

Proceedings of the
CONSTITUTIONAL CONVENTION
OF HAWAII
Of 1968

Volume I

Proceedings of the
**CONSTITUTIONAL
CONVENTION OF HAWAII**
Of 1968

VOLUME I

JOURNAL AND DOCUMENTS

Published under the supervision of the
ADMINISTRATOR OF THE CONVENTION

State of Hawaii

HONOLULU, HAWAII
1973

CERTIFICATE

We hereby certify that the proceedings of the Hawaii State Constitutional Convention of 1968 are true and correct, that the originals have been duly signed by the President and Secretary of the Convention and that they have been prepared and printed in two volumes as follows:

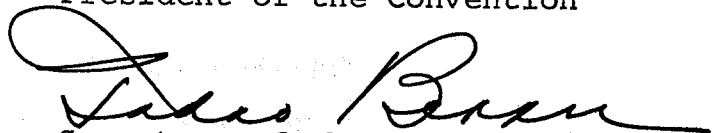
Volume I consisting of the official journal and documents of the Convention;

Volume II consisting of the debates of the Committee of the Whole as assembled by article.

The two volumes have been prepared and printed in accordance with the provisions of Act 222, Session Laws of Hawaii, 1967.



President of the Convention



Secretary of the Convention

Editor's Notes

The first volume of the *Proceedings of the Constitutional Convention of Hawaii of 1968* is essentially a reproduction of both the journal, prepared for each day of the Convention and approved by the presiding officer, and the convention documents and communications.

The digest of proposals offered by the delegates was prepared some time after the Convention, at the time of publication, and was approved by the Convention Administrator. Only changes to the Constitution were annotated.

The section entitled "Final Status of Measures Proposed" is a compilation of data prepared by the Legislative Reference Bureau with the assistance of Computer Center 3. It is a summarization of the documents of the Convention and may serve as the volume's history.

The State Constitution which appears in the Appendices has been updated since the Convention to include recent changes, additions and amendments made in 1970 and 1972.

Volume II consists primarily of the debates of the Committee of the Whole, arranged by subject matter according to article. Only minimal editing was done. The word "kanalua" used occasionally in the debates means to doubt or to hesitate, and was used when a delegate wished to postpone voting until the end of the roll call.

Preface

Hawaii has a unique political background. Seven major islands were governed by individual chiefs until unified under Kamehameha I at the end of the 18th century. The government was successively an absolute monarchy, a constitutional monarchy and a republic. Hawaii became a U.S. Territory after ceding its sovereignty, and a State in 1959.

Under an Organic Act enacted by Congress in 1900, the neighbor islands (all the islands except Oahu) controlled the legislature nine to six in the senate and 18 to 12 in the house of representatives. With all the responsibilities of citizenship the people of the Territory for a half century sought all the rights and privileges to be gained by statehood. To dramatize Hawaii's cause and to demonstrate its capability, the legislature in 1949 authorized a Constitutional Convention of 63 delegates—36 delegates from Oahu and 27 from the neighbor islands.

The delegates met in 1950 and drafted a Constitution which was approved by the people. It was brief, set out the fundamentals of government and not the detail, and provided a short ballot with election restricted to a governor and lieutenant governor, and appointment of judges by the governor with the consent of the senate.

In restructuring the legislature, the new Constitution retained the traditional neighbor island control of the senate that had existed since adoption of the Organic Act of 1900, but ended neighbor island control of the house. A house of 51 members was created (originally 18 members from the neighbor islands and 33 from Oahu). The senate had 25 members, 15 from the neighbor islands and 10 from Oahu, maintaining the same proportion that existed under the Organic Act. Reapportionment of the house on the basis of registered voters was required each 10 years and constitutional limitations were included to assure continuation of senate control by neighbor islands.

Amendments could be proposed by the legislature or by Constitutional Convention and were subject to ratification by the voters. The legislature could submit to the voters the question of whether to hold a Constitutional Convention. The Constitution provided that if the legislature did not submit the question in any ten-year period the question automatically would be placed on the ballot at the following general election.

In 1965 a federal court held in *Holt et al vs. Richardson et al* that apportionment of the senate and restrictions on amendments with respect to the senate were invalid and unconstitutional. As a result of this decision, the legislature submitted the question of a Constitutional Convention at the general election of 1966, and the voters overwhelmingly approved.

In 1967 the legislature authorized election of 82 convention delegates on a nonpartisan basis without a primary. The election was held June 1, 1968. Sixty-three delegates were elected from Oahu and 19 from the neighbor islands.

The Convention convened July 15, 1968 in a manner similar to that of the Convention of 1950. Some \$100,000 was provided for advertising issues and problems, and \$40,000 was made available to the Legislative Reference Bureau for necessary reports and updating of material compiled in 1950. In both Conventions the compensation of delegates was equal to that of a legislator in regular session. In 1950 it was \$1,000 and in 1968 it was \$2,500 with per diem of \$32.50 for a delegate from Oahu and \$45 for a delegate from a neighbor island. No time limit was set on either Convention. That of 1950 lasted 79 official days. A citizens' committee, representing various organizations, held a three-day seminar prior to the election. This was helpful in identifying and focusing attention on various issues and problems. The delegates also benefited from another seminar held after the election, devoted to the problems of the Convention. At its conclusion, the delegates met to commence organization of the Convention. By letter of June 6, 1968, a copy of which is appended hereto (Attachment A), the writer had made certain suggestions as to the Convention.

A temporary president was named. Despite his suggestion that a committee to recommend rules be nominated and selected from and by district groups, he was

empowered to select such a committee. The committee, consisting of Toshi Ansai (chairman), Patsy K. Young (vice-chairman), Richard M. Kageyama, Hiroshi Kato, Duke T. Kawasaki, Takeshi Kudo, Tony T. Kunimura, Yoshio Hasegawa, George W. T. Loo, Howard Y. Miyake, Keo Nakama, Jack K. Suwa, Sakae Takahashi, Robert M. Wright and Mitsuo Uechi, recommended rules based, in the main, on the rules of 1950. A Special Advisory Committee to the president, consisting of the women delegates, assisted and later met regularly throughout the Convention and were invaluable in helping provide a smooth-working session. The delegates met in caucus, adopted the rules and chose officers-designate—a president, five vice-presidents (one from each of the neighbor islands and two from Oahu), a secretary and an assistant secretary. Ten major committees were provided and two housekeeping or convention committees were named. It was understood that every provision of the Constitution would be subject to the jurisdiction of at least one committee. In case of overlap, jurisdiction was resolved by the chairmen or by consultation with the president. In essence, the rules provided for delegates to introduce various proposals, which were referred by the president to appropriate committees, where they were investigated and hearings were held. Each committee then made a report of its own committee proposal. This was a change from the customary legislative procedure in which committees report out individually-sponsored proposals. The proposals then were referred to a Committee of the Whole, and final action was taken by the Convention. Under policy announced by the president and fully adhered to throughout the Convention, each delegate was guaranteed an opportunity to present his ideas on any portion of the Constitution.

Arrangements for holding the Convention, selecting staff and completing organization proceeded. Real difficulty was experienced in finding a site. There seemed to be no really suitable place. The capitol was in process of construction and attempts to utilize portions proved not feasible. The site of the 1950 Convention, the Armory, had been demolished to permit construction of the capitol building. The Palace was too small, facilities at the University of Hawaii were in use or inadequate, the Honolulu International Center was booked and unavailable. Various private facilities were suggested and inspected but were inadequate. Governor John A. Burns lent his assistance and appeared before a caucus of the delegates to report and answer questions on the state of construction of the capitol and on the availability of various government facilities. Finally, the gymnasium of McKinley High School and facilities of Kapiolani Community College were utilized.

The Convention would not have been as successful without a highly skilled and experienced staff. The Legislative Reference Bureau staffed an office at the convention site and rendered valuable assistance in advice, source material and drafting. Shigeto Kanemoto, clerk of the house of representatives, was chosen clerk of the convention; George Takane, assistant clerk of the house of representatives, was chosen assistant clerk; and Seichi Hirai, clerk of the senate, was appointed administrator and assistant to the president. Such selection proved particularly valuable; preparation for and operation of the Convention were handled by them with consultation with the president.

Three able and experienced attorneys, Harold Shintaku, James Funai and George Holt, with strong backgrounds in legislative affairs, bill-drafting and reapportionment were selected as the principal attorneys for the Convention. Pursuant to the rules, the president was authorized to employ the staff and to appoint all committee members including the chairmen and assistant chairmen. The president did not directly exercise the authority as to staff but authorized the clerk, administrator and attorneys to choose their own staff on a merit basis with full responsibility for getting the necessary work done. Each delegate appointed a secretary and each chairman appointed the staff of his committee. Other positions such as watchmen and custodians were divided by lot among the various delegations and each delegation proceeded to make its choice. The vice-presidents materially assisted in this and being consulted individually and as a group throughout the Convention proved of very real assistance in many matters.

The appointment of chairmen, vice-chairmen and membership of each committee was a major task. Each delegate except the secretary and assistant secretary indicated his committee preference in writing. These were tabulated on a chart and carefully reviewed. Peter Lewis as assistant secretary was most helpful in this. It appeared that dissatisfaction with membership or with chairmen would be a handicap to the Convention. Appointments would need to be reviewed carefully as to district and island. Those for and against

various proposals in and out of the Convention would seek an indication from the makeup of the committees as to prospective success or failure of these proposals. During the election, fears had been expressed that problems between legislators and non-legislators and between different legislative groups could or would arise. In view of this certain committees such as those on reapportionment, the legislature, judiciary, taxation and submission and information were not chaired by legislators and particularly in these committees, non-legislators were in the clear majority. However, the leadership and background of various legislators were utilized as well as that of other delegates. The present and, as can be seen by developments over succeeding years, possibilities as to the then future were taken into consideration.

The principle of service on several committees was adopted and proved extremely helpful in the coordination of the work of the committees and gave the opportunity to utilize the varied experience and talent of the delegates. At the request of the president-designate, the membership of the principal committees was increased to 23 to permit appointment of each delegate to his first or second choice and to other committees to which he had given high priority. Announcement of appointment was at a caucus, without prior disclosure being made to any delegate. Interestingly enough, this was contrary to the recommendation of certain experts acquainted with constitutional conventions in other states that the committees be small and a delegate have membership only on one committee. The operations of the Convention demonstrated the wisdom of the choice made.

Prior to and during the Convention, the executive department, reflecting the attitude and leadership of Governor John A. Burns, was most helpful in furnishing prompt assistance, skilled technicians and required information.

On convening, the Convention proceeded immediately with its business. A chart of the seating is appended (Attachment B). With the cooperation of the chairmen and under the careful scheduling of the secretary (speaker of the house of representatives) and the assistant secretary, committee meetings were scheduled starting at 7:30 a.m. The regular session convened promptly at 9 a.m.

The president, after careful consultation with others informally, announced the program for the day, specifying the hours and, with the cooperation of all, the schedule was followed. On adjournment at the appointed hour, committee hearings were held throughout the day and evening. Chairmen, delegates and witnesses appreciated being able to consider matters within established hours. Testimony and consideration of issues were not restricted and could and were carried over to another time.

Hearings were conducted on each of the neighbor islands. As the committees reached the decision-making process, committee reports were scheduled for receipt by the Convention and time reserved for review; each committee proposal and report was referred to a Committee of the Whole. Every proposal was subject to full consideration—review, debate, amendment, substitution, rejection. Under announced policy, “unchanged” sections of the Constitution were subject to consideration and entirely new material could be presented. No Committee of the Whole was restricted as to the number of hours to be devoted to its deliberations. The opportunity of each delegate to express himself, present his ideas and secure a decision was respected. The good sense of the delegates and at times their impatience with over-exploration of an issue served to help bring matters to a decision if not on that day or issue at least on another day or issue.

The president did not preside over any Committee of the Whole but appointed others. As so much of the work of the Convention and that of so many committees would be affected by whether the legislature would be unicameral or bicameral, it was decided that this issue should be determined by all delegates on an “advisory basis” to the Convention, without foreclosing a different decision later in the Convention.

The first meeting of the Committee of the Whole on the issue of unicameralism versus bicameralism was presided over by the vice-chairman of the legislative committee, who was also majority leader of the house of representatives; thereafter, a vice-president, the secretary or assistant secretary was appointed as chairman. The chairman wrote a report of the proceedings of the Committee of the Whole which, on adoption, was then reported to the Convention. The recommendation of the Committee of the Whole was then subject to further consideration and debate on second reading. After second reading, reference was made to the Committee on Style, consideration being given to form rather than

substance. After a required interval, debate without amendment was then in order on third reading. The Committee on Style was assigned the task of final review and integration of all proposals passing third reading.

While staff, committee makeup, rules and operations of the Convention may seem unimportant in consideration of the work accomplished, they were essential elements in achieving the results secured.

The question then arose of how to present the conclusions of the Convention to the voters at the general election of 1968. The Convention decided that changes should not be on an "all or nothing" basis but that the voters should have a choice. Therefore, a three-part ballot was developed. Part A provided for a "Yes" vote on all recommendations, Part B for a "No" vote on all recommendations and Part C for a "Yes" vote except where a "No" vote was cast opposite any of 23 questions (the Convention having determined that its recommendations reasonably could be grouped under 23 headings). Thus, a voter would vote "Yes" on everything, "No" on everything, or "No" on selected items. (The 23 questions, with brief summary and brief listing of reasons for the recommended changes as distributed by the Committee on Submission and Information, are included in the proceedings.)

A campaign to educate the voters about the proposals also was undertaken. Television, radio, daily newspapers, weeklies and posters were utilized. In addition, a speakers' bureau of various delegates operated during and after the Convention to present information to various organizations. Realizing that many people are influenced by organizations to which they belong and look to for information, arrangements were made for the Convention's president to appear before representatives of organizations such as the Hawaiian Government Employees Association, Hawaii Education Association, United Public Workers, International Longshoremen and Warehousemen's Union, American Federation of Labor-Congress of Industrial Organization, the Chamber of Commerce and others. The unions and government employees' associations generally supported the work of the Convention.

The task of presenting information had been eased by excellent newspaper and television coverage during the Convention, daily live educational television presentations with particular attention to debate in the Committee of the Whole, and a weekly taped summary of highlights with explanation. Television and the newspapers gave chairmen and delegates opportunities to explain issues, outline choices to be made, report decisions reached and to present differing points of view. Participation by many not the few was the policy of the president and chairman of submission and information. Some people felt that the form of ballot might prove unduly complicated, but the voters apparently had no trouble as is illustrated by the fact that many chose to vote in Part C by registering a "No" vote on various items. All questions carried overwhelmingly except for lowering the voting age from 20 to 18 years.

No less important than the changes recommended was the time-consuming and very detailed examination by the committees and the Committee of the Whole of important provisions of the Constitution that were not changed. Issues such as unicameralism versus bicameralism and changes in the method of selection of the judiciary were considered in depth and often debated at length. People may readily agree that all proposed changes should be given consideration but in evaluating the final product they tend to overlook the work and decision-making process which results in the retention of many provisions. Reviewing an entire instrument requires a positive or affirmative decision not to change a provision as well as one to change a provision.

Factors other than merit of the amendments influenced the favorable action of the voters. There was general confidence in the delegates elected. The fear that the election of legislators would mean that the Convention would be run like a legislature and that partisanship would be introduced proved unfounded. While a substantial majority of delegates were members of the majority party, party designation did not affect the choice of officers, a minority legislator with some years of experience being chosen president, given power to appoint chairmen, vice-chairmen and committee members, as well as authority over all expenditures. A balanced choice of legislators and non-legislators and persons with differing views was made to committees. In certain instances it was anticipated that chairmen and vice-chairmen would and they did differ on issues. This led to careful consideration and action by the committee, a majority and minority report,

excellent debate, and acceptance of the final result by those whose views did not prevail. General approval was given to a procedure that placed legislators in the minority in certain committees where they would be expected to have a close interest. Pursuant to the provisions of Act 3 of the session of 1968 of the legislature, which appropriated \$1,205,000 for defraying the pre-session, session and post-session expenses of the Convention, the governor allocated this sum to the president of the Convention (usually the fund would be appropriated to the body). Expenditures were carefully projected. The clerk and the administrative assistant were invaluable. Quotes from suppliers were sought and often rejected; operations were on a strict business basis. By exercising the authority granted, expenditures were curbed. For instance, despite the request that the Convention Hall be air-conditioned, it was not; a proposal to expend up to \$250,000 to provide information on the work and results of the Convention was reduced to \$50,000. Savings were made to the extent that after convention and advertising costs, there was a balance in excess of \$336,000.

The officers met daily and held regular meetings with the chairmen. A favorable public image was presented by full attendance at committee meetings from 7:30 a.m. to late at night.

Decisions were reached in open meetings without executive sessions. The quality of debate was revealed in live television. Radio and newspaper accounts provided extensive coverage. The appointment of the women delegates to a special committee to the president proved a real asset. The detailed debate and the openness of the Convention helped each delegate accept the final decision. The Constitution, incorporating all recommended changes, was reprinted on a single large sheet and all delegates executed it. This took place in the Throne Room of Iolani Palace where the 1950 Constitution had been executed.

D. HEBDEN PORTEUS

Attachment A

June 6, 1968

Fellow Delegate:

If the Constitutional Convention of 1968 can be conducted in a free and open manner in which every delegate has an opportunity to present his ideas and any amendments and to express himself fully on each point, I believe the interest of the delegates and that of the public will be best served.

I believe this can be accomplished if the following ideas and practices were to be adopted:

Some 18 to 20 committees would be appropriate to consider the various sections of the Constitution and work of the Convention with a chairman and at least one vice-chairman and about 20 members on each committee. This would mean that each delegate would serve on approximately four committees.

Proposals for amendments or additions would be submitted by individual delegates or several delegates to the Convention, would be numbered, printed and distributed, and subject to the approval of the delegates referred to the appropriate committee or committees. The committee or committees would receive the proposals, schedule public hearings on each matter presented, as well as receive and consider communications on any suggestions for change. Such hearings would be after full notice to the public and an opportunity to all interested parties to present their points of view.

Each committee would then take ample time to discuss and refine the various ideas placed before it and finally draft what it considered to be appropriate propositions for consideration of the Convention. Such would be committee proposals, not that of any individual member; this would be unlike legislative procedure where a particular legislator's bill is considered and acted upon. Since the recommendation and proposal would be that of the committee no delegate would need to get his proposal in first in order that it might be the vehicle used. Both majority and minority reports of the committee would be in order.

On presentation to the Convention, the majority and any minority report would be referred to the Committee of the Whole which is a committee composed of every member of the Convention. Such committee then would consider in detail the reports and proposals. Each delegate, including those who had not served on the committee would have the opportunity in the Committee of the Whole to suggest any changes or refinements and to participate fully in debate.

It is my feeling that motions for the previous question which would prevent further debate, or motions to table should not be utilized but that every delegate whether his is the only voice on the idea should be given fullest opportunity to express his views and present any amendments. In this manner, every delegate would have the opportunity to participate completely in the decisions of the Convention. The Committee of the Whole after due consideration would then report to the Convention with recommendations of the Committee of the Whole and the final vote on each alteration would be taken in the regular session of the delegates wherein each would again have the opportunity to express his point of view. Of course after full consideration of any matter the delegates would need to proceed in due course to vote and determine the issue.

Under such a system the chairmen of the committees would have an obligation of assisting and expediting the work of the committee and assuring full opportunity for members of the public to be heard. In this area, I favor holding hearings on the neighbor islands so that people there would have an opportunity to be heard without the expense of travelling to and staying in Honolulu.

I further believe that debates within the Committee of the Whole and on the floor of the Convention should be recorded fully for future reference by the delegates and by those desiring a better understanding of the basis of the action of the Convention.

In addition, I believe the public would receive the work of the Convention better if it were not presented on an "all or nothing" or a "take it or leave it" basis but rather, for instance, if the Convention were to favor reducing the voting age to 18, the voters would be given an opportunity to vote on this separately from other items presented by the Convention.

Very truly yours,

(s)Hebden Porteus

HEBDEN PORTEUS

Attachment B

WRIGHT
UECHI
TAKAHASHI
TAIRA
SUTTON
STEINER
SHIIGI
SCHULZE
SAIKI
PYO
ODA
O'CONNOR
NOGUCHI

MATSUMOTO
LUM
G. LOO
F. LOO
R. LEWIS
LARSON
LALAKEA
KAWASAKI
KAUHANE
KATO

HITCH
HIDALGO
HASEGAWA
HARPER
HANSEN
GOEMANS
FASI
DYER

BURGESS
BRYAN
BACON
ARIYOSHI
ANDO
AMANO

NAKAMA
MORIOKA
MIYAKE
MINN
MENOR
MEDEIROS
BEPPU

KAMAKA
KAGEYAMA
KAAPU
JADUETTE
HC
P. LEWIS

DODGE
DEVEREUX
H. W. CHING
D. CHING
CHANG

ALCON
AKIZAKI
AMFU
ADUJA

KUDO
HARA
DOI
ANDRADE

JOURNAL KANEMOTO TAKANE
CLERK

PORTEUS

YIM
YOSHINAGA
YOUNG
MIZUHA
KUNIMURA
KAWAKAMI
FERNANDES

UEOKA
SOUZA
OZAKI
KAGE
ANSAI
AMARAL

YAMAMOTO
USHIJIMA
TAKAMINE
SUWA
NAKATANI

L
B
E

HIRAI FUNAKI SHINTAKU

Table of Contents

<i>Preface</i>	vii	Twenty-Seventh Day	
<i>Standing Committees</i>	xvii	Wednesday, August 14, 1968	67
<i>Officers and Delegates</i>	xx	Twenty-Eighth Day	
CONVENTION JOURNAL		Thursday, August 15, 1968	68
First Day		Twenty-Ninth Day	
Monday, July 15, 1968	1	Friday, August 16, 1968	69
Second Day		Thirtieth Day	
Tuesday, July 16, 1968	13	Saturday, August 17, 1968	70
Third Day		Thirty-First Day	
Wednesday, July 17, 1968	17	Monday, August 19, 1968	71
Fourth Day		Thirty-Second Day	
Thursday, July 18, 1968	22	Tuesday, August 20, 1968	72
Fifth Day		Thirty-Third Day	
Friday, July 19, 1968	25	Wednesday, August 21, 1968	73
Sixth Day		Thirty-Fourth Day	
Saturday, July 20, 1968	28	Thursday, August 22, 1968	91
Seventh Day		Thirty-Fifth Day	
Monday, July 22, 1968	31	Friday, August 23, 1968	92
Eighth Day		Thirty-Sixth Day	
Tuesday, July 23, 1968	35	Saturday, August 24, 1968	93
Ninth Day		Thirty-Seventh Day	
Wednesday, July 24, 1968	37	Monday, August 26, 1968	94
Tenth Day		Thirty-Eighth Day	
Thursday, July 25, 1968	39	Tuesday, August 27, 1968	96
Eleventh Day		Thirty-Ninth Day	
Friday, July 26, 1968	41	Wednesday, August 28, 1968	97
Twelfth Day		Fortieth Day	
Saturday, July 27, 1968	43	Thursday, August 29, 1968	99
Thirteenth Day		Forty-First Day	
Monday, July 29, 1968	45	Friday, August 30, 1968	101
Fourteenth Day		Forty-Second Day	
Tuesday, July 30, 1968	47	Tuesday, September 3, 1968	103
Fifteenth Day		Forty-Third Day	
Wednesday, July 31, 1968	49	Wednesday, September 4, 1968	106
Sixteenth Day		Forty-Fourth Day	
Thursday, August 1, 1968	51	Thursday, September 5, 1968	108
Seventeenth Day		Forty-Fifth Day	
Friday, August 2, 1968	52	Friday, September 6, 1968	113
Eighteenth Day		Forty-Sixth Day	
Saturday, August 3, 1968	53	Saturday, September 7, 1968	114
Nineteenth Day		Forty-Seventh Day	
Monday, August 5, 1968	54	Monday, September 9, 1968	115
Twentieth Day		Forty-Eighth Day	
Tuesday, August 6, 1968	56	Tuesday, September 10, 1968	117
Twenty-First Day		Forty-Ninth Day	
Wednesday, August 7, 1968	58	Wednesday, September 11, 1968	118
Twenty-Second Day		Fiftieth Day	
Thursday, August 8, 1968	60	Thursday, September 12, 1968	121
Twenty-Third Day		Fifty-First Day	
Friday, August 9, 1968	61	Friday, September 13, 1968	123
Twenty-Fourth Day		Fifty-Second Day	
Saturday, August 10, 1968	62	Saturday, September 14, 1968	125
Twenty-Fifth Day		Fifty-Third Day	
Monday, August 12, 1968	64	Monday, September 16, 1968	127
Twenty-Sixth Day		Fifty-Fourth Day	
Tuesday, August 13, 1968	66	Tuesday, September 17, 1968	130
		Fifty-Fifth Day	

Wednesday, September 18, 1968 143
 Fifty-Sixth Day
 Thursday, September 19, 1968 147
 Fifty-Seventh Day
 Tuesday, September 24, 1968 150
 Fifty-Eighth Day
 Monday, October 21, 1968 160

CONVENTION DOCUMENTS

1. Resolutions 162
 2. Standing Committee Reports 179
 3. Minority Reports 332
 4. Committee of the Whole Reports 338
 5. Special Committee Reports 371
 6. Governor's Messages 372
 7. Departmental Communications 375
 8. Miscellaneous Communications 377

9. Petitions 385
 10. Digest of Proposals Offered by Delegates 387

FINAL STATUS OF MEASURES PROPOSED

1. Index of Proposals and Resolutions 411
 2. Final Status of Proposals and Resolutions 425
 3. Sections of the Constitution Affected 446

APPENDICES

1. Act 222 of 1967 461
 2. Rules of the Convention 464
 3. State Constitution 471

EXPENSES OF THE CONVENTION 500

Index 513

Standing Committees

BILL OF RIGHTS, SUFFRAGE AND ELECTIONS

Meyer M. Ueoka, Chairman
Sakae Takahashi, Vice-Chairman
Peter A. Aduja
Clarence Y. Akizaki
Emilio S. Alcon
Sakae Amano
Hayden F. Burgess
Nelson K. Doi
John F. Dyer
Diana C. Hansen
Yoshio Hasegawa

Richard M. Kageyama
Hiroshi Kato
Leland E. G. Larson
Toraki Matsumoto
John J. Medeiros
Jack H. Mizuha
George K. Noguchi
Dennis E. W. O'Connor
Richard Ike Sutton
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T. C. Yim
Patsy K. Young

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Emilio S. Alcon
Sakae Amano
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Donald D. H. Ching
Nelson K. Doi
Frank F. Fasi
William E. Fernandes

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Shigeyuki Nakatani
Howard K. Oda
Patricia F. Saiki
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Stuart Ho
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Kekoa D. Kaapu
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Keith J. Steiner, Vice-Chairman
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Donald D. H. Ching
Hung Wo Ching
Nelson K. Doi
John F. Dyer
William E. Fernandes
John W. Goemans
Diana C. Hansen
Yoshio Hasegawa

John J. Jaquette
Kazuo Kage
Duke T. Kawasaki
Thomas K. Lalakea
George W. T. Loo
Patricia F. Saiki
Richard Ike Sutton
Jack K. Suwa
Robert S. Taira
Meyer M. Ueoka
John T. Ushijima
Robert M. Wright

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Mario A. Hidalgo

John J. Jaquette
Richard M. Kageyama
Hiram K. Kamaka
Takeshi Kudo
Tennyson K. W. Lum
Momi T. Minn
Ted T. Morioka
Edna C. Shiigi
Keith J. Steiner
Robert S. Taira
Robert M. Wright
James K. Yamamoto

LOCAL GOVERNMENT

John T. Ushijima, Chairman
Patricia F. Saiki, Vice-Chairman
Sakae Amano
Ethel K. C. Andrade
Toshi Ansai
Ed C. Bryan
Robert D. Y. Chang
Robert G. Dodge
Frank F. Fasi
Stanley I. Hara
Bill Harper

Kekoa D. Kaapu
Kazuo Kage
Hiroshi Kato
Duke T. Kawasaki
Tony T. Kunimura
Rhoda V. Lewis
Frank W. C. Loo
Toraki Matsumoto
Momi T. Minn
Keo Nakama
Howard K. Oda
Hiroshi Ozaki

PUBLIC HEALTH, EDUCATION AND WELFARE; LABOR AND INDUSTRY

Robert S. Taira, Chairman
Dorothy L. Devereux, Vice-Chairman
Ralph K. Ajifu
Emilio S. Alcon
Richard E. Ando
James K. Bacon
Stanley I. Hara
Mario A. Hidalgo

Charles E. Kauhane
Richard A. Kawakami
Frank W. C. Loo
Tennyson K. W. Lum
Toraki Matsumoto
John J. Medeiros
Keo Nakama
Shigeyuki Nakatani

STANDING COMMITTEES

xix

Jacob Y. Pyo
Edna C. Shiigi
Yoshito Takamine

Mitsuo Uechi
James K. Yamamoto
Nadao Yoshinaga
Patsy K. Young

AGRICULTURE, CONSERVATION, LAND AND HAWAIIAN HOMES

Hiram K. Kamaka, Chairman
Kekoa D. Kaapu, Vice-Chairman
Ralph K. Ajifu
Ethel K. C. Andrade
James K. Bacon
Ed C. Bryan
Hayden F. Burgess
Dorothy L. Devereux
Mario A. Hidalgo
Charles E. Kauhane
Richard A. Kawakami

Thomas K. Lalakea
Barney B. Menor
Momi T. Minn
Keo Nakama
George K. Noguchi
Hiroshi Ozaki
Jacob Y. Pyo
Alfred O. Souza
Sakae Takahashi
John T. Ushijima
Robert M. Wright
T. C. Yim

REVISION, AMENDMENT AND OTHER PROVISIONS

Hiroshi Kato, Chairman
Robert G. Dodge, Vice-Chairman
Peter A. Aduja
Hayden F. Burgess
William E. Fernandes
Kazuo Kage
Takeshi Kudo
Rhoda V. Lewis
George W. T. Loo
Barney B. Menor
Howard Y. Miyake

Ted T. Morioka
Shigeyuki Nakatani
Howard K. Oda
Hiroshi Ozaki
Edna C. Shiigi
Keith J. Steiner
Richard Ike Sutton
Jack K. Suwa
Yoshito Takamine
Mitsuo Uechi
James K. Yamamoto
T. C. Yim

STYLE

Richard E. Ando, Chairman
Howard K. Oda, Vice-Chairman
Peter A. Aduja
Robert G. Dodge
John F. Dyer
Thomas K. Hitch
Stuart Ho
Richard A. Kawakami

Leland E. G. Larson
Rhoda V. Lewis
George K. Noguchi
Richard P. Schulze, Jr.
Richard Ike Sutton
Jack K. Suwa
Sakae Takahashi
Meyer M. Ueoka
James K. Yamamoto

SUBMISSION AND INFORMATION

John J. Jaquette, Chairman
Momi T. Minn, Vice-Chairman
Clarence Y. Akizaki
Ethel K. C. Andrade
Frank F. Fasi
John W. Goemans
Diana C. Hansen
Stuart Ho

Charles E. Kauhane
Thomas K. Lalakea
Leland E. G. Larson
Howard Y. Miyake
George K. Noguchi
Dennis E. W. O'Connor
Nadao Yoshinaga
Patsy K. Young

ADMINISTRATIVE STANDING COMMITTEES

ACCOUNTS AND PRINTING

Sakae Amano, Chairman
 Ethel K. C. Andrade, Vice-Chairman
 Emilio S. Alcon
 Alvin T. Amaral
 James K. Bacon
 Hayden F. Burgess
 Donald D. H. Ching

Dorothy L. Devereux
 John W. Goemans
 Diana C. Hansen
 Tony T. Kunimura
 Toraki Matsumoto
 John T. Ushijima
 T. C. Yim
 Nadao Yoshinaga

RULES

Toshi Ansai, Chairman
 Patsy K. Young, Vice-Chairman
 Yoshio Hasegawa
 Richard M. Kageyama
 Hiroshi Kato
 Duke T. Kawasaki
 Takeshi Kudo

Tony T. Kunimura
 George W. T. Loo
 Howard Y. Miyake
 Keo Nakama
 Jack K. Suwa
 Sakae Takahashi
 Mitsuo Uechi
 Robert M. Wright

Officers and Delegates

CONVENTION OFFICERS

President	Hebden Porteus	Vice-President	Ed C. Bryan
Vice-President	Jack K. Suwa	Vice-President	Robert D. Y. Chang
Vice-President	William E. Fernandes	Secretary	Tadao Beppu
Vice-President	Kazuo Kage	Assistant Secretary	Peter C. Lewis

ELECTED STAFF

Chief Clerk	Shigeto Kanemoto	Assistant Clerk	George M. Takane
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ADMINISTRATOR OF THE CONVENTION

Administrator	Seichi Hirai
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DELEGATES TO THE CONVENTION

First District	Jack K. Suwa	Twelfth District	George R. Ariyoshi
Second District	Nelson K. Doi		Sakae Takahashi
	Stanley I. Hara		Peter C. Lewis
	John T. Ushijima		Frank W. C. Loo
	James K. Yamamoto	Thirteenth District	George W. T. Loo
	Shigeyuki Nakatani		Sakae Amano
Third District	Yoshito Takamine	Fourteenth District	Howard Y. Miyake
Fourth District	Takeshi Kudo		Robert S. Taira
Fifth District	Ethel K. C. Andrade		T. C. Yim
Sixth District	Hiroshi Ozaki		Richard Ike Sutton
Seventh District	Toshi Ansai		Barney B. Menor
	Alfred O. Souza		Leland E. G. Larson
	Meyer M. Ueoka	Fifteenth District	Richard E. Ando
	Kazuo Kage		Hung Wo Ching
	Alvin T. Amaral		Dorothy L. Devereux
Eighth District	Peter A. Aduja		Robert G. Dodge
	James K. Bacon		Frank F. Fasi
	Robert D. Y. Chang		Yoshio Hasegawa
	Kekoa D. Kaapu		Stuart Ho
	Richard P. Schulze, Jr.		George K. Noguchi
	Diana C. Hansen		Clarence Y. Akizaki
	John J. Medeiros		John J. Jaquette
	Bill Harper		Hebden Porteus
	Ralph K. Ajifu	Sixteenth District	Tadao Beppu
	Hiram K. Kamaka		John W. Goemans
Ninth District	Howard K. Oda		Hiroshi Kato
	Toraki Matsumoto		Rhoda V. Lewis
	Jacob Y. Pyo		Keo Nakama
Tenth District	Mario A. Hidalgo		Ted T. Morioka
	Momi T. Minn	Seventeenth District	John F. Dyer
	Edna C. Shiigi		Thomas K. Hitch
	Nadao Yoshinaga		Thomas K. Lalakea
	Patsy K. Young		Tennyson K. W. Lum
	Hayden F. Burgess		Patricia F. Saiki
	Ed C. Bryan		Keith J. Steiner
	Donald D. H. Ching		Dennis E. W. O'Connor
	Mitsuo Uechi	Eighteenth District	Tony T. Kunimura
Eleventh District	Emilio S. Alcon		Richard A. Kawakami
	Richard M. Kageyama		William E. Fernandes
	Charles E. Kauhane		Jack H. Mizuha
	Robert M. Wright		
	Duke T. Kawasaki		

OFFICERS
of the
CONVENTION



Hebden Porteus
President



Jack K. Suwa
Vice-President



Kazuo Kage
Vice-President



William E. Fernandes
Vice-President



Ed C. Bryan
Vice-President



Robert D. Y. Chang
Vice-President



Tadao Beppu
Secretary



Peter C. Lewis
Assistant Secretary

DELEGATES



Peter A. Aduja



Ralph K. Ajifu



Clarence Y. Akizaki



Emilio S. Alcon



Sakae Amano



Alvin T. Amaral



Richard E. Ando



Ethel K. C. Andrade



Toshi Ansa



George R. Ariyoshi



James K. Bacon



Hayden F. Burgess



Donald D. H. Ching



Hung Wo Ching



Dorothy L. Devereux



Robert G. Dodge



Nelson K. Doi



John F. Dyer



Frank F. Fasi



John W. Goemans



Diana C. Hansen



Stanley I. Hara



Bill Harper



Yoshio Hasegawa



Mario A. Hidalgo



Thomas K. Hitch



Stuart Ho



John J. Jaquette



Kekoa D. Kaapu



Richard M. Kageyama



Hiram K. Kamaka



Hiroshi Kato

OFFICERS AND DELEGATES



Charles E. Kauhane



Richard A. Kawakami



Duke T. Kawasaki



Takeshi Kudo



Tony T. Kunimura



Thomas K. Lalakea



Leland E. G. Larson



Rhoda V. Lewis



Frank W. C. Loo



George W. T. Loo



Tennyson K. W. Lum



Toraki Matsumoto



John J. Medeiros



Barney B. Menor



Momi T. Minn



Howard Y. Miyake



Jack H. Mizuha



Ted T. Morioka



Keo Nakama



Shigeyuki Nakatani



George K. Noguchi



Dennis E. W. O'Connor



Howard K. Oda



Hiroshi Ozaki



Jacob Y. Pyo



Patricia F. Saiki



Richard P. Schulze, Jr.



Edna C. Shiigi



Alfred O. Souza



Keith J. Steiner



Richard C. Sutton



Robert S. Taira



Sakae Takahashi



Yoshito Takamine



Mitsuo Uechi



Meyer M. Ueoka



John T. Ushijima



Robert M. Wright



James K. Yamamoto



T. C. Yim



Nadao Yoshinaga



Patsy K. Young

CONVENTION JOURNAL

1ST DAY

Monday, July 15, 1968

In accordance with the provisions of Act 222, Session Laws of Hawaii 1967, the Constitutional Convention of the State of Hawaii of 1968 was called to order at 10:00 o'clock a.m., on Monday, July 15, 1968, by Delegate Jack K. Suwa from the First Representative District who acted as temporary Chairman.

Upon welcoming the congregation, Chairman Suwa then appointed Delegates Kaapu, Andrade, Burgess, Aduja, Lum, Matsumoto and Steiner to escort the Reverend John Morrett, Dean of St. Andrew's Cathedral, to the rostrum.

At 10:02 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:03 o'clock a.m., and the committee escorted Reverend Morrett to the rostrum to invoke the Divine Blessing.

Reverend Morrett then invoked the Divine Blessing.

Delegate Suwa thereupon addressed the Convention as follows:

"Governor Burns, Lieutenant Governor and Mrs. Gill, distinguished guests, ladies and gentlemen. In behalf of the delegates I welcome you to our opening day of the Constitutional Convention of 1968.

"As temporary Chairman, I perform this function humbly and in awe of the tremendous responsibility to this Convention. Although each of us are beginning to feel the full weight to our responsibilities, I know we face the coming days with confidence for we know that if we continue to strive forward as a group, we will meet our challenge—that of reviewing our Constitution and proposing necessary amendments thereto.

"As delegates to the 1968 Convention, we are fortunate in having to review a Constitution which is the envy of most states. It is short, simple, direct, and secures many of the liberties desired by our constituents.

"At this time, it is proper that we recognize the delegates of the 1950 Constitutional Convention.

"As I see it, our task was well described for us by Thomas Jefferson in 1816 when he stated:

"I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with But I know also that laws and institutions must go hand in hand with the progress of the human mind As new opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain under the regimen of their barbarous ancestors Each generation . . . has the right to choose for itself the form of government it believes the most promotive of its own happiness"

"Jefferson then tells us that life is dynamic and ever changing; that new knowledge is being created; that our fundamental values and constitutions change with the acquisition of new knowledge; and that our task is to identify these fundamental changes in attitudes and values in our society and to translate these changes into amendments to our Constitution. This is no small task, for what we do in this Convention will determine the social, political and economic environment in which we and our children will live. No greater responsibility can be placed on any other group of people. I believe we must approach our task humbly if we are to weigh all of the alternatives; rationally if our intellect is to overcome our emotions; and boldly if we are to secure for ourselves and our posterity the most equal and viable environment possible.

"As I see it, one of the most fundamental changes in our values has been our genuine desire to guarantee to each person equality. I speak of equality in the sense that we share the greatest amount of freedom in which to grow intellectually and physically; equality in the sense that we eliminate fear—fear from lack of basic necessities such as food, shelter or clothing; equality in the sense that we may individually develop without injuring our fellow men; and equality in the sense that we create an environment of mutual respect and love, and not of fear and oppression.

"Our task is truly great but not insurmountable. The weight of our task will be

less individually if we act humbly, analytically, rationally and boldly individually, and harmoniously and cooperatively, collectively. I know we can act in this manner for we have demonstrated these qualities in our preliminary meetings. In that connection, I wish to thank each of you for your excellent cooperation and consideration in those meetings. Without your help, we would not be ready to move forward on this our first day of the Constitutional Convention of Hawaii of 1968.

"Fellow delegates, I thank you for allowing me the privilege and honor of serving as temporary Chairman to convene this morning."

There being no objection, the Chairman at this time appointed Shigeto Kanemoto as temporary Clerk of the Convention.

Chairman Suwa then appointed Delegates Bacon, Devereux, Hidalgo, Kunimura, Ueoka, Yamamoto and Yim as a Committee on Credentials to examine the certificates of election of the members of the Constitutional Convention and to submit a report of its findings to the Convention.

At 10:16 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:18 o'clock a.m.

SPECIAL COMMITTEE REPORT

Delegate Bacon, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) which reads as follows:

The Honorable Jack K. Suwa
Temporary Chairman
Constitutional Convention of Hawaii
of 1968
Honolulu, Hawaii

Sir:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Delegates to the Constitutional Convention of Hawaii of 1968, which were issued by the Lieutenant Governor of the State of Hawaii pursuant to Sections 11-70 and 11-71, Revised Laws of Hawaii 1955, as amended, and finds that they have been legally elected and are duly qualified to sit as delegates, as follows:

First District	Jack K. Suwa
Second District	Nelson K. Doi Stanley I. Hara John T. Ushijima James K. Yamamoto Shigeyuki Nakatani
Third District	Yoshito Takamine

Fourth District	Takeshi Kudo
Fifth District	Ethel K. C. Andrade
Sixth District	Hiroshi Ozaki
Seventh District	Toshi Ansai Alfred O. Souza Meyer M. Ueoka Kazuo Kage Alvin T. Amaral
Eighth District	Peter A. Aduja James K. Bacon Robert D. Y. Chang Kekoa D. Kaapu Richard P. Schulze, Jr. Diana C. Hansen John J. Medeiros Bill Harper Ralph K. Ajifu Hiram K. Kamaka
Ninth District	Howard K. Oda Toraki Matsumoto Jacob Y. Pyo
Tenth District	Mario A. Hidalgo Momi T. Minn Edna C. Shiigi Nadao Yoshinaga Patsy K. Young Hayden F. Burgess Ed C. Bryan Donald D. H. Ching Mitsuo Uechi
Eleventh District	Emilio S. Alcon Richard M. Kageyama Charles E. Kauhane Robert M. Wright Duke T. Kawasaki
Twelfth District	George R. Ariyoshi Sakae Takahashi Peter C. Lewis Frank W. C. Loo
Thirteenth District	George W. T. Loo Sakae Amano
Fourteenth District	Howard Y. Miyake Robert S. Taira T. C. Yim Richard Ike Sutton Barney B. Menor Leland E. G. Larson
Fifteenth District	Richard E. Ando Hung Wo Ching Dorothy L. Devereux Robert G. Dodge Frank F. Fasi Yoshio Hasegawa Stuart Ho

George K. Noguchi
 Clarence Y. Akizaki
 John J. Jaquette
 Hebden Porteus

Sixteenth District Tadao Beppu
 John W. Goemans
 Hiroshi Kato
 Rhoda V. Lewis
 Keo Nakama
 Ted T. Morioka

Seventeenth District John F. Dyer
 Thomas K. Hitch
 Thomas K. Lalakea
 Tennyson K. W. Lum
 Patricia F. Saiki
 Keith J. Steiner
 Dennis E. W. O'Connor

Eighteenth District Tony T. Kunimura
 Richard A. Kawakami
 William E. Fernandes
 Jack H. Mizuha
 Respectfully submitted,

JAMES K. BACON, Chairman
 DOROTHY L. DEVEREUX
 MARIO A. HIDALGO
 TONY T. KUNIMURA
 MEYER M. UEOKA
 JAMES K. YAMAMOTO
 T. C. YIM

On motion by Delegate Bacon, seconded by Delegate Schulze and carried, the special committee report was adopted.

At this time, the roll was called showing all delegates present.

The Chairman announced the appointment of Delegates Kato, Dodge, Dyer, Rhoda Lewis, George Loo, Souza and Ushijima as a committee to wait upon the Honorable William S. Richardson, Chief Justice of the Supreme Court of the State of Hawaii, to request him to administer the oath of office to the delegates to the Convention.

Delegate Kato then reported to the Chairman that Chief Justice Richardson was in attendance, and the committee thereupon escorted Chief Justice Richardson to the rostrum.

Chief Justice Richardson then administered the oath of office to the delegates to the Convention.

INTRODUCTION OF RESOLUTION

A resolution (Res. No. 1) relating to the adoption of the rules of the Convention was offered by Delegate Hung Wo Ching and was read by the temporary Clerk.

On motion by Delegate Doi, seconded by Delegate Schulze and carried, Res. No. 1 was adopted.

ELECTION OF PRESIDENT

Nominations for the office of President of the Convention being next in order, Delegate Hara placed in nomination the name of Delegate Hebden Porteus as follows:

"Mr. Chairman, delegates to the Constitutional Convention: it is indeed an honor for me today to be so privileged in placing before this history-making Convention for election as its permanent President an experienced, able and dedicated delegate.

"During and since, Mr. Chairman, our pre-session or rather pre-convention meetings, I have sensed and I have heard a tone that went along this title: Unity and Responsibility. I sensed it deeply throughout these meetings and I liked that tone, and it was one delegate who was instrumental in bringing about this sense of unity. And this was none other than a Punahou graduate of some years ago who continued on and graduated from the University of Hawaii, then went on to the Harvard School of Law, and incidentally, I might add, had rather a bright academic record. In fact, he holds a Phi Beta Kappa key. He was truly instrumental in working with the various delegates in bringing about the closing of the many hiatus and gaps of misunderstanding; patiently, yes, and in an understanding manner. The result of this is the smooth opening of the Convention today.

"In the last thirty days, after being selected as a temporary chairman, it was in this short span of time, he was able to muster all resources and bring about this Convention setting within this limited time. This individual, Mr. Chairman, I'd like to have as our permanent President, and I place in nomination the name of D. Hebden Porteus."

Delegate Mizuha, speaking in support of the nomination, stated as follows:

"Mr. Chairman and fellow delegates, I have known D. Hebden Porteus since 1930 as a fellow student at the University of Hawaii. His record in government and business and in community service over a period of nearly forty years speaks for itself. I am confident that with his wise leadership we will rewrite a fair and equitable Constitution that will be accepted by all the people of Hawaii.

"And as the founding fathers of our nations wrote in the Declaration of Independence nearly two hundred years ago, I am certain the delegates will again ordain and establish, I repeat, again ordain and establish in Hawaii, a Republican form of government."

