

1-6-99

**PATRICIA,**

**I sent you this message before you left on vacation. Now, the reality has occurred. Cayetano has proposed a sexist domestic partner law that excludes opposite-sex couples. He even wants to scrap the previous reciprocal beneficiary law that allowed blood relatives to register for benefits. Since when are blood relatives "nontraditional relationships"?**

**I hope you had a great vacation. Please send me a copy of your letter to the Governor and legislative leaders. The issue is sexism. The time is now. We are at a defining moment of history. Will the secular institution of domestic partnership be sexist or inclusive?**

**Attached is my letter to you of December 10, and a copy of today's newspaper article from Hawaii.**

**Best regards,**

**Tom Coleman**

A handwritten signature in black ink, appearing to read "Tom", with a long, sweeping horizontal line extending to the right.

*6 pages*



## American Association for Single People

*Protecting the rights of single people, unmarried couples, and nonmarital families*

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To: Professor Jon Van Dyke

From: Thomas F. Coleman  
Executive Director

Re: Domestic Partnership

Date: February 2, 1999

Hi Jon,

It has been nearly a year since we spoke on the phone. I have been busy transforming Spectrum Institute into a national membership organization. Check out our website sometime.

I was wondering if you knew anything about the new domestic partnership bill pending in the Hawaii Legislature. HB 884 was introduced by Representative Case last week. I was pleased to see that it is gender neutral and that it is comprehensive. Also, no residency restriction. It looks like the model bill recommended by the Commission on Sexual Orientation and the Law a few years back.

Do you know if this is the Governor's proposal? I assumed that it was since the Governor said he was going to propose a bill and since this is the only bill pending in the Legislature.

What do you think the chances are of this passing? To me, it is a good sign that it was introduced by the Majority Leader of the HOUSE. Previously, it was the House that was the stumbling block to passage of a comprehensive dp bill.

I am also faxing along a letter I sent to the Governor in December, as well as a letter sent to him by Patricia Ireland last week. Her letter was also sent to: Calvin Say, Paul Oshiro, Norman Mizuguchi, Avery Chumbley, and Matt Matsunaga.

California will have two or three domestic partnership bills enacted this session. Both houses are now controlled by solid Democratic majorities and the new Governor says he will sign the bills. Nothing comprehensive, however. But, we will have a statewide registry with some basic humanitarian protections, a requirement that insurance companies and HMOs make dp coverage available to employers who want it, and authorization for the state agency that administers health benefits to include dp benefits for any state agency or participating local government that wants it. It's a start.

I hope you are doing well. I am sorry that I was not able to connect with you in person last year when I was in Honolulu. Maybe another time.

Please fax me back or, better yet, give me a call if you have time. Thanks.

A handwritten signature in black ink that appears to read "Tom".



Wednesday, January 6, 1999

# Both sides on same sex like proposal

## Cayetano's plan gives gay couples benefits but not parental rights

By Mike Yuen  
Star-Bulletin

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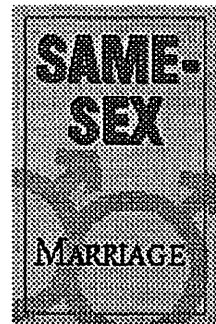
For years, civil-rights attorney Dan Foley and community leader John Hoag have been on opposite sides of the same-sex marriage fight.

But now Foley and Hoag appear to have found common ground with Gov. Ben Cayetano's proposal for domestic partnerships, which would give gay couples many of the rights and benefits related to marriage while still withholding the title of marriage.

The reason: Cayetano's bill, which will be introduced when the Legislature convenes later this month, doesn't include adoption and parental rights for gay couples.

Hoag said that is where he draws the line. And that is where Hoag, a leader in the campaign that passed the constitutional amendment allowing the legislature to ban same-sex marriage, believes the majority of isle residents also draw the line.

Cayetano, who has long favored domestic partnerships, said yesterday that he doesn't believe that gay couples should have adoption and parental rights. By excluding those two rights, his domestic partnership bill will have a much greater chance of winning legislative approval.



"I realize that this is an issue of contention with those who favor domestic partnerships," Cayetano said. "But I'm trying to be very practical about this. I think what we can achieve today is to make some progress in terms of the financial rights and other kinds of rights, which have nothing to do with raising children or with adoption."

Foley, who represents the three gay couples who sued the state for the right to marry and who is still fighting for same-sex marriage in the courts, said he understands "the political realities" of Cayetano's proposal.

"I can't have everything I want when I want it. I'm a big boy. I know that," said Foley, who contends that there is no legal or factual basis to withhold adoption and parental rights from gay couples.

