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FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2019 APR -3 PM 3:47

N. MIYATA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

LEAGUE OF WOMEN VOTERS OF
HONOLULU and COMMON CAUSE,

Plaintiffs,

v.

STATE OF HAWAI'I,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC

ORDER GRANTING DEFENDANT
STATE OF HAWAII'S MOTION FOR
SUMMARY JUDGMENT FILED ON
OCTOBER 9, 2018

Date: January 24, 2019

Time: 2:00 p.m.

Judge: Honorable Gary W.B. Chang

ORDER GRANTING DEFENDANT STATE OF HAWAII'S
MOTION FOR SUMMARY JUDGMENT FILED ON OCTOBER 9, 2018

Defendant State of Hawaii's Motion for Summary Judgment filed herein
on October 9, 2018 came on for hearing on January 24, 2019 at 2:00 p.m.
before the Honorable Gary W.B. Chang. *and Lisa Family Bergbom, Esq.* R. Brian Black, Esq. appeared on
behalf of Plaintiffs League of Women Voters of Honolulu and Common Cause;
Robyn B. Chun, Deputy Attorney General, appeared on behalf of Defendant

arb/CS

State of Hawai'i; and Colleen Hanabusa, Esq. appeared on behalf of amicus curiae Hawai'i State Legislature.

The Court, having reviewed the motion, memoranda, including the memoranda filed by amicus curiae Hawai'i State Legislature, declarations and exhibits, having heard the argument of counsel and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that there are no genuine issues of material fact and this case is ripe for decision by summary judgment as there are only questions of law remaining:

1. There was no violation of the Hawai'i Constitution with respect to the three readings. Based on sections 617 and 722 of *Mason's Manual of Legislative Procedure* (2010 rev. ed.), the procedure of the legislature is such that if a replaced and substituted bill is adopted, then the legislature is not required to conduct three more readings because they have already had the three readings in each House and that suffices to meet the requirements of the constitutional mandate.


2. On the question of the title of the bill, the change from recidivism to hurricane preparedness was germane to the title and the subject of the original Senate Bill No. 2858. There was no constitutional violation based on the title. When the legislature in the case at bar changed the topic of the bill or the language of the bill from recidivism to hurricane readiness, that was still within the ambit of public safety. The court found no legal authority to overrule that process and conclude that that was an unconstitutional change.

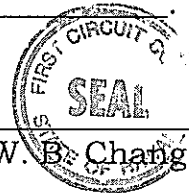
3. The court has no issue regarding Plaintiffs' standing. They are organizations that are dedicated to ensure integrity in the legislative process, and that is what this case is about.

4. Defendant State of Hawaii's separation of powers argument is rejected. The court has the power to adjudicate the constitutional validity of statutory enactments.

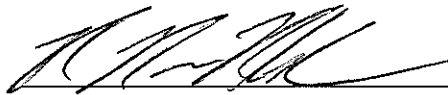
Defendant State of Hawai'i met its burden to show that: (a) there is no genuine issue of material fact; and (b) it is entitled to judgment as a matter of law as to all claims asserted in the Complaint filed herein on September 5, 2018 by Plaintiffs League of Women Voters of Honolulu and Common Cause. Defendant's Motion for Summary Judgment is therefore granted.

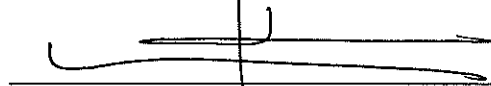
DATED: Honolulu, Hawai'i, APR - 3 2019


The Honorable Gary W. B. Chang



Approved as to Form:


R. Brian Black, Esq.
Attorney for Plaintiffs
League of Women Voters of Honolulu
and Common Cause


Colleen Hanabusa, Esq.
Attorney for Amicus Curiae
Hawai'i State Legislature

League of Women Voters of Honolulu and Common Cause vs. State of Hawaii;
Civil No. 18-1-1376 GWBC; Circuit Court of the First Circuit; Order Granting
Defendant State of Hawaii's Motion for Summary Judgment filed on October 9,
2018

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FIRST CIRCUIT COURT
STATE OF HAWAII
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N. MIYATA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

LEAGUE OF WOMEN VOTERS OF
HONOLULU and COMMON CAUSE,

Plaintiffs,

v.

STATE OF HAWAI'I,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC

ORDER DENYING PLAINTIFFS
LEAGUE OF WOMEN VOTERS OF
HONOLULU AND COMMON CAUSE'S
CROSS- MOTION FOR SUMMARY
JUDGMENT FILED ON OCTOBER 25,
2018

Date: January 24, 2019

Time: 2:00 p.m.

Judge: Honorable Gary W.B. Chang

ORDER DENYING PLAINTIFFS LEAGUE OF WOMEN
VOTERS OF HONOLULU AND COMMON CAUSE'S CROSS-
MOTION FOR SUMMARY JUDGMENT FILED ON OCTOBER 25, 2018

Plaintiffs League of Women Voters of Honolulu and Common Cause's
Cross-Motion for Summary Judgment filed herein on October 25, 2018 came
on for hearing on January 24, 2019 at 2:00 p.m. before the Honorable
Gary W.B. Chang. R. Brian Black, Esq. ^{and Lisa Emily Engbretsen, Esq.} appeared on behalf of Plaintiffs League
of Women Voters of Honolulu and Common Cause, Robyn B. Chun, Deputy

Attorney General, appeared on behalf of Defendant State of Hawai'i and Colleen Hanabusa, Esq. appeared on behalf of amicus curiae the Hawai'i State Legislature.

