



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2753, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII STATE CONSTITUTION TO ESTABLISH LEGISLATIVE TERM LIMITS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, March 2, 2016 **TIME:** 10:05 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Valri Lei Kunimoto, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The purpose of this bill is to propose an amendment to article III, section 4, of the Hawaii State Constitution to establish legislative term limits. The Department has the following comments and respectfully recommends that provisions in the bill be clarified to resolve any ambiguities.

The bill provides that beginning with the general election of 2020, no member of the legislature shall serve for more than twelve consecutive years in the House of Representatives and twelve consecutive years in the Senate, provided further, that if the member reaches the twelve-year limit in the House of Representatives or the Senate, that member may serve additional terms after a hiatus of one term of office. There appears to be an ambiguity in the proposed wording because the use of the word “and” on page 2, line 5, suggests that the limitation is for twelve consecutive years in the House and twelve consecutive years in the Senate. This is inconsistent with the second part of the provision, which refers to a twelve-year limit in the House or the Senate on page 2, line 7. We recommend that “and” be changed to “or” to reflect the intent to impose a twelve-year limit in either house of the Legislature.

In addition, while the proposed wording imposes a twelve-year limit on legislators, we respectfully suggest that the Committee consider conforming the bill to similar term limits on the Governor in article V, section 1, of the Hawaii State Constitution. Article V, section 1, of the Hawaii State Constitution provides in part, “No person shall be elected to the office of governor for more than two consecutive full terms.” Establishing term limitations for legislators based on

the election to full terms rather than years of service would avoid a mid-term vacancy where a legislator was appointed to serve a partial term in the legislature prior to being elected to office. House members would be limited to the election to six consecutive full terms and members of the Senate would be limited to three consecutive full terms.

Thank you for the opportunity to provide comments on this bill.



Senate Committee on Judiciary and Labor

Hawai'i Center for Food Safety Supports SB2753

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

My name is Dr. Ashley Lukens and I am the Hawai'i Director for the Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose mission centers on furthering the public's right to know how their food is produced, through labeling and other means. We have over 750,000 farmer and consumer members across the country, including nearing 10,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to speak to you today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, such as Kaua'i's Bill 2491. Since 2014, as the inaugural director here in Hawai'i, I have worked closely with community members across the state, in all counties, and have played an instrumental role in the passage of Maui's moratorium on GE production until companies submit environmental and public health impact assessments.

I am writing in support of SB2753, which proposes a constitutional amendment to limit the terms of members of the legislature to a maximum of twelve consecutive years in the House of Representatives and twelve consecutive years in the senate, for terms beginning on the day of the general election of 2020.

Term limits are beneficial because they would foster the rotation of fresh ideas and political parties through the Capitol offices, re-enforcing the democratic process. We support this measure because change is the life blood of democracy and we need to see younger generations and newer faces driving the future of Hawai'i.

Thank you for the opportunity to testify, and I am happy to answer any follow up questions.

Respectfully,

Ashley Lukens
Director, Hawai'i Center for Food Safety



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

March 1, _____ 2016

Chair, Vice Chair and Members of Committee on Judiciary and Labor,

Term limits for legislators have many benefits for the citizens who are represented by those legislators. Those reasons and the evidence for the benefits are too lengthy to go into in this testimony, but let me just quote Benjamin Franklin for the general benefits of limiting the length of serving:

“In free governments, the rulers are the servants, and the people their superiors For the former to return among the latter does not degrade, but promote them.”

I believe all legislators should be “promoted” back to “civilian” life on a regular basis, and this bill is far too lax in establishing the criteria for that promotion which would benefit all of us constituents.

I think that “term limits” is hardly a realistically applicable term for this proposed law which would merely allow someone to hold office for 24 out of 26 consecutive years (house), or 24 out of 28 consecutive years (senate), as would be possible under this suggested amendment.

This would make Hawaii's term limits the **most lax in the entire United States**. Only three states have 12 year term limits, but several of those are for **total cumulative years served**, not consecutive years with “time-outs”. Most states have 8 years term limits, and several of those are also total cumulative years, not consecutive with 'time-outs'. Three states have six (6) year term limits for state house members. To achieve the benefits of term limits Hawaii needs a law that realistically limits the ability of a person to make a lifelong career of being a politician in the state legislative bodies. Please amend this bill to limit terms to 8 years of cumulative elected office, independent of which body served in.

I've written the sponsors and co-sponsor of this bill to clarify other ambiguous language of the bill, but have received no replies clarifying any of it. Here are some of the problems:

Under this provision could a legislator in one body serve 12 years, then immediately move to the other body and serve another 12 years? Or does the 12 consecutive year limit apply to any combination of time serving in either body/both bodies altogether? If a person can serve 12 years in the house, then immediately move to serve 12 years in the senate, and then immediately move back to the house and serve another 12 years, there are no meaningful term limits. The language is ambiguous, or deliberately vague. Please clarify.

Does the “clock” start for counting years served in 2020, as the bill language seems to state, or will the already accrued years in office prior to 2020 be included at that point? If not, a person could have already served 20 (or however many years) and then be allowed to serve 12 more years for a total of 32 years before being required to take the mandatory “time-out” of two or four years. That doesn't really seem like “term limits” either. Please clarify whether the already served years would apply to the term limits when instituted. Certainly to accomplish the goals of term limits time already served must be

taken into account.

Please amend this proposed constitutional amendment to both clarify it and make the term limits meaningful in a way that would accomplish the goals served by term limits laws. In this case the best option would be for 8 year cumulative total service, then a mandatory promotion to “civilian”.

thank you,
George Pace

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2753 on Mar 2, 2016 10:05AM
Date: Sunday, February 28, 2016 7:51:34 PM

SB2753

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Evans	Individual	Support	No

Comments: ABSOLUTELY !

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Date: Saturday, February 27, 2016 12:13:15 PM

SB2753

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ANSON REGO	Individual	Support	No

Comments: I strongly support SB2753, an important bill. First it will allow turnover of legislators. Our Legislature generally have only a handful of member who will not get reelected, very few in fact. 2nd, this bill will also allow many in the Legislature to rise to the top more quickly. Hawaii has a strong up to down hierarchy where the leaders, especially the heads and committee chairs, wield substantial power. Therefore legislative term limits with greater turnover will allow and give more deference to the work within a committee rather than the particular chair who unilaterally kills bills he or she does not like in his committee. Finally, it would seem that term limits decrease the time legislators will seek to cater to special interests who are seeking financial gain from them and therefore heightened the legislators priority to be placed on the needs of the State rather than whoever is lobbying them. If reelection comes first, very often good policy does not. For the above reasons I recommend the bill be past in the best interest of our state government and our people. Anson Rego Waianae Attorney

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SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Support	No

Comments: This is a start, should be shorter. The publics distrust of "career politicians" would be eased if there where term limits. Please also include provisions for recall elections in the cases where the public loses the trust of said officials representing them. Passage of said bill will undoubtedly restore much trust in the legislators who are supposed to be OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE. Thank you

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Delano	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
David Soon	Individual	Support	No

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Date: Tuesday, March 01, 2016 10:15:50 AM

SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Davis	Individual	Support	No

Comments:

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Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Tuesday, March 01, 2016 12:32:48 PM

SB2153

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Kimball	Individual	Support	Yes

Comments: Aloha, Senate Judiciary Committee members, I am Deborah Kimball, adoptee. In the 1980s I reunited with my birth family—so enlightening, enriching, and gratifying that I then led Adoptee Support Groups for the Kaua'i YWCA. I have been affiliated with Adoption Circle of Hawai'i since 1992, but am not speaking for it today. I am delighted to wholeheartedly support SB 2153 as is. I feel that, after years, adoptees and their allies have finally been heard, and that many state legislators favor treating adult adoptees as adults. Adoption records were originally sealed to protect adoptive parents from interference by birth parents; considerably later adult adoptees were denied access to their own records. It is time to end the complex, costly and frustrating process to attempt access for those adopted pre-1991. In the meantime, we've seen that birth parent "right to privacy" is mythic. There are new mores regarding unwed parents, increasing open adoptions, far better understanding of adoptee and birth mother well-being, Internet search tools, and DNA testing. Will you please modernize the Hawai'i adoption records law via SB2153? Mahalo for your thoughtful consideration.

