

ROBERT BRIAN BLACK 7659
BENJAMIN M. CREPS 9959
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813
brian@publicfirstlaw.org
ben@publicfirstlaw.org
Telephone: (808) 531-4000

Electronically Filed
FIRST CIRCUIT
1CCV-25-0001456
07-OCT-2025
04:15 PM
Dkt. 13 MSJ

Attorneys for Plaintiff League of Women Voters of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 1CCV-25-1456 JJK
(Declaratory Judgment)

MOTION FOR SUMMARY
JUDGMENT; MEMORANDUM OF
LAW IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT;
DECLARATION OF R. BRIAN BLACK;
DECLARATION OF JUDITH MILLS
WONG; EXHIBITS 1-8; and NOTICE OF
HEARING

HEARING MOTION

JUDGE: Honorable Jordon J. Kimura

TRIAL DATE: NONE

HEARING DATE: December 3, 2025

HEARING TIME: 9:00 a.m.

MOTION FOR SUMMARY JUDGMENT

Plaintiff League of Women Voters of Hawaii move this Court to grant summary judgment pursuant to Rules 7, 56, and 57 of the Hawai'i Rules of Civil Procedure. The motion is supported by the legal authorities, arguments, and facts provided in the accompanying memorandum, declarations, and exhibits and the files and records in this case.

Defendant State of Hawai`i violated article III, sections 12 and 14 of the Hawai`i Constitution when enacting Act 290 (2025). The bill that became Act 290 – S.B. 935 – had no substance when introduced in the Legislature as a “short form” with only a broad and amorphous title, “Relating to Government.” That title and the rest of the document were insufficient to fairly apprise a reasonable person regarding the subject matter of the bill, in violation of article III, sections 12 and 14 of the Hawai`i Constitution.

Plaintiff respectfully requests that this Court grant summary judgment and declare that the process for enacting Act 290 violated article III, sections 12 and 14 of the Hawai`i Constitution and that Act 290 thus is void.

DATED: Honolulu, Hawai`i, October 7, 2025

/s/ Robert Brian Black
ROBERT BRIAN BLACK
BENJAMIN M. CREPS
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai`i 96813
Tel. (808) 531-4000
brian@publicfirstlaw.org
ben@publicfirstlaw.org
Attorneys for League of Women Voters of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant,

CIVIL NO. 1CCV-25-1456 JJK
(Declaratory Judgment)

MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES.....	ii
I. STATEMENT OF FACTS.....	1
II. STANDARDS OF REVIEW	2
III. ARGUMENT.....	3
A. “Relating to Government” Is an Unconstitutionally Broad Title.....	3
B. Short Forms Do Not Meet the Bill Introduction Deadline.....	7
C. The Hawai`i Constitution Requires a Meaningful Opportunity for Public Participation in the Legislative Process.....	8
CONCLUSION.....	9

TABLE OF AUTHORITIES

Cases

<i>D.M.C. Corp. v. Shriver</i> , 461 S.W.2d 389 (Tenn. 1970).....	8
<i>Hyman Bros. v. Kapena</i> , 7 Haw. 76 (Kingdom 1887).....	4
<i>In re Goddard</i> , 35 Haw. 203 (Terr. 1939).....	5, 6
<i>Jensen v. Turner</i> , 40 Haw. 604 (Terr. 1954).....	4, 5, 6
<i>Kamaka v. Goodsill Anderson Quinn & Stifel</i> , 117 Hawai`i 92, 176 P.3d 91 (2008)	2
<i>League of Women Voters of Honolulu v. State</i> , 150 Hawai`i 182, 499 P.3d 382 (2021)... passim	
<i>Schwab v. Ariyoshi</i> , 58 Haw. 25, 564 P.2d 135 (1977).....	2, 4, 5, 6
<i>Taomae v. Lingle</i> , 108 Hawai`i 245, 118 P.3d 1188 (2005).....	5, 6, 9
<i>Territory v. Dondero</i> , 21 Haw. 19 (Terr. 1912).....	5, 6
<i>Villon v. Marriott Hotel Servs., Inc.</i> , 130 Hawai`i 130, 306 P.3d 175 (2013)	5

Constitutional Authority

Haw. Const. art. 102 (Kingdom 1852).....	3
Haw. Const. art. 77 (Kingdom 1864).....	3
Haw. Const. art. 77 (Kingdom 1887).....	3
Haw. Const. art. 63 (Rep. 1894).....	3
Organic Act § 45 (1900)	3
Haw. Const. art. III, § 15 (1950).....	3
Haw. Const. art. III, § 12.....	1, 7, 9
Haw. Const. art. III, § 14.....	1, 3, 6, 9
Stand. Comm. Rep. No. 92 <i>in</i> 1 Proceedings of the Constitutional Convention of Hawai`i of 1950.....	4
2 Proceedings of the Constitutional Convention of Hawai`i of 1978	7
Stand. Comm. Rep. No. 46 <i>in</i> 1 Proceedings of the Constitutional Convention of Hawai`i of 1978.....	7

Legislative History

Stand. Comm. Rep. No. 417-84, in 1984 House Journal	7, 8
---	------

Other Authority

Am. & Eng. Encyclopedia of Law (2d ed. 1904)	5, 6
Legislative Reference Bureau, Hawai`i Legislative Drafting Manual (10th ed. 2012).....	6

Norman J. Singer & J.D. Shambie Singer, *Sutherland on Statutes and Statutory Construction* (7th ed. 2010)..... 4, 5, 6

Thomas Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union* (Walter Carrington ed., 8th ed. 1927)..... 4, 5

The Hawai`i Constitution sets the minimum process required for legislative enactments. That minimal process ensures that the public and legislators have a meaningful opportunity to know the basic nature of proposed legislation at the outset of the legislative session. Such early notice allows interested persons to research issues and thoughtfully engage with the legislative process.

Defendant State of Hawai`i (State) did not follow this minimal process when enacting Act 290 (2025). The State used an inappropriately vague title and an empty husk of a proposal as a basis to circumvent notice requirements and obstruct people's ability to participate in our democracy.

Over two thousand bills are introduced every year. The Hawai`i Constitution recognizes that it is unreasonable to expect members of the community to read thousands of pages of legislative content every year to determine which bills, if any, impact their interests. The Legislature must provide fair notice and cannot radically change proposals after introduction.

Plaintiff League of Women Voters of Hawaii (League) has struggled for years to encourage the State to follow the open and accountable legislative process established by the Hawai`i Constitution. Circumventing the constitutionally required process ignores the role of public transparency and participation when enacting legislation. League thus seeks an order declaring that the process for enacting Act 290 violated article III, sections 12 and 14 of the Hawai`i Constitution and that the Act therefore is void.