"We're still pursuing full equal rights in the courts; you can't bet anything on what the courts would do," Foley added. "But the governor's bill would be a major step forward. If it is adopted by the Legislature, it would move the state forward in treating gays and lesbians equally."

Cayetano wants his initiative to replace the reciprocal benefits measure that the Legislature passed in 1997 that was unprecedented in the nation for granting the most extensive rights to gay couples outside of marriage. But while it extended to homosexuals rights such as hospital visitation, health benefits, probate and property transfers, Cayetano felt it was flawed because it also applied to "nontraditional relationships" such as one between a widowed mother and her unmarried son.

Hoag said: "Our group awaits to see the full scope of the governor's bill before we pass judgment on its merits. But we're pleased he has stopped short of parental and adoption rights."

Hoag also said he hopes the tentative support that Cayetano's bill has won from him and Foley signals that the community has begun healing after the emotional and divisive fight over the marriage amendment.

Mike Gabbard, one of the foes of same-sex marriage who sees domestic partnerships as simply a different name for same-gender unions, said: "We should just stick with the (reciprocal beneficiaries law). Let's get down to the main business at hand and fix the economy and get off of this stuff."

Foley said that prohibiting gay couples who enter into domestic partnerships from having adoption or custody rights creates "a stranger in the household" if a child also lives under the same roof.

"If only one is the legal parent, then the other has no legal responsibility to the child," Foley said.

Consider a case in which a woman, a lesbian, is divorced from her husband and has custody of their child, Foley said. The woman then has a relationship with another woman, who becomes the provider of a household that includes the two women and the divorced lesbian's child. If the couple breaks up, the woman who has been the provider would have no responsibility for child support. "I don't see how that helps the child," Foley said. "When a child is involved, it is primarily duty - not rights - that must guide adults. That kid has less

rights than a kid in a straight household."

Foley said Hawaii has no restrictions prohibiting a homosexual adult from adopting a child.

When adoption or custody is considered, the primary concern should be what is in the best interest of the child - not the sexual orientation of an adult, Foley insisted.

**Same-sex marriage:**  
**Past articles**

**E-mail to City Desk**

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## American Association for Single People

*Protecting the rights of single people, unmarried couples, and nonmarital families*

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To: Patricia Ireland

From: Thomas F. Coleman  
Executive Director

FAX: 3 pages

Re: Hawaii Domestic Partnership  
HB 884 = gender neutral bill

Date: January 29, 1999

I would like to thank you for sending a letter to the Governor and key legislative leaders in Hawaii urging them to support a gender-neutral comprehensive domestic partnership bill. Your letters apparently had an impact.

Yesterday, Representative Ed Case introduced HB 884, a gender-neutral comprehensive domestic partnership act. Case is the House Majority Leader.

The Governor appeared to have been planning to introduce a domestic partnership bill for gay and lesbian couples only. My repeated warnings to him and to legislative leaders in Hawaii that a sexist bill would violate the state Constitution's ban on sex discrimination seemed to have fallen on deaf ears. Your letter was a catalyst for inclusiveness.

The result of your letter proves the following points. Several voices are better than one. We all need to be working in coalition to end discrimination based on marital status, sex, and sexual orientation. And we should not be tempted to sit silently on the sidelines as a so-called reform measure is proposed which would reinforce and perpetuate sexism and marital status bias.

I will monitor the progress of this bill and keep you informed as it moves along.

Again, thanks for your help.

By the way, a similar letter to the commissioners in Cook County, Illinois, would be helpful. A sexist domestic partnership proposal has just been introduced there. I will fax you the information. A letter from you to the commission president might help move them to make it a gender-neutral benefits plan.

A handwritten signature in black ink that reads "Thomas F. Coleman". The signature is written in a cursive, flowing style.

cc: LLOYD RIGLER

**Subject: HB 884 / Domestic Partnership**

**Date: Fri, 29 Jan 1999 06:45:44 -0800**

**From: coleman@singlesrights.com (Tom Coleman)**

**Organization: American Association for Single People**

**To: repcase@capitol.hawaii.gov**

Dear Representative Case:

I was pleased to see that your bill is gender-neutral and allows all domestic partners (regardless of gender) to register and gain protections and benefits afforded to spouses and other family relationships. Domestic partnership legislation should conform to the state Constitution's mandate of equal protection and should not offend the constitutional provision prohibiting sex discrimination.

In case you have not seen it, I am faxing you a copy of a letter sent to the Governor a few days ago by Patricia Ireland, president of the National Organization for Women. She urged the Governor to propose a gender-neutral domestic partnership bill.

Are you carrying this bill for the Administration? In other words, is this the Governor's proposal?

