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Wednesday, February 29, 2012 Time: 9:35 a.m.

State Capitol
Conference Room 016
415 South Beretania Street
Honolulu, HI 96813

RE: Senate Bill 2571 Proposed SD1 - Relating to Domestic Relations – Support with Amendments

To: Committee on Judiciary and Labor

 Senator Clayton Hee, Chair
 Senator Maile S.L. Shimabukuro, Vice Chair

Aloha Chair Hee, Vice Chair Shimabukuro and Committee Members,

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 (CFER). 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.

CFER stands in support of SB 2571 Proposed SD1 and as a member of the LGBT Rights Network, we support their request to expand the legislation to include a few additional areas as noted in their testimony.

Thank you for this opportunity to testify in support of SB 2571 Proposed SD1 with amendments.

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

LGBT Rights Network

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To: Committee on Judiciary and Labor

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Aloha Chair Hee, Vice Chair Shimabukuro and Committee Members,

The LGBT Rights Network ("Network") is a coalition of LGBT and allied organizations and individuals from across the state who came together in 2009 to address LGBT issues facing our community. Since its inception, the Network has worked together to advocate for civil unions and other related issues.

With the passage of Act 1 (2011), the Civil Union Task Force ("CUTF") was also established 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 included members from the Network.

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. Members of the Task Force, the Network, and various attorneys, including the Deputy Attorney General, came together to help develop the proposed SD1 for SB 2571.

The Network is in support of SB 2571 Proposed SD1 and would like to request that it be expanded to cover the following areas:

1. Tenancy by the entirety should be protected when couples move from a reciprocal beneficiary relationship to a civil union relationship. There should be a provision addressing both concurrent (i.e., the RB terminates at the same time the CU is entered) or within a set period of time such as 30 days. This addition would make the tenancy by the entirety continuous. Consideration should be given for liens perfected during any interim period if the RB was terminated before the CU was solemnized.

2. A provision to protect the legal rights of reciprocal beneficiaries who terminated their reciprocal beneficiary relationship in late 2011 and subsequently entered into a civil union within a set period of time such as 90 days. This provision would make the rights of the reciprocal beneficiary relationship extend until the civil union was solemnized and specifically note the continuity of a tenancy by the entirety. Consideration should be given for liens perfected on the property after the reciprocal beneficiary relationship terminated and before the civil union was entered.
3. A provision governing the termination date for reciprocal beneficiaries who entered a legal union substantially equivalent to a civil union in another jurisdiction before January 1, 2012. This provision would allow the couple to determine when their reciprocal beneficiary relationship would terminate and their out-of-state union be recognized as a civil union here.
4. A "tacking" provision that would allow the start date of a reciprocal beneficiary relationship to be considered the beginning when the same couple entered a civil union with each other either concurrently or within a set period of time such as 90 days. The rights subject to this "tacking" would be only those within the reciprocal beneficiary relationship and would not extend to those rights not within the reciprocal beneficiary relationship (i.e., support).

The Network thanks you for the opportunity to testify in support of SB2571 Proposed SD1.

LGBT Rights Network members:

Citizens for Equal Rights
Tambry R. Young, President

GLBT Caucus of the Democratic Party of Hawai'i
Jo-Ann Adams, Chair

Honolulu Pride
Rob Hatch, Legislative Chair

PFLAG-Oahu
Mike Golojuch, Sr., Vice President

Pride Alliance Hawai'i
Van Law, President