Delegate Ansai, speaking in support of the nomination, stated as follows:

"Mr. Chairman, I would like to say that with the gavel in the hands of a man like Delegate Porteus, we can be assured of our task and a successful end to this Constitutional Convention.

"We who have known this gentleman for many years, have known him to be fair and just and considerate; and he possesses the uncanny ability of detecting problems or trouble so even these things can be nipped in the bud before they get out of size. His ability as a presiding officer and his knowledge of the techniques of the Chair is a reputation that he has enjoyed for many years. With a combination of all these qualities, I am sure that he will keep this Convention moving rapidly and effectively so that we will come to a very successful end."

Delegate Oda, also speaking in support of the nomination, made the following statement:

"Mr. Chairman, it is an honor and certainly a pleasure for me to speak in support of the statements made by Delegates Hara, Mizuha and Delegate Ansai.

"We are indeed very fortunate to have a man of Mr. Hebden Porteus' background and qualifications. Therefore, I urge all the delegates here this morning to unanimously support the nomination of Mr. Porteus as President for this very important Constitutional Convention."

Delegate Saiki also spoke in favor of the nomination, stating:

"Mr. Chairman and fellow delegates: the success of this Convention and the welfare of our islands in the years ahead depend to a considerable extent on the leadership we select here today. I have the utmost confidence that Delegate Porteus will provide the kind of leadership we need and that his election as President will be a crucial step toward the success of this Convention. It is my pleasure, a great pleasure indeed, today, to speak in support of Hebden Porteus for President of the 1968 Constitutional Convention."

On motion by Delegate Menor, seconded by Delegate Sutton and carried unanimously, nominations for the office of President of the Convention were closed.

The temporary Clerk was then directed to cast a unanimous ballot for Delegate Porteus as President of the Convention.

The ballot having been so cast, Delegate Porteus was declared unanimously elected as President of the Constitutional Convention of the State of Hawaii of 1968.

The Chairman thereupon appointed Delegates Hitch, Ajifu, Alcon, Kageyama, Kauhane, Medeiros and Noguchi to escort Delegate Porteus and appointed Delegate Miyake to escort Mrs. Porteus to the rostrum.

The Chairman then received the committee with Delegate Porteus in attendance, discharged the committee with thanks and handed the gavel over to Delegate Porteus.

The President then assumed the Chair and the temporary Chairman took his seat on the floor of the Convention.

President Porteus then made the following acceptance speech:

"The Governor, your Excellency, most distinguished guests, delegates and people of Hawaii, first let me thank Delegate Suwa for a wonderful job in getting this Convention off to a grand start, and also to the very wonderful people who were so complimentary in nominating me as President of this Convention. I am also deeply indebted to the rest of you because I know kind words do not an election make.

"Hawaii is a unique blend of people, land, attitudes, sea and sky—a series of islands squeezed from the inside of the earth in the middle of this mighty ocean—known as the Crossroads of the Pacific and a demonstration of the living and working together of people in harmony to their mutual advantage. It is the home of a gracious and friendly people—the Hawaiians who welcomed others of many races who joined with their hopes, ambitions and talents in developing Hawaii and our way of life.

"Nowhere in the United States has our history of government. First, islands with individual chiefs—then unification under mighty Kamehameha I—an absolute Monarchy, followed by Constitutional Monarchies. There was a Great Mahele, or division of land between royalty, the government and the people. Later there was the Republic of Hawaii which negotiated a treaty to become a Territory of the United States. Finally we became a State of the United States of America. This was achieved by the people of Hawaii—through their manner of life, institutions, devotion and sacrifices in war and peace. Hawaii is all that took place in the past, the present and the promises and threats of the future.

"These delegates have been specially trusted by the people of Hawaii—selected to review our Constitution and government. Your principal duty is to recommend a framework of government—a framework to enable the people to advance their welfare and enact laws for that purpose and provide solutions to varying problems as they may deem from time to time to be in their best interest. It is not for us to impose our will on the future and unduly hamper experimentation and change, though we at present would not adopt or would oppose such change. The power to enact laws, to effectively plan, administer government, and enforce laws as well as provide timely and equal justice under law for all should be broad.

You delegates know laws are made, administered, enforced and interpreted by people to advance the interests of others with due protection for any minority.

"The delegates hope to work efficiently, effectively and harmoniously in the interest of all the people of the State. The result will best be judged not by the amount of change but by the careful study, thought and sincerity of purpose of the delegates.

"May your efforts be judged to be in the high tradition of those who have served Hawaii so well, and be in keeping with your high resolve, talent and ability."

ELECTION OF VICE-PRESIDENTS

The President then stated that nominations were now in order for the election of Vice-President from the County of Hawaii.

Delegate Takamine placed in nomination the name of Delegate Suwa as Vice-President from the County of Hawaii.

On motion by Delegate Kudo, seconded by Delegate Nakatani and carried unanimously, nominations for the office of Vice-President were closed.

The temporary Clerk was then directed by the President to cast a unanimous ballot for Delegate Suwa as Vice-President from the County of Hawaii.

The ballot having been so cast, Delegate Suwa was declared to be unanimously elected as Vice-President from the County of Hawaii.

The President then appointed Delegates Nakatani and Takamine to escort Delegate Suwa to the rostrum.

Nominations for the office of Vice-President from the County of Kauai being next in order, Delegate Kunimura placed in nomination the name of Delegate Fernandes.

On motion by Delegate Mizuha, seconded by Delegate Kawakami and carried unanimously, nominations for the office of Vice-President were closed.

The temporary Clerk was directed to cast a unanimous ballot for Delegate Fernandes as Vice-President from the County of Kauai.

The ballot having been so cast, Delegate Fernandes was declared to be unanimously elected as Vice-President from the County of Kauai.

The President then appointed Delegates Kawakami and Kunimura to escort Delegate Fernandes to the rostrum.

Nominations for the office of Vice-President from the County of Maui were then called for by the President.

Delegate Ansai then nominated Delegate Kage as Vice-President from the County of Maui.

On motion by Delegate Amaral, seconded by Delegate Ozaki and carried unanimously, nominations for the office of Vice-President were closed.

The President directed the temporary Clerk to cast a unanimous ballot for Delegate Kage as Vice-President from the County of Maui.

The ballot having been so cast, Delegate Kage was declared to be unanimously elected as Vice-President from the County of Maui.

The President then appointed Delegates Amaral and Ozaki to escort Delegate Kage to the rostrum.

Nominations now being in order for the offices of Vice-President from the City and County of Honolulu, Delegate Donald Ching placed in nomination the names of Delegates Bryan and Chang.

On motion by Delegate Harper, seconded by Delegate Akizaki and carried unanimously, nominations for the offices of Vice-President were closed.

The President directed the temporary Clerk to cast a unanimous ballot for Delegates Bryan and Chang as Vice-Presidents from the City and County of Honolulu.

The ballot having been so cast, Delegates Bryan and Chang were declared to be unanimously elected as Vice-Presidents from the City and County of Honolulu.

Delegates Bacon and Burgess were appointed by the President to escort Delegate Bryan to the rostrum, and Delegates Donald Ching and Hung Wo Ching to escort Delegate Chang to the rostrum.

ELECTION OF SECRETARY

The President then called for nominations for the office of Secretary of the Convention.

Delegate Nakama put in nomination the name of Delegate Beppu as Secretary of the Convention.

On motion by Delegate Goemans, seconded by Delegate Morioka and carried unanimously, nominations for the office of Secretary of the Convention were closed.

The temporary Clerk was then directed to cast a unanimous ballot for Delegate Beppu as Secretary of the Convention.

The ballot having been so cast, Delegate Beppu was declared to be unanimously elected as Secretary of the Convention.

Delegates Medeiros and Menor were directed by the President to escort Delegate Beppu to the rostrum.

ELECTION OF ASSISTANT SECRETARY

The President then called for nominations for the office of Assistant Secretary of the Convention.

Delegate Takahashi then placed in nomination the name of Delegate Peter Lewis as Assistant Secretary of the Convention.

On motion by Delegate Ariyoshi, seconded by Delegate Minn and carried unanimously, nominations for the office of Assistant Secretary of the Convention were closed.

The President then directed the temporary Clerk to cast a unanimous ballot for Delegate Peter Lewis as Assistant Secretary of the Convention.

The ballot having been so cast, Delegate Peter Lewis was declared to be unanimously elected as Assistant Secretary of the Convention.

Delegates Jaquette and Ho were appointed by the President to escort Delegate Peter Lewis to the rostrum.

At this time, the President called on the Vice-Presidents in the order of their election to enable them to say a few words.

Delegate Suwa stated:

"Thank you, Mr. President.

"In my hand is a simple fountain pen; in the hand of the President of the United States it spells peace or war; in the hands of the Governor and Lieutenant Governor it spells out the economic prosperity and stability of the State of Hawaii; and in the hands of all the delegates it spells out the destiny and fate of the State of Hawaii. But in my hand at the present time, it spells mahalo to my fellow delegates."

Delegate Fernandes made the following statement:

"Mr. President, Delegate Kunimura, Delegate Kawakami, Delegate Mizuha—the Mighty Four, we are here—and fellow delegates.

"Thank you for the opportunity to serve you as Vice-President. You may all be assured that you'll hear your Vice-President speak and represent the little tiny island of Niihau also. We've got a tremendous task ahead of us. There is no partisanship in this group. I am no longer a senator but a delegate like you. I ask of you as one of the Vice-Presidents that the time will come when problems will arise, and that for some reason you might not be able to get to the proper person to hear your troubles forth; this is one of my duties. Let us make every effort to see if we can all work together to iron all these areas of difficulty ahead.

"Thank you again for this opportunity."

Delegate Kage stated:

"Thank you, Mr. President; Governor Burns, Lieutenant Governor Gill, Chief Justice Richardson, Senate President Hulten, distinguished guests, delegates, ladies and gentlemen. It is really so nice to see so many of you here today to help us observe the opening of the Constitutional Convention of Hawaii of 1968. We would like to thank you.

"If the pre-Convention meetings we have had are any indication we should have a very harmonious and expeditious Convention. The delegates you have elected are all very capable, and we are sure that we will enjoy working with each other and hope to have a revised Constitution which will meet with your approval.

"I want to thank the delegates, and especially the delegates from the County of Maui, for selecting me as one of the five Vice-Presidents. You may be assured that I will do my best to merit the confidence placed in me. I thank you."

Delegate Bryan then made the following statement:

"Thank you, Mr. President; Governor Burns, Lt. Governor Gill, Chief Justice Richardson, guests, delegates and friends, aloha.

"I would like to thank all of the delegates for their cooperation that we have enjoyed in the last few weeks and for the honor that they have bestowed upon all of us who are officers of this Convention.

"The keynote as far as my participation is concerned will be service to the delegates, which I think ask for cooperation; ask for a unity of purpose. The task before us is not an easy one; however, if what we have seen in the last few weeks is any indication, I think that we can accomplish the task before us very readily. So I ask for your cooperation and divine guidance that we may end our job victoriously and to the satisfaction and betterment of all the people of the State of Hawaii."

Delegate Chang stated as follows:

"Governor Burns, Lt. Governor and Mrs. Gill, Chief Justice Richardson, Mr. President, honored guests, fellow delegates, and ladies and gentlemen. At this point in Hawaii's history where we are in the Constitutional Convention assembled, I deem it a very rare privilege and a pleasure to be a member of this house of delegates. To the voters of the Eighth District and to the people of Hawaii, I extend my warm mahalo.

"I therefore pledge and resolve at this time that in my capacity as a Vice-President, I will fulfill to the best of my ability my duties as described by the convention President and I further resolve to assist him in whatever way is feasible in bringing this Convention to an expedient and successful

conclusion.”

Delegate Beppu then stated:

“Governor Burns, Lt. Governor Gill, Chief Justice Richardson, Senate President Hulten, members of the Fourth Legislature, fellow delegates, ladies and gentlemen: I deem it an honor to serve with my fellow delegates, and a privilege to work under them as Secretary of this Convention.

“I think there are three things that we should remember as we undertake the task before us, for these are the things that the 1968 Constitution will be noted for. First, the kind of quality of amendments we make; second, the number of days we spend in Convention; and third, the amount of dollars which is spent.

“Mr. President, if I may, may I make an oral proposal that we get into our job in the Convention, do it well, and adjourn within a reasonable time and give the people of the State an opportunity this fall to ratify sound proposed amendments to one of the best democratic forms of state Constitutions in the nation.

“Thank you very much.”

Delegate Peter Lewis then made the following statement:

“Distinguished guests, fellow delegates, ladies and gentlemen. I consider it a great honor and a privilege to serve as a delegate and as Assistant Secretary to the 1968 Constitutional Convention.

“Although I suspect that when we have completed our work, there will not be many changes to our present Constitution; nevertheless, we delegates have before us a monumental task to review in detail each article and section of our existing Constitution as well as any proposed amendments or changes. I look forward to the opportunity of working with my fellow delegates and serving them in my capacity as Assistant Secretary.

“I thank them for the confidence they have bestowed in me in my position. Thank you.”

At 10:55 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:56 o'clock a.m.

At this time, the President introduced Delegates Bryan, Doi, Kage, Kageyama, Kauhane, Mizuha and Yamamoto who were also delegates at the 1950 Constitutional Convention. They were then recognized by the delegates and the audience.

The next order of business being the nomination and election of the Chief Clerk, Delegate Ando placed in

nomination the name of Shigeto Kanemoto as Chief Clerk of the Convention.

On motion by Delegate Amano, seconded by Delegate Young and carried unanimously, nominations for the office of Chief Clerk of the Convention were closed.

The President directed the temporary Clerk to cast a unanimous ballot for Mr. Kanemoto as Chief Clerk of the Convention.

The ballot having been so cast, Mr. Kanemoto was declared to be unanimously elected as Chief Clerk of the Convention.

The President at this time announced the appointment of Seichi Hirai as Administrator of the Convention.

The President then called for the nomination for the position of Assistant Clerk of the Convention.

Delegate O'Connor placed in nomination the name of George M. Takane as Assistant Clerk of the Convention.

On motion by Delegate Pyo, seconded by Delegate Shiigi and carried unanimously, nominations for the office of Assistant Clerk of the Convention were closed.

The Chief Clerk was directed by the President to cast a unanimous ballot for George M. Takane as Assistant Clerk.

The ballot having been so cast, Mr. Takane was declared to be unanimously elected as Assistant Clerk of the Convention.

At this time, the President announced the names of the Chairmen, Vice-Chairmen, and the members of the standing committees as follows:

BILL OF RIGHTS, SUFFRAGE AND ELECTIONS

Meyer M. Ueoka, Chairman
 Sakae Takahashi, Vice-Chairman
 Peter A. Aduja
 Clarence Y. Akizaki
 Emilio S. Alcon
 Sakae Amano
 Hayden F. Burgess
 Nelson K. Doi
 John F. Dyer
 Diana C. Hansen
 Yoshio Hasegawa
 Richard M. Kageyama
 Hiroshi Kato
 Leland E. G. Larson
 Toraki Matsumoto
 John J. Medeiros
 Jack H. Mizuha
 George K. Noguchi
 Dennis E. W. O'Connor
 Richard Ike Sutton
 Yoshito Takamine

T. C. Yim
Patsy K. Young

LEGISLATIVE POWERS AND FUNCTIONS

Hung Wo Ching, Chairman
Howard Y. Miyake, Vice-Chairman
Peter A. Aduja
Emilio S. Alcon
Sakae Amano
Alvin T. Amaral
Robert D. Y. Chang
Donald D. H. Ching
Nelson K. Doi
Frank F. Fasi
William E. Fernandes
Yoshio Hasegawa
Stuart Ho
Hiram K. Kamaka
Thomas K. Lalakea
Leland E. G. Larson
John J. Medeiros
Shigeyuki Nakatani
Howard K. Oda
Patricia F. Saiki
Richard P. Schulze, Jr.
Edna C. Shiigi
Alfred O. Souza

LEGISLATIVE APPORTIONMENT AND DISTRICTING

Richard P. Schulze, Jr., Chairman
George R. Ariyoshi, Vice-Chairman
Ralph K. Ajifu
Alvin T. Amaral
Ed C. Bryan
Hung Wo Ching
Dorothy L. Devereux
Robert G. Dodge
Stanley I. Hara
Kekoa D. Kaapu
Duke T. Kawasaki
Tony T. Kunimura
Rhoda V. Lewis
George W. T. Loo
Barney B. Menor
Ted T. Morioka
Dennis E. W. O'Connor
Hiroshi Ozaki
Jacob Y. Pyo
Patricia F. Saiki
Alfred O. Souza
Yoshito Takamine
Nadao Yoshinaga

EXECUTIVE

Nelson K. Doi, Chairman
Frank F. Fasi, Vice-Chairman
Clarence Y. Akizaki
Toshi Ansai
George R. Ariyoshi
Donald D. H. Ching
John F. Dyer

John W. Goemans
Bill Harper
Thomas K. Hitch
Stuart Ho
John J. Jaquette
Kekoa D. Kaapu
Hiram K. Kamaka
Richard A. Kawakami
Takeshi Kudo
Frank W. C. Loo
Tennyson K. W. Lum
John J. Medeiros
Barney B. Menor
Ted T. Morioka
Dennis E. W. O'Connor
Meyer M. Ueoka

JUDICIARY

Jack H. Mizuha, Chairman
Keith J. Steiner, Vice-Chairman
Robert D. Y. Chang
Donald D. H. Ching
Hung Wo Ching
Nelson K. Doi
John F. Dyer
William E. Fernandes
John W. Goemans
Diana C. Hansen
Yoshio Hasegawa
John J. Jaquette
Kazuo Kage
Duke T. Kawasaki
Thomas K. Lalakea
George W. T. Loo
Patricia F. Saiki
Richard Ike Sutton
Jack K. Suwa
Robert S. Taira
Meyer M. Ueoka
John T. Ushijima
Robert M. Wright

TAXATION AND FINANCE

Thomas K. Hitch, Chairman
Stanley I. Hara, Vice-Chairman
Clarence Y. Akizaki
Richard E. Ando
Toshi Ansai
George R. Ariyoshi
James K. Bacon
Hung Wo Ching
William E. Fernandes
Bill Harper
Mario A. Hidalgo
John J. Jaquette
Richard M. Kageyama
Hiram K. Kamaka
Takeshi Kudo
Tennyson K. W. Lum
Momi T. Minn
Ted T. Morioka
Edna C. Shiigi
Keith J. Steiner

Robert S. Taira
Robert M. Wright
James K. Yamamoto

LOCAL GOVERNMENT

John T. Ushijima, Chairman
Patricia F. Saiki, Vice-Chairman
Sakae Amano
Ethel K. C. Andrade
Toshi Ansai
Ed C. Bryan
Robert D. Y. Chang
Robert G. Dodge
Frank F. Fasi
Stanley I. Hara
Bill Harper
Kekoa D. Kaapu
Kazuo Kage
Hiroshi Kato
Duke T. Kawasaki
Tony T. Kunimura
Rhoda V. Lewis
Frank W. C. Loo
Toraki Matsumoto
Momi T. Minn
Keo Nakama
Howard K. Oda
Hiroshi Ozaki

PUBLIC HEALTH, EDUCATION AND WELFARE; LABOR AND INDUSTRY

Robert S. Taira, Chairman
Dorothy L. Devereux, Vice-Chairman
Ralph K. Ajifu
Emilio S. Alcon
Richard E. Ando
James K. Bacon
Stanley I. Hara
Mario A. Hidalgo
Charles E. Kauhane
Richard A. Kawakami
Frank W. C. Loo
Tennyson K. W. Lum
Toraki Matsumoto
John J. Medeiros
Keo Nakama
Shigeyuki Nakatani
Jacob Y. Pyo
Edna C. Shiigi
Yoshito Takamine
Mitsuo Uechi
James K. Yamamoto
Nadao Yoshinaga
Patsy K. Young

AGRICULTURE, CONSERVATION, LAND AND HAWAIIAN HOMES

Hiram K. Kamaka, Chairman
Kekoa D. Kaapu, Vice-Chairman
Ralph K. Ajifu
Ethel K. C. Andrade
James K. Bacon

Ed C. Bryan
Hayden F. Burgess
Dorothy L. Devereux
Mario A. Hidalgo
Charles E. Kauhane
Richard A. Kawakami
Thomas K. Lalakea
Barney B. Menor
Momi T. Minn
Keo Nakama
George K. Noguchi
Hiroshi Ozaki
Jacob Y. Pyo
Alfred O. Souza
Sakae Takahashi
John T. Ushijima
Robert M. Wright
T. C. Yim

REVISION, AMENDMENT AND OTHER PROVISIONS

Hiroshi Kato, Chairman
Robert G. Dodge, Vice-Chairman
Peter A. Aduja
Hayden F. Burgess
William E. Fernandes
Kazuo Kage
Takeshi Kudo
Rhoda V. Lewis
George W. T. Loo
Barney B. Menor
Howard Y. Miyake
Ted T. Morioka
Shigeyuki Nakatani
Howard K. Oda
Hiroshi Ozaki
Edna C. Shiigi
Keith J. Steiner
Richard Ike Sutton
Jack K. Suwa
Yoshito Takamine
Mitsuo Uechi
James K. Yamamoto
T. C. Yim

STYLE

Richard E. Ando, Chairman
Howard K. Oda, Vice-Chairman
Peter A. Aduja
Robert G. Dodge
John F. Dyer
Thomas K. Hitch
Stuart Ho
Richard A. Kawakami
Leland E. G. Larson
Rhoda V. Lewis
George K. Noguchi
Richard P. Schulze, Jr.
Richard Ike Sutton
Jack K. Suwa
Sakae Takahashi
Meyer M. Ueoka
James K. Yamamoto

SUBMISSION AND INFORMATION

John J. Jaquette, Chairman
 Momi T. Minn, Vice-Chairman
 Clarence Y. Akizaki
 Ethel K. C. Andrade
 Frank F. Fasi
 John W. Goemans
 Diana C. Hansen
 Stuart Ho
 Charles E. Kauhane
 Thomas K. Lalakea
 Leland E. G. Larson
 Howard Y. Miyake
 George K. Noguchi
 Dennis E. W. O'Connor
 Nadao Yoshinaga
 Patsy K. Young

ADMINISTRATIVE STANDING COMMITTEES:

ACCOUNTS AND PRINTING

Sakae Amano, Chairman
 Ethel K. C. Andrade, Vice-Chairman
 Emilio S. Alcon
 Alvin T. Amaral
 James K. Bacon
 Hayden F. Burgess
 Donald D. H. Ching
 Dorothy L. Devereux
 John W. Goemans
 Diana C. Hansen
 Tony T. Kunimura
 Toraki Matsumoto
 John T. Ushijima
 T. C. Yim
 Nadao Yoshinaga

RULES

Toshi Ansai, Chairman
 Patsy K. Young, Vice-Chairman
 Yoshio Hasegawa
 Richard M. Kageyama
 Hiroshi Kato
 Duke T. Kawasaki
 Takeshi Kudo
 Tony T. Kunimura
 George W. T. Loo
 Howard Y. Miyake
 Keo Nakama
 Jack K. Suwa
 Sakae Takahashi
 Mitsuo Uechi
 Robert M. Wright

On inquiry, the President stated that substitutions by delegates within an island not involving chairman or vice-chairman could be made by this day (Monday) with the approval of the President.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 2 and 3) were

read by the Clerk and were disposed of as follows:

A resolution (Res. No. 2) ratifying the action of the President in naming the membership, chairmanship and vice-chairmanship of the standing committees of the Convention, was offered by Delegate Taira.

On motion by Delegate Yoshinaga, seconded by Delegate Lalakea, Res. No. 2 was adopted.

A resolution (Res. No. 3) inviting the Governor of the State of Hawaii to address the Constitutional Convention was offered by Delegate Ho.

On motion by Delegate Kamaka, seconded by Delegate Hasegawa and carried, Res. No. 3 was adopted.

At this time, the President appointed Delegates Andrade, Devereux, Hansen, Rhoda Lewis, Minn, Saiki, Shiigi and Young as a committee to escort Governor John A. Burns to the rostrum.

In welcoming Governor Burns, the President stated:

"Delegates, ladies and gentlemen: I have the pleasure of presenting someone whom, had it not been for his designation, we would not be here today; we might be together but we would have been somewhere else. It is my pleasure to present to you His Excellency, John A. Burns, the Governor of the State of Hawaii."

The Honorable John A. Burns, Governor of Hawaii, then addressed the Convention as follows:

"President Porteus, distinguished and honorable delegates, Chief Justice Richardson and all distinguished guests, and Lieutenant Governor Gill, ladies and gentlemen: first of all, may I say I have not been so singly honored by anyone or anything recently as I have by these most charming, gracious and beautiful delegates who escorted me to the rostrum. I am deeply appreciative of my good fortune.

"I desire also to take advantage of this opportunity to extend my personal congratulations to each of you eighty-two citizens of Hawaii who have been elected as delegates to our second Constitutional Convention. It is a distinct honor to be invited to address you today in your inaugural session, and I consider it a high privilege and a great pleasure to be with you.

"It is noteworthy that this Convention has been brought about in the time-tested manner traditional to our representative form of government.

"Each of you holds a high trust placed in you by your electorate. I share in their confidence that you will, during the course of this Convention, dedicate all your energies and abilities to further insure the preservation of our democratic form of government and its proven institutions.

"It has frequently been noted that our State Constitution—a document agreed upon by delegates to the first Convention exactly eighteen years ago next Monday—is fundamentally a sound and up-to-date political instrument. This has been noted this morning in its proceedings. As a matter of fact, our Constitution is looked upon as a model by many other states involved in similar conventions. I share the view that we do have an excellent Constitution. The delegates who fashioned it in 1950 did a most creditable job in preparing for the sovereignty accorded to us nine years later. We are fortunate to have among your numbers in this Convention several delegates who participated in that first Convention. May I express a personal pleasure also at sharing with you the title 'delegate' because it is a most honorable one and a most historical one in these United States. The experience of those among you who have served previously will undoubtedly be most highly valuable in your deliberations.

"While our Constitution is sound in most respects, it will not suffer from further refinements. Meeting in Convention as you are, all points of view can be explored to produce these necessary changes.

"Reapportionment of our legislature—the original impetus for calling a Convention—is, of course, the major issue confronting you. Other important questions which will surely merit your consideration for possible amendment are the structures in the state debt ceiling and judicial tenure. But I do not intend to belabor you with a recitation or dissection of those matters which rest ultimately in your judgment. Nor is it my intent to offer inspiration, for this surely will come from within. Nor do I presume to counsel you, for you will find many, I am sure, eager to counsel you in the succeeding days. Moreover, in the final analysis, each of you is and will be your own counsel, which is as it should be as elected delegates representing the voters of this State.

"What I should like to leave with you today is a reminder that you will be reviewing and considering changes in the basic political document of our State—the highest law of our Islands, our exercise as citizens of our sovereignty.

"Policies, as expressed in legislation and in executive decisions, are always subject to change to meet the needs of changing times and changing ways.

"Principles, however, remain immutable; and it is basically an expression of principles which will guide the substance of a constitution's provisions.

"The subject matter in your hands is at the heart and the very foundation of the institutions by which our society is organized and by which it lives. You have, therefore, the highest challenge before you—to refine a document which will

insure a better Hawaii for all our citizens for today and for tomorrow. Your deliberations and your decisions will be of vital importance to the future course of our State and our people.

"There will, I am sure, be times of difficulty in reaching agreement on what avenue is best of troublesome issues. At such times, perhaps you can take heart in being reminded of the troubled road that led to the drafting of our nation's Constitution. I am indeed delighted to see that we quoted the democratic representative, Thomas Jefferson, this morning. It started, as you know, with a revolution and then proceeded through a number of ineffective attempts to devise a new government for our states, including the Articles of Confederation which functioned so badly it began to appear that the revolution had been fought in vain.

"Finally, there was the Constitutional Convention of 1787, but even then there was no end of disagreement. Many compromises were necessary before the venture could be brought to a successful conclusion.

"Then, as the last members were signing the Constitution, Benjamin Franklin, looking toward the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun.

"I have,' Mr. Franklin said, 'often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was a rising or a setting sun; but now, at length, I have the happiness to know that it is a rising and not a setting sun.'

"I share in Mr. Franklin's view that 'things are looking up,' and I further share in the people's expressed confidence in your demonstrated dedication to building a better Hawaii.

"As Chief Executive, I welcome you to meet with me at any time that you feel necessary, and I stand ready to assist you in any way the Executive Branch can to make this Convention the success it deserves to be. My very best wishes for a most successful and fruitful Convention.

"Mahalo and God be with you."

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 1 to 4) were read by the Clerk and were disposed of as follows:

A communication from U.S. Senator Daniel K. Inouye (Misc. Com. No. 1), expressing confidence that the delegates to the Constitutional Convention will

fulfill the highest expectations, was placed on file.

A communication from U.S. Senator Hiram L. Fong (Misc. Com. No. 2), expressing best wishes for an outstanding Convention, was placed on file.

A communication from Congressman Spark Matsunaga (Misc. Com. No. 3), extending aloha and best wishes, was placed on file.

A communication from Congresswoman Patsy T. Mink (Misc. Com. No. 4), conveying warmest greetings and aloha to the delegates and honored guests, was placed on file.

The President here directed the Chief Clerk to acknowledge receipt of the communications.

The President then appointed Delegates Fasi, Hansen, Jaquette, Frank Loo, Larson, Wright and Uechi as a committee to escort Chancellor David Schuyler of the Catholic Diocese of Hawaii to the rostrum.

Escorted by the aforesaid committee, Chancellor Schuyler gave the benediction.

ADJOURNMENT

At 11:28 o'clock a.m., upon motion by Delegate Kawasaki, seconded by Delegate Kauhane and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, July 16, 1968.

2ND DAY

Tuesday, July 16, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend Jack D. Knighton of the First Baptist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Dyer who was excused.

There being no objection, the President ordered that the reading of the Journal of the First Day be dispensed with.

MISCELLANEOUS COMMUNICATIONS

A communication from the Chamber of Commerce of Hawaii (Misc. Com. No. 5) with respect to Constitutional Convention issues adopted at their legislative policy convention was jointly referred to the Committees on Bill of Rights, Suffrage and Elections; Legislative Powers and Functions; Legislative Apportionment and Districting; Judiciary, and Taxation and Finance.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 1) informing the Convention that Res. Nos. 1 to 3 and Spec. Com. Rep. No. 1 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Doi, seconded by Delegate Hara and carried, the following proposals (P. Nos. 1 to 70) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Wednesday, July 17, 1968:

A proposal (P. No. 1) entitled: "Deleting the Proviso Contained in Paragraph 6 of Section 2, Article XV in Conformity with the Decisions of the Supreme Court of the United States," was jointly introduced by Delegates Porteus, Kawasaki, Fasi, Hung Wo Ching, Chang, Aduja, Ajifu, Akizaki, Donald Ching, Devereux, Beppu, Kage,

Peter Lewis, Suwa, Fernandes, Bryan, Oda, Noguchi, Minn, Nakatani, Ushijima, Nakama, Ozaki, Lum, Matsumoto, Menor, Lalakea, Rhoda Lewis, Jaquette, Kaapu, Hidalgo, Hitch, Harper, Taira, Young, Wright, Yamamoto, Kato, Dodge, Alcon, Amano, Ando, Ariyoshi, Bacon, Burgess, Kudo, Hara, Doi, Andrade, Kauhane, Goemans, Hansen, Takamine and Uechi.

A proposal (P. No. 2) entitled: "Relating to the Board of Education and the School Advisory Councils," was introduced by Delegate Yamamoto.

A proposal (P. No. 3) entitled: "Relating to Legislative Sessions," was introduced by Delegate Yamamoto.

A proposal (P. No. 4) entitled: "Relating to School Advisory Councils," was introduced by Delegate Yamamoto.

A proposal (P. No. 5) entitled: "Relating to Debt Limitations," was introduced by Delegate Yamamoto.

A proposal (P. No. 6) entitled: "Relating to Voter Qualifications," was introduced by Delegate Yamamoto.

A proposal (P. No. 7) entitled: "Relating to the Qualifications of Members of the Legislature," was jointly introduced by Delegates Beppu, Morioka, Hara, Yim, Akizaki, Peter Lewis, Kato, Takamine, Kudo, Noguchi, Aduja, Goemans, Ho, Lum and Takahashi.

A proposal (P. No. 8) entitled: "Relating to Voting Qualifications," was introduced by Delegate Devereux.

A proposal (P. No. 9) entitled: "Relating to Voting Disqualifications," was introduced by Delegate Larson.

A proposal (P. No. 10) entitled: "Relating to Economic Security," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 11) entitled: "Relating to Ethics," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 12) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 13) entitled: "Relating to the Judiciary," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 14) entitled: "Relating to the Right of Judicial Redress," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 15) entitled: "Relating to Indigents' Right to Counsel," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 16) entitled: "Relating to Bail," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 17) entitled: "Relating to Consumer Protection," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 18) entitled: "Relating to Interception of Electronic Communications," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 19) entitled: "Relating to Education," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 20) entitled: "Relating to the Right of Arraignment," was introduced by Delegate Aduja.

A proposal (P. No. 21) entitled: "Relating to the Board of Education and the Superintendent of Education," was introduced by Delegate Doi.

A proposal (P. No. 22) entitled: "Relating to the Board of Education," was introduced by Delegate Doi.

A proposal (P. No. 23) entitled: "Relating to the Superintendent of Education," was introduced by Delegate Doi.

A proposal (P. No. 24) entitled: "Relating to the Judiciary," was introduced by Delegate Doi.

A proposal (P. No. 25) entitled: "Relating to Presidential Preference Primaries," was introduced by Delegate Doi.

A proposal (P. No. 26) entitled: "Relating to Local Government Charters," was introduced by Delegate Doi.

A proposal (P. No. 27) entitled: "Relating to Limitations on the Governor's Terms of Office," was introduced by Delegate Doi.

A proposal (P. No. 28) entitled: "Relating to Sessions of the Legislature and the State Budget," was introduced by Delegate Rhoda Lewis.

A proposal (P. No. 29) entitled: "Relating to the Passage of Bills," was introduced by Delegate Rhoda Lewis.

A proposal (P. No. 30) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Ueoka, Souza and Ansai.

A proposal (P. No. 31) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Aduja and Ajifu.

A proposal (P. No. 32) entitled: "Relating to the Board of Education," was jointly introduced by Delegates Aduja and Ajifu.

A proposal (P. No. 33) entitled: "Relating to Salaries of Legislators," was introduced by Delegate Larson.

A proposal (P. No. 34) entitled: "Relating to the Right of Privacy," was jointly introduced by Delegates Larson and Lalakea.

A proposal (P. No. 35) entitled: "Relating to Salary and Allowances of Legislators," was jointly introduced by Delegates Larson and Lalakea.

A proposal (P. No. 36) entitled: "Relating to Collective Bargaining for Public Employees," was introduced by Delegate Yamamoto.

A proposal (P. No. 37) entitled: "Relating to Board of Education Elections," was introduced by Delegate Medeiros.

A proposal (P. No. 38) entitled: "Relating to a Unicameral Legislature," was introduced by Delegate George Loo.

A proposal (P. No. 39) entitled: "Relating to Registration and Voting," was introduced by Delegate Burgess.

A proposal (P. No. 40) entitled: "Relating to the Hawaiian Homes Commission," was introduced by Delegate Burgess.

A proposal (P. No. 41) entitled: "Relating to Voting Qualifications," was introduced by Delegate Burgess.

A proposal (P. No. 42) entitled: "Relating to the Right to Redress," was introduced by Delegate Burgess.

A proposal (P. No. 43) entitled: "Relating to Voting Disqualifications," was introduced by Delegate Burgess.

A proposal (P. No. 44) entitled: "Relating to Voting Qualifications," was introduced by Delegate Bacon.

A proposal (P. No. 45) entitled: "Relating to Tenure of Governor," was introduced by Delegate Bacon.

A proposal (P. No. 46) entitled: "Relating to Legislative Sessions," was introduced by Delegate Bacon.

A proposal (P. No. 47) entitled: "Relating to the Bill of Rights," was jointly introduced by Delegates Noguchi, Yim, Nakama, Goemans, Fasi, Amano, Shiigi, Alcon and Akizaki.

A proposal (P. No. 48) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Noguchi, Yim, Nakama, Hidalgo, Suwa, Goemans, Fasi, Amano, Alcon and Aduja.

A proposal (P. No. 49) entitled: "Relating to Debt Limitations," was jointly introduced by Delegates

Noguchi, Yim, Nakama, Miyake, Minn, Suwa, Goemans, Fasi, Amano, Alcon, Shiigi, Akizaki and Aduja.

A proposal (P. No. 50) entitled: "Relating to Education," was jointly introduced by Delegates Noguchi, Yim, Nakama, Minn, Hidalgo, Suwa, Fasi, Amano, Goemans, Alcon and Akizaki.

A proposal (P. No. 51) entitled: "Relating to Judicial Selection," was jointly introduced by Delegates Noguchi, Yim, Suwa, Goemans, Fasi, Alcon, Akizaki and Aduja.

A proposal (P. No. 52) entitled: "Relating to Voting Disqualifications," was jointly introduced by Delegates Noguchi, Yim, Nakama, Minn, Suwa, Goemans, Fasi, Amano, Shiigi, Alcon, Akizaki and Aduja.

A proposal (P. No. 53) entitled: "Relating to Limitations on the Governor's Terms of Office," was jointly introduced by Delegates Noguchi, Yim, Minn, Hidalgo, Suwa, Fasi, Hansen, Sutton, Amano, Shiigi, Alcon, Akizaki and Aduja.

A proposal (P. No. 54) entitled: "Relating to Electronic Interception of Communications," was jointly introduced by Delegates Takamine, Nakatani, Kudo, Yamamoto, Hara, Andrade and Ushijima.

A proposal (P. No. 55) entitled: "Relating to Counsel for Indigent Dependency," was jointly introduced by Delegates Takamine, Nakatani, Kudo, Yamamoto, Hara, Andrade and Ushijima.

A proposal (P. No. 56) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Takamine, Nakatani, Kudo, Yamamoto, Hara, Andrade and Ushijima.

A proposal (P. No. 57) entitled: "Relating to the Judiciary," was introduced by Delegate Steiner, by request.

A proposal (P. No. 58) entitled: "Relating to Consumer Protection," was jointly introduced by Delegates Sutton, Andrade, Hara, Ushijima, Amaral, Yamamoto, Ansai, Souza, Fernandes, Kageyama, Yoshinaga, Bryan, Kawasaki, Hidalgo, Lalakea, Harper, Matsumoto, Lum, Devereux, Taira and Kage.

A proposal (P. No. 59) entitled: "Relating to the Bill of Rights," was introduced by Delegate Yoshinaga.

A proposal (P. No. 60) entitled: "Relating to Hawaiian Homes Act Administration," was jointly introduced by Delegates Andrade, Hidalgo, Sutton, Yamamoto, Ansai, Hansen and Minn.

A proposal (P. No. 61) entitled: "Relating to Mineral Rights," was jointly introduced by Delegates Andrade, by request, Hidalgo, Sutton, Ushijima, Yamamoto, Ansai, Hansen, Minn and Young.

A proposal (P. No. 62) entitled: "Relating to Local Government," was jointly introduced by Delegates Andrade, by request, Yamamoto and Ushijima.

A proposal (P. No. 63) entitled: "Relating to Lowering the Voting Age," was jointly introduced by Delegates Takahashi, Frank Loo, Kauhane, Suwa, Taira, Ariyoshi and Kageyama.

A proposal (P. No. 64) entitled: "Relating to Discrimination in Public Schools," was jointly introduced by Delegates Takahashi, Wright, Uechi, Young, Lum, Rhoda Lewis, Kato, Kauhane, Ariyoshi, Kawasaki, Suwa, Devereux, Taira, Minn, Jaquette, Pyo and Kageyama.

A proposal (P. No. 65) entitled: "Relating to Esthetics and Conservation," was jointly introduced by Delegates Takahashi, Uechi, Young, Lum, Frank Loo, Kato, Kauhane, Suwa, Devereux, Taira, Minn, Ariyoshi, Kageyama, Kawasaki, Pyo and Jaquette.

A proposal (P. No. 66) entitled: "Relating to Age and Residence Requirements of Legislators," was introduced by Delegate Larson.

A proposal (P. No. 67) entitled: "Relating to Voter Qualifications," was introduced by Delegate Larson.

A proposal (P. No. 68) entitled: "Relating to Voter Qualifications," was introduced by Delegate Larson.

A proposal (P. No. 69) entitled: "Relating to Local Government Powers," was jointly introduced by Delegates Ansai, Hidalgo, Hara, Yamamoto, Ozaki and Ushijima.

A proposal (P. No. 70) entitled: "Relating to Organization and Collective Bargaining," was jointly introduced by Delegates Ansai, Ueoka, Hidalgo, Ho, Kaapu, Hara, Ushijima, Yamamoto, Uechi, Yim, Young, Minn, Miyake, Harper and Fasi.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 4 to 13) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 4) relating to the termination date of the 1968 Constitutional Convention was offered by Delegate Harper.

The President thereupon referred Res. No. 4 to the Committee on Accounts and Printing, then to the Committee on Rules.

A resolution (Res. No. 5) relating to the rules of the Convention was offered by Delegate Rhoda Lewis.

The President thereupon referred Res. No. 5 to the Committee on Accounts and Printing, then to the Committee on Rules.

A resolution (Res. No. 6) relating to legislative apportionment and districting was jointly offered by Delegates Doi, Kudo, Kunimura, Kawakami, Andrade, Nakatani, Suwa, Takamine, Ushijima and Yamamoto.

The President thereupon referred Res. No. 6 to the

Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 7) requesting that a department to coordinate federal-state relations be established was jointly offered by Delegates Doi, Kudo, Kunimura, Kawakami, Miyake, Andrade, Nakatani, Suwa, Takamine, Ushijima and Yamamoto.

The President thereupon referred Res. No. 7 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 8) relating to the submission to the electorate of the proposed amendments to the Constitution was offered by Delegate Ando.

The President thereupon referred Res. No. 8 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 9) relating to the channel waters within the boundaries of the State was jointly offered by Delegates Beppu, Peter Lewis, Kato, Takamine, Yim, Akizaki and Aduja.

The President thereupon referred Res. No. 9 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 10) relating to the manner of submission of a proposed constitutional revision or amendments to the electorate was offered by Delegate Medeiros.

The President thereupon referred Res. No. 10 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 11) dedicating the Constitutional Convention to the memory of Americans who have sacrificed their lives in the service of their country was jointly offered by Delegates Bacon, Medeiros, Nakama, Kawasaki, Sutton, Hidalgo, Fasi, Ariyoshi, Miyake, Morioka, Noguchi, Devereux, Kato, Kauhane, Suwa, Frank Loo, Goemans, Minn, Hansen, Hara, Andrade, Ushijima, Takamine, Nakatani, Kudo, Doi, Akizaki, Ueoka, Chang, Kaapu, Uechi, Taira, Amano, Ando, Alcon, Aduja, Steiner, Menor, Young, Matsumoto, Lum, Rhoda Lewis, Lalakea, Kageyama, Jaquette, Kage, Ozaki, Beppu, Dodge, Ajifu and Wright.

The President thereupon referred Res. No. 11 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 12) relating to retention of conservation and beautification provision of the Constitution was jointly offered by Delegates Andrade, Ushijima, Yamamoto, Ansai, Sutton, Minn, Young, Wright, Hansen and Uechi.

The President thereupon referred Res. No. 12 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

A resolution (Res. No. 13) requesting the delegates to the Constitutional Convention to maintain a high level of flexibility in rewriting the State Constitution was jointly offered by Delegates Kageyama, Kage, Kawasaki, Yamamoto and Kawakami.

The President thereupon referred Res. No. 13 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, July 17, 1968.

At this time, Delegate Bacon, on a point of personal privilege, stated:

"Mr. President, I would like to make a complimentary note. I have gone through many openings in another body. I would like to compliment the staff for the good work they did yesterday starting with the Chief Clerk, Assistant Clerk, the Administrator.

"I appreciate the job they did and I think the entire staff did a very wonderful job."

Delegate Yamamoto, on a point of information, asked whether delegates other than committee members are allowed to participate in committee meetings.

Delegates Schulze and Hung Wo Ching answered that all delegates are welcomed to attend meetings of their committees.

ADJOURNMENT

At 9:16 o'clock a.m., on motion by Delegate Kauhane, seconded by Delegate Fernandes and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, July 17, 1968.

3RD DAY

Wednesday, July 17, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend George A. Jacobs of the First Christian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present.

There being no objection, the President ordered that the reading of the Journal of the Second Day be dispensed with.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 2) informing the Convention that Proposal Nos. 1 through 70 and Res. Nos. 4 through 13 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the following proposals (P. Nos. 71 to 94) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Thursday, July 18, 1968:

A proposal (P. No. 71) entitled: "Relating to Qualifications of Members," was introduced by Delegate Hansen.

A proposal (P. No. 72) entitled: "Relating to a School Advisory Council," was jointly introduced by Delegates Young, Saiki, Matsumoto, Ushijima, Wright, Nakama, Uechi, Ando and Hidalgo.

A proposal (P. No. 73) entitled: "Relating to the Judiciary," was introduced by Delegate Kauhane.

A proposal (P. No. 74) entitled: "Relating to Collective Bargaining for Public Employees," was jointly introduced by Delegates Kauhane, Suwa, Fernandes, Kageyama, Kato and Kawasaki.

A proposal (P. No. 75) entitled: "Relating to Legislative Sessions," was introduced by Delegate Doi.

A proposal (P. No. 76) entitled: "Relating to Legislative Sessions," was introduced by Delegate Doi.

A proposal (P. No. 77) entitled: "Relating to Debt Limitations," was introduced by Delegate Doi.

A proposal (P. No. 78) entitled: "Relating to a Unicameral Legislature," was jointly introduced by Delegates Larson and Doi.

A proposal (P. No. 79) entitled: "Relating to Local Government Powers," was introduced by Delegate George Loo.

A proposal (P. No. 80) entitled: "Relating to Interception of Electronic Communications," was introduced by Delegate Noguchi.

A proposal (P. No. 81) entitled: "Relating to Legislative Powers Vested in Senate and House of Representatives," was introduced by Delegate O'Connor.

A proposal (P. No. 82) entitled: "Relating to Higher Education," was jointly introduced by Delegates Akizaki, Takamine, Nakatani, Kageyama, Nakama, Beppu, Alcon, Amano and Shiigi.

A proposal (P. No. 83) entitled: "Relating to Voting Qualifications," was jointly introduced by Delegates Akizaki, Kageyama, Nakama, Beppu, Alcon and Amano.

A proposal (P. No. 84) entitled: "Relating to the Attorney General," was introduced by Delegate Dodge.

A proposal (P. No. 85) entitled: "Relating to the Executive," was introduced by Delegate Dodge.

A proposal (P. No. 86) entitled: "Relating to the Executive," was introduced by Delegate Dodge.

A proposal (P. No. 87) entitled: "Relating to School Advisory Councils," was jointly introduced by Delegates Matsumoto, George Loo, Lum, Medeiros and Young.

A proposal (P. No. 88) entitled: "Relating to Presidential Preference Primaries," was jointly introduced by Delegates Takahashi, Uechi, Wright, Fernandes, Akizaki, Shiigi, Ushijima, Amaral, Ozaki, Andrade, Oda and Saiki.

