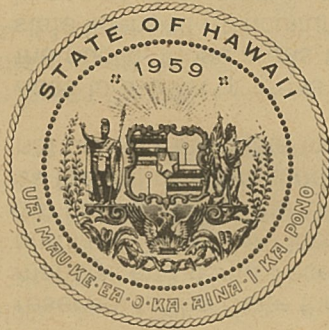


**AMENDMENTS TO THE STATE CONSTITUTION
PROPOSED BY THE 1978 CONSTITUTIONAL CONVENTION**

November 7, 1978—State of Hawaii



**PLEASE READ THIS INFORMATIONAL BOOKLET
IT IS PART OF YOUR OFFICIAL BALLOT**

All amendments proposed by the 1978 Constitutional Convention have been incorporated into proposals 1-34 in Part B of the ballot. A brief description of each of the proposed amendments is contained in this booklet. The Constitutional amendments are available for your inspection in your voting unit.

VOTING INSTRUCTIONS

Vote only in Part A or Part B of your Constitutional Convention Ballot.
DO NOT VOTE IN BOTH PARTS OF THE BALLOT.

PART A: Vote YES in Part A if you approve of **ALL** the amendments proposed by the Constitutional Convention.

OR

Vote NO in Part A if you disapprove of **ALL** the amendments proposed by the Constitutional Convention.

PART B: Vote in Part B if you approve of some amendments but disapprove of other amendments proposed by the Constitutional Convention. Select those amendments that you **disapprove** of and vote NO on those selections. Your vote on all other questions will be counted as YES.

AMENDMENTS 1-34 PROPOSED BY CONSTITUTIONAL CONVENTION

1. 12 MEMBER JURY; CIVIL CASE AMOUNT (Article I, Section 13 and 14)

If adopted, this amendment provides that:

- a person can have a jury trial in a civil case where the amount in question is \$1,000 or more rather than \$100 or more as it now reads.
- a person shall have a 12 member jury in a criminal jury trial.

2. INDEPENDENT GRAND JURY COUNSEL. (Article I, Section II)

If adopted, this amendment provides:

- an independent lawyer to advise the grand jury.
- a way to choose those lawyers, and requires that the legislature set their pay and how long they shall work.

3. RIGHT TO PRIVACY. (Article I, Section 6)

If adopted, this amendment:

- adds a new section on the right to privacy for people to do certain personal things, and controls the use of some personal information about themselves.
- directs the legislature to carry out this section.

4. OPEN PRIMARY ELECTION. (Article II, Section 4)

If adopted, this amendment:

- allows a person to vote in any election without letting anyone know what party he or she prefers.
- keeps each person's party preference a secret.

5. RESIGNATION OF CANDIDATES FOR PUBLIC OFFICE. (Article II, Section 7)

If adopted, this amendment:

- makes any elected public officer who wants to run for another office quit before running for any other office if the terms of office are not the same.

6. ELECTIONS; PARTIAL PUBLIC FINANCING; SPENDING AND CONTRIBUTION LIMITS. (Article II, Sections 5, 6 and 8)

If adopted, this amendment provides that the legislature shall:

- create a campaign fund to pay part of the cost of state and local political campaigns for public office.
- set a spending limit for all candidates.
- limit the amount a person may give to any candidate or legal campaign group.
- require primary election to precede general election by 45 or more days.

7. LEGISLATIVE TERMS, FUNCTIONS AND PROCEDURES; SALARY COMMISSION (Article III, Sections 9, 12 and 15; Article XVIII, Section 2; Article IV, Sections 6 and 7)

If adopted, this amendment:

- requires the appointment of a legislative salary commission on November 30, 1978 and every 8 years from then on to set legislative salaries which will go into effect for the following legislature unless the governor or the legislature disapproves.
- makes the legislature set a deadline for all bills to be introduced and also requires a recess after the deadline of not less than 5 days between the 20th and 40th session day.

- opens to the public all decision making meetings of legislative committees.

- increases the waiting period required between the time when the printed bill is distributed and its third or final reading from 24 hours to 48 hours.

- staggers the terms of office for senators starting from the 1978 general election so that about half of the senators will be elected at each general election.

- provides for placement of holdover senators and method of keeping the staggered terms for the senate upon reapportionment.

8. REAPPORTIONMENT PROCEDURES. (Article IV, Sections 1, 2 and 8)

If adopted, this amendment:

- increases the time between the changing of boundaries for voting area from 8 to 10 years beginning in 1981.
- allows the commission 30 more days (from 120 to 150 days) in which to file its reapportionment plan.
- requires the reapportionment commission to also reapportion the United States Congressional districts.

9. EXECUTIVE DEPARTMENTS; TERM LIMITS. (Article V, Sections 1, 2 and 6, Article XVIII, Section 4)

If adopted, this amendment:

- limits the governor and lieutenant governor to two terms in a row beginning this year.
- puts units with similar purposes and functions in the same executive department.

10. COURTS; JUDICIAL SELECTION; DISCIPLINE. (Article VI, Section 1, 2, 3, 4 and 5, Article XVIII, Section 5)

If adopted, this amendment:

- creates an intermediate court of appeals, and makes district courts a constitutional rather than legislative creation.
- makes courts limit the time they have to finish their cases.
- removes minimum salaries for judges from the constitution and creates a salary commission.
- requires judges to be State of Hawaii residents and citizens of the State and the United States who are licensed attorneys.
- adds a judicial selection commission to recommend judges for the supreme court, court of appeals or circuit court who are then picked by the governor and approved by the senate, or judges for district courts who are picked by the chief justice of the supreme court.
- gives the supreme court more power to discipline judges and starts a judicial discipline commission.

11. STATE SPENDING LIMIT; TAX REFUND. (Article VII, Sections 4, 5, 6, 8 and 9; Article VIII, Section 5)

If adopted, this amendment:

- limits State general fund spending to the estimated rate of growth of the State's economy and applies the limit to the governor's budget and legislative appropriations.
- gives taxpayers a refund or credit whenever the general fund balance is more than five percent of general fund revenues for two years in a row.
- prohibits deficit spending unless the governor says that the public health, safety or welfare is threatened.
- requires the State to share in the cost of any new programs or increased services which the legislature requires that counties provide.

12. DEBT LIMITATION; EXCLUSIONS. (Article VII, Sections 11 and 13)

If adopted, this amendment:

- limits the principal and interest on State debt to a percentage of general fund revenues.
- keeps the legislature from approving more bonds than are allowed under the debt limit.
- requires that each general obligation bond be repaid within twenty-five years.
- excludes certain bonds from the State and county debt limits.
- automatically cancels appropriations financed by general obligation bonds or general funds if not under contract or spent within three years.

13. SPECIAL PURPOSE REVENUE BONDS.

(Article VII, Sections 12 and 13)

If adopted, this amendment:

- allows the legislature, by a two-thirds vote of each house, to pass enabling legislation to authorize issuance of special purpose revenue bonds if the issuance of such bonds is found to be in the public interest by the legislature.
- allows the issuance of special purpose revenue bonds for manufacturing, processing or industrial enterprises, utilities serving the general public, health care facilities provided to the public by non-profit corporations, and low and moderate income government housing programs.
- requires a second two-thirds vote of each house of the legislature before bonds can be issued for any project or program.
- requires that State credit cannot be used directly or indirectly and State shall not be liable for repayment of bonds.
- allows the legislature to authorize the counties to issue such bonds but requires a two-thirds vote of the county council before such bonds may be issued.
- excludes such bonds from the State or county debt limits.