I. STATEMENT OF FACTS

On November 25, 2024, the Legislature adopted its timetable for the 2025 legislative session. Decl. of R. Brian Black, dated October 7, 2025 [Black Decl.], Ex. 1. That timetable set January 23, 2025, as the deadline for bill introduction. *Id.*

On January 17, 2025, the Senate introduced S.B. 935. *Id.* Ex. 2. In its entirety, that proposal read:

A Bill for an Act Relating to Government

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.

Id. On January 21, S.B. 935 had its first reading in that form. *Id.* Ex. 3. Nearly a month later, on February 18, the Senate Committee on Ways and Means recommended amending S.B. 935 to include substantive provisions (concerning government pension benefits) for the first time. *Id.* Ex. 4.

After the Legislature passed S.B. 935, the League warned Governor Green about the constitutional defects in the adoption of the proposal. Decl. of Judith Mills Wong, dated October 3, 2025, Ex. 5. On July 3, S.B. 935 became law when signed by the Governor as Act 290. *Id.* Ex. 6.

II. STANDARDS OF REVIEW

The standard of review on a motion for summary judgment is well-settled:

Summary judgment is appropriate 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 judgment as a matter of law. A fact is material if proof of that fact would have the effect of establishing or refuting one of the essential elements of a cause of action or defense asserted by the parties. The evidence must be viewed in the light most favorable to the non-moving party. In other words, [this court] must view all of the evidence and the inferences drawn therefrom in the light most favorable to the party opposing the motion.

Kamaka v. Goodsill Anderson Quinn & Stifel, 117 Hawai`i 92, 104, 176 P.3d 91, 103 (2008).

In cases that challenge the constitutionality of legislation, the constitutional standards concerning the legislative process are mandatory, and any violation renders the enactment void. *League of Women Voters of Honolulu v. State [LWV]*, 150 Hawai`i 182, 194, 499 P.3d 382, 394 (2021) (“Constitutional provisions regarding the enactment of legislation are ‘mandatory and a violation thereof would render an enactment nugatory.’” (quoting *Schwab v. Ariyoshi*, 58 Haw. 25, 31, 564 P.2d 135, 139 (1977))). The party challenging constitutionality has the burden to prove violations are “plain, clear,

manifest, and unmistakable” and that the enactment is unconstitutional “beyond a reasonable doubt.” *Id.*

III. ARGUMENT

Act 290 crossed the line. The Legislature introduced a proposal that by title and substance said nothing. By failing to provide the minimum fair notice required by the Hawai`i Constitution, the State obscured the purpose and effect of the legislation that it planned to consider and ultimately adopt. No title could be more vague than “Relating to Government.” And S.B. 935 – as it existed before the bill introduction deadline – was not even a “bill” within the meaning of the Hawai`i Constitution. The State’s obstruction of public access to and participation in the legislative process was plain, unmistakable, and unconstitutional beyond a reasonable doubt.

A. “Relating to Government” Is an Unconstitutionally Broad Title.

Article III, section 14 of the Hawai`i Constitution provides in relevant part: “Each law shall embrace but one subject, which shall be expressed in its title.”¹ A version of the subject-in-title requirement has protected the people of Hawai`i continually since 1852. The mandate is a constitutional notice provision, requiring that the subject of proposed legislation be *fairly* expressed in its title.

As first adopted in the 1852 Constitution of the Kingdom of Hawai`i, the requirement read: “To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object and that shall be expressed in the title.” Haw. Const. art. 102 (Kingdom 1852); Haw. Const. art. 77 (Kingdom 1864); Haw. Const. art. 77 (Kingdom 1887) [*see* Ex. 7]. In 1894, the opening clause was removed to read: “Each Law shall embrace but one Subject, which shall be expressed in its Title.” Haw. Const. art. 63 (Rep. 1894); Organic Act § 45 (1900) [*see* Ex. 7]. The 1950 Constitution kept the title requirement unmodified, and the language has remained unchanged. Haw. Const. art. III, § 15 (1950) [*see* Ex. 7]; Haw. Const. art. III, § 14; Stand. Comm. Rep. No. 92 *in* 1

¹ There are two components to this provision: (1) the single subject requirement; and (2) the subject-in-title requirement. This case concerns the title requirement.

Proceedings of the Constitutional Convention of Hawai`i of 1950 at 252 (“This section further requires that each law shall embrace but one subject, which is required to be expressed in its title, as is provided by section 45 of the Organic Act.”).

The Hawai`i Supreme Court first construed the purpose of the title provision in 1887. *Hyman Bros. v. Kapena*, 7 Haw. 76, 77–78 (Kingdom 1887). The Court relied on the constitutional treatise Cooley on Constitutional Limitations to explain the purpose of the title provision: “[F]irst, to prevent hodge-podge or log-rolling legislation; second, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which the titles give no intimation; and third, to apprise the people of proposed matters of legislation.” *Id.* at 77-78 (voiding legislation for violating the title requirement); *accord LWV*, 150 Hawai`i at 201, 499 P.3d at 401 (“the purpose behind the single subject and subject-in-title requirements is similar to the purpose of the three readings requirement in that both are directed at providing notice to legislators and the public.”); *Schwab v. Ariyoshi*, 58 Haw. 25, 30-31, 564 P.2d 135, 139 (1977); *Jensen v. Turner*, 40 Haw. 604, 608 (Terr. 1954); 1 Thomas Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union*, [Cooley] at 296 (Walter Carrington ed., 8th ed. 1927); 1A Norman J. Singer & J.D. Shambie Singer, *Sutherland on Statutes and Statutory Construction* [Sutherland] § 18:2 at 45 (7th ed. 2010) (“The primary purpose of the constitutional requirement that the subject or object of a legislative act be expressed in its title is to insure reasonable notice of the purview to members of the assembly, and to the public.”).

The subject-in-title mandate does not require that a legislature summarize every provision of proposed legislation in the title.

It may be stated as a general proposition that the expression of subject in the title of an ordinance is sufficient if it calls attention to the general subject of the legislation. 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. The crucial test of sufficiency of title is generally found in the answer to the question: Does the title tend to mislead or deceive the people or the municipal board as to the purpose or effect of the legislation, or to conceal or obscure the same? If it does, then the ordinance is void; if not, it is valid.