A proposal (P. No. 89) entitled: "Relating to Presidential Preference Primaries," was jointly introduced by Delegates Takahashi, Uechi, Wright, Fernandes, Akizaki, Shiigi, Ushijima, Amaral, Ozaki, Andrade, Oda and Saiki.

A proposal (P. No. 90) entitled: "Relating to Debt Limitations," was introduced by Delegate Donald Ching.

A proposal (P. No. 91) entitled: "Relating to County

Powers," was jointly introduced by Delegates Pyo, Saiki, Matsumoto, Oda, Taira, Ushijima, Ando and Andrade.

A proposal (P. No. 92) entitled: "Relating to a System of Community Colleges," was introduced by Delegate Alcon.

A proposal (P. No. 93) entitled: "Relating to Initiative and Referendum," was introduced by Delegate Lalakea.

A proposal (P. No. 94) entitled: "Relating to the Age of Majority," was introduced by Delegate Ando.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 14 to 16) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 14) relating to apportionment of the 11th District was offered by Delegate Kauhane.

The President thereupon referred Res. No. 14 to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Thursday, July 18, 1968.

A resolution (Res. No. 15) relating to Rule 18(a) of the Constitutional Convention was offered by Delegate Dodge.

The President thereupon referred Res. No. 15 to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Thursday, July 18, 1968.

A resolution (Res. No. 16) expressing gratitude to the Citizens Committee on the Constitutional Convention was jointly offered by Delegates Lalakea, Jaquette, Minn, O'Connor, Chang, Larson, Goemans and Fasi.

The President thereupon referred Res. No. 16 to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Thursday, July 18, 1968.

At this time, the President recognized Delegate Kauhane on a point of parliamentary inquiry.

Delegate Kauhane stated as follows:

"Mr. President, I noted that you stated that all proposals that will be submitted to the Clerk's desk up to 12:00 o'clock noon will be accepted and that the same shall pass First Reading and be referred to the Printing and Accounts Committee.

"Since we are meeting and we adjourn before 12:00 o'clock so that the action of the Convention is within the stated time—9:00 o'clock to 10:00 o'clock, shouldn't the proposals be on the Clerk's desk within that period of time and not be extended to the adjournment of the session."

President Porteus stated:

"The Chair could be extremely technical and request proposals to be on the Clerk's desk during the period of the meeting, but for the convenience of printing and because this is a continuing body meeting from day to day, the Chair will recognize the time set yesterday, and will rule that the proposals are in order."

At this time, Delegate Kage introduced Delegate Souza who was unanimously selected as Chairman of the Maui delegation.

Delegate Fernandes thereupon introduced Delegate Kunimura who was unanimously selected as Chairman of the Kauai delegation.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Tuesday, July 16, 1968:

P. No. 1 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 2 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 3 was referred to the Committee on Legislative Powers and Functions.

P. No. 4 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 5 was referred to the Committee on Taxation and Finance.

P. No. 6 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 7 was referred to the Committee on Legislative Powers and Functions.

P. No. 8 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 9 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 10 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 11 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 12 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 13 was referred to the Committee on Judiciary.

P. No. 14 was referred to the Committee on Bill of

Rights, Suffrage and Elections.

P. No. 15 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 16 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 17 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 18 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 19 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 20 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 21 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 22 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 23 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 24 was referred to the Committee on Judiciary.

P. No. 25 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 26 was referred to the Committee on Local Government.

P. No. 27 was referred to the Committee on Executive.

P. No. 28 was referred jointly to the Committee on Legislative Powers and Functions; and to the Committee on Taxation and Finance.

P. No. 29 was referred to the Committee on Legislative Powers and Functions.

P. No. 30 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 31 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 32 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 33 was referred to the Committee on Legislative Powers and Functions.

P. No. 34 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 35 was referred to the Committee on Legislative Powers and Functions.

P. No. 36 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 37 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 38 was referred jointly to the Committee on Legislative Powers and Functions; to the Committee on Legislative Apportionment and Districting; to the Committee on Judiciary; to the Committee on Taxation and Finance; to the Committee on Public Health, Education and Welfare; Labor and Industry; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 39 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 40 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 41 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 42 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 43 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 44 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 45 was referred to the Committee on Executive.

P. No. 46 was referred to the Committee on Legislative Powers and Functions.

P. No. 47 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 48 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 49 was referred to the Committee on Taxation and Finance.

P. No. 50 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 51 was referred to the Committee on Judiciary.

P. No. 52 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 53 was referred to the Committee on Executive.

P. No. 54 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 55 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 56 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 57 was referred to the Committee on Judiciary.

P. No. 58 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 59 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 60 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 61 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 62 was referred to the Committee on Local Government.

P. No. 63 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 64 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 65 was referred jointly to the Committee on Agriculture, Conservation, Land and Hawaiian Homes; and to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 66 was referred to the Committee on Legislative Powers and Functions.

P. No. 67 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 68 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 69 was referred to the Committee on Local Government.

P. No. 70 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

REFERRAL OF RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, July 16, 1968:

Res. No. 6 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 7 was referred to the Committee on Executive.

Res. No. 8 was referred to the Committee on Submission and Information.

Res. No. 9 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

Res. No. 10 was referred to the Committee on Submission and Information.

Res. No. 11 was referred to the Committee on Rules.

Res. No. 12 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

Res. No. 13 was referred to the Committee on Rules.

At this time, Delegate Hung Wo Ching announced that the Committee on Legislative Powers and Functions will hold a public meeting next Wednesday evening, July 24, 1968, at 7:30 o'clock p.m., with the possibility that the meeting would continue to Thursday evening. He then inquired as to whether or not the delegates would like to meet with the committee on Monday morning after the session to enable the committee to better present the delegates' positions and views on unicameralism and bicameralism, and also on the subject of a full-time or part-time legislature.

Delegate Bryan then questioned the validity of delegates participating and testifying at public hearings.

President Porteus agreed with Vice-President Bryan's position relative to delegates attending but not testifying at public hearings, thus enabling the public more time to express its views on the subject as public hearings are for the purpose of ascertaining the desires of the public and not the wishes of the delegates.

Upon being recognized by the President, Delegate Kauhane stated as follows:

"I feel that the request by the Chairman in asking that the positions of the delegates be made known at the meeting that he is offering the delegates to attend—and if assuming that the expression of the delegates favor one system of legislative proceedings—bicameral as against unicameral, what then will be the position of the Chairman in the public hearing. The delegates haven't spoken and stated their positions."

President Porteus replied:

"I will undertake to answer that, delegate.

"The Chairman is extending courtesy to the members of this body in asking if they would like to appear. They do not need to appear—and they may express their desires.

"I would anticipate that the Chairman of the committee and the chairmen of other committees will be guided by the wishes of the members of the committee and they will make a determination of what they think is best in the overall interest. And if they sense a consensus that may be against that, nonetheless, it will be their duty to bring to the floor what they consider best for the people of Hawaii, and if at the time when it reaches the floor and is referred to the Committee of the

Whole the majority is against that, that point of view will not prevail. But, nonetheless, an early determination of what the consensus might be is not binding to the Chairman and on the committee."

Delegate Kauhane stated as follows:

"Mr. President, the request for opinions to be stated by the delegates should not have been made. If we come with open minds rather than stating their positions--"

President Porteus then stated:

"The Chair will rule the statement of the delegate to be out of order because the Chairman of the committee offered as a courtesy to the members an opportunity for them to appear. There is no requirement; you do not need to appear, delegate."

ADJOURNMENT

At 9:24 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, July 18, 1968.

4TH DAY

Thursday, July 18, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend David L. Sharp of the First Methodist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Dyer who was excused.

There being no objection, the President ordered that the reading of the Journal of the Third Day be dispensed with.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 3) informing the Convention that Proposal Nos. 71 through 94 and Res. Nos. 14, 15 and 16 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the following proposals (P. Nos. 95 to 123) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Friday, July 19, 1968:

A proposal (P. No. 95) entitled: "Relating to Debt Limitations," was jointly introduced by Delegates Minn, Sutton, Hung Wo Ching, Kageyama, Ho, Kauhane, Kato, Kamaka, Bacon, Hasegawa, Miyake, Menor, Medeiros and Suwa.

A proposal (P. No. 96) entitled: "Relating to Sessions of the Legislature and the State Budget," was jointly introduced by Delegates Minn, Sutton, Kageyama, Ho, Kauhane, Kato, Bacon, Miyake, Menor, Suwa and Kamaka.

A proposal (P. No. 97) entitled: "Relating to Finance," was jointly introduced by Delegates Kamaka, Ho, Morioka, Kudo, Nakama, Kato, Miyake and Minn.

A proposal (P. No. 98) entitled: "Relating to

Executive Heads of Departments," was jointly introduced by Delegates Kamaka, Kudo, Morioka, Ho, Nakama, Kato, Miyake and Minn.

A proposal (P. No. 99) entitled: "Relating to Voter Qualifications," was introduced by Delegate Saiki.

A proposal (P. No. 100) entitled: "Relating to an Appointed School Board," was jointly introduced by Delegates Saiki, Lum and Steiner.

A proposal (P. No. 101) entitled: "Relating to an Honorary Monarchy," was jointly introduced by Delegates Bacon and Kauhane.

A proposal (P. No. 102) entitled: "Relating to Representative Districts," was jointly introduced by Delegates Ansai, Ozaki and Kage.

A proposal (P. No. 103) entitled: "Relating to Constitutional Conventions," was jointly introduced by Delegates Beppu, Menor, Kunimura, Ushijima, Takamine, Kudo, Noguchi and Hara.

A proposal (P. No. 104) entitled: "Relating to Debt Limitations," was jointly introduced by Delegates Minn, Sutton, Hung Wo Ching, Jaquette, Kageyama, Ho, Kauhane, Kato, Kamaka, Bacon, Hasegawa, Miyake, Menor, Medeiros and Suwa.

A proposal (P. No. 105) entitled: "Relating to Voter Qualifications," was jointly introduced by Delegates Souza, Amaral, Ueoka and Ansai.

A proposal (P. No. 106) entitled: "Relating to Transitional Provisions," was introduced by Delegate Dodge.

A proposal (P. No. 107) entitled: "Relating to the Bill of Rights," was introduced by Delegate Dodge.

A proposal (P. No. 108) entitled: "Relating to Education," was introduced by Delegate Dodge.

A proposal (P. No. 109) entitled: "Relating to Debt Limitations," was jointly introduced by Delegates Shiigi and Alcon.

A proposal (P. No. 110) entitled: "Relating to Legislative Sessions," was introduced by Delegate Noguchi.

A proposal (P. No. 111) entitled: "Deleting Section 2, Amending Section 3, Article IX of the Constitution of the State of Hawaii," was jointly introduced by Delegates Ho, Hung Wo Ching, Kamaka, Kudo, Kawakami, Amano, Ushijima, Minn, Noguchi, Devereux,

Ozaki, Nakama, Hara, Andrade, Yim, Kauhane, Jaquette, Menor, George Loo, Beppu, Frank Loo, Matsumoto, Akizaki, Kunimura and Steiner.

A proposal (P. No. 112) entitled: "Amending Section 5, Article IX of the Constitution of the State of Hawaii," was jointly introduced by Delegates Ho, Medeiros, Hidalgo, Young, Hasegawa, Pyo, Minn, Noguchi, Devereux, Kauhane, George Loo, Lum, Hitch, Alcon, Hara, Kato, Wright, Andrade, Ushijima, Doi, Kamaka, Ozaki, Kudo, Kawakami, Amano, Yim, Jaquette, Peter Lewis, Menor, Beppu, Hung Wo Ching, Frank Loo, Matsumoto, Akizaki, Kunimura, Steiner and Nakama.

A proposal (P. No. 113) entitled: "Relating to Judicial Qualifications," was introduced by Delegate Aduja.

A proposal (P. No. 114) entitled: "Relating to Presidential Preference Primaries," was introduced by Delegate Noguchi.

A proposal (P. No. 115) entitled: "Relating to Public Employment," was jointly introduced by Delegates Alcon, Young, Matsumoto and Aduja.

A proposal (P. No. 116) entitled: "Relating to a System of Community Colleges," was jointly introduced by Delegates Alcon, Yoshinaga, Young, Matsumoto and Aduja.

A proposal (P. No. 117) entitled: "Relating to Debt Limitation," was introduced by Delegate Ariyoshi.

A proposal (P. No. 118) entitled: "Relating to Sessions of the Legislature," was jointly introduced by Delegates Ariyoshi and Bacon.

A proposal (P. No. 119) entitled: "Relating to Biennial Budgets," was jointly introduced by Delegates Ariyoshi and Bacon.

A proposal (P. No. 120) entitled: "Amending Paragraphs 2 and 3, Section 6, Article IV of the Constitution of the State of Hawaii," was jointly introduced by Delegates Ho and Kaapu.

A proposal (P. No. 121) entitled: "Relating to Debt Limitations," was introduced by Delegate George Loo.

A proposal (P. No. 122) entitled: "Relating to Higher Education," was jointly introduced by Delegates Nakatani, Suwa, Takamine, Yamamoto, Doi, Kudo, Ushijima, Andrade and Hara.

A proposal (P. No. 123) entitled: "Relating to Board of Education and Superintendent of Education," was jointly introduced by Delegates Peter Lewis, Beppu and Kunimura.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee

assignments of proposals that were introduced on Wednesday, July 17, 1968:

P. No. 71 was referred to the Committee on Legislative Powers and Functions.

P. No. 72 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 73 was referred to the Committee on Judiciary.

P. No. 74 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 75 was referred to the Committee on Legislative Powers and Functions.

P. No. 76 was referred to the Committee on Legislative Powers and Functions.

P. No. 77 was referred to the Committee on Taxation and Finance.

P. No. 78 was jointly referred to the Committee on Legislative Powers and Functions; Committee on Legislative Apportionment and Districting; Committee on Executive; Committee on Judiciary; Committee on Taxation and Finance; Committee on Public Health, Education and Welfare; Labor and Industry; and Committee on Revision, Amendment and Other Provisions.

P. No. 79 was referred to the Committee on Local Government.

P. No. 80 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 81 was referred to the Committee on Legislative Powers and Functions.

P. No. 82 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 83 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 84 was referred to the Committee on Executive.

P. No. 85 was referred to the Committee on Executive.

P. No. 86 was referred to the Committee on Executive.

P. No. 87 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 88 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 89 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 90 was referred to the Committee on Taxation and Finance.

P. No. 91 was referred to the Committee on Local Government.

P. No. 92 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 93 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 94 was referred to the Committee on Revision, Amendment and Other Provisions.

REFERRAL OF RESOLUTIONS

The President made the following committee

assignments of resolutions that were offered on Wednesday, July 17, 1968:

Res. No. 14 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 15 was referred to the Committee on Rules.

Res. No. 16 was referred to the Committee on Rules.

ADJOURNMENT

At 9:10 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, July 19, 1968.

5TH DAY

Friday, July 19, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend Ted L. Ogoshi of the Makiki Christian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kato and Yoshinaga, who were excused.

READING OF THE JOURNAL

Delegate Beppu moved that the Journal of the Constitutional Convention of 1968 be approved upon signature of the Secretary and approval by the President, seconded by Delegate Peter Lewis, and carried with Delegate Kauhane casting a negative vote.

PETITIONS

A petition from the Citizen's Administration of Justice Foundation (Pet. No. 1) proposing certain amendments to Article V of the State Constitution was referred to the Committee on Judiciary.

DEPARTMENTAL COMMUNICATIONS

A communication from Myron B. Thompson, Administrative Director to the Governor (Dept. Com. No. 1), transmitting a telephone listing of members of the Executive Office and the Cabinet, was read by the Clerk and was placed on file.

The President thereupon directed the Clerk to have sufficient copies printed and distributed to all delegates.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 4) informing the Convention that Proposal Nos. 95 through 123 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Lewis and carried, the following proposals (P. Nos. 124

to 153) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Saturday, July 20, 1968:

A proposal (P. No. 124) entitled: "Relating to Qualifications of Members," was introduced by Delegate Schulze.

A proposal (P. No. 125) entitled: "Relating to the Judiciary," was introduced by Delegate Schulze.

A proposal (P. No. 126) entitled: "Relating to Local Government," was jointly introduced by Delegates Rhoda Lewis and Dodge.

A proposal (P. No. 127) entitled: "Relating to Transitional Provisions," was introduced by Delegate Dodge.

A proposal (P. No. 128) entitled: "Relating to Finance," was introduced by Delegate Dodge.

A proposal (P. No. 129) entitled: "Relating to the Attorney General," was introduced by Delegate O'Connor.

A proposal (P. No. 130) entitled: "Relating to Residency Requirement of President of University of Hawaii," was jointly introduced by Delegates Steiner, Taira, Hansen, Donald Ching, Schulze, Devereux, O'Connor, Fernandes, George Loo, Matsumoto, Lalakea, Frank Loo, Suwa, Kage and Nakama.

A proposal (P. No. 131) entitled: "Relating to Residence Requirements of Officers of Executive and Administrative Offices and Departments," was jointly introduced by Delegates Steiner, Jaquette, Hitch, Hidalgo, Hasegawa, Hansen, O'Connor, Lalakea, Larson, Frank Loo, Lum and Taira.

A proposal (P. No. 132) entitled: "Relating to Education and Higher Education," was jointly introduced by Delegates Alcon, Matsumoto and Aduja.

A proposal (P. No. 133) entitled: "Relating to County Powers in Education," was jointly introduced by Delegates Kunimura, Fernandes, Kawakami and Mizuha.

A proposal (P. No. 134) entitled: "Relating to Compensation of Certain State Officers," was introduced by Delegate Ando.

A proposal (P. No. 135) entitled: "Relating to the Superintendent of Education and Local School Advisory Councils," was introduced by Delegate Yamamoto.

A proposal (P. No. 136) entitled: "Relating to Capital Punishment," was introduced by Delegate Yoshinaga.

A proposal (P. No. 137) entitled: "Relating to the Board of Regents," was introduced by Delegate Yoshinaga.

A proposal (P. No. 138) entitled: "Relating to the Date of Elections," was introduced by Delegate Kageyama.

A proposal (P. No. 139) entitled: "Relating to State Seal," was jointly introduced by Delegates Kageyama, Kaapu, Amano and Kawasaki.

A proposal (P. No. 140) entitled: "Relating to Voter Qualifications," was introduced by Delegate Kageyama.

A proposal (P. No. 141) entitled: "Relating to the Legislature," was introduced by Delegate Kageyama.

A proposal (P. No. 142) entitled: "Relating to the Executive," was introduced by Delegate Kageyama.

A proposal (P. No. 143) entitled: "Relating to Higher Education," was introduced by Delegate Kageyama.

A proposal (P. No. 144) entitled: "Relating to Legislative Advice and Consent for Gubernatorial Appointments," was introduced by Delegate Kageyama.

A proposal (P. No. 145) entitled: "Relating to the Judiciary," was introduced by Delegate Kageyama.

A proposal (P. No. 146) entitled: "Relating to State Parks," was introduced by Delegate Kageyama.

A proposal (P. No. 147) entitled: "Relating to Debt Limitations," was introduced by Delegate Miyake.

A proposal (P. No. 148) entitled: "Relating to Treason," was introduced by Delegate Hansen.

A proposal (P. No. 149) entitled: "Relating to Qualifications," was introduced by Delegate Hansen.

A proposal (P. No. 150) entitled: "Relating to Freedom of Religion, Speech, Press, Assembly and Petition," was introduced by Delegate Hansen.

A proposal (P. No. 151) entitled: "Relating to Eminent Domain," was introduced by Delegate Hansen.

A proposal (P. No. 152) entitled: "Relating to Rights of Accused," was introduced by Delegate Hansen.

A proposal (P. No. 153) entitled: "Relating to Freedom of Religion, Speech, Press, Assembly and Petition," was introduced by Delegate Hansen.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee

assignments of proposals that were introduced on Thursday, July 18, 1968:

P. No. 95 was referred to the Committee on Taxation and Finance.

P. No. 96 was referred jointly to the Committee on Legislative Powers and Functions; and to the Committee on Taxation and Finance.

P. No. 97 was referred to the Committee on Taxation and Finance.

P. No. 98 was jointly referred to the Committee on Executive; to the Committee on Public Health, Education and Welfare; Labor and Industry; and to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 99 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 100 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 101 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 102 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 103 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 104 was referred to the Committee on Taxation and Finance.

P. No. 105 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 106 was referred to the Committee on Local Government.

P. No. 107 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 108 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 109 was referred to the Committee on Taxation and Finance.

P. No. 110 was jointly referred to the Committee on Legislative Powers and Functions; and to the Committee on Executive.

P. No. 111 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 112 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 113 was referred to the Committee on Judiciary.

P. No. 114 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 115 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 116 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 117 was referred to the Committee on Taxation and Finance.

P. No. 118 was referred to the Committee on Legislative Powers and Functions.

P. No. 119 was jointly referred to the Committee on Legislative Powers and Functions; and to the Committee on Taxation and Finance.

P. No. 120 was referred to the Committee on Executive.

P. No. 121 was referred to the Committee on

Taxation and Finance.

P. No. 122 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 123 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

At this time, the President introduced Miss Grace Wong and her summer school class from Roosevelt High School who were recognized by the delegates.

At 9:17 o'clock a.m., the Convention stood in recess subject to the call of the Chair with the President stating that upon failure to reconvene by 12:00 o'clock midnight this day, the Convention will stand adjourned until 9:00 o'clock a.m., Saturday, July 20, 1968.

ADJOURNMENT

At 12:00 o'clock midnight, upon failure to reconvene, the Convention adjourned until 9:00 o'clock a.m., Saturday, July 20, 1968.

6TH DAY

Saturday, July 20, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Dr. William Phifer of the First Presbyterian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ansai, Fernandes, Kunimura, Lalakea, Mizuha, Takamine, Ushijima and Yim, who were excused.

At this time, the Chair announced that the journals of the preceding days were being checked by the Clerk, the Secretary and the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 5) informing the Convention that Proposal Nos. 124 through 153 and Petition No. 1 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the following proposals (P. Nos. 154 to 181) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Monday, July 22, 1968:

A proposal (P. No. 154) entitled: "Relating to Organization and Collective Bargaining," was jointly introduced by Delegates Wright, Young, Alcon, Matsumoto, Beppu, Akizaki, Ueoka, Yamamoto, Oda, Larson, Lum, Ho, Yoshinaga, Jaquette, Suwa, Nakama, Minn, Kawakami, Morioka, Bacon, Ariyoshi, Uechi and Kageyama.

A proposal (P. No. 155) entitled: "Relating to Management of Natural Resources," was jointly introduced by Delegates Peter Lewis, Beppu, Schulze, Jaquette, Ho, Doi, Ariyoshi, Yamamoto and Hara.

A proposal (P. No. 156) entitled: "Relating to Out-of-State Tuition," was introduced by Delegate

Kudo.

A proposal (P. No. 157) entitled: "Relating to Reapportionment," was introduced by Delegate Kamaka.

A proposal (P. No. 158) entitled: "Relating to the Judiciary," was introduced by Delegate Dodge.

A proposal (P. No. 159) entitled: "Relating to Ethics in Government," was jointly introduced by Delegates Kato, Ho, Kamaka, Kauhane and Kawasaki.

A proposal (P. No. 160) entitled: "Relating to Voter Qualifications," was jointly introduced by Delegates Burgess, Bryan and Hasegawa.

A proposal (P. No. 161) entitled: "Relating to Board of Regents: Powers," was introduced by Delegate Hansen.

A proposal (P. No. 162) entitled: "Relating to Board of Regents: Membership," was introduced by Delegate Hansen.

A proposal (P. No. 163) entitled: "Relating to Education," was introduced by Delegate Hansen.

A proposal (P. No. 164) entitled: "Relating to Representative Districts," was jointly introduced by Delegates Ozaki, Kage and Ansai.

A proposal (P. No. 165) entitled: "Relating to Representative Districts," was introduced by Delegate Ozaki.

A proposal (P. No. 166) entitled: "Relating to a Code of Ethics," was jointly introduced by Delegates Hasegawa, Ando, Yamamoto, Jaquette, Bryan, Burgess, Suwa, Schulze, Kage, Alcon, Dodge, Wright, Hidalgo and Kawasaki.

A proposal (P. No. 167) entitled: "Relating to Senate; Districts; Composition and House of Representatives; Composition," was jointly introduced by Delegates Kauhane, Suwa, Kageyama and Minn.

A proposal (P. No. 168) entitled: "Relating to Hawaiian Homes Commission," was jointly introduced by Delegates Ozaki, Souza, Ansai and Ueoka.

A proposal (P. No. 169) entitled: "Relating to the Establishment of the Executive," was introduced by Delegate Hansen.

A proposal (P. No. 170) entitled: "Relating to Debt Limitations," was introduced by Delegate Miyake.

A proposal (P. No. 171) entitled: "Relating to Rights of Citizens," was jointly introduced by Delegates Souza, Ozaki, Ansai, Amaral and Ueoka.

A proposal (P. No. 172) entitled: "Relating to Public Employment," was jointly introduced by Delegates Souza and Ueoka.

A proposal (P. No. 173) entitled: "Relating to Voter Qualifications," was introduced by Delegate Ozaki.

A proposal (P. No. 174) entitled: "Relating to the Legislature," was introduced by Delegate Dodge.

A proposal (P. No. 175) entitled: "Relating to Legislative Apportionment," was introduced by Delegate Dodge.

A proposal (P. No. 176) entitled: "Relating to Land Ownership," was jointly introduced by Delegates Kageyama and Wright.

A proposal (P. No. 177) entitled: "Relating to the Taxation of State Lands," was introduced by Delegate Kageyama.

A proposal (P. No. 178) entitled: "Relating to Sessions," was introduced by Delegate Kageyama.

A proposal (P. No. 179) entitled: "Relating to Rights of Accused," was introduced by Delegate Kauhane.

A proposal (P. No. 180) entitled: "Relating to Reapportionment," was jointly introduced by Delegates Alcon and Shiigi.

A proposal (P. No. 181) entitled: "Relating to Primary Elections," was jointly introduced by Delegates Alcon and Shiigi.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 17 to 19) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 17), relating to combining the 4th and 5th Representative Districts into one representative district, was offered by Delegate Kudo.

The President thereupon referred Res. No. 17 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Monday, July 22, 1968.

A resolution (Res. No. 18), requesting an amendment to the rules of the Constitutional Convention of Hawaii of 1968, was offered by Delegate Yoshinaga.

The President thereupon referred Res. No. 18 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Monday, July 22, 1968.

A resolution (Res. No. 19), congratulating the Legislative Reference Bureau for its outstanding service

to the Constitutional Convention of Hawaii of 1968, was jointly offered by Delegates Porteus, Suwa, Bryan, Chang, Beppu, Peter Lewis, Kage, Fernandes, Rhoda Lewis, Larson, Dodge, Lalakea, George Loo, Alcon, Hidalgo, Sutton, Matsumoto, Ho, Jaquette, Hasegawa, Nakama, Ando, Hansen, Akizaki, Dyer, Kamaka, Amano, Uechi, Minn, Yoshinaga, Schulze, Hara, Doi, Burgess, Ozaki, Souza, Steiner, Saiki, Pyo, Bacon, Kawasaki, Donald Ching, Frank Loo, Kato, Noguchi, Kawakami, Oda, Lum, Wright, Kageyama, Kauhane, Yamamoto and Amaral.

The President thereupon referred Res. No. 19 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Monday, July 22, 1968.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Friday, July 19, 1968:

P. No. 124 was referred to the Committee on Legislative Powers and Functions.

P. No. 125 was referred to the Committee on Judiciary.

P. No. 126 was referred to the Committee on Local Government.

P. No. 127 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 128 was referred to the Committee on Taxation and Finance.

P. No. 129 was referred to the Committee on Executive.

P. No. 130 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 131 was referred to the Committee on Executive.

P. No. 132 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 133 was referred to the Committee on Local Government.

P. No. 134 was jointly referred to the Committee on Legislative Powers and Functions and to the Committee on Executive.

P. No. 135 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 136 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 137 was referred to the Committee on Public

Health, Education and Welfare; Labor and Industry.

P. No. 138 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 139 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 140 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 141 was referred to the Committee on Legislative Powers and Functions.

P. No. 142 was referred to the Committee on Executive.

P. No. 143 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 144 was jointly referred to the Committee on Legislative Powers and Functions; Committee on Executive; Committee on Judiciary; and Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 145 was referred to the Committee on Judiciary.

P. No. 146 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 147 was referred to the Committee on Taxation and Finance.

P. No. 148 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 149 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 150 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 151 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 152 was referred to the Committee on Bill of

Rights, Suffrage and Elections.

P. No. 153 was referred to the Committee on Bill of Rights, Suffrage and Elections.

At this time, the President informed the delegates that pursuant to requests made for changes in committee assignments, he had approved the following changes:

Delegate Medeiros will replace Delegate Ariyoshi on the Committee on Legislative Powers and Functions.

Delegate Shiigi will replace Delegate Yoshinaga on the Committee on Taxation and Finance.

Delegate Yoshinaga will replace Delegate Shiigi on the Committee on Accounts and Printing.

Delegate Chang, on behalf of Delegate Bryan and himself, announced that they had appointed the Oahu district coordinators as follows:

Delegate Ajifu for the eighth and ninth districts;

Delegate Kawasaki for the tenth and eleventh districts;

Delegate Yim for the twelfth, thirteenth and fourteenth districts;

Delegate Ho for the fifteenth district; and

Delegate O'Connor for the sixteenth and seventeenth districts.

At 9:10 o'clock a.m., the Convention stood in recess subject to the call of the Chair with the President stating that upon failure to reconvene by 12:00 o'clock midnight this day, the Convention will stand adjourned until 1:30 o'clock p.m., Monday, July 22, 1968.

ADJOURNMENT

At 12:00 o'clock midnight, upon failure to reconvene, the Convention adjourned until 1:30 o'clock p.m., Monday, July 22, 1968.

7TH DAY

Monday, July 22, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 1:30 o'clock p.m.

The President presided.

The Divine Blessing was invoked by Reverend David K. Kennedy of St. Peter's Episcopal Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kage and Kamaka who were excused, and Delegate Schulze who was absent.

The President announced that the Journals of the First through the Sixth Days had been signed by the Secretary and approved by the President.

GOVERNOR'S MESSAGES

A message from the Governor (Gov. Mess. No. 2) was read by the Clerk as follows:

State of Hawaii
Executive Chambers
Honolulu

July 18, 1968

Dear President Porteus:

This is to acknowledge your letter of July 16, 1968, in which you ask for approval to sign vouchers for the Constitutional Convention.

I am enclosing with this letter a copy of my memo to State Comptroller KeNam Kim which advises him that I am delegating to you authority to expend funds appropriated by Act 3, S.L.H. 1968, for defraying the expenses of the Convention. It authorizes Comptroller Kim to honor warrant vouchers signed by you.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

(s) John A. Burns

The Honorable Hebdan Porteus
President
Constitutional Convention of
Hawaii of 1968
620 Pensacola Street

Honolulu, Hawaii 96814

The President thereupon directed the Clerk to place Gov. Mess. No. 2 on file and further directed the Clerk to prepare a letter of acknowledgment to the Governor.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 6) informing the Convention that Proposal Nos. 154 to 181, Res. Nos. 17 to 19 and Stand. Com. Rep. Nos. 7 and 8 had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Hansen and carried, the report of the committee was adopted.

Delegate Ansai, for the Committee on Rules, presented a report (Stand. Com. Rep. No. 7) recommending that the attached list of abbreviations for certain terms be accepted as the standard abbreviations to be used by the Convention.

On motion by Delegate Ansai, seconded by Delegate Young and carried, the report of the committee was adopted.

Delegate Ansai, for the Committee on Rules, presented a report (Stand. Com. Rep. No. 8) recommending that the cutoff date for the introduction of proposals be set at 12:00 o'clock noon on August 6, 1968, and urging the delegates to introduce proposals by 12:00 o'clock noon on July 29, 1968.

On motion by Delegate Ansai, seconded by Delegate Young and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Peter Lewis and carried, the following proposals (P. Nos. 182 to 199) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Tuesday, July 23, 1968:

A proposal (P. No. 182) entitled: "Relating to Legislator Qualifications," was introduced by Delegate George Loo.

A proposal (P. No. 183) entitled: "Relating to Financing any Expenses of Government," was introduced by Delegate Hidalgo.

A proposal (P. No. 184) entitled: "Relating to

Recall," was jointly introduced by Delegates Kawasaki, Yim, Wright, Doi, Kageyama, Hasegawa and Kauhane.

A proposal (P. No. 185) entitled: "Relating to Superintendent of Education and Local School Advisory Councils," was jointly introduced by Delegates Kawakami, Alcon, Lum, Matsumoto, Kunimura and Pyo.

A proposal (P. No. 186) entitled: "Relating to Apportionment of the Legislature," was jointly introduced by Delegates Aduja, Alcon and Bacon.

A proposal (P. No. 187) entitled: "Relating to Legislator Terms," was jointly introduced by Delegates Ushijima and Hara.

A proposal (P. No. 188) entitled: "Relating to Legislative Sessions," was jointly introduced by Delegates Ushijima and Hara.

A proposal (P. No. 189) entitled: "Relating to the Passage of Bills," was jointly introduced by Delegates Ushijima and Hara.

A proposal (P. No. 190) entitled: "Relating to the Removal of Budget Restrictions," was introduced by Delegate Ushijima.

A proposal (P. No. 191) entitled: "Relating to District Residency Requirements for Legislators," was jointly introduced by Delegates Ushijima and Hara.

A proposal (P. No. 192) entitled: "Relating to the Board of Education," was jointly introduced by Delegates Ajifu, Aduja and Chang.

A proposal (P. No. 193) entitled: "Relating to Legislative Initiative," was jointly introduced by Delegates Frank Loo, Kauhane, Sutton, Hidalgo, Hansen, Ansai, Hung Wo Ching and Burgess.

A proposal (P. No. 194) entitled: "Relating to Recall of Public Officials," was jointly introduced by Delegates Frank Loo, Sutton, Hidalgo, Hansen, Ansai and Hung Wo Ching.

A proposal (P. No. 195) entitled: "Relating to Legislative Referendum," was jointly introduced by Delegates Frank Loo, Matsumoto, Kauhane, Sutton, Hansen, Ansai, Hung Wo Ching and Minn.

A proposal (P. No. 196) entitled: "Relating to Bail," was introduced by Delegate Ueoka.

A proposal (P. No. 197) entitled: "Relating to Multi-Member Districts," was jointly introduced by Delegates Kamaka, Donald Ching, Kawasaki, Lalakea, Medeiros, George Loo, Menor, Nakama, Doi, Hidalgo, Kageyama, Alcon, Frank Loo, Lum, Taira, Beppu, Andrade, Wright, Ho, Kaapu and Kato.

A proposal (P. No. 198) entitled: "Relating to Legislative Committees," was jointly introduced by Delegates Kamaka, Shiigi, Andrade, Matsumoto, Kaapu, Doi, Larson, Kauhane, Chang, Medeiros, Donald Ching,

Hidalgo, Hasegawa, Kageyama, Frank Loo, Rhoda Lewis, Ho, Lum, Taira, Steiner, Miyake, Bacon, Alcon, Beppu, Kawasaki, Lalakea, Nakama, Burgess, Wright, George Loo, Menor and Kato.

A proposal (P. No. 199) entitled: "Relating to Legislative Qualifications," was jointly introduced by Delegates Kamaka, Lum, Taira, Steiner, Doi, Bacon, Shiigi, Donald Ching, Hasegawa, Jaquette, Frank Loo, Rhoda Lewis, Beppu, Ho, Kauhane, Miyake, Alcon, Andrade, Medeiros, Wright, Matsumoto, Kawasaki, Lalakea, Menor, Nakama and Kato.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 20 to 28) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 20) relating to the redistricting of the 8th Representative District on Oahu was jointly offered by Delegates Kamaka, Bacon, Hansen, Medeiros, Ajifu and Aduja.

The President thereupon referred Res. No. 20 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 21) relating to legislative efficiency was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 21 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 22) relating to committee procedure was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 22 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 23) relating to the retention of bicameral legislative structure was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 23 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 24) relating to the size of the senate and house of representatives was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 24 to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 25) relating to permanent

professional major legislative committee staffing was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 25 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 26) relating to legislative apportionment was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 26 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 27) relating to legislators' salaries was jointly offered by Delegates Ushijima and Hara.

The President thereupon referred Res. No. 27 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

A resolution (Res. No. 28) relating to biennial budgets was offered by Delegate Ushijima.

The President thereupon referred Res. No. 28 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 23, 1968.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Saturday, July 20, 1968:

P. No. 154 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 155 was referred jointly to the Committee on Agriculture, Conservation, Land and Hawaiian Homes; and to the Committee on Executive.

P. No. 156 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 157 was jointly referred to the Committee on Legislative Apportionment and Districting; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 158 was referred to the Committee on Judiciary.

P. No. 159 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 160 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 161 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 162 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 163 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 164 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 165 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 166 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 167 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 168 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 169 was referred to the Committee on Executive.

P. No. 170 was referred to the Committee on Taxation and Finance.

P. No. 171 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 172 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 173 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 174 was referred to the Committee on Legislative Powers and Functions.

P. No. 175 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 176 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 177 was referred to the Committee on Local Government.

P. No. 178 was referred to the Committee on Legislative Powers and Functions.

P. No. 179 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 180 was jointly referred to the Committee on Legislative Apportionment and Districting; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 181 was referred to the Committee on Bill of Rights, Suffrage and Elections.

REFERRAL OF RESOLUTIONS

The President made the following committee assignments of resolutions that were introduced on Saturday, July 20, 1968:

Res. No. 17 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 18 was referred to the Committee on Rules.

Res. No. 19 was referred to the Committee on Rules.

ADJOURNMENT

At 1:42 o'clock p.m., on motion by Delegate Suwa, seconded by Delegate Fernandes and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, July 23, 1968.

8TH DAY

Tuesday, July 23, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend Dr. Thomas L. Crosby of the Central Union Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Burgess and Steiner, who were excused.

The President announced that the Journal of the Seventh Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 9) informing the Convention that Proposal Nos. 182 to 199 and Res. Nos. 20 to 28 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Kage, seconded by Delegate Fernandes and carried, the following proposals passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Wednesday, July 24, 1968:

A proposal (P. No. 200) entitled: "Relating to Executive and Administrative Offices and Departments," was jointly introduced by Delegates Nakatani, Yamamoto, Kudo, Andrade, Suwa, Doi, Hara, Ushijima and Takamine.

A proposal (P. No. 201) entitled: "Relating to the Legislature," was jointly introduced by Delegates Mizuha, Fernandes, Kawakami and Kunimura.

A proposal (P. No. 202) entitled: "Relating to State Militia," was jointly introduced by Delegates Larson, Kauhane, Hung Wo Ching, Ando, Taira, Yim, Young,

Pyo, Kato, Fasi, Shiigi, Miyake, Minn, Akizaki and Doi.

A proposal (P. No. 203) entitled: "Relating to the Right to Bear Arms," was jointly introduced by Delegates Hasegawa, Hidalgo and Sutton.

A proposal (P. No. 204) entitled: "Relating to Legislative Sessions and a Code of Ethics," was introduced by Delegate George Loo.

A proposal (P. No. 205) entitled: "Relating to Loyalty Oaths," was jointly introduced by Delegates Takamine, Yamamoto, Kudo, Ushijima, Suwa, Nakatani, Doi, Hara, Andrade, Mizuha and Fernandes.

A proposal (P. No. 206) entitled: "Relating to Legislative Vacancies," was jointly introduced by Delegates Medeiros, Matsumoto, Beppu, Kawasaki, Frank Loo, Hidalgo, Alcon, Hasegawa and Kato.

A proposal (P. No. 207) entitled: "Relating to Initiative and Referendum," was jointly introduced by Delegates Fasi, Ajifu and Hansen.

A proposal (P. No. 208) entitled: "Relating to the Salaries and Allowances of Members of the Legislative Bodies of Political Subdivisions," was jointly introduced by Delegates Hansen, Goemans and Ajifu.

A proposal (P. No. 209) entitled: "Relating to the Auditor," was jointly introduced by Delegates Beppu, Goemans, Kudo, Nakama, Noguchi, Taira, Menor, Minn, Miyake, Morioka, Nakatani, Kawasaki, Doi, Kamaka, Ho, Medeiros, Peter Lewis, Lum, Kato, O'Connor and Jaquette.

A proposal (P. No. 210) entitled: "Relating to the Transitional Provisions," was introduced by Delegate Ando.

A proposal (P. No. 211) entitled: "Relating to Judicial Qualifications," was jointly introduced by Delegates Peter Lewis, Schulze, Beppu and Ho.

A proposal (P. No. 212) entitled: "Relating to Vacancies in the Legislature," was jointly introduced by Delegates Kageyama, Yim, Doi, Kawasaki and Wright.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Monday, July 22, 1968:

P. No. 182 was referred to the Committee on Legislative Powers and Functions.

P. No. 183 was jointly referred to the Committee on Taxation and Finance, and the Committee on Local Government.

P. No. 184 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 185 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 186 was jointly referred to the Committee on Legislative Apportionment and Districting; the Committee on Legislative Powers and Functions; and the Committee on Revision, Amendment and Other Provisions.

P. No. 187 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Legislative Apportionment and Districting.

P. No. 188 was referred to the Committee on Legislative Powers and Functions.

P. No. 189 was referred to the Committee on Legislative Powers and Functions.

P. No. 190 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Taxation and Finance.

P. No. 191 was referred to the Committee on Legislative Powers and Functions.

P. No. 192 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 193 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 194 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 195 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 196 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 197 was referred to the Committee on Legislative Powers and Functions.

P. No. 198 was referred to the Committee on Legislative Powers and Functions.

P. No. 199 was referred to the Committee on Legislative Powers and Functions.

REFERRAL OF RESOLUTIONS

The President made the following committee

assignments of resolutions that were offered on Monday, July 22, 1968:

Res. No. 20 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 21 was referred to the Committee on Legislative Powers and Functions.

Res. No. 22 was referred to the Committee on Legislative Powers and Functions.

Res. No. 23 was jointly referred to the Committee on Legislative Apportionment and Districting, and the Committee on Legislative Powers and Functions.

Res. No. 24 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 25 was referred to the Committee on Legislative Powers and Functions.

Res. No. 26 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 27 was referred to the Committee on Legislative Powers and Functions.

Res. No. 28 was jointly referred to the Committee on Taxation and Finance, and the Committee on Legislative Powers and Functions.

At this time, Delegate Jaquette, Chairman of the Committee on Submission and Information, informed the delegates that the telephone number of his committee would be publicized in order that the public could have a central source of information. He therefore requested all committee chairmen to submit two copies of meeting agendas and minutes in order that his committee could better serve the public.

Delegate Mizuha, on a point of information, asked about the type and number of resolutions being offered. He said the Rules Committee should take some kind of action to limit the type of resolutions the Convention was going to consider.

The Chair, in ruling that the point was well taken, stated that that was the reason all resolutions were being referred to the Committee on Rules.

ADJOURNMENT

At 9:14 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, July 24, 1968.

9TH DAY

Wednesday, July 24, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Earl S. Johnson of the Lutheran Church of Honolulu.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Ariyoshi who was excused.

The President announced that the Journal of the Eighth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 10) informing the Convention that Proposal Nos. 200 to 212 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Fernandes and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Kage, seconded by Delegate Kawakami and carried, the following proposals (P. Nos. 213 to 226) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Thursday, July 25, 1968:

A proposal (P. No. 213) entitled: "Relating to Temporary Judicial Service by Former Justices of the Supreme Court," was jointly introduced by Delegates Mizuha, Fernandes, Kunimura and Kawakami.

A proposal (P. No. 214) entitled: "Relating to Interception of Communications," was jointly introduced by Delegates Hasegawa, Hidalgo, Amaral, Chang, Hansen and Wright.

A proposal (P. No. 215) entitled: "Relating to the Legislature," was jointly introduced by Delegates Medeiros and George Loo.

A proposal (P. No. 216) entitled: "Relating to Powers of the Constitutional Convention," was jointly

introduced by Delegates Kawasaki and Doi.

A proposal (P. No. 217) entitled: "Relating to the Attorney General," was introduced by Delegate Frank Loo.

A proposal (P. No. 218) entitled: "Relating to Apportionment of the Legislature," was jointly introduced by Delegates Kaapu, Aduja, Kamaka, Bacon, Ajifu and Alcon.

A proposal (P. No. 219) entitled: "Relating to the Duties of the Lieutenant Governor," was jointly introduced by Delegates Doi and Kudo.

A proposal (P. No. 220) entitled: "Relating to Board of Education," was jointly introduced by Delegates Uechi, Hidalgo, Donald Ching, Minn, Ho and Andrade.

A proposal (P. No. 221) entitled: "Relating to Legislative Sessions," was jointly introduced by Delegates Peter Lewis, Steiner, Kageyama, Pyo, Saiki, Yoshinaga, Beppu, Medeiros, Ando, Bryan, Chang, Hung Wo Ching, Jaquette and Ho.

A proposal (P. No. 222) entitled: "Relating to Public Health and Welfare," was introduced by Delegate Devereux.

A proposal (P. No. 223) entitled: "Relating to Public Health and Welfare," was introduced by Delegate Devereux.

A proposal (P. No. 224) entitled: "Relating to Public Health and Welfare," was introduced by Delegate Devereux.

A proposal (P. No. 225) entitled: "Relating to the Senate," was introduced by Delegate Dodge.

A proposal (P. No. 226) entitled: "Relating to the Bill of Rights," was introduced by Delegate Dodge.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 29 and 30) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 29) relating to the consolidation of certain representative districts on Maui with the Sixth Representative District was offered by Delegate Ozaki.

The President thereupon referred Res. No. 29 to the Committee on Accounts and Printing, and placed it on

the calendar for further consideration on Thursday, July 25, 1968.

A resolution (Res. No. 30) relating to a special cover page for the ratified, amended Constitution of the State of Hawaii was jointly offered by Delegates Souza, Ansai, Amaral, Ozaki, Kage, Nakatani, Hara, Andrade, Young, Saiki, Doi, Kawakami, Hansen, Ueoka, Alcon, Pyo, Matsumoto, Suwa, Hasegawa and Medeiros.

The President thereupon referred Res. No. 30 to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Thursday, July 25, 1968.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Tuesday, July 23, 1968:

P. No. 200 was referred to the Committee on Executive.

P. No. 201 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 202 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 203 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 204 was jointly referred to the Committee on Legislative Powers and Functions; to the Committee on Executive; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 205 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 206 was referred to the Committee on Legislative Powers and Functions.

P. No. 207 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 208 was referred to the Committee on Local Government.

P. No. 209 was jointly referred to the Committee on Legislative Powers and Functions; and to the Committee on Taxation and Finance.

P. No. 210 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 211 was referred to the Committee on Judiciary.

P. No. 212 was referred to the Committee on Legislative Powers and Functions.

At this time, President Porteus introduced twenty-seven students of the American Problems class from Kalani High School and their teacher, Mrs. Grace Noda, who were recognized by the members of the Convention.

ADJOURNMENT

At 9:09 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Fernandes and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, July 25, 1968.

