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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

LEAGUE OF WOMEN VOTERS OF
HAWAI'I,

Plaintiff,

v.

STATE OF HAWAI'I,

Defendant.

Civil No. 1CCV-25-0001456
(Declaratory Judgment)

STATE OF HAWAII'S MOTION FOR
SUMMARY JUDGMENT;
MEMORANDUM IN SUPPORT OF
MOTION; DECLARATION OF LAUREN
K. CHUN; EXHIBITS "1" – "12";
CERTIFICATE OF SERVICE

Hearing:

Judge: Hon. Jordon J. Kimura
Date: December 3, 2025
Time: 9:00 a.m.

Trial Date: None

STATE OF HAWAII'S MOTION FOR SUMMARY JUDGMENT

Defendant STATE OF HAWAI'I ("State") hereby moves this honorable Court for an order granting summary judgment to the State on all claims in the Complaint filed herein on September 2, 2025 by Plaintiff LEAGUE OF WOMEN VOTERS OF HAWAI'I ("Plaintiff").

The State's Motion should be granted because there are no genuine issues of material fact

and, as a matter of law, Plaintiff cannot prevail on its claims based on Haw. Const. art. III, §§ 12 and 14. The instant Motion is brought pursuant to Rule 7 and Rule 56 of the Hawai‘i Rules of Civil Procedure (“HRCP”), and Rule 7, Rule 7.1, Rule 7.2, and Rule 8 of the Rules of the Circuit Courts of the State of Hawai‘i (“RCCH”). It is supported by the attached Memorandum in Support of Motion and the records and files herein.

DATED: Honolulu, Hawai‘i, October 7, 2025.

/s/ Lauren K. Chun
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MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

“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, § 1. The quintessential element of legislative power is the power to enact laws. *Sherman v. Sawyer*, 63 Haw. 55, 57, 621 P.2d 346, 348 (1980). And our constitution explicitly vests each house of the Legislature with the authority to determine their own rules of proceedings and to set a deadline for the introduction of bills. Haw. Const. art. III, § 12. To avoid violating the separation of powers between branches, judicial review of actions that clearly fall within the Legislature’s constitutional authority is limited; as the Hawai‘i Supreme Court has noted, “[w]e will not interfere with the conduct of legislative affairs in absence of a constitutional mandate to do so, or unless the procedure or result constitutes a deprivation of guaranteed rights.” *Schwab v. Ariyoshi*, 58 Haw. 25, 37, 564 P.2d 135, 143 (1977).

Plaintiff asks this court to void Act 290 of 2025 because (1) its title, “Relating to Government,” is unconstitutionally broad, and (2) its introduction as a short form bill was not sufficient to meet the bill introduction deadline. Complaint (“Compl.”) at ¶¶17-28. In other words, Plaintiff asks the court to mandate the level of specificity for a bill’s title and mandate the content necessary to constitute a “bill.” Granting Plaintiffs’ requested relief would do more than simply interfere with legislative affairs – it would constitute judicial usurpation of authority that is vested firmly with the Legislature alone.

There is no constitutional basis for granting that relief. Plaintiff cannot prove beyond a reasonable doubt that Act 290 is unconstitutional. *Schwab*, 58 Haw. at 31, 564 P.2d at 139. Count I fails because Haw. Const. art. III, § 14 does not require “that the title [of a bill] inform the reader of the specific contents of the bill.” *Id.* at 35, 564 P.2d at 141. Rather, a title is sufficient if it fairly indicates the “general subject of the act” (which itself must be interpreted broadly), is comprehensive enough to cover all its provisions, and is not calculated to mislead – a test that Act 290 easily satisfies. *Id.* at 34, 564 P.2d at 141. Count II fails because of the political question doctrine. A court cannot impose standards for determining whether any proposal is sufficient for the Legislature to consider as a “bill” without encroaching on the Legislature’s sole constitutional authority to enact laws, determine its own procedural rules, and set and enforce its

own bill introduction deadlines. And even if Count II did not present a political question, Plaintiff’s argument that Act 290 was not a “bill” lacks any merit.

Because there are no material facts in dispute and Plaintiff cannot meet its burden to prove that Act 290 is unconstitutional beyond a reasonable doubt, the State is entitled to summary judgment.

II. BACKGROUND

For the 2025-2026 legislative session, the Rules of the House of Representatives (“2025 House Rules”) and Rules of the Senate (“2025 Senate Rules”) provided that the Speaker of the House and the President of the Senate must establish the final dates for the introduction of bills in their respective chambers. *See* 2025 House Rules (Exh. “1”) Rule 2.1(16), and 2025 Senate Rules (Exh. “2”) Rule 3(15).¹ The Speaker and the President agreed that the bill introduction cut-off for the session would be January 23, 2025. *See* 2025 Legislative Timetable (Exh. “3”).

On January 17, 2025, S.B. 935 was introduced as a short form bill titled “Relating to Government.” *See* S.B. 935 (Exh. “4”); Measure Status for S.B. 935 (Exh. “5”). The text of S.B. 935 read as follows:

A BILL FOR AN ACT
RELATING TO GOVERNMENT.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
HAWAII:

SECTION 1. The purpose of this Act is to effectuate the title of this Act.

SECTION 2. The Hawaii Revised Statutes is amended to conform to the purpose of this Act.

SECTION 3. This Act shall take effect upon its approval.

¹ The State respectfully requests that the court take judicial notice of all exhibits attached hereto, pursuant to Hawai‘i Rules of Evidence (HRE) Rule 201. All exhibits are publicly available documents, accessible on the official sites of the Hawai‘i State Legislature and the Legislative Reference Bureau, and thus, are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” HRE 201(b); *see also Botelho v. Atlas Recycling Ctr., LLC*, 146 Hawai‘i 435, 447 n.9, 463 P.3d 1092, 1104 n.9 (2020) (taking judicial notice of documents found on an official state website). Moreover, Exhibits “4” to “12” are included to show the history of Act 290 and Haw. Const. art. III, § 12, respectively, and legislative history is a proper subject of judicial notice. *Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012).

Id. On its face, S.B. 935 was described as a “[s]hort form bill.” *Id.*

On February 19, 2025, S.B. 935 was reported from the Senate Committee on Ways and Means in its amended form, S.D. 1. *See* Exh. “5”; S.B. 935, S.D. 1, 33rd Leg., Reg. Sess. (Exh. “6”). S.B. 935, S.D. 1 made various amendments to the provisions of the Hawai‘i Revised Statutes (“HRS”) concerning the Employees’ Retirement System for certain state government employees. Exh. “6.” S.D. 1 was recommitted to the Committee for further hearing. Exh. “5.”

After this first substantive amendment, S.B. 935 received extensive hearings in both the House and Senate, was amended several more times, and received three readings in the Senate and four readings in the House. Exh. “5.”² On July 3, 2025, the Governor signed S.B. 935, S.D. 2, H.D. 3, C.D. 1 into law as Act 290. *See* Act 290 (July 3, 2025) (Exh. “7”).

Act 290 amends HRS §§ 88-47 & -74 by reducing retirement payments for judges who are confirmed after June 30, 2031 from 3% of their average final compensation per year of service as a judge to 1.75%, and directs the Department of Human Resources to “conduct a study of the impacts and benefits of reducing, from ten years to five years, the minimum number of years of credited service that qualified tier 2 hybrid class members of the employees’ retirement system must have to be eligible for vested benefit status for service retirement allowance purposes.” Exh. “7”.

Plaintiff filed its Complaint on September 2, 2025. The Complaint alleges two counts: (1) that the title of S.B. 935 – “Relating to Government” was unconstitutionally broad, in violation of Haw. Const. art. III, § 14, (Compl. at ¶¶17-23) and (2) that S.B. 935 did not satisfy the bill introduction deadline because it was not a “bill” at the time it was introduced, and thus violated Haw. Const. art. III, § 12 (*id.* at ¶¶24-28). Plaintiff prays for an order “declaring that (1) the process for adopting Act 290 was unconstitutional; and (2) Act 290 is void.” *Id.* at 5.

III. RELEVANT CONSTITUTIONAL PROVISIONS

Haw. Const. art. III, § 14 provides in its entirety:

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, § 12 provides, in relevant part:

² Not including its first reading as a short form bill on January 21, 2025, S.B. 935 was read in the Senate on February 28, March 4, and April 30, 2025, and was read in the House on March 6, March 14, April 8, and April 30, 2025. Exh. “5”.

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.

IV. LEGAL STANDARDS

A. Motion for Summary Judgment

A defendant may move for summary judgment in its favor under HRCP 56(b). Judgment shall be rendered forthwith if “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” HRCP 56(c). Summary judgment is appropriate where there are no issues of fact and the only issues presented are questions of law. *Price v. Obayashi Haw. Corp.*, 81 Hawai‘i 171, 182, 914 P.2d 1364, 1375 (1996).

Where the party moving for summary judgment does not bear the burden of proof at trial, the movant may satisfy its initial burden of production by either “(1) presenting evidence negating an element of the non-movant’s claim, or (2) demonstrating that the nonmovant will be unable to carry his or her burden of proof at trial.” *Ralston v. Yim*, 129 Hawai‘i 46, 60, 292 P.3d 1276, 1290 (2013).

B. Constitutionality of Legislative Acts

“[W]here it is alleged that the legislature has acted unconstitutionally, this court has consistently held that every enactment of the legislature is presumptively constitutional, and a party challenging the statute has the burden of showing unconstitutionality beyond a reasonable doubt. The infraction should be plain, clear, manifest, and unmistakable.” *State v. Calaycay*, 145 Hawai‘i 186, 197, 449 P.3d 1184, 1195 (2019) (citation omitted).

V. ARGUMENT

A. Count I Fails Because Act 290’s Title Does Not Violate the Constitution.

In Count I, Plaintiff contends that Haw. Const. art. III, § 14 requires that “[t]he title of a bill must be specific enough so as to provide notice of the general contents of the legislation.” Compl. at ¶20. Plaintiff claims that Act 290’s title, “Relating to Government” violated the Constitution because it provided insufficient notice of its contents. *Id.* at ¶¶21-22.

Plaintiff’s arguments fail as a matter of law. Hawai‘i Supreme Court precedent is clear that art. III, § 14 is intended to prohibit the passage of laws with *under-inclusive* titles – laws containing provisions that are not within the purview of the general subject expressed by their

titles. *Schwab*, 58 Haw. at 32-33, 564 P.2d at 139-40. Indeed, the “subject” of a bill should be given a “broad and extended meaning.” *Id.* at 33, 564 P.2d at 140. Unless it is clear – even under a liberal construction of the subject-title requirement – that a title fails to “fairly indicate[] to the ordinary mind the general subject of the act,” is not “comprehensive enough to reasonably cover all its provisions,” or is “calculated to mislead,” it must be upheld. *Id.* at 34, 564 P.2d at 141. Act 290’s title readily satisfies this test.

In *Schwab v. Ariyoshi*, the Court discussed the requirements and purpose of the language now found in art. III, § 14:³ “Each law shall embrace but one subject, which shall be expressed in its title.” *Id.* at 30, 564 P.2d at 139. The Court found that this language was identical to language in Section 45 of the Organic Act, and held that it satisfied the same purposes: “First, to prevent hodge-podge or logrolling legislation, second, to prevent surprise [or] fraud upon the Legislature by means of provisions in bills of which titles give no intimation; and third, to apprise the people of proposed matters of legislation.” *Id.* at 30-31, 564 P.2d at 139. Plaintiff uses this language to argue that art. III, § 14 requires bill titles to be sufficiently specific. Compl. at ¶17. But Plaintiff ignores the rest of the *Schwab* opinion, which (a) makes clear that the subject-title requirement is concerned with *under*-inclusive titles, and indeed, favors broad interpretation of a bill’s “subject,” and (b) provides a test for determining whether a bill violates the subject-title requirement – a test Act 290 easily satisfies.

Schwab repeatedly emphasizes that the subject-title requirement is intended to prevent the passage of bills containing provisions that are wholly unrelated to each other or unrelated to the title of the act. *Id.* at 31, 564 P.2d at 139 (the purpose of the predecessor to Section 45 of the Organic Act was “[t]o avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other[.]”); *id.* at 32, 564 P.2d at 140 (a constitutional violation must be clear “before the judiciary should disregard a legislative enactment upon the sole ground that it embraced more than one object, or if but one object, that it was not sufficiently expressed by the title.”); *id.* at 33, 564 P.2d at 140 (“To constitute duplicity of subject, an act must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any legitimate connection with or relation to each other.” (citation omitted)). The Court specifically quoted scholarship stating that:

³ At the time *Schwab* was decided, this language was codified as art. III, § 15.

The principal purpose of the one-subject rule is said to be to prevent log-rolling. And log-rolling is itself offensive because it subverts the principle of majority rule by enabling two minorities to combine their legislative strengths to obtain a majority vote for their respective proposals. While in one sense no rule of law prevents the conduct it condemns but only deters it, it can be said in a still different sense that the one-subject rule does not prevent log-rolling. The one-subject rule by its very terms does not proscribe log-rolling; *it only proscribes the combining of separate subjects in a single bill.*

Id. at 32 n.5, 564 P.2d at 140 n.5 (emphases added).

The Court also explained that the Constitution does not require bill titles to meet any certain level of specificity as long as all of a bill's provisions could arguably be embraced under one general subject, as expressed in its title. Notably, the Court stated: "*As the State Constitution has not indicated the degree of particularity necessary to express in its title the one object of an act*, the courts should not embarrass legislation by technical interpretation based upon mere form or phraseology." *Id.* at 32, 564 P.2d at 140 (emphases added) (quoting *Montclair v. Ramsdell*, 107 U.S. 147, 155 (1882)). The Court specifically instructed that:

The term 'subject,' as used in the constitution is to be given a broad and extended meaning, so as to allow the legislature full scope to include in one act all matters having a logical or natural connection. To constitute duplicity of subject, an act must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any legitimate connection with or relation to each other. *All that is necessary is that [the] act should embrace some one general subject;* and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

Id. at 33, 564 P.2d at 140 (emphasis added) (quoting *Johnson v. Harrison*, 47 Minn. 575, 577 (1891)). It continued: "It is sufficient if the various parts of an act have a natural connection, are fairly well embraced in one subject, *though somewhat general*, and expressed in the title." *Id.* at 34, 564 P.2d at 141 (emphases added) (quoting *Dole v. Cooper*, 15 Haw. 297, 299 (Haw. Terr. 1903)).

To determine whether the title of a bill violates the subject-title requirement, the *Schwab* Court adopted the test first articulated in *Territory v. Dondero*, 21 Haw. 19 (1912). *Id.* at 33, 564 P.2d at 140. Under this test:

It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to

reasonably cover all its provisions, and is not calculated to mislead; but an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein, is, to that extent void.

Id. at 34, 564 P.2d at 141 (quoting *Dondero*, 21 Haw. at 29). Notably, in applying this test, the Court in *Dondero* cited to multiple authorities explaining that a bill’s title need not be held to any certain level of specificity. *Dondero* plainly states: “***It is not necessary that the title refer to details within the general subject***, nor those which may be reasonably considered as appropriately incident thereto, and the title is sufficient if it is germane to the one controlling subject of the ordinance.” 21 Haw. at 25 (emphases added); *see also id.* at 26 (“It is well settled that matters of detail need not be specified in the title, nor it need not catalogue all of the powers intended to be bestowed.” (citation omitted)); *id.* (citing authority for the proposition that “***the generality of the title is not an objection*** so long as it is not made to cover legislation incongruous in itself.” (emphases added)).⁴

Thus, applying the test from *Dondero*, the Court in *Schwab* specifically rejected the argument that the title of the bill in question⁵ was not sufficiently clear or precise, stating:

While we concede that the title to the act could have been composed in language which would have been clearer and more precise, we are unable to hold that this is a defect which would render the statute void. . . .

... The language of the title is to be given a liberal interpretation, and the largest scope accorded to the words employed that reason will permit

⁴ The principle that the subject-title requirement is intended to guard against under-inclusive titles and that the generality of a title is no objection as long as it covers all of a bill’s provisions continues to be recognized in other states as well. *See, e.g., Petro v. Platkin*, 472 N.J.Super. 536, 565 (App. Div. 2022) (“The subject may be as comprehensive as the Legislature chooses to make it, provided it constitutes, in the constitutional sense, a single subject, and not several.” (brackets omitted)); *State ex rel. Loontjer v. Gale*, 288 Neb. 973, 995–96 (2014) (“If an act has but one general object, no matter how broad that object may be, and contains no matter not germane [sic] thereto, and the title fairly expresses the subject of the bill, it does not violate . . . the Constitution.” (internal quotation marks and citation omitted)); *Nat'l Solid Waste Mgmt. Ass'n v. Dir. of Dept. of Nat. Res.*, 964 S.W.2d 818, 820–21 (Mo. 1998) (“The basic idea . . . is that where the title of an act descends to particulars and details, the act must conform to the title as thus limited by the particulars and details. In more simple terms, the rule is that the title to a bill cannot be underinclusive.” (internal quotation marks and citation omitted)).

⁵ The bill was titled “A Bill for an Act Making Appropriations for Salaries and Other Adjustments, Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers.” *Id.* at 27, 564 P.2d at 137. Although its title emphasized employees covered by collective bargaining agreements, as finally enacted, it adjusted salaries for *all* state officers and employees. *Id.*

in order to bring within the purview of the title all the provisions of the act.

Obviously, the title of the ordinance referred to is not the most appropriate but that is not essential if it indicates the scope and purpose of the ordinance. *Neither is it necessary that the title inform the reader of the specific contents of the bill. If no portion of the bill is foreign to the subject of the legislation as indicated by the title, however general the latter may be, it is in harmony with the constitutional mandate.*

Id. at 34–35, 564 P.2d at 141 (emphases added) (quoting *Schnack v. City and County of Honolulu*, 41 Haw. 219, 224 (Haw. Terr. 1955)).

Act 290 clearly satisfies the test articulated in *Dondero* and *Schwab*, especially in light of the applicable standard – that the Act must be upheld unless Plaintiff can prove “beyond a reasonable doubt” that Act 290 is plainly, clearly, manifestly, and unmistakably unconstitutional. 58 Haw. at 31, 564 P.2d at 139. The title of the Act, “Relating to Government,” fairly indicates to the ordinary mind that the general subject of the Act is the government. *Id.* at 34, 564 P.2d at 141. Plaintiff cannot possibly show beyond all doubt that the provisions of the Act, which all relate to salaries for government employees, are not germane to the general topic of “government,” especially because the language and scope of the title must be construed as broadly as “reason will permit.” *Id.* at 34-35, 564 P.2d at 141. It is no objection that the title does not “inform the reader of the specific contents of the bill.” *Id.* Nor can it be argued that the title of the bill is “calculated to mislead,” as it does not contain provisions that are unrelated to the general subject of “government” or to each other. *Id.* As in *Schwab*, “no portion of the bill is foreign to the subject of the legislation as indicated by the title,” and thus, it must be upheld as constitutional. *Id.*

Because Act 290’s title is sufficient as a matter of law, Plaintiff cannot possibly prevail on Count I. The State is thus entitled to summary judgment.

