

JAN 18 2007

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII
TO PROVIDE FOR A UNICAMERAL LEGISLATURE.

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

1 SECTION 1. Currently, the state legislature is comprised of
2 two houses that operate independently. This bicameral
3 legislative structure provides a system of checks and balances
4 to facilitate legislative deliberation, provide safeguards
5 against the passage of carelessly drafted legislation, and
6 promote openness in government by affording citizens more
7 opportunities to express their opinions. In recent years,
8 however, the system has become extremely cumbersome and
9 inefficient.

10 The existing bicameral system is replete with duplication in
11 committee structure, staffing, and legislation introduced.
12 Procedures and policies differ, sometimes substantially, between
13 the two houses, making it time-consuming, confusing, and more
14 difficult for citizen participation. Moreover, the two houses
15 often take diametrically-opposed positions on significant
16 issues, typically resulting in inaction or in important and
17 controversial decisions being made in conference committees,



S.B. NO. 126

1 where special interests can be more effective than in the more
2 open, deliberative processes of the standing committees.
3 A unicameral legislature would eliminate unnecessary
4 duplication and would provide better citizen access to the
5 legislative process. Conversion to a unicameral system would
6 result in immediate cost-savings as the total number of
7 legislators, staffing, and legislative measures would decrease.

8 The purpose of this Act is to amend the Constitution of the
9 State of Hawaii to:

- 10 (1) Change the legislature from a bicameral legislature with
11 a house of representatives and a senate to a unicameral
12 legislature with only one chamber, to be known as the
13 house of representatives, commencing after the general
14 election in November, 2008;
- 15 (2) Change the total number of legislators from seventy-six
16 to fifty-one representatives representing fifty-one
17 single-member districts, who serve staggered terms of
18 four years each; and to
- 19 (3) Change the composition of the reapportionment commission
20 to require four members to be appointed by the speaker
21 and minority leader of the house of representatives,
22 with appointees choosing the ninth member.



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

3 "ARTICLE III

4 THE ~~[LEGISLATURE]~~ HOUSE OF REPRESENTATIVES

5 LEGISLATIVE POWER

6 Section 1. ~~[The]~~ Commencing after the general election in
7 November, 2008, the legislative power of the State shall be
8 vested in a legislature, which shall consist of ~~[two houses, a~~
9 ~~senate and a]~~ one chamber and which shall be known as the house
10 of representatives. Such power shall extend to all rightful
11 subjects of legislation not inconsistent with this constitution
12 or the Constitution of the United States.

13 ~~[COMPOSITION OF SENATE~~

14 ~~Section 2. The senate shall be composed of twenty five~~
15 ~~members, who shall be elected by the qualified voters of the~~
16 ~~respective senatorial districts. Until the next reapportionment~~
17 ~~the senatorial districts and the number of senators to be~~
18 ~~elected from each shall be as set forth in the Schedule.]~~

19 COMPOSITION OF HOUSE OF REPRESENTATIVES

20 Section ~~[3.]~~ 2. The house of representatives shall be
21 composed of fifty-one members, who shall be elected by the
22 qualified voters of the respective single-member representative
23 districts. ~~[Until the next reapportionment, the]~~ The
24 representative districts ~~[and the number of representatives to~~



1 ~~be elected from each~~] shall be as set forth ~~[in the Schedule.]~~
2 by the reapportionment commission.

3 **ELECTION OF MEMBERS; TERM**

4 **Section** ~~[4.]~~ 3. Each member of the ~~[legislature]~~ house of
5 representatives shall be elected at an election. If more than
6 one candidate has been nominated for election to a seat in the
7 ~~[legislature,]~~ house of representatives, the member occupying
8 that seat shall be elected at a general election. If a
9 candidate nominated for a seat at a primary election is
10 unopposed for that seat at the general election, the candidate
11 shall be deemed elected at the primary election. The term of
12 office of a member of the house of representatives shall be ~~[two~~
13 ~~years and the term of office of a member of the senate shall be]~~
14 four years[-]; provided that of the representatives elected to
15 the term commencing after the general election in November,
16 2008, the members of the house of representatives shall serve
17 staggered terms of office as provided in Article IV, Section 7
18 of this constitution. The term of a member of the ~~[legislature]~~
19 house of representatives shall ~~[begin]~~:

20 (1) Begin on the day of the general election at which
21 elected or if elected at a primary election, on the day
22 of the general election immediately following the
23 primary election at which elected~~[. For a member of the~~
24 ~~house of representatives, the terms shall end on the day~~



1 ~~of the general election immediately following the day~~
2 ~~the member's term commences. For a member of the~~
3 ~~senate, the term shall end]; and~~

4 (2) End on the day of the second general election
5 immediately following the day the member's term
6 commences.

7 **VACANCIES**

8 **Section [5.] 4.** Any vacancy in the [~~legislature~~] house of
9 representatives shall be filled for the unexpired term in such
10 manner as may be provided by law, or, if no provision be made by
11 law, by appointment by the governor for the unexpired term.

12 **QUALIFICATIONS OF MEMBERS**

13 **Section [6.] 5.** [~~No person shall be eligible to serve as a~~
14 ~~member of the senate unless the person has been a resident of the~~
15 ~~State for not less than three years, has attained the age of~~
16 ~~majority and is, prior to filing nomination papers and thereafter~~
17 ~~continues to be, a qualified voter of the senatorial district~~
18 ~~from which the person seeks to be elected; except that in the~~
19 ~~year of the first general election following reapportionment, but~~
20 ~~prior to the primary election, an incumbent senator may move to a~~
21 ~~new district without being disqualified from completing the~~
22 ~~remainder of the incumbent senator's term. No person shall be~~
23 ~~eligible to serve as a member of the house of representatives~~
24 ~~unless the person has been a resident of the State for not less~~



1 ~~than three years, has attained the age of majority and is, prior~~
2 ~~to filing nomination papers and thereafter continues to be, a~~
3 ~~qualified voter of the representative district from which the~~
4 ~~person seeks to be elected, except that in the year of the first~~
5 ~~general election following reapportionment, but prior to the~~
6 ~~primary election, an incumbent representative may move to a new~~
7 ~~district without being disqualified from completing the remainder~~
8 ~~of the incumbent representative's term.] No person shall be~~
9 eligible to serve as a member of the house of representatives
10 unless the person shall have been a resident of the State for
11 not less than three years, have attained the age of majority and
12 be a qualified voter of the representative district from which
13 the person seeks to be elected; except that in the year of the
14 first general election following reapportionment, but prior to
15 the primary election, an incumbent representative may move to a
16 new district without being disqualified from completing the
17 remainder of the incumbent representative's term.

18 **PRIVILEGES OF MEMBERS**

19 **Section** ~~[7.]~~ 6. No member of the ~~[legislature]~~ house of
20 representatives shall be held to answer before any other
21 tribunal for any statement made or action taken in the exercise
22 of the member's legislative functions; and members of the
23 ~~[legislature shall,]~~ house of representatives, in all cases
24 except felony or breach of the peace, shall be privileged from



1 arrest during their attendance at the sessions of [~~their~~
2 ~~respective houses,~~] the house of representatives and in going to
3 and returning from the same.

