



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

LATE TESTIMONY

Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice-Chair
House Committee on Judiciary

Thursday, February 07, 2008
5:30 PM

Support of H.B. No. 3294 Relating to a Constitutional Convention
Written Testimony

I am Representative Della Au Belatti, representative of the 25th House District. I strongly support House Bill 3294, which provides a framework for a constitutional convention should the voters in 2008 decide that a constitutional convention should be held to revise or amend the Constitution of the State of Hawai'i.

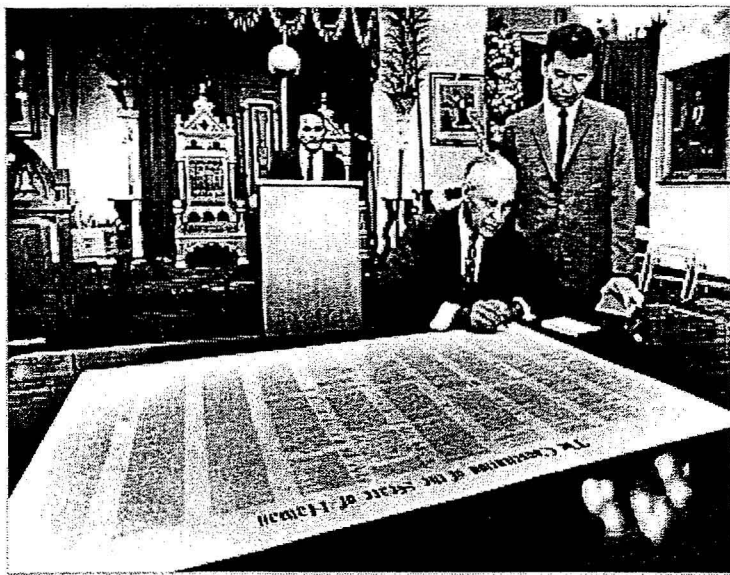
House Bill 3294, as drafted, provides for a special election by mail-in ballots for 102 non-partisan delegates (two per each district of the House of Representatives) to be held in August 2009. The constitutional convention would then be convened on September 1, 2009, with constitutional amendments proposed by the convention to be submitted for ratification by voters in the 2010 general election. House Bill 3294 also provides funds for the special election, convention expenses, compensation of delegates, a citizen education program, and updating of the constitutional convention studies.

I believe that the process set forth in House Bill 3294 and the 2009-2010 time frame suggested by House Bill 3294 is a good start in the discussion of what a constitutional convention would and should look like if the voters decide in favor of the convening of a constitutional convention. While the State Constitution does provide for a 2010-2012 framework, I believe that we can carefully plan now to create a framework that empowers the community through education, enables a broad cross-section of the citizenry to engage in the process as delegates or possible delegates, and provides time for vigorous discussion and dialog that would flow from a constitutional convention.

Thank you for this opportunity to testify in strong support of H.B. No. 3294.

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STAR-BULLETIN /1968
Hebden Porteus, president of the 1968 Constitutional Convention, signs the document proposing 23 amendments to Hawaii's Constitution with Seichi Hirai, right, and Tadao Beppu, convention secretary. [CLICK FOR LARGE](#)

Con Con

WHY WE NEED ONE | HOW TO CARRY IT OFF

Hawaii has changed drastically in the nearly three decades since the last Constitutional Convention. The population has grown by nearly 50 percent statewide and has doubled on the neighbor islands. The sugar and pineapple industries that once formed the core of Hawaii's economy are barely noticeable, leaving tourism as the islands' cash cow. Ira Rohter, a political science professor at the University of Hawaii, suggests that a ConCon is needed now to modernize the state's governmental institutions to better deal with land development, sustainability and governance.

Hawaii, get ready for 2010 ConCon

By Ira Rohter
Special To The Star-Bulletin

Star-Bulletin political reporter Richard Borreca recently wrote a column headlined "Do we need a ConCon? Let's count the whys" (Star-Bulletin, April 22). Bravo to Borreca for raising the issue,

since those who benefit from the status-quo don't want to change the political system.