B. Count II Misconstrues Article III, Section 12.

Count II of Plaintiff’s Complaint alleges a violation of Haw. Const. art. III, § 12, but Plaintiff fundamentally misconstrues that provision, so the claim cannot possibly succeed.

In relevant part, Art. III, § 12 provides only that: “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.” Haw. Const. art. III, § 12. The plain language of this

provision requires only that each house select a bill introduction deadline. And it is undisputed that the Legislature selected January 23, 2025 as the deadline for the 2025-2026 legislative session. Compl. at ¶10. As a result, the only mandate in art. III, § 12 was satisfied and Plaintiff's claim fails.

Although cloaked in art. III, § 12, what Plaintiff's Count II actually appears to allege is a violation of the bill introduction deadline—*i.e.*, the deadline set by the Legislature pursuant to rule—and not a violation of art. III, § 12. Plaintiff itself makes that clear in its heading to Count II: “**S.B. 935 DID NOT SATISFY THE BILL-INTRODUCTION DEADLINE.**” Compl. at 5. “The bill-introduction deadline,” of course, is that set by the Legislature pursuant to its own rules⁶ (as art. III, § 12 commands the Legislature to do); ***art. III, § 12 is not itself the bill introduction deadline.*** Plaintiff, then, cannot use art. III, § 12 to argue that a particular bill did not satisfy the Legislature's bill introduction deadline. Art. III, § 12 simply requires that each house of the Legislature “[b]y rule of its proceedings . . . provide for the date by which all bills to be considered in a regular session shall be introduced”—a date Plaintiff does not dispute the Legislature so provided. Because Plaintiff cannot point to anything in art. III, § 12 textually grounding the claim it makes about a particular bill—S.B. 935—failing to “satisfy the bill-introduction deadline,” that claim fails.⁷

C. Count II Is Barred by the Political Question Doctrine.

Even setting aside the plain text of art. III, § 12 and assuming Plaintiff can deploy the provision to complain that a particular bill did not meet the Legislature's bill introduction deadline, Plaintiff's claim fails because it is barred by the political question doctrine. To rule in Plaintiff's favor, a court would have to answer two non-justiciable political questions: (1) whether S.B. 935 was a “bill” when introduced, and (2) whether S.B. 935's introduction as a short form bill violated the Senate's bill introduction deadline. As the resolution of those questions is solely within the jurisdiction of the Legislature, Count II must be dismissed.

“‘Justiciability’ is a legal term of art relating to the court's position as one of the three

⁶ It is undisputed that S.B. 935 was introduced before January 23, 2025, the bill introduction deadline set by the Legislature for the 2025-2026 session.

⁷ If a bill did not satisfy the Legislature's bill introduction deadline, binding precedent and the political question doctrine, discussed *infra* at section V.C., dictate that such a question is exclusively for the Legislature. *Schwab*, 58 Haw. at 39, 564 P.2d at 144 (“[A]lleged violations of its own legislative rules remain the province of the legislature itself.”).

coequal branches of government. It is a doctrine meant to assure that the courts ‘not intrude into areas committed to the other branches of government.’” *Hussey v. Say*, 139 Hawai‘i 181, 188, 384 P.3d 1282, 1289 (2016) (citations omitted). The Hawai‘i Supreme Court has adopted a six-part test to determine whether a case presents a nonjusticiable political question:

Prominent on the surface of any case held to involve a political question is found[: (1)] a textually demonstrable constitutional commitment of the issue to a coordinate political department; or [(2)] a lack of judicially discoverable and manageable standards for resolving it; or [(3)] the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or [(4)] the impossibility of a court’s undertaking independent resolution without expressing lack of respect due coordinate branches of government; or [(5)] an unusual need for unquestioning adherence to a political decision already made; or [(6)] the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Nelson v. Hawaiian Homes Comm’n, 127 Hawai‘i 185, 194, 277 P.3d 279, 288 (2012) (quoting *Trustees of the Office of Hawaiian Affairs v. Yamasaki*, 69 Haw. 154, 170, 737 P.2d 446, 455 (1987)). When even one of these factors is “inextricable” from the case at bar, the case must be dismissed. *Id.*; *see also Hussey*, 139 Hawai‘i at 188, 384 P.3d at 1289 (“A case involving a nonjusticiable political question must be dismissed when there is ‘a textually demonstrable constitutional commitment of the issue to a coordinate political department.’”). Count II implicates *at least four* of the foregoing factors.

1. Determining whether a proposal is a “bill” and meets the bill introduction deadline is constitutionally vested in the Legislature.

First, determining whether a proposal may be accepted as a “bill,” and whether its introduction meets the Legislature’s internal bill introduction deadline are matters textually and demonstrably committed by the Constitution to the Legislature. The Constitution vests legislative power in the Legislature. Haw. Const. art. III, § 1. “Legislative power is defined as ***the power to enact laws*** and to declare what the law shall be.” *Sherman*, 63 Haw. at 57, 621 P.2d at 348 (emphases added).

In the absence of any controlling constitutional provisions, the procedure by which the Legislature exercises its constitutional power to enact laws is governed solely by its own internal rules. *See Schwab*, 58 Haw. at 38, 564 P.2d at 143 (where the Constitution merely required that the proposal of a constitutional amendment be ratified by a three-fifths vote, “the procedure by which the result is obtained in each house is to be determined by its own rules of proceedings.”);

see also State v. Mallan, 86 Hawai‘i 440, 451, 950 P.2d 178, 189 (1998) (Ramil, J., with Moon, C.J., concurring, and two justices concurring in the result) (“[O]ur constitution starts from the proposition that the power of the legislature is extremely broad. The power of the legislature is constrained only if it is inconsistent with the state or federal constitutions.”). And the Constitution explicitly gives the Legislature the sole authority to “determine the rules of its proceedings” and to “provide for the date by which all bills to be considered in a regular session shall be introduced.” Haw. Const. art. III, § 12. Further, the Constitution not only vests the Legislature with the sole authority to determine the internal procedures by which it will enact laws (within constitutional parameters), but also with the sole authority to determine whether its own rules have been violated: “[A]lleged violations of its own legislative rules remain the province of the legislature itself.” *Schwab*, 58 Haw. at 39, 564 P.2d at 144; *see also Hussey*, 139 Hawai‘i at 188, 384 P.3d at 1289 (because the Constitution “explicitly commits the determination of qualifications of House members to the House of Representatives itself[,] [t]he legislature, not the court, possesses the authority to judge the qualifications of its members.”).

Here, the constitutional mandate invoked by Plaintiff provides only that: “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.” Haw. Const. art. III, § 12. Even assuming art. III, § 12’s relevance to the claim Plaintiff asserts, *see supra* at section V.B., it is clear that the provision says nothing about what qualifies as a “bill,” including the level or extent of content a proposal must contain.⁸ Thus, in the absence of such a mandate, the Legislature is vested with the sole authority to determine the internal procedures by which legislation is enacted.⁹ This authority necessarily includes the discretion to determine whether a proposal is

⁸ A separate provision, Haw. Const. art. III, § 14, states: “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.’” But this provision also does not include any content requirements for “bills”; the second and third sentences only impose requirements for “laws,” not bills.

⁹ This case is therefore distinguishable from *League of Women Voters of Honolulu v. State*, 150 Hawai‘i 182, 499 P.3d 382 (2021). In that case, the Court held that while the Legislature has sole authority to adopt its own rules of procedure and determine the qualifications of its members, there was no similar constitutional language vesting the Legislature with authority to judge its own compliance with other constitutional mandates regarding legislative procedure; thus, the Court could determine whether the passage of a bill violated the constitutional three-readings requirement. *Id.* at 193, 499 P.3d at 393. Here, however, what constitutes a “bill” and what will

acceptable as a “bill” and whether it satisfies the Legislature’s bill introduction deadline.

Moreover, as discussed, “alleged violations of its own legislative rules remain the province of the legislature itself.” *Schwab*, 58 Haw. at 39, 564 P.2d at 144. Just as the Constitution vests the Legislature with the authority to determine its own rules of proceedings, it also vests the Legislature with the sole authority to select a bill introduction deadline. Haw. Const. art. III, § 12. Thus, just as alleged violations of the rules set by the Legislature are firmly within the sole authority of the Legislature to determine, so too is the alleged violation of the bill introduction deadline here.

In short, because the matters raised by Count II are textually, demonstrably committed to the Legislature and not the courts under Haw. Const. art. III, §§ 1 & 12, Count II presents a non-justiciable political question.

2. There are no judicially discoverable and manageable standards to determine whether S.B. 935 was a “bill” and satisfied the bill introduction deadline.

Second, the court lacks judicially discoverable and manageable standards to determine whether S.B. 935 was a “bill” and whether its introduction satisfied the bill introduction deadline set by the Legislature. The Hawai‘i Supreme Court has held that a court can only interpret constitutional questions “as long as there do not exist uncertainties surrounding the subject matter that have been clearly committed to another branch of government to resolve.” *Nelson*, 127 Hawai‘i at 197, 277 P.3d at 291. Thus, in *Nelson*, even though the Hawai‘i Constitution required the Legislature to make “sufficient funds” available to the Department of Hawaiian Home Lands for four different purposes, the Court was obligated to “explore whether there exist uncertainties surrounding the constitutional mandate that would render the determination of ‘sufficient sums’ as to these four purposes a nonjusticiable political question.” *Id.* Based on the debates of the 1978 ConCon, the Court could discern that the framers considered \$1.3 to \$1.6 million “sufficient” for one of the purposes. *Id.* at 203, 277 P.3d at 297. But neither the text of the Constitution nor its history provided any “judicially discoverable and manageable standards” for determining ‘sufficient funds’” for the remaining three purposes “without ‘initial policy

be deemed to satisfy the bill introduction deadline are not found in any constitutional requirements which the Judiciary, rather than the Legislature, has the authority to interpret. Rather, by giving the Legislature the sole authority to set a bill introduction deadline and determine its own internal procedural rules, the Constitution vests these matters to the Legislature for determination, not the courts.

determinations of a kind clearly for nonjudicial discretion.”” *Id.* at 205, 277 P.3d at 299 (brackets and citation omitted).

Similarly, in *Yamasaki*, the Court held that despite its seemingly clear language, HRS § 10-3.5—which stated that “twenty per cent of all funds derived from the public land trust, described in section 10-3, shall be expended by [the Office of Hawaiian Affairs], for the purposes of this chapter”—actually “provide[d] no ‘judicially discoverable and manageable standards’” and that disputes over the interpretation of the statute “cannot be decided without ‘initial policy determinations of a kind clearly for nonjudicial discretion.’” *Yamasaki*, 69 Haw. at 172-73, 737 P.2d at 457 (brackets omitted). Whether certain income and proceeds constituted “funds derived from the public land trust” would either have to be decided based on an initial policy determination (*id.* at 174-75, 737 P.2d at 458) or could not be decided because of the lack of “judicially discoverable and manageable standards.” *Id.* at 175, 737 P.2d at 458.

Just as in *Nelson* and *Yamasaki*, the Constitution provides no articulable standard a court could apply to a legislative proposal to determine whether it qualifies as a “bill.” There is nothing in the text of art. III, § 12 that describes what constitutes a “bill.” Nor is there anything illustrative in the relevant constitutional history. *See Nelson*, 127 Hawai‘i at 205, 277 P.3d at 279 (finding that what would constitute “sufficient sums” for three of the four purposes in art. XII, § 1 was nonjusticiable where the constitutional history showed “no discussion at all as to what would constitute ‘sufficient sums’” as to those purposes.”). The provision regarding a bill introduction deadline was first added to the Constitution in 1978. Originally, it required that the deadline be set after the nineteenth day of session, but not less than five days before the Legislature’s mandatory recess so that the public could review bills during the recess. *See* Stand. Comm. Rep. No. 46 in 1 Proceedings of the Constitutional Convention of Hawai‘i 1978, at 603 (1980) (Exh. “8”); Comm. of the Whole Debates in 2 Proceedings of the Constitutional Convention of Hawai‘i 1978, at 278 (1980) (Exh. “9”). Yet nothing in the committee reports or debates of the 1978 Constitutional Convention sheds any light on what standards, if any, a legislative proposal would have to meet before it could be considered a “bill.” *Id.*

In 1984, art. III, § 12 was amended to remove the requirement that the bill introduction deadline be set at any particular time. *See* 1984 Haw. Sess. Laws H.B. No 1947-84 at 903-04

(Exh. “10”) (proposed constitutional amendment).¹⁰ Neither the constitutional amendment nor its corresponding committee reports describe any applicable standards for determining when a proposal constitutes a “bill.” *See* Exh. “10”; H. Stand. Comm. Rep. No. 417-84, in 1984 House Journal, at 1031-32 (Exh. “11”); S. Stand. Comm. Rep. No. 636-84, in 1984 Senate Journal, at 1332-33 (Exh. “12”).

Thus, neither the plain text of the Constitution nor its history provide the court with any standards to apply to determine whether S.B. 935, as measured against those standards, is sufficient to be considered a “bill” that was timely introduced under the deadline set by the Legislature. Count II thus presents a non-justiciable political question. *See Made in the USA Found. v. United States*, 242 F.3d 1300, 1319-20 (11th Cir. 2001) (given the lack of any judicially manageable standards to determine when an agreement qualifies as a “treaty,” and the fact that Congress was constitutionally empowered to regulate commerce with foreign nations, the issue of what kinds of international commercial agreements are “treaties” under Art. II, § 2 of the U.S. Constitution was a political question, and thus, a lawsuit alleging that a trade agreement was unconstitutional must be dismissed).

3. A court cannot decide Count II without making a policy determination clearly for nonjudicial discretion.

Third, because neither the Constitution nor its history provide a standard to apply to determine whether a purported bill is sufficient to meet the Legislature’s bill introduction deadline, a court would have to construct a standard out of whole cloth to determine the issue. And the court could not create such a standard without making “an initial policy determination of a kind clearly for nonjudicial discretion.” *Nelson*, 127 Hawai‘i at 194, 277 P.3d at 288.

A court could not adopt a standard requiring that bills meet any specific content requirement without making a policy judgment that should be left to legislative discretion. Again, the Constitution vests legislative power in the Legislature, Haw. Const. art. III, § 1, and “[l]egislative power is defined as the power to enact laws[.]” *Sherman*, 63 Haw. at 57, 621 P.2d at 348. Determining specific content requirements for bills, as Plaintiff asks this Court to do,

¹⁰ While the indicated purpose of the amendment was to allow the Legislature to set a deadline even earlier than the twentieth day of session, the plain language of the amendment allows the Legislature to select any date for the bill introduction deadline. *Id.*, *see also League of Women Voters of Honolulu*, 150 Hawai‘i at 211, 499 P.3d at 411 (Recktenwald, C.J., dissenting) (“[T]he plain language of the provision allows the legislature to set the deadline later in the session, including after the five-day recess.”).

would very clearly require the Court to make certain policy judgments that the Legislature—given its power to enact laws and determine its own rules of proceeding—should make.

For example, the level of specificity required for a bill to be introduced directly affects the Legislature’s lawmaking process and flexibility. Short form bills serve an important legislative purpose. They allow the Legislature to respond to unforeseen circumstances that make it difficult, if not impossible, to draft fully formed and detailed proposals before the introduction deadline. For instance, during the 2024 legislative session, it became apparent that additional emergency appropriations were needed to cover immediate expenses resulting from the Maui wildfires that occurred in August 2023. Thus, a short form bill, S.B. 582, titled “Relating to State Budget,” became Act 10, which appropriated \$297 million for housing and other assistance to survivors, and \$65 million to the One ‘Ohana bank trust account for the purpose of settling victims’ claims.¹¹ And just this past legislative session, a short form bill, S.B. 933 titled “Relating to the State Budget,” was passed as Act 310, appropriating \$50 million to the Office of Community Services to allocate to non-profits to offset the unexpected and severe shortfalls that would likely be caused by federal funding cuts.¹² Although the Legislature has the option of convening special sessions, a special session cannot begin until after the regular session ends, delaying the Legislature’s ability to take quick action on unforeseen events for many months.

Short form bills also facilitate legislative efficiency. A short form bill can describe a broad intent or idea for future legislation that has not yet been fleshed out. Committees can decide whether there is enough interest in exploring the general idea of the bill before dedicating their time to work on its details. And even bills that are not introduced as short form bills often lack sufficient detail to be effective if passed in their present forms without substantial

¹¹ The entire legislative history of S.B. 582 is available on the Hawai‘i State Legislature’s official website at:

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=582&year=2024. The court may take judicial notice of S.B. 582’s legislative history per HRE 201(b). *See supra* note 1.

¹² The entire legislative history of S.B. 933 is available on the Hawai‘i State Legislature’s official website at:

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=933&year=2025. The court may take judicial notice of S.B. 933’s legislative history per HRE 201(b). *See supra* note 1.

amendments. Bills are often drafted with blank appropriation amounts or with indefinite effective dates with the specific intention that a future committee work on the details. Requiring a certain level of specificity in bills as introduced means requiring some additional amount of work by the bill drafter that may end up being obviated by a committee's decision to either insert their own details, or to not pass on a measure at all.

Ultimately, whether to utilize short form bills, or what level of specificity to require in a submitted bill, is a policy judgment. Individual legislators or members of the public may disagree with the use of short form bills, but their remedy is to lobby their colleagues or their representatives, respectively, for a new standard. Courts, which generally have no particular expertise in drafting legislation, should not usurp the ability of the voters or the legislative branch to determine for themselves the policy that should be adopted.

4. A court cannot decide Count II without expressing a lack of respect for the Legislature's authority.

Finally, a court cannot determine that S.B. 935 and other short form bills are not "bills" without "expressing lack of respect due [to a] coordinate branch[] of government." *Nelson*, 127 Hawai'i at 194, 277 P.3d at 288. This is especially true here, where the Legislature is constitutionally vested with control over its own procedures and the sole authority to control its own bill introduction deadline. Haw. Const. art. III, § 12. Simply put, "[c]ourts cannot interfere with the internal workings of the legislature 'without expressing lack of respect due coordinate branches of government.'" *Pennsylvania Senate Intergovernmental Operations Comm. v. Pennsylvania Dep't of State*, 290 A.3d 321, 328 (Pa. Commw. Ct. 2023) (citation omitted).

As discussed, usurping the Legislature's authority to determine for itself whether a short form bill may be accepted as a "bill" would impact the Legislature's ability to manage its workload and respond to unforeseen circumstances. It is difficult to conceive of any greater intrusion into the Legislature's core legislative powers than micromanagement by the courts as to what language the Legislature must include in its bills or the bills the Legislature can even consider. *Sherman*, 63 Haw. at 57, 621 P.2d at 348 (legislative power is the power to draft and enact laws); *Arizona Minority Coal. for Fair Redistricting v. Arizona Indep. Redistricting Comm'n*, 220 Ariz. 587, 596 (2009) ("We will not tell the legislature when to meet, what its agenda should be, what it should submit to the people, what bills it may draft or what language it may use." (cleaned up)).

