



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

ON THE FOLLOWING MEASURE:
H.B. NO. 2569, H.D. 1, RELATING TO CIVIL UNIONS.

BEFORE THE:
HOUSE COMMITTEE ON FINANCE

DATE: Thursday, February 23, 2012 **TIME:** 6:00 p.m.

LOCATION: State Capitol, Room 308

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

Chair Oshiro and Members of the Committee:

The Department of the Attorney General appreciates and agrees with this bill's intent, which is to allow for improved and effective implementation of the civil union law. However, we have several concerns about this draft of the bill and provide the following comments and suggestions.

The purpose of this bill is to amend various statutory provisions relating to civil unions to conform to the intent of the Legislature in enacting chapter 572B, Hawaii Revised Statutes (HRS), and to allow for improved and effective implementation of the civil union law. Our main concerns are: (1) addressing the legal gap in benefits for couples in reciprocal beneficiary relationships who must terminate their reciprocal beneficiary relationship prior to entering a civil union; and (2) ensuring that clarifications made to the civil union law do nothing to weaken the meaning of the law itself.

Concerns relating to reciprocal beneficiary relationships:

Section 1 of the bill would add a new section to chapter 572B (section 572B-A, HRS) to address the legal gap between the termination of a reciprocal beneficiary relationship, and the commencement of a civil union. While the intent of this section is admirable, it does not achieve the intended result in all circumstances. Under the proposed amendment, the gap is only effectively nullified upon solemnization of a civil union within six months of the termination of a reciprocal beneficiary relationship. If such a solemnization does not occur for any reason, including the death of one of the parties to the terminated reciprocal beneficiary relationship, the gap still exists, and cannot be closed. Additionally, proposed section 9, which would amend

section 572C-7, HRS, would effectively remove the gap by automatically terminating a reciprocal beneficiary relationship at the point of solemnization of a civil union, thus making this portion of section 1 (proposing new section 572B-A, HRS) unnecessary.

As we testified before the House Committee on Judiciary, we believe the better method to eliminate the gap between the termination of a reciprocal beneficiary relationship and the start of a civil union would be to allow couples in reciprocal beneficiary relationships, who would otherwise be eligible to enter a civil union, to do so without terminating their reciprocal beneficiary relationship first. This could be done by deleting the prohibition from section 572B-2, as is proposed in section 2 of the new draft, and allowing couples in reciprocal beneficiary relationships to enter into civil unions with each other.

Section 8 of House Draft 1 would amend section 572B-10, HRS, by requiring manual termination of a reciprocal beneficiary relationship in Hawaii to validate a civil union entered in a different jurisdiction. This conflicts with proposed section 9, which would amend section 572C-7, HRS, to allow automatic termination upon solemnization or recognition of civil unions. As long as the eligibility requirements for recognition of civil unions from other jurisdictions are met, there does not appear to be a need to require this extra step for those couples who are in reciprocal beneficiary relationships. Requiring the couple to manually terminate rather than have an automatic termination by operation of law could cause confusion and perhaps lead to the existence of conflicting statuses. We recommend against the proposed amendment to section 572B-10.

Concerns relating to use of facilities:

Section 1 of House Draft 1 would also add a new section (section 572B-B) to chapter 572B, HRS, to purportedly clarify that a religious organization is not required to make its facilities available for a civil union solemnization, provided that the facility is not a place of public accommodation. If the intent is to allow religious organizations an exemption from the public accommodations law found in chapter 489, HRS, the proposed new section falls short. Chapter 489, HRS, prohibits unfair discriminatory practices in places of public accommodation, including discrimination on the basis of sexual orientation (see section 489-3, HRS). Places of public accommodation include businesses whose facilities are made available to the general public. To the extent that religious organizations offer any of their facilities for use to the public,

they are by definition places of public accommodation that are subject to chapter 489, HRS. For religious organizations to lawfully deny use of their facilities for purposes that conflict with their religious beliefs, an exception would have to be added to the public accommodations law.

House Draft 1 would only allow religious organizations to deny use of a religious facility for the solemnization of a civil union, but not for any other reason a couple in a civil union might want to use the facility, such as a reception celebrating a newly entered civil union.

If the Legislature intends to allow religious organizations to deny the use of their facilities for civil union solemnizations or celebrations because such events would conflict with their religious beliefs, a better way of doing so would be to amend chapter 489, HRS. For example, one possible way would be to add a new section to chapter 489, HRS, similar to what has been done in other states (see D.C. Code § 46-406 (West 2012), N.H. Rev. Stat. Ann. § 457:37 (West 2012), and Vt. Stat. Ann. tit. 9 § 4502 (West 2012)). We suggest the following wording:

"§489- Access and use of public accommodations owned or operated by religious organizations. Notwithstanding any other provision of law, a place of public accommodation owned and operated by a religious organization or leased, operated, and controlled by a religious organization need not be offered for the solemnization of a civil union or the celebration of a civil union, if that use of the facility would be in violation of the religious organization's beliefs. Any refusal to provide access to such a public accommodation in accordance with this section shall not create any civil claim or cause of action, or result in any penalty to, or withholding of benefits from, the religious organization."

Other concerns with the bill:

Section 3 of the bill would amend section 572B-4(b), HRS, to expand the list of members of the clergy who are authorized to solemnize civil unions to include the same people who are authorized to solemnize marriages. If expansion of the list of members of the clergy is the purpose of this section, it accomplishes its purpose. If it is the intent of this section to make marriage solemnizers and civil union solemnizers the same, this wording does not accomplish that, because under the current law judges who perform civil unions can include federal or state

judges from other states, whereas judges who perform marriages must be of a state or federal court in the State of Hawaii.

Section 5 of the bill would clarify that in addition to the agent, the Department of Health is authorized to collect directly the fee for the civil union license. Before the advent of online application procedures that expedite the licensing process in part by requiring payment of fees directly to the Department of Health online, agents were historically assigned the Department of Health's task of collecting license fees. This amendment would clarify that the Department of Health is authorized to collect those fees directly. The amendment, however, is unnecessary due to the Department of Health's existing authority to collect fees pursuant to section 321-1(g), HRS. It also would create a problem because, without also making a similar amendment to the marriage statute to clarify that the Department of Health can collect online fees for marriage licenses, there would be possible confusion about the Department of Health's authority to collect fees for marriage licenses. Authority already exists for the Department of Health to collect fees, so we recommend this amendment be omitted.

Section 7 of the bill would amend section 572B-10, HRS, by requiring manual termination of a reciprocal beneficiary relationship in Hawaii to validate a civil union entered in a different jurisdiction. This conflicts with proposed provisions that would allow automatic termination upon solemnization or recognition of civil unions. As long as the eligibility requirements for recognition of civil unions from other jurisdictions are met, there does not seem to be a need to require this extra step for those couples who are in reciprocal beneficiary relationships. Requiring the couple to manually terminate rather than have an automatic termination by operation of law could create confusion and perhaps lead to the existence of conflicting statuses. We recommend against the proposed amendment to section 572B-10.