Also, I was curious as to why blood relatives are excluded from this comprehensive dp act. They were included in the reciprocal beneficiary act. Including them in your bill would be the fair and equitable thing to do. Such inclusion would also remove the presumption of sexual conduct from domestic partnership. This would go a long way to remove some of the objections from conservative religious segments of society.

For example, last year the California Catholic Conference -- the lobbying group for the Catholic Bishops in California -- advised the legislature in writing that it would withdraw opposition from a domestic partnership bill (AB 1059) if it included any two adults who live together and meet other criteria. It was the exclusion of blood relatives that caused the Bishops to oppose the bill, because such exclusion made DP a substitute form of marriage with a presumption that the parties have an ongoing sexual relationship. But if any two adults who meet the other criteria can be dp's, the sexual presumption is removed and the religious opposition is removed.

While your gender-neutral bill may satisfy the demands of the state constitution by removing sexism from the dp status, why not go one step further and remove the blood relative exclusion. While not many blood relatives will necessarily sign up, some will. And why should they not be allowed to?

The inclusion of blood relatives in this bill will shift it from the "marriage" model to a "family diversity" model. What would be so objectionable about that?

I look forward to receiving your comments when you get a chance to reply.

Respectfully yours,

Thomas F. Coleman  
(323) 344-9580  
(323) 258-8099 (fax)

**HB 884**

**RELATING TO DOMESTIC PARTNERS**

**By Representative(s) CASE**

**Report Title: Domestic Partnerships**

**Description: Establishes domestic partnerships law. Allows 2 persons who live together, consider themselves to be members of each other's immediate family, agree to be jointly responsible for each other's basic living expenses, not married, not related by blood, and at least 18 years of age to file a declaration of domestic partnership with the director of health. Extends same rights and obligations as spouses in a marriage relationship to domestic partners. Prohibits discrimination because of domestic partnership status. Repeals Reciprocal Beneficiaries law.**

1-27-99

H Introduced and passed First Reading

1-28-99

H Referred to the committees on 1. JHA 2. FIN ,  
referral sheet 5





# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
818/586-0006

Governor Ben Cayetano  
Honolulu, Hawaii

Dear Governor Cayetano:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

Through the passage of a gender-neutral, comprehensive domestic partnership act, families will no longer face an uncertain financial future due to catastrophic illness or death; nor will the children of domestic partners be denied coverage for their health and welfare.

I hope that you will support the proposed legislation. I would be happy to discuss the many issues surrounding this legislation and the benefits that Hawaiians will derive from it. Please feel free to contact my assistant Donna Hazley at extension 767 to schedule a time for us to speak about this issue.

Yours for NOW,

Patricia Ireland  
President

PI/br



HB 717

**RELATING TO MARRIAGE**

**By Representative(s) GOODENOW**

**Report Title: Marriage As Legal Status**

**Description: Directs the legislative reference bureau to draft legislation to remove the status of marriage as a legal encumbrance or benefit.**

1-26-99	H Introduced and passed First Reading
1-27-99	H Referred to the committees on 1. JHA 2. LMG 3. FIN , referral sheet 4

**REPORT TITLE:**

Marriage as Legal Status

**DESCRIPTION:**

Directs the legislative reference bureau to draft legislation to remove the status of marriage as a legal encumbrance or benefit.

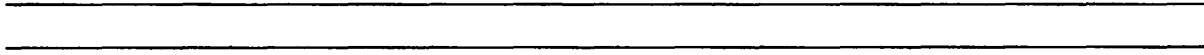
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HOUSE OF REPRESENTATIVES

H.B. NO.717

TWENTIETH LEGISLATURE, 1999

STATE OF HAWAII



A BILL FOR AN ACT

RELATING TO MARRIAGE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1      **SECTION 1. Both the federal and the state constitutions**  
2 **guarantee a right to equal protection under the law. Proponents**  
3 **of same-sex marriage used this right to support their cause. The**  
4 **1995 Report of the Commission on Sexual Orientation and the Law**  
5 **reported thirty-seven areas of the law that confer major legal**  
6 **and economic benefits to married people. These advantages fall**  
7 **into three categories: intangible benefits, quantifiable**  
8 **benefits, and general benefits. It should be noted that these**  
9 **benefits are not available to people who are single, be they**  
10 **heterosexual or homosexual, single by choice, or widowed or**

11 divorced.

12 The purpose of this Act is to require the legislative

13 reference bureau to draft legislation to remove marriage as a

14 factor that affects the legal status of the individuals involved.