4 **DISQUALIFICATIONS OF MEMBERS**

5 **Section** [~~8-~~] **7.** No member of the [~~legislature~~] house of
6 representatives shall hold any other public office under the
7 State, nor shall the member, during the term for which the
8 member is elected or appointed, be elected or appointed to any
9 public office or employment which shall have been created, or
10 the emoluments whereof shall have been increased, by legislative
11 act during such term. The term "public offices," for the
12 purposes of this section, shall not include notaries public,
13 reserve police officers or officers of emergency organizations
14 for civilian defense or disaster relief. The [~~legislature~~]
15 house of representatives may prescribe further
16 disqualifications.

17 **LEGISLATIVE ALLOWANCE**

18 **Section** [~~9-~~] **8.** The members of the [~~legislature~~] house of
19 representatives shall receive allowances reasonably related to
20 expenses as provided by law."

21 **SESSIONS**

22 **Section** [~~10-~~] **9.** The [~~legislature~~] house of representatives
23 shall convene annually in regular session at 10:00 o'clock a.m.
24 on the third Wednesday in January.



1 ~~[At the written request of two thirds of the members to~~
2 ~~which each house is entitled, the presiding officers of both~~
3 ~~houses shall convene the legislature in special session.]~~ At
4 the written request of two-thirds of all of the members of the
5 ~~[senate, the president of the senate]~~ house of representatives,
6 the speaker shall convene the ~~[senate]~~ house of representatives
7 in special session for the purpose of carrying out its
8 responsibility established by Section 3 of Article VI~~[-]~~ or for
9 other legislative business. The governor may convene ~~[both~~
10 ~~houses or]~~ the ~~[senate alone]~~ house of representatives in
11 special session.

12 Regular sessions shall be limited to a period of sixty days,
13 and special sessions shall be limited to a period of thirty
14 days. Any session may be extended a total of not more than
15 fifteen days. Such extension shall be granted by the ~~[presiding~~
16 ~~officers of both houses]~~ speaker of the house of representatives
17 at the written request of two-thirds of all of the members ~~[to~~
18 ~~which each house is entitled]~~ of the house of representatives or
19 may be granted by the governor.

20 Each regular session shall be recessed for not less than
21 five days at some period between the twentieth and fortieth days
22 of the regular session. The ~~[legislature]~~ house of
23 representatives shall determine the dates of the mandatory
24 recess by ~~[concurrent]~~ resolution. Any session may be recessed



1 by [~~concurrent~~] resolution adopted by a majority of all of the
 2 members [~~to which each house is entitled.~~] of the house of
 3 representatives. Saturdays, Sundays, holidays, the days in
 4 mandatory recess and any days in recess pursuant to a
 5 [~~concurrent~~] resolution shall be excluded in computing the
 6 number of days of any session.

7 All sessions shall be held in the capital of the State. In
 8 case the capital shall be unsafe, the governor may direct that
 9 any session be held at some other place.

10 **[ADJOURNMENT]**

11 ~~Section 11. Neither house shall adjourn during any session~~
 12 ~~of the legislature for more than three days, or sine die,~~
 13 ~~without the consent of the other.]~~

14 **ORGANIZATION; DISCIPLINE; RULES; PROCEDURE**

15 **Section** [~~12.~~] **10.** [~~Each house~~] The house of representatives
 16 shall be the judge of the elections, returns and qualifications
 17 of its [~~own~~] members and shall have, for misconduct, disorderly
 18 behavior or neglect of duty of any member, power to punish such
 19 member by censure or, upon a two-thirds vote of all the members
 20 [~~to which such house is entitled,~~] of the house of
 21 representatives, by suspension or expulsion of such member.
 22 [~~Each house~~] The house of representatives shall choose its [~~own~~]
 23 officers, determine the rules of its proceedings and keep a
 24 journal. The ayes and noes of the members on any question



1 ~~[shall]~~, at the desire of one-fifth of the members present,
2 shall be entered upon the journal.

3 Twenty days after a bill has been referred to a committee in
4 ~~[either house,]~~ the house of representatives, the bill may be
5 recalled from ~~[such]~~ that committee by the affirmative vote of
6 one-third of all of the members ~~[to which such house is~~
7 ~~entitled.]~~ of the house of representatives.

8 Every meeting or hearing of a committee in ~~[either house or~~
9 ~~of a committee comprised of a member or members from both~~
10 ~~houses]~~ the house of representatives held for the purpose of
11 making decision on matters referred to the committee shall be
12 open to the public.

13 By rule of its proceedings, ~~[applicable to both houses, each~~
14 ~~house]~~ the house of representatives shall provide for the date
15 by which all bills to be considered in a regular session shall
16 be introduced.

17 QUORUM; COMPULSORY ATTENDANCE

18 Section ~~[13.]~~ 11. A majority of ~~[the number of]~~ all of the
19 members ~~[to which each house is entitled]~~ of the house of
20 representatives shall constitute a quorum ~~[of such house]~~ for
21 the conduct of ordinary business, of which quorum a majority
22 vote shall suffice; but the final passage of a bill in ~~[each~~
23 ~~house]~~ the house of representatives shall require the vote of a
24 majority of all the members ~~[to which such house is entitled,]~~



1 of the house of representatives, taken by ayes and noes and
2 entered upon its journal. A smaller number than a quorum may
3 adjourn from day to day and may compel the attendance of absent
4 members in such manner and under such penalties as [~~each house~~]
5 the house of representatives may provide.

6 **BILLS; ENACTMENT**

7 **Section** [~~14.~~] **12.** No law shall be passed except by bill.
8 Each law shall embrace but one subject, which shall be expressed
9 in its title. The enacting clause of each law shall be, "Be it
10 enacted by the [~~legislature~~] house of representatives of the
11 State of Hawaii."

12 **PASSAGE OF BILLS**

13 **Section** [~~15.~~] **13.** No bill shall become law unless it shall
14 pass three readings in [~~each house~~] the house of representatives
15 on separate days. No bill shall pass third or final reading [~~in~~
16 ~~either house~~] unless printed copies of the bill in the form to
17 be passed shall have been made available to the members of [~~that~~
18 ~~house~~] the house of representatives for at least forty-eight
19 hours.

20 ~~[Every bill when passed by the house in which it originated,~~
21 ~~or in which amendments thereto shall have originated, shall~~
22 ~~immediately be certified by the presiding officer and clerk and~~
23 ~~sent to the other house for consideration.]~~



1 Any bill pending at the final adjournment of a regular
2 session in an odd-numbered year shall carry over with the same
3 status to the next regular session. [~~Before the carried over~~
4 ~~bill is enacted, it shall pass at least one reading in the house~~
5 ~~in which the bill originated.~~]

6 APPROVAL OR VETO

7 Section [~~16-~~] 14. Every bill which shall have passed the
8 [~~legislature~~] house of representatives shall be certified by the
9 [~~presiding officers and clerks of both houses~~] speaker and the
10 clerk of the house of representatives and shall thereupon be
11 presented to the governor. If the governor approves it, the
12 governor shall sign it and it shall become law. If the governor
13 does not approve such bill, the governor may return it, with the
14 governor's objections to the [~~legislature-~~] house of
15 representatives. Except for items appropriated to be expended
16 by the judicial and legislative branches, the governor may veto
17 any specific item or items in any bill which appropriates money
18 for specific purposes by striking out or reducing the same; but
19 the governor shall veto other bills, if at all, only as a whole.