WHY WE NEED A CONCON

It's been nearly 30 years since Hawaii held its last state Constitutional Convention and re-examined in a holistic way how our government could be reorganized to better meet the many challenges facing the islands today. Hawaii is a different place from the one it was in 1978, the date of the last ConCon. The number of people residing on Hawaii Island, Kauai and Maui has doubled. Oahu has grown by 230,000 -- nearly a 50 percent increase. Sugar and pineapple plantations, once the defining industries of the islands, have practically disappeared, and our economy is still dependent on mass tourism, whose future looks shaky as we approach an era of Peak Oil raising costs of airfares and all our imported goods.

We especially need to modernize all our governmental institutions that deal with land development, sustainability and governance, because they are not working very well.

Booming development on each island is overwhelming us environmentally and socially. The profusion of extravagant second-home mansions, cookie-cutter subdivisions and shopping malls sprawl over the countryside, devour large amounts of electrical energy and, along with more golf courses, draw down the islands' finite water supply. Our prolific consumptionism produces enormous mounds of waste, overflowing our existing garbage dump capacities. No wonder every island is running out of fresh water and struggling to modernize its inadequate sewage facilities. With 1.2 million vehicles on our limited roads, major traffic congestion is the norm. Our lack of affordable housing is driving middle-class and young people away.



Ira Rother

Ira Rother is a professor of political science at the University of Hawaii-Manoa. He teaches courses in Hawaii politics, political ecology and development, environmental politics and alternative futures. He has a long history of political activity in Hawaii, authoring legislation and playing key roles in grass-roots and political groups, most recently serving as president of Hawaii Clean Elections, a group advocating the public funding of political campaigns. Rother is a frequent contributor to the Star-Bulletin op-ed pages.

Even though tourism is Hawaii's main cash cow, 62 percent of residents recently polled agreed that "This island is being run for tourists at the expense of the people."

These are not new problems; they've been festering for years because our political system promotes tinkering with rather than solving them.

Furthermore, Hawaii is still 90 percent dependent on imported oil to fuel its transportation and electricity systems, and despite soon-to-come dramatically rising costs associated with Peak Oil and carbon taxes, our lawmakers refuse to adopt meaningful efficiency and renewable energy programs.

It's time we create a state Department of Environment and Energy to promote true sustainability.

Improving our public K-12 schools seems impossible given the division of responsibilities and funding given to the Legislature, the Department of Education bureaucracy, the Board of Education and the governor. Where are the parents and teachers?



STAR-BULLETIN / 1968

Hebden Porteus, second from left, president of the 1968 Constitutional Convention, receives a congratulatory handshake from Big Island delegate Nelson K. Doi at the opening session of the ConCon at McKinley High School. At left is Melvin Matsuda, a law clerk for then-Chief Justice William S. Richardson. Doi also served in the state Senate, as a circuit court judge and as lieutenant governor during Gov. George Ariyoshi's first term. [CLICK FOR LARGE](#)

The amount of money flowing through the state (gross state product) has doubled, while state government expenditures have more than tripled. Extraordinary power resides in the hands of state legislators, yet Hawaii suffers from the lowest voter turnout in the country, and citizen participation in civic affairs (such as neighborhood boards) is low as well. The compressed four-month legislative session and cumbersome processes greatly help professional lobbyists while throwing up barriers to average citizens' involvement.

We do not allow citizens to use initiative and referendum to bypass a gridlocked Legislature. We do not allow decentralized school boards or neighborhood and community boards with real power. Nor have legislators shown real interest in enacting strong ethics and conflict of interest laws, or a full public funding "clean elections" system that would reduce the power of special interests to influence legislation by giving campaign donations to their favorite candidates.

Hawaii desperately needs to modernize its antiquated governmental processes by holding a state Constitutional Convention. But we must carefully plan and execute the ConCon if it is to fairly examine these and many other important issues. We must also ensure that a ConCon not be captured by incumbent politicians and special interests promoting their private agendas.