14. REVENUES; BUDGET; POST-AUDIT. (Article VII, Sections 7, 8 and 10)

If adopted, this amendment:

- establishes a council on revenues to prepare State revenue estimates and requires the governor and legislature to consider such estimates in developing the State budget and making appropriations.
- provides for direct submission by the judiciary of its budget to the legislature.
- clarifies State auditor's duty to include post-audits of programs and performance of State agencies.

15. TAX REVIEW AND TAX CONFORMANCE. (Article VII, Sections 2 and 3)

If adopted, this amendment:

- allows the legislature to conform all or any portion of the State income tax laws to the federal income tax law.
- establishes a tax review commission to evaluate the State's tax structure and recommend revenue and tax policy.

16. COUNTY POWER TO TAX REAL PROPERTY. (Article VIII, Sections 3 and 5; Article XVIII, Section 6)

If adopted, this amendment:

- grants the counties the exclusive power to exercise all functions, powers and duties relating to the taxation of real property.

- includes a transitional section which provides (1) for effective date on July 1, 1981, (2) for uniform policies and methods of assessing real property by agreement of a majority of the counties or, in the absence of such agreement, by general law, and (3) for dedications of land for specific use, for assessment at its value in such use, and for real property tax exemptions, both of which shall not be altered for a period of eleven years, except that increases for either may be granted by agreement of a majority of the counties.

17. PUBLIC HEALTH AND WELFARE. (Article IX, Sections 2, 3, 4, 7, 8, 9 and 10)

If adopted, this amendment:

- allows flexibility in programs for care of handicapped.
- gives the legislature power to establish eligibility standards for public assistance.
- deletes the power to conserve and develop natural beauty which is shifted to Article on Conservation and Development of Resources.
- authorizes the State to provide for (1) public safety, (2) security of the elderly, (3) preservation of cultural resources, and (4) promotion of a healthful environment.

18. POPULATION GROWTH MANAGEMENT. (Article IX, Section 6)

If adopted, this amendment:

- requires the State and its counties to plan and manage the growth of the population except that each county may plan and manage their growth in a more restrictive manner than the State.

19. BOARD OF EDUCATION. (Article X, Sections 2 and 3; Article XVIII, Section 7)

If adopted, this amendment:

- beginning with the 1980 general elections, members of the board of education will be elected in a nonpartisan manner from two at-large school board districts, one district for Oahu and the second district for the neighbor islands. Each school board district will consist of several departmental school districts.
- provides that at least one member of the board of education live in each departmental school district.
- provides that the board of education has jurisdiction, subject to general laws, over the internal organization and management of the public school system.

20. EDUCATION; HAWAIIAN STUDIES. (Article X, Sections 1 and 4)

If adopted, this amendment:

- prohibits discrimination in public educational institutions on the basis of sex.

- provides for the promotion of Hawaiian history, culture, and language and a Hawaiian education program.

21. UNIVERSITY BOARD OF REGENTS.
(Article X, Section 6)

If adopted, this amendment:

- clarifies the board of regents' exclusive jurisdiction, subject to statewide laws, over the internal organization and management of the University of Hawaii.

22. WATER RESOURCES; PROTECTION AND CONTROL. (Article XI, Section 7)

If adopted, this amendment:

- obligates the State to protect, control, and regulate the uses of Hawaii's water resources for the benefit of the people of Hawaii.
- requires the legislature to insure that there is a water resources agency to help protect, control, and regulate the water.

23. ENVIRONMENT AND RESOURCE PROTECTION.

(Article XI, Sections 1 and 9)

If adopted, this amendment:

- requires the State and counties to conserve and protect the natural beauty and natural resources of Hawaii.
- requires the State to promote the development and use of these resources in a manner consistent with conserving these resources and promoting the self-sufficiency of the State.
- requires the State to hold all public natural resources in trust for the benefit of the people of Hawaii.
- gives each person the right to a clean and healthful environment as defined by law.
- gives each person the right to sue to enforce this right but the legislature may limit and regulate this right in a reasonable manner.