Section 572B-10, HRS, could benefit from clarification to make it clearer which unions from other jurisdictions would be recognized as civil unions, as has been done in other states (see Wash. Rev. Code Ann. § 26.60.090 (West 2012)). We suggest amending this section as follows:

"§572B-10 [~~Civil unions~~] Unions performed in other jurisdictions. [~~All unions entered into in other jurisdictional between two individuals not recognized under section 572-3 shall be recognized as civil unions;~~] A legal union of two persons that is not a marriage under chapter 572, which was validly formed in another jurisdiction, and

which is substantially equivalent to a civil union under this chapter, shall be recognized as a valid civil union in this State and shall be treated the same as a civil union entered into in this State regardless of whether it bears the name civil union; provided that the relationship meets the eligibility requirements of this chapter, has been entered into in accordance with the laws of that jurisdiction, and can be documented."

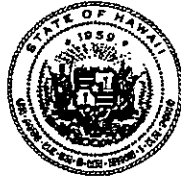
Concerns relating to statutory interpretation:

In addition to the above specific comments about the bill's wording, we are concerned that any amendments to clarify the civil union law, if made in some sections of the Hawaii Revised Statutes but not in others, might be construed as the Legislature's intending to exclude the application of the civil union law to unreferenced sections. To avoid that erroneous construction, **we strongly urge inclusion of the following in a purpose section and in the committee report:**

Act 1, Session Laws of Hawaii 2011, specifically the new section codified as section 572B-9, Hawaii Revised Statutes, gave civil union partners all the same rights, benefits, protections, and responsibilities under law as given to those who contract, obtain a license, and are solemnized pursuant to chapter 572, Hawaii Revised Statutes. During the months of preparation to implement Act 1 and in the time since Act 1 became effective on January 1, 2012, however, it has come to the legislature's attention that certain provisions of Hawaii's statutes would benefit from additional clarification to aid in the proper implementation of Act 1 and minimize confusion as we move forward. Therefore, in making these amendments with this measure, it is the intent of the legislature to reconfirm and clarify the provisions of chapter 572B, Hawaii Revised Statutes, as enacted by Act 1, Session Laws of Hawaii 2011. Nothing in this measure shall be interpreted to weaken or lessen any of the protections, obligations, rights, and responsibilities governed by any provision of Act 1.

We respectfully request that if the committee passes this bill, it includes these suggested changes.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON FINANCE

H.B. 2569, HD 1, Relating to Civil Unions

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

February 23, 2012

1 **Department's Position:** Strong support.

2 **Fiscal Implications:** N.A.

3 **Purpose and Justification:** House Bill 2569, Relating to Civil Unions, is part of Governor
4 Abercrombie Administrative Bill package and supports the New Day goals of investing in people and
5 transforming government. This bill proposes several critical amendments to assure parity between
6 traditional marriages and civil unions including legal status, rights, benefits, privileges, protections, and
7 responsibilities.

8

9 House Concurrent Resolution 205 requested the Department of Health to establish a task force to guide
10 implementation of Act 1, Session Laws of Hawaii 2011. The purpose of the task force was to assist the
11 department in the complex challenge of registering civil unions in a timely and expeditious manner.

12

13 In the course of that work, the task force identified several technical and legal issues requiring
14 clarification and consistency throughout statutes. HB2569, commonly referred to as the "civil union fix

1 bill," reflects task force findings including but not limited to reciprocal beneficiary relationships,
2 issuance of licenses, eligibility requirements for solemnization, and collection of fees.

3

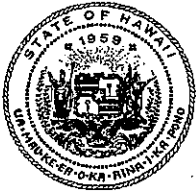
4 The Department of Health continues to work with community stakeholders to refine certain aspects of
5 this proposal and will be submitting amended language based on their input. We wish to thank the
6 Legislature and task force members for their time and interest on this important issue. DOH defers to
7 the Office of the Attorney General regarding amendments to the bill to address any legal concerns.

8

9 We respectfully urge this committee to pass House Bill 2569.

10

11 Thank you for the opportunity to testify on this bill.



HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 23, 2012
6:00 pm
Conference Room 308

To: The Honorable Marcus Oshiro, Chair
and Members of the House Committee on Finance

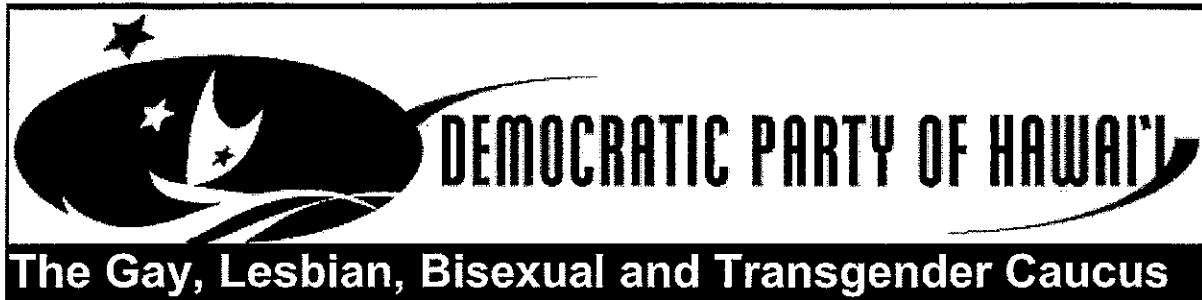
From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 2569, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

Section 1 of H.B. No. 2569, H.D.1 creates a new §572B-B(a) which allows a religious organization to deny use of religious facility for the solemnization of a civil union. Subsection (b) clarifies that religious facilities do not include places of public accommodations as defined in H.R.S. §489-2. This provision is narrowly tailored to protect 1st amendment interests while maintaining protection against discrimination in public accommodations, in accord with other state civil rights decisions holding that religious organizations which operate public accommodations (i.e., offer goods, services and facilities to the general public) cannot discriminate. See, Bernstein v. Ocean Grove Camp Meeting Ass'n, No. PN34XB-03008 (N.J. Dep't of Law and Pub. Safety Dec. 29, 2008), *available at* <http://www.nj.gov/oag/newsreleases08/pr20081229a-Bernstein-v-OGCMA.pd>.

For this reason, the HCRC does not oppose the addition of the new §572B-B as included in H.B. 2569, H.D.1.



February 22, 2012

TO: **COMMITTEE ON FINANCE**

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

Members: Rep. Isaac W. Choy, Rep. Ty Cullen, Rep. Sharon E. Har, Rep. Mark J. Hashem, Rep. Linda Ichiyama, Rep. Jo Jordan, Rep. Derek S.K. Kawakami, Rep. Chris Lee, Rep. Dee Morikawa, Rep. James Kunane Tokioka, Rep. Kyle T. Yamashita, Rep. Barbara C. Marumoto, Rep. Gil Riviere, Rep. Gene Ward

HEARING

DATE: Thursday, February 23, 2012

TIME: 6:00 P.M.

PLACE: Conference Room 308

IN SUPPORT OF HB2569 HD1 (WITH SUGGESTED AMENDMENTS)

In 2011 the Legislature passed the civil unions bill and created a task force to monitor its implementation. The implementation task force offers this bill to clarify issues that surfaced during implementation.

We find the vast majority of the bill acceptable. We would like to make a few comments and suggest a few minor amendments.

