



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2624, RELATING TO THE UNIFORM PROBATE CODE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, January 31, 2012

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, but opposes it due to concerns that it could have unintended consequences.

This bill would amend section 560:1-201, Hawaii Revised Statutes, by adding a definition of "spouse," defining it as including a party to a civil union in accordance with chapter 572B, Hawaii Revised Statutes.

The definition of "spouse" should not be added to section 560:1-201 for two reasons.

First, Act 1, Session Laws of Hawaii 2011, now codified as chapter 572B, Hawaii Revised Statutes, already explicitly provides in section 572B-11 that a party to a civil union shall be included in any definition of the term "spouse." Therefore, this bill is unnecessary.

Second, amending the definition of "spouse" in this section could have the unintended consequence of affecting the interpretation of other statutes. The term "spouse" occurs frequently throughout the Hawaii Revised Statutes, and if this definition is amended here and not elsewhere, those other statutes may be interpreted to have intentionally excluded civil unions by the doctrine of "*expressio unius est exclusio alterius*" (meaning the inclusion of one thing implies the exclusion of another).

We respectfully ask the Committee to refrain from adding the definition of "spouse" to section 560:1-201 and we ask the Committee to hold this bill.

HONOLULU PRIDE
CELEBRATING 22 YEARS OF PRIDE IN PARADISE
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January 27, 2012

Tuesday, January 31, 2012 - 2:00 p.m.
House Judiciary Committee
State Capitol RM 325
415 South Beretania Street
Honolulu, HI 96813

RE: House Bill 2624 RELATING TO THE UNIFORM PROBATE CODE - Oppose

Aloha Chair Keith-Agaran and fellow committee members,

On behalf of the Honolulu Pride committee we have comments and concerns regarding House Bill 2624.

While we support the intent of HB 2624 we cannot fully support the bill this is due to the fact that we feel that it is unnecessary given that Act 1 the Civil Unions law already covers this inclusion as seen here:

-9 Benefits, protections, and responsibilities. Partners to a civil union lawfully entered into pursuant to this chapter shall have all the same rights, benefits, protections, and responsibilities under law, whether derived from statutes, administrative rules, court decisions, the common law, or any other source of civil law, as are granted to those who contract, obtain a license, and are solemnized pursuant to chapter 572.

-11 References and inclusions. A party to a civil union shall be included in any definition or use of the terms "spouse", "family", "immediate family", "dependent", "next of kin", and other terms that denote the spousal relationship, as those terms are used throughout the laws of the State."

The old adage "Less is more" surely applies here. We here at Honolulu Pride think that if you amend this section of the Hawaii Revised Statute to include references to the civil unions chapter, and not others it could narrow the protections, rights and responsibilities that Act 1 sought to provide those entering into a Civil Union.

Mahalo for the opportunity to testify,

Rob Hatch
Legislative Representative

Testimony for HB2624 on 1/31/2012 2:00:00 PM

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Sent: Tuesday, January 31, 2012 2:33 AM

To: JUDtestimony

Cc: jadamsesq@aol.com

Attachments: HB2624_Relating to Uniform~1.pdf (92 KB)

Testimony for JUD 1/31/2012 2:00:00 PM HB2624

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Jo-Ann Adams

Organization: GLBT Caucus of the Democratic Party of Hawaii

E-mail: jadamsesq@aol.com

Submitted on: 1/31/2012

Comments: