A BILL FOR AN ACT

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

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

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

The existing bicameral system is replete with duplication in committee structure, staffing, and legislation introduced. Procedures and policies differ, sometimes substantially, between the two houses making it time-consuming, confusing, and more difficult for citizen participation. Moreover, the two houses often take diametrically opposed positions on significant issues. This often results in inaction, or in important and controversial decisions being made by conference committees,
where special interests can be more easily accommodated than in
the more open, deliberative standing committee hearings.

A unicameral legislature would eliminate unnecessary
duplication and would provide better citizen access to the
legislative process. Conversion to a unicameral system would
result in immediate cost savings as the total number of
legislators, staff, and legislative measures would decrease.

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

(1) Change the legislature from a bicameral legislature
with a house of representatives and a senate to a
unicameral legislature with only one chamber, to be
known as the legislature, commencing after the general
election in November 2014;

(2) Change the total number of legislators from seventy-
six to fifty-one legislators representing fifty-one
single-member districts, who serve staggered terms of
four years each; and

(3) Change the composition of the reapportionment
commission to require four members each to be
appointed by the speaker and minority leader of the
legislature, with appointees choosing the ninth
member; and change the composition of the judicial selection commission to require four members to be appointed by the speaker of the legislature, with the governor to appoint two members, the chief justice to appoint one member, and members of the bar to elect two members.

Until such time as a new apportionment plan is filed, it is the intent of the legislature that the apportionment plan for the house of representatives in effect at the time this Act becomes effective, shall apply to the new unicameral legislature.

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

"LEGISLATIVE POWER

Section 1. [The] Commencing after the general election in November 2016, the legislative power of the State shall be vested in a legislature, which shall consist of [two houses, a senate and a house of representatives.] one chamber which shall be known as the legislature. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

[COMPOSITION OF SENATE]
Section 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as set forth in the Schedule.

COMPOSITION OF [HOUSE–OF–REPRESENTATIVES] LEGISLATURE

Section 3. The [house of representatives] legislature shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective [representative] single member legislative districts. [Until the next reapportionment, the representative] The legislative districts [and the number of representatives to be elected from each] shall be as set forth [in the Schedule.] by the reapportionment commission.

ELECTION OF MEMBERS; TERM

Section 4. Each member of the legislature shall be elected at an election. If more than one candidate has been nominated for election to a seat in the legislature, the member occupying that seat shall be elected at a general election. If a candidate nominated for a seat at a primary election is unopposed for that seat at the general election, the candidate shall be deemed elected at the primary election. The term of office of a member of the [house of representatives] legislature
shall be [two years and the term of office of a member of the
senate shall be] four years; provided that of the legislators
elected to the term commencing after the general election in
November 2014, the members of the legislature shall serve
staggered terms of office as provided in Article IV, Section 7
of this Constitution. The term of a member of the legislature
shall begin on the day of the general election at which elected
or if elected at a primary election, on the day of the general
election immediately following the primary election at which
elected. [For a member of the house of representatives, the
term shall end on the day of the general election immediately
following the day the member's term commences. For a member of
the senate, the] The term of a member of the legislature shall
end on the day of the second general election immediately
following the day the member's term commences.

VACANCIES

Section 5. Any vacancy in the legislature shall be filled
for the unexpired term in such manner as may be provided by law,
or, if no provision be made by law, by appointment by the
governor for the unexpired term.

QUALIFICATIONS OF MEMBERS
Section 6. [No person shall be eligible to serve as a member of the senate unless the person has been a resident of the State for not less than three years, has attained the age of majority and is, prior to filing nomination papers and thereafter continues to be, a qualified voter of the senatorial district from which the person seeks to be elected; except that in the year of the first general election following reapportionment, but prior to the primary election, an incumbent senator may move to a new district without being disqualified from completing the remainder of the incumbent senator's term.]

No person shall be eligible to serve as a member of the [house of representatives] legislature unless the person has been a resident of the State for not less than three years, has attained the age of majority and is, prior to filing nomination papers and thereafter continues to be, a qualified voter of the [representative] legislative district from which the person seeks to be elected; except that in the year of the first general election following reapportionment, but prior to the primary election, an incumbent [representative] legislator may move to a new district without being disqualified from completing the remainder of the incumbent [representative's] legislator's term.
PRIVILEGES OF MEMBERS

Section 7. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of the member's legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of [their respective house] the legislature and in going to and returning from the same.

DISQUALIFICATIONS OF MEMBERS

Section 8. No member of the legislature shall hold any other public office under the State, nor shall the member, during the term for which the member is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public offices," for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

LEGISLATIVE ALLOWANCE
Section 9. The members of the legislature shall receive allowances reasonably related to expenses as provided by law.

SESSIONS

Section 10. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

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

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the [presiding officers of both houses] speaker of the legislature at the written request of two-thirds of the members to which
the legislature is entitled or may be granted by
the governor.

Each regular session shall be recessed for not less than
five days at some period between the twentieth and fortieth days
of the regular session. The legislature shall determine the
dates of the mandatory recess by [concurrent] resolution. Any
session may be recessed by [concurrent] resolution adopted by a
majority of the members to which [each house] the legislature is
entitled. Saturdays, Sundays, holidays, the days in mandatory
recess and any days in recess pursuant to a [concurrent]
resolution shall be excluded in computing the number of days of
any session.

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

ADJOURNMENT

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

ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

Section 12. [Each house] The legislature shall be the
judge of the elections, returns and qualifications of its [own]
members and shall have, for misconduct, disorderly behavior or
neglect of duty of any member, power to punish such member by
censure or, upon a two-thirds vote of all the members to which
[such house] the legislature is entitled, by suspension or
expulsion of such member. [Each house] The legislature shall
choose its own officers, determine the rules of its proceedings
and keep a journal. The ayes and noes of the members on any
question shall, at the desire of one-fifth of the members
present, be entered upon the journal.

Twenty days after a bill has been referred to a committee
[in either house,] of the legislature, the bill may be recalled
from such committee by the affirmative vote of one-third of the
members to which [such house] the legislature is entitled.

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

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

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QUORUM; COMPULSORY ATTENDANCE

Section 13. A majority of the number of members to which [each house] the legislature is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill [in each house] shall require the vote of a majority of all the members to which [such house] the legislature is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as [each house] the legislature may provide.

BILL; ENACTMENT

Section 14. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the legislature of the State of Hawaii."

PASSAGE OF BILLS

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

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

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

APPROVAL OR VETO

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

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

RECONSIDERATION AFTER ADJOURNMENT

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

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

PROCEDURES UPON VETO

Section 17. Upon the receipt of a veto message from the
governor, [each house] the legislature shall enter the same at
large upon its journal and proceed to reconsider the vetoed
bill, or the item or items vetoed, and again vote upon such
bill, or such item or items, by ayes and noes, which shall be
entered upon its journal. If after such reconsideration such
bill, or such item or items, shall be approved by a two-thirds
vote of all members to which [each house] the legislature is
entitled, the same shall become law.

PUNISHMENT OF NONMEMBERS
Section 18. [Each house] The legislature may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of [either house] the legislature who shall be guilty of disrespect of [such house] the legislature by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of [such house] the legislature; or who shall assault, arrest or detain any witness or other person ordered to attend [such house] the legislature, on the witness' or other person's way going to or returning therefrom; or who shall rescue any person arrested by order of [such house] the legislature.

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

IMPEACHMENT

Section 19. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the [senate] legislature is required, may be removed from office upon
conviction of impeachment for such causes as may be provided by law.

The [house of representatives] legislature shall have the sole power of impeachment of the governor and lieutenant governor and [the senate] the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the [senate] legislature. When sitting for that purpose, the members of the [senate] legislature shall be on oath or affirmation and the chief justice shall preside. Subject to [the provisions of] this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers. Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment as provided by law."

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

"REAPPORTIONMENT COMMISSION
Section 2. A reapportionment commission shall be constituted on or before May 1 of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. [The president of the senate and the speaker of the house of representatives] The speaker of the legislature and the minority leader shall each select [two] four members. [Members of each house belonging to the party or parties different from that of the president or the speaker shall designate one of their number for each house and the two so designated shall each select two members of the commission.] The eight members so selected, promptly after selection, shall be certified by the selecting authorities to the chief election officer and within thirty days thereafter, shall select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairperson of the commission.

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

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

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

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

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

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

The chief election officer shall be secretary of the
commission without vote and, under the direction of the
commission, shall furnish all necessary technical services. The
legislature shall appropriate funds to enable the commission to
carry out its duties."

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

"APPORTIONMENT AMONG BASIC ISLAND UNITS

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

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

"APPORTIONMENT WITHIN BASIC ISLAND UNITS

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

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

1. No district shall extend beyond the boundaries of any basic island unit.

2. No district shall be so drawn as to unduly favor a person or political faction.

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

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

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

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

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

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

"ELECTION OF [SENATORS] LEGISLATORS AFTER REAPPORTIONMENT

Section 7. Regardless of whether or not a [senator] legislator is serving a term that would have extended past the general election at which an apportionment plan becomes effective, the term of office of all [senators] legislators shall end at that general election. The staggered terms of [senators] legislators in each district shall be recomputed as established by the next section in this article, and the number
of legislators in a legislative district under the reapportionment plan of the commission."

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

"STAGGERED TERMS FOR THE [SENATE] LEGISLATURE

Section 8. The reapportionment commission shall, as part of the reapportionment plan, assign two-year terms for twenty-five legislative seats for the election immediately following the adoption of the reapportionment plan. The remaining seats shall be assigned four-year terms. Insofar as practicable, the commission shall assign the two-year terms to legislative seats so that the resident population of each legislative district shall have no more than two regular legislative elections for a particular legislative seat within the six-year period beginning in the even-numbered year prior to the reapportionment year; provided that in the event of a multi-member legislative district, the legislators elected with the highest number of votes in that district in the election immediately following the adoption of the reapportionment plan shall fill the legislative seats in that district which were assigned the four-year terms by the commission."
SECTION 8. Article V, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS

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

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the [senate] legislature, appointed by the governor. That person shall hold office for a term to expire at the end of the term for which the governor was elected, unless sooner removed by the governor; except that the removal of the chief legal officer of the State shall be subject to the advice and consent of the [senate] legislature.
Except as otherwise provided in this constitution, whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the [senate] legislature, appointed by the governor. The term of office and removal of such members shall be as provided by law. Such board, commission or other body may appoint a principal executive officer who, when authorized by law, may be an ex officio, voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

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

When the [senate] legislature is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the [senate] legislature, the governor may fill the office by granting a commission which shall expire, unless such appointment is confirmed, at the end of the next session of
the [senate] legislature. The person so appointed shall not be eligible for another interim appointment to such office if the appointment failed to be confirmed by the [senate] legislature.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the [senate] legislature shall be eligible to an interim appointment thereafter to such office.

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

SECTION 9. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the [senate] legislature, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented to the governor by the judicial selection commission."
If the governor fails to make any appointment within thirty
days of presentation, or within ten days of the [senate's]
legislature's rejection of any previous appointment, the
appointment shall be made by the judicial selection commission
from the list with the consent of the [senate] legislature. If
the [senate] legislature fails to reject any appointment within
thirty days thereof, it shall be deemed to have given its
consent to such appointment. If the [senate] legislature shall
reject any appointment, the governor shall make another
appointment from the list within ten days thereof. The same
appointment and consent procedure shall be followed until a
valid appointment has been made, or failing this, the commission
shall make the appointment from the list, without [senate] the
consent[.] of the legislature.

The chief justice, with the consent of the [senate]
legislature, shall fill a vacancy in the district courts by
appointing a person from a list of not less than six nominees
for the vacancy presented by the judicial selection commission.
If the chief justice fails to make the appointment within thirty
days of presentation, or within ten days of the [senate's]
legislature's rejection of any previous appointment, the
appointment shall be made by the judicial selection commission
from the list with the consent of the [senate] legislature.

The [senate] legislature shall hold a public hearing and vote on each appointment within thirty days of any appointment. If the [senate] legislature fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without the consent of the legislature. The chief justice shall appoint per diem district court judges as provided by law.

**QUALIFICATIONS FOR APPOINTMENT**

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

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

**TENURE; RETIREMENT**
The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of the justice or judge for the period provided by this section or by law.

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

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

"JUDICIAL SELECTION COMMISSION

Section 4. There shall be a judicial selection commission that shall consist of nine members. The governor shall appoint two members to the commission. No more than one of the two members shall be a licensed attorney. The [president of the
The legislature shall appoint four members to the commission. The chief justice of the supreme court shall appoint one member to the commission. Members in good standing of the bar of the State shall elect two of their number to the commission in an election conducted by the supreme court or its delegate. No more than four members of the commission shall be licensed attorneys. At all times, at least one member of the commission shall be a resident of a county other than the City and County of Honolulu.

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

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

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

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

The legislature shall provide for the staff and operating
expenses of the judicial selection commission in a separate
budget. No member of the judicial selection commission shall
receive any compensation for commission services, but shall be
allowed necessary expenses for travel, board and lodging
incurred in the performance of commission duties.

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

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

"LEGISLATIVE APPROPRIATIONS; PROCEDURES;

EXPENDITURE CEILING
Section 9. In each regular session in an odd-numbered year, the legislature shall transmit to the governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the governor.