This is the first time the State of Hawaii has allowed parties to segue from one relationship status to another. As the bill was originally written, couples had to terminate their Reciprocal Beneficiary (RB) status prior to applying for a Civil Union (CU) license. This created a gap in protection for the couples and their families. This gap has been eliminated by HD1. It may be a bit of an administrative nightmare since it allows a 6-month overlap period, but it does close the gap.

We recommended an amendment to HB2569; we renew that suggestion to HB2569 HD1. Currently, the HRS addresses the legal status of the parents in the paragraph; the addition of referenced to civil unions partners highlights the problem. The policy is about consanguinity, not the legal status of the parents. Therefore, we suggest amending Section 1 to eliminate references to legal status, thus narrowing the scope of the paragraph to its intended purpose:

(1) The respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as to the whole blood, uncle and niece, aunt and nephew, ~~whether the relationship is the result of the issue of parents married or not married to each other or parents who are partners to a civil union or not partners to a civil union;~~

Very truly yours,
Jo-Ann M. Adams, Chair
Gay Lesbian Bisexual and Transgender Caucus

hawaii family forum

Email to: FINtestimony@Capitol.hawaii.gov
Hearing on: Thursday, February 23, 2012 @ 6:00 p.m.
Conference Room #308

DATE: February 21, 2012

TO: House Committee on Finance
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn Lee, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Support Intent of HB 2569 HD 1 Relating to Civil Unions

Honorable Chairs and members of the House Committee on Finance, I am Allen Cardines, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations.

Let's be clear at the forefront that the Hawaii Family Forum remains staunchly opposed to the recent establishment of civil unions in Hawaii. We strongly believe, and have stated on the record, that the legalization of these "unions" were just a step toward the legal recognition of same-sex "marriage" in Hawaii. Recent news stories and even public statements by supporters of civil unions have reiterated the fact that they are not satisfied.

We do, however, appreciate that the House Judiciary committee attempted to strengthen the religious protection clause so we support the current language of the bill; however, we also believe that the language could be strengthened even further. We will defer the language of better protection to those in the legal profession that support our position.

As always, we will continue to raise our voices against any effort to keep people of faith, and church communities, from practicing according to their religious belief.

Mahalo for the opportunity to testify.



PO BOX 240908,
Honolulu, HI 96804-0908
www.equality808.com
808-271-7833

Thursday, February 23, 2012 Time: 6:00 p.m.

HOUSE COMMITTEE ON FINANCE
House Conference Room 308
State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: House Bill 2569 HD 1 Relating to Civil Unions – In Support

To: Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair
Members of the Committee

My name is Tambry R. Young, and I was a member of the Civil Unions Implementation Task Force (CUTF) and am the current President of Citizens for Equal Rights. The CUTF was established last session to address implementation process issues surrounding Act 1 relating to Civil Unions. The CUTF consisted of staff members from the Attorney General's office, personnel from the Department of Health, and members of the legislature, the Hawaii Tourism Authority and LGBT organizations.

The CUTF met several times last year to address issues associated with the development of a Civil Union and Marriage licensing process that went live at 12:00 a.m. on January 1, 2012. This online process has made it much more convenient for those wanting to obtain a Marriage or Civil Union license and has been successful in addressing the purpose for the CUTF.

Along with the implementation process, the task force was also able to discuss areas within Act 1 that could be made clearer, consistent and more appropriate. A sub-committee was established to look into various Statutes that relate to Act 1 and to propose legislation, which is being presented here in HB 2569 HD1.

A primary issue raised in the CUTF was the gap period of benefits between a couple's termination of an RB relationship and their entry into a Civil Union relationship. This HD 1 version has sufficiently addressed this gap period. HB 2569 HD1 has done a tremendous job in meeting many other related departmental concerns as well.

I speak in support of HB 2569 HD1 and ask that you pass this amended version so that it may assist in strengthening the Civil Unions Act 1 Law.

Thank you for this opportunity to testify in support of HB 2569 HD1

Tambry R. Young
Member - Civil Unions Task Force
President - Citizens for Equal Rights

EQUALITY HAWAII

Thursday, Feb. 23, 2012 • 6 p.m. • Conference Room 308
Testifying in Support of HB2569 HD1 On Behalf of Equality Hawaii

Aloha, Chairman Oshiro, Vice Chair Lee & Finance Committee Members:

Thank you for allowing Equality Hawaii to testify in support of HB2569. This bill is a product of the Department of Health's Civil Union Implementation Task Force in which an Equality Hawaii representative was a member. HB2569 is designed to create some administrative fixes to Act 1 and address concerns being raised by our members. **We support this bill with a minor amendment.**

As the state's largest lesbian, gay, bisexual and transgender organization, Equality Hawaii has fielded a large volume of inquires from our members with questions and concerns about Act 1, which HB2569 HD1 addresses.

A few illustrations of real-life impact that this bill will have focuses on those couples currently in Reciprocal Beneficiary Relationships (RBR) who are required per Act 1 to terminate their RBR in order to apply for a civil union license. This creates a "gap period" in between the time the RBR is terminated and the civil union is solemnized, causing the couple to forfeit all of their previous legal rights and protections, which could have potential catastrophic consequences relating to health care, inheritance, medical decision making, and real estate tenancy to name just a few examples.

Unfortunately, there is one error in Section 7 of HB2569 HD1 that accidentally creates two separate rules for the termination of RBRs; one for RBR couples who enter into civil unions in Hawaii and another for RBR couples who enter into "unions" outside of Hawaii that will be recognized as civil unions in Hawaii.

SECTION 7. 572B-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 in accordance with the laws of that jurisdiction, and can be documented[.]; and provided further that, if either individual is a party to an existing reciprocal beneficiary relationship pursuant to chapter 572C, the union shall not be recognized as a civil union under this section until the reciprocal beneficiary relationship is terminated.~~

Proposed Amendment: Please delete the underlined section in Section 7, 572B-10 above that requires an RBR couple who enters into a union in another jurisdiction to formally terminate their RBR in order to have their union recognized as a civil union in Hawaii. This is unnecessary, creates confusion, and contradicts Section 9 (c) (2).

SECTION 9. 572C-7, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

(c) A reciprocal beneficiary relationship shall automatically terminate when:

- (1) Either party to the reciprocal beneficiary relationship enters into a marriage or civil union solemnized by a person licensed by the department; or*
- (2) Either party to the reciprocal beneficiary relationship enters into a union outside the State that is recognized by law as a marriage or civil union in the State.*

(c) If either party to a reciprocal beneficiary relationship enters into a legal marriage[,] or civil union,

the parties shall no longer have a reciprocal beneficiary relationship and shall no longer be entitled to the rights and benefits of reciprocal beneficiaries[.], except as provided in section 572B-A."

We urge this committee to strike the language from Section 7 and retain the language from Section 9.

Equality Hawaii believes that passing this bill with this one requested amendment will allow for a smoother implementation of Act 1. We respectfully request that you consider amending and passing this bill.

Mahalo for allowing us to testify.