The fact that both houses of the Legislature have already placed restrictions on short form bills further demonstrates that the court would be trampling on careful legislative balancing if it were to impose its own standards. The House rules require that a short form bill be reported out of a committee in an amended long form with a recommendation that it be recommitted to the same committee for a public hearing on the long form. *See* Exh. “1” at Rule 11.5(5). And the Senate only allows short form bills to be introduced by the majority leader or minority leader after consultation with committee chairs and other members of the Senate. *See* Exh. “2” at Rule 45. These rules constitute each house’s judgment as to what is necessary to ensure that short form bills are used sparingly and still ensure sufficient public notice. These judgments, which fall firmly within the Legislature’s authority to enact laws and determine its own procedural rules, would be undermined if a court simply replaced them with its own policy preferences.

In sum, a court cannot possibly resolve Count II without intruding on the Legislature’s sole authority to enact laws, determine its own procedural rules, and administer its own bill introduction deadline. To determine that S.B. 935 was not a “bill,” a court would have to invent and apply a standard not found in the Constitution or its history, and substitute its own policy judgments for that of the legislative branch, impinging on the Legislature’s ability to manage its own internal affairs and carry out its constitutionally mandated purpose. Count II thus presents a political question and cannot be resolved in Plaintiff’s favor. *Nelson*, 127 Hawai‘i at 205-06, 277 P.3d at 299-300.

D. Count II Fails on its Merits In Any Event.

Even assuming *arguendo* that Count II does not pose a political question, Plaintiff’s claim still fails as a matter of law. The court must start with the presumption that Act 290 is constitutional, and Plaintiff, as the party challenging it, has the burden of showing unconstitutionality beyond a reasonable doubt. *Calaycay*, 145 Hawai‘i at 197, 449 P.3d at 1195; *see also League of Women Voters*, 150 Hawai‘i at 194, 499 P.3d at 394. Act 290 cannot be invalidated unless the constitutional infirmity is “plain, clear, manifest, and unmistakable.” *Id.* Plaintiff, therefore, must demonstrate a “plain, clear, manifest, and unmistakable” violation of art. III, § 12, which under Plaintiff’s own theory, requires showing that Act 290 is not a “bill” beyond a reasonable doubt. If there is *any* reasonable doubt as to whether Act 290 is a “bill,” Plaintiff’s claim *must* fail.

The undisputed facts show that Plaintiff will not be able to carry its burden to prove unconstitutionality beyond a reasonable doubt. Thus, summary judgment must be entered for the State. *Ralston*, 129 Hawai‘i at 60, 292 P.3d at 1290 (summary judgment is appropriate if movant demonstrates that the non-movant plaintiff will be unable to carry the burden of proof at trial).

As discussed, the Constitution provides no definition of a “bill.” If one leaves aside that the Legislature has the authority to determine what constitutes a “bill,” *see supra* at section V.C., and consults common understandings and dictionary definitions of the word “bill,” Plaintiff’s argument fails. The common understanding of a “bill” is simply that it is a draft or a proposal for a future law.¹³ *Black’s Law Dictionary* defines a “bill” in the legislative sense as: “A legislative proposal offered for debate before its possible enactment; a proposed statute that has been or is intended to be introduced in a legislative body.” BILL, *Black’s Law Dictionary* (12th ed. 2024).¹⁴ In discussing the definition of a “bill,” the Supreme Court of Pennsylvania observed that “[a] ‘Bill’ has been defined to be ‘a form or draft of a law presented to a legislature for enactment.’” *Scudder v. Smith*, 331 Pa. 165, 170 (1938). Thus, where the state constitution, like ours, provided that “‘no law shall be passed except by Bill,’ it meant by ‘a form or draft of a law submitted to the legislature for enactment[.]’” *Id.*

Here, the fact that S.B. 935 is a draft of a law is obvious on its face. It includes the parts of a law necessitated by the Constitution: a title and an enacting clause. Haw. Const. art. III, § 14. It indicates that it will amend the Hawai‘i Revised Statutes and will be an “Act.” It is described as a “[s]hort form bill.” It cannot be plausibly argued that it is – beyond a reasonable doubt – anything other than a draft law.

The Complaint alleges that S.B. 935 had no “content” or “substance” as introduced. Compl. at ¶¶25-27. That is Plaintiff’s characterization; S.B. 935 was not, in fact, devoid of any content or devoid of any substance. The body of S.B. 935 indicated that it contemplated provisions affecting the government in some way and amending the Hawai‘i Revised Statutes.

¹³ “[T]he settled rule is that in the construction of a constitutional provision the words are presumed to be used in their natural sense unless the context furnishes some ground to control, qualify, or enlarge them.” *League of Women Voters of Honolulu*, 150 Hawai‘i at 189, 499 P.3d at 389.

¹⁴ When a term is not statutorily defined, Hawai‘i courts “may resort to legal or other well accepted dictionaries as one way to determine its ordinary meaning.” *Gillan v. Gov’t Employees Ins. Co.*, 119 Hawai‘i 109, 115, 194 P.3d 1071, 1077 (2008) (cleaned up).

Of course, its content and substance were broad, but S.B. 935 was what a bill is generally understood to be: *a draft*. And critically, Plaintiff cannot demonstrate that whatever standard it is employing to determine what is sufficient “content” or “substance” is at all grounded in any operative requirement in Hawai‘i law. That dooms its claim.

VI. CONCLUSION

For the foregoing reasons, the State respectfully requests that this Court enter summary judgment in its favor on all claims in Plaintiff’s Complaint.

DATED: Honolulu, Hawai‘i, October 7, 2025.

/s/ Lauren K. Chun

LAUREN K CHUN
Deputy Solicitor General

Attorney for Defendant STATE OF HAWAI‘I

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

LEAGUE OF WOMEN VOTERS OF
HAWAI'I,

Plaintiff,

v.

STATE OF HAWAI'I,

Defendant.

Civil No. 1CCV-25-0001456
(Declaratory Judgment)

DECLARATION OF LAUREN K. CHUN;

DECLARATION OF LAUREN K. CHUN

I, LAUREN K. CHUN, hereby declare as follows:

1. I am a Deputy Solicitor General for the State of Hawai'i and am counsel of record for Defendant, the State of Hawai'i ("State") in this matter. I am competent to testify as to the matters set forth herein.

2. Attached hereto as Exhibit "1" are excerpts of the Rules of the House of Representatives of State of Hawai'i, Thirty-Third Legislature, 2025-2026 ("2025 House Rules"). The full 2025 House Rules are available on the Hawai'i State Legislature's official website at: <https://www.capitol.hawaii.gov/docs/HouseRules.pdf>.

3. Attached hereto as Exhibit "2" are excerpts of the Rules of the Senate of the State of Hawai'i, Thirty-Third Legislature, 2025-2026 ("2025 Senate Rules"). The full 2025 Senate Rules are available on the Hawai'i State Legislature's official website at: <https://www.capitol.hawaii.gov/docs/SenateRules.pdf>.

4. Attached hereto as Exhibit "3" is a copy of the 2025 Legislative Timetable, signed by the President of the Senate and the Speaker of the House. Exhibit "3" is available on the Hawai'i State Legislature's official website at: <https://www.capitol.hawaii.gov/docs/sessioncalendar2025.pdf>.

5. Attached hereto as Exhibit "4" is a copy of S.B. No. 935 of 2025. Exhibit "4" is available on the Hawai'i State Legislature's official website at:

https://www.capitol.hawaii.gov/sessions/session2025/bills/SB935_.PDF.

6. Attached hereto as Exhibit “5” is a screenshot of the legislative history of S.B. No. 935 as it appears on the official website of the Hawai‘i State Legislature at:

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=935&year=2025 (last visited October 3, 2025).

7. Attached hereto as Exhibit “6” is a copy of S.B. No. 935, S.D. 1 of 2025. Exhibit “6” is available on the Hawai‘i State Legislature’s official website at:

https://www.capitol.hawaii.gov/sessions/session2025/bills/SB935_SD1_.PDF.

8. Attached hereto as Exhibit “7” is a copy of Governor’s Message No. 1393, transmitting a signed version of Act 290 of 2025. Exhibit “7” is available on the Hawai‘i State Legislature’s official website at:

https://www.capitol.hawaii.gov/sessions/session2025/bills/GM1393_.PDF.

9. Attached hereto as Exhibit “8” is a copy of Stand. Comm. Rep. No. 46, from Volume I of the Proceedings of the Constitutional Convention of Hawai‘i of 1978 (1980) at 599-609. Volume I of the Proceedings of the Constitutional Convention of Hawai‘i of 1978 is available on the official website of the Hawai‘i Legislative Reference Bureau at:

<https://library.lrb.hawaii.gov/cgi-bin/koha/opac-retrieve-file.pl?id=3e5bfe67137eebaac3d6d778ffa1ddaa>.

10. Attached hereto as Exhibit “9” is page 278 of Volume II of the Proceedings of the Constitutional Convention of Hawai‘i of 1978 (1980). Volume II of the Proceedings of the Constitutional Convention of Hawai‘i of 1978 is available on the official website of the Hawai‘i Legislative Reference Bureau at: <https://library.lrb.hawaii.gov/cgi-bin/koha/opac-retrieve-file.pl?id=823c7992aca4729113e97181484a1c73>.

11. Attached hereto as Exhibit “10” are pages 903-904 of the 1984 Session Laws of Hawai‘i. The 1984 Session Laws of Hawai‘i are available on the official website of the Hawai‘i State Legislature at: https://www.capitol.hawaii.gov/slh/AllIndex/All_Acts_SLH1984.pdf.

12. Attached hereto as Exhibit “11” is a copy of House Standing Committee Report No. 417-84, in 1984 House Journal, at 1031-32. H. Stand. Comm. Rep. No. 417-84 is available on the official website of the Hawai‘i State Legislature at:

<https://www.capitol.hawaii.gov/journal/house/1984/1984%20HJournal%2009%20Standing%20Committee%20Reports%20-%202.pdf>.

13. Attached hereto as Exhibit "12" is a copy of Senate Standing Committee Report No. 636-84, in 1984 Senate Journal, at 1332-33. S. Stand. Comm. Rep. No. 636-84 is available on the official website of the Hawai'i State Legislature at:

https://www.capitol.hawaii.gov/journal/senate/1984/Senate_Journal_1984_Committee_Reports.pdf.

I declare, verify, certify and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, October 7, 2025.

/s/ Lauren K. Chun
LAUREN K CHUN
Deputy Solicitor General

EXHIBIT “1”

**RULES OF THE
HOUSE OF REPRESENTATIVES**

STATE OF HAWAII

THIRTY-THIRD LEGISLATURE

2025-2026

PART II. OFFICERS, PARTY LEADERS, AND EMPLOYEES

Rule 2. The Speaker

2.1. It shall be the duty of the Speaker to:

- (1) Open the meetings of the House;
- (2) Maintain order in the House Chamber and require proper decorum at all times on the part of all those present in the House Chamber;
- (3) Announce the business before the House in the order prescribed by these Rules;
- (4) Receive all matters brought properly before the House and submit them to the House, and call for votes on these matters and announce the results of the votes;
- (5) Consult with and advise the committees of the House and assist them in their work as an ex officio member without vote;
- (6) Receive all communications from other branches of the Government and present them to the House;
- (7) Assign to each member of the House a seat on the floor of the House; until the Speaker assigns seats to the members, they may occupy any vacant seat;
- (8) Authenticate all acts of the House by signing appropriate documentation;
- (9) Make known the Rules of Order upon request and decide all questions of order, subject to appeal to the House;
- (10) Issue warrants to arrest offenders upon the order of the House, and issue subpoena and subpoena duces tecum requiring the attendance of witnesses or the production of books, documents, or other evidence in any matter pending before the House or any committee;
- (11) Clear the House of any or all persons except its members and officers if the House adopts a motion to require it, or if there is a disturbance or disorderly conduct at any time;
- (12) Direct committees of the House to consider messages from the Governor or other communications from the executive;

- (13) Appoint any member to preside over the meetings of the House if the Vice Speaker, Majority Leader, and Majority Floor Leader are not available to perform such duties, but such substitution shall not extend beyond an adjournment;
- (14) Within four session days, refer all bills to committees, subject to an appeal to the House. In referring bills to one or more standing committees, the first referral shall be to the standing committee whose area of responsibility as described in Part III of these Rules is most closely related to the subject matter contained in the bill being referred. In the case of multiple committee referrals, the Speaker shall name the standing committee referred to in the sentence immediately preceding as the committee having primary responsibility for making recommendations for action on the bills so referred. However, where more than one standing committee could qualify as the committee having primary responsibility, preference shall be given to the committee having jurisdiction on a statewide, rather than a local, basis.

The chair of a standing committee affected by a referral of a bill may appeal the referral to the Speaker within 24 hours from the time the referral sheet containing the subject referral is made available to the members of the House. The Speaker shall review the appeal and shall meet with the chair and the chair(s) of the standing committee(s) affected by the referral to settle their differences. If the Speaker is unable to settle the differences between and among the chairs of the standing committees involved within 48 hours after the filing of the appeal, the Speaker shall immediately forward the appeal to the Review Panel, which shall make its recommendation to the Speaker within 24 hours after receipt of the appeal. If the Speaker shall concur with the recommendation of the Review Panel, the referral of the bill shall stand or the bill shall be re-referred, as the case may be, according to or consistent with the recommendation. If the Speaker disagrees with the recommendation of the Review Panel, the Speaker shall submit reasons in writing in support of the Speaker's decision to the Review Panel and the chairs of the standing committees involved within 24 hours of the receipt of the recommendation from the Review Panel. The Speaker's decision shall be the final disposition of the matter.

The Review Panel shall be composed of the Majority Leader who shall serve as chair, the Vice Speaker, and Majority Floor Leader;

- (15) Appoint the chair and members of conference committees pursuant to Rule 16;

- (16) Establish final dates for action on legislation. These shall include the final date for introducing bills pursuant to Rule 34.4, the final date for third reading of House bills, the final date for third reading of Senate bills, the final date for approving conference committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The Speaker shall coordinate with the President of the Senate to establish these final dates within seven days after the opening of the legislative session;
- (17) Notify members of the names of individuals nominated for or appointed to a task force, commission, working group, or similar position requiring the Speaker to nominate individuals for such a position. The Speaker, or the Speaker's designee, shall maintain a master list that shows all of the individuals nominated or appointed by the Speaker, along with the terms of service for these nominees and the date when a subsequent nomination will have to be named and/or filled by the Speaker; and
- (18) Perform other duties required by law or these Rules.

2.2. To facilitate House floor proceedings, the Speaker may establish dates for a consent calendar consisting of all third and/or final reading bills that have not been selected for debate by any member. Said bills shall be considered without debate, but members shall be permitted to insert into the House Journal written remarks in support of or in opposition to the measure, consistent with the usual practices of the House. If a consent calendar is established pursuant to this rule, the Speaker shall set the deadlines for members to communicate to the Chief Clerk their intention to debate calendared bills.

2.3. The Speaker after giving all members at least 15 days prior written notice may authorize legal action on behalf of the House and shall notify members of non-confidential legal action taken on behalf of the House, provided no other external legal actions affecting the Legislature's interest shall necessitate more expedient action by the House. The Speaker shall not less than annually report the status of each legal action and disclose expenditures and costs to the members.

Rule 3. The Vice Speaker

The Vice Speaker shall consult with and advise the standing committees and assist them in their work and shall perform such other duties as may be assigned by the Speaker. In the absence of the Speaker, the Vice Speaker shall exercise all the duties and powers of the Speaker.

to comply with the order of the Speaker, then the vice-chair shall act as chair for the purpose of hearing the bill or resolution under consideration. If the vice-chair refuses, then the Speaker may appoint any member of the House to act as temporary chair. If the Speaker objects to the recommendation of the Review Panel, the Speaker shall submit reasons in writing to support the Speaker's decision, which shall be the final disposition of the matter.

11.4. The chair of each standing committee shall keep a record of public hearings and shall file the same with the State Archives, through the Speaker as soon as practicable after each session.

11.5. *Standing Committee Meetings.*

- (1) Meetings (hearings and informational briefings) shall be held in public, be simultaneously broadcast, and be recorded for subsequent viewing on the legislative platform. The public may attend meetings in person or via broadcast. Meeting notices shall include instructions relating to public participation and public testimony. In the event of any unforeseeable or unavoidable circumstances that are beyond the control of the House or any other party, the committee may (a) proceed without simultaneous broadcast or (b) cancel or reschedule the meeting.
- (2) Notice of meetings shall be publicly posted or announced on the House floor at least 48 hours prior to the meeting. Except for notices posted by the Committee on Finance, notice shall be posted before 4:30 p.m. on the last day of the work week for a hearing to be held on the following Monday or Tuesday. Notice of meetings may be shortened at the discretion of the Speaker upon request on the House floor by a chair or vice-chair and upon good cause shown.
- (3) As practicable, standing committees shall schedule their meetings at times and at places as are convenient for attendance by the general public and shall, in coordination with other committees of the House or Senate, endeavor to hold joint meetings and public hearings on matters of mutual interest.
- (4) The House will make available to the committee members and the public any testimony that is submitted to the standing committee prior to or at the applicable testimony submission deadline, at least two hours before the publicly-noticed time of the meeting or briefing. Committee chairs are encouraged to release testimony to committee members and the public as early as possible. All written testimony received by the committee for decision making purposes will be made available to the public as soon as is practicable.
- (5) No bill or resolution other than a congratulatory resolution shall be reported out of a standing committee unless the measure shall have received a public hearing in the House; provided that a bill that contains only a reference to the general idea of the bill in short form and contemplates the subsequent drafting of the specific details in long

form may be reported out of a standing committee without a public hearing so long as the bill is reported out:

- (a) In an amended form containing the substantive contents of the bill in long form;
- (b) Recommending that the bill be recommitted to the same committee for the purpose of holding a public hearing thereon after satisfaction of the notice requirements set forth in paragraph (2) above; and
- (c) Without recommendation for passage on any reading of the bill.

(6) Upon the request of a chair of a standing committee, the Speaker may authorize the chair and the members of the standing committee to conduct a community-based public hearing whenever appropriate and practicable, subject to notice as required in paragraph (2) above. "Community-based public hearing" means a hearing conducted by a standing committee outside the State Capitol building at a location within the community for the purpose of accommodating the public to be heard on the matter under consideration by the standing committee.

(7) No standing committee shall sit during the time when the House is actually in session except with the permission of the Speaker.

11.6. *Committee Decision-making.*

- (1) A quorum of the committee, which shall be a majority of the committee membership, shall be present for decision-making.
- (2) Committee decision-making shall be by a majority of the members present. Reporting a measure out of the committee shall require a favorable vote of not less than a majority of the members present at a meeting duly constituted with a quorum. Any member voting "with reservations" shall be deemed to be in favor of the recommendation.
- (3) The vice-chair of the committee, or the designee of the chair in the absence of the vice-chair, shall be the recorder of the record of the quorum and the votes.

In the case of a joint hearing, the vice-chair of the lead committee, or the designee of the lead committee chair in the absence of the vice-chair, shall be the recorder of the record of the quorum and the votes of all the committees party to the public hearing, unless otherwise agreed to by the respective chairs. A member's vote on a measure shall be the same for all committees that the member may sit on.

- (4) After hearing a measure, the chair shall recommend with sufficient explanation one of the following recommendations for the measure:
(a) passed with or without amendment, (b) held, or (c) deferred. A

EXHIBIT “2”

2025-2026 Rules of the Senate



Hawai‘i State Senate
The Thirty-Third Legislature

Ronald D. Kouchi
Senate President

Adopted: January 16, 2025

Rule 3 The President.