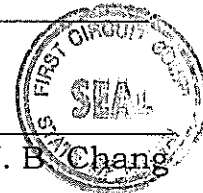
The Court, having reviewed the cross-motion, memoranda, including the memoranda filed by amicus curiae, Hawai'i State Legislature, declarations and exhibits and having heard the argument of counsel and for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that it was Plaintiffs League of Women Voters of Honolulu and Common Cause's burden to show that either there are genuine issues of material fact or that they are entitled to judgment as a matter of law. Plaintiffs failed to meet their burden; their Cross-Motion for Summary Judgment is therefore denied.

DATED: Honolulu, Hawai'i, APR - 3 2019

Gary Won Bae Chang

The Honorable Gary W. B. Chang



Approved as to Form:

A handwritten signature in black ink, appearing to read "R. Brian Black", is written over a horizontal line.

R. Brian Black, Esq.
Attorney for Plaintiffs
League of Women Voters of Honolulu
and Common Cause

A handwritten signature in black ink, appearing to read "Colleen Hanabusa", is written over a horizontal line.

Colleen Hanabusa, Esq.
Attorney for Amicus Curiae
Hawaii State Legislature

League of Women Voters of Honolulu and Common Cause vs. State of Hawaii;
Civil No. 18-1-1376 GWBC; Circuit Court of the First Circuit; Order Denying
Plaintiffs League of Women Voters of Honolulu and Common Cause's Cross-
Motion for Summary Judgment filed on October 25, 2018

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STATE OF HAWAI'I

FIRST CIRCUIT COURT
STATE OF HAWAII
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N. MIYATA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

LEAGUE OF WOMEN VOTERS OF
HONOLULU and COMMON CAUSE,

Plaintiffs,

v.

STATE OF HAWAI'I,

Defendant.

CIVIL NO. 18-1-1376-09 GWBC

FINAL JUDGMENT

FINAL JUDGMENT

In accordance with Rule 58, Hawaii Rules of Civil Procedure and pursuant to: (1) the Order Granting Defendant State of Hawaii's Motion for Summary Judgment; and (2) Order Denying Plaintiffs League of Women Voters of Honolulu and Common Cause's Cross-Motion for Summary Judgment both of which were filed herein on ~~February~~ ^{APR - 3} ___, 2019;

ds

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

PLEASE NOTE CHANGES

Clerk, Circuit Court, First Circuit

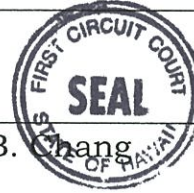
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Final Judgment is entered in favor of Defendant State of Hawai'i and against Plaintiffs League of Women Voters of Honolulu and Common Cause.

Each party shall be responsible for its/their own attorneys' fees and costs. There are no remaining claims, parties or issues in this action. *onby*

DATED: Honolulu, Hawai'i, APR - 3 2019

Any and all remaining claims, if any,
are dismissed with prejudice. *onby*

Gary Won Bas Chang
The Honorable Gary W. B. Chang



Approved as to form:

A handwritten signature in dark ink, appearing to read "R. Brian Black".

R. Brian Black, Esq.
Attorney for Plaintiffs
League of Women Voters of
Honolulu and Common Cause

A handwritten signature in dark ink, appearing to read "Colleen Hanabusa".

Colleen Hanabusa, Esq.
Attorney for Amicus Curiae
Hawai'i State Legislature

League of Women Voters of Honolulu and Common Cause vs. State of Hawaii;
Civil No. 18-1-1376 GWBC; Circuit Court of the First Circuit; Final Judgment

Haw. Const. art. 102 (Kingdom 1852)

To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Haw. Const. art. 77 (Kingdom 1864)

To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Haw. Const. art. 77 (Kingdom 1887)

To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Haw. Const. art. 63 (Rep. 1894)

Each Law shall embrace but one Subject, which shall be expressed in its Title.

The Title of a Law amending or repealing another law shall refer to the section or chapter of the law amended or repealed, and to the subject-matter involved.

Organic Act § 45 (1900)

That each law shall embrace but one subject, which shall be expressed in its title.

Haw. Const. art. III, § 15 (1950)

No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii".

Haw. Const. art. III, § 14

No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

Haw. Const. art. 64 (Rep. 1894)

A Bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House, shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes and entered upon its journal.

Organic Act § 46

That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Haw. Const. art. III, § 16 (1950)

No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Haw. Const. art. III, § 15

No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours.

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

Haw. Const. art. I, § 1

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

Haw. Const. art. III, § 1

The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

Haw. Const. art. III, § 10 (1978)

The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Each regular session shall be recessed for not less than five days at some period between the twentieth and fortieth days of the regular session. The legislature shall determine the dates of the mandatory recess by concurrent resolution. Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays, the days in mandatory recess and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session.

All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place.

Haw. Const. art. III, § 10

The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. At the written request of two-thirds of the members of the senate, the president of the senate shall convene the senate in special session for the purpose of carrying out its responsibility established by Section 3 of Article VI. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

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All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place.

Haw. Const. art. III, § 12 (1978)

Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the bill may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

Every meeting of a committee in either house or of a committee comprised of a member or members from both houses held for the purpose of making decision on matters referred to the committee shall be open to the public.

By rule of its proceedings, applicable to both houses, each house shall provide for the date by which all bills to be considered in a regular session shall be introduced. This date shall be after the nineteenth day of the session and shall precede the commencement of the mandatory recess of not less than five days as provided in section 10 of this article.

Haw. Const. art. III, § 12

Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

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