Aloha,

Scott Larimer

Scott Larimer
Co-Chair
Equality Hawaii



Alan R. Spector, LCSW
Legislative Co-Chair
Equality Hawaii

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February 21, 2012

Thursday, February 23, 2012 - 6:00 p.m.
House Finance Committee
State Capitol RM 308
415 South Beretania Street
Honolulu, HI 96813

RE: House Bill 2569 HD 1 RELATING TO CIVIL UNIONS - STRONG SUPPORT

Aloha Chair Oshiro and fellow committee members,

On behalf of Honolulu Pride we would like to say Mahalo for hearing House Bill 2569 HD 1 as well as a extending a big MAHALO to Governor Abercrombie for submitting HB 2569 HD 1 as part of the his 2012 administration's packet.

We have seen first hand the trouble that couples in a Reciprocal Beneficiary (RB) trying to enter into a Civil Union. The way it is now first a couple has to dissolve the RB by mailing in a letter to the Department of Health (DOH). Then that letter may sit in the P.O. Box for a couple of days before it is even begun to be processed and that can take time before it is signed by the Director of DOH. Then a certificate is mailed to the couple so they then can go get a CU license and then have it solemnized.

During the time the RB has been terminated and the couple is able to get their Civil Union solemnized they are vulnerable. If the couple is lucky enough to have joint health insurance through Partner A's job it is canceled for Partner B since they are no longer a couple under the eyes of the law. So if something tragic happens to Partner B during this time it can bankrupt the couple. Or worse yet if either one of the is killed during this time the other besides being devastated could lose everything if the deceased partner's blood relative shows up and challenges the will if they have one. That is not right but that is the law as it stands today.

So we ask that you make it better, make it right and pass HB 2569 HD 1 because it helps fix the imperfections in Act 1 - 2011 as well as the right thing to do.

Mahalo for the opportunity to testify,

Rob Hatch
Legislative Representative



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honolulu, hawai'i 96813-3544
eOlaNui@gmail.com
808.782.5329
www.OlaNui.com

22 February, 2012

worship with us on Sundays
@ 9 a.m.

Finance Committee
House of Representatives
FINtestimony@Capitol.Hawaii.gov

serve Christ and others
with us all week long

RE: HB 2569 HD 1 - SUPPORT OF §572B-B
23 February 2012 • 6:00 p.m. Hearing • Room 308

walter agena
rick lazor
ronald shiira
elders

Aloha Chairperson Oshiro, Vice-Chair Lee, and
members of the House of Representative Finance Committee;

Mahalo nui loa to all those on the House Judiciary Committee who wisely amended HB 2569 RELATING TO CIVIL UNIONS to add the new language in §572B-B enhancing protection for those who object to civil unions as a matter of religious belief.

I am of the opinion that the amended provision does not go nearly far enough to provide the safeguards necessary to truly protect those who object to civil unions as a matter of conscience. One has only to review the current controversy surrounding the separate health care issue on the Federal level and other recent national judicial opinions to conclude that the right of faith communities to practice and promulgate their beliefs MUST be thoroughly protected.

But I am indeed grateful, once again, for the efforts of the Judiciary Committee to work toward some improvement.

This is not to say that I support said bill as a whole. I have always objected to the legalization of civil unions in the State of Hawai'i and in my testimony in years past, I often expressed the opinion that such a development was nothing more than "greasing the wheels" toward eventual attempts to legalize same-sex "marriage." I think it's rather clear today that what was once only a humble opinion can certainly (and unfortunately) be recognized now as fact. The ink was hardly dry on Governor Abercrombie's signature last year before strident voices began demanding that civil unions were not enough.

So while I sincerely wish that we were not even at the place where we need to be discussing "housekeeping" on a misguided statute, I nevertheless applaud the work of the House in moving toward more acceptable conscience protections. I trust that this language will be further strengthened.

Mahalo for your service and your willingness to hear the public on this matter. I am grateful for the opportunity to present this opinion.

Sincere aloha!

(signed)

Rick Lazor, M.S.W.
OlaNui!



HAWAII CATHOLIC CONFERENCE
6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: FINtestimony@Capitol.hawaii.gov
Hearing on: Thursday, February 23, 2012 @ 6:00 p.m.
Conference Room #308

DATE: February 21, 2012

TO: Committee on Finance
Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Support Intent of HB 2569 HD 1 Relating to Civil Unions

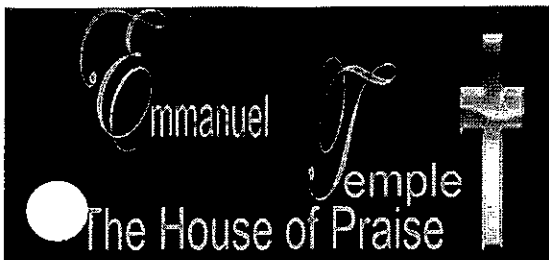
Honorable Chairs and members of the House Committee on Finance, I am Walter Yoshimitsu, representing the Hawaii Catholic Conference. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Catholics in Hawaii.

This testimony will not focus on the merits of civil unions in Hawaii as this legislature has already decided to establish them. Our testimony today focuses instead on the language in the current version of the bill that attempts to strengthen the protections for those who have objections to civil unions for religious reasons.

As we stated in our testimony before the House Judiciary Committee, the language presently contained in HRS § 572B-4(c) is not strong enough and we are concerned about the effect it would have on us as a religious institution, specifically in regards to the use of public accommodations.

Although we are grateful that the House Judiciary Committee listened to the testimony of the religious community and tried to strengthen the language, we strongly believe that the conversation needs to continue so that our ongoing concerns relating to the use of public facilities will be addressed.

Thank you for the opportunity to testify.



February 22, 2012

Email: FINtestimony@Capitol.hawaii.gov
Hearing on: February 23, 2012 @ 6 PM
Conference Room 308

TO: House Committee on Finance
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice- Chair

FROM: Bishop Carl E. Harris

RE: HB 2569 H.D.1 Relating to Civil Unions

Honorable Chairs and members of the House Committee on Finance, my name is Carl E. Harris, Pastor and Bishop of Emmanuel Temple, The House of Praise. We are a church committed to preaching, teaching and promoting the gospel of Jesus Christ. Our aim and efforts are to establish, raise and build generations upon a secure foundation of the doctrine of Jesus Christ whereby healthy family structure is fostered and encouraged according to a proven design, the design of the Creator. Therefore, I want to first of all, express that we profoundly oppose the establishment of 'civil unions' in the state of Hawaii. We strongly believe and have gone on record that this is nothing merely than a foretaste of the ultimate desire of this portion of society, ((LGBT COMMUNITY)), who has already expressed their dissatisfaction. Primarily although it has been publically denied, the intent is to "legalize same sex marriages."

However we do, appreciate the fact that the House Judiciary Committee made efforts to strengthen the religious protection clause in the bill. We are in support of the current language of the bill, but we also believe that the language needs to be expanded and strengthened further. The language of the bill for better protection of the church and its institutions and all concerned we defer to those in the legal profession that support our position

We will continue to raise our voices against any and all efforts to silence the church community or keep us from practicing our faith according to our beliefs.

Thank you for the opportunity to express our testimony.

Bishop Carl E. Harris

Lahaina Baptist Church



February 22, 2012

Aloha Representatives Oshiro and Lee,

As a local pastor and concerned resident of the great state of Hawai'i, I would like to submit this letter to you as a written testimony of my thoughts in addressing the issues regarding the recognizing of civil unions in Hawai'i and the language of HB2569 H.D.1.