It shall be the duty of the President:

- (1) To open the meetings of the Senate by taking the Chair.
- (2) When a quorum is present, to call for the reading of the Journal of the preceding day.
- (3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.
- (4) To announce the business before the Senate in the order prescribed by the Rules.
- (5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.
- (6) To receive all communications, including but not limited to, Governor's messages, budget messages, and Judiciary communications, present them to the Senate and, unless otherwise provided in these Rules, refer these and other matters to the appropriate standing committees.
- (7) To appoint all members of committees unless otherwise determined by the Senate.
- (8) To authenticate by signature, all acts and doings of the Senate which require authentication.
- (9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.
- (10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the issuance of subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any manner pending before the Senate, or committee, as the case may be, or other orders of the Senate.
- (11) To decide and announce the result of any vote taken.
- (12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.
- (13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.
- (14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit

stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Hawai‘i State Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To mediate and resolve differences between two or more standing committees on the same bill.

(17) To administer oaths to elected officers of the Senate who are not Senators and to witnesses who are compelled to testify under oath before the Senate or a committee thereof; provided that the President may appoint a designee to administer oaths as the President deems necessary.

(18) To disperse information to all members relating to the President's nominations and appointments to boards and commissions on a monthly basis.

Rule 4 The Vice-President.

(1) The Vice-President and the President shall prepare and administer a budget for the Senate.

(2) Except as otherwise provided in the Senate Rules, the President and Vice-President shall oversee permanent support staff of the Senate who are not directly employed or supervised by an individual Senator.

(3) In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

Rule 5 President Pro Tempore.

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

Rule 41 Order of Business: Committee Reports and Gubernatorial Messages.

Reports from Conference or Joint Committees, and from Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

Rule 42 Order of Business: Order of the Day.

- (1) All floor votes on legislation will be posted on the order of the day.
- (2) After the first seven orders of business set forth in Rule 39, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

Rule 43 Order of Business: Unfinished Business.

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

Rule 44 Order of Business: Questions on Priority.

All questions relating to the priority of business to be acted upon shall be decided without debate.

PART V. BILLS

Rule 45 Bills: Introduction.

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph, and except short form bills which may only be introduced by the majority leader or the minority leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority

leaders and the minority leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

Bills, which shall carry over from a regular session in an odd-numbered year to the next regular session, shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawai‘i Revised Statutes or Session Laws of Hawai‘i, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and stricken and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

Rule 46 Bills: Referral to Committee.

(1) Upon introduction, all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) The majority research office shall make recommendations to the majority leadership on the referral of each such bill to appropriate Leadership or Standing Committees.

(3) Each such bill shall be referred by members of the majority leadership appointed by the President, to one or more appropriate Leadership or Standing Committees for consideration.

(4) Any referral may be reconsidered by the President upon written request of any chair who is aggrieved by the referral made within three working days. The President shall decide the request for reconsideration within a reasonable time, which decision shall be final. No request for reconsideration shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(5) Any proposed senate draft that makes major amendments or wholesale changes that could affect the referral of the bill shall be submitted to the President for review and if the President deems it appropriate, the bill may be re-referred as determined by the President. The President’s determination of any proposed re-referral shall be made within twenty-four hours of receipt of the proposed senate draft.

(6) Each Leadership and Standing Committee shall consider the bills and other matters referred to it as expeditiously as may be possible.

EXHIBIT “3”

2025 LEGISLATIVE TIMETABLE

JANUARY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 NEW YEAR'S DAY	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15 OPENING DAY	16	17 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	18
	19	20 DR. MARTIN LUTHER KING, JR. DAY	21 State of the State Address & Admin Bill Package Cutoff	22 RECESS #1	23 State of the Judiciary Address & Bill Intro Cutoff	24 RECESS #2	25
	26	27	28	29	30	31	
		6	7	8	9	10	

FEBRUARY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
							1
	2	3	4	5	6	7	8
		11	12	13	14	15	
	9	10	11	12	13	14	15
		16	17	18	19	20	
	16	17 PRESIDENTS' DAY	18	19	20	21	22
	23	24	25	26 Last Day of Mandatory 5-Day Recess	27	28 First Decking (Bills)	29
		→	→				

MARCH	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
							1
	2	3	4	5 RECESS #3	6 First Crossover (Bills)	7 Substantive Reso Cutoff	8
			25	RECESS #4		26	27
	9	10	11	12 Budget Crossover	13	14	15
		28	29	30	31	32	
	16	17	18	19	20	21	22
		33	34	35	36	37	
	23	24	25	26 KUHIO DAY	27	28	29
		38	39		40	41	
	30	31					
		42					

APRIL	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3 First Crossover (Concurrent Resos)	4 Second Decking (Bills)	5
				43	44	45	46
	6	7 RECESS #5	8	9 RECESS #6	10 Second Crossover (Bills) & Disagree	11	12
				47		48	49
	13	14	15	16	17 Constitutional Amendments	18 GOOD FRIDAY	19
		50	51	52	53		
	20	21 Second Crossover (Concurrent Resos)	22	23	24 Final Decking (Non-Fiscal Bills)	25 Final Decking (Fiscal Bills)	26
		54	55	56	57	58	
	27	28 RECESS #7	29	30	59		

MAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 RECESS #9	2 ADJOURNMENT SINE DIE	3
							60

Ronald D. Kouchi

President of the Senate

11/25/24

Nadine K. Nakamura

Speaker of the House

11/25/24

Date

2025 LEGISLATIVE TIMETABLE

<u>DATE</u>	<u>LEG. DAY</u>	<u>DEADLINE OR EVENT</u>
Jan. 15 th (Wed)	1 st	Opening Day.
Jan. 17 th (Fri)	3 rd	Last day to introduce all packages of bills except for the administration's (State Executive Branch). Last day for organizations to submit grant and subsidy requests to the Legislature.
Jan. 21 st (Tue)	4 th	State of the State Address. Last day to introduce the administration's package of bills (State Executive Branch).
Jan. 22 nd (Wed)		One-day recess.
Jan. 23 rd (Thur)	5 th	State of the Judiciary Address. Last day for bill introductions.
Jan. 24 th (Fri)		One-day recess.
Feb. 20 th (Thur) through		Mandatory 5-day recess.
Feb. 26 th (Wed)		
Feb. 28 th (Fri)	24 th	Filing deadline for First Decking. Last day to deck non-budget bills for Third Reading in the originating body.
March 3 rd (Mon)		One-day recess.
March 5 th (Wed)		One-day recess.
March 6 th (Thur)	26 th	First Crossover for bills. Last day for Third Reading of bills in the originating body.
March 7 th (Fri)	27 th	Last day to introduce substantive resolutions.
March 10 th (Mon)	28 th	Filing deadline for budget bills.
March 12 th (Wed)	30 th	Budget Crossover. Last day for Third Reading of budget bills in the originating body.
April 3 rd (Thur)	45 th	First Crossover for concurrent resolutions. Last day to pass concurrent resolutions to the non-originating body.
April 4 th (Fri)	46 th	Filing deadline for Second Decking. Last day to deck bills that were amended by the receiving (non-originating) body.
April 7 th (Mon)		One-day recess.
April 9 th (Wed)		One-day recess.
April 10 th (Thur)	48 th	Second Crossover for bills. Last day for Third Reading of bills that were amended by the receiving (non-originating) body.
April 17 th (Thur)	53 rd	Disagree. Last day to disagree with the other body's drafts of bills.
April 21 st (Mon)	54 th	Deadline for transmittal of final form of Constitutional Amendments to the Governor.
April 24 th (Thur)	57 th	Second Crossover for concurrent resolutions. Last day to pass concurrent resolutions that were amended by the receiving (non-originating) body.
April 25 th (Fri)	58 th	Last day to file non-fiscal bills to deck for Final Reading.
April 28 th (Mon)		Last day to file fiscal bills to deck for Final Reading.
April 29 th (Tues)		One-day recess.
May 1 st (Thurs)		One-day recess.
May 2 nd (Fri)	60 th	One-day recess. Adjournment Sine Die.

Ronald D. Kouchi

Ronald D. Kouchi
President of the Senate

Nadine K. Nakamura

Nadine K. Nakamura
Speaker of the House

11/25/24

Date

11/25/24

Date

EXHIBIT “4”

JAN 17 2025

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. The purpose of this Act is to effectuate the
2 title of this Act.

3 SECTION 2. The Hawaii Revised Statutes is amended to
4 conform to the purpose of this Act.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: 



S.B. NO. 935

Report Title:

Short Form; Government

Description:

Short form bill.

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



EXHIBIT “5”



SB935 SD2 HD3 CD1

Measure Title: RELATING TO GOVERNMENT.

Report Title: ERS; DHRD; Class H, Tier 2 Members; Vested Benefit Status; Credited Service; Benefits; Judges; Retirement Allowance

Description: Amends the retirement allowance for a member who first earns credited service as a judge after 6/30/2031 to 1.75 per cent of the judge's average final compensation for each year of credited service as a judge. Requires the Department of Human Resources Development to study the impacts and benefits of reducing, from 10 years to 5 years, the minimum number of years of credited service that qualified Class H, Tier 2 members of the Employees' Retirement System must have to be eligible for vested benefit status for service retirement allowance purposes. (CD1)

Companion:

Package: None

Current Referral: LAB, JHA, FIN

Introducer(s): KANUHA

Act: 290

<u>Sort by Date</u>		Status Text
7/3/2025	H	Act 290, on 07/03/2025 (Gov. Msg. No. 1393).
7/3/2025	S	Act 290, 07/03/2025 (Gov. Msg. No. 1393).
6/24/2025	H	Notice of intent to veto (Gov. Msg. No. 1307)
6/24/2025	S	Notice of Intent to veto dated 06/24/2025 (Gov. Msg. No. 1307)
5/2/2025	S	Enrolled to Governor.
5/2/2025	S	Received notice of passage on Final Reading in House (Hse. Com. No. 821).
5/1/2025	H	Received notice of Final Reading (Sen. Com. No. 888).
4/30/2025	H	Passed Final Reading as amended in CD 1 with Representative(s) Amato, Reyes Oda voting aye with reservations; Representative(s) Belatti, Garcia, Hussey, Iwamoto, Matsumoto, Muraoka, Perruso, Pierick, Shimizu, Souza voting no (10) and Representative(s) Cochran excused (1).
4/30/2025	S	Passed Final Reading, as amended (CD 1). Ayes, 23; Aye(s) with reservations: Senator(s) Rhoads. Noes, 1 (Senator(s) DeCorte). Excused, 1 (Senator(s) McKelvey).

4/25/2025	H	Forty-eight (48) hours notice Wednesday, 04-30-25.	
4/25/2025	H	Reported from Conference Committee (Conf Com. Rep. No. 162) as amended in (CD 1).	
4/25/2025	S	48 Hrs. Notice (as amended CD 1) 04-30-25.	
4/25/2025	S	Reported from Conference Committee as amended CD 1 (Conf. Com. Rep. No. 162).	
4/25/2025	H	The Conference Committee recommends that the measure be Passed, with Amendments. The votes were as follows: 4 Ayes: Representative(s) Sayama, Tarnas, Lee, M.; Ayes with reservations: Representative(s) Reyes Oda; 0 Noes: none; and 0 Excused: none.	
4/25/2025	S	The Conference committee recommends that the measure be PASSED, WITH AMENDMENTS. The votes of the Senate Conference Managers were as follows: 3 Aye(s): Senator(s) Aquino, Rhoads, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Hashimoto.	
4/24/2025	S	Conference committee meeting to reconvene on 04-25-25 10:15AM; Conference Room 016.	
4/23/2025	S	Conference committee meeting to reconvene on 04-24-25 10:15AM; Conference Room 016.	
4/21/2025	S	Conference committee meeting scheduled for 04-23-25 10:30AM; Conference Room 016.	
4/17/2025	H	Received notice of change in Senate conferees (Sen. Com. No. 827).	
4/17/2025	S	Received notice of appointment of House conferees (Hse. Com. No. 757).	
4/17/2025	S	Senate Conferees Added: Senator Rhoads added as Conferee.	
4/17/2025	H	House Conferees Appointed: Sayama, Tarnas, Lee, M. Co-Chairs; Reyes Oda.	
4/15/2025	H	Received notice of Senate conferees (Sen. Com. No. 789).	
4/15/2025	S	Senate Conferees Appointed: Aquino Chair; Hashimoto, Fevella.	
4/10/2025	H	Received notice of disagreement (Sen. Com. No. 779).	
4/10/2025	S	Senate disagrees with House amendments.	
4/10/2025	S	Received from House (Hse. Com. No. 663).	
4/8/2025	H	Passed Third Reading as amended in HD 3 with Representative(s) Belatti, Perruso, Souza voting aye with reservations; Representative(s) Amato, Iwamoto, Pierick voting no (3) and Representative(s) Cochran, Marten excused (2). Transmitted to Senate.	
4/4/2025	H	Forty-eight (48) hours notice Tuesday, 04-08-25.	
4/4/2025	H	Reported from FIN (Stand. Com. Rep. No. 1995) as amended in HD 3, recommending passage on Third Reading.	



3/28/2025	H	The committee on FIN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 14 Ayes: Representative(s) Yamashita, Takenouchi, Grandinetti, Holt, Keohokapu-Lee Loy, Kitagawa, Kusch, Lamosao, Lee, M., Miyake, Morikawa, Templo, Reyes Oda; Ayes with reservations: Representative(s) Alcos; Noes: none; and 2 Excused: Representative(s) Hussey, Ward.
3/25/2025	H	Bill scheduled to be heard by FIN on Friday, 03-28-25 2:00PM in House conference room 308 VIA VIDEOCONFERENCE.
3/21/2025	H	Report adopted; referred to the committee(s) on FIN as amended in HD 2 with Representative(s) Garcia voting aye with reservations; Representative(s) Alcos, Pierick voting no (2) and Representative(s) Cochran, Garrett, Kapela, Kitagawa, Ward excused (5).
3/21/2025	H	Reported from JHA (Stand. Com. Rep. No. 1464) as amended in HD 2, recommending referral to FIN.
3/19/2025	H	The committee on JHA recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Tarnas, Poepoe, Belatti, Hashem, Kahaloa, Perruso, Takayama, Todd, Shimizu; Ayes with reservations: none; 1 Noes: Representative(s) Garcia; and 1 Excused: Representative(s) Cochran.
3/17/2025	H	Bill scheduled to be heard by JHA on Wednesday, 03-19-25 2:00PM in House conference room 325 VIA VIDEOCONFERENCE.
3/14/2025	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on JHA with Representative(s) Belatti, Matsumoto, Souza voting aye with reservations; Representative(s) Alcos, Garcia, Muraoka, Pierick, Reyes Oda voting no (5) and Representative(s) Cochran, Holt, Iwamoto, Ward excused (4).
3/14/2025	H	Reported from LAB (Stand. Com. Rep. No. 1257) as amended in HD 1, recommending passage on Second Reading and referral to JHA.
3/13/2025	H	The committee on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 5 Ayes: Representative(s) Sayama, Lee, M., Garrett; Ayes with reservations: Representative(s) Kapela, Kong; 1 Noes: Representative(s) Reyes Oda; and Excused: none.
3/10/2025	H	Bill scheduled to be heard by LAB on Thursday, 03-13-25 9:00AM in House conference room 309 VIA VIDEOCONFERENCE.
3/6/2025	H	Referred to LAB, JHA, FIN, referral sheet 19
3/6/2025	H	Pass First Reading
3/4/2025	H	Received from Senate (Sen. Com. No. 222) in amended form (SD 2).
3/4/2025	S	Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
2/28/2025	S	48 Hrs. Notice 03-04-25.



2/28/2025	S	Report adopted; Passed Second Reading, as amended (SD 2).
2/28/2025	S	Reported from WAM (Stand. Com. Rep. No. 824) with recommendation of passage on Second Reading, as amended (SD 2) and placement on the calendar for Third Reading.
		The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 13 Aye(s):
2/26/2025	S	Senator(s) Dela Cruz, Moriwaki, Aquino, DeCoite, Elefante, Hashimoto, Inouye, Kanuha, Kidani, Kim, Lee, C., Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/20/2025	S	The committee(s) on WAM has scheduled a public hearing on 02-26-25 10:02AM; Conference Room 211 & Videoconference.
2/19/2025	S	Report adopted, as amended (SD 1) and recommitted to WAM.
2/19/2025	S	Reported from WAM (Stand. Com. Rep. No. 708) as amended (SD 1), with recommendation of recommittal to WAM.
2/18/2025	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS and be recommitted. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Moriwaki, Aquino, Elefante, Hashimoto, Inouye, Kanuha, Kidani, Kim, Lee, C., Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) DeCoite.
2/18/2025	S	The committee(s) on WAM will hold a public decision making on 02-18-25 10:02AM; CR 211 & Videoconference.
1/23/2025	S	Referred to WAM.
1/21/2025	S	Passed First Reading.
1/17/2025	S	Introduced.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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SB935 SD2 HD3 CD1

EXHIBIT “6”

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART II

2 SECTION 1. Section 88-74, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By amending subsection (d) to read:

5 "(d) If a member, who became a member before July 1, 2012,
6 has credited service as an elective officer or as a legislative
7 officer, the member's retirement allowance shall be derived by
8 adding the allowances computed separately under paragraphs (1),
9 (2), (3), (4), (5), and (6) as follows:

10 (1) For a member who has credited service as an elective
11 officer before July 1, 2012, irrespective of age, for
12 each year of credited service as an elective officer,
13 three and one-half per cent of the member's average
14 final compensation as computed under section
15 88-81(e)(1), in addition to an annuity that is the
16 actuarial equivalent of the member's accumulated
17 contributions allocable to the period of service;





1 88-81(e)(2), in addition to an annuity that is the
2 actuarial equivalent of the member's accumulated
3 contributions allocable to the period of service;
4 (5) If the member has credited service as a judge, the
5 member's retirement allowance shall be computed on the
6 following basis:
7 (A) For a member who has credited service as a judge
8 before July 1, 1999, irrespective of age, for
9 each year of credited service as a judge, three
10 and one-half per cent of the member's average
11 final compensation as computed under section
12 88-81(e)(3), in addition to an annuity that is
13 the actuarial equivalent of the member's
14 accumulated contributions allocable to the period
15 of service;
16 (B) For a member who first earned credited service as
17 a judge after June 30, 1999, but before July 1,
18 2012, and has attained the age of fifty-five, for
19 each year of credited service as a judge, three
20 and one-half per cent of the member's average
21 final compensation as computed under section



1 88-81(e)(3), in addition to an annuity that is
2 the actuarial equivalent of the member's
3 accumulated contributions allocable to the period
4 of service. If the member has not attained age
5 fifty-five, the member's retirement allowance
6 shall be computed as though the member had
7 attained age fifty-five, reduced for age as
8 provided in subsection (e); and
9 (C) For a member who first earned credited service as
10 a judge after June 30, 2012, and has attained the
11 age of sixty, for each year of credited service
12 as a judge, three per cent of the member's
13 average final compensation as computed under
14 section 88-81(e)(3), in addition to an annuity
15 that is the actuarial equivalent of the member's
16 accumulated contributions allocable to the period
17 of service. If the member has not attained age
18 sixty, the member's retirement allowance shall be
19 computed as though the member had attained age
20 sixty, reduced for age as provided in subsection
21 (i); [and]





1 allowance exceeds this limit, it shall be adjusted by reducing
2 any annuity accrued under paragraphs (1), (2), (3), (4), and (5)
3 and the portion of the accumulated contributions specified in
4 these paragraphs in excess of the requirements of the reduced
5 annuity shall be returned to the member upon the member's
6 retirement or paid to the member's designated beneficiary upon
7 the member's death while in service or while on authorized leave
8 without pay. If a member has service credit as an elective
9 officer or as a legislative officer in addition to service
10 credit as a judge, then the retirement benefit calculation
11 contained in this subsection shall supersede the formula
12 contained in subsection (c)."