10TH DAY

Thursday, July 25, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend Robert Fisher of the Christ Methodist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Ariyoshi who was excused.

The President announced that the Journal of the Ninth Day had been signed by the Secretary and approved by the President.

MISCELLANEOUS COMMUNICATION

A communication from the Ad Hoc Committee for the 18 Year Old Vote (Misc. Com. No. 6), urging the lowering of the voting age to 18, was read by the Clerk and referred to the Committee on Bill of Rights, Suffrage and Elections.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 11) informing the Convention that Proposal Nos. 213 to 226 and Res. Nos. 29 to 30 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Kage, seconded by Delegate Fernandes and carried, the following proposals passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Friday, July 26, 1968:

A proposal (P. No. 227) entitled: "Relating to Management of Education," was introduced by Delegate Alcon.

A proposal (P. No. 228) entitled: "Relating to the Judiciary," was introduced by Delegate Schulze.

A proposal (P. No. 229) entitled: "Relating to Jury Service," was jointly introduced by Delegates Hidalgo,

Kageyama, Hasegawa and Sutton.

A proposal (P. No. 230) entitled: "Amending Paragraph 2, Section 6, Article IV of the Constitution of the State of Hawaii," was introduced by Delegate Ho.

A proposal (P. No. 231) entitled: "Relating to Open Primary Elections and Outright Election," was jointly introduced by Delegates Frank Loo, Wright, George Loo, Sutton, Yamamoto, Ajifu, Harper, Hasegawa, Kage, Ansai, Bryan, Chang, Aduja and Bacon.

A proposal (P. No. 232) entitled: "Relating to Eminent Domain," was jointly introduced by Delegates Peter Lewis, Rhoda Lewis, Ho and Kamaka.

A proposal (P. No. 233) entitled: "Relating to Representative Districts," was jointly introduced by Delegates Matsumoto, Yoshinaga, Pyo, Oda and Young.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Wednesday, July 24, 1968:

P. No. 213 was referred to the Committee on Judiciary.

P. No. 214 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 215 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 216 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 217 was referred to the Committee on Executive.

P. No. 218 was jointly referred to the Committee on Legislative Apportionment and Districting, and the Committee on Revision, Amendment and Other Provisions.

P. No. 219 was referred to the Committee on Executive.

P. No. 220 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 221 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Taxation and Finance.

P. No. 222 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 223 was jointly referred to the Committee on Public Health, Education and Welfare; Labor and Industry; and the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 224 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 225 was jointly referred to the Committee on Legislative Apportionment and Districting, and the Committee on Legislative Powers and Functions.

P. No. 226 was referred to the Committee on Bill of Rights, Suffrage and Elections.

REFERRAL OF RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, July 24, 1968:

Res. No. 29 was referred to the Committee on Legislative Apportionment and Districting.

Res. No. 30 was jointly referred to the Committee on Revision, Amendment and Other Provisions and the Committee on Submission and Information.

At this time, the President introduced Miss Nose and twenty-six students from Kalani High School who were recognized by the members of the Convention.

Delegate Kageyama then rose on a point of personal privilege to compliment Mr. Herman Doi, Director of the Legislative Reference Bureau, for economizing on the cost of the Convention.

ADJOURNMENT

At 9:14 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Fernandes and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, July 26, 1968.

11TH DAY

Friday, July 26, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

Vice-President Bryan presided.

The Divine Blessing was invoked by Venerable Paul Moore Wheeler of St. Clement's Episcopal Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Amaral, Burgess, Hung Wo Ching, Fernandes, Kamaka, Kauhane, Kawakami, Kunimura, Peter Lewis, Mizuha, Schulze, Shiigi, Suwa, Ueoka, Ushijima and Porteus who were excused, and Delegate Goemans who was absent.

The Chair announced that the Journal of the Tenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 12) informing the Convention that Proposal Nos. 227 to 233, and Misc. Com. No. 6 had been printed and distributed.

On motion by Delegate Devereux, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Kage, seconded by Delegate Chang and carried, the following proposals (P. Nos. 234 to 247) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Saturday, July 27, 1968:

A proposal (P. No. 234) entitled: "Relating to Local Government Charters," was introduced by Delegate Saiki, by request.

A proposal (P. No. 235) entitled: "Relating to Political Subdivisions," was introduced by Delegate Saiki, by request.

A proposal (P. No. 236) entitled: "Relating to Local Government," was introduced by Delegate Saiki, by request.

A proposal (P. No. 237) entitled: "Relating to Debt

Limitations," was introduced by Delegate Saiki, by request.

A proposal (P. No. 238) entitled: "Relating to Local Government Taxation," was introduced by Delegate Saiki, by request.

A proposal (P. No. 239) entitled: "Relating to Local Self-Government Charter," was introduced by Delegate Saiki, by request.

A proposal (P. No. 240) entitled: "Relating to the Purpose and Construction of the Article on Local Government," was introduced by Delegate Saiki, by request.

A proposal (P. No. 241) entitled: "Relating to Local Government," was introduced by Delegate Saiki, by request.

A proposal (P. No. 242) entitled: "Relating to Local Government Powers," was introduced by Delegate Saiki, by request.

A proposal (P. No. 243) entitled: "Relating to Reapportionment," was introduced by Delegate Fasi.

A proposal (P. No. 244) entitled: "Relating to the Hawaiian Heritage," was introduced by Delegate Bacon.

A proposal (P. No. 245) entitled: "Relating to Gubernatorial Appointments," was jointly introduced by Delegates Kageyama and Alcon.

A proposal (P. No. 246) entitled: "Relating to Bill of Rights," was jointly introduced by Delegates Kageyama, Akizaki, Aduja, Andrade, Ozaki, Doi, Sutton, Hasegawa, Medeiros, Wright, Kauhane, Amano and Ajifu.

A proposal (P. No. 247) entitled: "Relating to Public Health and Welfare," was jointly introduced by Delegates Kageyama, Akizaki, Aduja, Andrade, Ozaki, Doi, Sutton, Hasegawa, Kawasaki, Lalakea, Lum, Matsumoto, Medeiros, Wright, Kauhane, Hidalgo and Amano.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The Chair made the following committee assignments of proposals that were introduced on Thursday, July 25, 1968:

P. No. 227 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 228 was referred to the Committee on

Judiciary.

P. No. 229 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 230 was referred to the Committee on Executive.

P. No. 231 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 232 was referred to the Committee on Bill of

Rights, Suffrage and Elections.

P. No. 233 was referred to the Committee on Legislative Apportionment and Districting.

ADJOURNMENT

At 9:10 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Chang and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, July 27, 1968.

12TH DAY

Saturday, July 27, 1968

Delegate Noguchi.

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

Vice-President Suwa presided.

The Divine Blessing was invoked by Reverend Howard D. Corry of the Lutheran Church of Honolulu.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Amaral, Ansai, Bacon, Bryan, Chang, Hung Wo Ching, Doi, Dyer, Fernandes, Kage, Kamaka, Kauhane, Kawakami, Kunimura, Peter Lewis, Mizuha, Ozaki, Saiki, Schulze, Souza, Ueoka, Ushijima and Porteus, who were excused.

The Chair announced that the Journal of the Eleventh Day had been signed by the Secretary and approved by Vice-President Bryan.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 13) informing the Convention that Proposal Nos. 234 to 247 had been printed and distributed.

On motion by Delegate Hansen, seconded by Delegate Burgess and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Beppu, seconded by Delegate Yamamoto and carried, the following proposals passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Monday, July 29, 1968:

A proposal (P. No. 248) entitled: "Relating to Congressional Districts," was introduced by Delegate Ando.

A proposal (P. No. 249) entitled: "Relating to Revision and Amendment," was introduced by Delegate Rhoda Lewis.

A proposal (P. No. 250) entitled: "Relating to the Creation of Political Subdivisions on Oahu," was introduced by Delegate Hidalgo.

A proposal (P. No. 251) entitled: "Relating to Reapportionment of the Senate," was introduced by

INTRODUCTION OF RESOLUTIONS

A resolution (Res. No. 31) relating to setting no termination date for the 1968 Constitutional Convention was jointly offered by Delegates Larson, Kawasaki, Hasegawa, Rhoda Lewis, Ozaki, Ansai, Kage, Doi, Medeiros, Hidalgo, Menor, Sutton, Kageyama, Dodge, Hitch, Ando and Shiigi, and was read by the Clerk.

The Chair thereupon referred Res. No. 31 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Monday, July 29, 1968.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The Chair made the following committee assignments of proposals that were introduced on Friday, July 26, 1968:

P. No. 234 was referred to the Committee on Local Government.

P. No. 235 was referred to the Committee on Local Government.

P. No. 236 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Local Government.

P. No. 237 was jointly referred to the Committee on Taxation and Finance, and the Committee on Local Government.

P. No. 238 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Local Government.

P. No. 239 was referred to the Committee on Local Government.

P. No. 240 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Local Government.

P. No. 241 was jointly referred to the Committee on Legislative Powers and Functions, the Committee on Local Government, and the Committee on Taxation and Finance.

P. No. 242 was jointly referred to the Committee on Legislative Powers and Functions, and the Committee on Local Government.

P. No. 243 was jointly referred to the Committee on Legislative Apportionment and Districting, the Committee on Legislative Powers and Functions, and the Committee on Revision, Amendment and Other Provisions.

P. No. 244 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 245 was referred to the Committee on Executive.

P. No. 246 was jointly referred to the Committee on

Bill of Rights, Suffrage and Elections; and the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 247 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

ADJOURNMENT

At 9:06 o'clock a.m., on motion by Delegate Devereux, seconded by Delegate Beppu and carried, the Convention adjourned until 1:30 o'clock p.m., Monday, July 29, 1968.

13TH DAY

Monday, July 29, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 1:30 o'clock p.m.

The President presided.

The Divine Blessing was invoked by the Reverend Philip Young Lee of the First Presbyterian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Doi, Hara and Lalakea who were excused, and Delegate Goemans who was absent.

The President announced that the Journal of the Twelfth Day had been signed by the Secretary and approved by Vice-President Suwa.

PETITIONS

A petition from the Hawaiian Trail and Mountain Club (Pet. No. 2) proposing amendments to Section 6 of Article IV relating to executive and administrative offices and departments was referred to the Committee on Executive; and to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 14) informing the Convention that Proposal Nos. 248 to 251 and Res. No. 31 had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Amaral and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Chang, seconded by Delegate Hidalgo and carried, the following proposals (P. Nos. 252 to 268) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Tuesday, July 30, 1968:

A proposal (P. No. 252) entitled: "Relating to a Department of Crime Prevention," was introduced by Delegate Bacon.

A proposal (P. No. 253) entitled: "Relating to Legislative Committees," was jointly introduced by Delegates Morioka and Minn.

A proposal (P. No. 254) entitled: "Relating to Reapportionment," was jointly introduced by Delegates Ansai, Ozaki and Kage.

A proposal (P. No. 255) entitled: "Relating to Board of Regents," was introduced by Delegate Bacon.

A proposal (P. No. 256) entitled: "Relating to the Referendum," was jointly introduced by Delegates Fernandes, Kawakami, Kunimura and Mizuha.

A proposal (P. No. 257) entitled: "Relating to Reapportionment," was jointly introduced by Delegates Uechi, Wright and Yim.

A proposal (P. No. 258) entitled: "Relating to Legislative Vacancies," was jointly introduced by Delegates Sutton, Andrade, Ueoka, Ansai, Saiki and Hidalgo.

A proposal (P. No. 259) entitled: "Relating to Local Government," was jointly introduced by Delegates Sutton, Kage, Andrade, Ueoka, Ansai, Steiner, Saiki and Hidalgo.

A proposal (P. No. 260) entitled: "Relating to the State Song and the State Flower," was jointly introduced by Delegates Aduja, Alcon, Matsumoto, Akizaki and Bacon.

A proposal (P. No. 261) entitled: "Relating to Soil and Water Conservation," was introduced by Delegate Ajifu.

A proposal (P. No. 262) entitled: "Relating to Reapportionment," was introduced by Delegate Kageyama.

A proposal (P. No. 263) entitled: "Relating to Passage of Bills," was jointly introduced by Delegates Kageyama, Kaapu, Hasegawa, Rhoda Lewis, Lalakea, Matsumoto, Goemans, Kawasaki and Jaquette.

A proposal (P. No. 264) entitled: "Relating to Municipal Airports," was jointly introduced by Delegates Kageyama and Kaapu.

A proposal (P. No. 265) entitled: "Relating to Use of Surplus Funds," was introduced by Delegate Kageyama.

A proposal (P. No. 266) entitled: "Relating to the Passage of Bills," was introduced by Delegate Aduja.

A proposal (P. No. 267) entitled: "Relating to Rights of Persons to Health," was introduced by Delegate Burgess.

A proposal (P. No. 268) entitled: "Relating to the State Constitution," was introduced by Delegate Fernandes.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 32 and 33) were read by the Clerk and were disposed of as follows:

A resolution (Res. No. 32), requesting state and city officials to take immediate action to preserve Hawaii's scenic beauty, was offered by Delegate Bacon.

The President thereupon referred Res. No. 32 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 30, 1968.

A resolution (Res. No. 33), requesting the delegates to agree on a limited ballot of constitutional amendments to be submitted to the electorate, was jointly offered by Delegates Burgess, Yim and Young.

The President thereupon referred Res. No. 33 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, July 30, 1968.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Saturday, July 27, 1968:

P. No. 248 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 249 was referred to the Committee on

Revision, Amendment and Other Provisions.

P. No. 250 was jointly referred to the Committee on Legislative Powers and Functions; and to the Committee on Local Government.

P. No. 251 was jointly referred to the Committee on Legislative Apportionment and Districting; to the Committee on Revision, Amendment and Other Provisions; and to the Committee on Legislative Powers and Functions.

REFERRAL OF RESOLUTIONS

The President assigned Res. No. 31, which was offered on Saturday, July 27, 1968, to the Committee on Rules.

President Porteus acknowledged appreciation to Vice-Presidents Bryan and Suwa who presided on the 11th and 12th days respectively with the following statement:

"The Chair would like at this time to thank Vice-President Bryan for presiding at the Convention the other day. I understand he did a very fine job within a very short time.

"And also, I would like to express the Chair's appreciation to Vice-President Suwa who also did a very fine job. Apparently each succeeding meeting was a little shorter than the one before."

ADJOURNMENT

At 1:42 o'clock p.m., on motion by Delegate Chang, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, July 30, 1968.

14TH DAY

Tuesday, July 30, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend David K. Kennedy of St. Peter's Episcopal Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Donald Ching, Kawasaki and Noguchi who were excused and Delegate Frank Loo who was absent.

The President announced that the Journal of the Thirteenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 15) informing the Convention that Proposal Nos. 252 to 268; Res. Nos. 32 and 33 and Pet. No. 2 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Chang, seconded by Delegate Bryan and carried, the following proposals (P. Nos. 269 to 280) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Wednesday, July 31, 1968:

A proposal (P. No. 269) entitled: "Relating to Fair and Just Treatment in Investigations and Proceedings," was jointly introduced by Delegates Kaapu, Bacon, Alcon and Ajifu.

A proposal (P. No. 270) entitled: "Relating to Campaign Expenses," was introduced by Delegate Wright.

A proposal (P. No. 271) entitled: "Relating to Qualifications of Members of the Legislature," was introduced by Delegate Wright.

A proposal (P. No. 272) entitled: "Relating to Rainbow Island," was introduced by Delegate Kageyama.

A proposal (P. No. 273) entitled: "Relating to Legislative Sessions and Salaries of Legislators," was jointly introduced by Delegates O'Connor and Miyake.

A proposal (P. No. 274) entitled: "Relating to Apportionment of the Legislature," was introduced by Delegate O'Connor.

A proposal (P. No. 275) entitled: "Relating to Education," was introduced by Delegate Kageyama.

A proposal (P. No. 276) entitled: "Relating to Tax Exemptions," was introduced by Delegate Kageyama.

A proposal (P. No. 277) entitled: "Relating to Education," was introduced by Delegate Kageyama.

A proposal (P. No. 278) entitled: "Relating to Congressional Districts," was introduced by Delegate Kageyama.

A proposal (P. No. 279) entitled: "Relating to Voter and Legislative Qualifications," was introduced by Delegate Kageyama.

A proposal (P. No. 280) entitled: "Relating to Conservation," was introduced by Delegate Lalakea.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Monday, July 29, 1968:

P. No. 252 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 253 was referred to the Committee on Legislative Powers and Functions.

P. No. 254 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 255 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 256 was jointly referred to the Committee on Revision, Amendment and Other Provisions; and to the Committee on Local Government.

P. No. 257 was jointly referred to the Committee on Legislative Apportionment and Districting; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 258 was referred to the Committee on Legislative Powers and Functions.

P. No. 259 was referred to the Committee on Local Government.

P. No. 260 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 261 was referred to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

P. No. 262 was jointly referred to the Committee on Legislative Apportionment and Districting; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 263 was referred to the Committee on Legislative Powers and Functions.

P. No. 264 was referred to the Committee on Local Government.

P. No. 265 was referred to the Committee on Taxation and Finance.

P. No. 266 was referred to the Committee on Legislative Powers and Functions.

P. No. 267 was jointly referred to the Committee on Bill of Rights, Suffrage and Elections; and to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 268 was jointly referred to the Committee on Bill of Rights, Suffrage and Elections; the Committee on Legislative Powers and Functions; the Committee on Legislative Apportionment and Districting; the Committee on Executive; the Committee on Judiciary; the Committee on Taxation and Finance; the Committee on Local Government; the Committee on Public Health,

Education and Welfare; Labor and Industry; the Committee on Agriculture, Conservation, Land and Hawaiian Homes, and to the Committee on Revision, Amendment and Other Provisions.

REFERRAL OF RESOLUTIONS

The President made the following committee assignments of resolutions that were introduced on Monday, July 29, 1968:

Res. No. 32 was referred to the Committee on Rules.

Res. No. 33 was jointly referred to the Committee on Revision, Amendment and Other Provisions, and to the Committee on Submission and Information.

REFERRAL OF PETITION

The President jointly referred **Petition No. 2** to the Committee on Executive and to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

At this time, the President asked that the chairman and members of the Committee on Legislative Apportionment and Districting review the latter portion of **Proposal No. 249**.

The President then directed the Clerk to note the presence of Delegate Frank Loo.

ADJOURNMENT

At 9:10 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, July 31, 1968.

15TH DAY

Wednesday, July 31, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norman Hammer of the Prince of Peace Lutheran Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Kamaka who was excused, and Delegate Frank Loo who was absent.

The President announced that the Journal of the Fourteenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 16) informing the Convention that Proposal Nos. 269 to 280 had been printed and distributed.

On motion by Delegate Yoshinaga, seconded by Delegate Goemans and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Chang, seconded by Delegate Bryan and carried, the following proposals passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Thursday, August 1, 1968:

A proposal (P. No. 281) entitled: "Relating to Disqualifications of Legislators," was jointly introduced by Delegates Dyer, Aduja, Harper, Rhoda Lewis, Lalakea, Fasi, Steiner, Kage, Miyake, Ariyoshi, Bacon, Alcon, Lum, Pyo, Hasegawa, Wright, Devereux, Hara, Akizaki, Andrade, Minn, Medeiros, O'Connor, Beppu, Kageyama, Oda, Goemans, Nakatani, Jaquette, Burgess, Bryan, Schulze, Sutton, Hidalgo, Larson Ando, Hansen, Peter Lewis, Hitch, Ho, Kato, Young, Yim, Dodge, Noguchi, Fernandes, Ueoka, Chang, Matsumoto, Ajifu, Nakama, Takahashi, Saiki, Kunimura, Amaral, Souza, Ozaki, Kawasaki, Suwa, Kawakami, Menor, Taira, Mizuha, Doi, Shiigi, Kaapu, Morioka, Hung Wo Ching, Ansai, Takamine, Kudo, Amano, Yoshinaga, Kauhane, Yamamoto and Frank Loo.

A proposal (P. No. 282) entitled: "Relating to the

Grand Jury," was jointly introduced by Delegates Kauhane and Kageyama.

A proposal (P. No. 283) entitled: "Relating to Initiative and Referendum," was introduced by Delegate Wright.

A proposal (P. No. 284) entitled: "Relating to Passage of Bills," was introduced by Delegate Ariyoshi.

A proposal (P. No. 285) entitled: "Relating to Punishment for Disrespect," was jointly introduced by Delegates Ando, Hung Wo Ching, Fasi, Ueoka, Dodge and Jaquette.

A proposal (P. No. 286) entitled: "Relating to the Board of Regents of the University of Hawaii," was introduced by Delegate Lalakea.

A proposal (P. No. 287) entitled: "Relating to a Department of Aeronautics and Airports," was jointly introduced by Delegates Souza, Ansai and Ozaki.

The President then directed the Clerk to note the presence of Delegate Frank Loo.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Tuesday, July 30, 1968:

P. No. 269 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 270 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 271 was referred to the Committee on Legislative Powers and Functions.

P. No. 272 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 273 was referred to the Committee on Legislative Powers and Functions.

P. No. 274 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 275 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 276 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 277 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 278 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 279 was jointly referred to the Committee on Bill of Rights, Suffrage and Elections; and to the Committee on Legislative Powers and Functions.

P. No. 280 was jointly referred to the Committee on Public Health, Education and Welfare; Labor and Industry; and to the Committee on Agriculture, Conservation, Land and Hawaiian Homes.

At this time Delegate Kauhane requested permission to introduce a proposal stating that he inadvertently forgot to place it on the Clerk's desk.

The President stated that the proposal would be received and would be covered by the previous motion.

Delegate Kauhane, rising on a point of personal privilege, stated that he had been misquoted by the press. He also stated that he had been cautioned in his approach on the Hawaiian Homes Commission Act.

President Porteus stated he was sure the delegate's intention was to protect the Hawaiian Homes provision in the Constitution but in ruling on the point of

personal privilege stated that the matter dealt with the procedure within the commission itself and was not a matter for the floor of the Convention; and that the statements attributable to the executive director of the commission dealt with administration and did not deal with a constitutional basis. He therefore ruled that the point was not well taken.

The President further ruled that if the delegate felt that the matter dealt with any constitutional aspect, it should be taken up with the proper committee and not on the floor of the Convention.

The President then assured the delegate that he and other delegates were equally concerned with the preservation of the Hawaiian Homes Commission Act.

At this time, President Porteus introduced twenty students of the United States history class from Roosevelt High School and their teacher Mrs. Ella Amemiya, who were recognized by the members of the Convention.

ADJOURNMENT

At 9:17 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, August 1, 1968.

16TH DAY

Thursday, August 1, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Yoshiaki Fujitani of the Honpa Hongwanji Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Fernandes, Kaapu, Kage and Schulze who were excused, and Delegate Nakama who was absent.

The President announced that the Journal of the Fifteenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 17) informing the Convention that Proposal Nos. 281 to 287 had been printed and distributed.

On motion by Delegate Amaral, seconded by Delegate Hansen and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Chang, seconded by Delegate Bryan and carried, the following proposals (P. Nos. 288 to 290) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Friday, August 2, 1968:

A proposal (P. No. 288) entitled: "Relating to Legalized Gambling," was introduced by Delegate Amano.

A proposal (P. No. 289) entitled: "Relating to the Passage of Bills," was jointly introduced by Delegates Kauhane and Kawasaki.

A proposal (P. No. 290) entitled: "Relating to Voter Qualifications," was introduced by Delegate O'Connor.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Wednesday, July 31, 1968:

P. No. 281 was referred to the Committee on Legislative Powers and Functions.

P. No. 282 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 283 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 284 was referred to the Committee on Legislative Powers and Functions.

P. No. 285 was referred to the Committee on Legislative Powers and Functions.

P. No. 286 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 287 was referred to the Committee on Executive.

ADJOURNMENT

At 9:10 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, August 2, 1968.

17TH DAY

Friday, August 2, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

Vice-President William Fernandes presided.

The Divine Blessing was invoked by Reverend George DeCosta of St. Theresa's Catholic Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Andrade, Ansai, Bryan, Burgess, Chang, Dodge, Doi, Hara, Kamaka, Kato, Kauhane, Kudo, Kunimura, Peter Lewis, Schulze, Sutton, Suwa, Takamine, Ushijima, Yamamoto and Porteus, who were excused, and Delegate Frank Loo who was absent.

The Chair announced that the Journal of the Sixteenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 18) informing the Convention that Proposal Nos. 288 to 290 had been printed and distributed.

On motion by Delegate Bacon, seconded by Delegate Devereux and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Kage, seconded by Delegate Beppu and carried, the following proposals (P. Nos. 291 to 295) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Saturday, August 3, 1968:

A proposal (P. No. 291) entitled: "Relating to the Bill of Rights," was introduced by Delegate Chang.

A proposal (P. No. 292) entitled: "Relating to Fair and Just Treatment in Investigations," was introduced by Delegate Chang.

A proposal (P. No. 293) entitled: "Relating to the Judiciary," was introduced by Delegate Steiner.

A proposal (P. No. 294) entitled: "Relating to Lotteries and Pari-Mutuel Races," was jointly introduced by Delegates Kageyama, Kauhane, Amano, Kunimura, Fernandes and Matsumoto.

A proposal (P. No. 295) entitled: "Relating to Residency of Public Employees," was jointly introduced by Delegates Menor, Beppu, Hidalgo, Morioka, Nakama, Yim, Lum, Noguchi and Alcon.

At this time, the Chair directed the Clerk to note the presence of Delegate Frank Loo.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The Chair made the following committee assignments of proposals that were introduced on Thursday, August 1, 1968:

P. No. 288 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 289 was referred to the Committee on Legislative Powers and Functions.

P. No. 290 was referred to the Committee on Bill of Rights, Suffrage and Elections.

ADJOURNMENT

At 9:06 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Beppu and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, August 3, 1968.

18TH DAY

Saturday, August 3, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

Vice-President Kazuo Kage presided.

The Divine Blessing was invoked by Reverend John Heidel of the Central Union Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Andrade, Ansai, Bryan, Burgess, Chang, Dodge, Doi, Dyer, Hara, Kamaka, Kauhane, Kawakami, Kudo, Kunimura, Peter Lewis, Mizuha, Nakatani, Schulze, Sutton, Suwa, Taira, Takamine, Ushijima, Wright, Yamamoto and Porteus who were excused.

The Chair announced that the Journal of the Seventeenth Day had been signed by the Secretary and approved by Vice-President Fernandes.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 19) informing the Convention that Proposal Nos. 291 to 295 had been printed and distributed.

On motion by Delegate Matsumoto, seconded by Delegate Hansen and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Fernandes, seconded by Delegate Beppu and carried, the following proposals (P. Nos. 296 to 298) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Monday, August 5, 1968:

A proposal (P. No. 296) entitled: "Relating to Public Officers Seeking Other Elective Office," was jointly introduced by Delegates Noguchi and Kawasaki.

A proposal (P. No. 297) entitled: "Relating to the Judiciary," was introduced by Delegate Kawasaki.

A proposal (P. No. 298) entitled: "Relating to Weapons," was introduced by Delegate Ando.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The Chair made the following committee assignments of proposals that were introduced on Friday, August 2, 1968:

P. No. 291 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 292 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 293 was referred to the Committee on Judiciary.

P. No. 294 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 295 was referred to the Committee on Revision, Amendment and Other Provisions.

At this time, the Chair made the following announcement:

"I'd like to inform the delegates that today we are ending three weeks of deliberations. During the three weeks' period we have come to know and understand each other much, much better. I have also noted that we are beginning to operate as a unit.

"Congratulations."

ADJOURNMENT

At 9:05 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Beppu and carried, the Convention adjourned until 1:30 o'clock p.m., Monday, August 5, 1968.

19TH DAY

Monday, August 5, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 1:30 o'clock p.m.

The President presided.

The Divine Blessing was invoked by Reverend Howard D. Corry of the Lutheran Church of Honolulu.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Hung Wo Ching and Frank Loo who were excused, and Delegate Kauhane who was absent.

The President announced that the Journal of the Eighteenth Day had been signed by the Secretary and approved by Vice-President Kage.

President Porteus acknowledged appreciation to Vice-Presidents Fernandes and Kage who presided on the 17th and 18th days respectively with the following statement:

"At this time, the Chair would like to thank Vice-President Fernandes for his manner of conducting the Convention, and also Vice-President Kage."

MISCELLANEOUS COMMUNICATIONS

A communication from Mathew F. Kaonohi, President of the Kaneohe Jaycees (Misc. Com. No. 7), transmitting a resolution reminding the Convention of its duties and responsibilities, was read by the Clerk and was placed on file.

The President thereupon directed the Clerk to have sufficient copies printed and distributed to all delegates.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 20) informing the Convention that Proposal Nos. 296 to 298 had been printed and distributed.

On motion by Delegate Burgess, seconded by Delegate Bacon and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Kage and carried, the following proposals (P. Nos. 299

to 307) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Tuesday, August 6, 1968:

A proposal (P. No. 299) entitled: "Relating to a Constitution for the State of Hawaii," was introduced by Delegate Goemans.

A proposal (P. No. 300) entitled: "Relating to the Bill of Rights," was introduced by Delegate Dodge.

A proposal (P. No. 301) entitled: "Relating to Public Health and Welfare," was jointly introduced by Delegates Lum, Wright, Kawakami, Yim, Kauhane, Kato and Matsumoto.

A proposal (P. No. 302) entitled: "Relating to Debt Limitation," was jointly introduced by Delegates Lum, Matsumoto, Taira, Wright, Kawakami, Akizaki, Yim, Kauhane and Kato.

A proposal (P. No. 303) entitled: "Relating to Local Government Taxation and Finance," was jointly introduced by Delegates Kageyama and Matsumoto.

A proposal (P. No. 304) entitled: "Relating to Food Tax," was introduced by Delegate Kageyama.

A proposal (P. No. 305) entitled: "Relating to Reapportionment," was jointly introduced by Delegates Nakama, Noguchi, Beppu, Kudo, Morioka, Kato and Amano.

A proposal (P. No. 306) entitled: "Relating to Retirement Trust Fund," was jointly introduced by Delegates Takahashi, Wright, Yim and Kawasaki.

A proposal (P. No. 307) entitled: "Relating to Sessions of the Legislature," was jointly introduced by Delegates Larson, Yoshinaga, Young, Devereux, Lalakea, Ueoka, Fernandes, Ushijima, Hansen, Matsumoto, George Loo, Kageyama, Hidalgo, Ajifu, Yim and Doi.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Saturday, August 3, 1968:

P. No. 296 was referred to the Committee on Legislative Powers and Functions.

P. No. 297 was referred to the Committee on Judiciary.

P. No. 298 was referred to the Committee on Bill of Rights, Suffrage and Elections.

ADJOURNMENT

At 1:39 o'clock p.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, August 6, 1968.

20TH DAY

Tuesday, August 6, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Robert Fiske of the Christ Methodist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Burgess, Kato and Saiki who were excused.

The President announced that the Journal of the Nineteenth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 21) informing the Convention that Proposal Nos. 299 to 307 and Misc. Com. No. 7 had been printed and distributed.

On motion by Delegate Goemans, seconded by Delegate Andrade and carried, the report of the committee was adopted.

INTRODUCTION OF PROPOSALS

On motion by Delegate Suwa, seconded by Delegate Kage and carried, the following proposals (P. Nos. 308 to 325) passed First Reading by title, were referred to the Committee on Accounts and Printing and were placed on the calendar for further consideration on Wednesday, August 7, 1968:

A proposal (P. No. 308) entitled: "Relating to the Judiciary," was introduced by Delegate Kawasaki.

A proposal (P. No. 309) entitled: "Relating to the Judiciary," was introduced by Delegate Kawakami, by request.

A proposal (P. No. 310) entitled: "Relating to Legislative Apportionment and Districting," was introduced by Delegate Rhoda Lewis.

A proposal (P. No. 311) entitled: "Relating to the Boundaries of Property Along the Seashore," was jointly introduced by Delegates Lum, George Loo and Matsumoto.

A proposal (P. No. 312) entitled: "Relating to Apportionment and Legislative Terms," was jointly introduced by Delegates Lum, George Loo and Matsumoto.

A proposal (P. No. 313) entitled: "Relating to the Judiciary," was introduced by Delegate Doi, by request.

A proposal (P. No. 314) entitled: "Relating to State Universities and Four-year Colleges," was jointly introduced by Delegates Suwa, Takamine, Yamamoto, Doi, Ushijima, Nakatani, Andrade, Kudo and Hara.

A proposal (P. No. 315) entitled: "Relating to the Judiciary," was jointly introduced by Delegates Steiner, Jaquette, Yim, Lalakea, O'Connor, Schulze and Peter Lewis.

A proposal (P. No. 316) entitled: "Relating to the State Capital," was jointly introduced by Delegates Yamamoto, Nakatani and Andrade.

A proposal (P. No. 317) entitled: "Relating to Presidential Preference Primaries," was jointly introduced by Delegates Sutton, Hitch, Dyer and Donald Ching.

A proposal (P. No. 318) entitled: "Relating to the Rights of Man," was introduced by Delegate Takahashi.

A proposal (P. No. 319) entitled: "Relating to Voting and Civil Rights," was jointly introduced by Delegates Souza, Ozaki, Amaral, Ansai, Kage, Yoshinaga and Bacon.

A proposal (P. No. 320) entitled: "Relating to State Universities and Four-Year Colleges," was introduced by Delegate Peter Lewis.

A proposal (P. No. 321), relating to labor and industry, was introduced by Delegate Hansen, by request.

A proposal (P. No. 322) entitled: "Relating to Revision and Amendment," was introduced by Delegate Dodge, by request.

A proposal (P. No. 323) entitled: "Relating to Scientific Study and Research of Role of Government," was introduced by Delegate Chang, by request.

A proposal (P. No. 324) entitled: "Relating to the Department of Education," was introduced by Delegate Chang, by request.

A proposal (P. No. 325) entitled: "Relating to the Quartering of Soldiers," was introduced by Delegate Larson.

ORDER OF THE DAY
REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Monday, August 5, 1968:

P. No. 299 was jointly referred to the Committee on Bill of Rights, Suffrage and Elections; the Committee on Legislative Powers and Functions; the Committee on Legislative Apportionment and Districting; the Committee on Executive; the Committee on Judiciary; the Committee on Taxation and Finance; the Committee on Local Government; the Committee on Public Health, Education and Welfare; Labor and Industry; the Committee on Agriculture, Conservation, Land and Hawaiian Homes; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 300 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 301 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 302 was referred to the Committee on

Taxation and Finance.

P. No. 303 was jointly referred to the Committee on Taxation and Finance; and to the Committee on Local Government.

P. No. 304 was referred to the Committee on Taxation and Finance.

P. No. 305 was jointly referred to the Committee on Legislative Apportionment and Districting; and to the Committee on Revision, Amendment and Other Provisions.

P. No. 306 was referred to the Committee on Legislative Powers and Functions.

P. No. 307 was referred to the Committee on Legislative Powers and Functions.

ADJOURNMENT

At 9:12 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, August 7, 1968.

21ST DAY

Wednesday, August 7, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Reverend Dr. Thomas L. Crosby of Central Union Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kato, Kauhane, O'Connor and Saiki who were excused.

The Chair announced that the Journal of the Twentieth Day had been signed by the Secretary and approved by the President.

MISCELLANEOUS COMMUNICATIONS

A communication from Marguerite Simson, President of the League of Women Voters of Hawaii (Misc. Com. No. 8), urging the lowering of the voting age to 18 and lowering the residence requirement for voting in state or local elections from one year to six months, was read by the Clerk and placed on file.

The President thereupon directed the Clerk to have sufficient copies printed and distributed to all delegates.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 22) informing the Convention that Proposal Nos. 308 to 325 had been printed and distributed.

On motion by Delegate Alcon, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY REFERRAL OF PROPOSALS

The President made the following committee assignments of proposals that were introduced on Tuesday, August 6, 1968:

P. No. 308 was referred to the Committee on Judiciary.

P. No. 309 was referred to the Committee on Judiciary.

P. No. 310 was jointly referred to the Committee on

Legislative Apportionment and Districting; and to the Committee on Local Government.

P. No. 311 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 312 was referred to the Committee on Legislative Apportionment and Districting.

P. No. 313 was referred to the Committee on Judiciary.

P. No. 314 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 315 was referred to the Committee on Judiciary.

P. No. 316 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 317 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 318 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 319 was referred to the Committee on Bill of Rights, Suffrage and Elections.

P. No. 320 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 321 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 322 was referred to the Committee on Revision, Amendment and Other Provisions.

P. No. 323 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 324 was referred to the Committee on Public Health, Education and Welfare; Labor and Industry.

P. No. 325 was referred to the Committee on Bill of Rights, Suffrage and Elections.

RE-REFERRAL OF PROPOSAL

The President re-referred P. No. 58 from the Committee on Public Health, Education and Welfare; Labor and Industry to the Committee on Revision, Amendment and Other Provisions.

At 9:08 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:12 o'clock a.m.

At this time the President announced to the delegates that the Committee on Legislative Powers and Functions would offer a resolution tomorrow morning, Thursday, August 8, 1968, relating to unicameralism or bicameralism. The President then informed the delegates that the session on Saturday, August 10, 1968, would resolve itself into the Committee of the Whole for the purpose of considering this resolution with the hope that some decision might be reached on the resolution.

Upon Delegate Beppu's request for clarification, the

President informed the Convention that the resolution to be considered would help serve as a guideline to the various committees and in itself would not be considered as a final decision on the issue involved.

ADJOURNMENT

At 9:16 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, August 8, 1968.

22ND DAY

Thursday, August 8, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Roy Kokuzo of Soto Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kunimura and Saiki who were excused.

The President announced that the Journal of the Twenty-First Day had been signed by the Secretary and approved by the President.

At 9:05 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:10 o'clock a.m.

STANDING COMMITTEE REPORTS

Delegate Ueoka, for the majority of the Committee on Bill of Rights, Suffrage and Elections, presented a report (Stand. Com. Rep. No. 23) recommending that the proposals enumerated in said report be filed; that Section 3 and Section 4 of Article II be retained without amendment; and submitting a committee

proposal (Com. P. No. 1) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 23 and Com. P. No. 1, entitled: "Relating to Suffrage and Elections," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Friday, August 9, 1968.

Delegate Hung Wo Ching, for the majority of the Committee on Legislative Powers and Functions, presented a report (Stand. Com. Rep. No. 24) submitting a resolution (Res. No. 34) for introduction and recommending its adoption.

The President thereupon referred Stand. Com. Rep. No. 24 and Res. No. 34, entitled: "Relating to a Bicameral Legislature," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Saturday, August 10, 1968.

At this time, the President introduced the Honorable Fern Orme, Senator of the State of Nebraska, and Miss Betty Jean Yapp, also of Nebraska, who were recognized by the members of the Convention.

ADJOURNMENT

At 9:15 o'clock a.m., on motion by Delegate Larson, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, August 9, 1968.

23RD DAY

Friday, August 9, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend William F. Desmond of St. John's Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kaapu, Kato, Miyake and Saiki who were excused.

The President announced that the Journal of the Twenty-Second Day had been signed by the Secretary and approved by the President.

President Porteus re-referred P. No. 281 from the Committee on Legislative Powers and Functions to the Committee on Revision, Amendment and Other Provisions.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 25) informing the Convention that Stand. Com. Rep. No. 23 and Com. P. No. 1 pursuant to Rule 48(c) of this Convention, and Stand. Com. Rep. No. 24 and Res. No. 34 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY

Standing Committee Report No. 23 (Com. P. No. 1):

Stand. Com. Rep. No. 23 and Com. P. No. 1

entitled: "Relating to Suffrage and Elections," were placed on the Clerk's desk by the President with the explanation that action on the committee report and committee proposal would be taken up tomorrow, August 10, 1968.

The President stated that this would give the members an opportunity to read the committee report before a motion was presented for its adoption, thereby passing Com. P. No. 1 on First Reading.

The Chair further stated that Com. P. No. 1 would come on the General Order four days after its printing and distribution, and the said day would fall on Wednesday, August 14, 1968.

Delegate Yoshinaga, rising on a point of information, inquired whether this was the procedure which would be followed hereafter with regard to a committee proposal first being printed before any action was taken on it on First Reading.

President Porteus replied in the affirmative, stating that this would give everybody an opportunity to read the committee report and committee proposal before action on First Reading was taken.

Delegate Sutton, rising on a point of information, inquired when a committee proposal would go to the Committee on Style.

The President stated that the Committee on Style would not be involved until action was taken by the Committee of the Whole.

ADJOURNMENT

At 9:07 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, August 10, 1968.

24TH DAY

Saturday, August 10, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend George A. Jacobs of the First Christian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Andrade, Fernandes, Saiki and Suwa who were excused; and Delegate Goemans who was absent.

The President announced that the Journal of the Twenty-Third Day had been signed by the Secretary and approved by the President.

MISCELLANEOUS COMMUNICATION

A communication from Dr. James F. Fleming (Misc. Com. No. 9), requesting that the Convention seriously consider making provisions for the Governor to appoint members of the state board of education, was received and placed on file.

DISPOSITION OF MATTERS LAYING ON THE CLERK'S DESK

By unanimous consent, **Stand. Com. Rep. No. 23** and **Com. P. No. 1** were taken from the Clerk's desk.

On motion by Delegate Ueoka, seconded by Delegate Larson and carried, the report of the committee was adopted and the proposals enumerated in said report were filed; Section 3 and Section 4 of Article II were recommended to be retained without amendment and **Com. P. No. 1**, entitled: "Relating to Suffrage and Elections," passed First Reading by title, and Sections 3 and 4 together with **Com. P. No. 1** were placed on the calendar for further consideration on Wednesday, August 14, 1968.

ORDER OF THE DAY

Standing Committee Report No. 24 (Resolution No. 34):

Delegate Hung Wo Ching moved that the Convention resolve itself into a Committee of the Whole to consider **Stand. Com. Rep. No. 24** and **Res. No. 34**, relating to a bicameral legislature, from the Committee on Legislative Powers and Functions, seconded by Delegate Miyake.

At this time, Delegate Kauhane moved to suppress the question, stating that the purpose of ascertaining from each and every delegate as to his position is not a profitable one to be undertaken by the Committee of the Whole. He then cited Rule 59(a) of Robert's *Rules of Order*.

The President ruled that the motion to refer to the Committee of the Whole was in order. He informed Delegate Kauhane that when the matter was considered by the Committee of the Whole for debate he might speak for or against it or might urge the Committee of the Whole not to consider the matter referred to it by asking that the committee rise and report progress and ask leave to sit again or not to sit on the matter. The President added that it was not in order to debate the matter at the present time because the only matter before the assembly was the matter of the reference to the Committee of the Whole.

The motion that the Convention resolve itself into a Committee of the Whole to consider **Stand. Com. Rep. No. 24** and **Res. No. 34** was put by the Chair and carried.

The President appointed Delegate Beppu to be Chairman of the Committee of the Whole.

At 9:11 o'clock a.m., the President vacated the Chair and Delegate Beppu assumed the Chair for the Committee of the Whole.

At 11:33 o'clock a.m., Delegate Beppu vacated the Chair and the President resumed the Chair.

Delegate Beppu, for the Committee of the Whole, reported orally, asked leave to file a written report later, that the committee had risen and recommended the adoption of **Stand. Com. Rep. No. 24** and **Res. No. 34** without amendments.

On motion by Delegate Beppu, seconded by Delegate Hung Wo Ching and carried, the oral report of the Committee of the Whole was adopted, thereby adopting **Stand. Com. Rep. No. 24** and **Res. No. 34** by a vote of 66 ayes and 10 noes, with Delegates Dodge, Doi, Fasi, Hansen, Kudo, Larson, Frank Loo, George Loo, Sutton and Yoshinaga voting no and Delegates Aduja, Andrade, Fernandes, Goemans, Saiki and Suwa being excused.

At this time, Delegate Burgess moved that the Committee on Legislative Apportionment and Districting report out its actions taken regarding voter registration as a base for apportionment of the legislature.

The President ruled that although Delegate Burgess

may be in order in requesting a committee to indicate a particular position, neither he nor the Chair could order the committee to do so. He added that the committee should be allowed to complete its work before bringing matters piecemeal to the floor.

ADJOURNMENT

At 11:40 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Chang and carried, the Convention adjourned until 9:00 o'clock a.m., Monday, August 12, 1968.

25TH DAY

Monday, August 12, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Venerable Paul Moore Wheeler of St. Clement's Episcopal Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ariyoshi, Doi, Fernandes, Kumimura and Suwa who were excused, and Delegates Goemans and Lalakea who were absent.

The President announced that the Journal of the Twenty-Fourth Day had been signed by the Secretary and approved by the President.

Rising on a point of information, Delegate Burgess asked what procedure could be taken to require the Committee on Legislative Apportionment and Districting to report out its decision to the Convention as soon as possible on the matter of reapportionment with particular reference to registered voters or population being used as a basis for reapportionment.

President Porteus ruled that each committee has jurisdiction over the particular work assigned to it and it is up to the committee to submit a report to the Convention at the earliest possible date to give the delegates an opportunity to review the report before action is taken.

The Chair also stated that every delegate may use his discretion to attend any committee hearing he so desires.

The President, in further response to Delegate Burgess' inquiry, stated that the procedure taken Saturday, August 10, 1968 on the adoption of **Stand. Com. Rep. No. 24** and **Res. No. 34** was an exception and would not be established as a precedent for future issues.

The President thereupon addressed the Convention as follows:

"I think it a very appropriate time to bring an item to the floor of this body and to direct it to your attention. And that is that time does go on, and therefore, let me call the attention of the chairmen and of the members of every committee that if in the next several weeks the committees bring to the floor two proposals a week, and we deal with these committee proposals on the basis

of two a week, we will be here for six more weeks. If the committee brings three proposals to the floor a week, the timetable will still come to about four weeks of work.

"And therefore, I am suggesting to all of you that as soon as you reasonably can arrive at a conclusion, that you as members of the committee be prepared to arrive at decisions on the framework of government and not the details, and that you assist the chairman in arriving at a conclusion, and in the completion of a report and getting it to this floor; because certainly if this is not called to your attention, I would guess that four weeks from now, some of you will be saying, 'The President and the officers should have been after us a little harder to get our work out on the floor of the Convention.'

"So, if you don't want to sit here for another four to six weeks, start voting in the committees, start helping your chairman; and chairmen, get the issues before your committee and get the reports written and report them here on the floor so that we can start with our Committee of the Whole sessions."

Delegate Kageyama rose on a point of information and asked whether nonmember delegates might inspect committee minutes of hearings before final action was taken.

The President stated that the chairmen of committees had invited other members of the Convention to attend their meetings not for the purpose of being heard but to hear the proceedings and also to review the minutes.

Delegate Ando, rising on a point of parliamentary inquiry, asked to have Rule 48 clarified relative to the passage of proposals on Second Reading.

The Chair stated that a memo with regard to the procedure to be used for adoption of standing committee reports and/or committee proposals would be distributed to the delegates. The Chair further stated that all committee reports and committee proposals would be placed on the General Orders of the Day four convention days after the Committee on Accounts and Printing reported to the Convention that the committee report and the committee proposal had been printed, and that the requirement of Rule 48 was that four days must elapse from the time the report and/or proposal had been printed and not from the time a proposal had been passed on First Reading.