20 The governor shall have ten days to consider bills presented
21 to the governor ten or more days before the adjournment of the
22 [~~legislature~~] house of representatives sine die, and if any such
23 bill is neither signed nor returned by the governor within that



1 time, it shall become law in like manner as if the governor had
2 signed it.

3 RECONSIDERATION AFTER ADJOURNMENT

4 The governor shall have forty-five days, after the
5 adjournment of the [~~legislature~~] house of representatives sine
6 die, to consider bills presented to the governor less than ten
7 days before such adjournment, or presented after adjournment,
8 and any such bill shall become law on the forty-fifth day unless
9 the governor by proclamation shall have given ten days' notice
10 to the [~~legislature~~] house of representatives that the governor
11 plans to return such bill with the governor's objections on that
12 day. The [~~legislature~~] house of representatives may convene at
13 or before noon on the forty-fifth day in special session,
14 without call, for the sole purpose of acting upon any such bill
15 returned by the governor. In case the [~~legislature~~] house of
16 representatives shall fail to so convene, such bill shall not
17 become law. Any such bill may be amended to meet the governor's
18 objections and, if so amended and passed, only one reading being
19 required in [~~each-house~~] the house of representatives for such
20 passage, it shall be presented again to the governor, but shall
21 become law only if the governor shall sign it within ten days
22 after presentation.

23 In computing the number of days designated in this section,
24 the following days shall be excluded: Saturdays, Sundays,



1 holidays and any days in which the [~~legislature~~] house of
 2 representatives is in recess prior to its adjournment as
 3 provided in section 10 of this article.

4 PROCEDURES UPON VETO

5 **Section** [~~17.~~] **15.** Upon the receipt of a veto message from
 6 the governor, [~~each house~~] the house of representatives shall
 7 enter the same at large upon its journal and proceed to
 8 reconsider the vetoed bill, or the item or items vetoed, and
 9 again vote upon such bill, or such item or items, by ayes and
 10 noes, which shall be entered upon its journal. If after such
 11 reconsideration such bill, or such item or items, shall be
 12 approved by a two-thirds vote of all of the members [~~to which~~
 13 ~~each house is entitled,~~] of the house of representatives, the
 14 same shall become law.

15 PUNISHMENT OF NONMEMBERS

16 **Section** [~~18.~~ ~~Each house~~] **16.** The house of representatives
 17 may punish by fine, or by imprisonment not exceeding thirty
 18 days, any person not a member of [~~either house~~] the house of
 19 representatives who shall be guilty of disrespect of [~~such~~
 20 ~~house~~] the house of representatives by any disorderly or
 21 contemptuous behavior in its presence or that of any committee
 22 thereof; or who [~~shall~~], on account of the exercise of any
 23 legislative function, shall threaten harm to the body or estate
 24 of any of the members of [~~such house,~~] the house of



1 representatives; or who shall assault, arrest or detain any
2 witness or other person ordered to attend [~~such house,~~] the
3 house of representatives, on the witness' or other person's way
4 going to or returning therefrom; or who shall rescue any person
5 arrested by order of [~~such house,~~] the house of representatives.

6 Any person charged with such an offense shall be informed in
7 writing of the charge made against the person and have
8 opportunity to present evidence and be heard in the person's own
9 defense.

10 IMPEACHMENT

11 Section [~~19,~~] 17. The governor and lieutenant governor, and
12 any appointive officer for whose removal the consent of the
13 [~~senate~~] house of representatives is required, may be removed
14 from office upon conviction of impeachment for such causes as
15 may be provided by law.

16 The house of representatives shall have the sole power of
17 impeachment of the governor and lieutenant governor and [~~the~~
18 ~~senate~~] the sole power to try such impeachments, and no such
19 officer shall be convicted without the concurrence of two-thirds
20 of the members of the [~~senate,~~] house of representatives. When
21 sitting for that purpose, the members of the [~~senate~~] house of
22 representatives shall be on oath or affirmation and the chief
23 justice shall preside. Subject to [~~the provisions of~~] this
24 paragraph, the [~~legislature~~] house of representatives may



1 provide for the manner and procedure of removal by impeachment
2 of such officers.

3 The ~~[legislature]~~ house of representatives shall by law
4 provide for the manner and procedure of removal by impeachment
5 of the appointive officers.

6 Judgments in cases of impeachment shall not extend beyond
7 removal from office and disqualification to hold and enjoy any
8 office of honor, trust or profit under the State; but the person
9 convicted may nevertheless be liable and subject to indictment,
10 trial, judgment and punishment as provided by law."

11 SECTION 3. Article IV, section 1, of the Constitution of
12 the State of Hawaii is amended to read as follows:

13 "REAPPORTIONMENT YEARS

14 **Section 1.** The year ~~[1973, the year 1981,]~~ 2005 and every
15 tenth year thereafter shall be reapportionment years."

16 SECTION 4. Article IV, section 2, of the Constitution of
17 the State of Hawaii is amended to read as follows:

18 "REAPPORTIONMENT COMMISSION

19 **Section 2.** A reapportionment commission shall be
20 constituted on or before May 1 of each reapportionment year and
21 whenever reapportionment is required by court order. The
22 commission shall consist of nine members. The ~~[president of the~~
23 ~~senate and the]~~ speaker of the house of representatives and the
24 minority leader shall each select ~~[two]~~ four members. ~~[Members~~



1 ~~of each house belonging to the party or parties different from~~
2 ~~that of the president or the speaker shall designate one of~~
3 ~~their number for each house and the two so designated shall each~~
4 ~~select two members of the commission.]~~ The eight members so
5 selected, promptly after selection, shall be certified by the
6 selecting authorities to the chief election officer and within
7 thirty days thereafter, shall select, by a vote of six members,
8 and promptly certify to the chief election officer the ninth
9 member who shall serve as chairperson of the commission.

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

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



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

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

12 No member of the reapportionment commission or an
13 apportionment advisory council shall be eligible to become a
14 candidate for election to [~~either house of~~] the [~~legislature~~]
15 state house of representatives or to the United States House of
16 Representatives in either of the first two elections under any
17 such reapportionment plan.

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

21 The chief election officer shall be secretary of the
22 commission without vote and, under the direction of the
23 commission, shall furnish all necessary technical services. The



1 ~~[legislature]~~ house of representatives shall appropriate funds
2 to enable the commission to carry out its duties."

3 SECTION 5. Article IV, section 4, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 **"APPORTIONMENT AMONG BASIC ISLAND UNITS**

6 **Section 4.** The commission shall allocate the total number
7 of members of ~~[each house of]~~ the state ~~[legislature]~~ house of
8 representatives being reapportioned among the four basic island
9 units, namely: (1) the island of Hawaii, (2) the islands of
10 Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and
11 all other islands not specifically enumerated, and (4) the
12 islands of Kauai and Niihau, using the total number of permanent
13 residents in each of the basic island units and computed by the
14 method known as the method of equal proportions; except that no
15 basic island unit shall receive less than one member ~~[in each~~
16 ~~house]~~."