13 2. By amending subsection (f) to read:

14 "(f) If a member, who becomes a member after June 30,
15 2012, has attained age sixty, the member's maximum retirement
16 allowance shall be one and three-fourths per cent of the
17 member's average final compensation multiplied by the total
18 number of years of the member's credited service as a class A
19 and class B member, excluding any credited service as a judge,
20 elective officer, or legislative officer, plus a retirement
21 allowance of one and one-fourth per cent of the member's average



1 final compensation multiplied by the total number of years of
2 prior credited service as a class C member, plus a retirement
3 allowance of one and three-fourths per cent of the member's
4 average final compensation multiplied by the total number of
5 years of prior credited service as a class H member; provided
6 that:

7 (1) If the member has at least ten years of credited
8 service of which the last five or more years prior to
9 retirement is credited service as a firefighter,
10 police officer, or an investigator of the department
11 of the prosecuting attorney;

12 (2) If the member has at least ten years of credited
13 service of which the last five or more years prior to
14 retirement is credited service as a corrections
15 officer;

16 (3) If the member has at least ten years of credited
17 service of which the last five or more years prior to
18 retirement is credited service as an investigator of
19 the department of the attorney general;

20 (4) If the member has at least ten years of credited
21 service of which the last five or more years prior to



PART II

16 SECTION 2. The legislature finds that employees who became
17 members of the employees' retirement system before July 1, 2012,
18 commonly referred to as "Tier 1 members", are required to have a
19 minimum of five years of credited service to be eligible for
20 vested benefit status, which, among other things, permits a
21 member to receive a retirement allowance upon service



1 retirement. By contrast, employees who become members after
2 June 30, 2012, commonly referred to as "Tier 2 members", are
3 required to have a minimum of ten years of credited service to
4 be eligible for vested benefit status.

5 Although the two-tier member structure has assisted the
6 employees' retirement system in its efforts to achieve full
7 funding of its actuarial accrued liability, actuaries have
8 determined that reducing the minimum number of years of credited
9 service Tier 2 members must have to be eligible for vested
10 benefit status from ten years to five years to match Tier 1
11 members would increase the projected full funding period only by
12 an estimated four additional months and would require an
13 increase in employer contribution rates of less than a quarter
14 per cent.

15 The legislature also finds that reducing the minimum number
16 of years of credited service Tier 2 members must have to be
17 eligible for vested benefit status from ten years to five years
18 would help state and county employers with the recruitment and
19 retention of qualified employees. Reducing employee turnover
20 and retaining employees on the job longer may also help to
21 reduce employer costs. The legislature further finds that these



1 benefits outweigh impacts to the employees' retirement system's
2 unfunded liability and projected full funding period, as well as
3 to employer contributions.

4 Notwithstanding section 88-99, Hawaii Revised Statutes, the
5 purpose of this part is to:

6 (1) Reduce the minimum number of years of credited service
7 qualified Tier 2 members must have to be eligible for
8 vested benefit status for service retirement allowance
9 purposes from ten years to five years; and
10 (2) Increase employer contributions to offset the
11 liability produced by the vesting changes.

12 SECTION 3. Section 88-62, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) ~~For~~ Notwithstanding section 88-99, for members who
15 become members after June 30, 2012:

16 (1) If a former member who has fewer than ten years of
17 credited service and who has been out of service for a
18 period of four full calendar years or more after the
19 year in which the former member left service, or if a
20 former member who withdrew the former member's
21 accumulated contributions returns to service, the



1 former member shall become a member in the same manner
2 and under the same conditions as anyone first entering
3 service; however, the former member may obtain
4 membership service credit in the manner provided by
5 applicable law for credited service that was forfeited
6 by the member upon termination of the member's
7 previous membership. If the member did not withdraw
8 the former member's accumulated contributions prior to
9 the former member's return to service, the accumulated
10 contributions shall be returned to the member as part
11 of the process of enrolling the member in the system
12 if the member's accumulated contributions are \$1,000
13 or less at the time of distribution. If the
14 accumulated contributions for the service the member
15 had when the member previously terminated employment
16 are greater than \$1,000 and the member does not make
17 written application, prior to or contemporaneously
18 with the member's return to service, for return of the
19 accumulated contributions, the member may not withdraw
20 the member's accumulated contributions, except as
21 provided by section 88-96 or 88-341, until the member





1 service, except that the member shall be credited with
2 service credit for the service the member had when the
3 member terminated employment:

4 (A) If the member returns to service as a class A or
5 class B member, the member's new and previous
6 accumulated contributions shall be combined; or

7 (B) If the member returns to service as a class H
8 member, section 88-321(b) shall apply; [and]

9 (3) If a former member ~~with ten or more years of credited~~
10 ~~service who did not withdraw the former member's~~
11 ~~contributions]~~ who has vested benefit status as
12 provided in section 88-96(b) returns to service, the
13 former member's status shall be in accordance with the
14 provisions described in section 88-97[.];

15 (4) If a former member who has fewer than five years of
16 credited service and who has been out of service for a
17 period of four full calendar years or more after the
18 year in which the former member left service, or if a
19 former member withdrew the former member's accumulated
20 contributions returns to service and remains in
21 service as of July 1, 2027, or returns to service



1 after June 30, 2027, the former member shall become a
2 member in the same manner and under the same
3 conditions as anyone first entering service; provided
4 that the former member may obtain membership service
5 credit in the manner provided by applicable law for
6 credited service that was forfeited by the member upon
7 termination of the member's previous membership. If
8 the member did not withdraw the former member's
9 accumulated contributions before the former member's
10 return to service, the accumulated contributions shall
11 be returned to the member as part of the process of
12 enrolling the member in the system if the member's
13 accumulated contributions are \$1,000 or less at the
14 time of distribution. If the accumulated
15 contributions for the service the member had when the
16 member previously terminated employment are greater
17 than \$1,000 and the member does not make written
18 application, before or contemporaneously with the
19 member's return to service, for return of the
20 accumulated contributions, the member may not withdraw
21 the member's accumulated contributions, except as



1 provided by section 88-96 or 88-341, until the member
2 retires or attains age sixty-two. The member shall
3 not be entitled to service credit by reason of the
4 system's retention of the member's accumulated
5 contributions for the service the member had when the
6 member previously terminated employment. To be
7 eligible for any benefit, the member shall fulfill the
8 membership service requirements for the benefit
9 through membership service after again becoming a
10 member, in addition to meeting any other eligibility
11 requirement established for the benefit; provided that
12 the membership service requirement shall be exclusive
13 of any former service acquired in accordance with
14 section 88-59 or any other section in part II, VII, or
15 VIII; and
16 (5) If a former member who has fewer than five years of
17 credited service and who did not withdraw the former
18 member's accumulated contributions returns to service
19 and remains in service as of July 1, 2027, or returns
20 to service after June 30, 2027, and who returns to
21 service within four full calendar years after the year



1 in which the former member left service, the former
2 member shall again become a member in the same manner
3 and under the same conditions as anyone first entering
4 service, except that the member shall be credited with
5 service credit for the service the member had when the
6 member terminated employment:

7 (A) If the member returns to service as a class A or
8 class B member, the member's new and previous
9 accumulated contributions shall be combined; or
10 (B) If the member returns to service as a class H
11 member, section 88-321(b) shall apply."

12 SECTION 4. Section 88-73, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsections (a) and (b) to read:
15 "(a) [Any] Notwithstanding section 88-99, any member who:
16 (1) Became a member before July 1, 2012, and has at least
17 five years of credited service and has attained age
18 fifty-five;
19 (2) Became a member before July 1, 2012, and has at least
20 twenty-five years of credited service;



1 (3) Has at least ten years of credited service, which
2 includes service as a judge before July 1, 1999, an
3 elective officer, or a legislative officer;

4 (4) Becomes a member after June 30, 2012, and has at least
5 ten years of credited service and has attained age
6 sixty; ~~[or]~~

7 (5) Becomes a member after June 30, 2012, and has at least
8 twenty-five years of credited service and has attained
9 age fifty-five~~[or]~~; or

10 (6) Becomes a member after June 30, 2012, and who is in
11 service as of July 1, 2027, or who returns to service
12 or becomes a member after June 30, 2027, and has at
13 least five years of credited service and has attained
14 the age of sixty,

15 shall become eligible to receive a retirement allowance after
16 the member has terminated service.

17 (b) Any member who first earned credited service as a
18 judge after June 30, 1999, but before July 1, 2012, and who has
19 at least five years of credited service and has attained age
20 fifty-five or has at least twenty-five years of credited service
21 shall become eligible to receive a retirement allowance after



1 the member has terminated service. Any member who first earned
2 credited service as a judge after June 30, 2012, and has at
3 least ten years of credited service and has attained age sixty
4 or has at least twenty-five years of credited service and has
5 attained age fifty-five shall be eligible to receive a
6 retirement allowance after the member has terminated service.

7 Any member who first earned credited service as a judge after
8 June 30, 2012, and who is in service as of July 1, 2027, or
9 thereafter, and has at least five years of credited service and
10 has attained age sixty, shall be eligible to receive a
11 retirement allowance after the member has terminated service."

12 2. By amending subsection (f) to read:

13 "(f) A member's right to the member's accrued retirement
14 benefit is nonforfeitable upon the attainment of normal
15 retirement age and the completion of the requisite years of
16 credited service.

17 For the purpose of this subsection:

18 "Normal retirement age" means age sixty-five.

19 "Requisite years of credited service" means five years for
20 class A and B members who became members before July 1, 2012,
21 and ten years for class A and B members who became members after



1 June 30, 2012[–]; and five years for class A and B members who
2 became members after June 30, 2012, and who are in service as of
3 July 1, 2027, or who returned to service or became a member
4 after June 30, 2027."

5 SECTION 5. Section 88-96, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) Any member who ceases to be an employee and who
8 became a member before July 1, 2012, and has fewer than five
9 years of credited service, excluding unused sick leave[–] or who
10 becomes a member after June 30, 2012, and has fewer than ten
11 years of credited service, excluding unused sick leave[–]; or
12 who becomes a member after June 30, 2012, and who is in service
13 as of July 1, 2027, or who returns to service after June 30,
14 2027, and has fewer than five years of credited service,
15 excluding unused sick leave; or who becomes a member after
16 June 30, 2027, and has fewer than five years of credited
17 service, excluding unused sick leave, shall, upon application to
18 the board, be paid all of the member's accumulated contributions
19 and the member's membership shall thereupon terminate and all
20 credited service shall be forfeited; provided that a member
21 shall not be paid the member's accumulated contributions:



1 (1) If the member becomes an employee again within fifteen
2 calendar days from the date the member ceased to be an
3 employee; or
4 (2) If, at the time the application for return of
5 accumulated contributions is received by the board,
6 the member has become an employee again.

7 Regular interest shall be credited to the former employee's
8 account until the former employee's accumulated contributions
9 are returned to the former employee; provided that the former
10 employee's membership shall not continue after the fourth full
11 year following the calendar year in which the individual's
12 employment terminates. Upon termination of the former
13 employee's membership, the former employee's credited service
14 shall be forfeited and, if the former employee's accumulated
15 contributions are \$1,000 or less at the time of distribution,
16 the system shall return the former employee's contributions to
17 the former employee. If the former employee does not become an
18 employee again and if the former employee's accumulated
19 contributions have not been withdrawn by the former employee or
20 previously returned by the system to the former employee, the
21 system shall return the former employee's accumulated



1 contributions to the former employee as soon as possible after
2 the later of: (A) the former employee attaining age sixty-two;
3 or (B) the termination of the former employee's membership.

4 (b) Any member who ceases to be an employee and who became
5 a member before July 1, 2012, and has more than five years of
6 credited service, excluding unused sick leave[~~τ~~]; or who becomes
7 a member after June 30, 2012, and has more than ten years of
8 credited service, excluding unused sick leave[~~τ~~]; or who becomes
9 a member after June 30, 2012, and who is in service as of
10 July 1, 2027, or who returns to service after June 30, 2027, and
11 has more than five years of credited service, excluding unused
12 sick leave; or who becomes a member after June 30, 2027, and has
13 more than five years of credited service, excluding unused sick
14 leave, shall, upon application to the board, be paid all of the
15 member's accumulated contributions and thereupon the former
16 employee's membership shall terminate and all credited service
17 shall be forfeited; provided that a member shall not be paid the
18 member's accumulated contributions:

19 (1) If the member becomes an employee again within fifteen
20 calendar days from the date the member ceased to be an
21 employee; or



4 If the contributions are not withdrawn by the former
5 employee within four calendar years following the calendar year
6 in which the former employee's employment terminates, the former
7 employee shall have established vested benefit status and shall
8 be eligible for the service retirement benefit in effect at the
9 time of the former employee's retirement, payable in accordance
10 with this chapter; provided that, if the former employee
11 withdraws the former employee's accumulated contributions, the
12 former employee's vested benefit status shall terminate and all
13 credited service shall be forfeited."

14 SECTION 6. Section 88-122, Hawaii Revised Statutes, is
15 amended by amending subsection (e) to read as follows:

16 "(e) Commencing with fiscal year 2005-2006 and each
17 subsequent fiscal year until fiscal year 2007-2008, the employer
18 contributions for normal cost and accrued liability for each of
19 the two groups of employees in subsection (a) shall be based on
20 fifteen and three-fourths per cent of the member's compensation
21 for police officers, firefighters, and corrections officers and

1 thirteen and three-fourths per cent of the member's compensation
2 for all other employees. Commencing with fiscal year 2008-2009
3 and each subsequent fiscal year until fiscal year 2011-2012, the
4 employer contributions for normal cost and accrued liability for
5 each of the two groups of employees in subsection (a) shall be
6 based on nineteen and seven-tenths per cent of the member's
7 compensation for police officers, firefighters, and corrections
8 officers and fifteen per cent of the member's compensation for
9 all other employees. In fiscal year 2012-2013, the employer
10 contributions for normal cost and accrued liability for each of
11 the two groups of employees in subsection (a) shall be based on
12 twenty-two per cent of the member's compensation for police
13 officers, firefighters, and corrections officers and fifteen and
14 one-half per cent of the member's compensation for all other
15 employees. In fiscal year 2013-2014, the employer contributions
16 for normal cost and accrued liability for each of the two groups
17 of employees in subsection (a) shall be based on twenty-three
18 per cent of the member's compensation for police officers,
19 firefighters, and corrections officers and sixteen per cent of
20 the member's compensation for all other employees. In fiscal
21 year 2014-2015, the employer contributions for normal cost and



1 accrued liability for each of the two groups of employees in
2 subsection (a) shall be based on twenty-four per cent of the
3 member's compensation for police officers, firefighters, and
4 corrections officers and sixteen and one-half per cent of the
5 member's compensation for all other employees. Commencing with
6 fiscal year 2015-2016 until fiscal year 2016-2017, the employer
7 contributions for normal cost and accrued liability for each of
8 the two groups of employees in subsection (a) shall be based on
9 twenty-five per cent of the member's compensation for police
10 officers, firefighters, and corrections officers and seventeen
11 per cent of the member's compensation for all other employees.
12 In fiscal year 2017-2018, the employer contributions for normal
13 cost and accrued liability for each of the two groups of
14 employees in subsection (a) shall be based on twenty-eight per
15 cent of the member's compensation for police officers,
16 firefighters, and corrections officers and eighteen per cent of
17 the member's compensation for all other employees. In fiscal
18 year 2018-2019, the employer contributions for normal cost and
19 accrued liability for each of the two groups in subsection (a)
20 shall be based on thirty-one per cent of the member's
21 compensation for police officers, firefighters, and corrections



1 officers and nineteen per cent of the member's compensation for
2 all other employees. In fiscal year 2019-2020, the employer
3 contributions for normal cost and accrued liability for each of
4 the two groups in subsection (a) shall be based on thirty-six
5 per cent of the member's compensation for police officers,
6 firefighters, and corrections officers and twenty-two per cent
7 of the member's compensation for all other employees.

8 Commencing with fiscal year 2020-2021 and each subsequent fiscal
9 year, the employer contributions for normal cost and accrued
10 liability for each of the two groups in subsection (a) shall be
11 based on forty-one per cent of the member's compensation for
12 police officers, firefighters, and corrections officers and
13 twenty-four per cent of the member's compensation for all other
14 employees. Commencing with fiscal year 2025-2026 and each
subsequent fiscal year, the employer contributions for normal
cost and accrued liability for each of the two groups in
subsection (a) shall be based on forty-one and nineteen
hundredths per cent of the member's compensation for police
officers, firefighters, and corrections officers and twenty-four
and nineteen hundredths per cent of the member's compensation
for all other employees. The contribution rates shall amortize



1 the total unfunded accrued liability of the entire plan over a
2 period not to exceed the maximum funding period.

3 The contribution rates shall be subject to adjustment:

4 (1) If the actual period required to amortize the unfunded
5 accrued liability exceeds the maximum funding period;
6 (2) If there is no unfunded accrued liability; or
7 (3) Based on the actuarial investigation conducted in
8 accordance with section 88-105."

9 SECTION 7. Section 88-331, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) [A] Notwithstanding section 88-99, a class H member
13 who:

14 (1) Became a member before July 1, 2012, has at least five
15 years of credited service, and has attained age sixty-
16 two;

17 (2) Became a member before July 1, 2012, has at least
18 thirty years of credited service, and has attained the
19 age of fifty-five; [or]



4 (4) Becomes a member after June 30, 2012, has at least
5 thirty years of credited service, and has attained age
6 sixty[7]; or

7 (5) Becomes a member after June 30, 2012, and who is in
8 service as of July 1, 2027, or who returns to service
9 or becomes a member after June 30, 2027, and has at
10 least five years of credited service and has attained
11 the age of sixty-five,

12 shall become eligible to receive a retirement allowance after
13 the member has terminated service."

14 2. By amending subsection (f) to read as follows:

15 "(f) A member's right to the member's accrued retirement
16 benefit is nonforfeitable upon the attainment of normal
17 retirement age and the completion of the requisite years of
18 credited service.

19 For the purpose of this subsection:

20 "Normal retirement age" means age sixty-five.



1 "Requisite years of credited service" means five years for
2 class H members who became members before July 1, 2012[~~, and~~];
3 ten years for class H members who became members after June 30,
4 2012[~~-~~]; and five years for class H members who became members
5 after June 30, 2012, and who are in service as of July 1, 2027,
6 or who returned to service or became a member after June 30,
7 2027."