Territory v. Dondero, 21 Haw. 19, 25 (Terr. 1912); accord 1A Sutherland § 18:2 at 48-52 (“The general test is whether the title is uncertain, misleading, or deceptive to the average reader. . . . The title to a bill need only indicate the general contents of the act. The title cannot, however, be so general that it tends to obscure the contents of the act.”); 1 Cooley at 297-300 (“The generality of a title is therefore no objection to it But the title must be such as to reasonably apprise the public of the interests that are or may be affected by the statute.”); 26 Am. & Eng. Encyclopedia of Law at 582 (2d ed. 1904) (“But while generality is not objectionable so long as the subject of the legislation is fairly suggested, yet where the title is so very vague and general as not to furnish any intimation at all of the actual contents of the act, and is therefore calculated to mislead the legislature and the public, it will be declared unconstitutional.”); see *Jensen*, 40 Haw. at 608 (“the title should not be so worded as to mislead by appearing to provide merely for the purpose and use of voting machines”). Although *Dondero* concerned the title requirement in the City Charter, the Hawai`i Supreme Court has used the same standard for interpreting the Hawai`i Constitution. E.g., *Villon v. Marriott Hotel Servs., Inc.*, 130 Hawai`i 130, 140 306 P.3d 175, 185 (2013) (citing *Dondero* for interpretation of the constitutional title requirement); *Schwab v. Ariyoshi*, 58 Haw. 25, 33-34, 564 P.2d 135, 140-41 (1977) (same); accord *LWV*, 150 Hawai`i at 200, 499 P.3d at 400.

Keeping in mind the intent of the title requirement to apprise the public of proposed legislation, titles are unconstitutional if “too broad and amorphous.” 1A Sutherland § 18:2 at 45. “[T]he title must be such as to reasonably apprise the public of the interests that are or may be affected by the statute.” *In re Goddard*, 35 Haw. 203, 208 (Terr. 1939) (citing 1 Cooley at 300); *Taomae v. Lingle*, 108 Hawai`i 245, 252, 118 P.3d 1188, 1195 (2005) (“The titles of those bills provided the public with clear notice concerning the nature and context of the legislation and, thus, alerted the citizenry to the opportunity to legislatively comment and debate those bills in a meaningful way.”). A title is thus too broad and misleading if it fails to put a reasonable person on inquiry notice when that person is interested in the subject. *Schwab*, 58 Haw. at 34, 564 P.2d at 141 (title constitutional if it “fairly indicates to the ordinary mind the general subject of the act”); 1A Sutherland § 18:2 at 48 (“All that is necessary is that anyone interested in

or affected by the subject matter be put on inquiry”); 26 Am. & Eng. Encyclopedia of Law at 580-82 (“But the title must at least give a reasonable intimation of the subject dealt with, and the courts do not hesitate to declare void an act whose title is misleading in that it does not express the real subject of the act so as to put the legislature and those persons who are to be affected thereby on inquiry into its contents.”).²

“Relating to Government” provides fair notice of *nothing*. See 1A Sutherland at 93 (“[T]he words ‘economic development’ were too broad and amorphous to describe the subject of a pending bill with the precision necessary to provide notice of its contents.”). Every proposal considered by the Legislature concerns “Government” – either in the form of government operations, government action, or government regulation. If “Relating to Government” is constitutional, then every bill can use that title, and the subject-in-title requirement becomes a meaningless formalism contrary to the founders’ intent. “Government” is not a fair expression of a single subject as required by article III, section 14.

Titles must be constitutionally examined from the perspective of the public faced with the daunting task of reviewing thousands of bills after the bill introduction deadline to determine whether their interests will be impacted. As reflected in the case law and constitutional tradition, there must be a constitutional limit to when a legislative title is too broad. S.B. 935’s title is the most egregious possible violation of the subject-in-title requirement. It provides no notice to the public concerning the proposal’s content (*LWV, Taomae, Schwab, Goddard*), and worse, it obscures and conceals the proposal’s purpose and effect, misleading the public (*Dondero, Jensen*).

Act 290 is a plain, clear, manifest and unmistakable violation of the subject-in-title requirement of article III, section 14.

² Consistent with Hawai‘i precedent and constitutional treatises, the State’s legislative drafting manual explains: “The drafter should take care, however, to avoid a title that is so broad or general that it fails to fairly express the one subject of the bill.” Legislative Reference Bureau, Hawai‘i Legislative Drafting Manual (11th ed. 2022) at 7, at lrb.hawaii.gov/wp-content/uploads/2022_HawaiiLegislativeDraftingManual.pdf.

B. Short Forms Do Not Meet the Bill Introduction Deadline.

The Hawai`i Constitution requires that *bills* must be introduced by a set deadline every session to provide the public and legislators with notice of what issues will be considered during the session. “Short form” documents with no substantive content provide no notice and simply are not bills under the Hawai`i Constitution. Thus, Act 290 violated the constitutional notice requirements because S.B. 935 – as introduced before the deadline – was only a “short form” document.

The 1978 constitution required the State to limit the period for introducing bills. Haw. Const. art. III, § 12 (“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.”). “The bill introduction deadline was added 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.’” *LWV*, 150 Hawai`i at 202, 499 P.3d at 402 (quoting with added emphasis Stand. Comm. Rep. No. 46 in 1 Proceedings of the Constitutional Convention of Hawai`i of 1978 at 603 [Ex. 8]); 2 Proceedings of the Constitutional Convention of Hawai`i of 1978 at 278 (remarks of Legislature Committee Chair Nishimoto) [Ex. 8] (“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.”).

In 1984, the bill-introduction deadline provision was amended with the express intent to give the public more time to review bills. *LWV*, 150 Hawai`i at 202-03, 499 P.3d at 402-03. The 1984 amendment allowed the Legislature to set an earlier deadline for bill introduction and focus on prefiling bills before the session started.³ Stand. Comm. Rep. No. 417-84, in 1984 House Journal at 1031 [Ex. 8]. “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

³ The 1984 amendment eliminated prior language that provided the bill-introduction deadline must be no earlier than the 20th day of session.

to research the issues and prepare more detailed and thoughtful testimony.” *Id.* The amendment was expected “to allow for a more deliberative, open, and rational legislative process. The result should be better legislation.” *Id.* at 1032.

The bill-introduction deadline, however, does not serve its constitutional function if the introduced “bills” have no content. Citizens cannot “review every bill that will ever be introduced” and prepare “detailed and thoughtful testimony” if the body of the bill says nothing about its purpose.

Moreover, a “short form” document simply is not a “bill” within the meaning of the Hawai`i Constitution. As the Hawai`i Supreme Court explained, a bill—for constitutional purposes—“consists of the number, title, and body.” *LWV*, 150 Hawai`i at 200, 499 P.3d at 400. The body is the “substance of the bill.” *Id.* at 194, 499 P.3d at 394. “[I]f the body of the bill is so changed as to constitute a different bill, then it is no longer the same bill.” *Id.* at 200, 499 P.3d at 400. Thus, a proposal with no substance at all is not a bill. *See id.; accord D.M.C. Corp. v. Shriver*, 461 S.W.2d 389, 392 (Tenn. 1970) (“a ‘bill’ introduced in the Legislature containing only a title is not a ‘bill’ within the meaning of this word as used in the [Tennessee Constitution]”).