17 SECTION 6. Article IV, section 5, of the Constitution of
18 the State of Hawaii is repealed.

19 ~~[MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS~~

20 ~~**Section 5.** The representation of any basic island unit~~
21 ~~initially allocated less than a minimum of two senators and~~
22 ~~three representatives shall be augmented by allocating thereto~~
23 ~~the number of senators or representatives necessary to attain~~
24 ~~such minimums which number, notwithstanding the provisions of~~



1 ~~Sections 2 and 3 of Article III shall be added to the membership~~
2 ~~of the appropriate body until the next reapportionment. The~~
3 ~~senators or representatives of any basic island unit so~~
4 ~~augmented shall exercise a fractional vote wherein the numerator~~
5 ~~is the number initially allocated and the denominator is the~~
6 ~~minimum above specified.]~~

7 SECTION 7. Article IV, section 6, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 "APPORTIONMENT WITHIN BASIC ISLAND UNITS

10 Section ~~[6.]~~ 5. Upon the determination of the total number
11 of members of ~~[each house of]~~ the state ~~[legislature]~~ house of
12 representatives to which each basic island unit is entitled, the
13 commission shall apportion the members among the districts
14 therein and shall redraw district lines where necessary in such
15 manner that for each house the average number of permanent
16 residents per member in each district is as nearly equal to the
17 average for the basic island unit as practicable.

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

- 20 1. No district shall extend beyond the boundaries of any
21 basic island unit.
22 2. No district shall be so drawn as to unduly favor a
23 person or political faction.



1 3. Except in the case of districts encompassing more than
2 one island, districts shall be contiguous.

3 4. Insofar as practicable, districts shall be compact.

4 5. Where possible, district lines shall follow permanent
5 and easily recognized features, such as streets, streams and
6 clear geographical features, and, when practicable, shall
7 coincide with census tract boundaries.

8 ~~[6. Where practicable, representative districts shall be
9 wholly included within senatorial districts.~~

10 ~~7.]~~ 6. Not more than ~~[four members]~~ one member shall be
11 elected from any district.

12 ~~[8.]~~ 7. Where practicable, submergence of an area in a
13 larger district wherein substantially different socio-economic
14 interests predominate shall be avoided."

15 SECTION 8. Article IV, section 7, of the Constitution of
16 the State of Hawaii is amended to read as follows:

17 "SECTION 8. [SENATORS] REPRESENTATIVES

18 AFTER REAPPORTIONMENT

19 Section ~~[7.]~~ 6. Regardless of whether or not a ~~[senator]~~
20 representative is serving a term which would have extended past
21 the general election at which an apportionment plan becomes
22 effective, the term of office of all ~~[senators]~~ representatives
23 shall end at that general election. The staggered terms of
24 ~~[senators]~~ representatives in each district shall be recomputed



1 as established by the next section in this article, and the
2 number of [~~senators~~] representatives in a [~~senatorial~~]
3 representative district under the reapportionment plan of the
4 commission."

5 SECTION 9. Article IV, section 8, of the Constitution of
6 the State of Hawaii is amended to read as follows:

7 "STAGGERED TERMS FOR THE [~~SENATE~~]

8 HOUSE OF REPRESENTATIVES

9 Section [~~8-~~] 7. Any re-elected [~~senator~~] representative
10 whose prior term was shortened to two years by the occurrence of
11 the reapportionment year [~~shall~~], after reapportionment, shall
12 be assigned to serve a four-year term. Any new [~~senator~~]
13 representative and re-elected [~~senator~~] representative whose
14 prior term was not shortened by the occurrence of the
15 reapportionment year [~~shall~~], after reapportionment, shall be
16 assigned to serve a two-year term.

17 If the number of [~~senators~~] representatives assigned to
18 serve a two-year term under the previous paragraph exceeds
19 [~~twelve,~~] twenty-five, the number of such [~~senators~~]
20 representatives shall be reduced to [~~twelve~~] twenty-five by
21 random selection as provided by law."

22 SECTION 10. Article V, section 6, of the Constitution of
23 the State of Hawaii is amended to read as follows:

24 "EXECUTIVE AND ADMINISTRATIVE OFFICES



1
2 **AND DEPARTMENTS**

3 **Section 6.** All executive and administrative offices,
4 departments and instrumentalities of the state government and
5 their respective powers and duties shall be allocated by law
6 among and within not more than twenty principal departments in
7 such a manner as to group the same according to common purposes
8 and related functions. Temporary commissions or agencies for
9 special purposes may be established by law and need not be
10 allocated within a principal department.

11 Each principal department shall be under the supervision of
12 the governor and, unless otherwise provided in this constitution
13 or by law, shall be headed by a single executive. Such single
14 executive shall be nominated and, by and with the advice and
15 consent of the [~~senate,~~] house of representatives, appointed by
16 the governor. That person shall hold office for a term to
17 expire at the end of the term for which the governor was
18 elected, unless sooner removed by the governor; except that the
19 removal of the chief legal officer of the State shall be subject
20 to the advice and consent of the [~~senate,~~] house of
representatives.

21 Except as otherwise provided in this constitution, whenever
22 a board, commission or other body shall be the head of a
23 principal department of the state government, the members
24 thereof shall be nominated and, by and with the advice and



1 consent of the [~~senate,~~] house of representatives, appointed by
2 the governor. The term of office and removal of such members
3 shall be as provided by law. Such board, commission or other
4 body may appoint a principal executive officer who, when
5 authorized by law, may be an ex officio, voting member thereof,
6 and who may be removed by a majority vote of the members
7 appointed by the governor.

8 The governor shall nominate and, by and with the advice and
9 consent of the [~~senate,~~] house of representatives, appoint all
10 officers for whose election or appointment provision is not
11 otherwise provided for by this constitution or by law. If the
12 manner or removal of an officer is not prescribed in this
13 constitution, removal shall be as provided by law.

14 When the [~~senate~~] house of representatives is not in session
15 and a vacancy occurs in any office, appointment to which
16 requires the confirmation of the [~~senate,~~] house of
17 representatives, the governor may fill the office by granting a
18 commission which shall expire, unless such appointment is
19 confirmed, at the end of the next session of the [~~senate-~~] house
20 of representatives. The person so appointed shall not be
21 eligible for another interim appointment to such office if the
22 appointment failed to be confirmed by the [~~senate-~~] house of
23 representatives.



1 No person who has been nominated for appointment to any
2 office and whose appointment has not received the consent of the
3 ~~[senate]~~ house of representatives shall be eligible to an
4 interim appointment thereafter to such office.

5 Every officer appointed under ~~[the provisions of]~~ this
6 section shall be a citizen of the United States and shall have
7 been a resident of this State for at least one year immediately
8 preceding that person's appointment, except that this residency
9 requirement shall not apply to the president of the University
10 of Hawaii."