At this time, Mr. Baron Goto, Vice-Chancellor of the East-West Center at the University of Hawaii, introduced to the delegates of the Convention the following

members of the Political Status Commission of Micronesia, who were recognized by the Convention:

Amata Kabua, Senator, Marshall Islands
 Bailey Olter, Senator, Ponape District
 Petrus Mailo, Representative, Truk District
 Franc Nuuan, Senator, Yap District
 Francisco Palacios, Senator, Saipan District
 Lazarus Salii, Representative, Palau District
 Nick Bossy, Interpreter for Representative
 Mailo, Truk District
 John Tarkong, General Assistant, Palau District

President Porteus then welcomed the visitors in behalf of the delegates and offered assistance to them during their two weeks observation of the Convention.

Delegate Kauhane, rising on a point of inquiry, asked whether or not a list of the pay schedule and total number of employees of the Convention, excluding the staff of the delegates, was available to anyone.

The Chair stated that the information sought by Delegate Kauhane was on record with the accountant of the Convention, and the record was available to all delegates as well as to the press and the public.

Delegate Kawasaki, rising on a point of personal privilege, requested permission to explain his vote taken on Saturday, August 10, 1968, with reference to the adoption of Stand. Com. Rep. No. 24, and Res. No. 34.

Upon receiving permission by the President, Delegate Kawasaki stated that he had intended to vote no, but due to his preoccupation on other matters, he had erroneously voted in the affirmative.

The Chair accepted the explanation and inquired whether there were any objections by the Convention to permit Delegate Kawasaki's vote to be changed from aye to no.

There being no objection, the Chair directed the Clerk to note in the journal that Delegate Kawasaki's vote had been changed by unanimous consent of the body.

At this time, Delegate Miyake, rising on a point of inquiry, requested the Chair to clarify the Chair's position on permitting a delegate to change his vote one day after the vote had been taken. Delegate Miyake stated that this was a very dangerous precedent to set.

The President replied that the matter on which the vote was taken was not a final vote on a proposal, but was one which was merely of an advisory nature. And since Delegate Kawasaki wanted to be consistent in the votes taken in the Committee of the Whole and in the Convention, the Chair felt that Delegate Kawasaki should be permitted to change his vote.

The Chair further stated that he was not setting a precedent, and that all delegates would have to follow the regular procedure if they desired to change their vote when matters came up on Second and Third Reading.

At 9:31 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, August 13, 1968.

26TH DAY

Tuesday, August 13, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norman Hammer of the Prince of Peace Lutheran Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Goemans who was absent.

The President announced that the Journal of the Twenty-Fifth Day had been signed by the Secretary and approved by the President.

RE-REFERRAL OF PROPOSAL NO. 311

The President re-referred P. No. 311 from the Committee on Public Health, Education and Welfare; Labor and Industry to the Committee on Revision, Amendment and Other Provisions.

MINORITY REPORT

Delegate O'Connor, for the minority of the

Committee on Bill of Rights, Suffrage and Elections, submitted a report on Com. P. No. 1, objecting to lowering the voting age to eighteen and proposing that the most meaningful constitutional provision to establish a voter's minimum age to insure competency and maturity is the statutory age of majority. The minority report also submitted a proposed form of an amendment to be considered when Com. P. No. 1 came up for consideration on Second Reading.

The President referred the **Minority Report on Com. P. No. 1** to the Committee on Accounts and Printing.

At this time, the Chair stated that members planning to propose amendments to Com. P. No. 1 should submit their amendments to the Clerk's office typed on the appropriate amendment forms so that they might be printed and distributed before the Committee of the Whole convened.

ADJOURNMENT

At 9:09 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, August 14, 1968.

27TH DAY

Wednesday, August 14, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Dr. William Phifer of the First Presbyterian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Kunimura and Schulze who were excused.

The President announced that the Journal of the Twenty-Sixth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 26**) informing the Convention that seven (7) amendments to **Com. P. No. 1** and the **Minority Report on Com. P. No. 1** had been printed and distributed.

On motion by Delegate Donald Ching, seconded by Delegate Andrade and carried, the report of the committee was adopted.

Delegate Kamaka, for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (**Stand. Com. Rep. No. 27**) recommending that P. Nos. 40, 60, 168, 268 and 299 be filed, and that Article XI be retained without amendment.

The President thereupon referred **Stand. Com. Rep. No. 27** to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Thursday, August 15, 1968.

Delegate Ueoka moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 1**, Section 3 and Section 4 of Article II, and the **Minority Report on Com. P. No. 1**, relating to suffrage and elections, seconded by Delegate Takahashi.

At 9:06 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:30 o'clock a.m.

The motion that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 1**, Section 3 and Section 4 of Article II and the **Minority Report on Com. P. No. 1** was put by the Chair and carried.

The President appointed Delegate Miyake to be Chairman of the Committee of the Whole.

At 9:31 o'clock a.m., the President vacated his Chair and Delegate Miyake assumed the Chair for the Committee of the Whole.

At 7:28 o'clock p.m., Delegate Miyake vacated the Chair and the President resumed the Chair.

Delegate Ueoka, for the Committee of the Whole, reported orally that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Ueoka, seconded by Delegate Miyake and carried, the oral report was adopted.

ADJOURNMENT

At 7:31 o'clock p.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, August 15, 1968.

28TH DAY

Thursday, August 15, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norito Nagao of the Honpa Hongwanji Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegate Kunimura who was excused.

The President announced that the Journal of the Twenty-Seventh Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 28**) informing the Convention that six (6) amendments to **Com. P. No. 1** and **Stand. Com. Rep. No. 27** had been printed and distributed.

On motion by Delegate Devereux, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY

Standing Committee Report No. 27 (Article XI):

Stand. Com. Rep. No. 27 on Article XI, relating to Hawaiian homes lands, was placed on the Clerk's desk for further consideration on Friday, August 16, 1968.

RE-REFERRAL OF PROPOSAL NO. 310

The President re-referred **P. No. 310** from the joint

Committees on Local Government and Legislative Apportionment and Districting to the Committee on Local Government.

At 9:05 o'clock a.m., on motion by Delegate Ueoka, seconded by Delegate Kauhane and carried the Convention stood in recess until 10:00 o'clock a.m.

The Convention reconvened at 11:10 o'clock a.m.

On motion by Delegate Ueoka, seconded by Delegate Takahashi and carried, the Convention resolved itself into a Committee of the Whole to further consider **Com. P. No. 1**, Section 3 and Section 4 of Article II, and the **Minority Report on Com. P. No. 1**, relating to suffrage and elections.

At 11:11 o'clock a.m., the President vacated his Chair and Delegate Miyake assumed the Chair for the Committee of the Whole.

At 7:22 o'clock p.m., Delegate Miyake vacated the Chair and the President resumed the Chair.

Delegate Miyake, for the Committee of the Whole, reported orally that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Miyake, seconded by Delegate Peter Lewis and carried, the oral report was adopted.

ADJOURNMENT

At 7:27 o'clock p.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, August 16, 1968.

29TH DAY

Friday, August 16, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Very Reverend Monsignor Francis A. Marzen, Editor of the *Hawaii Catholic Herald*.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Amano, Hung Wo Ching, Kamaka, Kauhane, Kunimura, Mizuha and Shiigi who were excused, and Delegate Dodge who was absent.

The President announced that the Journal of the Twenty-Eighth Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Andrade, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 29**) informing the Convention that four (4) additional amendments to **Com. P. No. 1** had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Alcon and carried, the report of the committee was adopted.

DISPOSITION OF MATTERS LAYING ON THE CLERK'S DESK

By unanimous consent, **Stand. Com. Rep. No. 27** relating to Article XI was taken from the Clerk's desk and the President placed it on the General Order of the Day for further consideration on Tuesday, August 20 1968.

At 9:09 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention stood in recess until 1:30 o'clock p.m., that afternoon.

AFTERNOON SESSION

The Convention reconvened at 1:30 o'clock p.m.

The Chair directed the Clerk to note the presence of Delegates Dodge, Hung Wo Ching and Kamaka.

At this time, the President announced that in order to minimize the number of amendments to future committee proposals, all proposed amendments be cleared through the attorneys' office and in the event the Legislative Reference Bureau should prepare any amendments for a delegate the same be likewise submitted to the attorneys' office for review.

At 1:34 o'clock p.m., on motion by Delegate Ueoka, seconded by Delegate Beppu and carried, the Convention resolved itself into a Committee of the Whole to further consider **Com. P. No. 1**, Section 3 and Section 4 of Article II, and the **Minority Report on Com. P. No. 1**, relating to suffrage and elections.

At 1:35 o'clock p.m., the President vacated his Chair and Delegate Miyake assumed the Chair for the Committee of the Whole.

At 2:15 o'clock p.m., Delegate Miyake vacated the Chair and the President resumed the Chair.

Delegate Miyake, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Miyake, seconded by Delegate Ueoka and carried, the oral report was accepted.

ADJOURNMENT

At 2:16 o'clock p.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, August 17, 1968.

30TH DAY

Saturday, August 17, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m., by the President.

The President then yielded the Chair to Vice-President Chang.

The Divine Blessing was invoked by Reverend Ted T. Ogoshi of Makiki Christian Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the

exception of Delegates Andrade, Doi, Kauhane, Kunimura, Mizuha, Schulze, Shiigi and Suwa who were excused.

The Chair announced that the Journal of the Twenty-Ninth Day had been signed by the Secretary and approved by the President.

ADJOURNMENT

At 9:06 o'clock a.m., on motion by Delegate Kage, seconded by Delegate Bryan and carried, the Convention adjourned until 9:00 o'clock a.m., Monday, August 19, 1968.

31ST DAY

Monday, August 19, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Philip Yung Lee of the First Presbyterian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Aduja, Doi, Fernandes, Goemans, Kunitura, Peter Lewis, Mizuha and Steiner who were excused.

The President announced that the Journal of the Thirtieth Day had been signed by the Secretary and approved by the President.

At 9:03 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:04 o'clock a.m.

President Porteus then announced that the written

report of the Committee of the Whole on Com. P. No. 1 would be printed and distributed to the delegates a day before its consideration for Second Reading on Wednesday, August 21, 1968.

At this time, President Porteus appointed Delegates Schulze and Sutton who escorted Delegate Shiigi to the rostrum.

The President thereupon wished her a happy birthday on behalf of the delegates.

Delegate Shiigi thanked the members of the Convention for their thoughtfulness.

At 9:09 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:11 o'clock a.m.

ADJOURNMENT

At 9:12 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, August 20, 1968.

32ND DAY

Tuesday, August 20, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Jack D. Knighton of the First Baptist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bryan, Takahashi and Wright who were excused. The President directed the Clerk to note in the journal that Delegate Takahashi was being excused due to his undergoing emergency eye surgery.

The President announced that the Journal of the Thirty-First Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORT

Delegate Taira, for the Committee on Public Health, Education and Welfare; Labor and Industry, presented a report (Stand. Com. Rep. No. 30) recommending that the proposals enumerated in said report be filed and that Article VIII, Sections 1, 2, 3, 4 and 5 be retained without amendment.

The President thereupon referred Stand. Com. Rep. No. 30 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Wednesday, August 21, 1968.

COMMITTEE OF THE WHOLE REPORT

Delegate Miyake, for the Committee of the Whole, and Delegate Ueoka, for the Committee on Bill of Rights, Suffrage and Elections, presented a report (Com. Whole Rep. No. 1) recommending that Com. Whole Rep. No. 1 be adopted and Com. P. No. 1, as amended in RD. 1, pass Second Reading.

The President thereupon referred Com. Whole Rep. No. 1 and Com. P. No. 1, RD. 1, entitled: "Relating to Suffrage and Elections," to the Committee on Accounts and Printing and placed them on the calendar for Second Reading on Wednesday, August 21, 1968.

The President, at this time, directed the attention of the delegates to the memorandum issued by the Secretary and the Assistant Secretary of the Convention which asked that the delegates check the bulletin boards from day to day for the forthcoming events of the Convention.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 27 (Article XI):

Delegate Kamaka moved that the Convention resolve itself into a Committee of the Whole to consider Stand. Com. Rep. No. 27 from the Committee on Agriculture, Conservation, Land and Hawaiian Homes, seconded by Delegate Kage and carried.

The President appointed Delegate Kage to be Chairman of the Committee of the Whole.

At 9:07 o'clock a.m., the President vacated the Chair and Delegate Kage assumed the Chair for the Committee of the Whole.

At 9:21 o'clock a.m., Delegate Kage vacated the Chair and the President resumed the Chair.

At this time, the Chair directed the Clerk to note the presence of Delegate Wright.

Delegate Kage, for the Committee of the Whole, reported orally, asked leave to file a written report later, that the committee had risen and recommended the adoption of Stand. Com. Rep. No. 27 thereby filing P. Nos. 40, 60, 168, 268 and 299 and retaining Article XI without amendments.

On motion by Delegate Kage, seconded by Delegate Kamaka and carried, the oral report of the Committee of the Whole was adopted.

RE-REFERRAL OF PROPOSAL NO. 306

The President re-referred P. No. 306 from the Committee on Legislative Powers and Functions to the Committee on Revision, Amendment and Other Provisions.

At this time, the President directed the attention of the delegates and committee chairmen to the necessity of completing their deliberations and reaching their decisions so that committee reports could be brought to the floor by the end of this week.

ADJOURNMENT

At 9:29 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, August 21, 1968.

33RD DAY

Wednesday, August 21, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Dr. William Phifer of the First Presbyterian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Donald Ching, Dyer, Kato, Minn and Takahashi who were excused.

The President announced that the Journal of the Thirty-Second Day had been signed by the Secretary and approved by the President.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 31**) informing the Convention that **Stand. Com. Rep. No. 30, Com. Whole Rep. No. 1** and **Com. P. No. 1, RD. 1** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

Delegate Kamaka, for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (**Stand. Com. Rep. No. 32**) recommending that the proposals enumerated in said report be placed on file; and Article VIII, Section 5 be retained without amendment.

The President thereupon referred **Stand. Com. Rep. No. 32** to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Thursday, August 22, 1968.

At 9:05 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:20 o'clock a.m.

The President directed the Clerk to note the presence of Delegate Donald Ching.

ORDER OF THE DAY

Standing Committee Report No. 30 (Article VIII):

The President placed **Stand. Com. Rep. No. 30** on

Article VIII, relating to public health and welfare, on the General Orders of the Day for Monday, August 26, 1968, for consideration by the Committee of the Whole.

Committee of the Whole Report No. 1 (Com. P. No. 1):

On motion by Delegate Ueoka, seconded by Delegate Fernandes and carried, **Com. Whole Rep. No. 1** was adopted.

Delegate Ueoka moved that **Com. P. No. 1** as amended, pass Second Reading, seconded by Delegate Miyake.

At this time, Delegate Nakatani offered an amendment to the last sentence of Section 4 of Article II, as follows:

"Secrecy of voting shall be preserved and no record or list of the party ballot selected by each voter shall be maintained."

Delegate Nakatani moved that the amendment be agreed to, seconded by Delegate Fernandes.

The President called for discussion on the motion and recognized Delegate Fernandes.

DELEGATE FERNANDES: Mr. President, I don't think we need any more debate on this issue. The motion that was made by the movant is that due to the very close vote. I think it's our duty to put it before the Convention here for a vote. Thank you.

DELEGATE UEOKA: Mr. President.

PRESIDENT PORTEUS: Delegate Ueoka is recognized.

DELEGATE UEOKA: We have been here in session for approximately five weeks. At the beginning of the session, the President and others had set into tone—had set the tone that we should as much as possible leave legislative matters to the legislature and constitution matters for the Convention. And that we should establish broad principles and leave the details for the legislature.

We have before us a proposal which, in effect, is a matter exclusively, not exclusively, but a matter for the legislature. If we believe that the closed primary is a monster as some of you people here in the Convention believe, then I believe it is the duty of everyone of us to go before the legislature and urge them to make the necessary change.

I believe that if this procedure is followed today, we are going to set a very bad precedent. We have been in session five weeks and not one proposal has been adopted by this Convention. And as I can see, our proposal or committee report was introduced on August 8th. Today is August 21st.

DELEGATE KAUHANE: Mr. President, I rise on parliamentary inquiry, on a point of order.

PRESIDENT PORTEUS: If there is to be a point of order it will be recognized but if it is directed—

DELEGATE KAUHANE: On a point of order.

PRESIDENT PORTEUS: —on inquiry, it will not.

DELEGATE KAUHANE: I rise on a point of order, Mr. President.

PRESIDENT PORTEUS: State your point of order and the Chair will then rule, but do not make it argumentative.

DELEGATE KAUHANE: Is this a compulsory rule by the President?

PRESIDENT PORTEUS: It is.

DELEGATE KAUHANE: Then, Mr. President, according to your own direction during the recess period that you called, there is no further need for any further elaborations by anyone.

PRESIDENT PORTEUS: If the delegate is rising to his reference to the Chair's statement that it is not necessary, but the chairman of the committee has always the right to discuss the proposition before him and I appreciate the delegate's caution to the other members with respect to debate but Delegate Ueoka is in order. Delegate.

DELEGATE UEOKA: As I once stated, this matter was reported to the floor on August the 8th and this is August the 21st, and still we have not adopted a proposal. I think if we follow the procedure that we are doing, then we have to stand prepared to stay until Christmas. There are fourteen different committees. The other thirteen committees still have to report. In fact, the Committee on Bill of Rights still has another article to report. I'm afraid, Mr. President, that if we were to set this bad precedent, we are going to be here for a long, long time. I think it's going to cost the taxpayers of this State a lot of money. There's going to be a reaction, and I believe that this—I would like to urge members of this Convention—that this is strictly a legislative matter. Leave it to the legislature.

And for that reason, as chairman of the Committee on Bill of Rights, I respectfully submit and urge members of this Convention to vote the amendment down.

PRESIDENT PORTEUS: Thank you very much, delegate.

I believe that under the rules you will be allowed one kanalua. The second kanalua, you will be registered in the affirmative. If there is no further discussion, Mr. Clerk, please call the roll.

DELEGATE YOSHINAGA: Mr. President.

PRESIDENT PORTEUS: Delegate Yoshinaga is recognized.

DELEGATE YOSHINAGA: Could we have a brief explanation first of what we are voting on?

PRESIDENT PORTEUS: Yes, indeed. The Chair will restate the motion. The motion is that the Committee Proposal No. 1 be amended by inserting—amending the last sentence of Section 4 of Article II to read: "Secrecy of voting shall be preserved and no record or list of the party ballot selected by each voter shall be maintained." That is the motion before the house.

DELEGATE YOSHINAGA: That wasn't quite fully what I expected. Committee Proposal No. 1 is not the committee proposal that came out of the committee that was amended by the Committee of the Whole, is that correct?

PRESIDENT PORTEUS: That is right, that is right.

DELEGATE YOSHINAGA: That's the section on felony, as I understand it.

PRESIDENT PORTEUS: That is correct.

DELEGATE YOSHINAGA: Otherwise, the committee proposal—

PRESIDENT PORTEUS: That is correct, in an amended form.

DELEGATE YOSHINAGA: Otherwise, the committee proposal has no changes.

PRESIDENT PORTEUS: You are correct.

DELEGATE YOSHINAGA: Next, may I direct a question or two at the chairman of the committee.

PRESIDENT PORTEUS: If the chairman of the committee desires to yield he may do so. You will state your question. I will ask the chairman if he desires to yield.

DELEGATE YOSHINAGA: I'll ask the question of the President then. In Committee Proposal No. 1, as amended, is there a provision for the so-called presidential primary election?

PRESIDENT PORTEUS: The Chair understands there is one for a presidential primary, that is correct, delegate.

DELEGATE YOSHINAGA: Then my question is this, is that considered in general a constitutional matter or a legislative matter?

PRESIDENT PORTEUS: I think this is an answer that each one of the delegates is going to have to determine for himself as to whether or not he is now deliberating in an area that in his judgment is legislative and may safely be left to the legislature or whether this so closely comes to the matter of voting and citizens' rights that he considers it to be a constitutional issue. I would have to leave that to each delegate to determine it in his own good judgment.

DELEGATE YOSHINAGA: Then my question to the chairman is, how are we going to heed the warnings for the wise advice he has now given us on distinguishing between matters that are constitutional and legislative when that committee itself has not offered us any guidelines or has not offered us any leadership as to say, or did he say that presidential primary is purely or clearly a constitutional matter, therefore we should support the committee on that position; and that clearly the matter of the amendment proposed here is a legislative matter, therefore we should heed his warning and vote against the matter.

PRESIDENT PORTEUS: Delegate, I will ask the chairman if he desires to answer that. The Chair happens to know that the position of the chairman of the committee was sometimes a little different within the committee than the final determination; and therefore, he may or may not wish to defend the committee's action on this particular section.

If Delegate Ueoka would like to be recognized to answer that question, the Chair would be delighted to recognize him. Delegate Ueoka apparently desires to answer and he is recognized.

DELEGATE UEOKA: Mr. President, as chairman of a committee, I find myself in a very difficult situation. At times, I find that there are certain matters which I feel should not be brought up and included in the proposal of the committee. And yet, as chairman, whenever the committee has acted, notwithstanding how I feel on a certain matter, I have an obligation and duty to support the committee's position.

PRESIDENT PORTEUS: Thank you very much.

DELEGATE YOSHINAGA: Mr. President.

PRESIDENT PORTEUS: Delegate Yoshinaga.

DELEGATE YOSHINAGA: That's what I consider a somewhat difficult position because if I understood the argument this morning of the chairman of this committee, one standard we could follow very easily to distinguish between constitutional matter and legislative matters here, was to follow the leadership of the committee chairman pointing out that certain matters are constitutional. Therefore we should support them aside from the merits of the matter being good or bad, certain other matters are legislative. Therefore, we should defeat the matter.

However, in a particular case, the committee may report something that's purely legislative but because the

majority of the members adopted that proposal, the chairman of the committee feels obligated to urge us to support that matter. There is some inconsistency or something illogical attached to that which I am going to take some time to figure out here. It may take me some time.

If I understand correctly, Mr. President, on June 1st of this year we did have an election here in Hawaii, and the election was for the purposes of electing constitutional delegates to the Constitutional Convention. If I understand correctly, we did come here on July 15 as provided by legislation, to begin the Constitutional Convention. If I understand correctly, this morning a plea by the chairman, a very, I think, intelligent, wise and helpful plea, was that since we were here elected to the Constitutional Convention to act on constitutional matters, that as much as possible we confine ourselves to constitutional amendments as contrasted to legislative amendments.

Now, we have here before us the first matter we are going to take up on formal Second Reading, reported from the Bill of Rights Committee and included in that recommendation is a matter that many of the people consider purely legislative, and that is the matter of the presidential primary election. Also at this time, we are taking up a matter that we consider, many of us anyway, the amendment I refer to as another legislative matter.

Now, I have listened to a good deal of arguments in the Committee of the Whole. It seems to me like we are at this stage where we are in a unicameral legislative body, that somehow the legislature of which I am a part, in certain cases have acted wrongly. For example, it passed the so-called primary election law so they did do something but that something is bad, therefore we should repeal it.

Now in another case, the legislature somehow did not do anything and therefore this body has decided that they would legislate a primary election law, the presidential primary election law. That's the case where the legislature did not do anything so some people say and we are going to do it.

Coming out in the near future from another committee, Health, Education, Labor, Welfare, Industry, etc., is another proposition that the legislature did enact legislation but not that they did not—well, they did enact legislation but somehow they might repeal that law. Therefore, we here in the Constitutional Convention should provide in the Constitution a provision for school advisory commission so that the legislature will not repeal that law.

Now, I don't know where we are at this point. Either we're in unicameral legislative session or we're in a Constitutional Convention session, or we're in some kind of combination of constitutional actions included in the statutory actions or some place along the line. I think somebody's going to get real sorry because we may come up with a very idealistic Constitution. Somehow it may be that the people are not ready for

that utopia. The more I talk the more I get confused so I give up at this point.

PRESIDENT PORTEUS: Thank you, delegate. Mr. Clerk, will you please call the roll.

DELEGATE YIM: Mr. President.

PRESIDENT PORTEUS: Delegate Yim is recognized.

DELEGATE YIM: I rise on a point of information.

PRESIDENT PORTEUS: State your point, delegate.

DELEGATE YIM: Mr. President, would the proposed amendment and the motion that we are about to vote on, if passed, would have the practical effect of voting the provision pertaining to the presidential primary election?

PRESIDENT PORTEUS: The present amendment will stand by itself. I understand that another amendment will later be presented with respect to the deletion of the presidential primary vote. At the moment we are dealing with the amendment submitted by Delegate Nakatani.

DELEGATE KAGEYAMA: Mr. President, I rise on a point of information from—

PRESIDENT PORTEUS: Delegate Kageyama is recognized.

DELEGATE KAGEYAMA: On my desk and one question I had on the amendment but the policy of the President would be what. As to the voting by section or by article, so that if we are to adopt a section, is that the system that we are going to propose to the public? I would like to have that from the President, the procedure of voting by the article.

PRESIDENT PORTEUS: At present what we will do is we will take this amendment and if it passes, it thereby will have amended the main proposal. If it does not pass, it will not. We will then proceed to the consideration of the next amendment and if it is adopted then the committee proposal will be amended accordingly.

Whichever the result will be, it will be up to the Committee on Submission and Information to study all the various proposals that may come before it and then make a recommendation to this body later on as to whether it will be a vote on the entire suffrage and elections section or whether these will be divided up and voted on separately. And you will have an opportunity as a delegate to participate in that decision at a later time.

DELEGATE KAGEYAMA: So that, Mr. President, how will the public vote on by article or by section?

PRESIDENT PORTEUS: It will be determined by this Convention at a later date.

DELEGATE KAGEYAMA: Later date, not in this session?

PRESIDENT PORTEUS: That is right.

DELEGATE KAGEYAMA: Thank you.

DELEGATE YIM: Mr. President.

PRESIDENT PORTEUS: Delegate Yim.

DELEGATE YIM: Mr. President, since there might be a relationship between this particular vote on this particular amendment with a possibility of an amendment to eliminate the presidential primary provision in the committee report, is it improper to defer this matter until the end of the calendar?

PRESIDENT PORTEUS: The Chair would prefer to have a vote on this now; otherwise, the same argument will come up in relation to the presidential primary. The Chair would prefer at this time that the body determine its position by voting.

Mr. Clerk, please call the roll.

(Roll call having been ordered, the motion to adopt the amendment offered by Delegate Nakatani on Section 4 of Article II failed to carry by a vote of 36 ayes and 42 noes, with Delegates Akizaki, Amano, Ando, Beppu, Bryan, Donald Ching, Hung Wo Ching, Dodge, Doi, Goemans, Hara, Ho, Kaapu, Kamaka, Kawakami, Kawasaki, Kunitamura, Larson, Rhoda Lewis, George Loo, Matsumoto, Menor, Miyake, Mizuha, Morioka, Nakama, Noguchi, O'Connor, Oda, Ozaki, Pyo, Saiki, Schulze, Souza, Taira, Uechi, Ueoka, Ushijima, Yim, Yoshinaga, Young and Porteus voting no, and Delegates Dyer, Kato, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: The motion has been lost. The Chair at this time will recognize Delegate Ando.

DELEGATE ANDO: Mr. President, I move to amend Section 5 of Article II of the State Constitution in Committee Proposal No. 1, Draft No. 1, as amended, by amending the last sentence to read as follows:

“Presidential preference primary may be held in accordance with law.”

PRESIDENT PORTEUS: Thank you.

DELEGATE PYO: Mr. President, I second the motion.

PRESIDENT PORTEUS: It's been seconded for the record by Delegate Pyo. Delegate Ando is recognized.

DELEGATE ANDO: Mr. President, I have stated in my initial objection in the Committee of the Whole that the legislature has the basic power to legislate in this area of primary elections and so forth.

I have with me a copy of the eloquent statement

from the delegate from the district of Hawaii who stated well, Mr. Chairman, we waited for many, many years and the legislature has not acted. Certainly, this is a most important gripe and a basic matter. When this gentleman had stated that the legislature did not do this task, I was concerned that the legislature was apathetic. That it did not do one of the important responsibilities of our society by granting as much franchise to its people as possible.

But as I review the record, Mr. President, the Legislative Reference Bureau stated that from statehood to today, researching the index of bills and resolutions submitted to the state legislature, there was not a single bill proposing the enactment of presidential preference primary before the state legislature. It is apparent, Mr. President, that there has been no strong clamor for the enactment by legislation for such a franchise to our people.

I ask the assembly, Mr. President, is it not more proper that we suggest to the legislature that where it appears that the people wish to have this opportunity that they enact the proper legislation that would permit this kind of participation by the people of Hawaii.

I raise this question because there are instances when presidential candidates prefer not to participate in presidential preference primaries and would not come to Hawaii or to any other state, as it has been noted in some states of our union, to file and be on the presidential primary election. And therefore, I believe, Mr. President, with many in the Convention here, that we ought to leave this to the legislature.

PRESIDENT PORTEUS: Thank you very much.

DELEGATE DOI: Mr. President.

PRESIDENT PORTEUS: Delegate Doi is recognized and after that I will recognize Delegate Loo. Delegate Doi is recognized.

DELEGATE DOI: Mr. President, all I want to say is nothing new has been said this morning by the movant of this motion to amend Committee Proposal No. 1.

It appears to me that the intent of the proposal to amend is to leave the entire question of whether we are going to have a presidential preferential primary or not in the hands of the legislature. Now, if that be the case, why did not the delegate, for example, move to delete the entire sentence. This would have been more honest.

PRESIDENT PORTEUS: Delegate Loo is recognized.

DELEGATE GEORGE LOO: Will the movant yield to a question?

PRESIDENT PORTEUS: Will you state the question first. I think it is appropriate that the person, before he decides whether he will yield or not, know what he is going to be asked.

DELEGATE GEORGE LOO: My question is

whether or not at the present time the legislature has the power to establish a presidential primary.

PRESIDENT PORTEUS: I think that is very clear in the minds of all the delegates the legislature has and it won't be necessary for the delegate to yield.

Delegate Sutton is recognized.

DELEGATE SUTTON: Mr. Chairman, I would be of the opinion that this matter has been sufficiently debated in the Committee of the Whole so that all are sufficiently appraised and I would move for the question.

PRESIDENT PORTEUS: No, I will not recognize the motion for the previous question but I will appreciate it if the body is ready to vote. No further delegates desire to be recognized? Then, may I clarify it that a vote "aye" will delete the presidential primary. A vote "no" will retain it in the proposal. A vote "aye" will delete the presidential primary from this proposal.

DELEGATE ANDO: Mr. President, may I suggest that it will make it permissive rather than mandatory.

PRESIDENT PORTEUS: That is correct. It shall make it permissive rather than mandatory. You're correct.

DELEGATE ANDO: Thank you.

(Roll call having been ordered, the motion to adopt the amendment offered by Delegate Ando on Section 5 of Article II was carried by a vote of 43 ayes and 35 noes, with Delegates Aduja, Alcon, Amaral, Andrade, Ansai, Bacon, Donald Ching, Doi, Hansen, Hara, Harper, Hitch, Ho, Kaapu, Kageyama, Kauhane, Kawasaki, Kudo, Larson, George Loo, Lum, Medeiros, Mizuha, Noguchi, Ozaki, Schulze, Souza, Sutton, Suwa, Takamine, Ueoka, Wright, Yim and Porteus voting no; and Delegates Dyer, Kato, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: The amendment has carried. The Chair will now recognize Delegate Mizuha.

DELEGATE MIZUHA: Mr. President, I have an amendment. The Printing Committee has been asked to print the amendment and it is now being circulated. I wish to apologize to the members of this Convention.

DELEGATE UEOKA: Mr. President, may I rise just to request a short recess so that the amendment could be circulated and then debated?

DELEGATE MIZUHA: I'd be very happy—

PRESIDENT PORTEUS: A recess is declared, very short.

At 9:55 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:58 o'clock a.m.

PRESIDENT PORTEUS: The session will please come to order. The Chair recognizes Delegate Mizuha.

DELEGATE MIZUHA: Mr. President, I offer the following amendment to Committee Proposal No. 1. This is an amendment to Section 5 of the committee proposal. It will amend the second—first sentence to read as follows:

“Contested elections shall be determined by the Supreme Court in such manner as shall be provided by law.”

I move that the amendment be adopted.

DELEGATE KUNIMURA: Mr. President.

PRESIDENT PORTEUS: Delegate Kunimura is recognized.

DELEGATE KUNIMURA: I second the motion.

PRESIDENT PORTEUS: It has been moved and seconded. The Chair now recognizes Delegate Mizuha.

DELEGATE MIZUHA: I wish to apologize to the members of the Convention. My arduous duties in conducting that play, “The Making of a Judge,” somehow or the other occupied much of my time and I forgot to submit this amendment. Now, if you, the members of this Convention, will go back some two years ago, there was another play in Hawaii known as “The Making of a Governor.” And during the course of the election of that governor in the fall of 1966 there was a contested election after the election of our incumbent governor. The defeated candidate rushed to the circuit court which is now provided by law to hear contested elections. And it took the supreme court of this State almost two years before it had the case before it and to decide whether or not the incumbent governor was legally elected.

Now, it seems absurd to have the contested elections determined in the circuit court and then through the process of appeal finally and definitely determined by the supreme court. It would take about two years.

With reference to the representative whose election is contested, he might have served one full term and still the supreme court hasn't decided whether he was legally elected or not. Fortunately for the governor he had served two years before the supreme court said that everything that has happened since he was sworn into office is legal.

I doubt very much whether there should be any debate on this subject. However, there's always someone who is questioning the offering of an amendment to the proposal. And, Mr. President, I shall be happy to answer any question that is within my power on this amendment. If I cannot answer it then I will call upon my former colleague, Sister Lewis, who I'm sure will have the answers.

PRESIDENT PORTEUS: Thank you very much,

delegate. I recognize Delegate Fasi now.

DELEGATE FASI: Mr. President, I happen to be that someone to ask the question on the amendment proposed by Delegate Mizuha. The question is, “Under the present section of the Constitution, is it not possible for the legislature to, in effect, enact the same provision that he would put in the Constitution?”

DELEGATE MIZUHA: Mr. President.

PRESIDENT PORTEUS: Delegate Mizuha is now recognized for the purpose of answering the question.

DELEGATE MIZUHA: The legislature can say that the supreme court will be the court of original jurisdiction for contested elections. But strange as it may seem, two sessions of the legislature have passed since the filing of the complaint by Brother Johnston, the Chairman of the Republican Party and no action has been taken. This is just a simple revision here in the Constitution which says that the supreme court shall be the court in which contested elections will be decided.

PRESIDENT PORTEUS: Thank you, delegate. Delegate Aduja is recognized.

DELEGATE ADUJA: Mr. President, I'd like to raise a question also of my former boss. Delegate Mizuha, if this proposed amendment is accepted by this body, will not those that are running for a lower house find it more difficult to go up there in view of the fact that the cost involved that they may stop at the lower court rather than go into the upper court.

PRESIDENT PORTEUS: Delegate Mizuha is recognized.

DELEGATE MIZUHA: I believe, Mr. President, that the cost will be less in the supreme court than in the circuit court because you have to only try it once.

PRESIDENT PORTEUS: Thank you. Delegate Dodge is recognized.

DELEGATE DODGE: Mr. President, I will vote in favor of the amendment on the basis of three personal experiences that I've had in contested elections. One, I think in 1952, involving the office of city and county treasurer, at that time the procedure was to take the matter directly to the supreme court. Following that, the legislature in '54 or '55, I don't remember exactly when, changed the law and had contested elections begin in the circuit court. I participated in one that was not appealed and also the last one that Delegate Mizuha referred to that was appealed. So I have been through three of them, all three different situations, and on the basis of that experience, I would urge that the delegates vote for the amendment. It is much simpler in the supreme court to begin with.

PRESIDENT PORTEUS: Thank you, delegate. Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: Mr. President, I have a

question that I would like to ask of Delegate Mizuha and that is that he mentioned that the legislature has taken no action on this matter in the past. I wonder whether or not the delegate knows whether this matter has ever been brought before the legislature or whether anybody had suggested it before.

DELEGATE MIZUHA: During the argument here, and Brother Dodge was there, in questioning the counsel for the State, I did remark to the counsel very abruptly perhaps, and it was reported in the newspapers, that the attorney general's office should immediately seek relief from the legislature and have the laws amended but no action was taken.

PRESIDENT PORTEUS: It seems to be a rerun, is it not, delegate?

DELEGATE MIZUHA: Yes, Mr. President.

PRESIDENT PORTEUS: The question now before the house is to amend Section 5 of Article II to amend the third sentence to read that, "Contested elections shall be determined by the Supreme Court as shall be provided by law." Mr. Clerk, please call the roll.

(Roll call having been ordered, the motion to adopt the amendment offered by Delegate Mizuha to Section 5 of Article II was carried by a vote of 44 ayes and 34 noes, with Delegates Akizaki, Alcon, Ando, Ariyoshi, Bacon, Bryan, Burgess, Fasi, Goemans, Ho, Jaquette, Kamaka, Lalakea, Larson, Peter Lewis, Frank Loo, George Loo, Miyake, Morioka, Noguchi, O'Connor, Pyo, Schulze, Steiner, Suwa, Taira, Takamine, Uechi, Ueoka, Ushijima, Wright, Yim and Yoshinaga voting no; and Delegates Dyer, Kato, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: Motion has been carried. The amendment has been carried. The Chair recognizes Delegate Bryan.

DELEGATE BRYAN: Mr. Chairman, I have a further amendment to this section but it's being printed at the moment.

PRESIDENT PORTEUS: Let me ascertain—has that been printed and on the Clerk's desk as yet?

CLERK: Mr. President, it's in the process of being printed.

PRESIDENT PORTEUS: The Chair declares a short recess subject to the call of the Chair. Please do not leave the building.

At 10:10 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:13 o'clock a.m.

PRESIDENT PORTEUS: The Convention will come to order. Delegate Yoshinaga is recognized.

DELEGATE YOSHINAGA: I'd like to have

something clarified for me. On this action we just took, we adopted an amendment, is that correct?

PRESIDENT PORTEUS: That is correct.

DELEGATE YOSHINAGA: And do I understand correctly that this matter could be handled by legislation. In other words, under our Constitution the legislature has the authority to deal with this matter?

PRESIDENT PORTEUS: Yes, I think that was brought out in debate.

DELEGATE YOSHINAGA: Mr. President, I move to reconsider our action on the so-called presidential preference primary vote—

PRESIDENT PORTEUS: One moment please. Can we have a brief recess?

DELEGATE YOSHINAGA: Before you declare a recess, Mr. President, I'm also going to move to reconsider our action on the so-called secrecy of voting matter.

PRESIDENT PORTEUS: One motion at a time, please.

DELEGATE YOSHINAGA: I'm not putting two motions. I'm giving you information now before you declare a recess.

PRESIDENT PORTEUS: Thank you very much. You'll not be recognized until there is a brief recess.

At 10:14 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:15 o'clock a.m.

PRESIDENT PORTEUS: The Convention will please come to order. Delegate Yoshinaga is recognized.

DELEGATE YOSHINAGA: Mr. President, I'd like to rise to a point of parliamentary inquiry. Is it the proper order to take the last amendment that was acted on first?

PRESIDENT PORTEUS: I beg your pardon.

DELEGATE YOSHINAGA: The matter of reconsideration. Do I go to the last matter that was taken up?

PRESIDENT PORTEUS: You may reconsider any item you choose. I also point out to you that there is another amendment pending on the desk.

DELEGATE YOSHINAGA: May I withdraw my motion at this time?

PRESIDENT PORTEUS: All right. Delegate Bryan is recognized.

DELEGATE KAWASAKI: Mr. Chairman.

PRESIDENT PORTEUS: Delegate Bryan has been recognized.

DELEGATE KAWASAKI: Point of order, Mr. Chairman.

PRESIDENT PORTEUS: You may state your point.

DELEGATE KAWASAKI: I believe point of order could be contested. I think the motion of Delegate Yoshinaga to have the vote taken on the Ando amendment reconsidered is perfectly in order. I think what Delegate Bryan intends to do here, which is to nullify the vote taken on Delegate Ando's amendment could be accomplished by Delegate Yoshinaga's intent to reconsider the vote.

PRESIDENT PORTEUS: The delegate may be quite correct but the motion to reconsider was withdrawn and Delegate Bryan is recognized for the purpose of presenting his amendment.

DELEGATE YOSHINAGA: Mr. President, may I interrupt Delegate Bryan for a second, with your permission. The last question I asked was merely a matter of procedure so that all of us would know how to go about providing for a motion for reconsideration when a number of amendments are offered. And if I understood you correctly, there is another pending motion or amendment.

PRESIDENT PORTEUS: There is another pending amendment. It has not been moved on as yet and the Chair has recognized Delegate Bryan for the purpose of presenting that amendment.

DELEGATE YOSHINAGA: All right. Secondly, Delegate Kawasaki, if I understood him correctly, was also raising the same question that I'm raising now. What is the manner of procedure? Do we state a motion to reconsider upon the action of an amendment or do we wait until the series of amendments are terminated, or what?

PRESIDENT PORTEUS: The Chair will say that the delegates may move for reconsideration at any time and they do not need to wait for every amendment to be considered. Delegate Bryan is recognized.

DELEGATE YOSHINAGA: Thank you very much.

DELEGATE BRYAN: Mr. President, I offer an amendment that was printed and circulated to the effect that the last sentence of Section 5, Article II of the committee proposal, as amended, be deleted. My reason for this—

PRESIDENT PORTEUS: May we have a second first before debate?

DELEGATE GEORGE LOO: Mr. Chairman.

PRESIDENT PORTEUS: Delegate Loo is recognized.

DELEGATE GEORGE LOO: I second that motion.

DELEGATE KAUHANE: Mr. President, I rise to a point of—

PRESIDENT PORTEUS: Delegate Bryan, being the maker of the motion for amendment is recognized in order to speak on it and I will recognize you next, Delegate Kauhane.

DELEGATE KAUHANE: I rise to a point of order before Delegate Bryan may have an opportunity to speak, Mr. President.

PRESIDENT PORTEUS: A point of order is always in order. State your point.

DELEGATE KAUHANE: Thank you very much for the recognition. Mr. President, isn't this probably a legislative matter that is now being brought up?

PRESIDENT PORTEUS: That's not a point of order.

DELEGATE KAUHANE: Mr. President, why I'm asking you this is because I just wanted to know, Mr. President, if this can be referred back to the Committee on Amendment and Revision since this is a separate item.

PRESIDENT PORTEUS: That is a point of information, not a point of order, delegate.

DELEGATE KAUHANE: I rise to a point of order that the amendment as offered is not a proper amendment to offer at this time.

PRESIDENT PORTEUS: The Chair is prepared to rule at this time and I will rule that the amendment is in order.

DELEGATE AJIFU: Mr. Chairman, I rise to a point of order.

PRESIDENT PORTEUS: Delegate Ajifu is recognized on a point of order. Please state your point of order.

DELEGATE AJIFU: Mr. President, I believe the proper motion should be to reconsider rather than an amendment because this amendment is in reference to the amendment that was already passed.

PRESIDENT PORTEUS: The Chair will point out that a motion to reconsider would leave the other motion pending and the situation would be that the permissive rather than the mandatory would be up for a vote. It doesn't delete it. This is a motion which is in order to delete the sentence in its entirety.

DELEGATE BRYAN: Mr. President, if I may speak—

PRESIDENT PORTEUS: The delegate is recognized for the purpose of speaking on the motion.

DELEGATE BRYAN: I may help to answer some

of the questions that are being asked. The reason for this amendment is not to try to undo something that's been done but is to take the onus of change away from the Style Committee as the Style Committee might be criticized for dropping this sentence which in effect has no meaning in the Constitution. The Constitution is permissive without it. This sentence in itself is permissive and therefore, I thought it would result in a better form in our Constitution to delete this sentence entirely. I'm sorry if I disrupted the entire body.

PRESIDENT PORTEUS: Is there any further debate? If there is no further debate, Mr. Clerk, please call the roll. The roll call will be on the motion which in effect will delete the presidential preference primary.

DELEGATE AJIFU: Mr. Chairman, Mr. President, I rise to a point of information.

PRESIDENT PORTEUS: Delegate Ajifu is recognized.

DELEGATE AJIFU: If this motion was passed in essence do we come back to the original committee report?

PRESIDENT PORTEUS: If this motion is passed, there will be no provision with respect to a presidential primary in Committee Proposal No. 1.

DELEGATE LUM: Mr. President.

PRESIDENT PORTEUS: Delegate Lum is recognized.

DELEGATE LUM: Does that mean that if we vote on this there will therefore not be able to reconsider the amendment as made earlier?

PRESIDENT PORTEUS: If this is amended the sentence will be deleted.

DELEGATE KAWASAKI: Mr. Chairman.

PRESIDENT PORTEUS: Delegate Kawasaki is recognized.

DELEGATE KAWASAKI: I think Delegate Bryan fully recognizes what was the net effect of a majority vote passing this amendment submitted by Delegate Bryan. It completely nullifies the amendment passed by majority vote, the amendment made by Richard Ando, and I think this sets a bad precedent in that an amendment that's offered on the floor and passed by majority vote could later be deleted by another amendment that completely nullifies the action taken previously. I think it is a bad order or bad procedure and I would hate to have this precedence set. I would prefer, as stated by Delegate Ajifu and Delegate Yoshinaga, to have this vote reconsidered. This to me is the proper manner in which—

PRESIDENT PORTEUS: There is a motion now before the house and while the Chair may agree with you as to the process that might be the best, I think

under the *Rules of Order* the motion is in order and therefore has to be presented.

DELEGATE KAWASAKI: Mr. President, you're not concerned that this sets a very bad precedence then?

PRESIDENT PORTEUS: I'm sure that another way would perhaps even be better than that under the *Rules of Order* once we get to a point where we have made a series of amendments to an article, people may want to delete something where they'd actually change the word and I'm looking forward to that precedent.

DELEGATE KAWASAKI: All right, Mr. President, in that case, Mr. President, I speak against voting in favor of this amendment so we can go to a motion to reconsider.

PRESIDENT PORTEUS: Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: Mr. President, am I correct in assuming that the effect of the adoption of this amendment would in effect result in the deletion within the proposal so that the last sentence and the proposal would effectively be deleted?

PRESIDENT PORTEUS: That is correct.

DELEGATE ARIYOSHI: And that this is the ruling of the Chair, is that correct?

PRESIDENT PORTEUS: If this carries, it will delete the amended original provision which was on a mandatory basis which was changed by the vote of this body to a permissive basis and the motion now is to delete it in its entirety so that there will be nothing in its place.

DELEGATE ARIYOSHI: In order to further clarify this, Mr. President, it would then mean that the last sentence in the original proposal would be deleted.

PRESIDENT PORTEUS: That is right. There'd be no reference to presidential primary.

At 10:25 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:29 o'clock a.m.

PRESIDENT PORTEUS: The Convention will please come to order. Delegate Bryan is recognized.

DELEGATE BRYAN: Mr. President, there has been some misunderstanding of the amendment which I proposed. In my mind it was primarily to keep the language in the Constitution clear and clean. I think it is probably more important that we should determine the will of this body. In order to determine the will of this body, we must break the logjam that we have and I will withdraw my amendment at this time for that purpose.