15 The playing ground will be leveled as laws relating to elections,

16 welfare, pensions, housing, income tax, mental health, social

17 services, corrections, workers' compensation, insurance, land

18 title, the probate code, and other areas are amended to remove

19 any favoritism based on the status of being married. This will

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**H.B. NO.717**

1 help address the equal protection issue for the same sex marriage  
2 proponents as well as for those who are single. The bureau will  
3 also be asked to prepare a memorandum explaining areas where  
4 difficult policy choices may have to be made.

5 **SECTION 2.** The legislative reference bureau shall prepare  
6 draft legislation containing proposed amendments to state  
7 statutes necessary to remove any benefit or burden in state law  
8 due to a person's marital status. The bureau shall prepare a  
9 companion memorandum on the bill describing those areas in which  
10 difficult policy choices may have to be made by the legislature.  
11 The bill and memorandum shall be presented to the legislature no  
12 later than twenty days prior to the convening of the regular  
13 session of 2001.

14 **SECTION 3.** This Act shall take effect upon its approval.

15

16

INTRODUCED BY: \_\_\_\_\_

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# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20038-5705 (202) 331-0066 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
808/586-6201

The Honorable Calvin Say  
House Speaker  
Honolulu, Hawaii

Dear Speaker Say:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

Through the passage of a gender-neutral, comprehensive domestic partnership act, families will no longer face an uncertain financial future due to catastrophic illness or death; nor will the children of domestic partners be denied coverage for their health and welfare.

I hope that you will support the proposed legislation. I would be happy to discuss the many issues surrounding this legislation and the benefits that Hawaiians will derive from it. Please feel free to contact my assistant Donna Hazley at extension 767 to schedule a time for us to speak about this issue.

Yours for NOW,

Patricia Ireland  
President

PL/br





# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
808/586-6361

The Honorable Paul Oshiro  
House Judiciary Chair  
Honolulu, Hawaii

Dear Representative Oshiro:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

Through the passage of a gender-neutral, comprehensive domestic partnership act, families will no longer face an uncertain financial future due to catastrophic illness or death; nor will the children of domestic partners be denied coverage for their health and welfare.

I hope that you will support the proposed legislation. I would be happy to discuss the many issues surrounding this legislation and the benefits that Hawaiians will derive from it. Please feel free to contact my assistant Donna Hazley at extension 767 to schedule a time for us to speak about this issue.

Yours for NOW,

Patricia Ireland  
President

PI/br





## National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20035-6705 (202) 331-0055 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
808/586-6819

The Honorable Norman Mizuguchi  
Senate President  
Honolulu, Hawaii

Dear Senator Mizuguchi:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

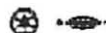
Through the passage of a gender-neutral, comprehensive domestic partnership act, families will no longer face an uncertain financial future due to catastrophic illness or death; nor will the children of domestic partners be denied coverage for their health and welfare.

I hope that you will support the proposed legislation. I would be happy to discuss the many issues surrounding this legislation and the benefits that Hawaiians will derive from it. Please feel free to contact my assistant Donna Hazley at extension 767 to schedule a time for us to speak about this issue.

Yours for NOW,

Patricia Ireland  
President

PI/br





# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-8705 (202) 331-0066 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
808/586-6031

The Honorable Avery Chumbley  
Senate Judiciary Co-Chair  
Honolulu, Hawaii

Dear Senator Chumbley:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

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Yours for NOW,

Patricia Ireland  
President

PI/br



# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

January 25, 1999

FAX Transmission  
808/586-7109

The Honorable Matt Matsunaga  
Senate Judiciary Co-Chair  
Honolulu, Hawaii

Dear Senator Matsunaga:

I am writing to encourage you to endorse passage of a comprehensive, gender-neutral domestic partnership act in Hawaii. I am sure you are aware that the National Organization for Women is committed to the rights of all women and believes that equal benefits should be granted to all domestic partnerships, regardless of sex or sexual orientation.

The passage of this act will pave the way for other states to introduce and enact similar legislation. States should no longer deny same-sex partners legal benefits equivalent to marriage or force opposite-sex partners to marry to legitimize their families. Simply put, states should be in the business of supporting families, not limiting them.

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Yours for NOW,

Patricia Ireland  
President

PI/br



**Subject: GLEA Foundation's Position against combining DP with limited marriage definition**

**Date: Fri, 22 Jan 1999 16:49:41 EST**

**From: HawaiiGay1@aol.com**

**CC: 4listens@kron.com**

Aloha Folks,

The following letter was sent this morning on behalf of the Board of Directors of the GLEA Foundation. Our community needs to stand up and take action and leave the political tradeoff of our rights under the U.S. and Hawaii constitutions.

Your feedback, support and fully appreciated.

