the Internal Revenue Code” to file a single tax return jointly]
2. **Federally funded public assistance benefits**, including Medicaid, TANF (temporary assistance to needy families), CCDF (child care and development fund block grant), and SNAP programs [while HRS346-29(c)(9) does not count spouse’s residence in determining needs of an Medicaid applicant and HRS346-29.5(b)(1) protects spouse from a lien on residence, DOMA may preclude recognition of civil union partnerships in these and other federal benefits]

**Other Uncertainties in SB 232, SD1**

1. **Loss of reciprocal beneficiary rights, benefits, and protections between issuance of civil union license and solemnization.** [SB232, SD1 requires termination of RB registration before issuance of a civil union license but the civil union may be solemnized 30 days later, thus leaving a period of up to 30 days the former RB partners would be without RB rights, benefits, and protections]
2. **Undocumented out-of-state unions recognized in Hawai’i** [§ -10 of SB 232, SD1 states that all out-of-state unions meeting the eligibility requirements of Hawai’i civil unions will be recognized by the state, which may present problems of proof when the individuals invoke rights as civil union partners]

# OlaNui!

## LATE TESTIMONY

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8 February, 2011

The Honorable Blake K. Oshiro  
Hawai'i State House of Representatives  
State Capitol  
Honolulu, Hawai'i 96813

Aloha Representative Oshiro;

Congratulations on your reelection to the legislature. Please know that you are in our best wishes and prayers as you seek to serve.

I very much regret not being able to participate in the hearing scheduled today for SB 232, SD1 (SSCR2) and HB 1453. Hence, please accept my correspondence in lieu of my testimony at the hearing.

For me and everyone who I know who opposes civil unions and efforts to codify same-sex marriage in Hawai'i, my reasons have nothing whatsoever to do with hating homosexuals or attempting to deny equal rights to anyone in these Islands. I have good friends who struggle with sexual identity issues. And not long ago, I lost a dear cousin who threw himself in front of an oncoming train rather than deal with the ravages of end-stage AIDS and some of the cruel and concomitant ridicule he had to endure from his neighbors. Please understand that.

I have my personal, reasonable and time-honored passions about supporting the true definition of marriage to stand intact as it has for thousands of years. You've doubtless heard them all. My own faith, valid social science and positive tradition support marriage as a relationship between one man and one woman. That in itself would be sufficient reason for me to oppose SB 232.

But beyond those obvious reasons, there are any number of issues surrounding this legislation and the accompanying "noise and fury" that ought to be disturbing to conscientious lawmakers. Here are four.

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I note that while SB 232 warily skirts outright mention of any intent to grant all rights of marriage to civil unions partners, the bill nevertheless accomplishes just that. Those that would contend that this is simply "same-sex marriage by another name" have a valid argument.

First of all, while §9 is worded to grant all relevant provisions to those who are solemnized "pursuant to chapter 572," you and I both know that "marriage" is intended here. That is how HB 444 read and that is also the wording used in the actual, routine "summary description" offered at the end of this bill (although the rather disingenuous caveat is also mentioned there that the summary is "not...evidence of legislative intent.") Come now. What then is the summary for? Certainly more than mere "information."

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Another concern I have is the "protections" offered in §4(b) and §4 (c). First of all, in view of (c), what is the point in the entire last sentence of (b)? The "marriages" in (b) are a subset of the "solemnizations" in "chapter 572" in (c) are they not?

Further, these two sub-sections may offer protection from State action against reluctant officiants who do not wish to perform civil unions. I wish the same could be said for protection to officiants from outside civil litigation by pairs demanding a civil union who maintain that their civil rights have been abrogated or they have been discriminated against by said officiants simply because they will not, in good conscience, perform a civil union.

I realized that HB 1244 is an attempt to afford greater protections but there is no possible way this legislation can successfully mitigate malicious lawsuits.

I am told that such litigation has already been seen in Mainland jurisdictions, often for no other reason than to spitefully force "defendants" to retain costly legal representation and sap what little assets a clergy person may already have available to care for such eventualities. SB232 does not in fact offer any protection against such actions. And this "hauling to court" of opponents is a well-documented tactic of activists demanding "rights" to same sex marriage.

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Governor Abercrombie has stated publicly on several occasions that the passage of same-sex civil unions will do nothing to alter the definition of marriage by the Legislature as one man to one woman. A number of pro-civil-union Hawai'i Representatives and Senators have echoed his contention and continue to state that there is no intent whatsoever here to head toward same-sex marriage.

If only the activists who have worked so hard these past years genuinely believed likewise. But they do not. Of course I cannot speak to your own motives in pushing so hard for this legislation. Only you know your own heart and I admire you for your convictions. But there is no doubt at all that many other voices in Hawai'i right now are not sincere.

If the experience of several other jurisdictions teaches us anything at all, it is this: many of the *VERY SAME* local and Mainland voices who most ardently argue for same-sex civil unions in the galleries and auditorium of our State Capitol today will be back some time after passage to argue next that civil unions discriminately relegate gays to second-class status and must be replaced with real "marriage." In actual matter of fact, they can be counted on to do so in court even more than at the State Capitol. Then will the state be called upon to spend resources defending the Governor's position and the intent of the real marriage provisions in our statutes?

In fact, it may very well be that the time will come that the state will be compelled by such activists to prove a compelling government interest in *any* restrictions to marriage at all. As an example, what compelling interest does the state have in restricting from civil unions any "persons who stand in relation to each other of ancestor or descendant of *any degree whatsoever*," as in §3? It is only a matter of time before those legitimate restrictions are challenged.

The State is certainly within its bounds to insist upon requirements for marriage. It is not a "civil right" per se. And to restrict certain parties from entering into Section 572 relationships does not in any way constitute support for "inequality" in a just and decent society.

Otherwise, what *legitimate* right will the State have in the future to prohibit polygamy? polyandry? Age restrictions?

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Finally, I am at least a little amazed at the blindness of some of our lawmakers to the very obvious fact that Hawai'i is being "used" to the hilt by outside interests. I have heard our tolerance of each other's differences of opinion described by Mainland gay activists as "naïve stupidity."

I have heard that our willingness to cut one another some slack on contentious issues was described in one Arlington, Virginia strategy session as "wimpy" and that we are "easily led."

And one acquaintance who once worked hard for these issues and has since left the gay lifestyle told me of a meeting he was involved in with the Human Rights Campaign (HRC) in D.C. where Hawai'i was described as the "pushover" state.

For every \$1,000 some religious groups might spend on this issue here in the Islands, at least as much comes from one known, vociferous, billionaire gay activist spending the family beer fortune on manipulating hearts and minds across the U.S. - including Hawai'i...not to mention other groups such as the HRC, et al.

Why do some members of our Senate and House insist upon turning a blind eye to the real motives behind the support for bills such as SR 232?

Please defeat SB 232 and HB 1453 and open the gateway toward further erosion of genuine marriage.

Rather, please advocate for a review of our current reciprocal beneficiaries statutes to insure that necessary rights and responsibilities be added to the law to care for some of the legitimate equal rights concerns that may have been brought to your attention in the past few years since passage of that R.B. legislation.s

Thanks sincerely for your consideration, Representative Oshiro.

Rick Lazor, M.S.W.  
OlaNui!

TIA LIST OF FLAWS AND RECOMMENDATIONS  
REGARDING SB 232  
Chair Keith-Agaran  
Vice Chair Karl Rhoads  
Committee on JUD

LATE TESTIMONY

1. **"Civil Unions" is redundant.** The so-called "marital benefits" proposed in "civil unions" are already legally available through the state reciprocal beneficiaries provisions. This makes "civil unions" redundant and unnecessary.

**Recommendation:** Do not legalize "civil unions." Instead, in the truest sense of equality, improve and use the current Reciprocal Beneficiaries program as a far more suitable, comprehensive option.

2. **The Domino Effect.** This bill does not prevent legalized "civil unions" from being 'flipped' into legalizing other types of abnormal (and currently illegal "unions"). The bill is intentionally designed to trigger a domino effect.

**Recommendation:** Amend SB 232 to insert language that specifically prohibits this "civil unions" bill and the "equality" gambit it professes from being applied to legalize "same sex marriage," incestuous unions, polygamous unions, pedophilic unions, etc.

