

# Hawaii Family Forum / Hawaii Catholic Conference

## 2005 Legislative Report

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The 2005 legislative session officially closed on May 5, 2005.

*This year is the first year of the official collaboration between the Hawaii Catholic Conference (HCC) and the Hawaii Family Forum (HFF), led by the efforts of local attorney, Kelly M. Rosati. It was a remarkable year with several key issues identified.*

### LIFE ISSUES

#### ■ PHYSICIAN-ASSISTED SUICIDE

Each year the attempt to legalize physician-assisted suicide in Hawaii gets stronger. However, this year, the medical community came out in force, following the lead of Hawaii's Partnership for Appropriate & Compassionate Care (a 1998 Hawaii Family Forum/Hawaii Medical Association coalition of community groups opposed to physician assisted suicide). The bill proposed (HB 1454) would have allowed a terminally ill, competent adult to get a lethal dose of medication to end life. The bill had a "dignified death" in the House Health Committee. Both the HFF/HCC strongly opposed this measure.

#### ■ EMBRYONIC STEM CELL RESEARCH

Bioethical issues became critical issues to watch when numerous bills were heard on the issue of embryonic stem cell research and even human cloning. (HB 288; HCR 100, HR 75, HCR 89, HR 66, SCR 200). The HCC/HFF strongly opposed bills approving as official state policy embryonic stem cell research because it involves the intentional destruction of human life for research purposes. The HFF/HCC went on record, instead, supporting the promising developments in the area of adult stem cell research and encouraging legislators to further study

these complicated and controversial issues before providing approval. These efforts proved successful, as the Legislature will be calling on the UH Medical School to establish a task force (SCR 200) to study the issue before the Legislature goes on record in favor of life destroying research. The Legislature also agreed to our request to include representatives of faith-based groups on the panel.

### PROTECTION OF CHILDREN

#### ■ MEGAN'S LAW

The HFF/HCC supported Hawaii's version of Megan's law (SB 708 SD2 HD 1) which protects Hawaii's keiki from convicted, registered sex offenders living in their neighborhoods. The bill passed through both the House and Senate and will be sent to the Governor for signature. Testimony included support of a final product that contained the following four components.

- I. Easy to access information via the internet
- II. Specific address or block-level information is a must
- III. Child porn collectors/computer enticers of children must be included and
- IV. Compliance with federal law

### RELIGIOUS FREEDOM

#### ■ EMERGENCY CONTRACEPTIVES

HFF/HCC successfully negotiated an amendment - agreeable even to Planned Parenthood - which would exempt St. Francis from the bill's requirement that hospitals dispense emergency contraceptives to sex assault survivors. HB 1240 HD 1 made it through the House Health and Judiciary Committees, but ultimately died in the Finance Committee, reportedly because some very liberal legislators were

unhappy with the exemption included for St. Francis Hospital.

#### ■ HOUSING AND EMPLOYMENT

The HFF/HCC opposed HB 1715 as written because it unconstitutionally infringes on the First Amendment free exercise rights of people of faith. If an appropriate religious exemption had been provided, we would have taken no position on the bill. HB 1715 prohibits discrimination in real property transactions on the basis of gender identity or expression, and sexual orientation. A similar bill, HB 1450, adds gender identity and expression as a statutorily protected class in employment law. (It codifies the existing interpretation of current law per the Civil Rights Commission) Only four other states have created 'gender identity or expression' as a protected class and Hawaii will soon become the fifth. Both bills overwhelmingly passed the House and Senate and were transmitted to the Governor for signature on April 21, 2005.

### ADOPTION PROMOTION

#### ■ ADOPTION PROMOTION AND AWARENESS

After negotiating behind the scenes, we are close to the establishment of the Governor's Blue Ribbon Panel on Adoption Promotion (Kelly Rosati will be on the panel representing the interest of both entities), which identified several priority issues for Panel deliberations:

- I. Significantly increased resources and education for specialized attachment therapy.
- II. Social Worker Caseload Ratios. The panel will look at best practices in this area and make recommendations for consideration.
- III. Legal impediments i.e. Hawaii is among the minority of states not fully participating in the National

AdoptUSKids efforts because of legal restrictions related to the publishing of pictures of the children currently waiting for families

## **PROTECTION OF CHILDREN**

### **■ SAFE HAVEN FOR NEWBORNS**

A promising piece of legislation that once again failed this session was the “safe haven for babies” bill (HB 540). HFF/HCC strongly supported the bill because it would have allowed birthmothers a ‘safe haven’ opportunity to lovingly ensure the safety and well being of their babies. The bill passed the House but died in the Senate.