Even though I stand fully opposed to the recent establishment of civil unions in Hawai'i, I do appreciate the protection offered to religious groups through the current law. I believe that the language could be further strengthened and should not be softened by any means.

I also fully support the work of groups, such as the Hawai'i Family Forum in addressing the needs on behalf of many voices in our great state and encourage you to respond positively to their efforts to keep the laws of our state from becoming burdensome to the majority.

Mahalo for your service to our state and for your time in considering my views as you act upon this law and any future changes to the civil union status in Hawai'i. May God bless your faithfulness to trust Him.

Aloha in Christ,

Chris

"...where we passionately proclaim the truth of Christ with Aloha."

P.O. Box 1000, Lahaina, HI 96767-1000

808.661.3725 www.lahainabaptist.org

Senior Pastor - Chris Martin

Telephone:
(808) 534-1514

JAMES HOCHBERG
ATTORNEY AT LAW

Cellular Phone:
(808) 256-7382

Fax:
(808) 538-3075

745 Fort Street
Fort Street Tower, Suite 1201
Honolulu, Hawaii 96813

Email Address:
Jim@JamesHochbergLaw.com

February 22, 2012

Supplemental Testimony In Support Of
Intent of HB 2569 HD1 Relating to Civil Unions
And Suggesting Amendments to Section 1
Dealing With HRS Section 572B-B

State of Hawaii
House of Representatives
Committee on Finance

Hearing Date: February 23, 2012; 6:00 p.m. Conf 308

TO: Committee on Finance
Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee Members

Honorable Chair, Vice Chair and members of the House Committee on Finance, this testimony supplements my prior testimony dated February 21, 2012, and seeks to express support for the intent of HB 2569 HD1 Relating to Civil Unions as expressed in that part of Section 1 dealing with HRS Section 572B-B and clarifying that religious organizations may decline to permit their property to be used to celebrate a civil union ceremony. In addition to support for the intent, I would also like to suggest a couple of changes to better achieve that intent.

My name is Jim Hochberg and I have been an attorney in Honolulu since 1984, during most of which time I have included in my practice a pro bono project protecting the 1st Amendment rights of religious folks in Hawaii. I also served as one of seven members on the Governor's Commission of Sexual Orientation and the Law in 1995. I testify and lobby on my own behalf as part of that pro bono service.

HB2569 H.D.1 attempts to deal with an issue of religious freedom which was brought to the attention of the Judiciary Committee last month and I am thankful to the Judiciary Committee for its efforts to deal with this. That religious freedom issue involves the question of whether a church is a public accommodation under HRS Chapter 489, defined in Section 2 of that chapter. If a church is included in the definition of public accommodations, then if a same sex couple asked to use a church property for a civil union ceremony, if the church declined, the church would likely face a Civil Rights Commission claim or law suit for discrimination for simply saying that the religious beliefs

JAMES HOCHBERG

ATTORNEY AT LAW

House Committee on Finance
February 22, 2012
Page 2

of the church did not permit the use of its property to celebrate a civil union.

Most religious organizations would not consider themselves to be public accommodations. Public Accommodations are typically thought of as transportation companies, hotels, restaurants, theatres, and other shops or professional offices. The Public Accommodations statute does not expressly include or exclude churches within the definition. But that definition is very broad indeed. There is even currently pending before the Hawaii Civil Rights Commission a claim by a same sex couple who was turned away in just such an instance. The Hawaii Civil Rights Commission did not dismiss the claim on the basis that a church is not a public accommodation. The claim lingers on today. What complicates this question is the language in HD1 which now only applies the protections to those churches who are not public accommodations. I believe the State of Hawaii can go further to clearly protect religious freedom in the context of civil unions.

Public accommodations are extremely broadly defined in HRS Section 489-2. The definition of "place of public accommodation" found in Section 489-2, possibly affords almost no protection to churches. Under that statutory definition, a place of public accommodation includes any:

"accommodation . . . of any kind . . . whose facilities . . . are extended . . . or otherwise made available to the general public as . . . visitors."

That language may be causing the existing claim at the Hawaii Civil Rights Commission to not be thrown out. It is important to make it abundantly clear that religious institutions are typically not public accommodations, even though there is one church in this state that owns a golf course, club house and restaurant that are open to the public Monday through Saturday as a regular golf course. One could say that such a church is a public accommodation. That however, is not the longstanding typical experience for religious organizations in Hawaii.

May I suggest the language in HD1 for HRS 572B-B(b) be replaced with the following language to better clarify the intent of protecting religious organizations use of their property and facilities:

"(b) For purposes of this section, 'religious facility' means a facility owned or leased by a religious organization that is regularly used for the worship or ministry activities in the religious work of the organization."

This language clearly differentiates most Hawaii churches from a church-owned golf course, club house and restaurant open to the public Monday through Saturday and operated during that time primarily as a golf course rather than as a religious facility.

JAMES HOCHBERG

ATTORNEY AT LAW

House Committee on Finance

February 22, 2012

Page 3

While the State of Hawaii made the determination last year that it would create civil unions in Hawaii, the law failed to take into account the discrimination prohibitions in the public accommodations laws where the civil union relationship is inconsistent with the religious tenets of a religious organization. We are asking the legislature to remain tolerant toward Hawaii's religious organizations in this regard while the State of Hawaii last year asked the people of Hawaii to be tolerant toward civil union relationships.

As was stated in January, 2012 by the a three judge panel of the Sixth Circuit Court of Appeals:

"Tolerance is a two-way street. Otherwise, the rule mandates orthodoxy, not anti-discrimination." JULEA WARD V. VERNON POLITE;
United States Court of Appeals, Sixth Circuit. Decided and Filed: Jan. 27, 2012.

Thank you for your consideration of my testimony and I remain available to assist in any way that I can to resolve this issue to protect the religious freedom of the churches in Hawaii with respect to the use of their properties concerning civil unions.

Sincerely,



JAMES HOCHBERG

JH:lz

February 23, 2012

By Email

The Honorable Marcus R. Oshiro

Committee on Finance

Re: HB 2569 Relating to Civil Unions – Support, and amend

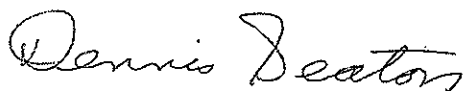
Dear Representative Oshiro:

The Church State Council, the oldest public interest organization in the western United States devoted exclusively to issues of religious freedom, is pleased to support HB2569 which makes provisions for religious organizations to deny use of their facility to solemnize a civil union and that they will not be subject to any fine or penalty

We do wish to urge a modest change in language: From (b) For purposes of this section, "religious facility" means a facility owned or leased by a religious organization but is not a place of public accommodation as defined in section" TO (b) For purposes of this section, 'religious facility' means a facility owned or leased by a religious organization that is actually used in the religious work of the organization."

We look forward to working with you and your staff to see HB 2569 enacted into law.

Sincerely



Dennis Seaton
Director of Government Relations
Phone 415 572 2753

House Committee on Finance
HB 2569 HD1 - RELATING TO CIVIL UNIONS
6 PM, Thursday, February 23, 2012

TESTIMONY BY JANICE PECHAUER
Past President, Save Traditional Marriage '98

I support the language the House Judiciary Committee added to HB 2569 HD1 granting a religious exemption for churches with regard to civil unions. However, I respectfully request that additional language be added to clarify the issue.