3. **Legislative Intent.** SB 232 says it is not the "*intent*" of the legislature to redefine traditional marriage through the passage of "civil unions." But SB 232 does not prevent this measure from being used to redefine marriage.

**Recommendation:** Amend SB 232 to insert language that specifically *prohibits* this bill from redefining marriage to ensure against such an 'unintended' consequence.

4. **Compliance.** There are no delineations in SB 232 for what constitutes compliance beyond the "civil unions" ceremony. What constitutes compliance? Who is required to comply? Are there exemptions from compliance? Are there penalties for noncompliance?

**Recommendation:** Amend SB 232 to insert language that specifically defines compliance. Include penalties for non-compliance and processes for exemptions, waivers, amnesty, etc.

5. **Parental Rights.** There are no provisions in SB 232 to preserve the parents' right to determine the upbringing and education of their children. There are no provisions allowing parents to withhold their children from being exposed to morally objectionable teachings in the public schools. Without access to exemptions, parents with the desire to protect their children will be on a collision course with the state

mandated curricula generated to teach "civil unions."

**Recommendation:** Amend SB 232 to insert language that preserves parents rights to determine the upbringing and education of their children. Provide processes for exemptions, waivers, amnesty, etc.

**6. Religious Rights - Institutions.** Other than in solemnizing "civil unions" SB 232 has no provisions to preserve the 1<sup>st</sup> Amendment prohibition of state interference with religion. Without specific provisions exempting churches and their religious, educational and social ministries from compliance, the state will come into conflict with Christian, Mormon, Muslim, Jewish, Buddhist and many other faiths with doctrinal prohibitions regarding homosexuality.

**Recommendation:** Amend SB 232 to insert language that provides exemptions for religious organizations from having to comply with accommodating "civil unions" related activities.

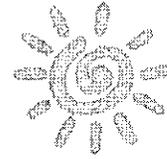
**7. Religious Rights - Personal.** SB 232 has no provisions to preserve the 1<sup>st</sup> Amendment prohibition of state interference with personally held religious beliefs and lifestyles. Without specific provisions exempting individuals from compliance, the state will come into conflict with persons of the Christian, Mormon, Muslim, Jewish, Buddhist and many other faiths with doctrinal prohibitions regarding acceptance of homosexuality as a normal behavior.

**Recommendation:** Amend SB 232 to insert language that provides exemptions for individuals with religious convictions from having to comply with accommodating "civil unions" related activities.

8. Besides these, SB 232 has failed to take into account the economic impact that civil unions will exert on businesses and government services.

**Recommendation:** SB 232 be shelved this session and a commission (or some legislative agency) be appointed to analyze and report on the projected economic impact to the State of Hawaii. That the report would be prepared and submitted to the legislature in December 2011 for consideration of SB 232 in the 2012 session.

# LATE TESTIMONY



## LIFE OF THE LAND

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Honolulu, Hawai'i 96817

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### COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

DATE: Tuesday, February 08, 2011

TIME: 2:15 PM

PLACE: Auditorium

HB 1244 RELATING TO SOLEMNIZATION  
SB 232, SD1 RELATING TO CIVIL UNIONS

**SUPPORT  
SUPPORT**

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for almost four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Hawai'i's history is one of overcoming inequalities, the Japanese interment, suppression of the Hawaiian language, women as second class citizens, etc.

SB 232 SD1 represents a very important milestone on Hawai'i's road of enacting laws supporting the aloha spirit and tolerance of diversity. A society is stronger when it is diverse, when there is respect and tolerance of diversity.

SB 232 SD1 supports the continued trend towards diverse family structures. The key to childhood development is love, and strong families can nurture the next generation.

A survey done by QMark in Nov 2007 showed that the majority of Hawaii residents agreed with the following statements:

"Committed couples and their families, regardless of their sexual preference or orientation, should have the same rights. That's the bottom line-we should treat people equally." (Yes: 73%)

"Giving rights to same-sex partners in the form of civil unions or domestic partnerships." (Yes: 56%)

HB 1244 reaffirms a religious exemption. Those with religious objections may choose not to perform civil unions.

I urge passage of SB 232 SD1 with, perhaps, an HD1 containing amendments to strengthen this important social policy.

Mahalo nui loa for this opportunity to testify.

Please support these bills

Mahalo

Henry Curtis  
Executive Director



Medicine Buddhas and Bodhisattvas  
Natural Cancer Wellness Foundation  
Dr. Myron Berney, ND LAc  
808-392-3366



## **House Bill 1453 and Senate Bill 232, SD1 Support**

Tuesday, 02-08-11 2:15PM in House conference room Auditorium.

About 25 years ago, at the UH after a lecture on Death and Dying, the Bardo Experiences, someone asked Kalu Rinpoche, his opinion on Gay relationships. Kalu Rinpoche gave a great answer. He said that gay relationships were not any better, you have all the same problems as heterosexual relationships. Well, for a Monk, Liberation doesn't depend upon having a civil union or getting married.

The Scope of Sexuality is certainly vast and beyond my mere comprehension. That having been said we all know a person's sexuality is influenced by many factors especially hormones!

OMG, PMS no only joking but we all know what those abbreviations stand for.

My point is that we must understand that everybody needs space to live. That is an inalienable right. It not very nice to go around squashing people to squeeze them out.

Number 2, medically we know that a weak liver results in abnormal steroid sex hormones, excess estrogen and feminization in men and excess testosterone and masculinization in women.

Dr. Eric R Braverman, MD professor of intergrative medicine in neurological surgery at Weill Cornell Medical College writes on how medical science has found the link between various Rx drugs and environmental chemicals and sexual dysfunction in men and women.

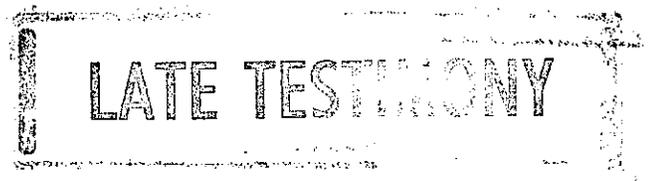
Dr. Braverman also writes on life style and dietary changes for a younger sexier you in his book by the same name.

Number 3—Who really are “they”, the defense of marriage people, defending against? Who are they defending their marriage against? Is somebody really attacking their relationship? If so, it probably isn't coming from the “outside”. The gay couple down the street isn't threatening your marriage, well unless your spouse is, you know, either G, L or Bi.

Anyway no big fear from my side?

We don't need any domestic violence directed against some other lifestyle somewhere down the road.

To: House Judiciary Committee  
Hearing: Tuesday, February 8, 2011 at 2:15 p.m.  
Room: Auditorium



To: Representative Gilbert S.C. Keith-Agaran, Chair - Judiciary Committee  
Representative Karl Rhoads, Vice Chair- Judiciary Committee  
Members of the Judiciary Committee

From: Tambry R. Young and Suzanne King, Native Hawaiians  
Board Members, Citizens for Equal Rights

RE: Senate Bill No. 232, SD1 - Testimony in SUPPORT  
House Bill No. 1453 - Testimony in OPPOSITION

Thank you for the opportunity to present testimony from our family regarding the civil unions legislation before the Judiciary Committee today.

In less than 30 days, we will be celebrating 30 years together, a huge milestone for any couple these days. We are also the proud parents of a bright, well-adjusted 11-year-old daughter. We have the same hopes and aspirations that all parents do about what the future holds for their children. Civil unions would allow our family to be treated with the dignity and fairness that all families are entitled to and which most families take for granted.

Once again, we'd like to thank you for addressing this critical issue that is important not only to our family but many other families likes ours in this state. It was a bold step many of you took last year passing HB444. At that point many families in Hawaii felt encouraged that equality for all families in Hawaii would be achieved. Unfortunately, we know that former Governor Lingle did not have the courage to support equality as many of you did last session.

While we were supportive of HB 444 last year, we would like you to consider adding some clarifying language to SB 232, SD1. We feel that adding language that would assist with implementation would help to remove any uncertainties that could arise if SB232 SD1 is passed in its present form.

