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## Historic civil-unions bill gets House OK

*Lawmakers show little opposition; Lingle's decision due July 6*

**By Derrick DePledge**  
Advertiser Government Writer

State House lawmakers yesterday approved a bill that would give same-sex and heterosexual couples the ability to enter into civil unions and enjoy the same rights as married couples under state law.

The 31-20 vote followed an improbable decision by state House Majority Leader Blake Oshiro, the bill's sponsor, to revive civil unions on the last day of the 60-day session. The House, focusing primarily on the state's budget deficit and concerned about the influence of civil unions on election year politics, had indefinitely postponed action on the bill after it passed the state Senate in January.

"Martin Luther King has said it best. The arc of history is long, and once in awhile you get to bend it correctly," said Oshiro, D-33rd ('Aiea, Hālawā Valley, 'Aiea Heights). "And today, we bent it in the right way, towards justice."

Earlier this week, Oshiro said he would not bring back the bill but indicated that others might. He said he decided on Wednesday evening, when it became clear that another lawmaker would try to force a vote, that he should be the one to make the motion.

The bill now goes to Gov. Linda Lingle, who had urged lawmakers not to consider civil unions this session and instead focus on the state's budget deficit and economic recovery. Lingle, a

Republican, has not said whether she would sign, veto or allow the bill to become law without her signature.

Lingle has 45 days — until July 6 — to make a decision. The House fell short of the two-thirds' majority needed to override a veto, and state House Speaker Calvin Say, D-20th (St. Louis Heights, Pālolo Valley, Wilhelmina Rise), said last night that he does not plan to return in July for a one-day veto override session.

"The state House's last-minute political maneuvering is unfortunate for the people of Hawai'i who have voiced their support for traditional marriage," Lt. Gov. James "Duke" Aiona, who will urge Lingle to veto the bill, said in a statement. "If the Legislature wanted to establish the equivalent of same-sex marriage, they should have put it on the ballot for the people to decide."

### 'a long, long road'

Hawai'i could join a handful of other states that have legalized civil unions, 17 years after the Islands became a pioneer on the issue. The state Supreme Court ruled in 1993 that denying same-sex couples the ability to marry was a violation of their equal protection rights under the state Constitution.

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But voters overwhelmingly approved a state constitutional amendment in 1998 that gave the state Legislature the authority to define marriage between a man and a woman.

The House vote will likely propel civil unions into a significant election-year issue.

Dennis Arakaki, the executive director of the Hawai'i Family Forum and the Hawai'i Catholic Conference, said religious conservatives and others who want to preserve traditional marriage will be fired up.

"This is not about the church against gays," he said. "It's actually about people standing up for traditional marriage."

Compared to previous debates on civil unions, yesterday's House session was subdued, as both the activists in the gallery and the lawmakers on the floor were tired and weary from a draining session.

Gay rights activists, who engineered a public-relations campaign over the past week to show mainstream support for civil unions, quietly filed out of the gallery after the vote.

Outside in the Rotunda of the state Capitol, though, they sang, hugged and cried in celebration. Voices trembling, they sought to explain how they achieved progress after what appeared until the final hours as another session of disappointment.

Last year, a civil-unions bill passed the House but stalled on the second-to-last day of session. Lambda Legal and the American Civil Liberties Union of Hawai'i had announced a potential lawsuit if lawmakers failed to act this session.

"We knew it. We knew in their hearts that they wanted to do this," said Tambry Young, co-chair of Equality Hawai'i. "And we wanted to give them all the support that we could, and we hope we did that."

"It's been a long, long road."

Debi Hartmann, who led Mormon opposition to same-sex marriage in the 1990s but has since become a Democratic activist in favor of civil unions, was in tears.

"This is civil rights. We're all equal," she said. "What people believe in, in this country, we have a responsibility to support. The right to love and be happy is everyone's right."

Steven Levinson, a former associate justice on the Supreme Court who was involved with the 1993 opinion on equal rights, called it the happiest day of his life.

"The House had an opportunity to do the right thing," he said. "It did the right thing. This is historic for Hawai'i. Now it goes to the governor. She's a woman of good will. I very much hope she allows the bill to become law."

In the House, lawmakers — some tired from a day of speeches on other bills; others caught by surprise — mostly chose not to reopen another lengthy discussion on equality and civil rights.

Say appealed to people watching in the gallery — and his colleagues on the floor — for decorum to

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discourage the kind of emotional outbursts that have happened in previous votes on civil unions.

## timing criticized

State Rep. Gene Ward, R-19th (Kalama Valley, Queen's Gate, Hawai'i Kai), said bringing up civil unions on the last day of session, just hours before the House adjourned, was untimely and unfair.

"Speaker, it's time to go home," he said. "We're minutes away from adjournment. Why now?"

Ward said the way the issue was brought up on the last day would create a "beehive of negativity" toward lawmakers no matter how they vote.

"This is going to cause chaos in the community," he said

State Rep. Angus McKelvey, D-10th (Lahaina, Kā'anapali, Kapalua), who had voted against the House version of the bill last session, said he changed his position because the Senate version applies equally to both same-sex and heterosexual couples and is no longer discriminatory.

McKelvey said the divorce rate has made a mockery of the institution of marriage. He said civil unions would be an option for couples who want to have their relationships recognized but do not want to get married.

"Perhaps the institute of marriage could be restored to the sanctity it once was," he said.

State Rep. Marcus Oshiro, D-39th (Wahiawā), pointed out a potential technical problem in the bill. The effective date is Jan. 1, 2010, a date written into the bill because lawmakers had expected to pass it last year.

The state attorney general's office has said the retroactive date is legal but could create

administrative concerns at the state Department of Health when developing rules and procedures for civil unions.

Gay rights activists had urged the Senate in January to amend the bill and change the date, but the Senate declined. Activists fear that Lingle will use the retroactive date as a reason to veto the bill without addressing the merits of civil unions.

Oshiro, struggling with emotion, praised House Majority Leader Oshiro for putting aside his personal views after civil unions stalled in January and guiding Democrats through the session.

"I really appreciate that, because it takes a special person to be able to do that," he said.

Say, who had thought the civil-unions bill was dead for the session, told reporters afterward that majority Democrats wanted a vote. The speaker had been personally criticized by gay activists and others for not holding a roll call vote in January on the decision to indefinitely postpone action.

"In life, you know, you have to be flexible like the bamboo. You have to bend," he said. "And in this particular case, it was never the intention

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that we were going to go through this process the way it is. It's just the karma of how it happened.

"It happened."

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## HOW THEY VOTED

### HOUSE

The state House voted 31-20 yesterday to pass the civil-unions bill. The measure now goes to Gov. Linda Lingle. If she vetoes the bill

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Kat Brady of Liliha celebrated the passing of the civil-unions bill with Henry Cheng and Vincent Rosa of Pearl City at the state House of Representatives yesterday.

Photos by NORMAN SHAPIRO | The Honolulu Advertiser

### HIGHLIGHTS OF HB 444

- Same-sex and heterosexual couples can enter into civil unions and have the same rights, benefits and responsibilities as married couples under state law.
- To enter a civil union, you must be 18 or older, not related to your partner and not in another civil union or marriage.

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- Judges or clergy can legally join partners in civil unions. No judge or clergy can be penalized for refusing to conduct a civil union.



House Speaker Calvin Say, left, Rep. Marcus Oshiro, center, and House Majority Leader Blake Oshiro spoke yesterday afternoon before the civil-unions bill was approved in a 31-20 vote.

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