CONCON REQUIRES ADEQUATE PREPARATION

Without adequate pre-convention activities to study a host of major issues, make proposals and publicly discuss them, delegates will be elected primarily on the basis of name familiarity, large campaign expenditures or the backing of well-organized special interest groups. Votes will be cast hardly on the basis of good information about issues and the candidates themselves.

Fortunately, Hawaii has historical precedents for doing a good job of organizing pre-ConCon activities, and we could adopt their approach.

EXTENSIVE PLANNING FOR THE 1968 CONCON

In 1968 a Citizens Committee on the Constitutional Convention played a major role in educating the public on constitutional issues and stimulating a wide cross-section of individuals to stand as delegates to the convention. The following are some guiding principles, which I derive from University of Hawaii professor Normal Meller's book "Constitution Making In Hawaii."

» **Utilize citizen good-government groups.** Starting 12 months before the convention, members of the American Association of University Women, the Junior League of Honolulu, the League of Women Voters and other interested organizations pooled efforts to promote a large-scale conference about six months before the election.

In preparation for what turned out to be a three-day conference, 12 subcommittees, comprised of balanced representations of various points of view, were established to prepare proposals for the conference and convention.

These committees considered: the Constitution and the Convention; State-County Relationships; Tax and Finance; Judicial Article; Bill of Rights; Ethics; Legislative and Executive; Cultural Affairs; Health and Welfare; Conservation and Planning; Elections; Education; Amendment; Initiative, Referendum and Recall; and Continuing Informational Effort.

» **Job of subcommittees.** Within their assigned spheres of interest, the subcommittees had the responsibility to:

- 1) collect and disseminate background information in a form that could be made readily available to interested people;
- 2) encourage serious discussion of all proposals by making fact-based research materials and expert speakers available to interested organizations;
- 3) refine proposals to be submitted to the Constitutional Convention, phrased in precise language suitable for adoption;
- 4) act as a resource of personnel and information for the secretariat and the Subcommittee on Continuing Informational Effort;
- 5) develop and recommend programs designed to sharpen issues, increase citizen interest and educate the public; and
- 6) select and present the material to be covered at the Constitutional Conference sponsored by the Citizens Committee.

Each subcommittee worked out public presentations for the press, radio and television. They prepared drafts for one-minute spots on radio and television, highlighting the issues that would come before the convention. They furnished short to medium-length articles outlining the pro and con aspects of each issue.

While the original objective of bringing various community organizations together was to hold a conference for the ConCon, the representatives agreed that the committee's purpose should be focused more toward citizen education than just the conference. The Citizens Committee

divided its activities into two stages: planning and running the conference itself, and a continuing effort to last until the revised Constitution was presented to voters for their approval.

Pulling off such an ambitious project required a lot of planning, coordination, effort and financial support. Subcommittees had to be organized, a conference headquarters established, and an extensive public information program laid out by professionals from public relations firms and the press, radio and television.

» **"The People's Conference."** To provide content as well as glamour to the event, five distinguished mainland commentators were asked to participate. The bulk of the program, however, was carried out by more than a hundred local academic, community and political leaders who discussed the pros and cons of the major issues likely to come before the constitutional convention.

Ten thousand promotional brochures were mailed. The newspapers and other media provided extensive advance publicity and, on the opening day, Gov. John Burns spoke before a standing-room-only audience of 500. In all, some 711 persons attended the three-day pre-convention conference.

As UH's Meller concluded, "The conference admirably served the dual purpose of directing the attention of the public to the forthcoming election and convention, and also helped to clarify the nature of the issues." An added bonus was that many of the heavily involved panel members and members of the audience ran later as delegates. The conference spun off similar activities and citizen participation on the Big Island and Kauai.

» **Supplying the public with information.** With the successful completion of its three-day conference, the Citizens Committee on Oahu directed its attention to public outreach. It produced a weekly "Con Commentary" radio call-in program, and prepared and mailed folders to church, community and service organizations listing both issues and sources of additional information.

The UH Speakers Bureau coordinated requests from organizations for speakers, frequently using people recruited by the Citizens Committee. UH also offered eight-week seminars on Constitutional Convention issues. All branches of the state library maintained a collection of convention materials for public perusal.