As introduced before the bill-introduction deadline, S.B. 935 had no substantive content. No one reviewing the bill on January 23, 2025—the bill-introduction deadline—would know anything about what the bill proposed to do, what interests would be impacted, what issues to research, or what testimony to possibly submit. S.B. 935 never should have become law.

C. The Hawai`i Constitution Requires a Meaningful Opportunity for Public Participation in the Legislative Process.

Fundamental principles of democracy require that the people of Hawai`i have a meaningful opportunity to comment on legislation. “The constitutional framers designed the legislative process with interdependent requirements of mid-session recess, bill introduction deadline, and final printing in order to allow the public to identify bills of interest, familiarize themselves with a bill’s contents during the mid-session recess, provide meaningful input, and monitor their progress through enactment.” *LWV*, 150 Hawai`i at 203, 499 P.3d at 403. These interconnected

constitutional provisions “depend upon a meaningful interpretation . . . in order to effectuate their stated purposes.” *Id.*

Public participation in the legislative process is an important and constitutionally protected right. *E.g., Taomae*, 108 Hawai`i at 253, 118 P.3d at 1196 (“[T]here must be public participation as ordinarily contemplated in the case of statutory legislation.”). The subject-in-title and bill-introduction requirements of the Hawai`i Constitution ensure that the public is fairly apprised of the subjects of proposed legislation and has a reasonable opportunity to express a position. *Id.* at 252, 118 P.3d at 1195 (“The titles of those bills provided the public with clear notice concerning the nature and context of the legislation and, thus, alerted the citizenry to the opportunity to legislatively comment and debate those bills in a meaningful way.”); *LWV*, 150 Hawai`i at 202, 499 P.3d at 402. This deliberate collective process among legislators and the public avoids the dangers of rushed and half-baked legislation. *Taomae*, 108 Hawai`i at 252, 118 P.3d at 1195 (“The procedure followed hereunder eliminated the mature deliberation, amendment and compromise usually necessary to produce sound and lasting legislation”); *LWV*, 150 Hawai`i at 202-03, 499 P.3d at 402-03.

Providing the public with no notice – by title or content – of the purpose of proposed legislation eviscerates the subject-in-title and bill-introduction requirements. This process undermines public confidence and may lead to less thoughtful legislation. The League is entitled to declaratory relief that holds the State to the constitutionally required minimum process for enacting legislation.

CONCLUSION

The League respectfully requests that this Court grant summary judgment in favor of the League of Women Voters of Hawaii and declare that (1) the State violated the subject-in-title and bill-introduction requirements of article III, sections 12 and 14 of the Hawai`i Constitution by enacting Act 290, and (2) Act 290 is void as unconstitutional.

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

/s/ Robert Brian Black
ROBERT BRIAN BLACK
BENJAMIN M. CREPS
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813
Tel. (808) 531-4000
brian@publicfirstlaw.org
ben@publicfirstlaw.org
Attorneys for League of Women Voters of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 1CCV-25-1456 JJK
(Declaratory Judgment)

DECLARATION OF R. BRIAN BLACK

DECLARATION OF R. BRIAN BLACK

1. I am an attorney for the Plaintiff in this action. I make this declaration in support of the Motion for Summary Judgment based on personal knowledge and review of public records.

2. The Legislature for the State of Hawai'i maintains a website at capitol.hawaii.gov where it keeps official records of its proceedings.

3. Attached as Exhibit 1 is a true and correct copy of the 2025 Legislative Timetable, signed on November 25, 2024, by Senate President Ronald D. Kouchi and House Speaker Nadine K. Nakamura, that I downloaded from capitol.hawaii.gov at <https://www.capitol.hawaii.gov/docs/sessioncalendar2025.pdf>.

4. Attached as Exhibit 2 is a true and correct copy of S.B. 935 (2025) as originally introduced and signed by Senator Dru Mamo Kanuha (Senate Majority Leader), that I downloaded from capitol.hawaii.gov at https://www.capitol.hawaii.gov/sessions/session2025/bills/SB935_.PDF.

5. Attached as Exhibit 3 is a true and correct copy of excerpts from the Senate Journal for January 21, 2025, that I downloaded from capitol.hawaii.gov at https://www.capitol.hawaii.gov/journal/senate/2025/ADVANCE_01-21-25_Day_04.pdf.

6. Attached as Exhibit 4 is a true and correct copy of Senate Standing Committee Report No. 708, dated February 19, 2025, from the February 18, 2025 Senate Ways & Means Committee meeting, as signed by Committee Chair Senator Donovan M. Dela Cruz, that I downloaded from capitol.hawaii.gov at https://www.capitol.hawaii.gov/sessions/session2025/CommReports/SB935_SD1_SS_CR708_.pdf.

7. Attached as Exhibit 6 is a true and correct copy of Governor's Message No. 1393, dated July 3, 2025, attaching a copy of Act 290 (2025), that I downloaded from capitol.hawaii.gov at https://www.capitol.hawaii.gov/sessions/session2025/bills/GM1393_.PDF.

8. Attached as Exhibit 7 is a compilation of the history of constitutional provisions concerning the subject-in-title requirement from the Kingdom of Hawai'i to the current Hawai'i Constitution.

9. Attached as Exhibit 8 is a compilation of relevant excerpts from the Proceedings of the 1978 Constitutional Convention and from House Standing Committee Report No. 417-84, in the 1984 House Journal, regarding the bill-introduction requirement in the Hawai'i Constitution.

I, R. BRIAN BLACK, do declare under penalty of law that the foregoing is true and correct.

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

/s/ R. Brian Black
R. BRIAN BLACK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 1CCV-25-1456 JJK
(Declaratory Judgment)

DECLARATION OF JUDITH MILLS
WONG

DECLARATION OF JUDITH MILLS WONG

1. I am the President of Plaintiff League of Women Voters of Hawaii. I make this declaration in support of the Motion for Summary Judgment based on personal knowledge.

2. Attached as Exhibit 5 is a true and correct copy of a letter that I sent to Governor Josh Green on June 17, 2025, regarding concerns with S.B. 935, CD 1.