Aloha Legislators, Governor and Lt. Governor,

I have been informed that there is a push by some well meaning groups to forge a political marriage between proposed bill defining marriage between a man and a woman and a bill proposing some form of domestic partnership.

As the originators of the same-sex marriage lawsuit, organizer of the three same-sex couple litigants, and hiring of the lawyer to develop and conduct this case, The GLEA Foundation strongly opposes such action.

We are very much supportive of domestic partnership legislation for any two consenting adults regardless of their sexual orientation as an alternative to legal marriage. This domestic partnership should not be discriminatory on basis of sex, thus heterosexual and same-sex couples should have this legal status open to them. If the bill or measure would be bias to discriminating based upon sex of a couple or one member of the couple it would be discriminatory and we would pursue legal action in accordance with our statutes and constitution based upon sex discrimination.

We are strongly opposed to any bill to define marriage which would limit any two consenting adults (except currently exempted blood relative couples). We would fully support a clear new definition which eliminated any doubt that there were any limitations on the basis discussed above.

Anyone who votes for a limitation of marriage as has been suggested by some would be a vote against the full equal protection of all citizens assured by the U.S. and Hawaii constitutions.

Even to pair these two suggested measures together would mean that any voting for the measures together would be voting to deny same-sex couples their entitled equal protection and U.S. citizens and would also be voting to formally establish same-sex couples second class citizenship.

The GLEA Foundation is committed to promote and pursue equal protection for all. We sincerely hope you will take up this commitment as well.

The GLEA Foundation requests your comments and feedback regarding this letter to you.

Sincerely,

William W. Woods, MPH  
For the Board of the GLEA Foundation

P.O. Box 37083  
Honolulu, Hawaii 96837

**SB 1315**

**RELATING TO RECIPROCAL BENEFICIARIES**

**By Senator(s) MIZUGUCHI (BR)**

**Companion Bill: HB 1107**

**Subjects: Governor**

**Report Title: Recip. beneficiaries; rights**

**Description: Redefines reciprocal beneficiaries to be persons who are not related by blood and who cannot marry. Gives couples who have established a reciprocal beneficiary relationship as provided by law most of the legal rights that accrue to married couples.**

1-26-99	S Introduced and passed First Reading
1-28-99	S Referred to JDC

**HB 1107**

**RELATING TO RECIPROCAL BENEFICIARIES**

**By Representative(s) SAY (BR)**

**Companion Bill: SB 1315**

**Subjects: Administration**

**Report Title: Reciprocal Beneficiaries**

**Description: Redefines reciprocal beneficiaries to be persons who are not related by blood and who cannot marry. Gives couples who have established a reciprocal beneficiary relationship as provided by law most of the legal rights that accrue to married couples. Adoption of other parental rights are excluded.**

1-27-99

H Introduced and passed First Reading

1-28-99

H Referred to the committees on JHA/CPC, and then referred to the committee on FIN, referral sheet 5



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V. RECIPROCAL BENEFICIARIES, DOMESTIC PARTNERS AND MARRIAGE (5 Bills)

SB 1315

RELATING TO RECIPROCAL BENEFICIARIES

By Senator(s) MIZUGUCHI (BR)

Companion Bill: HB 1107

Subjects: Governor

Report Title: Recip. beneficiaries; rights

Description: Redefines reciprocal beneficiaries to be persons who are not related by blood and who cannot marry. Gives couples who have established a reciprocal beneficiary relationship as provided by law most of the legal rights that accrue to married couples.

<http://www.capitol.hawaii.gov/session1999/bills/sb1315%5F.htm>

(Poster's note: A part of Governor Cayetano's package, this mammoth bill (287kbs) and its companion at HB 1107 basically delineates all of the changes that would be made to the Hawai'i Revised Statutes to redefine the current reciprocal beneficiary law, including the major additions of taxation, non-discrimination, familial leave and health insurance. These two bills exclude, however, custodial and adoption rights. There is an interesting error at page 136: the date of enactment of health insurance for an RB: July 1, 1999. I, for one, don't want to wait 18,000 years for that section to kick-in.)

STATUS: SB 1315

1-26-99 S Introduced and passed First Reading

1-28-99 S Referred to JDC

[http://www.capitol.hawaii.gov/session1999/status/sb1315\\_his\\_.htm](http://www.capitol.hawaii.gov/session1999/status/sb1315_his_.htm)

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HB 1107

**RELATING TO RECIPROCAL BENEFICIARIES**

By Representative(s) SAY (BR)

Companion Bill: SB 1315

Subjects: Administration

Report Title: Reciprocal Beneficiaries

Description: Redefines reciprocal beneficiaries to be persons who are not related by blood and who cannot marry. Gives couples who have established a reciprocal beneficiary relationship as provided by law most of the legal rights that accrue to married couples. Adoption of other parental rights are excluded.