8 SECTION 8. Section 88-338, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Upon receipt by the system of proper proof of a class
11 H member's death occurring in service or while on authorized
12 leave without pay and if no pension is payable under section
13 88-339, there shall be paid to the member's designated
14 beneficiary an ordinary death benefit as follows:

15 (1) The member's accumulated contributions shall be paid
16 to the member's designated beneficiary if:
17 (A) The member became a member before July 1, 2012,
18 and had less than five years of credited service
19 at the time of death; [~~or~~]



1 (B) The member became a member after June 30, 2012,
2 and had less than ten years of credited service
3 at the time of death; or

4 (C) The member became a member after June 30, 2012,
5 and was in service as of July 1, 2027, or who
6 returned to service or became a member after
7 June 30, 2027, and had less than five years of
8 credited service at the time of death;

9 (2) An amount equal to the member's hypothetical account
10 balance shall be paid to the member's designated
11 beneficiary if:

12 (A) The member became a member before July 1, 2012,
13 and had five or more years of credited service at
14 the time of death; [ex]

15 (B) The member became a member after June 30, 2012,
16 and had ten or more years of credited service at
17 the time of death; or

18 (C) The member became a member after June 30, 2012,
19 and was in service as of July 1, 2027, or who
20 returned to service or became a member after



1 June 30, 2027, and had five or more years of
2 credited service at the time of death;
3 (3) If the member had ten or more years of credited
4 service at the time of death, the member's designated
5 beneficiary may elect to receive in lieu of any other
6 payment provided in this section, the allowance that
7 would have been payable as if the member had retired
8 on the first day of a month following the member's
9 death, except for the month of December when
10 retirement on the first or last day of the month shall
11 be allowed. Benefits payable under this paragraph
12 shall be calculated under option 3 of section 88-83
13 and computed on the basis of section 88-332, unreduced
14 for age; or
15 (4) If the member was eligible for service retirement at
16 the time of death, the member's designated beneficiary
17 may elect to receive in lieu of any other payment
18 provided in this section, the allowance that would
19 have been payable as if the member had retired on the
20 first day of a month following the member's death,
21 except for the month of December when retirement on



1 the first or last day of the month shall be allowed.

2 Benefits payable under this paragraph shall be
3 calculated under option 2 of section 88-83 and
4 computed on the basis of section 88-332."

5 SECTION 9. Section 88-341, Hawaii Revised Statutes, is
6 amended by amending subsections (a) and (b) to read as follows:

7 "(a) Any class H member who ceases to be an employee and
8 who became a member before July 1, 2012, and has fewer than five
9 years of credited service, excluding unused sick leave~~[r]~~; or
10 who becomes a member after June 30, 2012, and has fewer than ten
11 years of credited service, excluding unused sick leave~~[r]~~; or
12 who becomes a member after June 30, 2012, and who is in service
13 as of July 1, 2027, or who returns to service or becomes a
14 member after June 30, 2027, and has fewer than five years of
15 credited service, excluding unused sick leave, shall, upon
16 application to the board, be paid all of the former employee's
17 accumulated contributions, and the former employee's membership
18 shall thereupon terminate and all credited service shall be
19 forfeited; provided that an individual shall not be paid the
20 individual's accumulated contributions if either:



1 (1) The individual becomes an employee again within
2 fifteen calendar days from the date the individual
3 ceased to be an employee; or
4 (2) At the time the application for return of accumulated
5 contributions is received by the board, the individual
6 has become an employee again.

7 Regular interest shall be credited to the former employee's
8 account until the former employee's accumulated contributions
9 are withdrawn; provided that the former employee's membership
10 shall not continue after the fourth full year following the
11 calendar year in which the individual's employment terminates.

12 If the former employee does not become an employee again and has
13 not withdrawn the former employee's accumulated contributions,
14 the system shall return the former employee's accumulated
15 contributions to the former employee as soon as possible after
16 the later of: (A) the former employee attaining age sixty-two;
17 or (B) the termination of the former employee's membership.

18 (b) Any class H member who ceases to be an employee and
19 who became a member before July 1, 2012, and has more than five
20 years of credited service, excluding unused sick leave[–] or who
21 becomes a member after June 30, 2012, and has more than ten



1 years of credited service, excluding unused sick leave[~~r~~]; or
2 who becomes a member after June 30, 2012, and who is in service
3 as of July 1, 2027, or who returns to service or becomes a
4 member after June 30, 2027, and has fewer than five years of
5 credited service, excluding unused sick leave, shall, upon
6 application to the board, be paid an amount equal to the former
7 employee's hypothetical account balance and the former
8 employee's membership shall thereupon terminate and all credited
9 service shall be forfeited; provided that the individual shall
10 not be paid the individual's hypothetical account balance if
11 either:

12 (1) The individual becomes an employee again within
13 fifteen calendar days from the date the individual
14 ceased to be an employee; or
15 (2) At the time the application for payment of the
16 individual's hypothetical account balance is received
17 by the board, the individual has become an employee
18 again.

19 If the contributions are not withdrawn by the former
20 employee after the individual's employment terminates, the
21 former employee shall have vested benefit status and shall be



1 eligible for the service retirement benefit in effect at the
2 time of the former employee's retirement, payable in accordance
3 with this chapter."

4 SECTION 10. This part does not affect the rights, duties,
5 and obligations that matured or were vested, or proceedings that
6 were begun, before its effective date, including but not limited
7 to, any membership that was terminated, credited service that
8 was forfeited, retirement that was finalized, or benefits which
9 were paid.

10 PART III

11 SECTION 11. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect upon its approval.



Report Title:

ERS; Judges; Retirement Allowance; Tier 2 Employees; Credited Service; Benefits; Employer Contributions

Description:

Sets the retirement allowance for a member who has credited service as a judge after 1/31/2025, irrespective of age, to 1.75 per cent of the judge's average final compensation for each year of credited service as a judge. Reduces the minimum number of years of credited service qualified Tier 2 Employees' Retirement System members must have to be eligible for vested benefit status for service retirement allowance purposes from ten years to five years. Increases employer contributions to offset the resulting liability. (SD1)

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



EXHIBIT “7”

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1393

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

July 3, 2025

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on July 3, 2025, the following bill was signed into law:

S.B. NO. 935, S.D. 2,
H.D. 3, C.D. 1

RELATING TO GOVERNMENT.
ACT 290

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D.".

Josh Green, M.D.
Governor, State of Hawai'i

Approved by the Governor

on JUL 3 2025

THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

ACT 290

S.B. NO.

935
S.D. 2
H.D. 3
C.D. 1

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1

PART I

2 SECTION 1. Section 88-47, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 " (a) There shall be four classes of members in the system
5 to be known as class A, class B, class C, and class H, defined
6 as follows:

7 (1) Class A shall consist of:

8 (A) Judges, Members first employed as judges before
9 July 1, 2031, elected officials, and legislative
10 officers;

11 (B) Investigators of the department of the attorney
12 general, narcotics enforcement investigators,
13 water safety officers not making the election
14 under section 88-271, and law enforcement
15 investigations staff investigators;

16 (C) Those members in service prior to July 1, 1984,
17 including those who are on approved leave of





1 (v) The administrative director of the courts;

2 (vi) The deputy administrative director of the

3 courts;

4 (vii) The executive officer of the labor and

5 industrial relations appeals board; and

6 (viii) The executive officer of the Hawaii labor

7 relations board;

8 (E) All former class A retirants who return to

9 employment after June 30, 1984, requiring the

10 retirant's active membership; and

11 (F) All former class B retirants who return to

12 employment requiring the retirant's active

13 membership, except for:

14 (i) Former retirants who return in the positions

15 of police officer or firefighter;

16 (ii) Former retirants who were members on July 1,

17 1957, who elected not to be covered by the

18 Social Security Act; and

19 (iii) Former retirants who were in positions to

20 which coverage under Title II of the Social

21 Security Act was not extended who entered



1 membership after June 30, 1957, but before
2 January 1, 2004;

3 (2) Class B shall consist of:

4 (A) Police officers and firefighters, including
5 former retirants who return to service in such
6 capacity;

10 (C) All employees, including former retirees, in
11 positions to which coverage under Title II of the
12 Social Security Act is not extended, who enter
13 membership after June 30, 1957, but before
14 January 1, 2004, not making the election to
15 become a class H member as provided in part VIII;

16 (3) Except for members described in paragraphs (1) and
17 (2), class C shall consist of all employees, not
18 making the election to become a class H member as
19 provided in part VIII, who:

20 (A) First enter service after June 30, 1984, but
21 before July 1, 2006;



1 (B) Reenter service after June 30, 1984, but before
2 July 1, 2006, without vested benefit status as
3 provided in section 88-96(b);
4 (C) Make the election to become a class C member as
5 provided in part VII; or
6 (D) Are former class C retirants who return to
7 service requiring the retirant's active
8 membership; and
9 (4) Except for members described in paragraphs (1) and
10 (2), class H shall consist of all employees who:
11 (A) First enter service after June 30, 2006;
12 (B) Reenter service after June 30, 2006, without
13 vested benefit status as provided in
14 section 88-96(b);
15 (C) Make the election to become a class H member as
16 provided in part VIII; [or]
17 (D) Are former class H retirants who return to
18 service requiring the retirant's active
19 membership[.]; or
20 (E) Are first employed as a judge after June 30,
21 2031."



1 SECTION 2. Section 88-74, Hawaii Revised Statutes, is

2 amended by amending subsection (d) to read as follows:

3 "(d) If a member, who became a member before July 1, 2012,
4 has credited service as an elective officer or as a legislative
5 officer, the member's retirement allowance shall be derived by
6 adding the allowances computed separately under paragraphs (1),
7 (2), (3), (4), (5), and (6) as follows:

8 (1) For a member who has credited service as an elective
9 officer before July 1, 2012, irrespective of age, for
10 each year of credited service as an elective officer,
11 three and one-half per cent of the member's average
12 final compensation as computed under
13 section 88-81(e)(1), in addition to an annuity that is
14 the actuarial equivalent of the member's accumulated
15 contributions allocable to the period of service;

16 (2) For a member, who first earned credited service as an
17 elective officer after June 30, 2012, irrespective of
18 age, for each year of credited service as an elective
19 officer, three per cent of the member's average final
20 compensation as computed under section 88-81(e)(1), in
21 addition to an annuity that is the actuarial



1 equivalent of the member's accumulated contributions
2 allocable to the period of service;

3 (3) For a member who has credited service as a legislative
4 officer before July 1, 2012, irrespective of age, for
5 each year of credited service as a legislative
6 officer, three and one-half per cent of the member's
7 average final compensation as computed under
8 section 88-81(e)(2), in addition to an annuity that is
9 the actuarial equivalent of the member's accumulated
10 contributions allocable to the period of service;

11 (4) For a member who first earned credited service as a
12 legislative officer after June 30, 2012, irrespective
13 of age, for each year of credited service as a
14 legislative officer, three per cent of the member's
15 average final compensation as computed under
16 section 88-81(e)(2), in addition to an annuity that is
17 the actuarial equivalent of the member's accumulated
18 contributions allocable to the period of service;

19 (5) If the member has credited service as a judge, the
20 member's retirement allowance shall be computed on the
21 following basis:

1 (A) For a member who has credited service as a judge
2 before July 1, 1999, irrespective of age, for
3 each year of credited service as a judge, three
4 and one-half per cent of the member's average
5 final compensation as computed under
6 section 88-81(e)(3), in addition to an annuity
7 that is the actuarial equivalent of the member's
8 accumulated contributions allocable to the period
9 of service;

10 (B) For a member who first earned credited service as
11 a judge after June 30, 1999, but before July 1,
12 2012, and has attained the age of fifty-five, for
13 each year of credited service as a judge, three
14 and one-half per cent of the member's average
15 final compensation as computed under
16 section 88-81(e)(3), in addition to an annuity
17 that is the actuarial equivalent of the member's
18 accumulated contributions allocable to the period
19 of service. If the member has not attained age
20 fifty-five, the member's retirement allowance
21 shall be computed as though the member had



1 attained age fifty-five, reduced for age as
2 provided in subsection (e); ~~and~~
3 (C) For a member who first earned credited service as
4 a judge after June 30, 2012, but before July 1,
5 2031, and has attained the age of sixty, for each
6 year of credited service as a judge, three per
7 cent of the member's average final compensation
8 as computed under section 88-81(e)(3), in
9 addition to an annuity that is the actuarial
10 equivalent of the member's accumulated
11 contributions allocable to the period of service.
12 If the member has not attained age sixty, the
13 member's retirement allowance shall be computed
14 as though the member had attained age sixty,
15 reduced for age as provided in subsection (i);
16 and
17 (D) For a member who first earned credited service as
18 a judge after June 30, 2031, and has attained the
19 age of sixty, for each year of credited service
20 as a judge, one and three-fourths per cent of the
21 member's average final compensation as computed



1 under section 88-81(e)(3), in addition to an
2 annuity that is the actuarial equivalent of the
3 member's accumulated contributions allocable to
4 the period of service. If the member has not
5 attained age sixty, the member's retirement
6 allowance shall be computed as though the member
7 had attained age sixty, reduced for age as
8 provided in subsection (i); and

9 (6) For each year of credited service not included in
10 paragraph (1), (2), (3), (4), or (5), the average
11 final compensation as computed under
12 section 88-81(e)(4) shall be multiplied by two per
13 cent for credited service earned as a class A or class
14 H member, two and one-half per cent for credited
15 service earned as a class B member, and one and
16 one-quarter per cent for credited service earned as a
17 class C member. If the member has not attained age
18 fifty-five, the member's retirement allowance shall be
19 computed as though the member had attained age
20 fifty-five, reduced for age as provided in
21 subsection (e).



1 The total retirement allowance shall not exceed seventy-five per
2 cent of the member's highest average final compensation
3 calculated under section 88-81(e)(1), (2), (3), or (4). If the
4 allowance exceeds this limit, it shall be adjusted by reducing
5 any annuity accrued under paragraphs (1), (2), (3), (4), and (5)
6 and the portion of the accumulated contributions specified in
7 these paragraphs in excess of the requirements of the reduced
8 annuity shall be returned to the member upon the member's
9 retirement or paid to the member's designated beneficiary upon
10 the member's death while in service or while on authorized leave
11 without pay. If a member has service credit as an elective
12 officer or as a legislative officer in addition to service
13 credit as a judge, then the retirement benefit calculation
14 contained in this subsection shall supersede the formula
15 contained in subsection (c)."

PART II

17 SECTION 3. (a) The department of human resources
18 development shall conduct a study of the impacts and benefits of
19 reducing, from ten years to five years, the minimum number of
20 years of credited service that qualified tier 2 hybrid class
21 members of the employees' retirement system must have to be



1 eligible for vested benefit status for service retirement
2 allowance purposes.

3 (b) The department of human resources development shall
4 submit a report of its findings and recommendations, including
5 any proposed legislation, to the legislature no later than
6 twenty days prior to the convening of the regular session of
7 2027.

8 (c) As used in this section, "tier 2 hybrid class member
9 of the employees' retirement system" means a person who became a
10 member of the employees' retirement system under part VIII of
11 chapter 88, Hawaii Revised Statutes, after June 30, 2012.

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$300,000 or so much
14 thereof as may be necessary for fiscal year 2025-2026 for the
15 department of human resources development to conduct the study
16 pursuant to section 3 of this part.

17 The sum appropriated shall be expended by the department of
18 human resources development for the purposes of this part.

19 PART III

20 SECTION 5. This Act does not affect the rights, duties,
21 benefits, and obligations that matured or were vested, or



1 proceedings that were begun, before its effective date,
2 including but not limited to any membership that was terminated,
3 credited service that was forfeited, retirement that was
4 finalized, or benefits that were paid.

5 SECTION 6. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on July 1, 2025.



S.B. NO. 935
S.D. 2
H.D. 3
C.D. 1

APPROVED this 3rd day of July , 2025



GOVERNOR OF THE STATE OF HAWAII

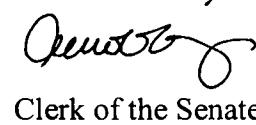
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 30, 2025
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2025.



President of the Senate



Clerk of the Senate

SB No. 935, SD 2, HD 3, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2025
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

EXHIBIT “8”

2. Your Committee on Style recommends the adoption of Standing Committee Report No. 43 and consideration of the passage of Committee Proposal No. 1, RD. 1, S. 1* on third reading.

Signed by all members of the Committee except Delegates Odanaka, Stone, Burgess, Eastvold, Ellis, Teruo Ihara and Tamayori.

*For the complete text of this proposal, see Committee Proposal No. 1, page 784.

STANDING COMMITTEE REPORT NO. 44

Your Committee on Style, to which was referred Committee Proposal No. 2, begs leave to report as follows:

The proposal, which the Convention has adopted on second reading, covers Article XIII of the State Constitution, State Boundaries, Capital, Flag. The Convention has proposed amendments to the title and Section 1, as well as the addition of a new section, "MOTTO."

Your Committee proposes several style changes which are indicated by brackets [for deletions] and underscoring for additions, as shown in the committee proposal.

Title. Your Committee considered the new wording of the title and recommends the addition of the word "AND" before "MOTTO."

Section 1 ("BOUNDARIES"). Your Committee considered the wording of Section 1 but decided not to recommend any further changes.

Section 4 ("MOTTO"). Following is the version of Section 4 that the Convention adopted on second reading:

"MOTTO

"Section 4. The motto of the State shall be 'Ua mau ke ea o ka aina i ka pono'."

The change recommended by your Committee is as follows:

Moving the period inside the quotation marks at the end of the sentence.

Your Committee feels the change is in order, as all periods and commas are included inside quotation marks as a common rule.

The changes recommended are merely for the purpose of style improvement and have no further implications.

Your Committee submits the related proposal, Committee Proposal No. 2, S. 1* and recommends its passage on third reading.

Signed by all members of the Committee except Delegates Odanaka, Burgess, Ellis and Tamayori.

*For the complete text of this proposal, see Committee Proposal No. 2, page 785.

STANDING COMMITTEE REPORT NO. 45

Your Committee on Budget, Accounts and Printing begs leave to report that Stand. Com. Rep. No. 46 and Minority Rep. No. 5 have been printed and distributed.

Signed by Delegates Ledward, Chairperson; Crozier, Vice-Chairperson; Hayashida, Vice-Chairperson; Hale and Lacy, members.

STANDING COMMITTEE REPORT NO. 46

Your Committee on Legislature, to which were referred proposals numbered 22, 25, 27, 28, 42, 60, 63, 68, 69, 70, 71, 79, 91, 115, 130, 136, 146, 147, 158, 161, 177, 181,

186, 190, 193, 195, 196, 206, 212, 223, 226, 236, 243, 252, 263, 266, 267, 271, 275, 280, 285, 288, 292, 297, 305, 306, 320, 321, 323, 340, 346, 350, 373, 382, 390, 395, 396, 406, 408, 412, 417, 419, 437, 445, 446, 455, 459, 472, 499, 503, 511, 513, 532, 533, 542, 558, 562, 565, 574, 591, 592, 619, 621, 622, 623, 624, 631, 643, 711, 715, 716, 720, 728, 730, 737, 760, 788, 792, 794, 796, 797, 801 and 830, relating to the legislature and concerning Article III of the Constitution of the State of Hawaii, begs leave to report as follows:

All hearings and meetings of your Committee were open to the public, and many citizens, groups and organizations representing the community and representatives of the government were invited to present their views on the subjects covered by the proposals at the public hearings.