I, JUDITH MILLS WONG, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, October 3, 2025


JUDITH MILLS WONG

Exhibit 1

2025 LEGISLATIVE TIMETABLE

J A N U A R Y	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	18 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		

F E B R U A R Y	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
							1
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	15
16	17 PRESIDENTS' DAY	18	19	20	21	22	22
23	24	25	26	27	28	29	30
			Last Day of Mandatory 5-Day Recess		Mandatory 5-Day Recess Begins	First Decking (Bills)	

M A R C H	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
							1
2	3	RECESS #3	4	RECESS #4	First Crossover (Bills)	Substantive Reso Cutoff	8
9	10	Budget Decking	11	Budget Crossover	12	13	15
16	17	18	19	20	21	22	
23	24	25	26	KUHIO DAY	27	28	29
30	31						

A P R I L	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3 First Crossover (Concurrent Resos)	4 Second Decking (Bills)	5
6	7	RECESS #5	8	RECESS #6	10 Second Crossover (Bills) & Disagree	11	12
13	14	15	16	17	17 Constitutional Amendments	18 GOOD FRIDAY	19
20	21 Second Crossover (Concurrent Resos)	22	23	24	24 Final Decking (Non-Fiscal Bills)	25 Final Decking (Fiscal Bills)	26
27	28	RECESS #7	RECESS #8	30			

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

Ronald D. Kouci

Ronald D. Kouci
President of the Senate

11/25/24

Date

Nadine K. Nakamura

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 Feb. 26 th (Wed)		Mandatory 5-day recess.
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. Deadline for transmittal of final form of Constitutional Amendments to the Governor.
April 21 st (Mon)	54 th	Second Crossover for concurrent resolutions. Last day to pass concurrent resolutions that were amended by the receiving (non-originating) body.
April 24 th (Thur)	57 th	Last day to file non-fiscal bills to deck for Final Reading.
April 25 th (Fri)	58 th	Last day to file fiscal bills to deck for Final Reading.
April 28 th (Mon)		One-day recess.
April 29 th (Tues)		One-day recess.
May 1 st (Thurs)		One-day recess.
May 2 nd (Fri)	60 th	Adjournment Sine Die.



Ronald D. Kouchi
President of the Senate

11/25/24

Date



Nadine K. Nakamura
Speaker of the House

11/25/24

Date

Exhibit 2

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 3

FOURTH DAY

Tuesday, January 21, 2025

The Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025, convened at 9:30 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators Chang and Ihara who were excused.

The President announced that he had read and approved the Journal of the Third Day.

At this time, Senator Wakai introduced Glen Hunter, special assistant to the governor of the Northern Mariana Islands, who was in the state for a teleconference convention and was seated in the gallery.

FIRST READING

On motion by Senator Wakai, seconded by Senator DeCorte and carried, the following bills passed First Reading by title and were deferred:

		S.B. No. 721	"A BILL FOR AN ACT RELATING TO THE ESTATE TAX."
		S.B. No. 722	"A BILL FOR AN ACT RELATING TO PROPERTY FORFEITURE."
		S.B. No. 723	"A BILL FOR AN ACT RELATING TO SHORELINE SETBACKS."
		S.B. No. 724	"A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER REDEMPTION."
		S.B. No. 725	"A BILL FOR AN ACT RELATING TO BAIL."
		S.B. No. 726	"A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
		S.B. No. 727	"A BILL FOR AN ACT RELATING TO HEALTH."
		S.B. No. 728	"A BILL FOR AN ACT RELATING TO FIREARMS POSSESSION."
		S.B. No. 729	"A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."
		S.B. No. 730	"A BILL FOR AN ACT RELATING TO ALLOWANCE ON SERVICE RETIREMENTS."
		S.B. No. 731	"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
		S.B. No. 732	"A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY."
		S.B. No. 733	"A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO ESTABLISH A CONTINUOUS LEGISLATIVE SESSION."
		S.B. No. 734	"A BILL FOR AN ACT RELATING TO SOCIAL WORK."
		S.B. No. 735	"A BILL FOR AN ACT RELATING TO HEALTH."
		S.B. No. 736	"A BILL FOR AN ACT RELATING TO SCHOOL MEALS."
		S.B. No. 737	"A BILL FOR AN ACT RELATED TO TOXIC CHEMICALS."
		S.B. No. 738	"A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT."
		S.B. No. 739	"A BILL FOR AN ACT RELATING TO LAND EXCHANGE."
		S.B. No. 740	"A BILL FOR AN ACT RELATING TO SPECIAL PERMITS."
		S.B. No. 741	"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
		S.B. No. 742	"A BILL FOR AN ACT RELATING TO DATA SHARING."
		S.B. No. 743	"A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
S.B. No. 704	"A BILL FOR AN ACT RELATING TO THE EARNED INCOME TAX CREDIT."		
S.B. No. 705	"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM."		
S.B. No. 706	"A BILL FOR AN ACT RELATING TO INSURANCE."		
S.B. No. 707	"A BILL FOR AN ACT RELATING TO LAVA ZONE INSURANCE."		
S.B. No. 708	"A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR CLINICAL PSYCHOLOGISTS."		
S.B. No. 709	"A BILL FOR AN ACT RELATING TO MENTAL HEALTH."		
S.B. No. 710	"A BILL FOR AN ACT RELATING TO CHILD WELFARE."		
S.B. No. 711	"A BILL FOR AN ACT RELATING TO GUBERNATORIAL APPOINTMENTS."		
S.B. No. 712	"A BILL FOR AN ACT RELATING TO THE PRESCHOOL OPEN DOORS PROGRAM."		
S.B. No. 713	"A BILL FOR AN ACT RELATING TO MEDICAID."		
S.B. No. 714	"A BILL FOR AN ACT RELATING TO MEDICAID."		
S.B. No. 715	"A BILL FOR AN ACT RELATING TO MEDICAID."		
S.B. No. 716	"A BILL FOR AN ACT RELATING TO HAWAII EMPLOYMENT SECURITY LAW."		
S.B. No. 717	"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."		
S.B. No. 718	"A BILL FOR AN ACT RELATING TO EQUITY."		
S.B. No. 719	"A BILL FOR AN ACT RELATING TO SUGAR-SWEETENED BEVERAGES."		
S.B. No. 720	"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."		