<http://www.capitol.hawaii.gov/session1999/bills/hb1107%5F.htm>

(See poster's notes at SB 1315 above.)

STATUS: HB 1107

1-27-99 H Introduced and passed First Reading  
1-28-99 H Referred to the committees on JHA/CPC, and then referred to the committee on FIN, referral sheet 5

[http://www.capitol.hawaii.gov/session1999/status/HB1107\\_his\\_.htm](http://www.capitol.hawaii.gov/session1999/status/HB1107_his_.htm)

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HB 884

**RELATING TO DOMESTIC PARTNERS**

By Representative(s) CASE

Report Title: Domestic Partnerships

Description: Establishes domestic partnerships law. Allows 2 persons who live together, consider themselves to be members of each other's immediate family, agree to be jointly responsible for each other's basic living expenses, not married, not related by blood, and at least 18 years of age to file a declaration of domestic partnership with the director of health. Extends same rights and obligations as spouses in a marriage relationship to domestic partners. Prohibits

RELATING TO DOMESTIC PARTNERSHIPS

By Representative(s) (Name)

Commission Bill No. 1187

Subject: Domestic Partnerships

Report Title: Domestic Partnerships

Domestic Partnerships (DP) are defined as persons who are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples. Adoption of other persons that are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples. Adoption of other persons that are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples.

http://www.legis.wa.gov/bills/2000/1187.htm

(See page's notes at 118 1187 above)

STATUTE 118 1187

118-1187: Domestic Partnerships  
118-1187: Domestic Partnerships  
118-1187: Domestic Partnerships

http://www.legis.wa.gov/bills/2000/1187.htm

RELATING TO DOMESTIC PARTNERSHIPS

By Representative(s) (Name)

Subject: Domestic Partnerships

Domestic Partnerships (DP) are defined as persons who are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples. Adoption of other persons that are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples. Adoption of other persons that are not related by blood and who consent to a relationship that confers many of the legal rights and responsibilities provided by law to most of the legal rights that accrue to married couples.

discrimination because of domestic partnership status. Repeals Reciprocal Beneficiaries law.

<http://www.capitol.hawaii.gov/session1999/bills/hb884%5F.htm>

{Poster's note: This is the bill our community should want if we can't have marriage outright. It extends all benefits and obligations, including custodial and adoptive rights, in essence marriage without the "M" word.)

**STATUS: HB 884**

1-27-99 H Introduced and passed First Reading  
1-28-99 H Referred to the committees on 1. JHA 2. FIN ,  
referral sheet 5

<http://www.capitol.hawaii.gov/session1999/bills/hb884%5F.htm>

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**HB 717**

**RELATING TO MARRIAGE**

**By Representative(s) GOODENOW**

**Report Title: Marriage As Legal Status**

**Description: Directs the legislative reference bureau to draft legislation to remove the status of marriage as a legal encumbrance or benefit.**

<http://www.capitol.hawaii.gov/session1999/bills/hb717%5F.htm>

(Poster's note: This is one of the most interesting bills in that it attempts parity by eliminating marriage from the statutes, turning all relationships into Domestic Partnerships. Two major problems: 1) Hawaiian D.P.'s will not be recognized outside the state and 2) this bill was sent to Legislative Management Committee, headed by Ezra Kanoho, who will surely hold it in committee, thereby effectively killing it for this session. Kahoho is another representative who co-filed the amicus curiae brief in Baehr v. Anderson, thereby giving Pat Robertson and Nazi-for-hire Attorney Jay Sekulow a voice in the case.)

**STATUS: HB 717**

1-26-99 H Introduced and passed First Reading

Legislative Council of the State of New York

January 15, 1963

Resolved, That the bill (S. 1234) relating to the State of New York, be and it is so ordered.

STATUTE BOOK

1963  
1962  
1961

January 15, 1963

HB 1234

RELATING TO

THE STATE OF NEW YORK

Report of the Attorney General

The Commission on the State of New York has the honor to report to the Legislature on the results of its study of the State of New York.

January 15, 1963

The Commission on the State of New York has the honor to report to the Legislature on the results of its study of the State of New York. The Commission was organized in 1961 to study the State of New York and to report to the Legislature on the results of its study. The Commission has held numerous public hearings and has received many suggestions from the public. The Commission has also conducted extensive research into the various problems of the State of New York. The Commission believes that the State of New York is in a state of transition and that it is necessary to take certain steps to bring the State of New York into the modern world. The Commission recommends that the State of New York should take certain steps to improve its government and to provide better services to its people. The Commission believes that these steps are necessary for the State of New York to remain a great and free State.

