STAND. COM. REP. NO. 560

Honolulu, Hawaii FEB 19 ' 2021 H.B. No. 337 RE: H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 337 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;
- (2) Allow 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;
- (3) Require the Supreme Court to provide a written opinion within forty-eight hours of receipt of the request;
- (4) Require, for any written opinion by the Supreme Court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion; and

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(5) Prohibit any appeal of a written opinion.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and Honolulu County Republican Party. 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 asked to by the Senate President or the Speaker of the House of Representatives. 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:

- Changing the effective date to July 1, 3021, to encourage further discussion; 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. 337, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 337, 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,

RK M. NAKASHIMA, Chai

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## State of Hawaii House of Representatives The Thirty-first Legislature

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 337 JHA		e Referral: , F1N	Date:	2-17-2	4	
<ul> <li>The committee is reconsidering its previous decision on the measure.</li> </ul>						
The recommendation is to:       Image: Pass, unamended (as is)       Image: Pass, with amendments (HD)       Image: Hold         Image: 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)						
3. ICHIYAMA, Linda					· · · · · · · · · · · · · · · · · · ·	
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4. KOBAYASHI, Dale T.		~				
5. LoPRESTI, Matthew S.						
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6. LOWEN, Nicole E.	<u>ika kurik, ji postik je ta kate</u>		and the stand of the second	anana thananananananananan ana araa araa		
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7. McKELVEY, Angus L.K.				Seng Ser≌ ann Afhre SenSeParan chaideanta chuir	al daaladahay ay gayay taha dibahari iyo isoo ah	
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8. NAKAMURA, Nadine K.						
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9. TAKUMI, Roy M.				and a local group of the state		
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10. TODD, Chris				a bar ka sa ka		
11 TOKIOKA Jamas Kunar						
11. TOKIOKA, James Kunan	le					
12. WARD, Gene	det de la calactica de la calac		en e	an a		
TOTAL (12)		10	Ø	Q	2	
	e recommendation is: If joint referral, did not support recommendation.					
committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						