### **■ CHILD SAFETY**

HFF also testified in favor of HB 289 which, had it passed, would have empowered law enforcement personnel who observe a child left unsupervised in a motor vehicle and judge that the unsupervised child is in danger, to use whatever means is necessary to protect the child. The bill died in committee.

## **DOMESTIC VIOLENCE**

### **■ DOMESTIC ABUSE PROTECTIVE ORDERS**

The HFF/HCC supported HB 433, relating to domestic abuse protective orders because a loophole exists under the current law, during which time law enforcement officials are unable to hold accountable offenders in violation of the terms of applicable temporary restraining or subsequent protective orders. Under the bill respondents could have been held responsible for violations of the temporary restraining order until the service of the protective order. The bill passed the House, but was never heard in the Senate.

## **EDUCATION**

### **■ CLARIFICATION FOR CATHOLIC PRE-SCHOOLS**

SB 1018 SD1 HD1 CD1 creates a task force to examine the issues surrounding the deregulation of private preschools and their programs that are part of an elementary school licensed or accredited by an organization recognized and approved by the state. The Superintendent of Hawaii Catholic Schools (HCSD) is one of five named task force members. Earlier versions of the bill would have arguably made HCS subject to oversight by a separate private entity. HCSD successfully fought those efforts and simultaneously educated key legislative committees about the role and mission of Hawaii Catholic Schools. HCSD also successfully amended the final version of the bill to reflect the current high standards applied to accredited HCS so as not to reinvent the wheel and unduly burden Hawaii’s Catholic preschools. HCC supported this measure.

## **HOUSING ISSUES**

### **■ APPROPRIATION FOR SENIOR CENTERS**

The bill to grant necessary funding to support senior centers that provide many elderly Hawaii residents with important activities (SB 1202) was gutted and ultimately included in a larger Omnibus package. Following the lead of Catholic Charities, HCC submitted testimony in favor of this measure.

### **■ HOUSING ISSUES**

Along with Catholic Charities, the HCC strongly supported HB 1303 HD2, which abolishes the rental housing trust fund advisory commission and allows use of Dwelling Unit Revolving Fund for permanent financing. It also authorizes Government Obligation Bonds to repair and build low-income housing and establishes a committee to consider Housing and Community Development Corporation of Hawaii division. The provisions of this bill were included in the Senate bill and this issue is going down to the wire. With both the

Administration and the Legislature making these issues top priorities, the trick will be to negotiate a compromise satisfactory to key parties that allows all involved to share in the credit.

### **■ STATE RENT SUPPLEMENT PROGRAM**

HCC supported (SB 1854 SD 1) which removes the statutory limitation on the subsidy amount under the State Rent Supplement Program and specifies that the income limit for participation in the Program shall not exceed 60 percent of the area median income. The bill experienced some disagreement between the House and Senate so it moved to a Conference Committee. The bill was deferred by the Conference Committee on April 29<sup>th</sup>.

### **■ HOMELESSNESS AND TRANSITIONAL HOUSING**

A bill that both Catholic Charities and the HCC supported that would appropriate funds out of Emergency and Budget Reserve Fund for homeless and transitional housing projects on Kauai, Hawaii, and Maui, self-help projects in all counties, state homeless shelter program, and transitional housing for children and families (SB1851 HD1) never made it to the Finance committee.

### **■ URGING THE PRESIDENT AND CONGRESS TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES**

Both the HFF/HCC testified in support of a resolution (HCR 3) that would urge the President and Congress to support federal policies geared toward finding solutions to end homelessness in the United States. The measure passed both the House and Senate.

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