I recommend it be amended to say: "No religious organization that denies use of its religious facility for the solemnization or celebration of a civil union shall be subject to any fine or penalty or other civil action."

In light of recent religious freedom controversies, you are to be commended for recognizing and supporting religious freedom in Hawaii.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 9:31 AM
To: FINTestimony
Cc: coffee@heavenlyhawaiian.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: David Bateman
Organization: Individual
E-mail: coffee@heavenlyhawaiian.com
Submitted on: 2/22/2012

Comments:
Chair Oshiro and Committee on Finance Matters:

I support HB 2569 HD1, but recommend that it be further amended to say:
...No religious organization that denies use of its religious facility for the solemnization
"or celebration" of a civil union shall be subject to any fine or penalty
"or other civil action".

These simple housecleaning amendments clean up the language and will further help assure
protection of religious organizations, pastors and solemnizers from attacks on their exercise
of their First Amendment rights and freedom of religion. These proposed amendments are
within the legislative intent of the protections set out in HB 2569 HD1.

Thank you for considering my written testimony.

David Bateman
Holualoa, HI

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Cc: Mashiach_is_coming@yahoo.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Baruch Hashem
Organization: Christians of Hawaii
E-mail: Mashiach_is_coming@yahoo.com
Submitted on: 2/22/2012

Comments:
www.capitol.hawaii.gov hb2569

House FIN Committee

Chair

Marcus R. Oshiro
House District 39
Hawaii State Capitol, Room 306
phone: 808-586-6200
fax: 808-586-6201
repmoshiro@Capitol.hawaii.gov

Vice Chair

Marilyn B. Lee
House District 38
Hawaii State Capitol, Room 434
phone: 808-586-9460
fax: 808-586-9466
replee@Capitol.hawaii.gov

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Isaac W. Choy
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James Kunane Tokioka

Sharon E. Har

Kyle T. Yamashita

Mark J. Hashem

Barbara C. Marumoto

Linda Ichiyama

Gil Riviere

Jo Jordan
Gene Ward

Derek S.K. Kawakami

RE: HB 2569 HD1

Relating to Civil Unions

<http://www.capitol.hawaii.gov/committeepage.aspx?comm=FIN>

The God of Abraham, Isaac and Jacob sees all things. This agenda is not acceptable because there is more behind the scenes. Look at what happened to Massachusetts. Please don't let Hawaii follow the downward trend of Massachusetts. It's not worth it. God will be proud of you for changing your mind on this issue. We all will face eternity after this body is no more. I personally want to go to Heaven and hear "you good and faithful servant". I will be praying for you.

Shalom,
Karen

URGENT = PLEASE READ AND SEE LINKS BEFORE MAKING A DECISION ON HB 2569

Sincerely,

Karen

Mashiach_is_coming@yahoo.com

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What I need to know is if churches, businesses etc will be sued if they refuse to allow gays to rent their facilities for civil union ceremonies and if they will be sued if they do not want to hire a gay etc.

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Forced to accommodate:

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2. Laws are like boundaries that are written to protect minors like: No smoking, No drinking, No speeding, No drugs. Pastors, Churches and Christian businesses have moral

boundaries that should not be crossed. If Pastors get sued then so would Rabbis, Imams, Priests, and Buddhist monks.

Why don't Christian Churches want to accommodate Civil Union ceremonies?

.. For Christians, everything begins with God. Our whole purpose in life is to follow God's commandments; and according to God's word in the Bible, homosexuality is immoral and contrary to God's will.

a. Leviticus 18:22 NKJV 24You shall not lie with a male as with a woman. It is an abomination.

b. Romans 1:24-27 NKJV 24 Therefore God also gave them up to uncleanness, in the lusts of their hearts, to dishonor their bodies among themselves, 25 who exchanged the truth of God for the lie, and worshiped and served the creature rather than the Creator, who is blessed forever. Amen.

26 For this reason God gave them up to vile passions. For even their women exchanged the natural use for what is against nature. 27 Likewise also the men, leaving the natural use of the woman, burned in their lust for one another, men with men committing what is shameful, and receiving in themselves the penalty of their error which was due.

2. Pastors Christian Churches and businesses want to set an example and protect children and families from health risks:

a. LGBT websites, books, curriculum material, training workshops and clubs exposes children/minors to an awareness of unnatural anal sex, oral sex, fisting, bestiality, incest, pornography, pedophilia and more exposing minors to health risks like AIDS, Gay Bowel Syndrome, S&M and even death. Fisting or fisting for example: Fisting [forcing one's entire hand into another person's rectum or vagina]

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"We shall sodomize your sons; We shall seduce them in your schools, in your dormitories, in your gymnasiums, in your locker rooms, in your youth groups. Your sons shall become our minions and do our bidding. They will come to crave and adore us. All laws banning homosexual activity will be revoked. Instead, legislation shall be passed which engenders love between men. Our writers and artists will make love between men fashionable... We shall raise vast, private armies...to defeat you. The family unit...will be abolished. Perfect boys will be conceived and grown in the genetic laboratory...All churches who condemn us will be closed. Our only gods are handsome young men. All males who insist on remaining stupidly heterosexual will be tried in homosexual courts of justice and will become invisible men. Tremble, hetero swine, when we appear before you without our masks."

4. Other Agendas:

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<http://www.orthodoxytoday.org/articles/DaileyHomosexualAbuse.htm>

<http://askios.tripod.com/id23.html>

http://exodusbooks.org/Books/index.php?main_page=product_info&products_id=68

Please do not force Pastors', Christian Churches, businesses, Rabbis', Imams' or Buddhist monks or to accommodate Civil Union ceremonies or be threatened with a discrimination lawsuit because it is against their moral and ethical values. If you force them to do what they don't believe in then they are discriminating and violating conscience. I am sure on January 1, 2012 that homosexuals found someone to do their civil unions.

Extras:

Pope Benedict Attacks UK Government over Gay Equality Bill

<http://www.youtube.com/watch?v=a5NUdsuBySM>

Bill Donohue Links Homosexuality to Pedophilia

<http://www.youtube.com/watch?v=2j8PemrX5DA&feature=related>

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Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Karen Goodness
Organization: Individual
E-mail: Mashiach_is_coming@yahoo.com
Submitted on: 2/22/2012

Comments:
www.capitol.hawaii.gov
HB2569

House FIN Committee

Chair
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<http://askios.tripod.com/id23.html>

http://exodusbooks.org/Books/index.php?main_page=product_info&products_id=68

Please do not force Pastors’, Christian Churches, businesses, Rabbis’, Imams’ or Buddhist monks or to accommodate Civil Union ceremonies or be threatened with a discrimination lawsuit because it is against their moral and ethical values. If you force them to do what they don’t believe in then they are discriminating and violating conscience. I am sure on January 1, 2012 that homosexuals found someone to do their civil unions.