The following citizens presented their views:

Sam Caldwell, of the Chamber of Commerce; Vance Cannon, Office Things; Norbert Cordeiro; Roy Crocker; Floyd Focht; Jerry Hess, League of Women Voters; Stephen Kealoha, ILWU Local 142; George Mason, Chamber of Commerce; Rhoda Miller, League of Women Voters; Reinhard Mohr, American Civil Liberties Union; Pearl Nishimura; Marie Riley, Common Cause; Edwin Taylor; Takeshi Uyesugi, AFL-CIO Hawaii (Building and Construction Trades Council); Joe Wildman; Lt. Governor Nelson Doi; State Representative Russell Blair; State Senator John Leopold; Frank Fasi, Mayor, City and County of Honolulu; Eileen Anderson, Director, State Department of Budget and Finance; Morris Takushi, State Elections Office; Delegate Naomi Campbell; Delegate Laura Ching; Delegate Helene Hale; Delegate Peter Lewis; Delegate Barbara Marumoto; Delegate Randall Peterson; Delegate Floyd Pulham; Delegate Richard Sasaki; Delegate John Stone; and Delegate Larry Uyehara.

Your Committee, having conducted public hearings and deliberated upon the subjects covered by the proposals, presents for your consideration recommendations affecting Article III of the Constitution of the State of Hawaii, as follows:

Section 1 of Article III, relating to legislative power, was not amended. This section vests the legislative power of the State in a legislature which shall consist of two houses, a senate and a house of representatives. By passing upon this section without amendment, your Committee recommends that the bicameral form of legislature be retained for the State of Hawaii.

The Legislative Reference Bureau manual, Hawaii Constitutional Convention Studies 1978, Article III, The Legislature, (Volume I, pages 28 to 42, inclusive), outlines and discusses the pros and cons of the unicameral-bicameral issue. Arguments presented by the witnesses testifying before your Committee on the matter generally raised the same arguments set forth in the Legislative Reference Bureau manual, with some variations in approach and application.

From the testimony presented by witnesses and after deliberations on this matter of unicameralism versus bicameralism, your Committee is not convinced that unicameralism is a more effective legislative structure than bicameralism in the context of today's political development in Hawaii.

The 1978 arguments for unicameralism heard by your Committee are no different from those advanced at the 1968 Constitutional Convention. The 1968 convention deliberated the matter of legislative structure at great length, particularly focusing upon the subjects of cost and efficiency, accountability and responsiveness of legislators, checks to assure proper deliberative function of the legislature and such other collateral matters, and concluded that the two-house legislature should be continued. Your Committee agrees with the reasoning of the 1968 convention on the matter and finds it to be as valid today as then.

There have been no dramatic changes of circumstances since 1968 that would now warrant aborting the long-standing tradition of the two-house legislature, which has worked well and even at an improved level since 1968. Indeed, an evaluation by the Conference of State Legislatures reported that Hawaii's legislature, among the 50 state legislatures, is the most openly accessible, the most comprehensible and least complex legislative system in our nation, and though not the smallest legislature in size, its 51-member house and 25-member senate make thoughtful deliberation and rational organization possible.

and operative. Overall, Hawaii was ranked seventh among the 50 states in the evaluation. It should be noted that Nebraska, a one-house legislative state, was ranked ninth.

It should be plain that matters of accountability and responsiveness by legislators and openness and accessibility of the legislature can be achieved in many ways. Hawaii has, since 1968, made great strides in this respect.

The 1968 convention amended the Constitution to provide that 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 twenty-four hours. This 24-hour rule provides both legislators and the public an opportunity to take informed action on bills facing imminent passage. The code of ethics which applies to legislators also helps to avoid conflicts of interest by requiring financial disclosures, and helps the public to assess the accountability of the legislators. In recent years, the rules of the house and senate have been structured so that there is more openness and accessibility. Conference committee deliberations which were closed for many years are now open to the public, and all legislative committee meetings for decision-making are also open to the public. Only organizational meetings, party caucuses and certain legislative committee hearings which might involve invasion of privacy if made public, are not open to the public.

For reasons aforesaid, your Committee feels that the proponents of unicameralism bear the burden of the proof--to show that bicameralism should not be retained--and that they have fallen short of that burden.

Sections 2 and 3 of Article III relating to the composition of the senate and the house were amended to read as follows:

"SENATE; COMPOSITION

"Section 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. [Until the next reapportionment the] The senatorial districts and the number of senators to be elected from each shall be as set forth in the [Schedule] reapportionment plan as established by the reapportionment commission.

"HOUSE OF REPRESENTATIVES; COMPOSITION

"Section 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. [Until the next reapportionment, the] The representative districts and the number of representatives to be elected from each shall be as set forth in the [Schedule] reapportionment plan as established by the reapportionment commission."

The Schedule referred to in Sections 2 and 3 was deleted. This Schedule, which covered state senatorial and representative apportionment, is now obsolete, and your Committee has based the districting for the senatorial and representative districts on the apportionment plan as established by the reapportionment commission. The reapportionment commission of 1973 established a new apportionment scheme which is in effect until the next reapportionment. Thus, it is intended that until the next reapportionment by the reapportionment commission, the senatorial and representative districts shall be as set forth in the reapportionment plan established by the commission in 1973, and thereafter as set forth in the reapportionment plan established by the commission in reapportionment years.

Section 4 of Article III, relating to reapportionment and reapportionment years, the reapportionment commission and other related subjects, has been removed from Article III and placed within a new article.

Section 4 was removed from Article III because your Committee amended the section to empower the reapportionment commission to redraw congressional districts in addition to the reapportionment of the state legislature. The scope of Section 4 was thereby expanded to include the subject of congressional districting as well as the state legislature; thus your Committee believes that Section 4, as amended, is no longer appropriate within Article III.

Section 10 of Article III has been amended to read as follows:

**"SALARY; ALLOWANCES; COMMISSION ON
LEGISLATIVE SALARY**

"Section [10] _____. The members of the legislature shall receive allowances reasonably related to expenses [and a salary,] as prescribed by law, and a salary prescribed pursuant to this section. [Any change in salary shall not apply to the legislature that enacted the same.]

"There shall be a commission on legislative salary, which shall be appointed by the governor on or before [June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment,] November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular legislative session and every eight years thereafter, the commission shall submit to the legislature and the governor recommendations for a salary plan for members of the legislature, and then dissolve. The salary plan submitted shall become effective as provided in the plan unless the legislature disapproves the plan by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the plan is submitted or the governor disapproves the plan by a message of the disapproval transmitted to the legislature prior to the said adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted."

As it exists today, Section 10 of Article III empowers the legislature to prescribe the salary for its members. There is also a commission on legislative salary which submits recommendation to the legislature every four years. While this mechanism for salary changes appears reasonable and useful in theory, it has not been of value in practice. The purpose of the provision is obvious. The legislators are deserving of their due compensation and adjustments thereto. In 1968, the Constitutional Convention established a salary of \$12,000 per year for a legislator and the mechanism for a periodic review for salary adjustment. There has been no change in salary since 1968, and in the context of inflationary times this means a continuing reduction in the worth of the salary of \$12,000 per year. Under Section 10 experience has clearly demonstrated that legislators are reluctant to prescribe their own salaries, even though they may be based on the recommendations of an independent commission to insulate the legislators from color of self-interest. Taxpayers are often critical of pay increases for legislators, and legislators run the risk of voting themselves out of office when they approve their own pay raises. Where the context dictates that emotion rather than rational thought govern, it is unrealistic to expect the legislators to prescribe their own salaries.

Your Committee recognizes that if legislative salaries are too low for many people to afford to serve, it will deny the public the services of many competent people, and the legislature may not be representative of a good cross section of the community. It would tend to attract only the very rich who need not depend on the salary and the very poor who can fare no better otherwise. Your Committee also notes that the cost of living has risen markedly, and the time legislators must devote to their elected duties has increased in the state legislature.

For the reasons aforesaid, your Committee has amended Section 10 to remove the burden from the legislators to prescribe their salaries by an overt act. Your Committee has provided that the recommendations of the legislative salary commission will become effective unless the legislature or the governor shall disapprove the recommendations. Thus the legislature's tacit acquiescence is enough unless the legislators or the governor disapprove. The governor's disapproval power was injected to serve as a check over the legislature and the legislative salary commission. Any change in salary shall not apply to the legislature to which the salary plan is submitted. The term "legislature" as used herein shall mean the state legislature which exists from the date of one general election to the date of the next general election.

Your Committee has also amended the salary adjustment review by the legislative salary commission, to be conducted every 8 years instead of every 4 years.

While your Committee is concerned with providing due and adequate salary for legislators, it is also very concerned that the legislators do not unduly enrich themselves

of the public treasure. Your Committee is well aware that the salary is only part of the total compensation to which a legislator is entitled. In this respect, your Committee urges and expects the legislative salary commission to hold public hearings in its deliberation on the salary plan and to consider the other benefits, direct or indirect, made to legislators by way of allowance, per diem, reimbursement, health benefits and retirement benefits in the evaluation of a legislator's basic salary.

Section 11 of Article III, relating to legislative sessions, has been amended to provide for a mandatory recess of not less than 5 days at some period between the 20th and 40th days of the regular session. Both houses shall agree on the dates of recess, which shall be excluded in computing the number of days in any session.

The purpose of this amendment is to provide both legislators and the public an opportunity to review during the recess all bills that have been introduced in both houses, and an opportunity for legislators and constituents to communicate on matters before the legislature at about the midpoint of the session. The practice of the legislature has been to impose a bill-introduction deadline at or about the 20th session day. Your Committee believes that the recess will also afford the public an opportunity to become acquainted with and follow the bills through the legislature more intelligently.

Section 13 of Article III has been amended by adding thereto the following:

"Every meeting of a committee in either house or of a committee comprised of 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.

"Each house shall provide by rule of its proceedings for a date, applicable to both houses but no sooner than the twentieth day of the session, by which date all bills to be considered in a regular session shall be introduced; provided that such date shall precede the commencement of the mandatory recess of not less than five days under Section ."

The amendment to Section 13 requires that all decision-making meetings of a legislative committee shall be open to the public. While your Committee is informed that such is the current practice of both houses of the state legislature by their respective rules, it finds that the public's right to know what their legislators are deciding is deserving of constitutional protection. This amendment, however, is not intended to require that certain kinds of meetings, including organizational meetings, partisan caucuses and certain hearings involving the invasion of a person's right to privacy if made public, shall be open to the public.

The amendment to Section 13 also requires both houses of the legislature to establish by rules a cutoff date for introduction of bills, which shall precede the commencement of the mandatory recess by not less than 5 days. This is to allow the public the use of the mandatory 5-day recess to review every bill that will ever be introduced in that legislative session.

Section 16 of Article III relating to passage of bills has been amended in only one respect. The sentence containing the twenty-four hour rule has been amended to read:

"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 [twenty-four] forty-eight hours."

In view of the increasing numbers of bills being introduced in the legislature and the public concern expressed on the difficulty of following the many bills through the legislature in the closing days of the session, your Committee believes that the enlargement of time from 24 hours to 48 hours, during which a legislator or a constituent could review a bill before third or final reading, would help both legislator and constituent to avoid hasty decisions and surprises regarding the bill.

Because of the removal of Section 4 from Article III, the sections numbered 5 to 20, inclusive, of Article III are renumbered to read sections 4 to 19 inclusive, respectively.

As stated earlier, your Committee has removed Section 4 of Article III relating to

reapportionment from said Article III because the duties of the reapportionment commission were expanded to cover congressional districting in addition to apportionment of the state legislature. Your Committee recommends that the subject relating to reapportionment be contained in a separate article. The substance of Section 4 of Article III was retained in the new article except that the following amendments were made thereto:

1. The reapportionment commission was empowered to reapportion congressional districts in addition to its duty to reapportion the state legislature. Your Committee finds that the task of congressional districting is appropriately within the duties of the reapportionment commission and does not present an undue burden. Congressional districting involving only two districts is relatively easy compared with redistricting for the state legislature. Moreover, the short and recent history of congressional districting in Hawaii has already shown that the state legislature has attempted and failed to redistrict to conclusion. Your Committee feels that congressional districting by the state legislature would tend to be suspect as manipulation designed to serve personal or partisan goals. Congressional districting by a reapportionment commission, whose members are precluded from becoming candidates for election in either of the first two elections under the redistricting plan, will be received with public confidence.

2. The time within which the reapportionment commission must complete its work has been amended by increasing it from 120 days to 150 days. This was the recommendation of the 1973 reapportionment commission in its report to the governor. The lieutenant governor's office, which worked closely with the 1973 reapportionment commission, also recommended the increase. The added task of congressional districting also justifies an increase over the 120 days.

3. The provision in said Section 4 relating to minimum representation for a basic island unit of 2 senators and 3 representatives, even if that island unit was entitled to a lesser allocation, has been deleted because that provision was declared unconstitutional by the U.S. District Court (Hawaii), as it did not comport with the command of the equal protection clause of the U.S. Constitution.

4. Other nonsubstantive style changes were effected to accommodate the substantive changes.

In reviewing the redistricting criteria for apportionment within basic island units, your Committee focused on criterion number 7, which reads as follows: "Not more than four members shall be elected from any district." Under existing districting, four of the eight senatorial districts contain four senators each, and the remaining four districts each have three or less. While it is recognized that there is some purpose in having larger multimember senatorial districts to provide differing constituencies as compared with two-member representative districts, your Committee believes that a four-member senatorial district tends to be too large considering the 25-member size of the senate. Your Committee considered reducing the limit of multimember districts but realized that the reapportionment commission needs some flexibility to fashion an overall plan which may require the inclusion of a four-member district to accommodate an unusual situation. For this reason, criterion number 7 was not amended; however, your Committee urges the reapportionment commission to consider smaller multimember districts and to consider the four-member district only when it is impracticable to do otherwise.

Section 1 of Article XVI relating to districting and apportionment is now obsolete and superseded by the 1973 reapportionment plan, which is the current law on districting and apportionment for the state legislature. The amendment to Section 1 proposed by your Committee expressly acknowledges the 1973 reapportionment plan as effective until the next reapportionment.

Section 2 of Article XVI relating to the 1978 senatorial elections has been amended to read:

"[1968] 1978 SENATORIAL ELECTIONS

"Section 2. [Senators elected in the 1968 general election shall serve for two-year terms.] Article III, Section 5, to the contrary notwithstanding, the terms of office of the members of the senate elected in the 1978 general election shall be as follows: members of the senate shall be divided into two classes. The first class shall consist of the following

number elected with the highest number of votes from their respective senatorial districts: first district, one; second district, one; third district, one; fourth district, two; fifth district, two; sixth district, two; seventh district, two; eighth district, one. Members of the first class shall hold office for a term of four years beginning with their election and ending on the day of the second general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term of two years beginning with their election and ending on the day of the next general election held thereafter."

The effect of this amendment is to initiate the staggering of terms of members of the senate, by having the 12 senators with the highest number of votes from their respective districts serve 4-year terms commencing with the 1978 general election and the remaining 13 senators serve 2-year terms commencing with the 1978 general election. Presently all senators run concurrently for 4-year terms. The experience in the last 10 years has generated a feeling that such a system of concurrent terms for all senators enables the senate to wield an inordinate amount of power in dealing with the members of the house of representatives, who must run every 2 years and are under more election pressures to produce. All the senators can stand fast on certain issues in disputes between the senate and the house and do less compromising. With staggered terms, at least half the senate would be held accountable to the voters in every general election. Your Committee believes staggered terms would provide the public with a senate which will be more frequently accountable and thereby more responsive.

All other sections of Article III, not proposed for amendment by your Committee have been retained without amendment.

Your Committee recommends: (1) that the above-mentioned proposals referred to your Committee be filed; and (2) that Committee Proposal No. 8 pass first reading in the form attached hereto.

Signed by all members of the Committee except Delegates Cabral, Hanaike and Kaapu. Delegates Barr, Blean, Goodenow and Miller did not concur and Delegate Kimball did not concur in part.

COMMITTEE PROPOSAL NO. 8

RELATING TO THE LEGISLATURE.

RESOLVED, that the following be agreed upon as amending Articles III and XVI of the State Constitution.

1. Article III, Section 2, is amended to read:

SENATE; COMPOSITION

Section 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. [Until the next reapportionment the] The senatorial districts and the number of senators to be elected from each shall be as set forth in the [Schedule] reapportionment plan as established by the reapportionment commission.

2. Article III, Section 3, is amended to read:

HOUSE OF REPRESENTATIVES; COMPOSITION

Section 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. [Until the next reapportionment, the] The representative districts and the number of representatives to be elected from each shall be as set forth in the [Schedule] reapportionment plan as established by the reapportionment commission.

3. Article III, Section 4, relating to reapportionment is deleted in its entirety.*

*The substance of Section 4 has been retained in a new article (see page 797 of this proposal); changes therein are indicated by brackets for deleted material, and underscoring for new.

4. Article III, Section 10, is amended to read:

**SALARY; ALLOWANCES; COMMISSION ON
LEGISLATIVE SALARY**

Section [10] _____. The members of the legislature shall receive allowances reasonably related to expenses [and a salary,] as prescribed by law, and a salary prescribed pursuant to this section. [Any change in salary shall not apply to the legislature that enacted the same.]

There shall be a commission on legislative salary, which shall be appointed by the governor on or before [June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment,] November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular session and every eight years thereafter, the commission shall submit to the legislature and the governor recommendations for a salary plan for members of the legislature, and then dissolve. The salary plan submitted shall become effective as provided in the plan unless the legislature disapproves the plan by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the plan is submitted or the governor disapproves the plan by a message of the disapproval transmitted to the legislature prior to the said adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.

5. Article III, Section 11, is amended to read:

SESSIONS

Section [11] _____. 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.

6. Article III, Section 13, is amended to read:

ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

Section [13] _____. 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 same

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 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.

Each house shall provide by rule of its proceedings for a date, applicable to both houses but no sooner than the twentieth day of the session, by which date all bills to be considered in a regular session shall be introduced; provided that such date shall precede the commencement of the mandatory recess of not less than five days under Section .

7. Article III, Section 16, is amended to read:

PASSAGE OF BILLS

Section [16] _____. 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 [twenty-four] 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.

8. Sections numbered 5 to 20, inclusive, of Article III are renumbered to read sections 4 to 19 inclusive, respectively.

9. A new article*, to be appropriately numbered, is added to the State Constitution and shall read:

ARTICLE

REAPPORTIONMENT

REAPPORTIONMENT YEARS

Section [4] 1. The year 1973, the year 1981, and every [eighth] tenth year thereafter shall be reapportionment years.

REAPPORTIONMENT COMMISSION

A [legislative] reapportionment commission shall be constituted on or before March 1 of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall designate one of their number for each house and the two so designated shall each select two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to an apportionment advisory council for that island unit. The councils shall remain in existence during the life of the commission and each shall serve in an advisory capacity to the commission for matters affecting its island unit.

