

MAR 13 2013

SENATE CONCURRENT 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



1 WHEREAS, there is substantial evidence that enacting
2 marriage equality would have a significant economic impact on
3 Hawaii; and

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

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

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

- 21
22 (1) Two esteemed members of Hawaii's legal community,
23 preferably including at least one attorney who has
24 served the State or one of the State's counties, or
25 their designees;
26
27 (2) Two members of Hawaii's business community, including
28 at least one member representing Hawaii's tourism
29 industry, or their designees;
30
31 (3) One current or former clergy member, or the clergy
32 member's designee;
33
34 (4) One member of a prominent community organization that
35 advocates for marriage equality, or the member's
36 designee; and
37
38 (5) One professor of economics from the University of
39 Hawaii at Manoa who co-authored a study on the impact
40 of same-sex marriage on Hawaii's economy and
41 government, or the professor's designee; and
42

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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

- (1) The Speaker of the House of Representatives; and
- (2) The President of the Senate; and

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

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

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

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Dean of the William S. Richardson School of Law at the University of Hawaii at Manoa, Executive Director of the Hawaii Tourism Authority, Executive Director of the Hawaii State Bar Association,



1 Executive Director of the Hawaii Business Roundtable, Chair of
2 the Department of Economics at the University of Hawaii at
3 Manoa, President of Interfaith Alliance Hawai'i, and President of
4 The Chamber of Commerce of Hawaii.

5
6
7

OFFERED BY:

Chris Ihee
Mike Gattard

