

MAR 13 2013

SENATE RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL,
ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE
EQUALITY IN HAWAII.

1 WHEREAS, twenty years ago, the Hawaii Supreme Court issued
2 a landmark decision in *Baehr v. Miike*, which held that the State
3 of Hawaii's refusal to grant marriage licenses to same-sex
4 couples violated the Hawaii State Constitution's prohibition
5 against sex discrimination; and
6

7 WHEREAS, in 1998, Hawaii voters ratified a constitutional
8 amendment to add Article I, section 23, to the Hawaii State
9 Constitution, which grants the Legislature the power to reserve
10 marriage to opposite-sex couples; and
11

12 WHEREAS, section 572-1, Hawaii Revised Statutes, currently
13 provides that a valid marriage contract exists only between a
14 man and a woman; and
15

16 WHEREAS, in 2011, the Legislature enacted Act 1, Session
17 Laws of Hawaii 2011, establishing civil unions in Hawaii; and
18

19 WHEREAS, many of Hawaii's residents continue to believe
20 that civil unions do not ensure equal treatment for all of
21 Hawaii's people; and
22

23 WHEREAS, same-sex partners in a civil union are excluded
24 from the approximate 1,138 federal rights and benefits that are
25 available to opposite-sex married couples; and
26

27 WHEREAS, the President of the United States, the Governor
28 of Hawaii, Hawaii's entire Congressional Delegation, the Mayor
29 of the City and County of Honolulu, and many members of the
30 County Councils throughout Hawaii support marriage equality; and
31

32 WHEREAS, there is substantial evidence that enacting
33 marriage equality would have a significant economic impact on
34 Hawaii; and
35



1 WHEREAS, the Legislature wishes to ensure that any state
2 legislation on marriage equality ensures protections for clergy
3 and religious institutions; now, therefore,
4

5 BE IT RESOLVED by the Senate of the Twenty-seventh
6 Legislature of the State of Hawaii, Regular Session of 2013,
7 that the Dean of the William S. Richardson School of Law at the
8 University of Hawaii at Manoa is requested to convene a task
9 force to study the social, economic, and religious impacts of
10 enacting marriage equality in Hawaii; and
11

12 BE IT FURTHER RESOLVED that the Dean of the William S.
13 Richardson School of Law at the University of Hawaii at Manoa is
14 requested to serve as the chair of the task force and to select
15 the following members:
16

- 17 (1) Two esteemed members of Hawaii's legal community,
18 preferably including at least one attorney who has
19 served the State or one of the State's counties, or
20 their designees;
21
- 22 (2) Two members of Hawaii's business community, including
23 at least one member representing Hawaii's tourism
24 industry, or their designees;
25
- 26 (3) One current or former clergy member, or the clergy
27 member's designee;
28
- 29 (4) One member of a prominent community organization that
30 advocates for marriage equality, or the member's
31 designee; and
32
- 33 (5) One professor of economics from the University of
34 Hawaii at Manoa who co-authored a study on the impact
35 of same-sex marriage on Hawaii's economy and
36 government, or the professor's designee; and
37

38 BE IT FURTHER RESOLVED that the task force shall include
39 two additional members, or their designees, as follows:
40

- 41 (1) The Speaker of the House of Representatives; and
42
- 43 (2) The President of the Senate; and
44



1 BE IT FURTHER RESOLVED that in studying the impacts of
2 enacting marriage equality legislation, the task force is
3 requested to, among other things:

- 4
- 5 (1) Determine whether civil unions are sufficient to
6 provide the rights, benefits, and dignity necessary to
7 ensure strong, healthy families in Hawaii;
8
- 9 (2) Examine the impact of the forthcoming United States
10 Supreme Court's decisions in *United States v. Windsor*,
11 regarding the constitutionality of the Defense of
12 Marriage Act, and *Hollingsworth v. Perry*, regarding
13 the constitutionality of California's ballot
14 initiative banning same-sex marriages known as
15 Proposition 8, which are anticipated by summer of
16 2013;
17
- 18 (3) Examine the economic impact of passing, or failing to
19 pass, marriage equality legislation in Hawaii; and
20
- 21 (4) Review the effects of enacting marriage equality,
22 through legislative action, judicial action, or ballot
23 initiatives, in Connecticut, Iowa, Maine, Maryland,
24 Massachusetts, New Hampshire, New York, Vermont,
25 Washington, and the District of Columbia, to determine
26 whether Hawaii should follow those jurisdictions, and
27 to determine whether improvements could be made based
28 on the experiences of those jurisdictions; and
29

30 BE IT FURTHER RESOLVED that the task force is requested to
31 submit a report of its findings and recommendations, including
32 any proposed legislation, to the Legislature no later than
33 November 1, 2013; and
34

35 BE IT FURTHER RESOLVED that certified copies of this
36 Resolution be transmitted to the Dean of the William S.
37 Richardson School of Law at the University of Hawaii at Manoa,
38 Executive Director of the Hawaii Tourism Authority, Executive
39 Director of the Hawaii State Bar Association, Executive Director
40 of the Hawaii Business Roundtable, Chair of the Department of
41 Economics at the University of Hawaii at Manoa, President of
42



S.R. NO. 123

1 Interfaith Alliance Hawai'i, and President of The Chamber of
2 Commerce of Hawaii.

3
4
5

OFFERED BY:

Myron Lee

Mike Hubbard

