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December 23, 2024

Chair Colleen Hanabusa  
Commission on Salaries  
c/o Department of Human Resources Development  
Leiopapa A Kamehameha Building, Room 1202  
Honolulu, Hawaii 96813

RE: Rights and obligations of the Hawaii State Legislature pursuant to Art. XVI,  
section 3.5 of the Hawaii State Constitution

Dear Chair Hanabusa:

I am informed that you asked for written advice from the Department of the Attorney General as to whether the Hawaii State Constitution permits the Legislature to act on a yearly basis to defer the salary recommendations of the State Salary Commission if the Legislature did not initially disapprove of these recommendations.

At this time, the salary recommendations have not yet been submitted and the Hawaii State Legislature has not yet had an opportunity to act upon them. Consequently, there is no current proposal to defer the recommendations of the State Salary Commission. If that situation should arise, we will be prepared to answer questions as to its constitutionality. Currently, however, the question is hypothetical and we can not know the particular facts and circumstances that will exist or what justifications might be raised. Given this, we are respectfully declining to answer this hypothetical question at this time.

Very truly yours,

A handwritten signature in black ink that reads "Bryan C. Yee".

Bryan C. Yee  
Supervising Deputy Attorney General

APPROVED:

A handwritten signature in blue ink that reads "Anne E. Lopez".

Anne E. Lopez  
Attorney General