

JAN 17 2014

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## A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO ENABLE  
LEGISLATION BY THE PEOPLE.

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

1 SECTION 1. The purpose of this Act is to amend the  
2 Constitution of the State of Hawaii to provide for initiative  
3 and referendum.

4 SECTION 2. Article II of the Constitution of the State of  
5 Hawaii is amended by adding a new section to be appropriately  
6 designated and to read as follows:

7 **"INITIATIVE AND REFERENDUM"**

8 **Section .** Voters shall have the power, as provided by  
9 law, to propose statutory amendments and constitutional  
10 amendments through the initiative process, and to give final  
11 approval to a bill through a referendum process if the bill has  
12 passed the legislature. The initiative and referendum power  
13 shall not extend to any statute authorizing or repealing the  
14 levy of taxes, the appropriation of money, the issuance of  
15 bonds, the salaries of state employees or officers or any matter  
16 governed by collective bargaining contracts."



1 SECTION 3. Article III, section 1, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3 **"LEGISLATIVE POWER**

4 **Section 1.** [~~The~~] Except for initiative and referendum, the  
5 legislative power of the State shall be vested in a legislature,  
6 which shall consist of two houses, a senate and a house of  
7 representatives. Such power shall extend to all rightful  
8 subjects of legislation not inconsistent with this constitution  
9 or the Constitution of the United States."

10 SECTION 4. Article III, section 14, of the Constitution of  
11 the State of Hawaii is amended to read as follows:

12 **"BILLS; ENACTMENT**

13 **Section 14.** No law shall be passed except by bill[~~-~~]  
14 enacted by the legislature or by initiative or referendum. Each  
15 law shall embrace but one subject, which shall be expressed in  
16 its title. The enacting clause of each law shall be, "Be it  
17 enacted by the legislature of the State of Hawaii."

18 SECTION 5. Article III, section 16, of the Constitution of  
19 the State of Hawaii is amended to read as follows:

20 **"APPROVAL OR VETO**

21 **Section 16.** Every bill which shall have passed the  
22 legislature shall be certified by the presiding officers and



1 clerks of both houses and shall thereupon be presented to the  
2 governor. If the governor approves it, the governor shall sign  
3 it and it shall become law. If the governor does not approve  
4 such bill, the governor may return it, with the governor's  
5 objections to the legislature. Except for items appropriated to  
6 be expended by the judicial and legislative branches, the  
7 governor may veto any specific item or items in any bill which  
8 appropriates money for specific purposes by striking out or  
9 reducing the same; but the governor shall veto other bills, if  
10 at all, only as a whole.

11 No bill enacted by initiative or referendum shall be  
12 subject to veto by the governor.

13 The governor shall have ten days to consider bills  
14 presented to the governor ten or more days before the  
15 adjournment of the legislature sine die, and if any such bill is  
16 neither signed nor returned by the governor within that time, it  
17 shall become law in like manner as if the governor had signed  
18 it.

#### 19 RECONSIDERATION AFTER ADJOURNMENT

20 The governor shall have forty-five days, after the  
21 adjournment of the legislature sine die, to consider bills  
22 presented to the governor less than ten days before such



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

15 In computing the number of days designated in this section,  
16 the following days shall be excluded: Saturdays, Sundays,  
17 holidays and any days in which the legislature is in recess  
18 prior to its adjournment as provided in section 10 of this  
19 article."

20 SECTION 6. Article XVII, section 1, of the Constitution of  
21 the State of Hawaii is amended to read as follows:

22 **"METHODS OF PROPOSAL**



1       **Section 1.** Revisions of or amendments to this constitution  
2 may be proposed by constitutional convention ~~[or]~~, by the  
3 legislature ~~[or]~~ or through initiative or referendum."

4       SECTION 7. Article XVII, section 4, of the Constitution of  
5 the State of Hawaii is amended to read as follows:

6                                       **"VETO**

7       **Section 4.** No proposal for amendment of the constitution  
8 adopted in either manner provided by this article or by  
9 initiative or referendum shall be subject to veto by the  
10 governor."

11       SECTION 8. Article XVII, section 5, of the Constitution of  
12 the State of Hawaii is amended to read as follows:

13                                       **"CONFLICTING REVISIONS OR AMENDMENTS**

14       **Section 5.** If a revision or amendment proposed by a  
15 constitutional convention is in conflict with a revision or  
16 amendment proposed by the legislature and both are submitted to  
17 the electorate at the same election and both are approved, then  
18 the revision or amendment proposed by the convention shall  
19 prevail. If a revision or amendment proposed by the legislature  
20 is in conflict with the revision or amendment proposed by the  
21 people by initiative or referendum and both are approved, then  
22 the initiative or referendum shall prevail. If conflicting



1 revisions or amendments are proposed by the same body and are  
2 submitted to the electorate at the same election and both are  
3 approved, then the revision or amendment receiving the highest  
4 number of votes shall prevail."

5 SECTION 9. The question to be printed on the ballot shall  
6 be as follows:

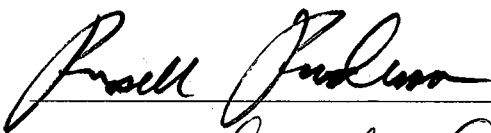

7 "Shall the Constitution of the State of Hawaii be amended  
8 to provide for initiative and referendum?"

9 SECTION 10. Constitutional material to be repealed is  
10 bracketed and stricken. New constitutional material is  
11 underscored.

12 SECTION 11. This amendment shall take effect upon  
13 compliance with article XVII, section 3, of the Constitution of  
14 the State of Hawaii.

15

INTRODUCED BY:



# S.B. NO. 2361

**Report Title:**

Constitutional Amendment; Initiative; Referendum

**Description:**

Proposes a constitutional amendment to provide for initiative and referendum.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