11 SECTION 11. Article VI, section 3, of the Constitution of
12 the State of Hawaii is amended to read as follows:

13 **"APPOINTMENT OF JUSTICES AND JUDGES**

14 **Section 3.** The governor, with the consent of the ~~[senate]~~
15 house of representatives, shall fill a vacancy in the office of
16 the chief justice, supreme court, intermediate appellate court
17 and circuit courts, by appointing a person from a list of not
18 less than four, and not more than six, nominees for the vacancy,
19 presented to the governor by the judicial selection commission.

20 If the governor fails to make any appointment within thirty
21 days of presentation, or within ten days of the ~~[senate's]~~ house
22 of representatives' rejection of any previous appointment, the
23 appointment shall be made by the judicial selection commission
24 from the list with the consent of the ~~[senate]~~ house of



1 representatives. If the [~~senate~~] house of representatives fails
2 to reject any appointment within thirty days thereof, it shall
3 be deemed to have given its consent to such appointment. If the
4 [~~senate~~] house of representatives shall reject any appointment,
5 the governor shall make another appointment from the list within
6 ten days thereof. The same appointment and consent procedure
7 shall be followed until a valid appointment has been made, or
8 failing this, the commission shall make the appointment from the
9 list, without [~~senate~~] the consent [~~of~~] of the house of
10 representatives.

11 The chief justice, with the consent of the [~~senate,~~] house
12 of representatives, shall fill a vacancy in the district courts
13 by appointing a person from a list of not less than six nominees
14 for the vacancy presented by the judicial selection commission.
15 If the chief justice fails to make the appointment within thirty
16 days of presentation, or within ten days of the [~~senate's~~] house
17 of representatives' rejection of any previous appointment, the
18 appointment shall be made by the judicial selection commission
19 from the list with the consent of the [~~senate,~~] house of
20 representatives. The [~~senate~~] house of representatives shall
21 hold a public hearing and vote on each appointment within thirty
22 days of any appointment. If the [~~senate~~] house of
23 representatives fails to do so, the nomination shall be returned
24 to the commission and the commission shall make the appointment



1 from the list without [~~senate~~] the consent [-] of the house of
2 representatives. The chief justice shall appoint per diem
3 district court judges as provided by law.

4 QUALIFICATIONS FOR APPOINTMENT

5 Justices and judges shall be residents and citizens of the
6 State and of the United States, and licensed to practice law by
7 the supreme court. A justice of the supreme court, a judge of
8 the intermediate appellate court and a judge of the circuit
9 court shall have been so licensed for a period of not less than
10 ten years preceding nomination. A judge of the district court
11 shall have been so licensed for a period of not less than five
12 years preceding nomination.

13 No justice or judge shall, during the term of office, engage
14 in the practice of law, or run for or hold any other office or
15 position of profit under the United States, the State or its
16 political subdivisions.

17 TENURE; RETIREMENT

18 The term of office of justices and judges of the supreme
19 court, intermediate appellate court and circuit courts shall be
20 ten years. Judges of district courts shall hold office for the
21 periods as provided by law. At least six months prior to the
22 expiration of a justice's or judge's term of office, every
23 justice and judge shall petition the judicial selection
24 commission to be retained in office or shall inform the



1 commission of an intention to retire. If the judicial selection
2 commission determines that the justice or judge should be
3 retained in office, the commission shall renew the term of
4 office of the justice or judge for the period provided by this
5 section or by law.

6 Justices and Judges shall be retired upon attaining the age
7 of seventy years. They shall be included in any retirement law
8 of the State."

9 SECTION 12. Article VI, section 4, of the Constitution of
10 the State of Hawaii is amended to read as follows:

11 "JUDICIAL SELECTION COMMISSION

12 Section 4. There shall be a judicial selection commission
13 that shall consist of nine members. The governor shall appoint
14 two members to the commission. No more than one of the two
15 members shall be a licensed attorney. The [~~president of the~~
16 ~~senate and the~~] speaker of the house of representatives shall
17 [~~each respectively~~] appoint [~~two~~] four members to the
18 commission. The chief justice of the supreme court shall
19 appoint one member to the commission. Members in good standing
20 of the bar of the State shall elect two of their number to the
21 commission in an election conducted by the supreme court or its
22 delegate. No more than four members of the commission shall be
23 licensed attorneys. At all times, at least one member of the



1 commission shall be a resident of a county other than the City
2 and County of Honolulu.

3 The commission shall be selected and shall operate in a
4 wholly nonpartisan manner. After the initial formation of the
5 commission, elections and appointments to the commission shall
6 be for staggered terms of six years each. Notwithstanding the
7 foregoing, no member of the commission shall serve for more than
8 six years on the commission.

9 Each member of the judicial selection commission shall be a
10 resident of the State and a citizen of the United States. No
11 member shall run for or hold any other elected office under the
12 United States, the State or its political subdivisions. No
13 member shall take an active part in political management or in
14 political campaigns. No member shall be eligible for
15 appointment to the judicial office of the State so long as the
16 person is a member of the judicial commission and for a period
17 of three years thereafter.

18 No act of the judicial selection commission shall be valid
19 except by concurrence of the majority of its voting members.

20 The judicial selection commission shall select one of its
21 members to serve as chairperson. The commission shall adopt
22 rules which shall have the force and effect of law. The
23 deliberations of the commission shall be confidential.



1 The [~~legislature~~] house of representatives shall provide for
2 the staff and operating expenses of the judicial selection
3 commission in a separate budget. No member of the judicial
4 selection commission shall receive any compensation for
5 commission services, but shall be allowed necessary expenses for
6 travel, board and lodging incurred in the performance of
7 commission duties.

8 The judicial selection commission shall be attached to the
9 judiciary branch of the state government for purposes of
10 administration."

11 SECTION 13. Article VII, section 9, of the Constitution of
12 the State of Hawaii is amended to read as follows:

13 **"LEGISLATIVE APPROPRIATIONS; PROCEDURES;
14 EXPENDITURE CEILING**

15 **Section 9.** In each regular session in an odd-numbered year,
16 the [~~legislature~~] house of representatives shall transmit to the
17 governor an appropriation bill or bills providing for the
18 anticipated total expenditures of the State for the ensuing
19 fiscal biennium. In such session, no appropriation bill, except
20 bills recommended by the governor for immediate passage, or to
21 cover the expenses of the [~~legislature,~~] house of
22 representatives, shall be passed on final reading until the bill
23 authorizing operating expenditures for the ensuing fiscal



1 biennium, to be known as the general appropriations bill, shall
2 have been transmitted to the governor.

3 In each regular session in an even-numbered year, at such
4 time as may be provided by law, the governor may submit to the
5 [~~legislature~~] house of representatives a bill to amend any
6 appropriation for operating expenditures of the current fiscal
7 biennium, to be known as the supplemental appropriations bill,
8 and bills to amend any appropriations for capital expenditures
9 of the current fiscal biennium, and at the same time the
10 governor shall submit a bill or bills to provide for any added
11 revenues or borrowings that such amendments may require. In
12 each regular session in an even-numbered year, bills may be
13 introduced in the [~~legislature~~] house of representatives to
14 amend any appropriation act or bond authorization act of the
15 current fiscal biennium or prior fiscal periods. In any such
16 session in which the [~~legislature~~] house of representatives
17 submits to the governor a supplemental appropriations bill, no
18 other appropriation bill, except bills recommended by the
19 governor for immediate passage, or to cover the expenses of the
20 [~~legislature,~~] house of representatives, shall be passed on
21 final reading until such supplemental appropriations bill shall
22 have been transmitted to the governor.

