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Honolulu, Hawaii

, 2022

FEB 18

RE: H.B. No. 2038

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2038 entitled:

"A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS," begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the language and meaning of any proposed constitutional amendment and ratification question to be simple, concise, and direct to the extent practicable; and
- (2) Allow the presiding officers of the Legislature to request a written opinion, within forty-eight hours, of the Supreme Court regarding the legality of a proposed amendment to the state constitution and the constitutional ratification question.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that constitutional ratification questions should be posed in simple, concise, and direct language. Your Committee further finds that it is an appropriate exercise of the powers of the Hawaii Supreme Court to issue written opinions

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on the legality of a proposed constitutional ratification question when requested by a house of the Legislature. This measure provides a mechanism to ensure the legality of constitutional ratification questions are addressed by the highest court in the State.

Your Committee has amended this measure by:

- (1) Requiring the Supreme Court to provide a written opinion on the legality of a proposed amendment to the state constitution and the constitutional ratification question within seven days of receipt of the request, rather than within forty-eight hours; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2038, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2038, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair

State of Hawaii House of Representatives The Thirty-first Legislature

HSCR 650-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 2038	Committee Referral: UHA, FIN		Date: 16 - 12		
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members	Ayes	Ayes (WR)	Nays	Excused	
1. NAKASHIMA, Mark M. (C)					
2. MATAYOSHI, Scot Z. (VC)		9. 9.			
3. ICHIYAMA, Linda			<u>, i nego marena, , ini, , , , , , , , , , , , , , , , ,</u>		
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4. KOBAYASHI, Dale T.			e e sajest i e e e		
5. LoPRESTI, Matthew S.					
5. Lor RESTI, Watthew 5.					
6. LOWEN, Nicole E.	and a sum of the Section of the Sect		inimatati dan mengelakan di dikenan di dianggan di di		
7. McKELVEY, Angus L.K.					
8. NAKAMURA, Nadine K.					
9. TAKUMI, Roy M.					
10. TODD, Chris					
10. TODD, CIIIIS					
11. TOKIOKA, James Kunane	and the second s	A has an a second finding processing on a consti-	fationis III de la companya del companya del companya de la compan		
12. WARD, Gene					
		l la	12		
TOTAL (12)		<u> </u>		7	
The recommendation is: Adop	eferral,	Not Adopted , did not support recommendation. committee acronym(s)			
Vice Chair's or designee's signature:					
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