PRESIDENT PORTEUS: Thank you very much. The

floor is now open for the purpose of moving to reconsider if anybody so desires.

DELEGATE KAWASAKI: Mr. President.

PRESIDENT PORTEUS: Delegate Kawasaki is recognized.

DELEGATE KAWASAKI: Mr. President, I move to reconsider the vote taken on what I refer to as the Ando amendment.

PRESIDENT PORTEUS: On the presidential primary?

DELEGATE KAWASAKI: That is correct.

DELEGATE ANDO: Mr. President, point of personal privilege.

PRESIDENT PORTEUS: State your point of personal privilege.

DELEGATE ANDO: May I suggest, Mr. President, that no motion is a property of a delegate but of the assembly.

PRESIDENT PORTEUS: You are correct. We will refer to it as either the second one presented or the one in relation to presidential primary. The motion for reconsideration has not yet been seconded. Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: Mr. President, I rise on a point of order.

PRESIDENT PORTEUS: State your point.

DELEGATE ARIYOSHI: May I inquire first whether or not the delegate who made the motion to reconsider it voted in the affirmative or negative. My record shows that he voted in the negative and therefore, if so, he is not in order to make the motion to reconsider.

DELEGATE KAWASAKI: Mr. Chairman, the point taken by Delegate Ariyoshi is well taken.

PRESIDENT PORTEUS: Thank you, the motion therefore was not in order. Is there anyone who voted in the majority who desires to move to reconsider? Unless there is somebody in the majority who desires to make such a motion, reconsideration is not in order. Delegate Ajifu is recognized.

DELEGATE AJIFU: This is for a point of information. The motion to reconsider would be replaced with the proposed amendment by Mr. Bryan. Is that it?

PRESIDENT PORTEUS: If it isn't reconsidered we will then move on to the next business that is presented. Delegate Hung Wo Ching is recognized.

DELEGATE HUNG WO CHING: Mr. President, I

move for reconsideration.

PRESIDENT PORTEUS: May the Chair ascertain whether the delegate voted in the majority?

DELEGATE HUNG WO CHING: Yes.

PRESIDENT PORTEUS: Is that correct, Mr. Clerk?

CLERK: Yes, Mr. President.

PRESIDENT PORTEUS: The motion therefore is in order. Delegate Ching is recognized.

DELEGATE DONALD CHING: Am I in order to second the motion? I voted in the negative.

PRESIDENT PORTEUS: You are in order to second the motion.

DELEGATE DONALD CHING: I second the motion.

PRESIDENT PORTEUS: It has been moved and seconded that this body reconsider its action on the motion to make the presidential preferential primary on a permissive rather than a mandatory basis.

DELEGATE KAWASAKI: Mr. Chairman.

PRESIDENT PORTEUS: Delegate Kawasaki is recognized.

DELEGATE KAWASAKI: I am going to make my spiel very short. I would like to state at this point that in my opinion and judgment, the matter of whether the people of Hawaii shall have a presidential preference primary is very much the business of this body, and I would hope that we can muster enough votes in the majority to nullify the majority vote taken on the previous amendment.

PRESIDENT PORTEUS: The Chair will point out that if the "ayes" prevail that the motion has been reconsidered and that it will then be up to the body for further consideration. Delegate Fernandes is recognized.

DELEGATE FERNANDES: Mr. President, are you going to direct a roll call vote or would you ask—

PRESIDENT PORTEUS: We will have a roll call if it is so desired.

DELEGATE FERNANDES: Thank you. Now, may I ask if there are ten people here, ten delegates who wish a roll call.

PRESIDENT PORTEUS: The Chair will order a roll call. The motion before this body is for the reconsideration of the motion which carried changing the presidential primary from a shall to a permissive basis. All those in favor of reconsidering the action previously taken will vote aye; those opposed will vote no.

Mr. Clerk, please call the roll.

(Roll call having been ordered, the motion to reconsider the action taken on the presidential preference primary amendment offered by Delegate Ando to Section 5 of Article II failed to carry by a vote of 36 ayes and 41 noes, with Delegates Ajifu, Akizaki, Alcon, Amano, Ando, Ariyoshi, Beppu, Bryan, Burgess, Chang, Devereux, Dodge, Fernandes, Hara, Hasegawa, Hidalgo, Jaquette, Kamaka, Kato, Kauhane, Kawakami, Kudo, Kunimura, Peter Lewis, Frank Loo, George Loo, Menor, Miyake, Nakama, O'Connor, Oda, Ozaki, Pyo, Saiki, Shiigi, Souza, Sutton, Taira, Uechi, Ushijima and Yamamoto voting no, and Delegates Dyer, Fasi, Minn, Morioka and Takahashi being excused.)

PRESIDENT PORTEUS: The motion for reconsideration has failed.

Now Delegate Bryan wishes to represent his motion for deletion. We will then have clearly before this Convention the question as to whether we should have a permissive provision or not.

And I recognize Delegate Bryan.

DELEGATE BRYAN: Thank you, Mr. President. I offer again my amendment which would delete the sentence which permits a preferential primary and my reason—

PRESIDENT PORTEUS: Is there a second to the motion?

Delegate Loo is recognized.

DELEGATE GEORGE LOO: I second the motion.

PRESIDENT PORTEUS: I now recognize Delegate Bryan for a statement of his position.

DELEGATE BRYAN: My reason for deleting it is strictly one of clarity. I think the particular subject has been given sufficient emphasis and publicity to date. And I believe the legislature will take cognizance—

PRESIDENT PORTEUS: The Chair will appreciate a vote on the matter.

Delegate Doi is recognized.

DELEGATE DOI: Mr. President—

PRESIDENT PORTEUS: And Delegate Sutton if he desires to be.

DELEGATE DOI: —as admitted by the movant of the motion, this is purely for clarity; it has nothing to do with substance. If that be the case, Mr. President, certainly a point of order should prevail, that this particular motion to delete something meaningless or something that is nothing has no place before this body for consideration.

PRESIDENT PORTEUS: The Chair will rule that

the body having carried a motion to have a permissive presidential primary, that while the Committee on Style would have the option to reconsider the language, the desire of this body to have such a provision included would have to be respected; and therefore, the motion to delete is in order.

DELEGATE DOI: Mr. President, I gathered a little while ago when we took the recess, that the President of this Convention had felt on the point of order raised earlier, that the point of order was well taken, that this move here to delete the last sentence in the particular section was susceptible of a point of order and therefore the recess was taken, and therefore the course of action. Now, if that be the case, very certainly this last motion to delete is out of order and the last amendment making it permissive, I should say, should be the last action of this body.

PRESIDENT PORTEUS: The Chair will clarify that. The Chair took the recess in order to determine whether or not there was not a possibility of the people who desired to turn to the mandatory language; and if the sentence had been deleted, the Convention would have found itself in a position, as several delegates pointed out, of finding it a difficult route to get back to mandatory language if they so desired. And therefore the suggestion was made during recess that it was being withdrawn. The Chair rules that the motion is in order.

Delegate Sutton is now recognized, followed by recognition of Delegate Hitch.

DELEGATE SUTTON: I wish to talk against the motion to delete. An election to elect eighty-two people who sit in this room was held at considerable expense and a million dollars was appropriated. I do not feel that this argument that we should make a line that is arbitrary between what constitutes our business and what constitutes legislative should ever violate the basic concept of the rights of the individual citizen to have something like the presidential primary.

Thank you.

PRESIDENT PORTEUS: Thank you. Delegate Hitch is recognized.

DELEGATE HITCH: A point of information. Several of the last speakers have referred to this proposed amendment as deleting the "permissive" character of the action taken earlier—

PRESIDENT PORTEUS: That is correct.

DELEGATE HITCH: —in the prior amendment. Am I not right in thinking that the legislature now has the right to install or to order a presidential primary.

PRESIDENT PORTEUS: I think, delegate, it has been brought up many times in the debate that the legislature does have the power.

Delegate Lewis is recognized.

DELEGATE RHODA LEWIS: On a question of permissive provisions, may I point out that Article VIII presently provides:

"Section 2. The State shall have power to provide for treatment and rehabilitation ... of ... handicapped persons.

"Section 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health."

Certainly, I think, none of us have any doubt but what the purposes of, say, Section 3 should be accomplished without this provision. I think we are on very dangerous ground if we are going to delete a provision merely because it is permissive.

PRESIDENT PORTEUS: Mr. Clerk, please call the roll. Those in favor of the deletion will vote "aye," those opposed to the deletion will vote "no."

(Roll call having been ordered, the motion to adopt the amendment offered by Delegate Bryan on Section 5 of Article II failed to carry by a vote of 36 ayes and 41 noes, with Delegates Akizaki, Amano, Andrade, Ansai, Bacon, Chang, Donald Ching, Hung Wo Ching, Devereux, Doi, Hansen, Hara, Hasegawa, Hidalgo, Ho, Jaquette, Kaapu, Kageyama, Kamaka, Kauhane, Kawasaki, Kudo, Kunimura, Rhoda Lewis, Frank Loo, Lum, Medeiros, Mizuha, Nakatani, Noguchi, Ozaki, Pyo, Schulze, Souza, Steiner, Sutton, Suwa, Takamine, Uechi, Wright, Yim and Young voting no; and Delegates Dyer, Fasi, Minn, Morioka and Takahashi being excused.)

PRESIDENT PORTEUS: The motion has failed to carry.

DELEGATE DONALD CHING: Mr. President, I rise on a point of information.

PRESIDENT PORTEUS: The Chair will recognize Delegate Ching.

DELEGATE DONALD CHING: What is the recourse of those of us in the chamber when we cannot hear the vote of a delegate. Can we interrupt the taking of the vote at that time?

PRESIDENT PORTEUS: The Chair, because of the real difficulty at present, will rule that while the rules provide that the roll call shall not be interrupted, if any delegate informs the Chair that he can't hear, the Chair will remind the delegates to please vote in the fashion that others may hear. This will be an exception, but I hope that everybody will please remember; one, not to turn on your mikes too early because it does set up a hum, but also to please vote in a fashion that will make it clear.

Delegate Beppu is recognized.

DELEGATE BEPPU: Mr. President, I would suggest that the Chair repeat the name in case you cannot hear.

PRESIDENT PORTEUS: All right. In case the Chair does not hear, then I will ask the Clerk to recall the name. That may be a very good method of doing it.

The Chair at this time will recognize the chairman of the committee, Delegate Ueoka, for the purpose of—is there any other motion?

DELEGATE YIM: Mr. President.

PRESIDENT PORTEUS: The Chair will recognize Delegate Yim.

DELEGATE YIM: I rise on a point of parliamentary inquiry.

PRESIDENT PORTEUS: State your point, delegate.

DELEGATE YIM: Mr. President, earlier this body passed an amendment pertaining to the subject of contested election.

PRESIDENT PORTEUS: That is right.

DELEGATE YIM: That subject matter was not taken up by the Bill of Rights Committee, neither was it discussed, as I recall, in the Committee of the Whole.

PRESIDENT PORTEUS: That is correct.

DELEGATE YIM: We are in the midst of the Second Reading proceeding.

PRESIDENT PORTEUS: That is right.

DELEGATE YIM: It means that anything that's adopted at this Second Reading proceeding will not be debated henceforth; am I correct?

PRESIDENT PORTEUS: That is correct.

DELEGATE YIM: Then are you setting a ruling that any amendment whether we have taken it up by committee or Committee of the Whole will be permitted to be introduced during Second Reading?

PRESIDENT PORTEUS: The Chair is in a very unfortunate position because he knows precisely the point that may be in the minds of some of the delegates. The Chair will earnestly urge that everybody bring up his proposal to the committee and the committee deal with it, and if the committee has not dealt with it, by all means you should bring it up in the Committee of the Whole. The delegate, however, who presented this motion, did present his apologies to the body saying that he had overlooked the point and felt that this was his last chance to present it. And therefore, the Chair earnestly hopes that this will not be a precedent and that delegates will not withhold their particular ideas or wait to make their motions until the matter is being considered on Second Reading. But under the rules, since the rules provide that on Second Reading proposals may be amended, the Chair will be required to recognize those amendments as presented.

The Chair will now recognize Delegate Schulze.

DELEGATE SCHULZE: Mr. President, may I request a short recess, please.

PRESIDENT PORTEUS: The Chair declares a short recess subject to the call of the Chair.

At 10:50 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:53 o'clock a.m.

PRESIDENT PORTEUS: The Convention will please come to order.

DELEGATE DOI: Mr. President.

PRESIDENT PORTEUS: Delegate Doi is recognized.

DELEGATE DOI: I move to reconsider the vote on Amendment C-3 which relates to contested elections.

PRESIDENT PORTEUS: Delegate Schulze is recognized.

DELEGATE SCHULZE: I second the motion.

PRESIDENT PORTEUS: One moment. May the Chair ascertain whether the delegate making the motion voted in the majority on this amendment.

CLERK: Yes, Mr. President.

PRESIDENT PORTEUS: The motion is therefore in order. Delegate Schulze is recognized.

DELEGATE SCHULZE: Mr. President, I second the motion.

PRESIDENT PORTEUS: It has been moved and seconded that this body reconsider its action. The floor is now open to debate and the Chair will recognize Delegate Doi.

DELEGATE DOI: Mr. President, I want to be very brief. As stated earlier, this matter was not considered in the committee. I voted in favor of it on the basis of testimony or statements made before this chamber this morning. I have now not only second, third and fourth thoughts, but sixth thoughts on this matter and I would like to have it reconsidered.

PRESIDENT PORTEUS: Thank you. Delegate Schulze is recognized, followed by Delegate Sutton.

DELEGATE SCHULZE: Mr. President, I will be equally brief. This is a Constitution we're amending and we amended this morning on the basis of a hastily entered amendment and a very few moments of debate by delegates here. There has been no report by any committee. We have no information or research on this amendment. I believe it was extremely hasty and I believe this Convention should not take action on the basis of such haste.

PRESIDENT PORTEUS: Delegate Sutton is now recognized.

DELEGATE SUTTON: I was a member of this committee. This particular subject was thoroughly explored and the entire case of the Crossley-Mills case was brought before our committee and the time element between initial filing, and we talked about those possibilities of amendments which would bring about what Mr. Aduja's amendment has brought about. Thank you.

DELEGATE STEINER: Mr. President.

PRESIDENT PORTEUS: Delegate Steiner is recognized.

DELEGATE STEINER: Mr. President, I'd just like to say I concur with the remarks by Delegate Schulze. I personally feel I would like a little more time to consider this very serious issue. What little research I have done, I've come to the conclusion it was a great body of votes in Hawaii and elsewhere, designed to make it difficult to contest an election. It is my belief, reading the amendment which was passed, that it might make it extremely easy for this kind of a candidate to have a hearing who is not satisfied with the result. Perhaps the amendment is proper. Perhaps I would vote for it but I would like a little more time to consider the implication.

PRESIDENT PORTEUS: Thank you, delegate. Is there any other delegate who wishes to be recognized? Delegate O'Connor is recognized.

DELEGATE O'CONNOR: Mr. President, I rise to speak in favor of the motion.

DELEGATE LUM: Mr. President, point of order.

PRESIDENT PORTEUS: A point of order has been raised. Please state your point of order, Delegate Lum.

DELEGATE LUM: This particular motion on the floor, is it debatable?

PRESIDENT PORTEUS: We have been permitting, and I will not cut off anybody at this present time on the motion to reconsider because people have stated their bases; therefore, I will recognize the delegate. If there is any error, it is an error by the Chair. Delegate O'Connor.

DELEGATE O'CONNOR: Thank you, Mr. President. The amendment proposed is a grant of jurisdiction direct to the supreme court in this particular State. Despite comments made by other delegates, I do not feel, and I was a member of this committee, I do not feel that this matter was thoroughly explored in committee. It certainly was not debated in the Committee of the Whole. It's a matter which never even had a First Reading, and I would suggest heartily that we reconsider this so that we can explore it thoroughly prior to granting to the supreme court original jurisdiction in that there are very few areas where our

supreme court has original jurisdiction.

PRESIDENT PORTEUS: The Chair is of the hope that once this is disposed of that we will proceed to vote on the original motion. The Chair will now recognize Delegate Kauhane followed by Delegate Ueoka and then Delegate Dodge.

DELEGATE KAUHANE: Mr. President, I'd like to speak against the motion for reconsideration. I, as a layman, respect the rights of all of the attorneys present here as delegates to this Constitutional Convention. While I give weight to all of the expressions made by the attorney, as a layman, however, I have highest regards for one who served in the supreme court level, Delegate Mizuha; also Delegate Rhoda Lewis. And if I were to be guided by the misrepresentation of facts that are now being presented by the various other delegates because they have had not sufficient time to study the subject matter thoroughly; and there was another attorney out of Stanford who stated in the committee for discussion that was had on this subject matter.

Are we being confused because of diversion of expressed personal opinions by those of the attorneys present here as delegates, or are we to vote intelligently on the subject matter that is before us.

PRESIDENT PORTEUS: Delegate, we certainly hope everybody votes intelligently but that the Chair cannot guarantee.

DELEGATE KAUHANE: Well, therefore, Mr. President, you know, I'd like to move for the suppression of the subject matter so we can get into the voting proposition.

I've already voted once in favor of the proposal; the amendment as proposed by the delegate, C-3. I'll continue to support the purpose and intent of the amendment and let's cut out all of this foolishness.

PRESIDENT PORTEUS: Fine, thank you very much. In accordance with the Chair's statement previously, he now recognizes Delegate Ueoka.

DELEGATE UEOKA: Mr. President, I would like to clear the air this morning. The implication is that the committee did not consider this matter. I would like to state as chairman of the Committee on Bill of Rights that we did consider this matter, and we felt the issue should be left alone.

PRESIDENT PORTEUS: Thank you very much for the clarification. In accordance with the Chair's statement, he will now recognize Delegate Dodge.

DELEGATE DODGE: I rise, Mr. President, on a point of information and also to make a suggestion. The point of information is that we are reconsidering something that apparently is more in the jurisdictional area of the Committee on Judiciary than it is in the Committee on Bill of Rights.

This Convention, I think, has already determined the

bill of rights on the suffrages and elections question, mainly that there should be contested elections and the legislature should provide some procedures for them. We are now faced with a single question about which court should have jurisdiction over that matter. And I think it would therefore be appropriate and I would vote to reconsider if it could be the understanding that this jurisdictional matter could be taken up by this Committee on Judiciary which is chaired by the movant of the amendment.

PRESIDENT PORTEUS: The Chair thinks it's an excellent suggestion, delegate. The only difficulty is that if we amend this section and go to Third Reading, under the rules, we cannot come back to it without unanimous consent at a later time; and we have all kinds of jurisdictions by different committees reaching into different articles and I'm afraid we will have to take the position that as we settle each article, unless the body is willing to take the full reconsideration of the matter, that it will be foreclosed.

DELEGATE DODGE: Mr. President.

PRESIDENT PORTEUS: Yes, go ahead.

DELEGATE DODGE: I had thought that perhaps if the Judiciary Committee returns a report urging the body to have the jurisdiction in the supreme court that the Style Committee could then make that provision by placing this jurisdictional point in the judiciary article rather than in this particular article.

PRESIDENT PORTEUS: You raise an interesting point of where there is conflict and whether the action of the last action will not prevail. The Chair will withhold a ruling on that until that situation arises but it is conceivably good. Delegate Medeiros is recognized.

DELEGATE MEDEIROS: May we have a one-minute recess, please.

PRESIDENT PORTEUS: A short recess and the last, the Chair hopes, is declared.

At 11:01 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 11:05 o'clock a.m.

PRESIDENT PORTEUS: The Convention will please come to order. The motion before the body is for the reconsideration of the vote taken on the amendment relating to the authority to the supreme court to deal with contested elections.

DELEGATE UEOKA: Mr. President.

PRESIDENT PORTEUS: Delegate Ueoka is recognized.

DELEGATE UEOKA: I don't know whether it's in order or not but I would like to move at this time that this particular matter, which is an issue at the present time, be recommitted to the Committee on Bill of

Rights.

PRESIDENT PORTEUS: If it is recommitted, delegate, you have a committee proposal and I'd like to see a committee proposal once it's finished to be finished; otherwise, you're coming back to amend it and you'll have a different committee proposal.

DELEGATE UEOKA: Well, I have reference only to the last particular matter, Mr. President.

PRESIDENT PORTEUS: Delegate Doi is recognized.

DELEGATE DOI: Might I suggest that procedure which is identical to that which we took under consideration of that particular sentence relating to the voting rights of the convicted felon. That is, physically take it back to committee, but technically have it in the Committee of the Whole and the chamber here; but reconsider the vote now.

PRESIDENT PORTEUS: May I ascertain from the chairman of the committee how long a time that he would require on this matter.

DELEGATE MIZUHA: Mr. President, may I offer a suggestion as the movant of the original amendment.

PRESIDENT PORTEUS: The delegate is recognized.

DELEGATE MIZUHA: May I say it seems to me there is a movement afoot that this was just slipped in on my part, which isn't so. However, I think the proper procedure is not for recommitment to the Bill of Rights and Suffrage and Elections Committee, but perhaps for recommitment to the Committee of the Whole who debated the proposal by the Bill of Rights, and Suffrage and Elections Committee. And at that time everyone will have a chance to hear whatever any other delegate has to offer on this matter. I think that is proper. I'd like to share the view of those delegates who say that they want to explore everything. Instead of a three-act play, let's get about a seven-act play.

PRESIDENT PORTEUS: The matter now before the body is reconsideration because it's already been adopted. The proposal has been amended. Now let the Chair ascertain from the chairman of the committee, Delegate Ueoka, that if he desires to have a conference with the members of his committee, would he be ready to return here this afternoon at 4:30 for the disposition of the motion to reconsider. Delegate Ueoka.

DELEGATE UEOKA: Mr. President, in fact we were supposed to have a meeting at 9:30 this morning but the Committee on Bill of Rights still has a meeting on immediately after the—well, for that reason, there is enough time, I believe, for the committee to consider.

PRESIDENT PORTEUS: If this body returns at 4:30 this afternoon will your committee be prepared to proceed with a motion on reconsideration.

DELEGATE UEOKA: I'm sure we will be able to.

DELEGATE AJIFU: Mr. President.

PRESIDENT PORTEUS: Delegate Ajifu is recognized.

DELEGATE AJIFU: I rise to a point of information.

PRESIDENT PORTEUS: State your point, delegate.

DELEGATE AJIFU: The amendment has already been adopted.

PRESIDENT PORTEUS: It has.

DELEGATE AJIFU: I am just wondering whether this is the proper procedure to refer back to recommit.

PRESIDENT PORTEUS: It is not a proper procedure to refer back and officially it will not be referred back. The motion for reconsideration of the adoption of the amendment will remain on the floor. The only thing that will happen is that the committee itself will have an opportunity to confer with their members to decide which way they wish to vote on the motion for reconsideration; but it is not re-referred to that committee. It has been adopted as part of Proposal No. 1. You are right.

Now, under these circumstances, do I hear a motion to recess until 4:30? If that motion is made the Chair will have as its first order of business the motion for reconsideration.

DELEGATE KAUHANE: I so move, Mr. President.

PRESIDENT PORTEUS: Wait for the recognition, please. Delegate Ushijima is recognized.

Announcements were made relative to committee meetings.

PRESIDENT PORTEUS: The Chair will now recognize Delegate Kauhane who desired the floor before with reference to making a motion for a recess.

DELEGATE KAUHANE: I move that we stand at recess as—

PRESIDENT PORTEUS: Till 4:30?

DELEGATE KAUHANE: —as instructed by the President.

DELEGATE PORTEUS: Thank you very much. Delegate Sutton is recognized.

DELEGATE SUTTON: I second the motion.

PRESIDENT PORTEUS: It has been moved and seconded that this body stand in recess until 4:30 this afternoon. All in favor of the motion signify your approval by saying "aye," those opposed, by saying "no." The motion is carried and this body stands in recess until 4:30 this afternoon.

At 11:10 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

AFTERNOON SESSION

The Convention reconvened at 4:30 o'clock p.m.

PRESIDENT PORTEUS: Will the Convention please come to order. There is a motion pending before the body but before disposing of that motion the Chair would like to recognize Delegate Kawakami who may have a point of interest to communicate to the delegates.

DELEGATE KAWAKAMI: Thank you, Mr. President.

PRESIDENT PORTEUS: Delegate.

DELEGATE KAWAKAMI: A short but very important announcement which I would like to make this afternoon before we start our deliberations. I am very happy to announce that my fellow delegate from Kauai is celebrating his 29th birthday today. Tony Kunimura.

PRESIDENT PORTEUS: The Chair will appoint his seatmates.

DELEGATE KUNIMURA: Mr. President, that information is an erroneous one.

PRESIDENT PORTEUS: The Chair will appoint his seatmates.

DELEGATE KUNIMURA: I am not celebrating my own birthday. I am celebrating the birthday of this State.

PRESIDENT PORTEUS: Does anybody want to reconsider that statement. If not, the motion before this body is for the reconsideration of the amendment to Section 5 which provides that the supreme court shall have jurisdiction in the case of contested elections. Is there any further discussion?

DELEGATE UEOKA: Mr. President.

PRESIDENT PORTEUS: Delegate Ueoka is recognized.

DELEGATE UEOKA: Mr. President, your Committee on Bill of Rights, Suffrage and Elections, met after recess was taken, and we have considered the amendment as proposed. Action was taken and we would like to give an advisory report to this Convention.

PRESIDENT PORTEUS: An advisory report is in order.

DELEGATE UEOKA: Your committee feels that the present status of the Constitution is sufficient so that the legislature is given enough power and authority to give the supreme court or circuit court original

jurisdiction in contested election matters. The committee feels that because there is no need for change that we should stand by or be status quo.

PRESIDENT PORTEUS: In other words, delegate, the Chair understands the feeling of the committee it is that you are suggesting a vote of "aye" on the motion to reconsider, is that it?

DELEGATE UEOKA: Yes, we would like to urge that the motion for reconsideration be supported and thereafter to vote the amendment down.

PRESIDENT PORTEUS: Thank you.

DELEGATE FERNANDES: Mr. President.

PRESIDENT PORTEUS: Has Delegate Ueoka finished? If he has, then I will recognize Delegate Fernandes and then after that, Delegate Mizuha.

DELEGATE FERNANDES: May I ask the chairman, what was the advisory vote in his committee?

PRESIDENT PORTEUS: Does the Chair wish to answer that question?

DELEGATE UEOKA: It was a very close vote. Insofar as the vote taken on the amendment as originally proposed, the vote was 10-7.

PRESIDENT PORTEUS: Thank you.

DELEGATE UEOKA: Subsequently, there was another amendment which was prepared in the committee and the vote was 9-8 against the new amendment.

PRESIDENT PORTEUS: Thank you.

DELEGATE FERNANDES: Thank you very much.

PRESIDENT PORTEUS: Delegate Mizuha is recognized.

DELEGATE MIZUHA: Mr. President, I believe a minority report from that committee is in order.

PRESIDENT PORTEUS: The Chair will recognize the delegate.

DELEGATE MIZUHA: It was the sense of the members of the committee in voting down the original amendment which was adopted by the members of this Convention by a vote of 9-8 that this was a legislative matter. For all of my brother and sister delegates I want to inform you now fifty percent of what is written into our State Constitution is a matter for the legislature.

We have been told that the Executive Committee will come out with the salary of the governor and the lieutenant governor. That is a legislative matter and we're not going to come out with that report. We have been told that the Legislative Powers and Functions

Committee will come out with the salaries of legislators. That is a legislative matter, that has to do with their own salaries. We don't have to write it into the Constitution.

For those brother and sister delegates of mine who were informed that this is a legislative matter, I want you to be consistent from now on. And whenever you vote on any proposition on the floor of this Convention, please vote consistently. Don't go up and down the stairs. If you don't vote consistently we are going to have a kind of a Constitution that looks like a first grade handbook.

PRESIDENT PORTEUS: Thank you. Delegate O'Connor is recognized.

DELEGATE O'CONNOR: I rise to speak in favor of the majority report of the committee, and lest the delegates present here feel that this is the only reason that the—

PRESIDENT PORTEUS: Delegate Ajifu is recognized on a point of order.

DELEGATE AJIFU: Is there a motion before the house for reconsideration?

PRESIDENT PORTEUS: There is a motion for reconsideration and the discussion should be as to whether the motion for reconsideration should pass or fail.

DELEGATE AJIFU: Mr. Chairman, I'd like to call your attention to Rule 37, paragraph 3, whereby states, "A motion for reconsideration shall always be in order but shall not be amendable or debatable."

PRESIDENT PORTEUS: The Chair ruled this morning that delegates were to be given the privilege of speaking on the motion to reconsider since the Chair didn't want to cut anybody else out. The Chair further said that if there was any error, it was the error of the Chair and generally speaking, under our *Rules of Order*, I'm subject to correction as you've pointed out. So if there is an error in this area, it is that by the Chair and I would like to extend the privilege of debate to everybody today.

DELEGATE AJIFU: Mr. President, I believe that we should follow the rules and then after the vote is taken then it becomes a point, whether it is debatable question or not.

PRESIDENT PORTEUS: Delegate O'Connor.

DELEGATE O'CONNOR: Mr. President, I spoke this morning and I will sit down for the time.

PRESIDENT PORTEUS: Thank you. Mr. Clerk, please call the roll. Those voting "aye" will vote to reconsider. Those voting "no" will be voting not to reconsider.

(Roll call having been ordered, the motion to

reconsider the vote taken on the amendment to Section 5 of Article II was carried by a vote of 47 ayes and 26 noes, with Delegates Ajifu, Devereux, Dodge, Fernandes, Hansen, Hasegawa, Hitch, Jaquette, Kato, Kauhane, Kawakami, Kunimura, Rhoda Lewis, Lum, Matsumoto, Menor, Mizuha, Morioka, Nakama, Ozaki, Souza, Sutton, Suwa, Yamamoto, Young and Porteus voting no, and Delegates Aduja, Hung Wo Ching, Dyer, Fasi, Goemans, Kaapu, Frank Loo, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: The motion for reconsideration has carried and the motion before the house is, "Shall the amendment to provide that contested elections shall be determined by the supreme court," be adopted or not.

Delegate Mizuha is recognized.

DELEGATE MIZUHA: It is my desire to offer a substitute amendment. Is that proper under parliamentary procedure?

PRESIDENT PORTEUS: You may make an amendment to this or withdraw the other amendment, delegate, and present a new amendment if you so desire.

DELEGATE MIZUHA: I wish to withdraw the original amendment and offer a substitute amendment.

PRESIDENT PORTEUS: First, the Chair will direct the Clerk to note in the records that the amendment has been withdrawn. The delegate is now recognized for the purpose of offering an amendment.

DELEGATE MIZUHA: The substitute amendment reads as follows: "The Supreme Court and Circuit Court shall have concurrent original jurisdiction to determine contested elections in such manner as shall be provided by law."

PRESIDENT PORTEUS: Delegate Kauhane is recognized.

DELEGATE KAUHANE: I second the motion.

PRESIDENT PORTEUS: Delegate Lum is recognized.

DELEGATE LUM: Point of information, please. We did vote on this particular motion, this amendment is passed. Is it proper to withdraw?

PRESIDENT PORTEUS: It is proper. The maker of the motion can withdraw a motion at any time.

DELEGATE LUM: Even after it's been passed?

PRESIDENT PORTEUS: No, it was reconsidered so therefore it's pending. It was not passed. It was passed and reconsidered. Therefore it is back on the floor. The body having reversed itself, the motion is pending. And being a pending motion, the maker can withdraw it at any time prior to action by the body.

DELEGATE KAWASAKI: Mr. Chairman.

PRESIDENT PORTEUS: Delegate Kawasaki.

DELEGATE KAWASAKI: I believe the point of order raised by the delegate is correct. I think once a motion is made, seconded and announced by the Chair, then it no longer belongs to the maker of that motion. It belongs to the body and in order for that motion to be withdrawn, in this case for the amendment to be withdrawn, the body will have to consent to this withdrawal.

PRESIDENT PORTEUS: I'm sorry, delegate, it's not the understanding of the Chair. This Chair will rule that the maker of the motion may withdraw it even though it has been announced. The motion before the body is that the supreme court and the circuit court shall have concurrent jurisdiction as may be provided by law.

Are you ready for the question? All those in favor of the amendment will please vote "aye," which will give the supreme court and circuit court concurrent jurisdiction as provided by law. Those who do not want this change will please vote "no." Mr. Clerk, please call the roll.

(Roll call having been ordered, the motion to amend Committee Proposal No. 1, Section 5 of Article II failed to carry by a vote of 30 ayes and 43 noes, with Delegates Akizaki, Alcon, Amaral, Ando, Andrade, Ariyoshi, Bacon, Beppu, Bryan, Burgess, Chang, Donald Ching, Doi, Hara, Harper, Hidalgo, Ho, Jaquette, Kage, Kawasaki, Lalakea, Larson, Peter Lewis, George Loo, Medeiros, Miyake, Morioka, Noguchi, O'Connor, Oda, Pyo, Saiki, Schulze, Shiigi, Souza, Steiner, Taira, Uechi, Ueoka, Ushijima, Wright, Yim and Yoshinaga voting no, and Delegates Hung Wo Ching, Dyer, Fasi, Goemans, Kaapu, Kamaka, Frank Loo, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: The motion has failed to carry. The question now before the house is the question of the passage on Second Reading of Committee Proposal No. 1, as amended, and the Chair will now recognize Delegate Ueoka for the purpose of

making the proper motion.

DELEGATE UEOKA: Mr. President, I move that we pass Committee Proposal No. 1, as amended, on Second Reading.

PRESIDENT PORTEUS: Thank you very much. Delegate Miyake is recognized.

DELEGATE MIYAKE: Mr. President, I second the motion.

PRESIDENT PORTEUS: It has been moved and seconded that Committee Proposal No. 1, as amended, pass Second Reading. All those in favor of the question signify your approval by saying "aye" and those opposed, by saying "no." Mr. Clerk, please call the roll.

(Roll call having been ordered, the motion to pass Committee Proposal No. 1, RD. 1, as amended, was carried by a vote of 71 ayes and 3 noes, with Delegates Kamaka, George Loo and Lum voting no, and Delegates Hung Wo Ching, Dyer, Fasi, Goemans, Kaapu, Frank Loo, Minn and Takahashi being excused.)

PRESIDENT PORTEUS: Committee Proposal No. 1 has passed Second Reading and is now referred to the Style Committee. I also hope at this time to compliment the chairman of the Accounts and Printing Committee for the speed with which his committee and staff operated in printing the various amendments and also to compliment the chairman of the Committee on Bill of Rights, Suffrage and Elections for having brought to the floor the first committee proposal and with the help of the chairman of the Committee of the Whole, Delegate Miyake, to the point that it has now passed Second Reading.

Are there any announcements?

ADJOURNMENT

At 4:57 o'clock p.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, August 22, 1968.

34TH DAY

Thursday, August 22, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Yoshiaki Fujitani of the Honpa Hongwanji Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Burgess, Donald Ching, Dyer, Kawakami, Minn, Takahashi and Ushijima who were excused.

The President announced that the approval of the Journal of the Thirty-Third Day would be deferred in view of the extensive debate that took place during that session and the necessity for the Clerk to make a record of it in the Journal.

Delegate Shiigi, being recognized by the Chair, rose to announce the birthday of Delegate Bryan. The President then appointed Delegates Shiigi and Young to escort Delegate Bryan to the rostrum. Having been escorted to the rostrum, Delegate Bryan stated briefly, "Happiness is everyone remembering your birthday and no one knowing which one it is."

At this time, the President stated that during yesterday's proceedings there were various delegates taking the opportunity to speak after the motion for reconsideration was made. He said that although Rule 37 states that no debate will be permitted after the motion for reconsideration has been presented, he permitted it yesterday because some of the delegates had already spoken before Rule 37 was brought to the attention of the assembly and he felt that he should give other delegates an equal opportunity to speak on the matter. He added that in the future, if the same situation should arise where a motion for reconsideration is brought to the floor, he will not permit debate on the motion but would be willing to grant a recess to discuss the issue.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and

Printing, presented a report (Stand. Com. Rep. No. 33) informing the Convention that Stand. Com. Rep. No. 32 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY

Standing Committee Report No. 32 (Article VIII, Section 5):

The President stated here that since Stand. Com. Rep. No. 32 on Article VIII, Section 5, relates to the same subject matter covered by Stand. Com. Rep. No. 30 from the Committee on Public Health, Education and Welfare; Labor and Industry, and since both reports make the same recommendation as to Section 5, they will be considered together by the Committee of the Whole on Monday, August 26, 1968.

COMMITTEE OF THE WHOLE REPORT

Delegate Kage for the Committee of the Whole, and Delegate Kamaka for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (Com. Whole Rep. No. 2) relating to the action taken by the Committee of the Whole on Stand. Com. Rep. No. 27.

The President stated that no motion for adoption of the report of the Committee of the Whole was necessary inasmuch as the oral report of the Committee of the Whole had earlier been adopted.

Accordingly, Com. Whole Rep. No. 2 was received and placed on file.

At this time, the President directed the Clerk to note the presence of Delegate Donald Ching.

ADJOURNMENT

At 9:21 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, August 23, 1968.

35TH DAY

Friday, August 23, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Gary Colton of the Cathedral of Our Lady of Peace.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Doi, Donald Ching, Minn, Saiki, Takahashi and Ueoka who were excused.

The President announced that the approval of the Journal of the Thirty-Fourth Day would be deferred until final approval of the Journal of the Thirty-Third Day.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 34**) informing the Convention that **Com. Whole Rep. No. 2** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

Delegate Kamaka, for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (**Stand. Com. Rep. No. 35**) recommending that the proposals enumerated in said report be filed, and that Article X be retained without amendment.

The President thereupon referred **Stand. Com. Rep. No. 35** relating to conservation and development of resources, to the Committee on Accounts and Printing, and placed it on the calendar for further consideration on Saturday, August 24, 1968.

INTRODUCTION OF RESOLUTION

A resolution (**Res. No. 35**) requesting an amendment to the Rules of the Constitutional Convention of Hawaii of 1968 was jointly offered by Delegates Miyake, Taira, Morioka, Ushijima, Hitch, Minn, Ajifu, George Loo, Kauhane, Kawasaki, Oda, Lum, Mizuha, Harper, Saiki, Hung Wo Ching, Fasi, Aduja, Medeiros, Nakama, Kageyama, Noguchi, Ando, Donald Ching, Goemans, Ozaki, Bacon, Nakatani, Kawakami, Fernandes,

Kunimura, Souza, Amaral, Menor, Kamaka, Steiner, Kaapu, Bryan, Shiigi, Amano, Hidalgo, Kage, Matsumoto, Young, Alcon, Ho, Kudo, Kato, Pyo, Suwa, Doi, Akizaki, Beppu, Ueoka, O'Connor, Jaquette, Hara, Uechi, Larson, Burgess, Yim, Takamine, Andrade and Yamamoto, and was read by the Clerk.

The President thereupon referred **Res. No. 35** to the Committee on Rules.

At this time, President Porteus introduced Mrs. Helene Nemschoff, Chairman of the Information Committee of the California Constitutional Revisions Commission, who was recognized by the members of the Convention.

At 9:12 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:14 o'clock a.m.

Delegate Dodge, rising on a point of information, asked the Chair whether or not **Com. Whole Rep. No. 2** would be referred to the Committee on Style.

The President replied that **Com. Whole Rep. No. 2** was merely a technical report and was being submitted as a matter of record. The President further stated that an oral report from the Committee of the Whole had been presented and adopted. At that time, the chairman asked leave to submit a written report at a later time. The President stated that this had been accepted and placed on file.

Delegate Dodge, on a further point of information, asked the Chair whether or not the Committee on Style should not be correcting any inaccuracies or repetitious matters in the Committee of the Whole report.

The President replied that it was not necessary to refer **Com. Whole Rep. No. 2** to the Committee on Style, and that the Committee on Style would be concerned with proposals referred to it.

The Chair stated that the Committee on Style should not be concerned with the rewording of articles in which there had been no change.

ADJOURNMENT

At 9:22 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, August 24, 1968.

36TH DAY

Saturday, August 24, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend George A. Jacobs of the First Christian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Fasi, Fernandes, Kudo, Menor, Minn, Mizuha, Schulze, Steiner, Takahashi, Takamine and Ueoka who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Thirty-Fifth Day would be deferred.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 36**) informing the Convention that **Res. No. 35, Stand. Com. Rep. No. 35 and Com. P. No. 1, RD. 2**, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY

Standing Committee Report No. 35 (Article X):

The President placed **Stand. Com. Rep. No. 35** on Article X, relating to development and conservation of resources, on the General Orders of the Day for

Thursday, August 29, 1968, for consideration by the Committee of the Whole.

Delegate Sutton rose on a point of parliamentary inquiry and asked the President to define the word "proposal" as in Rule 48(e), as the Committee on Style had some difficulty as to its role and scope because of the ambiguity of the word.

The President answered that a proposal in that sense he felt was a committee proposal that had gone through the Committee of the Whole and which was officially assigned to the Committee on Style. The President added that he would take the position that on consultation by the members with the chairman of the committee, should the chairman like to have the president sit with the committee, he would be glad to do so.

At 9:06 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:09 o'clock a.m.

RE-REFERRAL OF RESOLUTION NO. 9

Upon request by Chairman Kamaka and with the consent of Chairman Kato, the President re-referred **Res. No. 9**, relating to the channel waters within the boundaries of the state, from the Committee on Agriculture, Conservation, Land and Hawaiian Homes to the Committee on Revision, Amendment and Other Provisions.

ADJOURNMENT

At 9:11 o'clock a.m., on motion by Delegate Chang, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Monday, August 26, 1968.

37TH DAY

Monday, August 26, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Jack D. Knighton of the First Baptist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Beppu, Dodge, Fernandes, Hara, Matsumoto, Mizuha, Morioka and Takahashi who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Thirty-Sixth Day would be deferred.

At this time, Delegate Yamamoto introduced Miss Deborah Gima, Miss Hawaii of 1968, to the members of the Convention. The Chair appointed the Hawaii delegation to escort Miss Gima to the rostrum where she was presented with a red carnation lei. At President Porteus' request, Miss Gima entertained the delegates with a song entitled "Kaneohe." Miss Hawaii of 1968 received a standing ovation by the delegates.

At 9:15 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:25 o'clock a.m.

STANDING COMMITTEE REPORTS

Delegate Kato, for the Committee on Revision, Amendment and Other Provisions, presented a report (**Stand. Com. Rep. No. 37**) recommending that the proposals enumerated in said report be filed and Article XIII be retained without amendments.

The President thereupon referred **Stand. Com. Rep. No. 37** to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, August 27, 1968.

Delegate Doi, for the Committee on Executive, presented a report (**Stand. Com. Rep. No. 38**) recommending that the proposals enumerated in said report be filed; that Section 2, Section 4 and Section 5 of Article IV be retained without amendments; and submitting a committee proposal (**Com. P. No. 2**) for introduction and recommending its passage on First Reading.

The President thereupon referred **Stand. Com. Rep. No. 38** and **Com. P. No. 2**, entitled: "Relating to the Executive," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Tuesday, August 27, 1968.

GENERAL ORDER OF THE DAY

Standing Committee Reports Nos. 30 and 32 (Article VIII):

Delegate Taira moved that the Convention resolve itself into a Committee of the Whole to consider **Stand. Com. Rep. Nos. 30 and 32** on Article VIII, relating to public health and welfare, seconded by Delegate Devereux and carried.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 9:26 o'clock a.m., the President vacated the Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 9:44 o'clock a.m., Delegate Chang vacated the Chair and the President resumed the Chair.

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Chang, seconded by Delegate Taira and carried, the oral report of the Committee of the Whole was adopted.

At 9:46 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:49 o'clock a.m.

At 9:52 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention stood in recess until 11:45 o'clock a.m.

The Convention reconvened at 11:45 o'clock a.m.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 39**) informing the Convention that **Stand. Com. Rep. Nos. 37 and 38**, and **Com. P. No. 2** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the

committee was adopted.

The President, at this point, stated that **Stand. Com. Rep. No. 35** which would be considered by the Committee of the Whole on Thursday, August 29, 1968, involved certain questions which were also touched upon by **Stand. Com. Rep. No. 38** from the Committee on Executive.

President Porteus added that he had consulted with the chairmen of the two committees on the possibility of having the Committee of the Whole consider the two reports on Thursday and if the Convention agreed to this, a suspension of the rules would be required to permit consideration of **Stand. Com. Rep. No. 38**.

Delegate Doi moved that the rules be suspended to allow the Committee of the Whole to consider **Stand. Com. Rep. No. 38** on Thursday, August 29, 1968, seconded by Delegate Ando.

Delegate Doi, speaking in favor of the motion, stated that there would not be a denial of too much time in that it would still allow the delegates three days to study the report.

Delegate Sutton, on a point of information, asked if this would be setting a precedent on suspension of rules.

President Porteus replied that if the rules were suspended it would be purely for the purpose to take

up this particular report and the motion did not suspend the rules for any other purpose.

Delegate Fasi, on a point of information, asked whether a two-thirds vote would be required to carry the motion.

The Chair replied that a two-thirds vote of the delegates present would be required and in order to ascertain the vote, the Chair would request a division of the house.

The motion to suspend the rules of the house was put by the Chair and carried by a standing vote, with Delegate Pyo dissenting, Delegates Ajifu, Kauhane and Medeiros abstaining, and Delegates Beppu, Burgess, Donald Ching, Hung Wo Ching, Dodge, Dyer, Fernandes, Hansen, Hara, Hitch, Ho, Kaapu, Kawakami, Kawasaki, Kunimura, Lalakea, Frank Loo, Matsumoto, Minn, Mizuha, Morioka, Noguchi, Saiki, Schulze, Taira, Takahashi, Takamine and Uechi being excused.

At this time, the Chair directed the Clerk to note the presence of Delegate Dodge.

ADJOURNMENT

At 11:56 o'clock a.m., on motion by Delegate Suwa, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, August 27, 1968.

38TH DAY

Tuesday, August 27, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend David L. Sharp of the First United Methodist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Beppu, Minn, Morioka and Takahashi who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Thirty-Seventh Day would be deferred.

ORDER OF THE DAY

Standing Committee Report No. 37 (Article XIII):

The President placed **Stand. Ccm. Rep. No. 37** on Article XIII, relating to state boundaries, capital, flag, on the General Order of the Day for Friday, August 30, 1968, for consideration by the Committee of the Whole.

At this time, Delegate Shiigi informed the members of the Convention that today was Delegate Larson's birthday.

The President assigned his special committee comprised of the women delegates to escort Delegate Larson to the rostrum.

Upon being escorted to the rostrum, Delegate Larson was presented with a pakalana lei. He then thanked the members for their thoughtfulness and especially for the privilege of being escorted by so many delightful ladies.

Delegate Bacon then introduced Keala O'Sullivan, the 1968 United States 3-meter diving champion and Hawaii's contribution to the Olympics Games to be held in Mexico City this fall.

Miss O'Sullivan was then presented with a lei by Delegate Kaapu and recognized by the members of the Convention.

At the request of President Porteus, she proceeded to the rostrum and expressed pleasure in being invited to the Convention. She thanked the delegates for their reception and encouragement and said that most of the credit given to her should really go to her coach, Wallace Nakamoto.