*This reflects the substance of Section 4 of Article III; changes to Section 4 are indicated by brackets for deleted material, and underscoring for new.

A vacancy in the commission or a council shall be filled by the initial selecting authority within fifteen days after the vacancy occurs. Commission and council positions and vacancies not filled within the times specified shall be filled promptly thereafter by the supreme court.

The commission shall act by majority vote of its membership and shall establish its own procedures except as may be provided by law.

Not more than one hundred [twenty] fifty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan for the state legislature and a reapportionment plan for the United States congressional districts[,] which shall become law after publication as provided by law. Members of the commission shall hold office until [the] each reapportionment plan becomes effective or until such time as may be provided by law.

No member of the reapportionment commission or an apportionment advisory council shall be eligible to become a candidate for election to either house of the legislature or to the United States House of Representatives in either of the first two elections under any such reapportionment plan.

Commission and apportionment advisory council members shall be compensated and reimbursed for their necessary expenses as provided by law.

The chief election officer shall be secretary of the commission without vote and, under the direction of the commission, shall furnish all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties.

CHIEF ELECTION OFFICER

The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

APPORTIONMENT AMONG BASIC ISLAND UNITS

The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered in the last preceding general election in each of the basic island units and computed by the method known as the method of equal proportions, except that no basic island unit shall receive less than one member in each house.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of registered voters per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

1. No district shall extend beyond the boundaries of any basic island unit.
2. No district shall be so drawn as to unduly favor a person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as practicable, districts shall be compact.
5. Where possible, district lines shall follow permanent and easily recognized

features, such as streets, streams and clear geographical features, and when practicable shall coincide with census tract boundaries.

6. Where practicable, representative districts shall be wholly included within senatorial districts.
7. Not more than four members shall be elected from any district.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

CONGRESSIONAL REDISTRICTING FOR
UNITED STATES HOUSE OF REPRESENTATIVES

The commission shall, at such times as may be required by this section and as may be required by law of the United States, redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State by Congress are elected.

MANDAMUS AND JUDICIAL REVIEW

Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

10. Article XVI, Section 1, relating to districting and apportionment, is deleted in its entirety and a new Section 1 is inserted in lieu thereof, to read:

DISTRICTING AND APPORTIONMENT

Section 1. Until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be set forth in the 1973 reapportionment plan. Until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as set forth in the 1973 reapportionment plan.

11. Article XVI, Section 2, is amended to read:

[1968] 1978 SENATORIAL ELECTIONS

Section 2. [Senators elected in the 1968 general election shall serve for two-year terms.] Article III, Section 5, to the contrary notwithstanding, the terms of office of the members of the senate elected in the 1978 general election shall be as follows: members of the senate shall be divided into two classes. The first class shall consist of the following number elected with the highest number of votes from their respective senatorial districts: first district, one; second district, one; third district, one; fourth district, two; fifth district, two; sixth district, two; seventh district, two; eighth district, one. Members of the first class shall hold office for a term of four years beginning with their election and ending on the day of the second general election held thereafter. The remaining members elected shall constitute the second class and shall hold office for a term of two years beginning with their election and ending on the day of the next general election held thereafter.

STANDING COMMITTEE REPORT NO. 47

Your Committee on Budget, Accounts and Printing begs leave to report that Stand. Com. Rep. Nos. 48 and 49; Com. Whole Rep. No. 5; Com. P. Nos. 4, RD. 2, S. 1, and 5, RD. 1; and Res. No. 14 have been printed and distributed.

Signed by Delegates Ledward, Chairperson; Crozier, Vice-Chairperson; Hayashida, Vice-Chairperson; Hale and Lacy members.

EXHIBIT “9”

This is contrary to the opinion that a less costly, more efficient system of legislature is better. It must be reasonably argued that expediency and efficiency are not necessarily the measures of effectual and beneficial legislation. Any political system is a system of people. It must therefore be accepted that one's particular preference among systems may be only as worthy as those persons who participate within it.

Your Committee could not substantively accept the unicameral concept. Hawaii has experienced its share of legislative problems; however, such a drastic change appears unwarranted at this time in view of the relatively successful track record our present legislative system has attained.

Amendments to sections 2 and 3 of Article III relate to utilization of the reapportionment commission plan in determining state senatorial and representative districting. This amendment deletes the language referring to the Schedule found in Section 1 of Article XVI, which has been rendered obsolete since the reapportionment of 1973. Also relating to reapportionment, Section 4 has been placed within a new article. This action was necessitated by the provision empowering the reapportionment commission to redraw congressional districts as well as reapportioning the state legislative districts.

The committee chose to amend Section 10 of Article III by adding specific language dealing with the salary of legislators. The amendment provides for a salary plan by the legislative salary commission, to be submitted to both houses of the legislature and to the governor no later than the 40th day of the legislative session. The plan is to become effective unless disapproved by either the legislature or the governor. Any change in salary does not affect the legislature that reviews the plan.

It was felt by the committee that legislators should not be placed in the dilemma of having to vote on their own salary increase. Governor's disapproval authority was decided upon as a further scrutiny of the process. Furthermore, the salary review by the commission will take place every 8 years instead of the present 4-year interval. Your Committee wishes to express its expectation that the salary commission hold public hearings and consider other applicable legislative benefits in its deliberation.

The amendment to Section 11 of Article III calls for a mandatory recess in the legislative session of not less than five days, to fall anytime between the 20th and 40th days of the session. This recess will afford members of the legislature, as well as the public, a review period to study the bills submitted and to provide input.

Two substantial amendments have been offered to Section 13 of Article III. The first relates to a form of "sunshine" protection of the public's right to know what takes place at decision-making meetings of the legislature. It was felt that this right should be constitutionally protected rather than left to the discretion of the house or the senate.

The second amendment to Section 13 involves an attempt to control bill-introduction procedures through the device of a bill-introduction cutoff date, no sooner than the 20th day of the legislative session. This basically provides for a limitation, not necessarily in number but in time, of the bills to be introduced. In conjunction with the recess, this amendment should further aid the public in its attempts to actively follow and participate in the legislative process.

Section 16 of Article III adds a full day to the bill-review period prior to final reading. The increase is from 24 to 48 hours. It was felt that the additional time, especially at the closing days of the session, would afford the legislators and members of the public more time to review and therefore make better decisions on the bills.

Section 2 of Article XVI has been amended to provide for the staggering of terms in the senate commencing with the coming election. Under the proposed system, senators would continue to serve a 4-year term, with half of the membership up for reelection every 2 years. In order to establish the cycle, initially 13 of the 25 senators would serve 2-year terms while the remaining 12 would serve full 4-year terms. The method of selection to determine which class a senator will hold, whether the 4- or 2-year term, will be based on the number of votes received in the district. Support of the staggered term concept is based upon having a more accountable and perhaps a more responsive senate.

Mr. Chairman, these are the major issues which have been raised before the Committee

EXHIBIT “10”

PROPOSED CONSTITUTIONAL AMENDMENTS

to the legislature and the governor recommendations for a salary [plan] for members of the legislature, and then dissolve. The recommended salary [plan] submitted shall become effective as provided in the [plan] recommendation unless the legislature disapproves the [plan] recommendation by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the [plan] recommendation is submitted or the governor disapproves the [plan] recommendation by a message of disapproval transmitted to the legislature prior to such adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.”

SECTION 3. Constitutional material to be repealed is bracketed. New material is underscored.

SECTION 4. This amendment shall take effect upon compliance with Article XVII, Section 3, of the Constitution of the State of Hawaii.

H.B. NO. 1213

A Bill for an Act Proposing the Repeal of Article VII, Section 6, of the Hawaii Constitution, to Eliminate the Requirement that Excess Revenue be Refunded to Taxpayers Under Certain Conditions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to propose the repeal of Article VII, section 6, of the Constitution of the State of Hawaii to eliminate the requirement that excess revenues be returned to taxpayers if the general fund balance at the close of each two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years.

SECTION 2. Article VII, section 6, of the Constitution of the State of Hawaii is repealed:

SECTION 3. Constitutional material to be repealed is bracketed.

SECTION 4. This repeal shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii.

H.B. NO. 1947-84

A Bill for an Act Proposing an Amendment to Article III, Section 12, of the Hawaii Constitution, to Allow Greater Flexibility in Scheduling the Deadline for Introducing Bills.

Be It Enacted by the Legislature of the State of Hawaii:

PROPOSED CONSTITUTIONAL AMENDMENTS

SECTION 1. The purpose of this Act is to propose an amendment to Article III, Section 12, of the Constitution of the State of Hawaii to allow the legislature to establish the deadline for introducing bills to be considered in the regular session prior to the twentieth day of the session.

SECTION 2. Article III, Section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

Section 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.

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.]'

SECTION 3. Constitutional material to be repealed is bracketed.

SECTION 4. This amendment shall take effect upon compliance with Article XVII, Section 3, of the Constitution of the State of Hawaii.

H.B. NO. 1948-84

A Bill for an Act Proposing an Amendment to Article III, Section 10, of the Hawaii Constitution to Allow Flexibility in Scheduling the Mandatory Recess.

Be It Enacted by the Legislature of the State of Hawaii:

EXHIBIT “11”

Your Committee also notes the decision of the Hawaii State Supreme Court in State v. Lo, Sup. Ct. Haw. (No. 8741, 1983) in addressing the area of consensual monitoring. The court stated that the language of section 803-42(b)(3) plainly outlaws the "bugging" of any private place unless the parties entitled to privacy therein have consented. This Committee affirms the court's statutory construction of the provision.

Your Committee has further amended the bill by deleting the sunset provision terminating the wiretap law in recognition of the indispensable and invaluable tool the law is for our State's law enforcement agencies.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 1980-84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1980-84, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 417-84 Judiciary on H.B. No. 1947-84

The purpose of this bill is to bring before the electorate of this State a proposed amendment to Article III, Section 12, of the Constitution of the State of Hawaii to allow the Legislature to establish the deadline for introducing bills to be considered in the regular session prior to the twentieth day of the session.

Currently, Article III, Section 12, of the Constitution of the State of Hawaii provides that the deadline for introducing bills to be considered in the regular session shall be after the nineteenth day of the session and shall precede the commencement of the mandatory recess.

The amendment proposed by this bill, if ratified by the electorate, will allow the Legislature to provide for an earlier cut-off date for the introduction of bills and would be combined with a greater reliance on "prefiling" of bills, prior to the convening of the Legislature.

The combined effect of prefiling of bills and an earlier cut-off for bill introduction would be a substantial improvement in legislative operations. To illustrate some of the potential benefits of this approach, your Committee offers the following hypothetical scenario for the 1985 legislative session:

(1) Bill introduction begins on the first Wednesday in January, two weeks before the Legislature convenes.

(2) Bills are printed, numbered, and made available to the general public beginning on the second Wednesday in January, one week before the Legislature convenes. This allows the public to familiarize itself with legislation, prepare testimony, and consult with legislators, before the legislators' time is taken up by committee meetings. It allows the public more time to research the issues and prepare more detailed and thoughtful testimony. The Speaker will be able to review the bills before the Legislature convenes and decide on referrals.

(3) The Legislature convenes on the third Wednesday in January. Non-essential legislative business is deferred, according to custom and tradition, to allow for the opening day festivities.

(4) The first week of the session would see the Legislature in full-swing. Committee Chairmen would be holding hearings. This would be in contrast to the current "slow period" at the beginning of each session which results from the relative dearth of legislation.

(5) Bill introductions would be cut-off sometime after the first week, but before the end of the second week of session. The result of this approach is to spread the workload more evenly over the 60-day session. The principal benefits of this would be:

(a) More time would be available for hearings by the Committees. Thus, shorter agendas would be possible. Shorter agendas would result in more deliberative hearings, shorter waiting periods for persons wishing to testify, and

would allow Legislators to stay for the entire hearing without having to leave periodically to take care of other matters.

(b) Committee Chairmen could more easily group bills which deal with the same or related subject matters onto a single agenda. This would be a great convenience to people who wish to testify; including members of the public, lobbyists, and department personnel.

(c) There would be less pressure to hold hearings during the legislative recess or during late evening hours which are inconvenient to the general public.

(d) It would be possible to provide more timely notice of hearings to the general public.

(e) The second committee, when there is a double referral, would have more time in which to work on bills.

While there are many significant advantages to an earlier cut-off date for bill introductions, it will require adjustments that will increase the workload of legislators and their staff. A part of the printshop staff will need to begin working approximately two weeks earlier. The Speaker will need to begin working on bill referrals two weeks earlier. Members will need to begin working with their constituents and staffs somewhat earlier.

While this will require the staff and legislators to begin working earlier, it should not result in any significant cost increase in the operations of the Legislature. The Legislature will find that there are partially offsetting savings. The workload will be more evenly apportioned and the "peak load", to which staffing is geared, will have been reduced.

The consequences of the ratification of this proposed constitutional amendment will be to allow for a more deliberative, open, and rational legislative process. The result should be better legislation.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 1947-84 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 418-84 Judiciary on H.B. No. 1629-84

The purpose of this bill is to amend Part VII of Chapter 286, Hawaii Revised Statutes, by adding two new sections which authorize and set minimum standards for the establishment of intoxication control roadblock programs.

The bill provides that:

(1) Police departments of each county are authorized to establish intoxication control roadblock programs;

(2) Any county establishing an intoxication control roadblock program shall specify by rule procedures to be followed, subject to minimum standards set by statute;

(3) Either all motor vehicles approaching a roadblock shall be stopped, or vehicles shall be stopped in a specified random numerical sequence;

(4) Roadblocks shall be scheduled only between set hours when expected traffic is light;

(5) Roadblocks shall be located at fixed points, rather than be roving in nature;

(6) Minimum safety precautions shall be provided at every roadblock;

(7) The length of time of any delay shall be limited; and

(8) Speedy compliance with purpose of the roadblock and a minimum of inconvenience shall be assured.

EXHIBIT “12”

No. 21, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 21, S.D. 1.

Signed by all members of the Committee except Senators Young and Ajifu.

SCRep. 635-84 Judiciary on H.B. No. 1854-84

The purpose of this bill is to amend section 23G-15, Hawaii Revised Statutes, to enable the Revisor of Statutes to change statutory language by removing gender-specific terminology without altering the sense, meaning, or effect of any act, when the Revisor prepares supplements and replacement volumes of the Hawaii Revised Statutes.

Your Committee received favorable testimony on this bill from the Hawaii State Commission on the Status of Women and the City and County of Honolulu's Committee on the Status of Women in support of this bill.

Your Committee finds that the removal of stereotyped language in the Hawaii Revised Statutes is in accord with the Equal Rights Amendment of the Constitution of the State of Hawaii, which guarantees equality of the sexes. Your Committee supports the efforts to change the present statutes to gender-neutral terms in the spirit of equal rights legislation.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 1854-84 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 636-84 (Majority) Judiciary on H.B. No. 1947-84

The purpose of this bill is to bring before the electorate of this State a proposed amendment to Article III, Section 12, of the Constitution of the State of Hawaii to repeal the provision which establishes the deadline for introducing bills to be considered in a regular session.

Currently, Article III, Section 12, of the Constitution of the State of Hawaii provides that the deadline for introducing bills to be considered in the regular session shall be after the nineteenth day of the session and shall precede the commencement of the mandatory recess.

The amendment proposed by this bill, if ratified by the electorate, will allow the Legislature to provide for an earlier deadline date for the introduction of bills and may be combined with a greater use of "prefiling" of bills, or the filing of bills prior to the convening of the Legislature.

The following is an example of the flexibility of the legislative calendar if the bill introduction deadline were eliminated:

- (1) Bill introduction begins on the first Wednesday in January, two weeks before the legislature convenes. This allows the public to familiarize itself with legislation, prepare testimony, and consult with legislators, before the legislators' time is taken up by committee meetings. It allows the public more time to research the issues and prepare more detailed and thoughtful testimony.
- (3) The Legislature convenes on the third Wednesday in January. Non-essential legislative business is deferred, according to custom and tradition, to allow for the opening day festivities.
- (4) The first week of the session would see the Legislature in full action. Committee chairpersons would hold hearings. This would be in contrast to the current "slow period" at the beginning of each session which results from the relative dearth of legislation.
- (5) Bill introductions would be cut-off sometime after the first week, but before the end of the second week of session. The result of this approach is to spread the workload more evenly over the 60-day session. The principal benefits of this would be:
 - (a) More time would be available for hearings by committees. Thus,

shorter agendas would be possible. Shorter agendas would result in more deliberative hearings and shorter waiting periods for persons wishing to testify.

- (b) Committee chairpersons could more easily group bills which deal with the same or related subject matters onto a single agenda. This would be a great convenience to people who wish to testify, including members of the public, lobbyists, and department personnel.
- (c) There would be less pressure to hold hearings during the legislative recess or during late evening hours which are inconvenient to the general public.
- (d) It would be possible to provide more timely notice of hearings to the general public.

The consequences of the ratification of this proposed constitutional amendment will be to allow for a more deliberative, open, and rational legislative process. The result should be better legislation.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 1947-84 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.
Senator Carpenter did not concur.

SCRep. 637-84 Judiciary on H.B. No. 1948-84

The purpose of this bill is to bring before the electorate of the State a proposed amendment to Article III, Section 10, of the Constitution of the State of Hawaii to provide the Legislature with flexibility regarding the mandatory recess, by 1) clarifying that the recess need not run for five consecutive days, 2) deleting the specific time period within which the recess must occur, 3) establishing that the recess will occur after the deadline for the introduction of bills, and 4) requiring that the majority of each house adopt the recess dates by a concurrent resolution.

The present Constitution, as amended by the 1978 Constitutional Convention, requires a mandatory recess of not less than five days, at some period between the twentieth and fortieth days of the regular session.

The recess usually is scheduled for five consecutive days shortly after the deadline for bill introduction. At this point, all of the bills have been introduced and referred to committees. This is an appropriate time to have a recess. It allows legislators, staff, and the public time to review all of the bills that have been introduced and their referrals, before any deadlines for the movement of bills have passed.

The major disadvantage with having a five consecutive day recess almost immediately after the deadline for bill introduction is the length of the recess. Five consecutive days is too long for the legislative process to pause, especially with the limited time in which to hold hearings. As a consequence, it has become standard practice to hold hearings during the recess. This practice may well be contrary to the intent of the drafters of the constitutional provision for a recess.

Your Committee finds that another recess may be warranted after the deadline for the exchange of bills between houses. Such a recess would be appropriate because the "crossover" deadline effectively separates the majority of bills that cannot pass in the current year from the minority of bills which are still "alive". This is a good time to pause and assess the status of the various bills.

Some may prefer for the recess to occur earlier in the session, so they can review all of the legislation that has been introduced before any of it has been "lost in the shuffle". Others prefer for the recess to occur after the "crossover" deadline, so that they can concentrate their efforts on the bills that have a reasonable chance of passing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been served electronically (through the Court's JEFS system), or conventionally via US Mail, upon the following parties on the date below:

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DATED: Honolulu, Hawai'i, October 7, 2025.

/s/ Lauren K. Chun
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