STATUTE BOOK

1963  
1962  
1961

1-27-99 H Referred to the committees on 1. JHA 2. LMG 3. FIN ,  
referral sheet 4

<http://www.capitol.hawaii.gov/session1999/bills/hb717%5F.htm>

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HB 775

RELATING TO MARRIAGE

By Representative(s) OSHIRO, P.

Report Title: Marriage

Description: Reenacts HRS section 572-1.

<http://www.capitol.hawaii.gov/session1999/bills/hb775%5F.htm>

(Poster's note: This is definitely the bill that we don't want passed. It is an insurance policy for the rightwing, even though Attorney General Marjery Bronster has ruled that HRS § 572-1 is still in effect. It defines marriage in terms of one man and one woman only, retrospectively.)

STATUS: HB 775

1-26-99 H Introduced and passed First Reading

1-27-99 H Referred to the committee on JHA, referral sheet 4

<http://www.capitol.hawaii.gov/session1999/bills/hb775%5F.htm>

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SB 321

RELATING TO MARRIAGE

By Senator(s) IHARA (BR); Chun

Report Title: Marriage

Description: Short form bill.

<http://www.capitol.hawaii.gov/session1999/bills/sb321%5F.htm>

(Poster's note: Another insurance bill, this time for the Senate. As the bill's main section

1-27-99 H Referred to the committee on HIA 3 1103 414  
Medical Abuse 4

<http://www.capitol.hawaii.gov/session1999/bills/1103-1199.htm>

HB 702

RELATING TO MARRIAGE

By Representative(s) WERIKO, P.

Report Title Marriage

Description Senate HRB section 513-1

<http://www.capitol.hawaii.gov/session1999/bills/1103-1199.htm>

(Senator's note: This is definitely the bill that we don't want passed. It is an insurance policy for the following: even though Attorney General Mufson has ruled that HRB 702 is still in effect, it defines marriage in terms of one man and one woman only, retroactively.)

STATUS: HB 702

1-16-99 H Introduced and passed Final Reading  
1-27-99 H Referred to the committee on HIA, Federal Abuse 4

<http://www.capitol.hawaii.gov/session1999/bills/1103-1199.htm>

SB 231

RELATING TO MARRIAGE

By Senator(s) HEALE, (HR); CHAN

Report Title Marriage

Description Senate Form Bill

<http://www.capitol.hawaii.gov/session1999/bills/1103-1199.htm>

(Senator's note: Another insurance bill, this time for the Senate. As the bill's main section

states: "The purpose of this Act is to effectuate the title of this Act," thereby leaving the door open for future wording. In short, this is akin to having a blank sheet of paper in the hopper, waiting to be filled out, "just in case.")

STATUS: SB 321

1-22-99 S Introduced and passed First Reading  
1-25-99 S Referred to JDC

<http://www.capitol.hawaii.gov/session1999/bills/hb321%5F.htm>

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## VI. ALLOW LAWSUITS FOR CIVIL RIGHTS VIOLATIONS (2)

HB 1643

RELATING TO CIVIL RIGHTS

By Representative(s) CASE / MORITA / LEE

Report Title: Civil Rights

Description: Permits lawsuits to be filed for violation of civil rights.  
Allows for attorneys' fees.

<http://www.capitol.hawaii.gov/session1999/bills/hb1643%5F.htm>

(Poster's note: Establishes at the state level a law that exists on federal books. Exempts state from attorneys fees, however. Companion to SB 1587.)

STATUS: HB 1643

1-28-99 H Introduced and passed First Reading  
2- 1-99 H Referred to the committees on 1. LAB 2. JHA ,  
referral sheet 7

<http://www.capitol.hawaii.gov/session1999/bills/hb1643%5F.htm>

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SB 1587

RELATING TO CIVIL RIGHTS



leaving the door open for future working in spirit, this is also to have a stand sheet of paper in the pocket, waiting to be filled out, just in case." (The purpose of this Act is to eliminate the use of the Act, thereby

STATUTE: SB 331

1-22-02 2 Introduced and passed first Reading  
1-22-02 2 Retained to HCR

<http://www.legislature.gov/legislation/legislation.asp?bill=1992>

REPEALING TO CIVIL RIGHTS

SB 197

REPEALING TO CIVIL RIGHTS

By Representative(s) CASE/MORLEY/LHE

Repeal this Civil Rights

Repeal this Civil Rights. Repeal this Civil Rights. Repeal this Civil Rights. Repeal this Civil Rights. Repeal this Civil Rights.