23 **GENERAL FUND EXPENDITURE CEILING**



1 Notwithstanding any other provision to the contrary, the
2 [~~legislature~~] house of representatives shall establish a general
3 fund expenditure ceiling which shall limit the rate of growth of
4 general fund appropriations, excluding federal funds received by
5 the general fund, to the estimated rate of growth of the State's
6 economy as provided by law. No appropriations in excess of such
7 ceiling shall be authorized during any legislative session
8 unless the [~~legislature shall,~~] house of representatives, by a
9 two-thirds vote of [~~the~~] its members [~~to which each house of~~
10 ~~the legislature is entitled~~], shall set forth the dollar amount
11 and the rate by which the ceiling will be exceeded and the
12 reasons therefor."

13 SECTION 14. Article VII, section 10, of the Constitution of
14 the State of Hawaii is amended to read as follows:

15 "AUDITOR

16 Section 10. The [~~legislature,~~] house of representatives, by
17 a majority vote of [~~each house in joint session,~~] its members,
18 shall appoint an auditor who shall serve for a period of eight
19 years and thereafter until a successor shall have been
20 appointed. The [~~legislature,~~] house of representatives, by a
21 two-thirds vote of [~~the~~] its members [~~in joint session~~], may
22 remove the auditor from office at any time for cause. It shall
23 be the duty of the auditor to conduct post-audits of the
24 transactions, accounts, programs and performance of all



1 departments, offices and agencies of the State and its political
2 subdivisions, to certify to the accuracy of all financial
3 statements issued by the respective accounting officers and to
4 report the auditor's findings and recommendations to the
5 governor and to the [~~legislature~~] house of representatives at
6 such times as shall be provided by law. The auditor shall also
7 make such additional reports and conduct such other
8 investigations as may be directed by the [~~legislature~~] house of
9 representatives."

10 SECTION 15. Article VII, section 12, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 "DEFINITIONS; ISSUANCE OF INDEBTEDNESS

13 Section 12. For the purposes of this article:

14 1. The term "bonds" shall include bonds, notes and other
15 instruments of indebtedness.

16 2. The term "general obligation bonds" means all bonds for
17 the payment of the principal and interest of which the full
18 faith and credit of the State or a political subdivision are
19 pledged and, unless otherwise indicated, includes reimbursable
20 general obligation bonds.

21 3. The term "net revenues" or "net user tax receipts" means
22 the revenues or receipts derived from:

23 a. A public undertaking, improvement or system remaining
24 after the costs of operation, maintenance and repair of



1 the public undertaking, improvement or system, and the
2 required payments of the principal of and interest on all
3 revenue bonds issued therefor, have been made; or

4 b. Any payments or return on security under a loan program
5 or a loan thereunder, after the costs of operation and
6 administration of the loan program, and the required
7 payments of the principal of and interest on all revenue
8 bonds issued therefor, have been made.

9 4. The term "person" means an individual, firm,
10 partnership, corporation, association, cooperative or other
11 legal entity, governmental body or agency, board, bureau or
12 other instrumentality thereof, or any combination of the
13 foregoing.

14 5. The term "rates, rentals and charges" means all revenues
15 and other moneys derived from the operation or lease of a public
16 undertaking, improvement or system, or derived from any payments
17 or return on security under a loan program or a loan thereunder;
18 provided that insurance premium payments, assessments and
19 surcharges, shall constitute rates, rentals and charges of a
20 state property insurance program.

21 6. The term "reimbursable general obligation bonds" means
22 general obligation bonds issued for a public undertaking,
23 improvement or system from which revenues, or user taxes, or a
24 combination of both, may be derived for the payment of the



1 principal and interest as reimbursement to the general fund and
2 for which reimbursement is required by law, and, in the case of
3 general obligation bonds issued by the State for a political
4 subdivision, general obligation bonds for which the payment of
5 the principal and interest as reimbursement to the general fund
6 is required by law to be made from the revenue of the political
7 subdivision.

8 7. The term "revenue bonds" means all bonds payable from
9 the revenues, or user taxes, or any combination of both, of a
10 public undertaking, improvement, system or loan program and any
11 loan made thereunder and secured as may be provided by law,
12 including a loan program to provide loans to a state property
13 insurance program providing hurricane insurance coverage to the
14 general public.

15 8. The term "special purpose revenue bonds" means all bonds
16 payable from rental or other payments made to an issuer by a
17 person pursuant to contract and secured as may be provided by
18 law.

19 9. The term "user tax" means a tax on goods or services or
20 on the consumption thereof, the receipts of which are
21 substantially derived from the consumption, use or sale of goods
22 and services in the utilization of the functions or services
23 furnished by a public undertaking, improvement or system;



1 provided that mortgage recording taxes shall constitute user
2 taxes of a state property insurance program.

3 The ~~[legislature,]~~ house of representatives, by a majority
4 vote of ~~[the]~~ its members ~~[to which each house is entitled]~~,
5 shall authorize the issuance of all general obligation bonds,
6 bonds issued under special improvement statutes and revenue
7 bonds issued by or on behalf of the State and shall prescribe by
8 general law the manner and procedure for such issuance. The
9 ~~[legislature]~~ house of representatives by general law shall
10 authorize political subdivisions to issue general obligation
11 bonds, bonds issued under special improvement statutes and
12 revenue bonds and shall prescribe the manner and procedure for
13 such issuance. All such bonds issued by or on behalf of a
14 political subdivision shall be authorized by the governing body
15 of such political subdivision.

16 Special purpose revenue bonds shall only be authorized or
17 issued to finance facilities of or for, or to loan the proceeds
18 of such bonds to assist:

- 19 1. Manufacturing, processing or industrial enterprises;
- 20 2. Utilities serving the general public;
- 21 3. Health care facilities provided to the general public by
22 not-for-profit corporations;
- 23 4. Early childhood education and care facilities provided to
24 the general public by not-for-profit corporations; or



1 5. Low and moderate income government housing programs;

2 6. Not-for-profit private nonsectarian and sectarian
3 elementary schools, secondary schools, colleges and
4 universities; or

5 7. Agricultural enterprises serving important agricultural
6 lands,

7
8 Each of which is hereinafter referred to in this paragraph as
9
10 special purpose entity.

