



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2021

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

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB639 SD1 HD1 CD1, without my approval and with the statement of objections relating to the measure.

SB639 SD1 HD1 CD1

RELATING TO COURTS OF APPEAL.

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2021

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 639

Honorable Members  
Thirty-First Legislature  
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 639, entitled "A Bill for an Act Relating to Courts of Appeal."

The purpose of this bill is to amend chapter 602, Hawaii Revised Statutes by adding new sections designated "[s]ua sponte decisions" that would prohibit the appellate courts, when acting on a matter on appeal, from affirming, modifying, reversing, or vacating a matter on grounds other than those raised by the parties unless the parties are provided the opportunity to brief the court. If an appellate court fails to give the parties the opportunity to submit supplemental briefing, a rehearing shall be ordered upon timely petition of any party.

This bill is objectionable in part because the concerns raised by this bill have been addressed by the judiciary. The Supreme Court of Hawai'i has proposed an amendment to the Hawai'i Rules of Appellate Procedure to address the concerns raised by this bill and is currently seeking public comment on the proposal.

For the foregoing reasons, I am returning Senate Bill No. 639 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige", written in a cursive style.

DAVID Y. IGE  
Governor of Hawai'i