<http://www.legislature.gov/legislation/legislation.asp?bill=1992>

(The purpose of this Act is to eliminate the use of the Act, thereby leaving the door open for future working in spirit, this is also to have a stand sheet of paper in the pocket, waiting to be filled out, just in case.)

STATUTE: SB 197

1-22-02 1 Introduced and passed first Reading  
2-1-02 1 Retained to the committee on 1. Part 2. HCR, referred back

<http://www.legislature.gov/legislation/legislation.asp?bill=1992>

SB 197

REPEALING TO CIVIL RIGHTS

By Senator(s) MATSUNAGA (BR)

Report Title: Civil Rights

Description: Permits lawsuits to be filed for violation of civil rights.  
Allows for attorneys' fees.

<http://www.capitol.hawaii.gov/session1999/bills/sb1587%5F.htm>

(See poster's notes at HB 1643, above.)

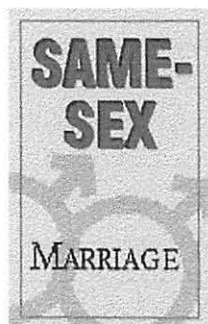
STATUS: SB 1587

1-28-99     S Introduced and passed First Reading  
2- 1-99     S Referred to JDC

<http://www.capitol.hawaii.gov/session1999/bills/sb1587%5F.htm>



Wednesday, March 3, 1999



# Partnership bill is tabled for this year

**A split in the gay community  
is a major reason lawmakers  
aren't touching proposals**

By Mike Yuen  
Star-Bulletin

▲▲▲

Domestic partnerships -- which gay rights activists say would provide societal recognition and a step toward the goal of same-sex marriage -- is dead at the Legislature this year.

The House and the Senate have not held hearings on Gov. Ben Cayetano's domestic partnership bill or any similar proposal. And it would take a major reversal for either chamber to schedule a hearing before Friday's midnight deadline to advance a domestic partnership bill, legislative leaders said yesterday.

Senate Judiciary Co-Chairman Matt Matsunaga (D, Palolo) said a split in the gay community is a major reason why lawmakers aren't touching domestic partnership proposals. Cayetano's initiative, for instance, would have given gay couples many of the financial benefits of marriage but would have withheld adoption and parental rights.

Matsunaga said some gays and lesbians want lawmakers to go forward on the issue, but others, for tactical reasons and because same-sex marriage is still pending in the courts, don't want the matter fought out in the Legislature. "So it made no sense banging our heads against the wall," Matsunaga said.

House Majority Leader Ed Case (D, Manoa) added that no group interested in domestic partnerships or in legislation reaffirming that marriage is limited to opposite-sex couples "appeared desirous of the Legislature acting on either issue."

"Those who want to take up domestic partnerships don't want to take up recodification (of marriage). Those who want to take up recodification don't want to take up domestic partnerships. So the consistent message that both the House and the Senate have had virtually from the beginning of the session is, 'Stay out of this issue for now,'" Case said.

Lawmakers were hesitant to act for another reason, said Linda Rosehill, the lobbyist who played a key role in the passage of the marriage amendment. "After a very contentious vote rejecting same-sex marriage, lawmakers obviously don't want to deal with anything related to that issue," she observed.

They're betting, Rosehill said, that the Hawaii Supreme Court will accept the attorney general's opinion that the November vote means that a lower court ruling permitting same-sex marriage will have to be overturned and that lawmakers don't need to pass another measure reaffirming that marriage is a union limited to one man and one woman.

If that happens, lawmakers will be free to consider domestic partnership on its own merits and not have it "leveraged" against a measure reaffirming the definition of marriage as some gay rights activists were threatening to do, Rosehill added.

Dan Foley, Honolulu civil rights attorney who represents the three gay couples who sued the state for the right to marry, said, "I think for the Legislature to have one session without this divisive issue is not a bad idea."

Foley, whose arguments have found a more receptive audience in the courtroom than in the



Legislature or in the voting booth, is urging the high court to affirm Circuit Judge Kevin Chang's decision in 1996 permitting same-sex marriage. The vote four months ago prohibits gay couples from obtaining marriage licenses issued by the state, but should not be seen as barring gays from the rights and benefits obtained through marriage, Foley said.

Kenneth Miller, a board member of the Marriage Project-Hawaii, said legislative inaction this session is only a temporary setback. "The fight will always continue. If not here in Hawaii, elsewhere," said Miller, who is gay.

Miller said while the project was not happy with Cayetano's "limited" domestic partnership proposal, it was a step in the right direction to full equality and same-sex marriage. "We'll take what we can get," Miller said.

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**Same-sex marriage:**  
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