Extras:

Pope Benedict Attacks UK Government over Gay Equality Bill

<http://www.youtube.com/watch?v=a5NUdsuBySM>

Bill Donohue Links Homosexuality to Pedophilia

<http://www.youtube.com/watch?v=2j8PemrX5DA&feature=related>

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 4:58 PM
To: FINTestimony
Cc: Strider4Jesus@aol.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Strider Didymus
Organization: Individual
E-mail: Strider4Jesus@aol.com
Submitted on: 2/22/2012

Comments:

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
Rep. Isaac W. Choy Rep. Chris Lee
Rep. Ty Cullen Rep. Dee Morikawa
Rep. Sharon E. Har Rep. James Kunane Tokioka
Rep. Mark J. Hashem Rep. Kyle T. Yamashita
Rep. Linda Ichiyama Rep. Barbara C. Marumoto
Rep. Jo Jordan Rep. Gil Riviere
Rep. Derek S.K. Kawakami Rep. Gene Ward

NOTICE OF HEARING

DATE: Thursday, February 23, 2012
TIME: 6:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

A G E N D A # 8

HB 2569, HD1
(HSCR514-12)

Status

RELATING TO CIVIL UNIONS.

Amends various statutory provisions related to civil unions for clarity and conformity. Deletes the eligibility requirement for a civil union requiring termination of an existing reciprocal beneficiary relationship. Authorizes any licensing agent statewide to issue a civil union license. Authorizes the Department of Health to collect fees for civil union licenses. Makes a reciprocal beneficiary relationship automatically terminate upon either party entering into a civil union or marriage that is solemnized. Authorizes name change on the certificate of civil union. Confirms the family court has jurisdiction over the divorce,

annulment, and separation of a union that is recognized as a civil union in this State. Effective retroactive to January 1, 2012. JUD, FIN

TESTIMONY (02/22/12)

Per my previous testimony below, when this measure was before the House JUD; I continue to be in STRONG OPPOSITION, despite the additions to protect religious institutions or facilities from being sued or penalized for refusing to rent their facilities out for abominable homosexual activities. This is a start, but it doesn't address the entire problem.

We were lied to by the said JUD committee and its attorney, whom specifically indicated to this person that the crossed out portions of: "Nothing in this section shall be construed to require any person authorized to perform solemnizations of marriages or civil unions to perform a solemnization of a civil union, and no such authorized person who fails or refuses for any reason to join persons in a civil union shall be subject to any fine or other penalty for the failure or refusal," will be rectified in the subsequent draft before going on to FIN.

As you can see, it remains crossed out and thus continues to subject religious entities to "fine or other penalty for the failure or refusal" to "solemnization of marriages or civil unions." Does the mention of marriage here, refer to homosexual marriages? Clarification is needed.

If this committee will not kill this bill here, then the provision cited above in quotation marks should be reinstated, before crossing over to the Senate JUD. Their chair has already exhibited a flagrant disregard for religious institutions and individuals who have been vocal against homosexuality, and in turn has been very supportive of their cause - thus showing biasness and a very real potential of NOT rectifying the terminology there.

Further, the Governor has just lied to us regarding this issue and now supports homosexual marriage, and in turn he will not defend the State in his capacity against a Federal law suit. He shall be held accountable for it one day before God Almighty. Will you as well?

TESTIMONY (January 31, 2012)

I am in STRONG OPPOSITION to any bill (specifically HB 2569 here) relating to the so called "Civil Unions," in that homosexuality is a perverse act, a detriment to family and society, and a abomination of God; thus subject to eternal damnation by those who engage in such.

For it is written in the Holy Bible, "The sexually immoral...their place will be in the fiery lake of burning sulfur. This is the second death." (Revelation 21:8) and "In a similar way, Sodom and Gomorrah and the surrounding towns gave themselves up to sexual immorality and perversion. They serve as an example for those who suffer the punishment of eternal fire." (Jude 7)

Be advised that this Judiciary Committee, whose members (as with other legislators) who have shown support for such despicable legislation has shown a flagrant disregard for the will of the people and God, and you too shall be held accountable for it one day for "Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things, but also approve of those who practice them." (Romans 1:32)

Now in reference to this bill which would REMOVE the following from the bottom of page 3 and the top of page 4:

'Nothing in this section shall be construed to require any person authorized to perform solemnizations of marriages or civil unions to perform a solemnization of a civil union, and

no such authorized person who fails or refuses for any reason to join persons in a civil union shall be subject to any fine or other penalty for the failure or refusal.”

This is a clear violation of religious rights as protected under the following:

1) The United States Constitution:

Amendment 1 - Freedom of Religion, Press, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2) The Constitution of the State of Hawaii:

Freedom of Religion, Speech, Press, Assembly and Petition

Section 4. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances. [Ren and am Const Con 1978 and election Nov 7, 1978]

For the record, there is no such thing as “The Separation of Church and State,” contrary to atheist antagonizes, nor is homosexuality a “Civil Right” as identified by the following unknown source:

“The 13th, 14th, and 15th Amendments to the Constitution, adopted after the Civil War, were designed to eliminate legal discrimination against blacks in the wake of over two centuries of slavery. The 15th Amendment mentions race and color explicitly, declaring that “the right to vote shall not be denied or abridged . . . on account of race, color, or previous condition of servitude.”⁴³ “National origin” would be comparable to “race” and “color” in this respect.

The constitutional amendment process was explicitly used in 1920 to give women the right to vote, which they had been denied for most of our nation’s history. The 19th Amendment, using language directly parallel to that of the 15th regarding race, declared that the right to vote “shall not be denied or abridged . . . on account of sex.”

Be advised that our nation’s first President, George Washington, also once stated that, “It is impossible to rightly govern the world without God and the Bible.”

President Abraham Lincoln would later say that, “I believe the Bible is the best gift God has given to man. All the good from the Savior of the world is communicated to us through this book.”

President Andrew Jackson would also state that, “That book, sir, is the rock on which our republic rests.”

Lastly, Daniel Webster once stated, “If we abide by the principles taught in the Bible, our country will go on prospering and to prosper; but if we and our prosperity neglect its instructions and authority, no man can tell how sudden a catastrophe may overwhelm us and bury all our glory in profound obscurity.”

In the name, power and authority of Jesus Christ, King of Kings, Lord of Lords, God and Savior; you are hereby warned to reframe from pursuing any further legislative actions that will undermine God’s Sovereign Word and the Judeo-Christian principles in which our Nations forefathers established.

Members, please vote "NO" to this bill.

Servant and Messenger of God, Disciple of Christ

Frederick Didymus

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2012 12:19 PM
To: FINTestimony
Cc: lazor@hawaii.rr.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Support
Testifier will be present: Yes
Submitted by: Rick Lazor
Organization: OlaNui!
E-mail: lazor@hawaii.rr.com
Submitted on: 2/22/2012

Comments:

Aloha Chairperson Oshiro, Vice-Chair Lee, and members of the House of Representative Finance Committee;

Mahalo nui loa to all those on the House Judiciary Committee who wisely amended HB 2569 RELATING TO CIVIL UNIONS to add the new language in 572B-B enhancing protection for those who object to civil unions as a matter of religious belief.

I am of the opinion that the amended provision does not go nearly far enough to provide the safeguards necessary to truly protect those who object to civil unions as a matter of conscience. One has only to review the current controversy surrounding the separate health care issue on the Federal level and other recent national judicial opinions to conclude that the right of faith communities to practice and promulgate their beliefs MUST be thoroughly protected.