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Date: Sunday, February 28, 2016 8:31:55 PM

SB2753

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mader	Individual	Support	No

Comments: Aloha, My ohana is very much in FAVOR of term limits, for many reasons such as responsibility to voters (instead of corporations). History has shown us what happens when people are allowed to serve unlimited terms. It becomes very difficult for our community voices to be heard over the professional lobbyists who develop strong relationships with elected officials. I have noticed this with the senator from my district. She has been in for so long that she doesn't care about the will or voice of her constituents. The drug lobbyists wrote a bill for her that she sponsored without her even reading it (as shown when I read it to her at a community meeting). The corporations have given so much money and sent in their lobbyists over the years that "we the people" have a hard time competing for attention because we have to juggle jobs and kids and we live on Maui and cannot wine and dine our senator as the lobbyists can. I think if she had to term out, and re-run after we had a fresh voice, we would see more accountability to the people. It would even the playing field every 12 years. Help to break the corporate hold on our political process. Mahalo for your consideration. Deborah Mader Kihei

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SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	Yes

Comments: In full support of the bill as it speaks to the matters of succession. The opportunity to pass the torch to a subsequent generation of legislators that will bring forth new ideas and changes to our legislative system. Hawai'i has far too many career politicians who have not given up their seats to successive candidates. It is time to relinquish their kuleana upon the next generation for the greater good. Mahalo nui loa.

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
E Yadao	Individual	Comments Only	No

Comments: Term limits are beneficial. The question on the ballot might need to be more explanatory. For instance, ""Shall members of the legislature be limited to serving a maximum of twelve consecutive years in the house of representatives and twelve consecutive years in the senate, for terms beginning on the general election of 2020 INSTEAD OF THE CURRENT ALLOWANCE OF _____?"

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Date: Tuesday, March 01, 2016 10:17:51 AM

SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
ERNIE CUDE	Individual	Support	No

Comments: I SUPPORT SB2754 FOR LIMITED TERMS FOR HAWAII LEGISLATORS AND ANY OTHER PUBLIC ELECTED OFFICIALS. I BELIEVE NO ONE SHOULD MAKE GOVERNMENT A LIFE TIME OR LONG TERM JOB. THIS WILL KEEP THE PUBLIC CLOSER AND IN BETTER COMMUNICATION WITH IT'S GOVERNMENT,AND LIMIT KEEP CORRUPTION AND FAVORITISUM TO A MINIMUM. THANK YOU AND GOD BLESS, ERNIE R. CUDE

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SB2753

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Fowler	Individual	Support	No

Comments: I have to support any measure that will limit the terms of our legislative representatives. House and Senate. It is a rock solid American principle that folks should take of from their regular careers and do time as public servants. I should not have to remind any of you that your work for us, the people. At an appropriate amount of time you need to move on and allow new blood to do the peoples work. Hawaii's career political players have become the Oligarchy of the day, having replaced the plantation as the controlling entity of the state. As was said so eloquently of the Old Missionary Families, "They came to do good and have done quite well" So have our democratic politicians. Term limits are something whose time has come. Thank you and Aloha Gordon Fowler

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SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Hedgecock	Individual	Support	No

Comments: I strongly support this measure, which closes the loophole of lifelong careers in the legislature.

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SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jay	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Ball	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments: Term Limits are necessary. It is extremely difficult in Hawaii nei to replace an incumbent. We always need new manao & new energy. This is the right thing to do. However, can we get you who are the incumbents to vote for it?

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SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
jorge	Individual	Support	No

Comments: I support this change.