In regards to adoption, Suzanne and I were fortunate to be able to be granted co-parent adoption giving us equal rights to Shylar without Tambry having to give up her rights. However, it was a stressful and expensive process and for other couples like us it is not always a guarantee that they will have the same successful results we did. SB 232 in its present form should be clarified to ensure that the individuals in a civil union have equal protections and responsibilities in regards to the children of that relationship in whatever circumstance may arise.

When it comes to filing our state taxes, we want to be sure that we can file jointly to make it easier to file one joint return and also to reduce our filing fees and taxes owed.

Additionally, we would like to ensure that there is not a gap in protections for couples who are required to terminate their RB before receiving their civil union license, and then have to complete their formal civil union process. 232 could be made clearer to prevent such a gap from happening.

The inclusion of clarifying language similar to that found in both HB1623 and SB231 would help to make interpretations in these areas more clear and concise.

Amending SB232 SD1 with language that addresses these areas of uncertainties would NOT add any more benefits, rights, protections and or responsibilities. It is only to assist in the ease of implementation and interpretation.

In reference to HB1453, while submitted with very good intentions, we would not be in support of this particular bill because it lacks simplicity and completeness, which is necessary to make a system workable. While it provides for a registration system like RBs, it lacks a formalized process that celebrates the new family relationship that is being created under law. That ceremony is important both because it reinforces to the couple that they have important legal duties to each other and any kids they have or will have, and it reinforces to others that the couple should be seen as responsible for each other – they can speak for each other, they should be supported in caring for each other, and they should be held to their commitments to each other. There needs to be a complete package of legal tools that everyone can understand. Anything less than that denies fair treatment.

We urge you to support SB 232, SD1 with changes mentioned above in order to end our daily struggles and so that families like ours can be strengthened with the protections we are entitled to as citizens of this state.

Mahalo.

Tambry R. Young and Suzanne King  
tambry.young@gmail.com  
skking81@gmail.com

Richard S. Miller  
Professor of Law, Emeritus and former Dean

E-mail: [rmiller@aya.yale.edu](mailto:rmiller@aya.yale.edu)

January 24, 2011

**TESTIMONY IN STRONG SUPPORT OF SB232, CIVIL UNIONS**

Dear Legislators,

There are important reasons why you should support Civil Unions as permitted in SB232:

SB232 establishes a very reasonable regime which accommodates important religious sensibilities as well as the First Amendment and the Equal Protection Clause of the U.S. Constitution. The U.S. Supreme Court has held that under the First Amendment "government should not prefer one religion to another, **or religion to irreligion.**" *Board of Education of Kiryas Joel Village School District v. Grumet*, 512 U.S. 687 (1994) (Emphasis added.) The Equal Protection clause mandates that no state shall "deny to any person within its jurisdiction the equal protection of the laws."

SB232 very happily accommodates and accepts the view that religious bodies will remain free, subject only to traditional legal constraints, to award the religious sanctity of **marriage** only to those persons who share their religious values. At the same time, it also accepts and accommodates the important view that, where the parties do not seek or want, **or, like many same-sex couples, cannot get** the approval of a religious institution for their union, they can be joined by a civil union which will provide them the civil rights and responsibilities that are vital to their well-being and to their lives, but not the religious blessings and obligations. **Importantly, this applies to opposite sex couples as well as to same-sex couples.**

This accommodation gives substantial effect to the wise biblical admonition: "Render unto Caesar the things which are Caesar's, and unto God the things that are God's." Matthew 22:21 (The former are currently the very important civil rights and responsibilities which arise from a marital union. The latter are the spiritual blessings of marriage.)

Thus, by virtue of SB232, the many and very important **civil rights and responsibilities** embodied in the marriage laws -- so important to the partners' well-being and human dignity -- will become available to those, whether of opposite sex or same sex, who seek a civil union without the religious constraints or oaths required by marriage. And, at the same time, the regime of marriage sanctified by our religious institutions remains available to those who seek it **and who qualify for it under the rules of their chosen religious institution and the current marriage laws. No religious institution will be required to award the status of marriage to those who may not meet the institution's requirements.** This, I think, is a perfect accommodation with the requirements of the U.S. Constitution.

Thank you for considering my personal views.

Sincerely yours,



Richard S. Miller

# LATE TESTIMONY

**STATEMENT ON SENATE BILL 232, SENATE DRAFT 1,  
A BILL FOR AN ACT RELATING TO CIVIL UNIONS, AND  
HOUSE BILL 1453, A BILL FOR AN ACT RELATING TO LEGAL RELATIONSHIPS**

**By**

**Lynn D. Wardle**

**to the**

**HOUSE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**

**Gilbert S.C. Keith-Agaran, Chair**

**Karl Rhoads, Vice Chair**

**Tuesday, February 8, 2011**

I am honored to submit this written statement about S.B. 232 (S.D.1), and H.B. 1453 which this committee is considering today. These bills would create a new legal status called “civil unions” in Hawaii and confer upon persons who register for civil unions “all the same rights, benefits, protections, and responsibility under law . . . as are granted to those who contract . . . [a licensed marriage] pursuant to chapter 572.” In addition, I will comment on H.B. 1244 which purports to protect some degree of religious liberty for churches to decline to perform civil union ceremonies or provide services for them, but which fails to protect religious liberty of individuals.

By way of introduction and for purposes of identification only (for I do not speak for any other person or institution except myself), I am the Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at Brigham Young University. I have taught Family law for over three decades. I am the former President of the International Society of Family Law, and still serve on the Executive Council of that global learned society. I am a founding Co-Chair of the International Academy for the Study of the Jurisprudence of the Family. I am a member of the American Law Institute. I have published over 100 articles, and several books, dealing with family law and related topics. I have lectured or taught about family law and related subjects in more than twenty nations. I have testified before both the U.S. Senate and the U.S. House of Representatives, and before several state legislative bodies concerning family law issues, including specifically marriage and same-sex unions.

It was my privilege to testify before this committee in 1997 about the constitutional amendment and connected legislation which created “Reciprocal Beneficiaries” and I was honored that the legislature’s decision then (to support both) coincided with the advice I offered and the support I provided for the compromise that joined the constitutional marriage amendment (structural) with the Reciprocal Beneficiaries legislation.

The good points of the bills that are before the committee today is that they do not extend the legal status and label of “marriage” to same-sex couples. The label and formal legal status of “marriage” is properly reserved for the unique relationship of man and woman.

The bad points of these bills, however, outweigh the good point, and the fact that they do not do all the harm that could be done to marriage. I mention four problems.

First, these bills create same-sex marriage with another label. Marriage is not just a label. There also is a substance of marriage. The substance of marriage is the bundle of rights and duties

which the laws and which society confers upon the unique (and uniquely valuable) relationship. Relationships that are given that bundle of rights are in substance and reality “marriages.” (As Shakespeare suggested, “A rose by any other name” is still a rose.)

These bills give all of the substance of marriage -- the entire bundle of legal rights, duties and privileges of marriage – to same-sex couples. Thus, they create same-sex marriage in substance. But they preserve the mere name, the label of “marriage” for male-female unions. Obviously, the substance of marriage is usually much more important than the mere label. To confer the substance of marriage but not the label of marriage creates a “truth-in-labeling” problem.

These bills do create same-sex marriage in substance. That is inconsistent with good policy, and undermines the value of marriage.

Second, these bills also will do a bad dis-service to same-sex couples. Marriage and its substance (rights, duties, privileges) has been customized over the centuries, over millennia, for the particular qualities of male-female unions and gender-integrating relationships. To simply “cut-and-paste” the legal benefits, rights and duties that were specifically crafted for male-female couples and extend them to same-sex couples is like taking a square peg and forcing it into a round hole. It will create friction; it will be a poor fit; it will distort marriage and will create problems for same-sex couples.

Third, a civil union bill that was tailored specifically to the qualities and characteristics of same-sex unions would be appealing and would be worth considering. Neither of the civil union bills is carefully tailored or customized. A cut-and-paste bill like the bills before this committee are very inadequate and show inappropriate drafting reflecting concerns other than good drafting.

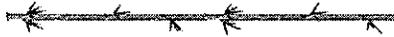
Fourth, these bills create major religious liberty issues. Individuals may have strong moral, religious and conscience objections to facilitating same-sex marriage-equivalent civil unions. Such problems have led to threats of firing, resignations, lawsuits and major issues in other states that have legalize same-sex civil unions and also states with same-sex marriage.