>> **Voter's pamphlet.** One of the subcommittees whose work expanded after the conclusion of the conference was the Subcommittee on Continuing Informational Effort, which gathered basic biographical information by questionnaires sent to all candidates, and from other sources. All of this data was printed in a roster of candidates, with photographs, published as a tabloid insert in a joint Sunday issue of the Honolulu Star-Bulletin and Honolulu Advertiser. In all, the Citizens Committee succeeded in publishing brief biographies for 360 of the 378 announced candidates, providing background information on the many unknown individuals who were running for public office for the first time.

» **Symposium for newly elected delegates.** The final activity of the Citizens Committee was a three-day symposium at UH, held after the delegates were elected. The symposium featured four mainland specialists on constitutional revision. In addition, delegates had an opportunity to consult with local government officials who shortly would be called on to provide services to the convention. A good part of the symposium was devoted to sessions on the experiences of other conventions.

» **The 1978 convention.** While 1978's pre-convention activities were not as well organized, many efforts were undertaken to "tool up the community." Meller and Richard H. Kosaki reported, "The media encouraged broad public involvement and solicited reactions to probable

constitutional issues. Workshops were held on how to campaign for a convention seat. Public forums were scheduled throughout the state to examine a range of materials which might be considered in the convention. Polls taken under various auspices sought to probe the public's formulation of issues."

HOW TO DO IT

Holding a Constitutional Convention takes careful planning. Here are some guidelines.

Elect two delegates per district: Prominent, well-financed candidates have a high probability of being elected. Providing a second choice allows fair representation of district's minority views. The highest two vote-getters are elected.

Pay delegates a living wage: Pay at least \$4,000 a month, since we want a representative cross-section of the community running for, and being involved in, the ConCon. Otherwise, only paid lobbyists or paid representatives of entrenched power groups and the well-off or financially independent can be involved for such a long period.

Provide adequate funding for:

- » a citizens' committee to handle coordination and publicity, disseminate educational information, create a Web site and run a delegate symposium
- » special election mail-in ballots
- » salaries for 103 delegates
- » ConCon operational costs
- » adequate support staff and supplies
- » A Legislative Reference Bureau to perform research and provide assistance
- » voter's information pamphlets

University of Hawaii role: The university can play a significant role in this preliminary stage. Set up a "Learning Community" series of courses focusing on what constitutional changes would make sense. The ConCon could be tinkering about the edges, or consider fundamental structural questions (such as home rule).

Campaign funding: To provide a level playing field for candidates, minimally set strict campaign spending limits; allow only individual contributions (no corporate or PACs), limited to \$250, from registered voters who live in the district.

Use mail-in ballot: To increase voter turnout and reduce the costs of a special election, adopt the Oregon process.

SUGGESTED SCHEDULE

The first steps on the path to a Constitutional Convention in 2010 should be taken next year. A proposed schedule of events leading to a ConCon include:

2008

» **November:** Ballot proposal on whether to hold a ConCon in 2010.

2009

» **January-May:** Legislature passes bill to set up and fund pre-convention activities and the ConCon itself.

» **July-December:** Citizens Committee Working Groups convene about six months prior to Citizens Conference to fully prepare for ConCon.

2010

» **Jan. 15:** Citizens Committee three-day conference.

» **February:** Candidate education workshop on campaigning

» **February-March:** Public information campaign on ConCon issues

» **April 1:** Special election for ConCon delegates -- mail-in ballots

» **Mid-April:** Symposium for elected delegates

>> **May-July:** Constitutional Convention

» **August-October:** Public education on amendments

» **Nov. 5:** Regular elections and vote on ConCon amendments

Compiled by Ira Rohter

Sources: "The Hawaii Constitutional Convention -- 1978," by Norman Meller and Richard H. Kosaki, *National Civic Review*, Vol 69, No. 5 (May 1980). "With An Understanding Heart -- Constitution Making in Hawaii," Norman Meller, *National Municipal League* (1969).