11 The [~~legislature,~~] house of representatives, by a two-thirds
12 vote of [~~the~~] its members [~~to which each house is entitled~~], may
13 enact enabling legislation for the issuance of special purpose
14 revenue bonds separately for each special purpose entity, and,
15 by a two-thirds vote of [~~the~~] its members [~~to which each house~~
16 ~~is entitled~~] and by separate legislative bill, may authorize the
17 State to issue special purpose revenue bonds for each single
18 project or multi-project program of each special purpose entity;
19 provided that the issuance of such special purpose revenue bonds
20 is found to be in the public interest by the [~~legislature-~~]
21 house of representatives. The [~~legislature~~] house of
22 representatives may enact enabling legislation to authorize
23 political subdivisions to issue special purpose revenue bonds.
24 If so authorized, a political subdivision by a two-thirds vote
25 of the members to which its governing body is entitled and by
26 separate ordinance may authorize the issuance of special purpose



1 revenue bonds for each single project or multi-project program
2 of each special purpose entity; provided that the issuance of
3 such special purpose revenue bonds is found to be in the public
4 interest by the governing body of the political subdivision. No
5 special purpose revenue bonds shall be secured directly or
6 indirectly by the general credit of the issuer or by any
7 revenues or taxes of the issuer other than receipts derived from
8 payments by a person under contract or from any security for
9 such contract or special purpose revenue bonds and no moneys
10 other than such receipts shall be applied to the payment
11 thereof. The governor shall provide the [~~legislature~~] house of
12 representatives in November of each year with a report on the
13 cumulative amount of all special purpose revenue bonds
14 authorized and issued, and such other information as may be
15 necessary."

16 SECTION 16. Article VII, section 13, of the Constitution of
17 the State of Hawaii is amended to read as follows:

18 "DEBT LIMIT; EXCLUSIONS

19 Section [~~13-~~] 11. General obligation bonds may be issued by
20 the State; provided that such bonds at the time of issuance
21 would not cause the total amount of principal and interest
22 payable in the current or any future fiscal year, whichever is
23 higher, on such bonds and on all outstanding general obligation
24 bonds to exceed: a sum equal to twenty percent of the average



1 of the general fund revenues of the State in the three fiscal
2 years immediately preceding such issuance until June 30, 1982;
3 and thereafter, a sum equal to eighteen and one-half percent of
4 the average of the general fund revenues of the State in the
5 three fiscal years immediately preceding such issuance.
6 Effective July 1, 1980, the [~~legislature~~] house of
7 representatives shall include a declaration of findings in every
8 general law authorizing the issuance of general obligation bonds
9 that the total amount of principal and interest, estimated for
10 such bonds and for all bonds authorized and unissued and
11 calculated for all bonds issued and outstanding, will not cause
12 the debt limit to be exceeded at the time of issuance. Any bond
13 issue by or on behalf of the State may exceed the debt limit if
14 an emergency condition is declared to exist by the governor and
15 concurred to by a two-thirds vote of the members [~~to which each~~
16 ~~house~~] of the [~~legislature is entitled.~~] house of
17 representatives. For the purpose of this paragraph, general
18 fund revenues of the State shall not include moneys received as
19 grants from the federal government and receipts in reimbursement
20 of any reimbursable general obligation bonds which are excluded
21 as permitted by this section.

22 A sum equal to fifteen percent of the total of the assessed
23 values for tax rate purposes of real property in each political
24 subdivision, as determined by the last tax assessment rolls



1 pursuant to law, is established as the limit of the funded debt
2 of such political subdivision that is outstanding and unpaid at
3 any time.

4 All general obligation bonds for a term exceeding two years
5 shall be in serial form maturing in substantially equal
6 installments of principal, or maturing in substantially equal
7 installments of both principal and interest. The first
8 installment of principal of general obligation bonds and of
9 reimbursable general obligation bonds shall mature not later
10 than five years from the date of issue of such series. The last
11 installment on general obligation bonds shall mature not later
12 than twenty-five years from the date of such issue and the last
13 installment on general obligation bonds sold to the federal
14 government, on reimbursable general obligation bonds and on
15 bonds constituting instruments of indebtedness under which the
16 State or a political subdivision incurs a contingent liability
17 as a guarantor shall mature not later than thirty-five years
18 from the date of such issue. The interest and principal
19 payments of general obligation bonds shall be a first charge on
20 the general fund of the State or political subdivision, as the
21 case may be.

22 In determining the power of the State to issue general
23 obligation bonds or the funded debt of any political subdivision
24 under section 12, the following shall be excluded:



1 1. Bonds that have matured, or that mature in the then
2 current fiscal year, or that have been irrevocably called for
3 redemption and the redemption date has occurred or will occur in
4 the then fiscal year, or for the full payment of which moneys or
5 securities have been irrevocably set aside.

6 2. Revenue bonds, if the issuer thereof is obligated by law
7 to impose rates, rentals and charges for the use and services of
8 the public undertaking, improvement or system or the benefits of
9 a loan program or a loan thereunder or to impose a user tax, or
10 to impose a combination of rates, rentals and charges and user
11 tax, as the case may be, sufficient to pay the cost of
12 operation, maintenance and repair, if any, of the public
13 undertaking, improvement or system or the cost of maintaining a
14 loan program or a loan thereunder and the required payments of
15 the principal of and interest on all revenue bonds issued for
16 the public undertaking, improvement or system or loan program,
17 and if the issuer is obligated to deposit such revenues or tax
18 or a combination of both into a special fund and to apply the
19 same to such payments in the amount necessary therefor.

20 3. Special purpose revenue bonds, if the issuer thereof is
21 required by law to contract with a person obligating such person
22 to make rental or other payments to the issuer in an amount at
23 least sufficient to make the required payment of the principal
24 of and interest on such special purpose revenue bonds.



1 4. Bonds issued under special improvement statutes when the
2 only security for such bonds is the properties benefited or
3 improved or the assessments thereon.

4 5. General obligation bonds issued for assessable
5 improvements, but only to the extent that reimbursements to the
6 general fund for the principal and interest on such bonds are in
7 fact made from assessment collections available therefor.

8 6. Reimbursable general obligation bonds issued for a
9 public undertaking, improvement or system but only to the extent
10 that reimbursements to the general fund are in fact made from
11 the net revenue, or net user tax receipts, or combination of
12 both, as determined for the immediately preceding fiscal year.

13 7. Reimbursable general obligation bonds issued by the
14 State for any political subdivision, whether issued before or
15 after the effective date of this section, but only for as long
16 as reimbursement by the political subdivision to the State for
17 the payment of principal and interest on such bonds is required
18 by law; provided that in the case of bonds issued after the
19 effective date of this section, the consent of the governing
20 body of the political subdivision has first been obtained; and
21 provided further that during the period that such bonds are
22 excluded by the State, the principal amount then outstanding
23 shall be included within the funded debt of such political
24 subdivision.



1 8. Bonds constituting instruments of indebtedness under
2 which the State or any political subdivision incurs a contingent
3 liability as a guarantor, but only to the extent the principal
4 amount of such bonds does not exceed seven percent of the
5 principal amount of outstanding general obligation bonds not
6 otherwise excluded under this section; provided that the State
7 or political subdivision shall establish and maintain a reserve
8 in an amount in reasonable proportion to the outstanding loans
9 guaranteed by the State or political subdivision as provided by
10 law.

