

Honolulu, Hawaii

FEB 18 , 2022

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



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



