

**2011 LISTING OF OPINIONS
ISSUED BY THE ATTORNEY GENERAL
STATE OF HAWAII**

OPINION NO. (Date Issued)	DIGEST
11-01 (February 28, 2011)	48-hour review period for a bill. On Thursday, February 17, 2011, a Senate bill amended by the House was decked in the House. Article III, section 15, of the Hawaii Constitution provides, in part: "No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours." The 48-hour period was up on Saturday, a non-session day, so the House could not pass the bill on final reading until the next session day, Tuesday, February 22. It was believed that as soon as the House passed the bill, certified it, and sent it to the Senate on February 22, the Senate could pass the bill on final reading because the 48-hour review period for this bill for the Senate began when the bill was made available to the House on February 17. Attorney General Opinion No. 70-7 was cited as supporting this conclusion. However, that opinion addressed only the issue of whether the review period was satisfied in the House; it does not address the issue of whether the review period requirement is satisfied for both houses by the initial printing in one house. Article III, section 15, of the Hawaii Constitution requires a separate 48-hour period in the Senate after the House has passed, certified, and transmitted the final version of the bill to the Senate.
11-02 (October 19, 2011)	Tax filing status of civil union partners. Civil union partners under the State's Civil Union Act, (Act 1, SLH 2011), have the same tax filing status options as married couples for Hawaii income tax purposes for taxable years beginning after December 31, 2011. The definitions of "marriage" and "spouses" under the Defense of Marriage Act (DOMA), Pub. L. No. 104-199, which are limited to one man and one woman, may preclude civil union partners from filing jointly for federal income tax purposes but do not preclude civil union partners from filing joint tax returns for Hawaii income tax purposes.

Compiled by:
LEGISLATIVE REFERENCE BUREAU
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