There is not protection for individual rights of conscience or religious liberty in any of the bills before this committee. H.B. 1244 is not a real religious liberty bill. It gives minimal protection for religious organizations and their agencies and operations, but unfortunately it contains absolutely no protection of or exemption for individual religious liberty or for the exercise of rights of religion or conscience by private persons. It provides no protection at all for individuals who for reasons of sincere, deeply-held religious conviction would not want to assist, support or facilitate or provide goods or services to same-sex unions or ceremonies. That lack of consideration of, lack of respect and protection for, and lack of exemption for individual religious conscience or individual religious liberty is a serious flaw. Religious liberty is not just to protect corporations, but it is intended primarily to protect individual liberties. The Hawaii legislature ought to be more careful, sensitive and respectful of individual religious liberty interests. The false protection offered by H.B. 1244 is no protection at all for religious liberty of individuals, and is unworthy of Hawaii’s great tradition of respect for religious liberty.

Thank you for considering my statement.

# LATE TESTIMONY

KAT BRADY  
76 NORTH KING STREET #203  
HONOLULU, HI 96837  
[katbrady@hotmail.com](mailto:katbrady@hotmail.com)



## COMMITTEE ON JUDICIARY

Rep. Gilbert Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Tuesday, February 8, 2011

Room 325

2:15 p.m.

**HB 1244 – Solemnization – Comments**

**SB 232 SD1 – Civil Unions - STRONG SUPPORT with suggestions**

[JUDTestimony@capitol.hawaii.gov](mailto:JUDTestimony@capitol.hawaii.gov)

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

I am Kat Brady, testifying today as a proud Citizen for Equal Rights.

### **HB 1244 – Solemnization**

*COMMENTS:* Religious institutions already have the right to refuse to solemnize and do not solemnize some unions. Section - 4 (c) of SB 232 SD1 clarifies that there is no requirement for anyone authorized to perform solemnizations.

### **SB 232 SD1 – Civil Unions**

*STRONG SUPPORT with suggestions:*

Chair Keith-Agaran, mahalo for hearing this important rights bill. It is decisions like this that define a legislature. They become reference points in history. Landmark bills that define a culture...a community. They call out to the best in each of us to rise above our personal interests and they force us to think about the greater good – to think way beyond ourselves sometimes.

I am proud that Hawai'i has always been a bright spot in the world as a welcoming and tolerant place where the content of one's character is valued. Hawai'i's constitution enshrines these values in our privacy and equal protection clauses.

That's why we are here today. This is about granting each citizen of Hawai'i equal protection under the law – the way the framers of Hawai'i's Constitution envisioned it.

Rights have never been gained or enhanced by popular vote. The framers of the constitution knew that...and they specifically protected against that.

It is a fact that communities evolve. We see examples across the globe of what happens when people work together. We see how their communities evolve with the times and with their physical, social and economic environments.

Legalizing civil unions is the current evolution of our community. Civil unions recognize families that already exist, and have always existed, in Hawai'i nei. Civil unions make families equal. Creating a civil unions law ensures that all Hawai'i families will now possess the same rights and responsibilities. That's equality. That's fairness. That's what the framers of our constitution meant.

Strong families build strong communities. Strong communities tend to be safe communities because everyone looks out for everyone else. That is why the word commUNITY – ends with UNITY. Because we care for and about each other. We are a commUNITY. We are Hawai'i

I know that as policymakers you want to develop the best public policies possible, and in that spirit I humbly ask that the committee consider some of the provisions that are contained in HB 1623 including, but not limited to amendments to Chapter 584 regarding a child or children of parents in a civil union and amendments needed regarding taxes in Chapters 231, 235, and 236 (D).

Again, I commend the committee for hearing these bills and for being part of a moment in history that will be celebrated for generations to come. A moment when Hawai'i upheld the rights enshrined in our constitution and marched our state forward. You are poised on the brink of history, a chance one rarely gets - to cast a landmark vote that will be remembered forevermore.

I urge passage of SB 232 SD1 with, perhaps, an HD1 containing amendments to strengthen this important social policy.

Mahalo nui for this opportunity to testify.

*The good we secure for ourselves is precarious and uncertain  
Until it is secured for all of us and incorporated into our common  
life.*

Jane Addams



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### Support for H.B. 1453 and S.B. 232

Kathy Malasky [kmalasky@hawaii.rr.com]

**Sent:** Tuesday, February 08, 2011 9:48 AM

**To:** JUDtestimony

In my absence, I respectfully request that you to support the bills H.B. 1453 and S.B. 232 at the House Judiciary Committee on Tuesday, February 8, 2011 at 2:15 p.m. in the Auditorium. I believe it is long overdue to allow civil unions and same sex marriage. I think all citizens are entitled to family and the pursuit of happiness. The government should support ALL citizens in their pursuit of happiness, not just the ones who have the exact same beliefs and lifestyle as I do. Freedom to pursue the right to happiness in a basic right given by our Constitution.

Thank you for your attention to this important matter.

Sincerely,

Kathleen M. Malasky  
76-6329 Leone St.  
Kailua-Kona HI 96740  
808-329-8357

LATE TESTIMONY



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**Testimony for SB232 on 2/8/2011 2:15:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 08, 2011 9:06 AM

**To:** JUDtestimony

**Cc:** onlyJESUS.wtr@gmail.com

Testimony for JUD 2/8/2011 2:15:00 PM SB232

Conference room: Auditorium  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Walter H. I. Rickard, Jr  
Organization: Individual  
Address:  
Phone: 235-0718  
E-mail: onlyJESUS.wtr@gmail.com  
Submitted on: 2/8/2011

**LATE TESTIMONY**

**Comments:**

My Dear Leaders of Hawaii,

Please reconsider to not let SB232 pass. I have friends and even relatives who have chosen a same-sex lifestyle and I love them very much. I am not their enemies but I believe with all my heart that if this bill is passed, our Land of Aloha will be in jeopardy of losing its uniqueness:the Aloha Spirit. I sense that a great separation between families and friendships will occur here if this bill is passed. Even the Roman Empire fell after homosexuality along with economic downfall ravaged the land which caused its demise. If any of you have a personal relationship with The LORD JESUS CHRIST, you should remember that HE loves the gay community but is very grieved with their choices. We must love them but not compromise what GOD has instructed in how we are to live as HIS children.

Respectfully,  
Walter H. I. Rickard, Jr.

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**FW: OPPOSE SB 232 & HB 1453, SUPPORT HB 1244: RESEARCH DOES NOT SUPPORT Legislative Time/Funding for "Civil Unions" Minority, but NO Time/Funding for Hawaiians HIGH HIV, JOBLESSNESS, LOOMBING DEFICITS, etc. ~ STOP Spending Monies on This Issue**

Amoreena Rabago

Sent: Tuesday, February 08, 2011 10:20 AM

To: JUDtestimony

LATE TESTIMONY

From: Baruch Hashem [mailto:mashiach\_is\_coming@yahoo.com]

Sent: Tuesday, February 08, 2011 9:47 AM

To: All Senators; All Reps

Cc: tberg@honolulu.gov; emartin@honolulu.gov; ianderson@honolulu.gov; schang1@honolulu.gov; akobayashi@honolulu.gov; tgabbard@honolulu.gov; rcachola@honolulu.gov; bharimoto@honolulu.gov; ngarcia@honolulu.gov

Subject: OPPOSE SB 232 & HB 1453, SUPPORT HB 1244: RESEARCH DOES NOT SUPPORT Legislative Time/Funding for "Civil Unions" Minority, but NO Time/Funding for Hawaiians HIGH HIV, JOBLESSNESS, LOOMBING DEFICITS, etc. ~ STOP Spending Monies on This Issue

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**please support civil unioins--- hatred is not a good historical leggacy for People & Politicians**  
 peter cate [peter\_cate@yahoo.com]

**Sent:** Tuesday, February 08, 2011 9:22 AM  
**To:** JUDtestimony

please

our love is = to your love

**LATE TESTIMONY**

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# LATE TESTIMONY

98-458 Hoomailani Street  
Pearl City, HI 96782

February 7, 2011

Judiciary Committee  
Hawaii State Legislature  
Hawaii State Capitol  
Honolulu, HI 96813

Dear Members of the Judiciary Committee:

Please oppose SB 232 SD1 regarding civil unions. This bill is yet another attempt to force same-sex marriage on the people of Hawaii. It states that a member of a civil union may be referred to as "spouse". According to Webster's NewWorld Dictionary, a "spouse" is a "husband or wife." This bill is clearly redefining marriage to include couples of the same sex. Hawaii voters have amended the State Constitution to define marriage as between one man and one woman. If the definition of marriage is to be changed, it should be up to the people of Hawaii as a whole to change it. Those who advocate same-sex marriage are in the vast minority.