S.B. No. 893	“A BILL FOR AN ACT RELATING TO THE ECONOMY.”	S.B. No. 920	“A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION.”
S.B. No. 894	“A BILL FOR AN ACT RELATING TO EDUCATION.”	S.B. No. 921	“A BILL FOR AN ACT RELATING TO LABOR.”
S.B. No. 895	“A BILL FOR AN ACT RELATING TO EDUCATION.”	S.B. No. 922	“A BILL FOR AN ACT RELATING TO TECHNOLOGY.”
S.B. No. 896	“A BILL FOR AN ACT RELATING TO EDUCATION.”	S.B. No. 923	“A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT.”
S.B. No. 897	“A BILL FOR AN ACT RELATING TO ENERGY.”	S.B. No. 924	“A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.”
S.B. No. 898	“A BILL FOR AN ACT RELATING TO ENERGY.”	S.B. No. 925	“A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.”
S.B. No. 899	“A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AFFAIRS.”	S.B. No. 926	“A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS.”
S.B. No. 900	“A BILL FOR AN ACT RELATING TO GOVERNMENT.”	S.B. No. 927	“A BILL FOR AN ACT RELATING TO TRANSPORTATION.”
S.B. No. 901	“A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS.”	S.B. No. 928	“A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS.”
S.B. No. 902	“A BILL FOR AN ACT RELATING TO PROCUREMENT.”	S.B. No. 929	“A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS.”
S.B. No. 903	“A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS.”	S.B. No. 930	“A BILL FOR AN ACT RELATING TO WATER.”
S.B. No. 904	“A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.”	S.B. No. 931	“A BILL FOR AN ACT RELATING TO LAND.”
S.B. No. 905	“A BILL FOR AN ACT RELATING TO AGRICULTURE.”	S.B. No. 932	“A BILL FOR AN ACT RELATING TO HARBORS.”
S.B. No. 906	“A BILL FOR AN ACT RELATING TO HEALTH.”	S.B. No. 933	“A BILL FOR AN ACT RELATING TO THE STATE BUDGET.”
S.B. No. 907	“A BILL FOR AN ACT RELATING TO HUMAN SERVICES.”	S.B. No. 934	“A BILL FOR AN ACT RELATING TO THE STATE BUDGET.”
S.B. No. 908	“A BILL FOR AN ACT RELATING TO HOMELESSNESS.”	S.B. No. 935	“A BILL FOR AN ACT RELATING TO GOVERNMENT.”
S.B. No. 909	“A BILL FOR AN ACT RELATING TO HIGHER EDUCATION.”	S.B. No. 936	“A BILL FOR AN ACT RELATING TO GOVERNMENT.”
S.B. No. 910	“A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS.”	S.B. No. 937	“A BILL FOR AN ACT RELATING TO STATE FUNDS.”
S.B. No. 911	“A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.”	S.B. No. 938	“A BILL FOR AN ACT RELATING TO TAXATION.”
S.B. No. 912	“A BILL FOR AN ACT RELATING TO HOUSING.”	S.B. No. 939	“A BILL FOR AN ACT RELATING TO CLIMATE CHANGE.”
S.B. No. 913	“A BILL FOR AN ACT RELATING TO HOUSING.”	S.B. No. 940	“A BILL FOR AN ACT RELATING TO SCHOOL MEALS.”
S.B. No. 914	“A BILL FOR AN ACT RELATING TO HOUSING.”	S.B. No. 941	“A BILL FOR AN ACT RELATING TO GREEN BONDS.”
S.B. No. 915	“A BILL FOR AN ACT RELATING TO CRIME.”	S.B. No. 942	“A BILL FOR AN ACT RELATING TO RENTAL APPLICATIONS.”
S.B. No. 916	“A BILL FOR AN ACT RELATING TO THE JUDICIARY.”	S.B. No. 943	“A BILL FOR AN ACT RELATING TO HEALTH.”
S.B. No. 917	“A BILL FOR AN ACT RELATING TO ELECTIONS.”	S.B. No. 944	“A BILL FOR AN ACT RELATING TO THE LOW-INCOME HOUSING TAX CREDIT.”
S.B. No. 918	“A BILL FOR AN ACT RELATING TO ETHICS.”	S.B. No. 945	“A BILL FOR AN ACT RELATING TO DOULAS.”
S.B. No. 919	“A BILL FOR AN ACT RELATING TO THE PENAL CODE.”		

Exhibit 4

STAND. COM. REP. NO. 708

Honolulu, Hawaii

FEB 19 2025

RE: S.B. No. 935
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 935 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the law relating to government.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language that amends provisions of the Employees' Retirement System by:

- (1) Setting the retirement allowance for a member who has credited service as a judge after January 1, 2025, irrespective of age, at 1.75 per cent of the member's average final compensation for each year of credited service as a judge;
- (2) Including sheriffs and deputies among police officers, firefighters, corrections officers, investigators of the Department of the Prosecuting Attorney, investigators of the Department of the Attorney General, narcotics enforcement investigators, and law enforcement



investigations staff investigators with regard to their retirement allowance rate;

- (3) Reducing from ten years to five years the minimum number of years of credited service that qualified Tier 2 Employees' Retirement System members must have in order to be eligible for vested benefit status for service retirement allowance purposes; and
- (4) Increasing employer contributions to offset the resulting liability.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 935, as amended herein, and recommends that it be recommitted to your Committee on Ways and Means in the form attached hereto as S.B. No.935, S.D.1, for further consideration.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 935	Committee Referral: WAM	Date: 2-18-2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input checked="" type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn				X
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**

Exhibit 5



P. O. Box 235026 | Honolulu, HI 96823-3500
| hawaiilwv@gmail.com

The Honorable Josh Green, M.D.
Governor of Hawaii
Executive Chambers
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Governor Green:

The League of Women Voters opposes S.B. No. 935, CD1 and respectfully requests that you veto this measure. The CD1 version of the measure lowers the retirement allowance for a State employee 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. In addition, the measure 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.

Policy Concerns

This bill will take effect immediately (July 1, 2025) but affects employees hired after June 30, 2031, who first earn retirement benefits as judges. Our understanding is that Hawaii's Tier 2 Class H employee group is large (that is any employee who first joined the Employee Retirement system after June 30, 2012), so we are at a loss to understand why judges are singled out for this future reduction in benefits.

We do not want the carve-out of retirement benefits in this measure to be misinterpreted as political pressure by the Legislature on the Hawaii Judiciary. Arbitrary reductions to retirement benefits for judges without similar reductions to retirement benefits for legislators implicitly threatens judicial independence. The Hawaii League of Women Voters supports judicial independence as necessary for the Hawaii State Judiciary to operate as a co-equal third branch of government.

The Judiciary itself and the Judicial Selection Commission are prepared to explain the negative impacts this measure is likely to create for recruitment and retention of judges, particularly mid-career attorneys who undoubtedly expect good retirement benefits as well as adequate salaries. Hawaii's citizens rely on judges who can focus on the very important work at hand, without worry about their retirement finances.