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SB2753

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
joshua	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth R. Conklin, Ph.D.	Individual	Support	No

Comments: No offense intended toward the wonderful members of the legislature, to whom I wish a happy and healthy life. But there's so much more for you in this life! Surely you have portable competencies -- you can find another job for your talents. After serving a decade in the legislature people tend to get out of touch with ordinary people and far too much in touch with lobbyists and entrenched bureaucracies. It's time for you to move along and make room for new people with fresher ideas. Although Senator Kahele was a wonderful gentleman, I suggest he set a bad example for you by dying in office. Don't follow him down that road.

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SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Kimura	Individual	Support	No

Comments: I would like to provide my testimony in support of term limits. I think democracy is a shared concept. We need fresh ideas to reinvigorate our legislature. However, I would suggest the possibility of reducing the term limits of House of Representatives to no more than 4 (four) consecutive terms 2-year terms. For senate no more than 2 (two), 4-year terms. Thank you very much.

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Sola	Individual	Support	No

Comments: We all know how hard it is to displace an incumbent. And all too often they become complacent in their jobs and need replacing. Term limits are a good thing!

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SB2753

Submitted on: 2/26/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos	Individual	Support	No

Comments:

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Subject: Submitted testimony for SB2753 on Mar 2, 2016 10:05AM
Date: Monday, February 29, 2016 10:37:49 PM

SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: Term limits are in vogue for many elected positions in the state and counties. This is an important bill, which should be passed so the voters can have their say via a constitutional amendment. Please vote yes.

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Date: Tuesday, March 01, 2016 10:23:15 AM

SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marian Grey	Individual	Support	No

Comments: This is an ACT whose time has come. It appears that once someone is elected, that becomes a permanent way of life. Outside ideas don't appear to be welcome. Let the people of Hawaii make the decision if this should take effect. This seems to work well with other elected offices in Hawaii, why not the legislature?
PLEASE PASS THIS BILL!

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Date: Monday, February 29, 2016 3:46:13 PM

SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bishop	Individual	Support	No

Comments: Aloha members of the Judiciary and Labor committee. I am in strong support of SB2753 due to the possibility that term limits for legislators could reduce the impacts of corruption and special interests in Hawaii. Additionally, term limits could revitalize the democratic process in Hawaii by allowing more ordinary citizens to become legislators and bring new ideas to the table. Thank you for considering this bill. Sincerely, Michael Bishop

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Date: Sunday, February 28, 2016 7:19:27 PM

SB2753

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments:

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Date: Friday, February 26, 2016 5:53:37 PM

SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/26/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Quentin Kealoha	Individual	Support	No

Comments: The Hawaii legislature is out of control. Career politicians in Hawaii and nationally are more focused on lining their pockets and/or politics of their party, rather than addressing the real issues and concerns of the people they are supposed to represent. Although it should be a maximum of two terms, this legislation is a start. I SUPPORT this, and want it to be voted on.

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SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

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SB2753

Submitted on: 3/1/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Bidleman	Individual	Support	No

Comments: We do not need career politicians and we need to provide the opportunity for others to serve in the legislation. Other states have done it and it works.

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Christie	Individual	Support	No

Comments: @@@ Dear Legislators, Aloha. My wife Share and I strongly SUPPORT this Bill for the opportunity to vote FOR term limits. We urge you to SUPPORT it, too. Thank you. Sincerely, Roger and Share Christie Off-Grid Bamboo Farm Pahoia, Hawai'i @@@

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Peters	Individual	Comments Only	No

Comments: My family and I support SB2753. Ryan Peters Kailua, HI

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SB2753

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
scott shimoda	Individual	Support	No

Comments:

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Support	No

Comments: YES!

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SB2753

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:05AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara	Individual	Support	No

Comments: Aloha and thank you for your time. Please support this bill because being a representative isn't supposed to amount to becoming your career or livelihood; so, with that original and righteous Constitutional objective in mind, no one should be against supporting this proposal. Mahalo for voting for the RIGHT thing.

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