Thank you very much.

Sincerely,

Sharon Toyomura



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### Testimony for SB232 on 2/8/2011 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 08, 2011 11:13 AM

To: JUDtestimony

Cc: matt.prellberg@gmail.com

Testimony for JUD 2/8/2011 2:15:00 PM SB232

Conference room: Auditorium

Testifier position: support

Testifier will be present: No

Submitted by: Matt Prellberg

Organization: Individual

Address: 598 Pepeekeo Place Honolulu, HI

Phone:

E-mail: matt.prellberg@gmail.com

Submitted on: 2/8/2011

Comments:

LATE TESTIMONY

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# LATE TESTIMONY

Valerie Smith  
46-318 Haiku Rd., #16  
Kaneohe, HI 96744

TO: [JUDtestimony@capitol.hawaii.gov](mailto:JUDtestimony@capitol.hawaii.gov)  
RE: SB 232 RELATING TO CIVIL UNIONS  
COMMITTEE: HOUSE JUDICIARY COMMITTEE  
DATE: 2/8/11, 2:15 PM, AUDITORIUM  
POSITION: STRONG SUPPORT

Aloha respected members of the Judiciary Committee.

My testimony today is in response to many of the arguments I've heard in the past, and will most likely hear today. I write in support of SB232 relating to civil unions.

I'd like to first point out that the state *does* maintain an interest in ensuring the stability and cohesion of relationships and families. To argue that it simply *should* not relieve a person from addressing the state's real and present responsibility to ensure this interest is equally applied to all citizens.

A marriage and a civil union are not only separate *legal* statuses, they also do not share the same *social* status. Furthermore, couples in a civil union are not entitled to the over 1200 federal benefits, rights, and protections married couples are entitled to receive. When opponents maintain that one will lead to the other, they expose an understanding that both social statuses are, indeed, different, and that one is preferred, if not subordinate to the other. In this regard, there is nothing to oppose. This is a civil union bill, not a marriage bill. (Incidentally, our state constitution forbids same-sex couples from suing for marriage.) What's left to oppose are the rights – the equal rights. There is no premise for denying this – not in *this* house, nor any other house. We've heard no convincing argument against civil unions, only rhetoric and reaction based on bias and fear. Those who opposed a woman's right to vote perceived this right as a challenge to their own self-ascribed stature – more righteous, more capable, more entitled to privilege. Men did not lose their right to vote; the right to vote was merely expanded to include women. Opponents of civil unions (or same-sex marriage) suffer no loss with the expansion of legal protections and benefits to same-sex couples. We cannot be responsible for the manner in which our appeal for basic equality is perceived – and neither is the state. If opponents perceive civil unions or same-sex marriage as a threat to the meaningfulness or stature of their own union, then that is a concern only *their* marriage can address. I cannot define, nor impact the significance of their marriages – only they can. I just know I deserve to be treated equally – no better, and certainly, no less.

Complete strangers have compared me to pedophiles, prostitutes, and drug abusers, claiming that if we stop behaving gay (stop dropping our kids off at school, stop making dinner for each other, stop needing to make end-of-life-decisions on the other's behalf, stop arguing over bills, stop watching Rachel Maddow together on the couch), and start acting straight, they'll feel less conflicted about loving us unconditionally. Modifying my gay behavior does as much to change my sexual orientation as asking you to stop

holding hands, or stop saying, "I love you" to your spouse changes yours. I am not conflicted. I am gay. It is an impossible and unjust condition to expect me to be straight in order to be equal.

When people speak out against same-sex marriage, they always presume that we didn't grow up participating in its social meaning; that we weren't socialized by the same stories, images, and expectations. We, too, internalized these messages; aspired to them, and understood marriage as the ultimate expression of commitment to the person we love in our society. If you acknowledge this to be true (whether you want one or not) then you must understand a civil union is not the same as a marriage...and I hope you'll better understand us.

Today, in keeping with the provisions of the 1998 Constitutional amendment, the state is satisfying its interest in ensuring the equal treatment of same-sex couples under this new legal status. Please pass civil union bill SB232.

Respectfully,  
Valerie Smith

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### Testimony in Support of SB232

cate murray [mailto:mail@change.org]

**Sent:** Tuesday, February 08, 2011 11:40 AM

**To:** JUDtestimony

Members of the Committee,

I am writing in strong support of SB232, a bill to recognize families equally.

All families should be treated equal under state law and I hope to see the passage of this bill shortly.

Kindest Regards,

cate murray  
Langley Park, Durham, United Kingdom

Note: this email was sent as part of a petition started on Change.org, viewable at [www.change.org/petitions/hawaii--i-support-civil-unions](http://www.change.org/petitions/hawaii--i-support-civil-unions). To respond, email [responses@change.org](mailto:responses@change.org) and include a link to this petition.

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### strongly opposed to SB 232 SD1 and HB 1453

Patrick Rorie [prorie@k12.hi.us]

Sent: Tuesday, February 08, 2011 12:01 PM

To: JUDtestimony

LATE TESTIMONY

Dear House Judiciary Committee,

A vote for civil unions is a vote for same-sex marriage in Hawaii. Every time a civil union bill has been imposed on a state, demands for same-sex "marriage" have followed. The activists lobbying for civil unions really want same-sex "marriage" in Hawaii. We know it, they know it, and the people of Hawaii have a right to know it. You can't talk about civil unions without talking about same-sex marriage because there really isn't any difference. The goal is the same.

The people of Hawaii deserve an honest debate and deserve to have this issue put on the ballot. Hawaii's civil union bill is nearly identical to bills passed in California and Connecticut. Those led to courts ultimately imposing same-sex "marriage" on those states. The people of Hawaii and the majority of our elected officials still support marriage as the union of one man and one woman. If this isn't about undermining and redefining marriage, why would the language of the marriage law be used to create civil unions?

As a long time Hawaii resident, I ask you for wisdom and courage to say no to Civil Unions in Hawaii. We affirm the overwhelming mandate of the vote in 1998, and the SMS survey in November of 2009. We now know that a Civil Union is a deceptive way of achieving Same Sex Marriage. Please stand up for our families and acknowledge that marriage between one man and one woman is the foundation of our society. Please focus on the more pressing issues facing the state, such as improving public education for our children by ending furloughs, the economy and maintaining the health and well being of our elderly. These are issues that affect many more people in Hawaii than Civil Unions! Please put their rights FIRST!

With Aloha and Much Respect,

Patrick Rorie

Msg sent via Atmail - <http://atmail.com/>

**TESTIMONY IN OPPOSITION OF HB 1453 AND SB 232 SD1**

To: Rep. Gilbert S.C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair  
Committee on Judiciary

From: Anya Anthony  
Tel. 808-263-3561

LATE TESTIMONY

Date: Tuesday, February 8, 2011

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members. My name is Anya Anthony and I am a wife and mother of two. My family and I strongly oppose Senate Bill 232 SD1 and House Bill 1453 which support civil unions, and acceptance of which, as history has shown, will eventually lead to the introduction of further bills allowing for "same sex marriage". We ask that you please consider our following testimony on this issue:

We have the God-given freedom to do or be what we want. It's our choice. But all the scriptures and saintly persons since time immemorial advise that certain behaviors, including homosexuality, adultery, and incest, are wrong and go against the laws of nature and God.

Many people say that a person is homosexual because he was "born that way". The scientific community disagrees, however. The most respected researchers conclude that homosexuality is not inherited, but is a psychological condition due to a combination of social, psychological, and possibly biological factors. Simply put, it's an identity crisis.