In each regular session in an even-numbered year, at such time as may be provided by law, the governor may submit to the legislature a bill to amend any appropriation for operating expenditures of the current fiscal biennium, to be known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the current fiscal biennium, and at the same time the governor shall submit a bill or bills to provide for any added revenues or borrowings that such amendments may require. In each regular session in an even-numbered year, bills may be introduced in the legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or prior fiscal periods. In any such
session in which the legislature submits to the governor a
supplemental appropriations bill, no other appropriation bill,
except bills recommended by the governor for immediate passage,
or to cover the expenses of the legislature, shall be passed on
final reading until such supplemental appropriations bill shall
have been transmitted to the governor.

GENERAL FUND EXPENDITURE CEILING

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

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

"AUDITOR
Section 10. The legislature, by a majority vote of [each house in joint session,] its members, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of [the] its members [in joint session], may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report the auditor's findings and recommendations to the governor and to the legislature at such times as shall be provided by law. The auditor shall also make such additional reports and conduct such other investigations as may be directed by the legislature."

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

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.
2. The term "general obligation bonds" means all bonds for
the payment of the principal and interest of which the full
faith and credit of the State or a political subdivision are
pledged and, unless otherwise indicated, includes reimbursable
general obligation bonds.

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

a. A public undertaking, improvement or system remaining
after the costs of operation, maintenance and repair
of the public undertaking, improvement or system, and
the required payments of the principal of and interest
on all revenue bonds issued therefor, have been made;
or

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

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

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

6. The term "reimbursable general obligation bonds" means
general obligation bonds issued for a public undertaking,
improvement or system from which revenues, or user taxes, or a
combination of both, may be derived for the payment of the
principal and interest as reimbursement to the general fund and
for which reimbursement is required by law, and, in the case of
general obligation bonds issued by the State for a political
subdivision, general obligation bonds for which the payment of
the principal and interest as reimbursement to the general fund
is required by law to be made from the revenue of the political
subdivision.

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

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

9. The term "user tax" means a tax on goods or services or
on the consumption thereof, the receipts of which are
substantially derived from the consumption, use or sale of goods
and services in the utilization of the functions or services
furnished by a public undertaking, improvement or system;
provided that mortgage recording taxes shall constitute user
taxes of a state property insurance program.

The legislature, by a majority vote of the members to which
[each house] it is entitled, shall authorize the issuance of all
general obligation bonds, bonds issued under special improvement
statutes and revenue bonds issued by or on behalf of the State
and shall prescribe by general law the manner and procedure for
such issuance. The legislature by general law shall authorize
political subdivisions to issue general obligation bonds, bonds
issued under special improvement statutes and revenue bonds and
shall prescribe the manner and procedure for such issuance. All
such bonds issued by or on behalf of a political subdivision
shall be authorized by the governing body of such political
subdivision.

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

1. Manufacturing, processing, or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public
   by not-for-profit corporations;
4. Early childhood education and care facilities provided
to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs;
6. Not-for-profit private nonsectarian and sectarian
   elementary schools, secondary schools, colleges and
   universities; or
7. Agricultural enterprises serving important
   agricultural lands,
each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which it is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which it is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote
of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

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

"DEBT LIMIT; EXCLUSIONS

Section 13. General obligation bonds may be issued by the State; provided that such bonds at the time of issuance would
not cause the total amount of principal and interest payable in
the current or any future fiscal year, whichever is higher, on
such bonds and on all outstanding general obligation bonds to
exceed: a sum equal to twenty percent of the average of the
general fund revenues of the State in the three fiscal years
immediately preceding such issuance until June 30, 1982; and
thereafter, a sum equal to eighteen and one-half percent of the
average of the general fund revenues of the State in the three
fiscal years immediately preceding such issuance. Effective
July 1, 1980, the legislature shall include a declaration of
findings in every general law authorizing the issuance of
general obligation bonds that the total amount of principal and
interest, estimated for such bonds and for all bonds authorized
and unissued and calculated for all bonds issued and
outstanding, will not cause the debt limit to be exceeded at the
time of issuance. Any bond issue by or on behalf of the State
may exceed the debt limit if an emergency condition is declared
to exist by the governor and concurred to by a two-thirds vote
of the members to which [each house of] the legislature is
entitled. For the purpose of this paragraph, general fund
revenues of the State shall not include moneys received as
grants from the federal government and receipts in reimbursement
of any reimbursable general obligation bonds which are excluded
as permitted by this section.

A sum equal to fifteen percent of the total of the assessed
values for tax rate purposes of real property in each political
subdivision, as determined by the last tax assessment rolls
pursuant to law, is established as the limit of the funded debt
of such political subdivision that is outstanding and unpaid at
any time.