24. LAND MANAGEMENT; AGRICULTURAL LAND.
(Article XI, Sections 3 and 4)

If adopted, this amendment:

- requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure that agriculturally suitable lands will be available.
- requires the State to identify which agricultural lands are needed to promote the future of agriculture.
- requires that lands identified as important for agriculture shall not be used for any other purpose unless certain standards and criteria set by the legislature are met and approved by a two-thirds vote of the governmental body which is to approve changes in the use of the land.

- permits the State to acquire interests in real property in order to control development and land use; deems exercise of such power to be for a public use and purpose.

25. CONTROL OF MARINE RESOURCES.
(Article XI, Section 6)

If adopted, this amendment:

- gives the State the power to manage and control the ocean waters and lands which are located within the boundaries of the State.
- reserves to the State the right to manage and control ocean waters and lands which are located outside the boundaries of the State as long as federal or international law does not prevent the State from doing so.
- adds to the list of areas not open to the public, those areas where a state-licensed mariculture operation is operating but requires the legislature to establish guidelines for mariculture operations to protect the public's use and enjoyment of the reefs.

26. RESTRICTIONS ON NUCLEAR ENERGY. (Article XI, Section 8)

If adopted, this amendment:

- requires anyone wishing to construct a nuclear fission power plant or dispose of radioactive material to receive the approval of two-thirds of the members of each house of the legislature.

27. DEPARTMENT OF HAWAIIAN HOME LANDS. (Article XII, Section 1; Hawaiian Homes Commission Act, 1920, as amended, Sections 204, 212, 213 and 221)

If adopted, this amendment:

- requires the legislature to fund the Department of Hawaiian Home Lands.
- guarantees that traditional funding continue.
- allows Department more flexibility.

28. OFFICE OF HAWAIIAN AFFAIRS.
(Article XII, Sections 4, 5 and 6)

If adopted, this amendment:

- sets forth the trust corpus and beneficiaries of the Admission Act.
- establishes an Office of Hawaiian Affairs with an elected board of trustees and provides for an effective date.

29. TRADITIONAL AND CUSTOMARY RIGHTS. (Article XII, Section 8)

If adopted, this amendment:

- allows descendants of native Hawaiians, subject to state regulation, to exercise rights that have been customarily and traditionally exercised.

30. CODE OF ETHICS. (Article XIV)

If adopted, this amendment:

- extends ethics codes to constitutional convention delegates and employees.
- provides that ethics codes must require provisions for financial disclosure.
- requires an independent commission to supervise ethics codes.
- requires lobbyist registration.
- requires candidates for political office to file financial disclosures.

31. PREAMBLE; STATE BOUNDARIES AND MOTTO. (Preamble; Article XV, Sections 1, 4 and 5)

If adopted, this amendment:

- revises the Preamble.
- affirms that the State's boundaries include the waters around all the State's islands.
- picks a State motto and official languages of English and Hawaiian.

32. LIMITS ON ADVERSE POSSESSION.
(Article XVI, Section 12)

If adopted, this amendment:

- eliminates the acquiring of title to real property by adverse possession, except that five acres or less may be claimed by adverse possession, but not more than once in 20 years.

33. MISCELLANEOUS REVISIONS. (Article XVI, Sections 3 and 13; Article XVII, Section 2)

If adopted, this amendment:

- would keep persons convicted (not just accused) of subversive activities from holding public office.
- says that governmental writing must be in plain language.
- clarifies the time when voters must be asked if they want to have another constitutional convention.
- lets the next constitutional convention start a month earlier giving them 5 months before the general election instead of 4.

34. TECHNICAL AND STYLE CHANGES.

If adopted, this amendment:

- changes the Constitution where the subject may now be unconstitutional or unnecessary under the Constitution of the United States.
- changes style and language.
- replaces words which sound like they apply to only men or women by words which apply to everyone.
- makes small changes which are related to the main purposes of the other amendments.