Oxford University reported that the life expectancy for 20-year-old gay and bisexual men is 8-20 years less than for all men. In comparison, this makes homosexuality three times more deadlier than smoking.

The Center for Disease Control reported that homosexual men are 860% more likely to contract sexually transmitted diseases, which in turn increased their risk of contracting HIV/AIDS up to 500%.

And here in our very own state, the HI Dept. of Health previously reported that 83% of Hawaii's 2,400+ cases of AIDS were directly or indirectly caused by "men having sex with men."

The scientific evidence of the psychological nature of these lifestyles and the harm they do is abundant, but will continue to be concealed by the pandering media as long as we let it.

This has nothing to do with hate, homophobia, or bigotry, which homosexual activists like to label us so as to appear to be the victims. We should not fall into the trap of pseudo-compassion. Our duty, your duty, is to protect all the people of Hawaii, including those who identify themselves as homosexual. However, true compassion means not being afraid to speak the truth to protect the interests of everyone, not just the homosexuals. As parents, families, congregations, communities, and state and community leaders, we must speak up and fight for what we know to be in the best interests of our people. Please be fearless in standing up for what is truth and moral as ordained by God, not anybody else.

Lastly, may I humbly remind you that the natural family is and always has been the bedrock of civilization, since time immemorial. One should never underestimate the strength of families. When families stand together and speak out, they cannot be ignored. The real power of this state and this nation is not the State Legislature or the United States Congress - it is, in fact, the intelligent voices of the masses of the people. But if the peoples' voice is not strong or loud enough, it will not be listened to. Fortunately, 70% of Hawaii spoke out against civil same sex marriage/civil unions. We pray that you have not forgotten what we said and that you still care enough to listen, and with our support behind you, will selflessly stand up for what is right.

Mahalo for allowing us the opportunity to testify.

Respectfully with aloha,

Anya Anthony  
Kailua, Hawaii

House Committee on Judiciary  
House Representative Gilbert S.C. Keith-Agaran, CHAIR  
House Representative Karl Rhoads, VICE CHAIR

From: JUDITHA MAILE ANDERSON 95-269 WAIKALAU DR, G1103  
cell (#808) 982.8972  
MILILANI HI 96789

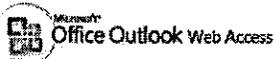
RE: OPPOSITION TO SB 232 and related Civil Union bills

The term "civil unions" sounds acceptable to the voting public.  
The terminology "forced same-sex marriage" is more accurate.

Our legislators in Hawaii have expressed that this issue is the  
most hotly contested in your Right to Life. The majority of voters  
made it clear they wanted marriage to remain one man & one woman.

(Approximately 1998) and many of our legislators ignore that vote.  
Discontent with government policies and elected officials stems  
from this attitude of "overturn them" we have the power to change  
Hawaii has reciprocal beneficiary agreements already in place  
It is the parity of marriage that is at stake.

Thank you for your service to our State.  
Please call SB 232 and other similar bills.



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### Support for SB232

XYZ GSA [xyzuhm@gmail.com]

Sent: Tuesday, February 08, 2011 12:24 PM

To: JUDtestimony

# LATE TESTIMONY

Aloha Senators,

The students of the University of Hawaii @ Manoa representing XYZ, the campus gay-straight alliance, would like to voice our continued support for Civil Unions in Hawaii. The University has been steadfast in its support for Equality and justice concerning LGBTI people. Many of the students here are from the outer islands and greater Honolulu area and make up a good amount of voters and leaders of tomorrow. I think it is important to also note that many of us weren't of age to voice and vote back in the 90's when this issue first was painted with red faced opposition. The generation of today and tomorrow who will look to your deeds here and coming has been statistically growing in favor of Equality and it would prove unfortunate for us to not have examples of truly great leadership to look up to.

-With Love, Support, and Understanding

XYZ@UHM.

Microsoft Office Outlook Web Access

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**Support of SB232**  
Eric Kroll [eric.kroll@lejardinacademy.org]

**Sent:** Tuesday, February 08, 2011 12:34 PM  
**To:** JUDtestimony

On behalf of the Le Jardin Academy Gay-Straight Alliance, I would like to send our full support towards SB232.

Eric L. Kroll  
President of LJA-GSA  
Senior, Class of 2011

**LATE TESTIMONY**

Connected to Microsoft Exchange



# LATE TESTIMONY

## COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

DATE: Tuesday, February 8, 2011  
TIME: 2:15 PM  
PLACE: Auditorium  
State Capitol  
415 South Beretania Street

### RELATING TO CIVIL UNIONS.

Extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. Takes effect 1/1/2012 (SD1).

Dear Rep. Keith-Agaran and Members of the Judiciary Committee:

My name is Gary Okino and I am strongly opposed to the proposed civil unions law, SB 232, SD1. In stating my case, I will focus on just two of the many important points.

1. Civil Unions is Same Sex Marriage
2. Impact on our children

Although it is morally wrong, I will not say anything more about the “religious argument.” You know what it is.

Although proponents claim that it’s about equal protection, there are ample arguments to clearly show that it is not. Also, the Hawaii Supreme Court has already ruled that...

1. Marriage Law Does Not Violate the Equal Protection Clause
2. Same-sex Marriage is Not a Fundamental Right

Civil rights applies to race or gender. Homosexuality is neither. It is a chosen lifestyle... a behavior. You cannot legitimize a behavior or a lifestyle by giving it equal status to race or gender. Homosexuals already have the same rights equal to all other human beings.

### Civil Unions is Same Sex Marriage

Gay marriage proponents have openly stated that civil unions is just a stepping stone to same sex marriage. If this isn’t so, then why was the language of the marriage law duplicated in the civil unions bill?

In every state in the nation where they passed a civil unions law, the next step was to either have the courts declare same sex marriage because of the existence of a civil unions law or the legislature has moved to the next step of gay marriage within 2-5 years of the adoption of civil unions.

Take a look at what's happened in Vermont, Connecticut, New Hampshire and California.

### Equal Protection for our Children

The well-being and rights of children with no say in the relationship should not be brushed aside with the empty excuse of "equal protection" for two adults who already have the right to practice any sexual relationship they choose. The romantic interests of adults should not trump the well-being of children. The well-being of children is of paramount importance to every society.

Legislators should remember that each child is a person, and thus has inherent and inalienable rights equal to those of any other person, including the right to "the pursuit of happiness", even if they cannot vote quite yet.

Children cannot be denied "equal protection of the laws" or discriminated against simply because "age" is not specifically mentioned in the equal protection clause. Yet children's interests are being completely ignored in the push for civil unions. The civil unions bill would be government action that discriminates against children by advancing that which works against their pursuit of happiness.

One only needs to take a look at what's happening in Massachusetts which has had a same sex marriage law imposed upon it by the courts to see how their children are being jeopardized.

In States that have adopted civil unions or same-sex marriage, it has been an excuse to "normalization" of that perceived equality by teaching and indoctrinating our children to the homosexual behavior. Has there ever been a time in our nation's history where we've taught our children how to be African American or Japanese or any other race?

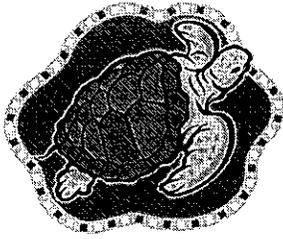
By indoctrinating our children into this extremely risky lifestyle, you will be, to borrow a phrase from the military, putting them in "harm's way."

That is why I am strongly urging you, for the sake of our children and for Hawaii, please do not pass the proposed civil unions legislation.

Aloha and God bless...



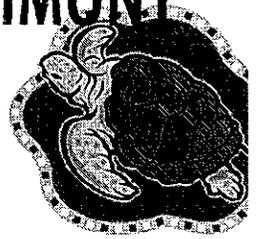
Gary Okino  
Former City Councilmember



# LATE TESTIMONY

**FRANCINE MAE AONA KENYON**

*dba Kuli Ike Kokua  
2520 Jasmine Street  
Honolulu, HI 96816  
[archerygal001@gmail.com](mailto:archerygal001@gmail.com)*



**COMMITTEE ON HUMAN SERVICES**

Rep. Gilbert S. C. Keith-Agaran, Chair

Karl Rhoads, Vice-Chair

Tuesday, February 8, 2011

At 2:15 pm

Conference Room Auditorium

**SENATE BILL NO. 232, SENATE DRAFT 1**

**RELATING TO CIVIL UNIONS**

Aloha, my name is Francine Mae Aona Kenyon. I am single and divorced, happy mother of two sons and six grandchildren living in the East Coast. I believe in traditional marriages between man and woman, according to the story of Genesis.