The President then wished her success in the coming events at the Olympics and stated that her being there at the Olympics would be a wonderful thing for the State of Hawaii.

Delegate Kawasaki, at this time, informed the Convention that today was also Delegate Fasi's birthday.

The Chair once again called on his special committee of women delegates to escort Delegate Fasi to the rostrum.

Delegate Fasi, upon being presented a lei, thanked the delegates for the kindness shown and reminded the Convention that today also happened to be the birthday of the President of the United States, Lyndon B. Johnson.

Delegate Yamamoto, on a point of information, asked whether Monday, September 2, 1968, being the Labor Day holiday, would be a Convention day.

The President replied that he would have to check whether this Convention might legally sit on Monday and upon doing so would announce the decision to the delegates tomorrow.

ADJOURNMENT

At 9:20 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, August 28, 1968.

39TH DAY

Wednesday, August 28, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norman Hammer of the Prince of Peace Lutheran Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ariyoshi, Beppu, Fasi, Minn, Morioka, Takahashi and Takamine who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Thirty-Eighth Day would be deferred.

At 9:03 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:12 o'clock a.m.

Delegate Doi, being recognized by the Chair, stated that due to an oversight, Com. P. No. 2 had not passed First Reading before it was put on the General Order of the Day for consideration by the Committee of the Whole for Thursday, August 29, 1968.

Delegate Doi then moved that the report of the committee be adopted and Com. P. No. 2, entitled: "Relating to the Executive," pass First Reading by title, the proposals enumerated in said report be filed; and Sections 2, 4 and 5 of Article IV be recommended to be retained without amendment, seconded by Delegate Kamaka and carried.

At this time, President Porteus announced that Monday, September 2, 1968, would not be a Convention day.

STANDING COMMITTEE REPORTS

Delegate Mizuha, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 40) recommending that the proposals enumerated in said report be filed; that Sections 1, 5 and 6 of Article V be retained without amendment; that Sections 2, 3 and 4 of Article V be adopted as amended; and submitting a committee proposal (Com. P. No. 3) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 40 and Com. P. No. 3, entitled: "Relating to the

Judiciary," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Friday, August 30, 1968.

Delegate Taira, for the Committee on Public Health, Education and Welfare; Labor and Industry, presented a report (Stand. Com. Rep. No. 41) recommending that the proposals enumerated in said report be filed; that Sections 1 to 5 of Article IX be retained without amendment; and submitting a committee proposal (Com. P. No. 4) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 41 and Com. P. No. 4, entitled: "Relating to Education," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Friday, August 30, 1968.

Delegate Taira, for the majority of the Committee on Public Health, Education and Welfare; Labor and Industry, presented a report (Stand. Com. Rep. No. 42) recommending that the proposals enumerated in said report be filed; that Section 1 of Article XII be retained without amendment; that Section 2 of Article XII, as amended, be adopted; and submitting a committee proposal (Com. P. No. 5) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 42 and Com. P. No. 5, entitled: "Relating to Organization, Collective Bargaining," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Friday, August 30, 1968.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 43) recommending that Com. P. No. 1, RD. 2, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 43 and Com. P. No. 1, RD. 2, S. 1, entitled: "Relating to Suffrage and Elections," to the Committee on Accounts and Printing and placed them on the Clerk's desk.

Delegate Kato, for the majority of the Committee on Revision, Amendment and Other Provisions, presented a report (Stand. Com. Rep. No. 44) recommending that the proposals enumerated in said report be filed; that Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Article XIV be retained without amendment; that Article XIV be amended and submitting a committee proposal (Com. P. No. 6) for introduction and recommending its passage on First Reading.

The President thereupon referred **Stand. Com. Rep. No. 44** and **Com. P. No. 6**, entitled: "Relating to General and Miscellaneous Provisions," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Friday, August 30, 1968.

On motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention stood in recess until 5:00 o'clock p.m. this afternoon.

AFTERNOON SESSION

The Convention reconvened at 5:00 o'clock p.m.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and

Printing, presented a report (**Stand. Com. Rep. No. 45**) informing the Convention that **Stand. Com. Rep. No. 40** and **Com. P. No. 3**; **Stand. Com. Rep. No. 41** and **Com. P. No. 4**; **Stand. Com. Rep. No. 42** and **Com. P. No. 5**; **Stand. Com. Rep. No. 43** and **Com. P. No. 1, R.D. 2, S. 1**; and **Stand. Com. Rep. No. 44** and **Com. P. No. 6** had been printed and distributed.

The President ordered that action on **Stand. Com. Rep. No. 45** be deferred to Thursday, August 29, 1968.

ADJOURNMENT

At 5:06 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, August 29, 1968.

40TH DAY

Thursday, August 29, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Eijun Kujo of the Honpa Hongwanji Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Beppu, Donald Ching, Minn, Morioka and Takahashi who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Thirty-Ninth Day would be deferred.

STANDING COMMITTEE REPORT

Delegate Hung Wo Ching, for the Committee on Legislative Powers and Functions, presented a report (Stand. Com. Rep. No. 46) recommending that the proposals enumerated in said report be filed; that Sections 1, 5, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, 19 and 20 of Article III be retained without amendment; and submitting a committee proposal (Com. P. No. 7) for introduction and passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 46 and Com. P. No. 7, entitled: "Relating to the Legislature," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Tuesday, September 3, 1968.

MINORITY REPORT

Delegate Steiner for the minority of the Committee on Judiciary, presented a report on Com. P. No. 3, objecting to the retention of the "status quo" on the selection of judges.

The President thereupon referred the Minority Report on Com. P. No. 3 to the Committee on Accounts and Printing and placed it on the calendar for further consideration on Tuesday, September 3, 1968.

ORDER OF THE DAY DEFERRED MATTER

Standing Committee Report No. 45 (Accounts and Printing - Deferred from August 28, 1968):

On motion by Delegate Amano, seconded by Delegate Andrade and carried, Stand. Com. Rep. No.

45, informing the Convention of the printing and distribution of several committee reports and committee proposals, was adopted.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 35 (Article X):

Delegate Kamaka moved that the Convention resolve itself into a Committee of the Whole to consider Stand. Com. Rep. No. 35 on Article X from the Committee on Agriculture, Conservation, Land and Hawaiian Homes, seconded by Delegate Fernandes and carried.

The President appointed Delegate Kage to be chairman of the Committee of the Whole.

At 9:09 o'clock a.m., the President vacated the Chair and Delegate Kage assumed the Chair for the Committee of the Whole.

At 11:40 o'clock a.m., Delegate Kage vacated the Chair and the President resumed the Chair.

Delegate Kage, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Kage, seconded by Delegate Kamaka and carried, the oral report of the Committee of the Whole was adopted.

Committee Proposal No. 2 (Article IV):

Delegate Doi moved that the Convention resolve itself into a Committee of the Whole to consider Com. P. No. 2; and Section 2, Section 4 and Section 5 of Article IV, seconded by Delegate Fasi and carried.

The President appointed Delegate Fernandes to be chairman of the Committee of the Whole.

At 11:47 o'clock a.m., the President vacated his Chair and Delegate Fernandes assumed the Chair for the Committee of the Whole.

At 6:10 o'clock p.m., Delegate Fernandes vacated the Chair and the President resumed the Chair.

Delegate Fernandes, for the Committee of the Whole, reported orally that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Fernandes, seconded by Delegate Doi and carried, the oral report of the Committee of the Whole was adopted.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 47) informing the Convention that Stand. Com. Rep. No. 46 and Com. P. No. 7 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

At 6:17 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention stood in recess until 7:30 o'clock p.m. this evening.

EVENING SESSION

The Convention reconvened at 7:37 o'clock p.m.

Delegate Fernandes moved that the Convention resolve itself into a Committee of the Whole to further consider Com. P. No. 2 and Section 2, Section 4 and Section 5 of Article IV, seconded by Delegate Kage and carried.

The President appointed Delegate Fernandes to be Chairman of the Committee of the Whole.

At 7:38 o'clock p.m., the President vacated his Chair and Delegate Fernandes assumed the Chair for the Committee of the Whole.

At 8:37 o'clock p.m., Delegate Fernandes vacated the Chair and the President resumed the Chair.

Delegate Fernandes, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Fernandes, seconded by Delegate Doi and carried, the oral report was accepted.

At this time, Delegate Rhoda Lewis on a point of information asked whether the committee proposals to be considered by the Committee of the Whole on Tuesday would be taken up in numerical sequence.

Delegate Peter Lewis then informed the delegates that Com. P. Nos. 4 and 5 from the Committee on Public Health, Education and Welfare; Labor and Industry would be considered first; then Com. P. No. 3 from the Committee on Judiciary; and Com. P. No. 6 from the Committee on Revision, Amendment and Other Provisions.

ADJOURNMENT

At 8:44 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, August 30, 1968.

41ST DAY

Friday, August 30, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Gary Colton of the Cathedral of Our Lady of Peace.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Andrade, Beppu, Donald Ching, Kudo, Kunimura, Minn, Noguchi, Schulze and Takahashi who were excused.

The President announced that approval of the Journals of the Thirty-Third Day to the Fortieth Day would be deferred.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 48**) informing the Convention that the **Minority Report on Com. P. No. 3** had been printed and distributed.

On motion by Delegate Devereux, seconded by Delegate Amano and carried, the report of the committee was adopted.

ORDER OF THE DAY

Standing Committee Report No. 40 (Article V):

On motion by Delegate Mizuha, seconded by Delegate Steiner and carried, the report of the committee was adopted and the proposals enumerated in said report were filed: Sections 1, 5 and 6 of Article V were recommended to be retained without amendment and **Com. P. No. 3**, entitled: "Relating to the Judiciary," passed First Reading by title and Sections 1, 5 and 6 together with **Com. P. No. 3** were placed on the General Order of the Day for consideration by the Committee of the Whole on Tuesday, September 3, 1968.

Standing Committee Report No. 41 (Article IX):

On motion by Delegate Shiigi, seconded by Delegate Devereux and carried, the report of the committee was adopted and the proposals enumerated in said report were filed; Sections 1, 2, 3, 4 and 5 of Article IX were recommended to be retained without amendment and **Com. P. No. 4**, entitled: "Relating to Education," passed First Reading by title and Sections 1, 2, 3, 4

and 5 together with **Com. P. No. 4** were placed on the General Order of the Day for consideration by the Committee of the Whole on Tuesday, September 3, 1968.

Standing Committee Report No. 42 (Article XII):

On motion by Delegate Young, seconded by Delegate Uechi and carried, the report of the committee was adopted and the proposals enumerated in said report were filed; Section 1 of Article XII was recommended to be retained without amendment and **Com. P. No. 5**, entitled: "Relating to Organization, Collective Bargaining," passed First Reading by title and Section 1 together with **Com. P. No. 5** were placed on the General Order of the Day for consideration by the Committee of the Whole on Tuesday, September 3, 1968.

Standing Committee Report No. 44 (Article II):

On motion by Delegate Kato, seconded by Delegate Dodge and carried, the report of the committee was adopted and the proposals enumerated in said report were filed; Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Article XIV were recommended to be retained without amendment and **Com. P. No. 6**, entitled: "Relating to General and Miscellaneous Provisions," passed First Reading by title and Sections 1, 2, 4 to 14 together with **Com. P. No. 6** were placed on the General Order of the Day for consideration by the Committee of the Whole on Tuesday, September 3, 1968.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 37 (Article XIII):

Delegate Kato moved that the Convention resolve itself into a Committee of the Whole to consider **Stand. Com. Rep. No. 37** from the Committee on Revision, Amendment and Other Provisions, seconded by Delegate Dodge and carried.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 9:13 o'clock a.m., the President vacated the Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 9:33 o'clock a.m., Delegate Chang vacated the Chair and the President resumed the Chair.

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written

report would be filed later.

On motion by Delegate Chang, seconded by Delegate Kato and carried, the oral report of the Committee of the Whole was adopted.

The President then directed the Clerk to note the presence of Delegates Andrade, Ching, Kunimura and Schulze.

Upon being recognized by the President, Delegate Shiigi stated that Delegate Jaquette was celebrating his birthday today; and also conveyed belated birthday wishes to Delegate Suwa.

President Porteus appointed his special committee of women delegates to escort Delegates Jaquette and Suwa to the rostrum where they were presented with leis.

Delegate Suwa thanked the members of the Convention for the belated birthday greeting.

Delegate Jaquette also thanked the delegates for their thoughtfulness.

At 9:42 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:45 o'clock a.m.

ADJOURNMENT

At 9:48 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, September 3, 1968.

42ND DAY

Tuesday, September 3, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Eugene Connell of St. Mary's Episcopal Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Alcon, Andrade, Burgess, Hara and Kunimura who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Forty-First Day would be deferred.

STANDING COMMITTEE REPORT

Delegate Kato, for the Committee on Revision, Amendment and Other Provisions, presented a report (Stand. Com. Rep. No. 49) recommending that the proposals enumerated in said report be filed; that the Preamble and Sections 1, 3 and 4 of Article XV be retained without amendment; and submitting a committee proposal (Com. P. No. 8) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 49 and Com. P. No. 8, entitled: "Relating to Revision and Amendment," to the Committee on Accounts and Printing.

MINORITY REPORT

Delegate Larson, for the minority of the Committee on Legislative Powers and Functions, presented a report on Com. P. No. 7, objecting to the retention of the "status quo" in Section 7 of Article III concerning the age of qualifications of legislators; and submitting an amendment to Article III and urging its adoption.

The President referred the Minority Report on Com. P. No. 7 to the Committee on Accounts and Printing.

ORDER OF THE DAY

Standing Committee Report No. 46 (Articles III and XVI):

On motion by Delegate Hung Wo Ching, seconded by Delegate Miyake and carried, Stand. Com. Rep. No. 46 was adopted and the proposals enumerated in said report were filed; Sections 1, 5, 6, 7, 8, 9, 12, 13, 14,

15, 17, 18, 19 and 20 of Article III were recommended to be retained without amendment; and Com. P. No. 7, entitled: "Relating to the Legislature," passed First Reading by title and Sections 1, 5, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, 19 and 20 together with Com. P. No. 7 were placed on the Clerk's desk.

At 9:14 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:16 o'clock a.m.

The President directed the Clerk to note the presence of Delegates Alcon, Burgess and Kunimura.

At this time, the President welcomed back to the Convention the delegates who were away from the Convention for a brief time to participate in the national convention. He said that it was a compliment to them and to their party to participate in the nomination of the presidential candidate for the Democratic Party. He noted that this statement was being made in the same vein as when he had welcomed back the delegates from the Republican National Convention earlier in August. He added that all of the people here at this Convention were pleased to have people who participated in the main stream of life in the nation.

The President also complimented Delegate Hung Wo Ching on his appointment as a trustee of the Bishop Estate. He stated that he looked forward to many years of efficient service on the part of Delegate Ching as a trustee.

GENERAL ORDER OF THE DAY

Committee Proposal No. 4 (Article IX):

Delegate Taira moved that the Convention resolve itself into a Committee of the Whole to consider Com. P. No. 4 and Sections 1, 2, 3, 4 and 5 of Article IX, seconded by Delegate Devereux and carried.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 9:21 o'clock a.m., the President vacated the Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 2:10 o'clock p.m., Delegate Chang vacated the Chair and the President resumed the Chair.

DEPARTMENTAL COMMUNICATION

A communication from the attorney general's

department (Dept. Com. No. 2) was read by the Clerk as follows:

State of Hawaii
Department of the Attorney General
Honolulu, Hawaii

September 3, 1968

The Honorable Hebden Porteus
President, Constitutional
Convention of Hawaii of 1968
Honolulu, Hawaii

Dear President Porteus:

This is in reply to your inquiry of August 30, 1968, as to (1) the "legal interpretation" of the words "collective bargaining," and (2) whether Committee Proposal No. 5 of the Committee on Public Health, Education and Welfare; Labor and Industry would "force" the legislature in the future to provide for bargaining on classification and wages and the right to strike for public employees.

(1) "Collective bargaining" has been defined as:

"a procedure looking toward the making of a collective agreement between the employer and the accredited representative of his employees concerning wages, hours, and other conditions of employment." 51 CJS, *Labor Relations* (1967 ed.), sec. 148.

The term is not of fixed and unvarying meaning and its true scope and extent must depend on the context in which it is used.

In the private sector, the provision of the National Labor Relations Act guaranteeing employees the right to engage in self-organization, collective bargaining, and other concerted activities for mutual aid or protection includes the right to strike. 51A CJS, *Labor Relations* (1967 ed.), sec. 331(a). However, the right is not absolute, and the Act itself regulates and imposes restrictions thereon. *Ibid.*

Public employment, unlike private employment, is subject to an "elaborate system of laws constituting the policy of the state in the domain of public employment;" 51 CJS, *id.*, sec. 33 at pp. 629-630, such as the laws providing for the civil service system, compensation, separation of legislative and executive powers, and the necessity of appropriations of public funds by the legislature, to name a few.

Where a statute had conferred the right of collective bargaining on a certain group of public employees, the court recognized that the employees "have received the benefit of civil service status and must necessarily accept whatever curtailment such status causes in the scope of

their bargaining rights." *Erie County Water Authority v. Kramer*, 167 NYS 2d 557, 566; aff'd. 157 NE 2d 712; see *City of Springfield v. Clouse*, 206 SW 2d 539 (Mo.).

Your inquiry is prompted by Committee Proposal No. 5, which proposes to amend Section 2 of Article XII of the State Constitution to read as follows:

"Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law."

In view of the less than crystal clarity of the scope and extent of the term "collective bargaining," as pointed out above, resort may properly be had to the report of the committee for clarification. *In re Pringle*, 22 Haw. 293.

Standing Committee Report No. 42 dated August 28, 1968 reports on Proposal No. 5:

"By this amendment it is clear that the term 'collective bargaining' as used in Section 1 of Article XII [which provides that: 'persons in private employment shall have the right to organize for the purpose of collective bargaining'] and in Section 2 as proposed is not identical. In the case of public employees the rights of collective bargaining will be restricted to those areas and in such manner as will be determined by the legislature. Therefore, the right to strike is for legislative determination.

•••

"This amendment does not effect any existing laws on public employment, which will remain in effect until changed by the legislature." (pp. 3, 4)

It is clear therefrom that the scope and extent of the right of collective bargaining for public employees, including the right to strike, and the manner in which it is to be exercised, shall be as determined by the legislature.* The extent to which the right will be given, restricted, regulated or withheld is a matter that the legislature in the exercise of its judgment would decide.

(2) In reply to your second question, it is obvious from the foregoing that Committee Proposal No. 5 provides for bargaining on classification and wages and the right to strike for public employees.

As in enacting any other kind of legislation, the legislature would be expected to weigh the public interest and all other relevant considerations and

*As a matter of style, this thought might be more aptly conveyed by providing that: "Persons in public employment shall have such rights to organize for the purpose of collective bargaining as may be prescribed by law."

exercise its discretion in making its determination.

Very truly yours,

(s) Bertram T. Kanbara

BERTRAM T. KANBARA
Assistant Attorney General

Approved:

(s) Bert T. Kobayashi

BERT T. KOBAYASHI
Attorney General

The President ordered that Dept. Com. No. 2 be received and placed on file.

COMMITTEE OF THE WHOLE REPORT

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Chang, seconded by Delegate Taira and carried, the oral report was accepted.

Committee Proposal No. 5 (Article XII):

Delegate Taira moved that the Convention resolve itself into a Committee of the Whole to consider Com. P. No. 5 and Section 1 of Article XII, seconded by Delegate Devereux and carried.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 2:24 o'clock p.m., the President vacated the Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 5:53 o'clock p.m., Delegate Chang vacated the Chair and the President resumed the Chair.

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Chang, seconded by Delegate Taira and carried, the oral report was accepted.

At 5:55 o'clock p.m., the Convention stood in recess until 8:00 o'clock that evening.

EVENING SESSION

The Convention reconvened at 8:00 o'clock p.m.

The President directed the Clerk to note the presence of Delegate Hara.

GENERAL ORDER OF THE DAY

Committee Proposal No. 6 (Article XIV):

Delegate Kato moved that the Convention resolve itself into a Committee of the Whole to consider Com. P. No. 6 and Sections 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 of Article XIV, seconded by Delegate Dodge and carried.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 8:05 o'clock p.m., the President vacated the Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 11:03 o'clock p.m., Delegate Chang vacated the Chair and the President resumed the Chair.

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Chang, seconded by Delegate Kato and carried, the oral report was accepted.

STANDING COMMITTEE REPORT

Delegate Alcon, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 50) informing the Convention that Stand. Com. Rep. No. 49 and Com. P. No. 8 had been printed and distributed.

On motion by Delegate Alcon, seconded by Delegate Akizaki and carried, the report of the committee was adopted.

Committee Proposal No. 3 (Article V):

The President ordered that consideration by the Committee of the Whole of Com. P. No. 3, entitled: "Relating to the Judiciary," and Sections 1, 5 and 6 of Article V was deferred until Wednesday, September 4, 1968.

ADJOURNMENT

At 11:15 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, September 4, 1968.

43RD DAY

Wednesday, September 4, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by the Venerable Paul Moore Wheeler of St. Clement's Episcopal Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ajifu, Amaral, Andrade, Ariyoshi, Bryan, Burgess, Chang, Donald Ching, Hung Wo Ching, Devereux, Dodge, Doi, Dyer, Fasi, Goemans, Hansen, Hara, Ho, Kaapu, Kawasaki, Kunimura, Rhoda Lewis, Frank Loo, George Loo, Menor, Morioka, Nakatani, Noguchi, O'Connor, Ozaki, Pyo, Saiki, Schulze, Souza and Takamine who were excused.

The President announced that approval of the Journals of the Thirty-Third to the Forty-Second Day had been deferred.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 51) informing the Convention that **Minority Report on Com. P. No. 7** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Alcon and carried, the report of the committee was adopted.

At this time, President Porteus stated that many of the delegates had been excused to attend committee meetings that were being held for the purpose of decision-making.

At 9:10 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention stood in recess until 3:00 o'clock p.m.

AFTERNOON SESSION

The Convention reconvened at 3:00 o'clock p.m.

At 3:04 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The Convention reconvened at 3:30 o'clock p.m.

The President thereupon directed the Clerk to note the presence of Delegates Ajifu, Amaral, Andrade, Ariyoshi, Bryan, Burgess, Chang, Donald Ching, Devereux, Dodge, Doi, Dyer, Goemans, Hansen, Ho,

Kaapu, Kawasaki, Kunimura, Rhoda Lewis, Frank Loo, George Loo, Menor, Morioka, Nakatani, Noguchi, O'Connor, Ozaki, Pyo, Saiki, Souza and Takamine.

Upon being recognized by the President, Delegate Donald Ching announced to the members of the Convention that during the Labor Day weekend a fellow delegate took advantage of the holiday and acquired a bride. He then introduced bridegroom Delegate Burgess who was presented with a bouquet of flowers by President Porteus' special committee of women delegates.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 40 (Article V — Deferred from September 3, 1968):

Delegate Mizuha moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 3** and the **Minority Report on Com. P. No. 3** objecting to the "status quo" on the selection of judges, seconded by Delegate Steiner and carried.

The President appointed Delegate Bryan to be Chairman of the Committee of the Whole.

At 3:45 o'clock p.m., the President vacated his Chair and Delegate Bryan assumed the Chair for the Committee of the Whole.

At 11:00 o'clock p.m., Delegate Bryan vacated the Chair and the President resumed the Chair.

Delegate Bryan, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Bryan, seconded by Delegate Mizuha and carried, the oral report was accepted.

Standing Committee Report No. 43 (Com. P. No. 1, RD. 2, S. 1):

The President ordered that consideration of **Stand. Com. Rep. No. 43** on **Com. P. No. 1, RD. 2, S. 1** be deferred until Thursday, September 5, 1968.

STANDING COMMITTEE REPORTS

Delegate Hitch, for the Committee on Taxation and Finance, presented a report (**Stand. Com. Rep. No. 52**) recommending that the proposals and resolution enumerated in said report be filed; that Sections 1, 6, 7 and 8 of Article VI be retained without amendment, and submitting a committee proposal (**Com. P. No. 9**) for introduction and recommending its passage on First

Reading.

The President thereupon referred **Stand. Com. Rep. No. 52** and **Com. P. No. 9**, entitled: "Relating to Taxation and Finance," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Thursday, September 5, 1968.

Delegate Ushijima, for the Committee on Local Government, presented a report (**Stand. Com. Rep. No. 53**) recommending that the proposals enumerated in said report be filed; that Sections 1, 3, 4 and 5 of Article VII be retained without amendment, and submitting a committee proposal (**Com. P. No. 10**) for introduction and recommending its passage on First Reading.

The President thereupon referred **Stand. Com. Rep. No. 53** and **Com. P. No. 10**, entitled: "Relating to Local Government," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Thursday, September 5, 1968.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 54**)

informing the Convention that **Stand. Com. Rep. No. 52** and **Com. P. No. 9** and **Stand. Com. Rep. No. 53** and **Com. P. No. 10** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

At 11:05 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 11:06 o'clock p.m.

At this time, President Porteus made a brief statement relative to the work schedule to be followed for the ensuing days of the Convention.

ADJOURNMENT

At 11:07 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, September 5, 1968.

44TH DAY

Thursday, September 5, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 1:40 o'clock p.m.

The President presided.

The aspiration was presented by Reverend Thomas Okano of Moiliili Hongwanji.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Chang, Hung Wo Ching, Kaapu, Medeiros, Souza, Takahashi and Ushijima who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Forty-Third Day would be deferred.

COMMITTEE OF THE WHOLE REPORTS

Delegate Chang, for the Committee of the Whole; Delegate Taira, for the Committee on Public Health, Education and Welfare; Labor and Industry; and Delegate Kamaka, for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (Com. Whole Rep. No. 3) recommending that Stand. Com. Rep. Nos. 30 and 32 be adopted.

The President ordered that Com. Whole Rep. No. 3 be received and placed on file.

Delegate Kage, for the Committee of the Whole; and Delegate Kamaka, for the Committee on Agriculture, Conservation, Land and Hawaiian Homes, presented a report (Com. Whole Rep. No. 4) recommending that Stand. Com. Rep. No. 35 be adopted.

The President ordered that Com. Whole Rep. No. 4 be received and placed on file.

Delegate Chang, for the Committee of the Whole; and Delegate Kato, for the Committee on Revision, Amendment and Other Provisions, presented a report (Com. Whole Rep. No. 5) recommending that Stand. Com. Rep. No. 37 be adopted.

The President ordered that Com. Whole Rep. No. 5 be received and placed on file.

ORDER OF THE DAY

Standing Committee Report No. 49 (Article XV):

On motion by Delegate Kato, seconded by Delegate Dodge and carried, the report of the committee was

adopted and the proposals enumerated in said report were filed; the Preamble and Sections 1, 3 and 4 of Article XV were recommended to be retained without amendment; and Com. P. No. 8, entitled: "Relating to Revision and Amendment," passed First Reading by title and the Preamble, Sections 1, 3 and 4 of Article XV together with Com. P. No. 8 were placed on the General Order of the Day for consideration by the Committee of the Whole on Friday, September 6, 1968.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 43 (Com. P. No. 1, RD. 2, S. 1):

The President stated that Stand. Com. Rep. No. 43 and Com. P. No. 1, RD. 2, S. 1, would be handled in the open Convention rather than by the Committee of the Whole. The President then recognized Delegate Ando.

DELEGATE ANDO: Mr. President, your Committee on Style to which was referred this Committee Proposal No. 1, RD. 2, submits the work of the committee and its Standing Committee Report No. 43 and moves for its adoption.

DELEGATE ODA: Mr. President, I second the motion.

PRESIDENT: The Chair will separate the committee report from the proposal in order that if anyone wishes to make any amendment they may do so. So therefore, the committee report will be adopted and placed on file and the motion before the body is for the adoption of Committee Proposal No. 1 in its S. 1 form. Delegate Ando is now recognized.

DELEGATE ANDO: Mr. President, may I yield to Chairman Ueoka, the chairman of the Committee on Bill of Rights, Suffrage and Elections.

PRESIDENT: Delegate Ueoka is recognized.

DELEGATE UEOKA: Mr. President, I move that Committee Proposal No. 1, RD. 2, S. 1, pass Third Reading.

PRESIDENT: Pardon me, delegate, it's not a matter for Third Reading at the moment. It's a question of the adoption of the style. Do you wish to speak on the form and style as it comes from the committee?

DELEGATE UEOKA: I have nothing to add, Mr. President. Standing Committee Report No. 43 contains the explanations as to why the various provisions in Article II have been placed as they are and I would like to urge the members of the Convention to accept the

recommendation of the Style Committee.

PRESIDENT: The Chair understands the chairman of the committee to be reporting that in the opinion of that chairman there has been no change in substance and that the Style Committee has appropriately performed its work. Is there any discussion or any amendment?

DELEGATE ADUJA: Mr. President.

PRESIDENT: Delegate Aduja is recognized.

DELEGATE ADUJA: I have a proposed amendment and I believe that it's already on the desks of the delegates.

PRESIDENT: In order that it may have consideration, will the delegate move for the adoption of his amendment in order that he may discuss the same.

DELEGATE ADUJA: I move for the adoption of this amendment.

PRESIDENT: Delegate Lum is recognized.

DELEGATE LUM: Second.

PRESIDENT: It has been moved and seconded that the amendment proposed by Delegate Aduja be adopted. Delegate Aduja is recognized for the purpose of explaining the amendment.

DELEGATE ADUJA: Mr. President, this amendment does not change the style or substance of it. All it does is to bring back Section 5 of the present Constitution with no change and by adding the presidential primary to be considered as Section 6. I believe that Section 5 of the present Constitution has withstood all tests and by making the changes as proposed by the Style Committee would entail this present section to be placed before the voters of the State.

Rather than having the submission and information going to such detailed method of getting this particular section before the voters of the State, I believe that by leaving it untouched, status quo, that it speaks and leaves only Section 6, presidential primary, before them would make it pure and simple and they would be very able to see the change as stated.

PRESIDENT: Thank you, delegate. Does Delegate Ando wish to be recognized in order to comment on this amendment?

DELEGATE ANDO: Mr. President, the Committee on Style, in proposing the Style Committee draft, has made the division of Article II such that Section 5 will contain general elections and special elections; made Section 6 the presidential preference primary; and made a separate section of the question of having contested elections being determined by competent jurisdiction.

It was thought by the committee that the inclusion

of contested election clause in Section 5, while leaving presidential primary either appended at the end of that section or as a separate section following the phraseology regarding contested election would create an anomaly and therefore in the matter of clarity and consistency this recommendation is made.

PRESIDENT: Thank you. Any further discussions?

DELEGATE ARIYOSHI: Mr. President.

PRESIDENT: Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: I have a question where such as here, there has not been a change in substance but merely a change in style. I am wondering whether or not it's going to be necessary to submit this to the people for ratification. I rather think that this is not necessary but I wondered because this problem may come up again many times during the course of the Convention. I wonder if the attorneys might look into this and give us an opinion, Mr. President.

PRESIDENT: That will be done.

DELEGATE ANDO: Mr. President.

PRESIDENT: Delegate Ando.

DELEGATE ANDO: In our deliberation, we had the attorney in our discussion and he felt that this recommendation of the committee met no objection in terms of the responsibility of the committee or in terms of the problems of submission.

PRESIDENT: The Chair will, in order to make sure that everyone is appropriately informed on this, we'll take a brief recess and will check this immediately with the attorney.

At 2:01 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 2:03 o'clock p.m.

PRESIDENT: Convention will please come to order. The Chair has consulted the attorneys and also the chairman of the Style Committee and chairman of Submission and Information. And it is the collective judgment of those involved that where there is a change by introducing a new article even though it were from positions that were not otherwise changed, it would be necessary to have the voters approve it. And therefore the same reasoning would follow as to a separate section.

It is also the collective judgment of those consulted that there would be no difficulty in handling this on the ballot, as you could easily say that the people would be given the vote for instance on presidential primary and rearrangement of style. It is not anticipated that this would cause any real problem with respect to the submission to the people but indirectly and within the ballot it would be permitted in one form or the other although it might not have to be separated out as

such. Is there any further discussion or question on this? Delegate Lum is recognized.

DELEGATE LUM: Mr. President, in Section 1, we have made two amendments to that. We have changed the voting age and we have also deleted the sentence. How would that be handled by—

PRESIDENT: That will be determined by the Convention later. The question there will be as to whether this body will determine that there should be two votes on the matter or just one vote on the section and this will be brought before you from Submission and Information but will go into the Committee of the Whole to consider the individual propositions to be voted on separately and those to be voted on collectively. So this will be a specific issue that will be before you. The Chair doesn't want to rule that there will be two separate votes on this until the Convention itself has decided it because it is the business of the Convention.

Is there any further discussion? If there's no further discussion, then the Chair will point out that the Committee on Style has recommended a new Section 6 on presidential elections and a new Section 7 on contested elections. The amendment which is being presented to you keeps the contested elections in Section 5 and provides for a separate section for the presidential primary. There is no substantive change.

DELEGATE DODGE: Mr. President.

PRESIDENT: Delegate Dodge is recognized.

DELEGATE DODGE: This is a rather technical and awkward kind of a thing to discuss.

PRESIDENT: You're quite correct.

DELEGATE DODGE: I'm a member of the Style Committee and I signed the report but I have voted against separating Section 5 into two separate sections on this ground: the Bill of Rights, Suffrage and Elections Committee, we were informed, had no separate discussions as to whether or not a presidential preference primary was an election that might be contested. And it seemed to me that by moving presidential preference primary into a separate Section 6 followed by a section dealing with contested elections that we might possibly be, by implication if nothing else, considering a presidential preference primary as an election which could be contested when this was not considered, my understanding, by the Committee on Suffrage and Elections.

In order to cover that, the committee report of the Style Committee on the last page says, "The changes recommended are merely for the purpose of style improvement and have no other implications."

I still personally prefer the way that the amendment has it because it doesn't require a separate submission to the voters if that is the final decision of the Convention and it doesn't raise any implications one

way or the other whether a preferential presidential primary is or is not an election that could be contested. So even though I signed the committee report, I'm inclined to vote for Delegate Aduja's amendment.

PRESIDENT: Delegate O'Connor is recognized.

DELEGATE O'CONNOR: Mr. President, it is my understanding and this is again a very technical situation, it is a matter of construction, that the change as submitted by the Style Committee to include presidential preference primaries as elections that can be contested. And if you read the new section the way it is laid out by the Style Committee, that is exactly the interpretation that one would get from reading this section.

Now, I do not remember all of the arguments which were had when we discussed presidential preference primary. But I for one certainly believe that they should be in the category of elections which can be contested if we are going to have them in the State. And I would like the record to show now that if we adopt the Style Committee's proposal that we are adopting the ability for someone in the future to contest the presidential preference primary.

PRESIDENT: The Chair will rule that making a showing at this time of what it means is inappropriate as the Committee on Style is reporting that it has made no change in meaning. Therefore whatever the meaning was then in the debate of the Committee of the Whole should be the point of view that prevails if there is any issue that arises in connection with this particular subject. The Style Committee's jurisdiction is with respect to style and not substance and therefore I don't believe it appropriate for any delegate to read in a different interpretation than any that may have existed previously.

Delegate Ueoka is recognized.

DELEGATE UEOKA: Mr. President, I might state that during the deliberation of Article II, that the committee at one stage felt following testimony of the lieutenant governor that the primary election may be called for by the legislature being a legislative matter. In other words, under the term "special election" the legislature could by legislation provide for a presidential preference primary. However, when the committee did take the action it was felt that it should be mandatory and for that reason the provision was provided that the presidential preference primary shall be held in accordance with law. Of course, in the Committee of the Whole, it was amended or on second reading it was amended so that it will now become permissive rather than mandatory. So by implication I would think that even presidential primary, preference primary election may be contested.

At 2:12 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 2:14 o'clock p.m.

PRESIDENT: Please come to order. Delegate Ando is recognized.

DELEGATE ANDO: Mr. President, may I have permission to read from the minutes of our Committee on Style regarding this question.

PRESIDENT: Please do.

DELEGATE ANDO: This I'm quoting directly from the minutes of our committee:

"Attorney Shintaku noted that primaries have been ruled to be elections by statutory laws in so far as contested elections are concerned. Delegate Dodge has earlier suggested that a primary is probably not an election. Attorney Shintaku also noted that the wording 'may be held in accordance with law' would permit the legislature to decide whether the presidential preference primary would be an election or not and whether the provision for contested elections would be applicable to it. Hence, the fact that the presidential preference primary was at the bottom would not limit the legislature in determining the applicability of contested elections. In sum, he foresaw no legal problems with this suggested revision."

PRESIDENT: Thank you. In order to clarify the record and include it, the Chair will order that the excerpt of the minutes be included in the record of the Convention and be set forth in the quote verbatim

Is there any further discussion?

DELEGATE KAMAKA: Mr. President.

PRESIDENT: Delegate Kamaka is recognized.

DELEGATE KAMAKA: Point of parliamentary inquiry. I understand that the pending motion is one that deals with the amendment, is that correct?

PRESIDENT: I beg your pardon.

DELEGATE KAMAKA: That the pending motion is one that relates to an amendment that's been offered?

PRESIDENT: Yes, the pending motion is Delegate Aduja's motion to change the style as reported by the Style Committee.

DELEGATE KAMAKA: Then, Mr. President, may I have clarification. Under Rule 47, the second paragraph which reads, "No amendment shall be received to any proposal on its third reading unless by unanimous consent of the delegates present." Does that mean mere acceptance or does that go to adoption of the amendment.

PRESIDENT: At this stage, the Chair will rule that any variations in style are appropriate and may be offered and may be changed. This is not Third Reading. Once the Convention has acted, if it acts today and

settles the style, then under Rule 47, forty-eight hours notice will be given before Third Reading and on the Third Reading it will take the consensus pointed out by the delegate in order to have any consideration of any amendment.

Are you ready for the question? Delegate Sutton, do you desire recognition?

DELEGATE SUTTON: I got up very slowly, excuse me.

PRESIDENT: Did I recognize you too quickly?

DELEGATE SUTTON: I just had a very large lunch at the Hawaii Visitors Bureau.

PRESIDENT: You are recognized, Delegate Sutton.

DELEGATE SUTTON: Sir, what title would be given? Would you ask the proponent of this amendment what title he would give Section 5?

PRESIDENT: I don't think any titles are particularly involved, delegate, because there is a provision in the Constitution that any of the headings are for informational purposes only and will not bear on the interpretation of the provisions of the Constitution. That's the Chair's recollection of the provisions of the 1950 Constitution and they have not been changed to my knowledge.

DELEGATE SUTTON: But even assuming that they are only informational, they do appear and we would have two thoughts of conflicting titles, one elections and the other, contested elections as a title, would we not?

PRESIDENT: We might have general and special elections, and the other might be contested elections, and another one might be presidential primary. The Chair is going to leave that, however, to whomever may be the ones that pick the subtitles.

The question before the house is whether or not the Style Committee report, its recommendation with respect to the form of Committee Proposal No. 1 should be amended as suggested through motion of Delegate Aduja. And the Chair will ask for a division of the house. All those who favor the amendment as presented by Delegate Aduja will please stand and remain standing until the Chair has acknowledged the vote. Mr. Clerk, will you please take the count. All those opposed.

The Chair will rule that there being 16 votes in the affirmative and a substantially greater number in the negative that the amendment has failed.

The question now before the house is the adoption of the motion that Proposal No. 1, as it appears in S. 1, be adopted. That is the pending motion.

DELEGATE ANDO: Mr. President.

PRESIDENT: Delegate Ando.

DELEGATE ANDO: May I have a brief recess to consult with the President?

PRESIDENT: You may have a brief recess.

At 2:20 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 2:21 o'clock p.m.

PRESIDENT: Please come to order. Leave has been granted by the Chair to the chairman of the Style Committee to correctly state the resolved portion of the Committee Proposal No. 1 as inadvertently the words, "and as adding Section 6 and Section 7 to Article II of the State Constitution" were omitted after the word "Constitution"; and S. 1 being thereby changed for full purposes of identification will be referred to as S. 2 and the motion that is pending will apply to S. 2.

Is there any further discussion? No further discussion?

DELEGATE HASEGAWA: Mr. President.

PRESIDENT: Delegate Hasegawa is recognized.

DELEGATE HASEGAWA: Point of information. I would like to know the rationale of separating the presidential primary and the contested elections. Is it because of the subject matter? If so, I would think that the matter of special elections is a separate subject matter from the general elections and I would think that there would be a justification or separation of special elections also.

PRESIDENT: This is in response to a question only. The motion before the house is for the adoption of the S. 2. If the chairman of Style Committee wishes to yield to the question, he may do so.

DELEGATE ANDO: Mr. President, the changes recommended are merely for the purpose of style improvement and clarity and have no other implications.

PRESIDENT: Thank you. The motion before the body is the adoption of Committee Proposal No. 1, S. 2. All in favor thereof, please signify your approval by saying "aye." Those opposed, by saying "no." The motion has been carried.

The Chair at this time, on behalf of the chairman of the committee as well, gives notice that Third Reading

of this proposal will be in order 48 hours from now. It does not necessarily mean that at this time Saturday afternoon that we will be taking it up. But in order that the rules be complied with, the notice has been given and if we are in session at that time, we will be able to consider it. Otherwise, we will consider it during the ensuing week.

At this time, the President appointed his special committee to escort the former Miss Christabelle Sonoda who recently became Mrs. Hayden Burgess to the rostrum.

The President then presented her with a gift on behalf of all the delegates to the Convention and wished her a wonderful married life.

Delegate Burgess was presented with a lei made of paper chain links with a lock attached to it.

COMMITTEE OF THE WHOLE REPORT

Delegate Fernandes for the Committee of the Whole, and Delegate Doi for the Committee on Executive, presented a report (Com. Whole Rep. No. 6) recommending that Com. P. No. 2, RD. 1, be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep. No. 6 to the Committee on Accounts and Printing.

STANDING COMMITTEE REPORT

Delegate Ueoka, for the majority of the Committee on Bill of Rights, Suffrage and Elections, presented a report (Stand. Com. Rep. No. 55) recommending that the proposals enumerated in said report be filed; that Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20 of Article I be retained without amendment; and submitting a committee proposal (Com. P. No. 11) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 55 and Com. P. No. 11, entitled: "Relating to the Bill of Rights," to the Committee on Accounts and Printing.

ADJOURNMENT

At 2:31 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Friday, September 6, 1968.

45TH DAY

Friday, September 6, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Gabriel Vanden Broucke of Our Lady of Mount Carmel Parish, Waikane.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bacon, Chang, Goemans, Kageyama, Kunimura, Frank Loo and Noguchi who were excused.

The President announced that approval of the Journals of the Thirty-Third Day to the Forty-Fourth Day had been deferred.

ORDER OF THE DAY

Standing Committee Report No. 52 (Article VI):

On motion by Delegate Hitch, seconded by Delegate Hara and carried, the report of the committee was adopted and the proposals and resolution enumerated in said report were filed; Sections 1, 6, 7 and 8 of Article VI were recommended to be retained without amendment; and Com. P. No. 9, entitled: "Relating to Taxation and Finance," passed First Reading by title and Sections 1, 6, 7 and 8 of Article VI together with Com. P. No. 9 were placed on the General Order of the Day for consideration by the Committee of the Whole on Monday, September 9, 1968.

On motion by Delegate Ushijima, seconded by Delegate Saiki and carried, the report of the committee was adopted and the proposals enumerated in said report were filed; Sections 1, 3, 4 and 5 of Article VII were recommended to be retained without amendment; and Com. P. No. 10, entitled: "Relating to Local Government," passed First Reading by title and Sections 1, 3, 4 and 5 of Article VII together with Com. P. No. 10 were placed on the General Order of the Day for consideration by the Committee of the Whole on Monday, September 9, 1968.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 56) informing the Convention that Com. Whole Rep. Nos. 3, 4 and 5, and Com. Whole Rep. No. 6 and Com. P. No. 2, RD. 1 had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

GENERAL ORDER OF THE DAY

At 9:12 o'clock a.m., on motion by Delegate Hung Wo Ching, seconded by Delegate Miyake and carried, the Convention resolved itself into a Committee of the Whole to consider Com. P. No. 7, Sections 10, 11 and 16 of Article III, and Section 17 of Article XVI, relating to the legislature.

The President appointed Delegate Peter Lewis to be Chairman of the Committee of the Whole.

At 9:14 o'clock a.m., the President vacated the Chair and Delegate Peter Lewis assumed the Chair for the Committee of the Whole.

At 6:15 o'clock p.m., Delegate Peter Lewis vacated the Chair and the President resumed the Chair.

Delegate Peter Lewis, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Peter Lewis, seconded by Delegate Hung Wo Ching and carried, the oral report was accepted.

The President thereupon directed the Clerk to note the presence of Delegates Goemans, Kageyama, Kunimura, Frank Loo and Noguchi.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 57) informing the Convention that Stand. Com. Rep. No. 55 and Com. P. No. 11 had been printed and distributed.

On motion by Delegate Alcon, seconded by Delegate Devereux and carried, the report of the committee was adopted.

ADJOURNMENT

At 6:20 o'clock p.m., on motion by Delegate Kage, seconded by Delegate Kunimura and carried, the Convention adjourned until 9:00 o'clock a.m., Saturday, September 7, 1968.

46TH DAY

Saturday, September 7, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Don Rohrs of the Moanalua Gardens Missionary Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ariyoshi, Hung Wo Ching, Fasi, Fernandes, Hansen, Kawakami, Mizuha, O'Connor and Schulze who were excused.

The President announced that the approval of the Journals of the Thirty-Third Day to the Forty-Fifth Day would be deferred.

GENERAL ORDER OF THE DAY

Committee Proposal No. 8 (Article XV):

Delegate Kato moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 8**, Sections 1, 3 and 4 of Article XV and the Preamble, seconded by Delegate Miyake and carried.

The President appointed Delegate Kage to be Chairman of the Committee of the Whole.

At 9:38 o'clock a.m., the President vacated the Chair and Delegate Kage assumed the Chair for the Committee of the Whole.

At 11:20 o'clock a.m., Delegate Kage vacated the Chair and the President resumed the Chair.

Delegate Kage, for the Committee of the Whole, reported orally, asked leave to file a written report later, that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Kage, seconded by Delegate Kato and carried, the oral report was adopted.

At 11:28 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 12:35 o'clock p.m.

COMMITTEE OF THE WHOLE REPORTS

Delegate Chang for the Committee of the Whole; and Delegate Taira for the Committee on Public Health, Education and Welfare; Labor and Industry, presented a report (**Com. Whole Rep. No. 7**) recommending that **Com. P. No. 5** be considered for passage on Second Reading.

The President thereupon referred **Com. Whole Rep. No. 7** and **Com. P. No. 5**, entitled: "Relating to Organization, Collective Bargaining," to the Committee on Accounts and Printing.

Delegate Chang for the Committee of the Whole; and Delegate Kato for the Committee on Revision, Amendment and Other Provisions, presented a report (**Com. Whole Rep. No. 8**) recommending that **Com. P. No. 6** be considered for passage on Second Reading.

The President thereupon referred **Com. Whole Rep. No. 8** and **Com. P. No. 6**, entitled: "Relating to General and Miscellaneous Provisions," to the Committee on Accounts and Printing.