All general obligation bonds for a term exceeding two years
shall be in serial form maturing in substantially equal
installments of principal, or maturing in substantially equal
installments of both principal and interest. The first
installment of principal of general obligation bonds and of
reimbursable general obligation bonds shall mature not later
than five years from the date of issue of such series. The last
installment on general obligation bonds shall mature not later
than twenty-five years from the date of such issue and the last
installment on general obligation bonds sold to the federal
government, on reimbursable general obligation bonds and on
bonds constituting instruments of indebtedness under which the
State or a political subdivision incurs a contingent liability
as a guarantor shall mature not later than thirty-five years.
from the date of such issue. The interest and principal payments of general obligation bonds shall be a first charge on the general fund of the State or political subdivision, as the case may be.

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

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

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

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

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

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

6. Reimbursable general obligation bonds issued for a
public undertaking, improvement or system but only to the extent
that reimbursements to the general fund are in fact made from
the net revenue, or net user tax receipts, or combination of
both, as determined for the immediately preceding fiscal year.
7. Reimbursable general obligation bonds issued by the State for any political subdivision, whether issued before or after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State for the payment of principal and interest on such bonds is required by law; provided that in the case of bonds issued after the effective date of this section, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period that such bonds are excluded by the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

8. Bonds constituting instruments of indebtedness under which the State or any political subdivision incurs a contingent liability as a guarantor, but only to the extent the principal amount of such bonds does not exceed seven percent of the principal amount of outstanding general obligation bonds not otherwise excluded under this section; provided that the State or political subdivision shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State or political subdivision as provided by law.
9. Bonds issued by or on behalf of the State or by any political subdivision to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, if required to be paid within one year, and bonds issued by or on behalf of the State to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God.

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

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

SECTION 15. Article X, section 2, of the Constitution of the State of Hawaii is amended to read as follows:

"BOARD OF EDUCATION

Section 2. There shall be a board of education. The governor shall nominate and, by and with the advice and consent
of the [senate] legislature, appoint the members of the board of education, as provided by law."

SECTION 16. Article X, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"BOARD OF REGENTS; POWERS

Section 6. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the [senate] legislature, appointed by the governor from pools of qualified candidates presented to the governor by the candidate advisory council for the board of regents of the University of Hawaii, as provided by law. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have the power to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board. The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university. This section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern."
SECTION 17. Article XI, section 8, of the Constitution of the State of Hawaii is amended to read as follows:

"NUCLEAR ENERGY

Section 8. No nuclear fission power plant shall be constructed or radioactive material disposed of in the State without the prior approval by a two-thirds vote [in each house] of the legislature."

SECTION 18. Article XVI, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

"OATH OF OFFICE

Section 4. All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ...................... to the best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of [both houses of] the legislature, the members of the board of education, the members of the national guard, State or county employees who possess
police powers, district court judges, and all those whose appointment requires the consent of the [senate-] legislature."

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

"AMENDMENTS PROPOSED BY LEGISLATURE

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

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

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.
The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in section 2 of this article for ratification at a general election."

SECTION 20. Article IV, section 5, of the Constitution of the State of Hawaii is repealed.

"MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS

Section 5. The representation of any basic island unit initially allocated less than a minimum of two senators and three representatives shall be augmented by allocating thereto the number of senators or representatives necessary to attain such minimums which number, notwithstanding the provisions of Sections 2 and 3 of Article III shall be added to the membership of the appropriate body until the next reapportionment. The senators or representatives of any basic island unit so augmented shall exercise a fractional vote wherein the numerator is the number initially allocated and the denominator is the minimum above specified. "

SECTION 21. The question to be printed on the ballot shall be as follows:

"Shall:

(1) The legislature be changed from a bicameral legislature with a house of representatives and a senate to a
unicameral legislature with only one chamber, to be
known as the legislature, commencing after the general
election in November 2016;

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

(3) The composition of the reapportionment commission be
changed to provide that four members each shall be
appointed by the speaker and minority leader of the
legislature, with appointees choosing the ninth member;
and change the composition of the judicial selection
commission to require four members to be appointed by
the speaker of the legislature, with the governor to
appoint two members, the chief justice to appoint one
member, and the members of the bar to elect two
members?"

SECTION 22. Constitutional material to be repealed is
bracketed and stricken. New constitutional material is
underscored.
SECTION 23. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.
Report Title:
Unicameral Legislature

Description:
Proposes constitutional amendments to create a unicameral legislature consisting of fifty-one members serving four year terms; to commence after the general election in November 2016. Provides that the speaker of the legislature and the minority leader shall each appoint four members to the reapportionment commission. Provides that the speaker of the legislature shall appoint four members to the judicial selection commission.

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