I am testifying with reservations in opposition of SB. No. 232, S.D. 1 that extends the same rights, benefits, protections and responsibilities of spouses in a marriage to partners in a civil union because it would be considered discriminatory to unmarried single and divorced individuals.

However, there should be some legal way of protecting the same-sex partners without being harassed and bullied by the public and the school. But civil union marriages?? NO!! The schools should be responsible to educate the students some kind of lessons of not bullying or harassing any students of sexual orientation OR any students with disabilities!

You know, some deaf people were bullied by hearing children at schools and even children of deaf parents are bullied at school. As a mother of two sons, bullying and harassing my sons by the junior patrols about their parents being deaf and dumb were similar as to those being harassed about their sexual orientation. Therefore, it is the attitudinal barrier that affects ALL. Once the attitudinal barriers and the communication barriers are removed, then same-sex partners can get the same protections as we all need but civil union marriages still is a NO because it would be considered discriminatory for all of us. Protections are okay. Civil union marriages NO! Traditional Marriage and Family YES!

Again, I recommend that Senate Bill No. 232, Senate Draft 1 be opposed with some reservations and respect for the traditional marriage and family. I also recommend that the attitudinal and communication barriers be removed in order to protect EVERYONE, no matter who we are – people with disabilities, people with sexual orientation, people with religious faiths, and ALL OF US in this room!

Mahalo nui loa for allowing me to testify on this important bill.

Sincerely,

Francine Mae Aona Kenyon

Proud Deaf Mother of Two and Proud Deaf Grandmother of Six

Isaiah K. Sabey Jr.  
1216 Wilder Ave.  
Honolulu, HI 96822

# TESTIMONY

February 8, 2011

House of Representatives Judiciary Committee

415 S. Beretania Street  
Honolulu, HI 96913  
[HTHTestimony@capital.hawaii.gov](mailto:HTHTestimony@capital.hawaii.gov)

**Subject: Opposition to Civil Unions (SB 232)**

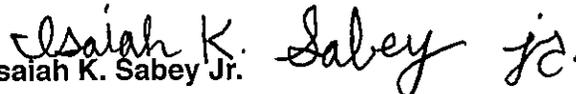
**I STRONGLY OPPOSE SENATE BILL 232 (Civil Unions)**

As an 11 year old middle schooler I plead to you Representatives, please hear my cry and vote NO to Senate Bill 232.

To create a thriving community it starts with marriage not Civil Unions. To create a healthy community it starts with marriage not Civil Unions. To create a better Hawaii it starts with marriage not Civil Unions. How can two people of the same gender produce a healthy community? People will not thrive this way.

Traditional marriage is the best environment to produce and raise children. As a child of one mother and one father I learn that balance from both genders is important. As a child I enjoy my life and learn my identity as a boy from my father and my mother. I learn to appreciate the characteristics that my father and my mother bring. What I learn is that marriage is made only for one man and one woman. The parents are the ones that create a great influence on the child they produce, effecting the way he sees life. If two men or two women marry it is impossible to produce a child and create a thriving society. Anyways there is still a loss of influence from one gender since this is a same-gender marriage. I can't imagine how a child can survive living with two men or two women and still learn his or her identity.

The definition of Civil Unions is a legally recognized union of a same-sex couple, with rights similar to those of marriage. Civil Unions is an unhealthy lifestyle that will affect those who choose to follow this lifestyle. This bill is not about equal rights. The phrase Civil Unions is just a blanket to protect what is really same-sex marriage. If it wasn't for my mom and my dad coming together in marriage, I would not have been alive in this world. In my opinion we do not need this bill. So for the sake of my generation and those after me please vote NO on Senate Bill 232 and preserve our way of traditional marriage.

With Aloha,   
Isaiah K. Sabey Jr.  
age 11

# LATE TESTIMONY

Language for proposed amendment to HB 1244, Relating to Solemnization (new language in *bold italics*)

SECTION 1. Section 572-1.6, Hawaii Revised Statutes, is amended to read as follows:

"~~[[~~**§572-1.6**~~]]~~ **Private solemnization of same sex relationships not unlawful[-]; refusal to provide services, etc.** (a) Nothing in this chapter shall be construed to render unlawful, or otherwise affirmatively punishable at law, the solemnization of same-sex relationships by religious organizations~~[-; provided that nothing]~~ or religious or charitable organizations operated, supervised, or controlled by a religious institution or organization. Nothing in this section shall be construed to confer any of the benefits, burdens, or obligations of marriage under the laws of Hawaii.

(b) **Small businesses, religious institutions or organizations, or religious or charitable organizations operated, supervised, or controlled by a religious institution or organization, shall not be required to provide to an individual or individuals, services, accommodations, benefits, advantages, facilities, goods, or privileges that are related to a solemnization or celebration of a same-sex relationship, such as a same-sex marriage or a civil union between persons of the same sex, if the solemnization or celebration is in violation of the institution or organization's religious beliefs and faith. Any refusal to provide services, accommodations, benefits, advantages, facilities, goods, or privileges that is made in accordance with this subsection shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from the small business, institution or organization that refused.**

(c) ***As used in this section, "small business" shall have the same meaning as in section 201M-1.***

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

**From:** karen wasil (karen\_wasil@yahoo.com)  
**To:** JUDestimony@capitol.hawaii.gov;  
**Date:** Tue, February 8, 2011 1:05:48 PM  
**Cc:**  
**Subject:** Please vote No to SB 232

## LATE TESTIMONY

To the House Judiciary Committee,  
I would like to thank Rep. Gilbert S.C. Keith-Agaran and Rep. Karl Rhoads and the panel of Representatives for serving our state of Hawaii.

I am giving my testimony today to please ask you to vote "NO" to SB 232. My name is Karen Wasil and I have been a nurse on the island for 13 years. As a nurse dealing with the general public on a daily basis, I get to experience 1st hand what is really going on in the real world of health. Over the past few years there has been such a dramatic increase in the number of teen pregnancies, sexually transmitted diseases, and aids that has flooded our community and hospitals all over the island.

The reason I strongly oppose SB 232 is because this bill will literally relinquish a standard all across our state and community that will grant and enable people to believe a code of conduct is permissible and acceptable. What does all this mean to our growing population of youth who are already faced with peer pressures and devastating issues. It literally means you will be giving them permission as a Representative to have a relationship with the same sex. Along with this approval will also come with it everything that is attached to same sex relationships which means the increase and spread of sexually transmitted diseases and Aids at a rate so fast that would become an epidemic to this island. Our island is only 44 miles long, 30 miles across with more than 905,034 people on it. My heart as a nurse is all about education and prevention and to help our community prosper and be in health. The decision you make today will effect peoples lives not only today but for the generations to come. Please vote NO to SB 232. Thank you for giving me the honor and privilege of standing before you today allowing me to give my testimony.

Karen Wasil

# LATE TESTIMONY

Good Afternoon, Hawaii State Legislators and distinguished guests.

My name is Connie Wong, I am a physician and a scientist, and a concerned citizen of Hawaii. I have a very brief summary I would like to present to you today concerning Senate Bill 232.

First I would like to read directly from Senate Bill 232. Report Title: Civil Unions

Description : Extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. Takes effect 1/1/2012. Therefore, for all intents & purposes, Civil Unions is Marriage under the guise of a different name; SB 232 describes it as such, and so the word marriage will be used in my short statement interchangeably with the words civil unions.

The traditional family unit (meaning husband & wife with or without children) is the backbone of our society, and is capable of perpetuating itself naturally. It existed before there were laws or government, and has kept the human race in existence. It is designed by nature to be a "good fit", so to speak, and is our society's strength.

