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# A BILL FOR AN ACT

RELATING TO CONSTITUTIONAL AMENDMENTS.

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

1           SECTION 1. Section 11-118.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~[+]§11-118.5[+]~~ **Constitutional amendments, proposed.** Any  
4 constitutional amendment proposed by the legislature shall  
5 include in final form the exact constitutional ratification  
6 question to be printed on a ballot. The constitutional  
7 ratification question shall be phrased in a manner to enable  
8 voters to express their choice on the constitutional amendment  
9 by providing a "yes" or "no" response. The language and meaning  
10 of a constitutional amendment and a constitutional ratification  
11 question shall be ~~[clear and it shall be neither misleading nor~~  
12 ~~deceptive.]~~ simple, concise, and direct."

13           SECTION 2. Section 602-5, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) Except as otherwise provided, the supreme court shall  
16 have jurisdiction and powers as follows:



- 1           (1) To hear and determine all questions of law, or of  
2           mixed law and fact, which are properly brought before  
3           it by application for a writ of certiorari to the  
4           intermediate appellate court or by transfer as  
5           provided in this chapter;
- 6           (2) To answer, in its discretion, any question of law  
7           reserved by a circuit court, the land court, or the  
8           tax appeal court, or any question or proposition of  
9           law certified to it by a federal district or appellate  
10          court if the supreme court shall so provide by rule;
- 11          (3) To exercise original jurisdiction in all questions  
12          arising under writs directed to courts of inferior  
13          jurisdiction and returnable before the supreme court,  
14          or if the supreme court consents to receive the case  
15          arising under writs of mandamus directed to public  
16          officers to compel them to fulfill the duties of their  
17          offices; and [~~such~~] any other original jurisdiction as  
18          may be expressly conferred by law;
- 19          (4) To issue writs of habeas corpus, or orders to show  
20          cause as provided by chapter 660, returnable before  
21          the supreme court or a circuit court, and any justice



1           may issue writs of habeas corpus or [~~such~~] any orders  
2           to show cause, returnable as above stated;

3           (5) To make or issue any order or writ necessary or  
4           appropriate in aid of its jurisdiction, and in such  
5           case, any justice may issue a writ or an order to show  
6           cause returnable before the supreme court; [~~and~~]

7           (6) To make and award [~~such~~] any judgments, decrees,  
8           orders and mandates[~~+~~]; issue [~~such~~] any executions  
9           and other processes[~~+~~]; and do [~~such~~] any other acts  
10          and take [~~such~~] any other steps as may be necessary to  
11          carry into full effect the powers [~~which~~] that are or  
12          shall be given to it by law or for the promotion of  
13          justice in matters pending before it[~~+~~]; and

14          (7) To issue, upon a written request by the president of  
15          the senate, the speaker of the house of  
16          representatives, or both, a written opinion of the  
17          justices of the supreme court, or a majority thereof,  
18          stating whether a proposed amendment to the Hawaii  
19          State Constitution and the corresponding  
20          constitutional ratification question is simple,



1 concise, and direct as required by section 11-118.5;

2 provided that:

3 (A) Within forty-eight hours of receipt of a written  
4 request for a written opinion pursuant to this  
5 paragraph, the supreme court shall render and  
6 deliver a written opinion to the requester or  
7 requesters;

8 (B) Any written opinion that invalidates the  
9 constitutional ratification question  
10 corresponding to a proposed amendment to the  
11 Hawaii State Constitution shall include a  
12 detailed and specific explanation of the reasons  
13 for the invalidation of the constitutional  
14 ratification question; and

15 (C) Any decision established in a written opinion  
16 rendered pursuant to this paragraph shall not be  
17 appealable."

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.





# H.B. NO. 2549

**Report Title:**

Hawaii State Supreme Court; Written Opinions; Constitutional Amendments; Ratification Question

**Description:**

Requires the language and meaning of any proposed constitutional amendment and ratification question to be simple, concise, and direct. Allows the presiding officers of the Legislature to request a written opinion of the Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question. Requires the court to provide a written opinion within 48 hours of receipt of the request. Requires, for any written opinion by the court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion. Prohibits any appeal of a written opinion.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