But I am indeed grateful, once again, for the efforts of the Judiciary Committee to work toward some improvement.

This is not to say that I support said bill as a whole. I have always objected to the legalization of civil unions in the State of Hawai'i and in my testimony in years past, I often expressed the opinion that such a development was nothing more than "greasing the wheels" toward eventual attempts to legalize same-sex "marriage." I think it's rather clear today that what was once only a humble opinion can certainly (and unfortunately) be recognized now as fact. The ink was hardly dry on Governor Abercrombie's signature last year before strident voices began demanding that civil unions were not enough.

So while I sincerely wish that we were not even at the place where we need to be discussing "housekeeping" on a misguided statute, I nevertheless applaud the work of the House in moving toward more acceptable conscience protections. I trust that this language will be further strengthened.

Mahalo for your service and your willingness to hear the public on this matter. I am grateful for the opportunity to present this opinion.

Sincere aloha!

(signed)

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Wednesday, February 22, 2012 5:25 PM
To: FINTestimony
Cc: clineardo@msn.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: Cline Ardo
Organization: Individual
E-mail: clineardo@msn.com
Submitted on: 2/22/2012

Comments:

I support HB 2569 HD1 but recommend that it be further amended to say:
...No religious organization that denies use of its religious facility for the solemnization or celebration of a civil union shall be subject to any fine or penalty or other civil action.



Holly J. Huber

1519 Nuuanu Ave #154 • Honolulu, Hawaii 96817
(808) 554-7692 • hollyjhuber@gmail.com

TO: House Committee on Finance
Hearing on February 23rd in room 308 @ 6 PM

FROM: Holly J. Huber

DATE: February 22, 2012

RE: In support of HB2569
Regarding Civil Unions

Mahalo nui loa for hearing HB2569 and revisiting this important issue in order to clarify and correct some language.

This bill allows couples who are currently reciprocal beneficiaries to easily enter into a civil union without delay. This is important for couples and families with minor children who may be left vulnerable if there is a gap in insurance coverage or change in status. No one should be penalized for having a reciprocal beneficiary and wishing to convert it to a civil union.

HB2569 also includes important changes to the rules regarding solemnization of civil unions.

Please vote in favor of HB2569!

2-22-12

To: House Finance Committee, Chair: Representative Marcus R. Oshiro,
Vice-Chair: Representative Marilyn B. Lee

From: Margaret Scow

Re: In Support of **HB2569HD1 with Amendments**

Hearing Date & Time: Thurs, Feb. 23, 2012 at 6 pm

Place of Hearing: Conference Room #308 at the Hawaii State Capitol

To Chair Marcus Oshiro, Vice-Chair Marilyn Lee and members of the Finance Committee,

I am in strong OPPOSITION to civil unions under any circumstances. However, I appreciate the efforts of the House Judiciary Committee's strengthening of the religious protection clause language.

I recommend that HB2569HD1 be amended to say:

§572B-B Use of religious facility for solemnization of civil unions. (a) Notwithstanding any other law to the contrary, a religious organization may deny use of a religious facility or any facility belonging to the religious organization for solemnization of a civil union. No religious organization in the State of Hawaii that denies use of its religious facility or any facility belonging to the religious organization for the solemnization or celebration of a civil union shall be subject to any fine, penalty, or civil action. Every religious organization in the State of Hawaii shall be protected from all lawsuits of any kind in regards to recipriral beneficiaries, civil unions and same sex marriages.

Sincerely,

Margaret Scow

To our elected Legislators:

I support HB 2569 HD1 and recommend it be further amended to include:

...No religious organization that denies use of its religious facility **for the solemnization or celebration of** a civil union shall be subject to any fine or penalty **or other civil action.**

I appreciate the time given to provide my testimony.

Mahalo,
Brian Yahata
1326 Akele Street
Kailua, HI 96734
343-0060

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 9:18 AM
To: FINTestimony
Cc: toddhairgrove@hotmail.com
Subject: Testimony for HB2569 on 2/23/2012 6:00:00 PM

Testimony for FIN 2/23/2012 6:00:00 PM HB2569

Conference room: 308
Testifier position: Support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
E-mail: toddhairgrove@hotmail.com
Submitted on: 2/21/2012

Comments:
Keep The Language In The Bill

HB2569 HD1 - strengthen language (civil unions).txt

Margaret Peary
Support
HB2569

Dear Finance Committee Members,

I am writing in support of HB2569 HD1 but I would like to see the wording strengthened as follows:

"No religious organization that denies the use of its religious facility for the solemnization or celebration of a civil union shall be subject to any fine or penalty or other civil action."

Shawn A. Luiz
Attorney at Law
1132 Bishop Street
Suite 1520
Honolulu, Hawaii 96813
Tel. (808) 538-0500 Fax (808) 538-0600 E-mail: attorneyluiz@msn.com

February 23, 2012

Via Facsimile to (808) 586-6001

HB 2569, HD 1
Relating To Civil Unions
COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
Thursday, February 23, 2012
6:00 p.m.
Conference Room 308

HB 2569, HD 1 should incorporate broader language to provide maximum First Amendment Immunity (Declaratory, Injunctive, and all forms of Monetary Damages, including but not limited to emotional distress and punitive damages) for Churches in the State of Hawaii.

Two prongs should be considered: (1) complete immunity to persons who refuse to perform a civil union for religious grounds; and (2) complete immunity to persons who refuse to rent property for such unions to take place for religious grounds.

By agreement of the parties, the Federal Court has stayed Emmanuel Temple, The House of Praise, et al. v. Neil Abercrombie, et al.; Civil No: 11-790 JMS-KSC, pending some of these First Amendment matters before the Legislature.

The proposed language below will close the current loophole that exists in order that Churches cannot be compelled to perform same-sex ceremonies or be forced to rent their property for same-sex ceremonies (one church already has pending litigation against it for refusing to allow its property to be used for a same-sex ceremony). This proposed language below is consistent with separation of church and state which was recently affirmed in a 9-0 decision by the U.S. Supreme Court (*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*).

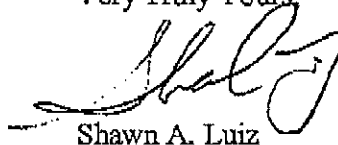
February 23, 2012
HB 2569, HD 1, Relating To Civil Unions, COMMITTEE ON FINANCE,
Page 2 of 2

The proposed language is as follows:

It is strictly a matter of the ecclesiastical government of a religious organization to determine the use of its property, and consequently, religious institutions or organizations, or religious or charitable organizations operated, supervised, or controlled by a religious institution or organization, shall not be required to extend the use of their property to a solemnization or celebration of a same-sex relationship if the solemnization or celebration for same-sex couples is in violation of such organization's religious beliefs and faith. Any refusal to extend the use of such organization's property 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 institution or organization that refused."

In summation, please incorporate broader language into HB 2569, HD 1 to provide maximum First Amendment Immunity (Declaratory, Injunctive, and all forms of Monetary Damages, including but not limited to emotional distress and punitive damages) for Churches in the State of Hawaii.

Very Truly Yours,



Shawn A. Luiz