We do recognize that both executive and legislative branches of our government have legitimate and serious responsibilities to establish and maintain reasonable retirement benefits for public employees. The measure proposes to study the impact of reducing future credited service years from 10 to 5 and allocates \$300 thousand for this purpose. No doubt this will make possible a cost-benefit analysis for the proposed change. Voters would also like to know the projected saving from the reduction in future judges' retirement benefits proposed in this bill; this consideration does not seem to be available in Committee Reports available to the public through the Legislative website.

Process Concerns

We hope there will be a review of Constitutional concerns already brought to our attention, including an apparent insufficient bill title, "Relating to Government." It was impossible to determine the subject of S.B. 359 until weeks after the Constitutional deadline for bill introduction. Despite explicit Constitutional requirements, the title of S.B. 359 ("Relating to Government") does not disclose the subject of S.B. 359. Moreover, despite explicit Constitutional requirements, S.B. 359 was still a non-substantive short form bill for weeks after the Constitutional deadline for bill introduction. These process problems also justify your veto,

Thank you for considering our request,

Sincerely,



Judith M. Wong

President

League of Women Voters of Hawaii

Exhibit 6

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

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

PART I

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

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

(1) Class A shall consist of:

(A) ~~[Judges]~~ Members first employed as judges before July 1, 2031, elected officials, and legislative officers;

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

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



1 absence, not making the election to become a
2 class C member as provided in part VII or to
3 become a class H member as provided in part VIII;
4 (D) The following members in service prior to July 1,
5 2006, including those who are on approved leave
6 of absence, not making the election to become a
7 class H member as provided in part VIII:
8 (i) Members whose salaries are set forth in
9 sections 26-52 and 26-53 and their county
10 counterparts, managing directors or an
11 administrative assistant to the mayor, other
12 county department heads, and agency heads
13 appointed and subject to removal by the
14 mayor;
15 (ii) First deputies appointed by the county
16 attorney and prosecuting attorney;
17 (iii) The county clerk and deputy county clerk of
18 each county;
19 (iv) The directors of the offices of council
20 services of the county of Maui and the city
21 and county of Honolulu;



- 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;

7 (B) All employees, including former retirants, who
8 were members on July 1, 1957, who elected not to
9 be covered by the Social Security Act; and

10 (C) All employees, including former retirants, 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)."

16 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.

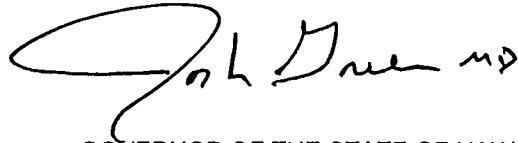
5 SECTION 6. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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


A handwritten signature in black ink, appearing to read "Josh Green" with a stylized flourish at the end.


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 7

Acts and Laws, shall be:—"Be it enacted by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled."

ART. 102. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

ART. 103. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws now enacted, or that may hereafter be enacted, contrary to this Constitution, shall be null and void.

ART. 104. This Constitution shall be in force from the first Monday of December in the year one thousand eight hundred and fifty-two; but that there may be no failure of justice, or danger to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the powers to them granted, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of their trusts, employments and authority, until new appointments or elections shall take place under this Constitution.

MODE OF AMENDING THE CONSTITUTION.

ART. 105. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of the members of each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the election of the next House of Representatives; and if, in the next Legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each house, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

KAMEHAMEHA.

KEONI ANA.

for the two preceding years, and the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

ARTICLE 76. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King, and the Legislature of the Hawaiian Kingdom."

ARTICLE 77. To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 78. Wherever by this Constitution any Act is to be done or performed by the King or the Sovereign, it shall, unless otherwise expressed, mean that such Act shall be done and performed by the Sovereign by and with the advice and consent of the Cabinet.

ARTICLE 79. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.

ARTICLE 80.—The Cabinet shall have power to make and publish all necessary rules and regulations for the holding of any election or elections under this Constitution, prior to the passage by the Legislature of appropriate laws for such purpose, and to provide for administering to officials, subjects and residents the oath to support this Constitution. The first election hereunder shall be held within ninety days after the promulgation of this Constitution, and the Legislature then elected may be convened at Honolulu upon the call of the Cabinet Council, in extraordinary session at such time as the Cabinet Council may deem necessary, thirty days notice thereof being previously given.

ARTICLE 81. This Constitution shall be in force from the 7th day of July, A. D. 1887, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the power to them granted. Such officers shall take an oath to support this Constitution, within sixty days after the promulgation thereof.

ARTICLE 82. Any amendment or amendments to this Constitution may be proposed in the Legislature, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its jour-

ARTICLE 63.—TITLE OF LAWS.

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

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

ARTICLE 64.—READINGS OF BILLS.

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

ARTICLE 65.—CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

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 Chairman and Clerk and sent to the other House for consideration.

ARTICLE 66.—SIGNING BILLS.

Except as herein provided, all Bills passed by the Legislature shall, in order to be valid, be signed by the President.

ARTICLE 67.—VETO OF PRESIDENT.

Every Bill which shall have passed the Legislature shall be certified by the Chairman and Clerk of the House last considering it, and shall thereupon be presented to the President. If he approves it, he shall sign it and it shall become a law. If the President does not approve such bill, he may return it, with his objections, to the Legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

ENACTING CLAUSE—ENGLISH LANGUAGE.

SEC. 44. That the enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

All legislative proceedings shall be conducted in the English language.

TITLE OF LAWS.

SEC. 45. That each law shall embrace but one subject, which shall be expressed in its title.

READING OF BILLS.

SEC. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That 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.

SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor.

VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

Privileges of Members

Section 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

Disqualifications of Members

Section 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

Salary and Allowances

Section 10. The members of the legislature shall receive such salary and allowances as may be prescribed by law, but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.

Sessions

Section 11. Regular sessions of the legislature shall be held annually. The governor may convene the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as "general sessions" and regular sessions in even numbered years shall be known as "budget sessions".

Budget Sessions

At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article.

The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house.

The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Sessions; Commencement; Duration

Regular sessions shall commence at 10:00 o'clock a. m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

Adjournment

Section 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

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.

Quorum; Compulsory Attendance

Section 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Bills; Enactment

Section 15. 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".

Passage of Bills

Section 16. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Approval or Veto

Section 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor.

If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

Reconsideration After Adjournment

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclama-

Exhibit 8

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

rules. The Chair asks that if members of the committee have questions regarding these amendments, please ask the mover of the amendment any questions you may have during recess if at all possible; we can save some time by avoiding questions between movants and individuals who have concerns if they use the recess period. Some other reminders--recess will be taken only when necessary and for good reason. The recesses will not be lengthy, and we ask that you please put your legal questions in writing and submit them to legal counsel. I also ask as a rule that when you rise to speak for or against the amendment, you so state your position before beginning your arguments. And I again remind the delegates of the time limitations. The clerk, as well as the Chair, will tally the number of times you speak; the limitation is twice, as you all know--the first time for 10 minutes, the second time for 5. The Chair, however, will recognize that if the movant desires to speak last to an amendment, he or she will have the option to take either the 5- or 10-minute period at the end. We also expect the movant to speak to the motion to explain the purpose of an amendment.