11 9. Bonds issued by or on behalf of the State or by any
12 political subdivision to meet appropriations for any fiscal
13 period in anticipation of the collection of revenues for such
14 period or to meet casual deficits or failures of revenue, if
15 required to be paid within one year, and bonds issued by or on
16 behalf of the State to suppress insurrection, to repel invasion,
17 to defend the State in war or to meet emergencies caused by
18 disaster or act of God.

19 The total outstanding indebtedness of the State or funded
20 debt of any political subdivision and the exclusions therefrom
21 permitted by this section shall be made annually and certified
22 by law or as provided by law. For the purposes of section 12
23 and this section, amounts received from on-street parking may be
24 considered and treated as revenues of a parking undertaking.



1 Nothing in section 12 or in this section shall prevent the
2 refunding of any bond at any time."

3 SECTION 17. Article X, section 6, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "BOARD OF REGENTS; POWERS

6 Section 6. There shall be a board of regents of the
7 University of Hawaii, the members of which shall be nominated
8 and, by and with the advice and consent of the [~~senate~~] house
9 of representatives, appointed by the governor. At least part of
10 the membership of the board shall represent geographic
11 subdivisions of the State. The board shall have the power, as
12 provided by law, to formulate policy, and to exercise control
13 over the university through its executive officer, the president
14 of the university, who shall be appointed by the board; except
15 that the board shall have exclusive jurisdiction over the
16 internal organization and management of the university. This
17 section shall not limit the power of the [~~legislature~~] house of
18 representatives to enact laws of statewide concern."

19 SECTION 18. Article XI, section 8, of the Constitution of
20 the State of Hawaii is amended to read as follows:

21 "NUCLEAR ENERGY

22 Section 8. No nuclear fission power plant shall be
23 constructed or radioactive material disposed of in the State



1 without the prior approval by a two-thirds vote [~~in each house~~]
2 of the [~~legislature~~] members of the house of representatives."

3 SECTION 19. Article XVI, section , of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "SALARY COMMISSION

6 Section . There shall be a commission on salaries as
7 provided by law, which shall review and recommend salaries for
8 the justices and judges of all state courts, members of the
9 [~~legislature~~] house of representatives, department heads or
10 executive officers of the executive departments and the deputies
11 or assistants to department heads of the executive departments
12 as provided by law, excluding the University of Hawaii and the
13 department of education. The commission shall also review and
14 make recommendations for the salary of the administrative
15 director of the State or equivalent position and the salary of
16 the governor and the lieutenant governor.

17 Any salary established pursuant to this section shall not be
18 decreased during a term of office, unless by general law
19 applying to all salaried officers of the State.

20 Not later than the fortieth legislative day of the 2007 regular
21 legislative session and every six years thereafter, the



1 commission shall submit to the [~~legislature~~] house of
2 representatives its recommendations and then dissolve.
3 The recommended salaries submitted shall become effective as
4 provided in the recommendation, unless the [~~legislature~~] house
5 of representatives disapproves the entire recommendation as a
6 whole by adoption of a concurrent resolution prior to
7 adjournment sine die of the legislative session in which the
8 recommendation is submitted; provided that any change in salary
9 which becomes effective shall not apply to the [~~legislature~~]
10 house of representatives to which the recommendation for the
11 change in salary was submitted."

12 SECTION 20. Article XVI, section 4, of the Constitution of
13 the State of Hawaii is amended to read as follows:

14 "OATH OF OFFICE

15 Section 4. All eligible public officers, before entering
16 upon the duties of their respective offices, shall take and
17 subscribe to the following oath or affirmation: "I do solemnly
18 swear (or affirm) that I will support and defend the
19 Constitution of the United States, and the Constitution of the
20 State of Hawaii, and that I will faithfully discharge my duties
21 as ... to the best of my ability." As used in this section,
22 "eligible public officers" means the governor, the lieutenant
23 governor, the members of [~~both houses of~~] the [~~legislature,~~]



1 house of representatives, the members of the board of education,
2 the members of the national guard, State or county employees who
3 possess police powers, district court judges, and all those
4 whose appointment requires the consent of the [~~senate~~] house of
5 representatives."

6 SECTION 21. Article XVII, section 3, of the Constitution of
7 the State of Hawaii is amended to read as follows:

8 "AMENDMENTS PROPOSED BY [LEGISLATURE]

9 HOUSE OF REPRESENTATIVES

10 Section 3. The [~~legislature~~] house of representatives may
11 propose amendments to the constitution by adopting the same, in
12 the manner required for legislation, by a two-thirds vote [~~of~~
13 ~~each house~~] on final reading at any session, after [~~either or~~
14 ~~both houses~~] the house of representatives shall have given the
15 governor at least ten days' written notice of the final form of
16 the proposed amendment, or, with or without such notice, by a
17 majority vote [~~of each house~~] on final reading at each of two
18 successive sessions.

19 Upon such adoption, the proposed amendments shall be entered
20 upon the journals, with the ayes and noes, and published once in
21 each of four successive weeks in at least one newspaper of
22 general circulation in each [~~senatorial~~] representative district
23 wherein such a newspaper is published, within the two months'
24 period immediately preceding the next general election.



1 At such general election the proposed amendments shall be
2 submitted to the electorate for approval or rejection upon a
3 separate ballot.

4 The conditions of and requirements for ratification of such
5 proposed amendments shall be the same as provided in section 2
6 of this article for ratification at a general election."
7

8 SECTION 22. The question to be printed on the ballot shall
9 be as follows:

10 "Shall:

11 (1) The legislature be changed from a bicameral legislature
12 with a house of representatives and a senate to a
13 unicameral legislature with only one chamber, to be
14 known as the house of representatives, commencing after
15 the general election in November, 2008;

16 (2) The total number of legislators be changed from seventy-
17 six to fifty-one representatives representing fifty-one
18 single-member districts, who shall serve staggered terms
19 of four years each; and

20 (3) The composition of the reapportionment commission be
21 changed to provide that four members each shall be
22 appointed by the speaker and minority leader of the



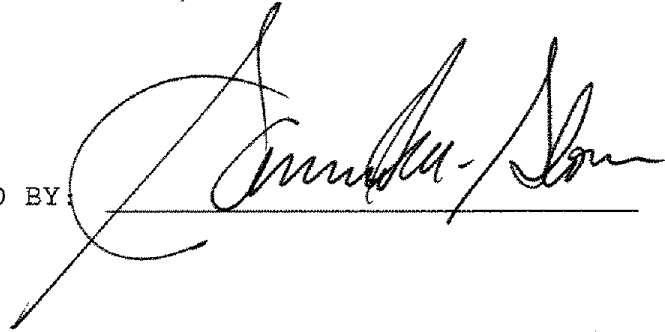
1 house of representatives, with appointees choosing the
2 ninth member?"

3 SECTION 23. Constitutional material to be repealed is
4 bracketed. New constitutional material is underscored.

5 SECTION 24. This amendment shall take effect upon
6 compliance with article XVII, section 3, of the Constitution of
7 the State of Hawaii.

8

INTRODUCED BY

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "C. M. ...".

Report Title:

Unicameral Legislature

Description:

Proposes constitutional amendments to provide for a unicameral legislature to be known as the house of representatives commencing after the general election in November, 2008, consisting of 51 members serving 4-year terms.