If we allow marriage to adopt a same-gender status, then soon we will have polygamy and children being coerced into marriage. The sequence will be as follows: first the opposite gender criterion goes out the window, then monogamy, then age requirement. Soon we'll have a nation with men & women "married" to multiple men, women & children. It will be the end of the strength & decency of our nation. This will cause chaos and bedlam, to our children and to our society as a whole.

The Reciprocal Beneficiaries Law was adopted in 1997 after the people of this state voted against civil unions. This Law gives people of any sexual orientation, or even non-sexual relationships, a legal and binding partnership, with health care insurance benefits, hospital visitation rights, healthcare decision-making rights, inheritance rights and other benefits. Hospital visitation rights and healthcare decision-making rights can also be readily obtained with a Health Care Directive, which only requires a witness, and notarization. It can be placed in a patient's chart as a permanent record, and is readily available. If the reciprocal beneficiaries law is not satisfactory, then it should be amended. The focus of this legislature should be on improving the reciprocal beneficiaries law, and not breaking down the institution of Marriage to the detriment of our society. To adopt civil unions is to open Pandora's box resulting in the ultimate, long term destruction of the strength of our country which is the traditional family.

In the short term, the norm should be for our children to have a mother and a father. Although this does not always happen, it is the best case scenario, and should be an ideal we all strive for. My own father passed away in his 30's, so many of my growing-up years were spent without a father. There is definitely something missing in a child's life without the love of both a mother and a father.

Please put your energy and focus on changing the Reciprocal Beneficiaries Law, and leave marriage the way it is. If you cannot see to do this, then at the very least,

***give the people their voice: take it to a public vote!***

Aloha Committee Members,

My name is Kealoha Kelekolio and I am writing in support of SB232. Mahalo for your consideration of the Civil Unions Bill allowing same sex couples as well as heterosexual couples to enter into a civil relationship recognized by the State of Hawaii thus granting them rights now afforded by married couples. Hawaii was at the forefront of this movement to treat all of it's citizens as equals back in the early 1990's. Unfortunately the ball was dropped and the years in between have left their toll. You now have the opportunity to make up for this lost time. In her statement issued at the end of her tenure, Gov. Lingle said that she felt the issue of Civil Unions was too important for one person to make a decision and believed that the issue should be left up to the people. I believe with the last election completed that the people have done just that. Our new Governor in his campaign came out in favor of HB 444 and he won election handily. All of those representatives and Senators that voted yes on HB 444 were re-elected. The people of Hawaii have been saying yes to Civil Unions, yes to granting equal rights to all of it's citizens, yes to raising children in same sex households is better than raising them in single parent or foster parent homes, yes to allowing people to continue to practice their religion as long as it does not infringe on the rights of others, yes to inclusion and no to exclusion and yes to repealing don't ask don't tell. It's about time we did the right thing. If the US Defense department will no longer make one's sexual preference a criteria for serving in our country, how can any of us deny those who make the ultimate sacrifice the right to spousal benefits, the right to make next of kin decisions in emergencies, the right to raise children and the right to claim an exemption on income taxes denied to those sharing their homes and their incomes and their lives as partners. You have here the opportunity to right all the wrongs of the past and to set in motion the healing process between communities and neighbors and co workers and families. If you do this than we the people of Hawaii can truly claim a New Day.

Me ka ha'aha'a

Kealoha Kelekolio  
2240 Metcalf St.  
Hon., Hi 96822

Testimony for JUD 2/8/2011 2:15:00 PM SB232

Conference room: Auditorium  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: JEAN LEONG  
Organization: Individual  
Address:  
Phone:  
E-mail: alahoku@aol.com  
Submitted on: 2/8/2011

**LATE TESTIMONY**

Comments:

Thank you for representing Hawaii's people which includes my husband and me. Please oppose SB 232. A vote for civil unions in Hawaii will be followed with their demand for same-sex "marriage" as witnessed in the other states. Respect the voice of Hawaii's people, the people who elected you, the people who put their trust in you with their vote, the people who already made it clear that marriage is between one man and one woman. Man and woman were created different. We all know this. If this isn't about undermining marriage, why would the language of the marriage law be used to create civil unions? Please not be persuaded by the foremost activists pursuing civil unions nationwide. Please listen to the spoken voice, the cast vote, of your State of Hawaii constituents. Do our vote not mean anything? Can you not stand up for our voices? We trusted you with our vote but you let this issue be introduced over and over. Please oppose SB 232. Thank you for allowing me to speak.

Testimony for JUD 2/8/2011 2:15:00 PM SB232

Conference room: Auditorium  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Leonora Etrata  
Organization: Individual  
Address: P.O. Box 630002 Lanai City,  
Phone: 808-559-6483  
E-mail: nmbe81@yahoo.com  
Submitted on: 2/8/2011

## **LATE TESTIMONY**

Comments:

February 8, 2011

Dear Honorable Senators: Hee, Shimabukuro, Gabbard, Ihara Jr. and Slom,  
Subject: Testimony Strongly Opposing SB 232 Relating to Civil Unions

I would like to strongly encourage opposing SB 232 Relating to Civil Unions.

Marriage should be between one man and one woman the way that God had created us all to be.

To be fruitful and have children.

In regards to benefits that marriage couples have. Without having to create a law, they can be named as a beneficiary or have them become living trust. Having a Civil Union just to have benefits is not right.

Respectfully,  
Leonora Etrata  
P.O. Box 630002  
Lanai City, HI. 96763  
(808) 559-6483

Tuesday, February 8, 2011

Committee: **HOUSE JUDICIARY**  
Room: **Auditorium**  
Hearing Date: **2/8/2011 2:15PM**  
RE: **STRONG OPPOSITION TO SB 232, SD1**

## LATE TESTIMONY

Dear MEMBERS OF THE HOUSE JUDICIARY COMMITTEE,

Thank you for the opportunity to testify on the subject of SB 232, relating to Civil Unions. I **STRONGLY OPPOSE SB232, SD1**, and I humbly request that the Hawaii State Legislature not pass this measure. SB 232 is an attempt to circumvent the will of Hawaii's people and the law, which asserts that: "... the people of Hawaii choose to preserve the tradition of marriage as a unique social institution based upon the committed union of one man and one woman" [Hawaii Revised Statutes Chapter 572 Section C-2]. It is not in the best interest of our state to allow for civil unions, as there is nothing fruitful about a civil union (same-sex); nor is there anything fruitful from the youth they inspire. Civil unions prey on the fruitfulness of others. Civil unions would attract more of the same types of unions to our state, and this is not conducive to a fruitful "ohana" or a hopeful future for the state of Hawaii.

SB 232 states that it intends to recognize civil unions in Hawaii without revising the definition or eligibility requirements of marriage under chapter 572 of the Hawaii Revised Statutes (Hawaii's marriage law). However, SB 232 endeavors to recognize "civil unions" by adopting much of the same language, licensing rules, procedures, terms, and outcomes that are achieved by marriage (**pursuant to HRS 572**), which ultimately permits same-sex marriage by another name: civil unions.

This bill continually references Chapter 572, the state's marriage law, as how one is to be granted a civil union. This is not acceptable. Marriage, by any other name, is still a marriage. SB 232 is deceptive and devious in its attempt to circumvent the law and the will of Hawaii's people by attempting to adopt into the proposed civil unions law sections that are "pursuant to chapter 572" (Hawaii's Marriage law) to achieve same-sex marriage. Again, marriage is a union between one man and one woman. A "civil union" cannot exist... the final outcome is still a marriage, and marriage will always be marriage, a union between one man and one woman.

In addition, Hawaii law already extends certain rights and benefits which are presently available only to married couples to couples composed of two individuals who are legally prohibited from marrying under state law. [L 1997, c 383, pt of §1] (Hawaii Revised Statutes 572 Section C-1).

**Please OPPOSE SB 232, SD1, and DO NOT PASS this measure.** It will be a blessing to our state and the future generations of Hawaii to keep marriage as it is today, as it always has been, and as it always shall be a union between a man and a woman.

Thank you very much for this opportunity to testify on this important matter.

Sincerely,

Lisa A. L. Shorba, M.A. (e-mail: [lisaals@hotmail.com](mailto:lisaals@hotmail.com))