DELEGATE SHON: Mr. Chairman, point of information.

CHAIRMAN: Delegate Shon.

DELEGATE SHON: Any general remarks that we might want to make in regard to the proposal, would that be after the chairman's remarks, before we get to the amendment?

CHAIRMAN: I had planned, Delegate Shon, to let the chairperson of the legislature committee speak first and then the initiators of two minority reports, but I suppose if it really doesn't fit with any amendment, we could allow some short things, although I would prefer to have the other discussion at the time an amendment is considered. Shall we play it by ear for the moment?

DELEGATE PETERSON: Mr. Chairman, point of privilege. Would it be possible, in view of the amount of time which we are spending in putting our amendments in order, for the clerk's office to give each amendment as submitted an alphabetical letter so that it can be more easily placed in some order? And for easier reference as we try and put it in order?

CHAIRMAN: Sounds quite possible. I'll discuss it with the clerk. Now that this Committee of the Whole is in session to consider Committee Proposal No. 8, may I call on Delegate Nishimoto.

DELEGATE NISHIMOTO: Mr. Chairman, I rise to speak in favor of standing Committee Proposal No. 8. The State's legislative authority is far less restrictive in Hawaii than in most other states. I believe this is so due to the trusting attitude of our people, who look to their elected officials to provide for their common good and welfare.

Mr. Chairman, your Committee on Legislature has completed a thorough examination of Article III. Your Committee held three informational meetings where majority and minority leadership members of both houses of the legislature were invited to share their views on the present legislative system and also to make recommendations in areas they felt needed improvement. Your Committee also held public hearings, at which time members of the public were allowed to testify on all matters concerning this article.

Your Committee acknowledges the need to study every facet of the legislature, from its structure to its procedures and its effective impact upon the people of the State. In addressing each of these areas, your Committee sought remedies that would aid our present legislative system so as to be more attentive to the needs of our contemporary society. In this regard, it is imperative that decisions to alter or modify our present system be carefully considered. In those areas where it was felt that changes were necessary, the committee advocates the utilization of general, as opposed to specific, guidelines.

Section 1 of Article III dealing with legislative power was not amended. Your Committee spent much time upon this section with regard to the issue of bicameralism versus unicameralism. It is your Committee's recommendation that the bicameral form of legislature be retained for this State. This recommendation is not the result of a mere refutation of those arguments in favor of unicameralism, but it is a reflection of the belief that the present system has done and continues to do the job effectively.

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

on Legislature, and the results of your Committee's deliberations are reflected in Committee Proposal No. 8. I would like to thank the members of my committee for their hard work and earnest efforts in putting this proposal together. I'd like to conclude by recommending that standing Committee Proposal No. 8 be seriously considered and voted on favorably by this Committee of the Whole. Thank you.

CHAIRMAN: Thank you, Delegate Nishimoto. Now we have three minority reports, two offered by Delegate Cabral, and if the delegate would care to speak on either or both at this time--

DELEGATE CABRAL: Yes, thank you, Mr. Chairman. Minority Report No. 6 on Committee Proposal No. 8 and Minority Report No. 7, also on Committee Proposal No. 8, were submitted by a minority of the Committee on Legislature which does not concur with parts of Standing Committee Report No. 46 and Committee Proposal No. 8, which recommend retention of the bicameral system and rejection of the unicameral. In the committee report, the majority committee states that it was not convinced that a unicameral system would be more effective than the bicameral and that proponents of unicameralism failed in their burden of proof to present favorable arguments.

The minority committee also disagrees with the part of Standing Committee Report No. 46 which recommends certain changes in the setting of legislative salaries and retention of the annual legislative session. In this regard, the minority committee has submitted amendments to Committee Proposal No. 8 addressing these topics. I would at this time ask that these two minority reports be submitted to the chief clerk for inclusion in the journal. I will address in depth the arguments that will be submitted on the proposed amendments when I introduce the amendments. Thank you.

CHAIRMAN: Thank you, Delegate Cabral. Delegate Barr is the prime signer of Minority Report No. 8--so, Delegate Barr.

DELEGATE BARR: Mr. Chairman, your delegate from up-country Maui, who is grateful to God that he saw home and family yesterday, begs leave to discuss this minority report at the time the amendment comes up.

CHAIRMAN: Thank you, Delegate Barr.

DELEGATE SHON: Mr. Chairman.

CHAIRMAN: Delegate Shon.

DELEGATE SHON: Yes, just very briefly I would like to speak generally in favor of the committee's work. First of all I'd like to say that I was one of those who did express reservations about the effect of the resolution on future work of the committee and other committees. I'd like to say now that was unfounded.

Secondly, I'd like to say that I found that the chairman and the leadership were open, cooperative and willing to work with all members of the committee, and I think this was excellent decision-making. And third I think that there are several features of this which really go a long way in improving the legislative process and they have been outlined by the chairman. They include the 5-day recess, which I think is a big plus, not only for legislators but for the public to review the various bills that have been introduced; the open meeting provision, which I think reaffirms our commitment to open government; and the change in the 24-hour rule to 48 hours, which is a significant doubling of the time in which legislators and the public can review final drafts. This particularly addresses one of the problems dealing with the conference committee. Now there would be twice as much time to review what the conference committee comes out with, and this was really one of the key problems in the past--that there wasn't enough time.

So in summary, Mr. Chairman, I think that the work of the committee will make the legislature more deliberative, more cautious, more informed, and more accessible to the public.

CHAIRMAN: Thank you, Delegate Shon. I think that was--well, perhaps a slight bending of the rules, but I'm sure the committee chairman and all the members appreciate that very much.

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.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 1CCV-25-1456 JJK
(Declaratory Judgment)

NOTICE OF HEARING

NOTICE OF HEARING

TO: Kaliko D. Fernandes
Lauren K. Chun
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813
Attorneys for Defendant

NOTICE IS HEREBY GIVEN that Plaintiff's Motion for Summary Judgment shall come on for hearing before the Honorable Jordon J. Kimura, Judge of the above-entitled court, in his courtroom at Ka`ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai`i 96813, on December 3, 2025, at 9:00 a.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawai`i, October 7, 2025

/s/ Robert Brian Black
ROBERT BRIAN BLACK
Attorney for League of Women Voters of Hawaii