STANDING COMMITTEE REPORTS

Delegate Schulze, for the majority of the Committee on Legislative Apportionment and Districting, presented a report (**Stand. Com. Rep. No. 58**) submitting a committee proposal (**Com. P. No. 12**) for introduction.

The President thereupon referred **Stand. Com. Rep. No. 58** and **Com. P. No. 12**, entitled: "Relating to Legislative Apportionment and Districting," to the Committee on Accounts and Printing.

Delegate Alcon, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 59**) informing the Convention that **Stand. Com. Rep. No. 58** and **Com. P. No. 12** had been printed and distributed.

On motion by Delegate Alcon, seconded by Delegate Devereux and carried, the report of the committee was adopted.

ADJOURNMENT

At 12:50 o'clock p.m., on motion by Delegate Beppu, seconded by Delegate Peter Lewis and carried, the Convention adjourned until 9:00 o'clock a.m., Monday, September 9, 1968.

47TH DAY

Monday, September 9, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend George A. Jacobs of the First Christian Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Ariyoshi, Bacon, Donald Ching, Hung Wo Ching, Dyer, Fernandes, Goemans, Kato, Kawakami, Kunimura, Noguchi, O'Connor, Schulze and Ushijima who were excused.

The President announced that approval of the Journals of the Thirty-Third Day to the Forty-Sixth Day would be deferred.

ORDER OF THE DAY

Standing Committee Report No. 55 (Article I):

On motion by Delegate Ueoka, seconded by Delegate Takahashi and carried, the report for the majority of the committee was adopted and the proposals enumerated in said report were filed; Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20 of Article I were recommended to be retained without amendment; and **Com. P. No. 11**, entitled: "Relating to the Bill of Rights," passed First Reading by title and Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20 of Article I together with **Com. P. No. 11** were placed on the General Orders of the Day for consideration by the Committee of the Whole on Tuesday, September 10, 1968.

Standing Committee Report No. 58 (Article III):

President Porteus announced that the Chair will defer action on **Stand. Com. Rep. No. 58** in order to discuss the full committee report which has not yet reached the floor with the chairman and members of the Committee on Legislative Apportionment and Districting.

GENERAL ORDERS OF THE DAY

Committee Proposal No. 9 (Article VI):

Delegate Hitch moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 9**, Sections 1, 6, 7 and 8 of Article VI, seconded by Delegate Hara and carried.

The President appointed Delegate Fernandes to be Chairman of the Committee of the Whole and announced that the Chair would declare a short recess due to the fact that the plane from Kauai was delayed and upon Delegate Fernandes' arrival, the body would resolve itself into the Committee of the Whole.

At 9:14 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:22 o'clock a.m.

The Chair directed the Clerk to note the presence of Delegates Fernandes, Kawakami and Kunimura.

At 9:24 o'clock a.m., the President vacated his Chair and Delegate Fernandes assumed the Chair for the Committee of the Whole.

At 5:10 o'clock p.m., Delegate Fernandes vacated the Chair and the President resumed the Chair.

Delegate Fernandes, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Fernandes, seconded by Delegate Hitch and carried, the oral report of the Committee of the Whole was adopted.

The Chair directed the Clerk to note the presence of Delegates Ariyoshi, Bacon, Donald Ching, Hung Wo Ching, Dyer, Goemans, Kato, Noguchi, O'Connor, Schulze and Ushijima.

Committee Proposal No. 10 (Article VII):

Delegate Ushijima moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 10**, Sections 1, 3, 4 and 5 of Article VII, seconded by Delegate Saiki and carried.

The President appointed Delegate Suwa to be Chairman of the Committee of the Whole.

At 5:11 o'clock p.m., the President vacated his Chair and Delegate Suwa assumed the Chair for the Committee of the Whole.

At 5:40 o'clock p.m., Delegate Suwa vacated the Chair and the President resumed the Chair.

Delegate Suwa, for the Committee of the Whole, reported orally that the Committee of the Whole had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Suwa, seconded by Delegate Ushijima and carried, the oral report of the Committee of the Whole was adopted.

COMMITTEE OF THE WHOLE REPORT

Delegate Bryan, for the Committee of the Whole, and Delegate Mizuha, for the Committee on Judiciary, presented a report (Com. Whole Rep. No. 9) recommending that **Minority Report on Com. P. No. 3** be filed, and **Com. P. No. 3** be considered for passage on Second Reading.

The President thereupon referred **Com. Whole Rep.**

No. 9 and Com. P. No. 3, entitled: "Relating to the Judiciary," to the Committee on Accounts and Printing.

At 5:42 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:43 o'clock p.m.

ADJOURNMENT

At 5:44 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, September 10, 1968.

48TH DAY

Tuesday, September 10, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norman Hammer of the Prince of Peace Lutheran Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bryan, Burgess, Kawasaki, Nakama, Schulze, Sutton and Ushijima who were excused; and Delegates Aduja, Hung Wo Ching, Doi, Goemans, Kageyama, Kunimura, Lalakea, Frank Loo, Miyake, O'Connor, Uechi and Wright who were absent.

The President announced that the approval of the Journals of the Thirty-Third Day to the Forty-Seventh Day would be deferred.

At 9:07 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:30 o'clock a.m.

The President directed the Clerk to note the presence of Delegates Aduja, Goemans, Lalakea, Miyake, O'Connor and Wright.

GENERAL ORDER OF THE DAY

Committee Proposal No. 11 (Article I):

Delegate Ueoka moved that the Convention resolve itself into a Committee of the Whole to consider **Com. P. No. 11**; and Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20 of Article I, seconded by Delegate Takahashi and carried.

The President appointed Delegate Beppu to be Chairman of the Committee of the Whole.

At 9:34 o'clock a.m., the President vacated the Chair and Delegate Beppu assumed the Chair for the Committee of the Whole.

At 5:17 o'clock p.m., Delegate Beppu vacated the Chair and the President resumed the Chair.

Delegate Beppu, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Beppu, seconded by Delegate Ueoka and carried, the oral report of the Committee of the Whole was adopted.

The President directed the Clerk to note the presence of Delegates Doi, Kageyama, Kawasaki, Kunimura, Frank Loo, Nakama, Schulze and Uechi.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 60**) informing the Convention that **Com. Whole Rep. No. 9** and **Supp. Stand. Com. Rep. No. 58** had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

At 5:25 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:45 o'clock p.m.

By unanimous consent, page 4 of **Com. Whole Rep. No. 9** relating to the article on judiciary was substituted.

ADJOURNMENT

At 5:46 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Wednesday, September 11, 1968.

49TH DAY

Wednesday, September 11, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Robert Fiske of the Christ Methodist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Donald Ching, Kato, Menor, Steiner and Ushijima who were excused; and Delegates Ajifu, Hung Wo Ching, Ho, Kageyama, Kunimura, Frank Loo, Medeiros, O'Connor and Wright who were absent.

The Chair announced that the Journals of the Thirty-Third Day to the Forty-First Day had been signed by the Secretary and approved by the President.

At this time, President Porteus introduced to the members of the Convention fifty seniors of the American Problems class from McKinley High School and their teacher, Miss Arlene Lee, who were recognized by the delegates.

ORDER OF THE DAY

Standing Committee Report No. 58 and Supplemental Standing Committee Report No. 58 (Article III and Article XVI):

On motion by Delegate Schulze, seconded by Delegate Ariyoshi and carried, **Stand. Com. Rep. No. 58** and **Supp. Stand. Com. Rep. No. 58** were adopted and the proposals enumerated in said reports were filed; and **Com. P. No. 12**, entitled: "Relating to Legislative Apportionment and Districting," passed First Reading by title and Articles III and XVI together with **Com. P. No. 12** were placed on the General Orders of the Day for consideration by the Committee of the Whole on Thursday, September 12, 1968.

GENERAL ORDERS OF THE DAY SECOND READING

Committee of the Whole Report No. 6 (Com. P. No. 2, RD. 1):

Delegate Doi moved that **Com. Whole Rep. No. 6** be received and placed on file, seconded by Delegate Fasi and carried.

Delegate Doi moved that **Com. P. No. 2, RD. 1**, pass Second Reading, seconded by Delegate Fasi.

Delegate Doi offered the following amendment:

"The seventh paragraph of Section 6, Article IV is amended to read as follows:

"All officers appointed under the provisions of this section shall be citizens of the United States and shall have been residents of the State for at least one year next preceding their appointment; provided that the residence requirement shall not apply to the President of the University of Hawaii."

Delegate Doi moved that the amendment be adopted, seconded by Delegate Fasi.

Delegate Doi explained that the amendment did not change the substance of the committee proposal, but was simply for the purpose of submitting a finer presentation of **Com. P. No. 2, RD. 1**, in its final form.

The motion to adopt the amendment was put by the Chair and carried.

On motion by Delegate Doi, seconded by Delegate Fasi and carried, **Com. P. No. 2, RD. 2**, entitled: "Relating to the Executive," passed Second Reading and was referred to the Committee on Style.

Committee of the Whole Report No. 9 (Com. P. No. 3):

On motion by Delegate Mizuha, seconded by Delegate Sutton and carried, **Com. Whole Rep. No. 9** was adopted, the minority report was filed and **Com. P. No. 3**, entitled: "Relating to the Judiciary," passed Second Reading and was referred to the Committee on Style.

At 9:17 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:20 o'clock a.m.

Committee of the Whole Report No. 7 (Com. P. No. 5):

On motion by Delegate Taira, seconded by Delegate Ueoka and carried, **Com. Whole Rep. No. 7** was adopted, and **Com. P. No. 5**, entitled: "Relating to Organization, Collective Bargaining," passed Second Reading and was referred to the Committee on Style.

Committee of the Whole Report No. 8 (Com. P. No. 6):

On motion by Delegate Dodge, seconded by Delegate

Ueoka and carried, **Com. Whole Rep. No. 8** was adopted, and **Com. P. No. 6**, entitled: "Relating to General and Miscellaneous Provisions," passed Second Reading and was referred to the Committee on Style.

At 9:22 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:27 o'clock a.m.

The President directed the Clerk to note the presence of Delegates Ajifu, Donald Ching, Kageyama, Kato, Kunimura, Frank Loo, Menor, O'Connor, Steiner, Ushijima and Wright.

At this time, Delegate Kauhane asked whether a large map showing the polling places within the City and County of Honolulu would be available for the delegates to scrutinize during the Committee of the Whole debate on reapportionment.

Delegate Schulze replied that the maps that had been printed showed only the new district lines, and in many cases showed the precinct lines or census tract lines.

At 9:34 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention stood in recess until 4:00 o'clock p.m., that afternoon.

AFTERNOON SESSION

The Convention reconvened at 4:00 o'clock p.m.

The President directed the Clerk to note the presence of Delegates Ho and Medeiros.

THIRD READING

Committee Proposal No. 1, RD. 2, S. 2:

On motion by Delegate Ueoka, seconded by Delegate Takahashi, **Com. P. No. 1, RD. 2, S. 2**, entitled: "Relating to Suffrage and Elections," the reading throughout of which having been waived, passed Third Reading by a vote of 62 ayes and 10 noes, with Delegates Fernandes, Kauhane, Nakama, Kawakami, Kunimura, George Loo, Lum, Miyake, Steiner and Sutton voting no; and 10 excused, with Delegates Alcon, Burgess, Donald Ching, Hung Wo Ching, Kaapu, Lalakea, Mizuha, Oda, Shiigi and Wright being excused.

COMMITTEE OF THE WHOLE REPORTS

Delegate Suwa, for the Committee of the Whole, and Delegate Ushijima, for the Committee on Local Government, presented a report (**Com. Whole Rep. No. 10**) recommending that **Com. P. No. 10** be considered for passage on Second Reading.

The President thereupon referred **Com. Whole Rep. No. 10** and **Com. P. No. 10**, entitled: "Relating to Local Government," to the Committee on Accounts and Printing.

Delegate Chang, for the Committee of the Whole; and Delegate Taira, for the Committee on Public Health, Education and Welfare; Labor and Industry, presented a report (**Com. Whole Rep. No. 11**) recommending that **Com. P. No. 4** be filed.

The President thereupon referred **Com. Whole Rep. No. 11** and **Com. P. No. 4**, entitled: "Relating to Education," to the Committee on Accounts and Printing.

Delegate Peter Lewis, for the Committee of the Whole; and Delegate Hung Wo Ching, for the Committee on Legislative Powers and Functions, presented a report (**Com. Whole Rep. No. 12**) recommending that **Com. P. No. 7, RD. 1** be considered for passage on Second Reading.

The President thereupon referred **Com. Whole Rep. No. 12** and **Com. P. No. 7, RD. 1**, entitled: "Relating to the Legislature," to the Committee on Accounts and Printing.

At 4:10 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 4:15 o'clock p.m.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (**Stand. Com. Rep. No. 61**) informing the Convention that **Com. Whole Rep. Nos. 10, 11 and 12**, and **Com. P. No. 7, RD. 1**, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

Com. Whole Rep. No. 11 on education was received and placed on file.

SECOND READING

Committee of the Whole Report No. 10 (Com. P. No. 10):

On motion by Delegate Ushijima, seconded by Delegate Saiki and carried, the report of the committee was adopted and **Com. P. No. 10**, entitled: "Relating to Local Government," passed Second Reading and was referred to the Committee on Style.

Committee of the Whole Report No. 12 (Com. P. No. 7, RD. 1):

On motion by Delegate Peter Lewis, seconded by Delegate Aduja and carried, the report of the committee was adopted and **Com. P. No. 7, RD. 1**, entitled: "Relating to the Legislature," passed Second Reading and was referred to the Committee on Style.

At 4:22 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 4:32 o'clock p.m.

GENERAL ORDER OF THE DAY

Committee Proposal No. 8 (Article XV):

Delegate Kato moved that the Convention resolve itself into a Committee of the Whole to further consider Com. P. No. 8, Sections 1, 3 and 4 of Article XV and the Preamble, seconded by Delegate Dodge and carried.

The President appointed Delegate Kage to be Chairman of the Committee of the Whole.

At 4:33 o'clock p.m., the President vacated the Chair and Delegate Kage assumed the Chair for the Committee of the Whole.

At 4:43 o'clock p.m., Delegate Kage vacated the

Chair and the President resumed the Chair.

Delegate Kage, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Kage, seconded by Delegate Kato and carried, the oral report was adopted.

ADJOURNMENT

At 4:44 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:00 o'clock a.m., Thursday, September 12, 1968.

50TH DAY

Thursday, September 12, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Yoshiaki Fujitani of the Honpa Hongwanji Mission.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Doi, Hara and Kato who were excused; and Delegates Ajifu, Hung Wo Ching, Kageyama, Kawasaki, Kunimura, Menor, Morioka and Wright who were absent.

The President announced that approval of the Journals of the Forty-Second Day to the Forty-Ninth Day would be deferred.

At this time, Delegate Beppu introduced Mr. Abid Ali Khan, editor of the *Siasat Daily*, from Hyderabad, Andhra Pradesh of South Central India, who was welcomed by the President and recognized with a round of applause by the members of the Convention.

COMMITTEE OF THE WHOLE REPORTS

Delegate Kage for the Committee of the Whole; and Delegate Kato for the Committee on Revision, Amendment and Other Provisions, presented a report (Com. Whole Rep. No. 13) recommending that Com. P. No. 8, RD. 1 be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep. No. 13 and Com. P. No. 8, RD. 1, to the Committee on Accounts and Printing.

Delegate Fernandes for the Committee of the Whole; and Delegate Hitch for the Committee on Taxation and Finance, presented a report (Com. Whole Rep. No. 14) recommending that Com. P. No. 9, RD. 1, be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep. No. 14 and Com. P. No. 9, RD. 1, to the Committee on Accounts and Printing.

Delegate Beppu for the Committee of the Whole; and Delegate Ueoka for the Committee on Bill of Rights, Suffrage and Elections, presented a report (Com. Whole Rep. No. 15) recommending that Com. P. No. 11, RD. 1, be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep.

No. 15 and Com. P. No. 11, RD. 1, to the Committee on Accounts and Printing.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 62) informing the Convention that Com. Whole Rep. Nos. 13 to 15; and Com. P. No. 8, RD. 1; 9, RD. 1; and 11, RD. 1, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

GENERAL ORDER OF THE DAY

Committee Proposal No. 12 (Article III and Article XVI):

Delegate Schulze moved that the Convention resolve itself into a Committee of the Whole to consider Com. P. No. 12 and Articles III and XVI, seconded by Delegate Ariyoshi and carried.

The President appointed Delegate Bryan to be Chairman of the Whole.

At 9:10 o'clock a.m., the President vacated the Chair and Delegate Bryan assumed the Chair for the Committee of the Whole.

At 6:14 o'clock p.m., Delegate Bryan vacated the Chair and the President resumed the Chair.

Delegate Bryan, for the Committee of the Whole, reported orally that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Bryan, seconded by Delegate Schulze and carried, the oral report was adopted.

The President, at this time, directed the Clerk to note the presence of Delegates Ajifu, Doi, Hara, Kato, Kageyama, Kawasaki, Kunimura, Menor, Morioka and Wright.

STANDING COMMITTEE REPORTS

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 63) recommending that Com. P. No. 2, RD. 2, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 63 and Com. P. No. 2, RD. 2, S. 1, entitled: "Relating to the Executive," to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 64) recommending no change in Com. P. No. 5.

The President thereupon referred Stand. Com. Rep. No. 64 on Com. P. No. 5, entitled: "Relating to Organization, Collective Bargaining," to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 65) recommending that Com. P. No. 3, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 65 and Com. P. No. 3, S. 1, entitled: "Relating to the Judiciary," to the Committee on Accounts and Printing.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 66) informing the Convention that Stand. Com. Rep. Nos. 63 to 65 and Com. P. No. 2, RD. 2, S. 1, and Com. P. No. 3, S. 1, had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Akizaki and carried, the report of the committee was adopted.

ADJOURNMENT

At 6:25 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention adjourned until Friday, September 13, 1968.

51ST DAY

Friday, September 13, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Delegate Bryan.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Donald Ching, Hung Wo Ching, Doi, Kato and Nakatani who were excused; and Delegates Dyer, Kageyama, Kawasaki, Kunimura, Morioka, Uechi and Wright who were absent.

The Chair announced that approval of the Journals of the Forty-Second Day to the Fiftieth Day would be deferred.

At 9:12 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:15 o'clock a.m.

MISCELLANEOUS COMMUNICATION

A communication from Delegate Andrade (Misc. Com. No. 11), requesting that certain correspondence on districting for the County of Hawaii be made a part of the Convention, was received and was placed on file.

ORDER OF THE DAY

Standing Committee Report No. 63 (Com. P. No. 2, RD. 2, S. 1):

Delegate Ando moved that **Stand. Com. Rep. No. 63** be adopted and **Com. P. No. 2, RD. 2, S. 1**, be agreed to, seconded by Delegate Oda.

Delegate Kamaka, rising on a point of information, inquired as to whether or not the Hawaiian Homes Commission would be subjected to coming under the single executive provision as provided in the second paragraph of Section 6.

President Porteus ruled that it would not.

The motion to adopt the report of the committee and to agree to **Com. P. No. 2, RD. 2**, as amended in **S. 1**, entitled: "Relating to the Executive," was put by the Chair and carried.

Standing Committee Report No. 64 (Com. P. No. 5):

On motion by Delegate Ando, seconded by Delegate

Oda and carried, **Stand. Com. Rep. No. 64** relating to **Com. P. No. 5**, entitled: "Relating to Organization, Collective Bargaining," was adopted.

Standing Committee Report No. 65 (Com. P. No. 3, S. 1):

There being no objection, page 4 of **Com. Whole Rep. No. 9** was replaced by a new page 4.

On motion by Delegate Ando, seconded by Delegate Oda and carried, **Stand. Com. Rep. No. 65** was adopted and **Com. P. No. 3, S. 1**, entitled: "Relating to the Judiciary," was agreed to as to style.

At this time, President Porteus notified the Convention that the 48-hour notice was now in effect for the passage of **Com. P. No. 2, RD. 2, S. 1; No. 5; and No. 3, S. 1**, on Third Reading.

SECOND READING

Committee of the Whole Report No. 13 (Com. P. No. 8, RD. 1):

On motion by Delegate Dodge, seconded by Delegate Peter Lewis and carried, **Com. Whole Rep. No. 13** was adopted and **Com. P. No. 8, RD. 1**, entitled: "Relating to Revision and Amendment," passed Second Reading and was referred to the Committee on Style.

Committee of the Whole Report No. 14 (Com. P. No. 9, RD. 1):

There being no objection, the President deferred action on **Com. Whole Rep. No. 14** relating to **Com. P. No. 9, RD. 1** until Saturday, September 14, 1968.

Committee of the Whole Report No. 15 (Com. P. No. 11, RD. 1):

Delegate Ueoka moved that **Com. Whole Rep. No. 15** be received and placed on file, seconded by Delegate Takahashi and carried.

Delegate Ueoka moved that **Com. P. No. 11, RD. 1**, pass Second Reading, seconded by Delegate Takahashi.

Delegate Steiner offered the following amendment:

"Section 11 of Article I of the State Constitution as set forth in Committee Proposal No. 11, RD. 1 is amended by deleting therefrom the last sentence as reads:

"The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty

days.' ”

Delegate Steiner moved that the amendment he offered be adopted, seconded by Delegate Lum.

Delegate Steiner explained his amendment relative to the term “indigent” and the problems that could arise if the amendment was not adopted and became part of the State Constitution.

Delegate Goemans, rising on a point of order, stated that the specific question raised by Delegate Steiner was irrelevant because Section 11 as proposed was nonself-executing.

The Chair ruled that the point of order was not well taken and Delegate Steiner’s presentation of the amendment was in order at this time.

President Porteus then called on Delegate Ueoka, chairman of the Committee on Bill of Rights, in order to ascertain whether the committee was in support or opposed to Delegate Steiner’s amendment.

Delegate Ueoka proceeded to state the committee’s position relative to the amendment offered by Delegate Steiner.

Delegate Yoshinaga, rising on a point of order, requested of the chairman to dispense with a long dissertation on the committee’s opinion of Delegate Steiner’s amendment and just state whether the committee was in accord or opposed to the amendment.

Delegate Ueoka thereupon stated that the committee was not in favor of the adoption of Delegate Steiner’s amendment.

The motion to adopt the amendment was put by the Chair and failed to carry after a division of the house.

The motion to adopt **Com. Whole Rep. No. 15** and to pass **Com. P. No. 11, RD. 1**, entitled: “Relating to the Bill of Rights,” on Second Reading, was put by the Chair and carried, and was referred to the Committee on Style.

At 9:41 o’clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 9:52 o’clock a.m.

The President directed the Clerk to note the presence of Delegates Donald Ching, Hung Wo Ching, Doi, Dyer, Kageyama, Kato, Kawakami, Kunimura, Morioka, Uechi and Wright.

Delegate Fernandes, rising on a point of information, inquired as to whether all amendments to be introduced with regard to **Com. P. No. 12** had been printed.

President Porteus then ascertained from the members of the Convention whether or not each delegate had had an opportunity to have their amendments printed before the Convention resolved into the Committee of the Whole.

Delegate Kauhane replied in the negative.

At 9:55 o’clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:30 o’clock a.m.

Upon Delegate Bacon’s request, the Chair requested all members to rise for a few moments of silent prayer in memory of Ted Makalena, Hawaii’s contribution to the professional world of golf, who had passed away early that morning.

GENERAL ORDERS OF THE DAY

Standing Committee Report No. 58 (Articles III and XVI):

Delegate Schulze moved that the Convention resolve itself into a Committee of the Whole to consider **Stand. Com. Rep. No. 58** and **Supp. Stand. Com. Rep. No. 58** from the Committee on Legislative Apportionment and Districting, seconded by Delegate Ariyoshi and carried.

The President appointed Delegate Bryan to be Chairman of the Committee of the Whole.

At 10:52 o’clock a.m., the President vacated the Chair and Delegate Bryan assumed the Chair for the Committee of the Whole.

At 11:55 o’clock p.m., Delegate Bryan vacated the Chair and the President resumed the Chair.

Delegate Bryan, for the Committee of the Whole, reported orally that the committee had risen, reported progress and begged leave to sit again.

On motion by Delegate Bryan, seconded by Delegate Schulze and carried, the oral report of the Committee of the Whole was adopted.

The President directed the Clerk to note the presence of Delegate Nakatani.

Delegate Kageyama, rising on a point of personal privilege, thanked Delegate Bryan for the splendid manner in which he conducted one of the longest committee hearings of the Convention.

Delegate Yoshinaga concurred with Delegate Kageyama’s expression of gratitude to Delegate Bryan.

Delegate Bryan, rising on a point of personal privilege, acknowledged the expressed appreciation of the delegates.

ADJOURNMENT

At 11:59 o’clock p.m., on motion by Delegate Fernandes, seconded by Delegate Kage and carried, the Convention adjourned until 9:30 o’clock a.m., Saturday, September 14, 1968.

52ND DAY

Saturday, September 14, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:45 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Jack Hedges of Aldersgate Methodist Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bacon, Hung Wo Ching, Hansen, Kawasaki, Lalakea and Shiigi who were excused, and Delegates Kageyama, Kunimura and Morioka who were absent.

The President announced that approval of the Journals of the Forty-Second Day to the Fifty-First Day would be deferred.

ORDER OF THE DAY SECOND READING

Committee of the Whole Report No. 14 (Com. P. No. 9, RD. 1):

There being no objection, page 7 of Com. Whole Rep. No. 14 was replaced by a new page 7.

On motion by Delegate Hitch, seconded by Delegate Hara and carried, the report of the committee was adopted and Com. P. No. 9, RD. 1, entitled: "Relating to Taxation and Finance," passed Second Reading and was referred to the Committee on Style.

GENERAL ORDER OF THE DAY

Committee Proposal No. 12 (Article III and Article XVI):

Delegate Schulze moved that the Convention resolve itself into a Committee of the Whole to further consider Com. P. No. 12 and Articles III and XVI, seconded by Delegate Ariyoshi and carried.

The President appointed Delegate Bryan to be Chairman of the Committee of the Whole.

At 10:03 o'clock a.m., the President vacated the Chair and Delegate Bryan assumed the Chair for the Committee of the Whole.

At 4:18 o'clock p.m., Delegate Bryan vacated the Chair and the President resumed the Chair.

Delegate Bryan, for the Committee of the Whole,

reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Bryan, seconded by Delegate Schulze and carried, the oral report of the Committee of the Whole was adopted.

At this time, the President directed the Clerk to note the presence of Delegates Bacon, Hansen, Lalakea, Shiigi, Kageyama, Kunimura and Morioka.

STANDING COMMITTEE REPORTS

Delegate Kato, for the Committee on Revision, Amendment and Other Provisions, presented a report (Stand. Com. Rep. No. 67) recommending that the proposals enumerated in said report be filed; and submitting a committee proposal (Com. P. No. 13) for introduction and recommending its passage on First Reading.

The President thereupon referred Stand. Com. Rep. No. 67 and Com. P. No. 13, entitled: "Relating to Transitional Provisions," to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Monday, September 16, 1968.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 68) recommending that Com. P. No. 7, RD. 1, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 68 and Com. P. No. 7, RD. 1, S. 1, to the Committee on Accounts and Printing and placed them on the calendar for further consideration on Monday, September 16, 1968.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 69) informing the Convention that the certified copies of Com. P. No. 1, RD. 2, S. 2; No. 2, RD. 2, S. 1; No. 3, S. 1; and No. 5; and Stand. Com. Rep. Nos. 67 and 68 and Com. P. Nos. 13 and 7, RD. 1, S. 1, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

THIRD READING

By unanimous consent, the rules of the Convention were suspended and the following committee proposals were considered for passage on Third Reading:

Committee Proposal No. 2, RD. 2, S. 1:

On motion by Delegate Doi and seconded by Delegate Fasi, **Com. P. No. 2, RD. 2, S. 1**, entitled: "Relating to the Executive," the reading throughout of which having been waived, passed Third Reading by a vote of 70 ayes and 1 no, with Delegate Yoshinaga voting no; and 11 excused, with Delegates Hung Wo Ching, Goemans, Ho, Kageyama, Kamaka, Kawasaki, Kudo, Kunimura, Lalakea, Nakama and Sutton being excused.

Committee Proposal No. 3, S. 1:

On motion by Delegate Mizuha and seconded by Delegate Steiner, **Com. P. No. 3, S. 1**, entitled: "Relating to the Judiciary," the reading throughout of which having been waived, passed Third Reading by a vote of 68 ayes and 3 noes, with Delegates Devereux, Yim and Yoshinaga voting no; and 11 excused, with Delegates Hung Wo Ching, Goemans, Ho, Kageyama, Kamaka, Kawasaki, Kudo, Kunimura, Lalakea, Nakama and Sutton being excused.

Committee Proposal No. 5:

On motion by Delegate Taira and seconded by Delegate Bacon, **Com. P. No. 5**, entitled: "Relating to Organization, Collective Bargaining," the reading throughout of which having been waived, passed Third Reading by a vote of 65 ayes and 7 noes, with Delegates Devereux, Dyer, Hansen, Hitch, Ho, Larson and Rhoda Lewis voting no; and 10 excused, with Delegates Hung Wo Ching, Goemans, Ho, Kamaka, Kawasaki, Kudo, Kunimura, Lalakea, Nakama and Sutton being excused.

ADJOURNMENT

At 4:40 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention adjourned until 9:00 o'clock a.m., Monday, September 16, 1968.

53RD DAY

Monday, September 16, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Delwyn R. Rayson of the Church of the Crossroads.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Burgess, Doi, Fernandes, Jaquette, Kawasaki, Kunimura, Lum, Nakama, O'Connor, Suwa, Takahashi and Yim who were excused; and Delegates Frank Loo and Morioka who were absent.

The President announced that the Journals of the Forty-Second Day to the Forty-Sixth Day had been signed by the Secretary and approved by the President.

At this time, the President announced the status of articles of the Convention as follows:

Articles Completed Without any Change:

- VIII Public Health & Welfare
- IX Education
- X Conservation & Development of Resources
- XI Hawaiian Home Lands
- XIII State Boundaries, Capital, Flag

Articles Completed after Passage on Third Reading, and Being Reviewed by the Style Committee:

- II Suffrage & Elections (Com. P. No. 1, RD. 2, S. 2)
- IV Executive (Com. P. No. 2, RD. 2, S. 1)
- V Judiciary (Com. P. No. 3, S. 1)
- XII Organization, Collective Barg. (Com. P. No. 5)

Articles Which have Passed Second Reading, and Being Worked on by the Style Committee:

- I Bill of Rights (Com. P. No. 11, RD. 1)
- VI Taxation (Com. P. No. 9, RD. 1)
- VII Local Government (Com. P. No. 10)
- XIV General & Miscellaneous Provisions (Com. P. No. 6)

XV Revision & Amendment (Com. P. No. 8, RD. 1)

Articles Pending Consideration:

III (a) Leg. Powers & Functions (Com. P. No. 7, RD. 1, S. 1)

III (b) Legislative Apportionment (Com. P. No. 12, RD. 1)
Awaiting report from the Committee of the Whole for floor action on Second Reading.

XVI Transitional Provisions (Com. P. No. 13)
To be considered this morning for First Reading and deliberation in the Committee of the Whole.

ORDER OF THE DAY

Standing Committee Report No. 67 (Article XVI; Committee Proposal No. 13):

On motion by Delegate Kato, seconded by Delegate Dodge and carried, Stand. Com. Rep. No. 67 was adopted and Com. P. No. 13, entitled: "Relating to Transitional Provisions," passed First Reading by title.

By unanimous consent, the rules of the Convention were suspended and on motion by Delegate Kato, seconded by Delegate Dodge and carried, the Convention resolved itself into a Committee of the Whole to consider Com. P. No. 13.

The President appointed Delegate Chang to be Chairman of the Committee of the Whole.

At 9:20 o'clock a.m., the President vacated his Chair and Delegate Chang assumed the Chair for the Committee of the Whole.

At 10:27 o'clock a.m., Delegate Chang vacated the Chair and the President resumed the Chair.

Delegate Chang, for the Committee of the Whole, reported orally that the committee had completed deliberations on the matter referred to it and a written report would be filed later.

On motion by Delegate Chang, seconded by Delegate Kato and carried, the oral report was adopted.

At 10:28 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:35 o'clock a.m.

At this time, the President directed the Clerk to note

the presence of Delegates Doi, Fernandes, Jaquette, Kunimura, Frank Loo, Lum, Morioka and Nakama.

The President then noted the presence of sixty-five students from the American Problems class of McKinley High School together with their teachers Miss Arleen Lee, Miss Klara Kurano and Mr. Harold Silva. They were all recognized by the members of the Convention with a round of applause.

At 10:43 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention stood in recess until 4:30 o'clock p.m., this afternoon.

AFTERNOON SESSION

The Convention reconvened at 4:37 o'clock p.m.

The President directed the Clerk to note the presence of Delegates Suwa, Takahashi and Yim.

STANDING COMMITTEE REPORTS

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 70) recommending that Com. P. No. 6, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 70 and Com. P. No. 6, S. 1, to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 71) recommending that Com. P. No. 8, RD. 1, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 71 and Com. P. No. 8, RD. 1, S. 1, to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 72) recommending that Com. P. No. 10, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 72 and Com. P. No. 10, S. 1, to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 73) recommending that Com. P. No. 11, RD. 1, S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 73 and Com. P. No. 11, RD. 1, S. 1, to the Committee on Accounts and Printing.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 74) informing the Convention that Stand. Com. Rep. Nos. 70 to 73; and Com. P. No. 6, S. 1; No. 8, RD. 1, S. 1; No. 10, S. 1, and No. 11, RD. 1, S. 1, had been

printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Akizaki and carried, the report of the committee was adopted.

COMMITTEE OF THE WHOLE REPORT

Delegate Chang for the Committee of the Whole; and Delegate Kato, for the Committee on Revision, Amendment and Other Provisions, presented a report (Com. Whole Rep. No. 16) recommending that Com. P. No. 13, RD. 1, be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep. No. 16 and Com. P. No. 13, RD. 1, to the Committee on Accounts and Printing.

ORDER OF THE DAY

Standing Committee Report No. 68 (Com. P. No. 7, RD. 1, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 68 was adopted and Com. P. No. 7, RD. 1, S. 1, entitled: "Relating to the Legislature," was agreed to as to style.

Standing Committee Report No. 70 (Com. P. No. 6, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 70 was adopted and Com. P. No. 6, S. 1, entitled: "Relating to General and Miscellaneous Provisions," was agreed to as to style.

Standing Committee Report No. 71 (Com. P. No. 8, RD. 1, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 71 was adopted and Com. P. No. 8, RD. 1, S. 1, entitled: "Relating to Revision and Amendment," was agreed to as to style.

Standing Committee Report No. 72 (Com. P. No. 10, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 72 was adopted and Com. P. No. 10, S. 1, entitled: "Relating to Local Government," was agreed to as to style.

Standing Committee Report No. 73 (Com. P. No. 11, RD. 1, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 73 was adopted and Com. P. No. 11, RD. 1, S. 1, entitled: "Relating to the Bill of Rights," was agreed to as to style.

At this time, President Porteus notified the Convention that the 48-hour notice was now in effect for the passage of Com. P. No. 7, RD. 1, S. 1; No. 6, S. 1; No. 8, RD. 1, S. 1; No. 10, S. 1; and No. 11, RD. 1,

S. 1, on Third Reading.

seconded by Delegate Chang and carried, the Convention adjourned until 9:00 o'clock a.m., Tuesday, September 17, 1968.

ADJOURNMENT

At 5:05 o'clock p.m., on motion by Delegate Kage,

54TH DAY

Tuesday, September 17, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 9:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend John Heidel of Central Union Church.

The Chair declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Alcon, Hung Wo Ching, Fasi, Kaapu, Kunimura, Peter Lewis, Frank Loo, Morioka, O'Connor, Souza, Steiner and Takamine who were excused.

The President announced that the approval of the Journals of the Forty-Seventh Day to the Fifty-Third Day would be deferred.

STANDING COMMITTEE REPORT

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 75) informing the Convention that Com. Whole Rep. No. 16 and Com. P. No. 13, RD. 1, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

ORDER OF THE DAY SECOND READING

Committee of the Whole Report No. 16 (Com. P. No. 13, RD. 1):

On motion by Delegate Kato, seconded by Delegate Dodge and carried, Com. Whole Rep. No. 16 was adopted and Com. P. No. 13, RD. 1, entitled: "Relating to Transitional Provisions," passed Second Reading and was referred to the Committee on Style.

At 9:32 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention stood in recess until 3:00 o'clock p.m., this afternoon.

AFTERNOON SESSION

The Convention reconvened at 3:00 o'clock p.m.

The President directed the Clerk to note the presence of Delegates Alcon, Hung Wo Ching, Fasi, Kaapu, Kunimura, Peter Lewis, Frank Loo, Morioka, O'Connor,

Souza and Steiner.

At 3:01 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 4:53 o'clock p.m.

COMMITTEE OF THE WHOLE REPORT

Delegate Bryan for the Committee of the Whole; and Delegate Schulze for the Committee on Legislative Apportionment and Districting, presented a report (Com. Whole Rep. No. 17) recommending that Com. P. No. 12, RD. 1, be considered for passage on Second Reading.

The President thereupon referred Com. Whole Rep. No. 17 and Com. P. No. 12, RD. 1, to the Committee on Accounts and Printing.

STANDING COMMITTEE REPORTS

Delegate Ansai, for the Committee on Rules, presented a report (Stand. Com. Rep. No. 76) recommending that the resolutions enumerated in said report be filed and appropriate resolutions expressing the Convention's appreciation be prepared and adopted.

The President thereupon referred Stand. Com. Rep. No. 76 to the Committee on Accounts and Printing.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 77) recommending that Com. P. No. 13, RD. 1, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 77 and Com. P. No. 13, RD. 1, S. 1, to the Committee on Accounts and Printing.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 78) informing the Convention that Com. Whole Rep. No. 17; Stand. Com. Rep. Nos. 76 and 77; and Com. P. No. 12 and No. 13, RD. 1, S. 1, had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Akizaki and carried, the report of the committee was adopted.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 79) recommending that Com. P. No. 9, RD. 1, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 79 and Com. P. No. 9, RD. 1, S. 1, to the

Committee on Accounts and Printing.

GENERAL ORDER OF THE DAY

Committee of the Whole Report No. 17 (Com. P. No. 12, RD. 1):

Delegate Schulze moved that Com. Whole Rep. No. 17 be received and placed on file, seconded by Delegate Ariyoshi and carried.

Delegate Schulze then moved that Com. P. No. 12, RD. 1, pass Second Reading, seconded by Delegate Ariyoshi.

At this time, the President recognized Delegate Schulze.

DELEGATE SCHULZE: Mr. President, the committee would like to take care of some technical amendments at this time if it might ask leave to withdraw Amendment III C-A and III C-C.

PRESIDENT: III C-A and III C-C. Leave has been granted for the withdrawal of III C-A and III C-C. Those have now been withdrawn. Delegate Schulze.

DELEGATE SCHULZE: Next, Mr. President, I will move adoption of Amendment III C-D which is a technical change to Section 26 of the transitional provisions as outlined in Committee Proposal No. 12.

PRESIDENT: You have before you III C-D. Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: I second the motion.

PRESIDENT: It has been moved and seconded that III C-D be adopted. Delegate Schulze, do you wish to make an explanation?

DELEGATE SCHULZE: The transitional provision which we had used before was all right until we learned that the work of the committee might be presented to the voters in two separate packages. At that point we had to take care of the problem that might arise if one part was approved and one part was not. There came a little conflict between that and the Senate Bill 1102 which will also be on the ballot. This is highly technical and affects no substantive part of the committee report. It was drawn by my favorite lawyer, Rhoda Lewis, and I therefore have every assurance it is correct and I ask that it be passed.

PRESIDENT: The Chair enjoys the little conflicts, not the large ones. Thank you, delegate. Is there any further discussion? If there's no further discussion, all those in favor of the motion signify your approval by saying "aye." Those opposed by saying "no." III C-D has been adopted as an amendment. Delegate Schulze.

DELEGATE SCHULZE: Mr. President, at this time I would move for the adoption of III C-B.

PRESIDENT: III C-B is now before us and it has been moved and Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: I second the motion.

PRESIDENT: It has been moved and seconded that III C-B be adopted. Is there any discussion?

DELEGATE SCHULZE: May I come forward, Mr. President?

PRESIDENT: Delegate Schulze is recognized. Please do come forward.

DELEGATE SCHULZE: Mr. President, these are amendments to the legal descriptions affecting two district boundaries on Oahu. They are both technical changes of a minor nature which we didn't bring up in Committee of the Whole for the purpose of facilitating the discussion.

One of the changes affects the drawing of the lines separating Waianae from the 20th Representative District. It adopts the stream bed coming down here slightly instead of the Waianae district line. The purpose is that simply, is to include approximately ten houses which are off by themselves out here by the point. And the people who vote in the precinct here anyway, for reasons we don't quite understand, but to worry about ten houses left all by themselves that have voted and belonged to Nanakuli for many years, and so we amended the description on the matter previously agreed to by the committee to make sure that we did not clip those small groups of people off.

The second change is along Kalauao stream which is the present district boundary of the 20th District. In order to avoid the clogging up of the neighborhood subdivision which has overgrown that stream bed, we have moved the line over to the ridge of the mountain. The stream bed is at the bottom, the ridge of the mountain at the top. But the ridge of the mountain does successfully cut up the neighborhood. Again we're talking about ten or fifteen homes—a very small amount and the purpose here is to avoid the chopping up of a small subdivision.

Those changes are minor. They don't affect the deviation or the mathematics in any substantial way and do not affect the committee's work in any substantial way and we ask your acceptance of this amendment.

PRESIDENT: Is there any further discussion on the matter? No further discussion. All those in favor of the amendment please indicate your approval by saying "aye." Those opposed, by saying "no." III C-B has been adopted. Delegate Schulze.

DELEGATE SCHULZE: Mr. Chairman, at this time, I move adoption of Amendment III C-E.

DELEGATE ARIYOSHI: I second the motion.

PRESIDENT: It has been moved and seconded that Amendment III C-E be adopted. Delegate Schulze.

DELEGATE SCHULZE: Mr. President, this amendment is not a technical amendment. I would like to say a few words with respect to it and then I would like to point out to the delegates what the effect of this amendment is.

Mr. President, it's no secret that there were some small disagreements among the delegates here with respect to the committee plan insofar as it affected the district including Moiliili and McCully. The committee had long been aware that its resolution of this problem had not been entirely satisfactory and it reviewed many other plans for the area before concluding that this is no more unsatisfactory than any other plan. It is another area like the area of North Kohala in which you're kind of behind the eight-ball whatever you do.

The committee's plan, indeed, which the delegates may see on their right of the two maps looking toward the front of the room, was itself a compromise, Mr. President. Initially the committee had looked at a plan called "S," thereafter had looked at a plan called "S-1." The committee adopted ultimately Plan S-1 in every respect except one. And that is it altered the plan for Moiliili-McCully to include the plan that had a curve for that district on Plan S. In other words, the committee at one time at least had been in a position where Plan S-1 was the committee position. Later that position was changed in response to some complaint that had emerged.

The committee has met again today, Mr. President, as all of you know, and has given new consideration to Plan S-1. S-1 meets fully as many of our criteria as does the existing committee plan on the board. It is not perfect and no other plan that takes care of that area is perfect. But the damage it does is not greater and may even be considered less by some than the damage done by the committee's plan. May I step forward, Mr. President.

PRESIDENT: Please do, Delegate Schulze.

DELEGATE RHODA LEWIS: Mr. President, I have an amendment to offer. What would be the appropriate time?

PRESIDENT: I wonder whether we could handle it in this fashion. While technically Delegate Schulze still has the floor, we will handle the inquiry in this manner. I would like to have the consideration and debate on this particular amendment taken care of and then voted on and then any further amendments considered thereafter. Would that be satisfactory?

DELEGATE RHODA LEWIS: Mr. President, I think that it would be necessary to consider the amendment which I have to offer before the vote on the committee-proposed amendment because they ram right into each other, so to speak. This is an amendment which if adopted, then the committee-proposed amendment would not be adopted.

PRESIDENT: May the Chair ascertain from the delegate as to whether or not her amendment is an

amendment to III C-E. And if III C-E were adopted could you not then offer your amendment to the proposition as it was then before the body?

DELEGATE RHODA LEWIS: No, Mr. President, because the 11th District would be reconstituted by the committee amendment in a different way from the way it would be constituted by my amendment. I therefore would suggest that I be permitted to move my amendment and to explain it. And then if we took a vote on that we would know where we were in relation to the amendment before the body.

DELEGATE KAUHANE: Mr. President, I'd like to rise to a parliamentary inquiry.

PRESIDENT: Parliamentary inquiry will be allowed.

DELEGATE KAUHANE: Mr. President, I note that in the long recess, the committee was meeting in session and it was my understanding that the committee was to take up their compromise plan which is being proposed by the chairman of the committee. It is also my understanding that no further amendment in respect to the compromise plan was to be offered. I would like to know, Mr. President, when the committee met, whether this proposed Plan C-2 was being considered by the committee. If not, I'd like to object to the introduction of this C-2 Plan because I had more or less committed myself to support the committee's compromise plan on III C-E. Where do we go from here?

PRESIDENT: The Chair would therefore suggest that we return to due order which is that Delegate Schulze has the floor, was coming forward and still retains the floor. Following Delegate Schulze's presentation, the Chair will recognize Delegate Akizaki and then if there is any question as to our procedure, the Chair will be happy to take a short recess to consult with Delegate Lewis. At this moment, Delegate Schulze does have the floor and I'll return the floor to Delegate Schulze.

DELEGATE SCHULZE: Thank you, Mr. President. I would like to call the delegates' attention to the existing plan particularly in the area around the 12th District. The line I'm pointing to now is the freeway. The 12th District is separated from the 11th by a line running along Date Street to Kapahulu Avenue and down.

Mr. President, the committee's position prior to its ultimate adoption of that district was this one which is on my right and the delegates' left. The district marked "12" on that map includes all of the area included there and includes as well most of the areas of Moiliili and McCully. The dividing line is still drawn along Kapahulu Avenue.

This District 12 is a three-member district as opposed to the two-member district which was the case on the old map. And of course, the one member has been reduced from District No. 11 as you can see is somewhat smaller on this map.

Mr. President, this plan, as I have pointed out already, is not perfect. I despair of ever being able to offer a perfect plan for this neighborhood. But there are many on the committee who liked this plan initially and many now who feel that it is at least as good as the plan we had on the floor.

I would like to say that the integrity of Kaimuki in this plan is preserved. Kapahulu and—Kapahulu's integrity is also preserved and the two districts are placed together in a single two-man district, District No. 11. Moiliili and McCully are still cut by this line which is unfortunate but which is simply dictated by mathematics and no matter how many formulas we use we could not change them but there is no artificial separation along Date Street and along the dividing line of the 21st Precinct, Isenberg Street, any longer.

As a matter of fact, frankly, the old committee plan was that it did tend to submerge the voters in the 21st Precinct and along the mauka side of the Ala Wai Canal who tend to vote rather differently from the other voters in this district. At the present time, we have approximately 6,500 people residing in the Diamond Head area of this district and in Waikiki and approximately 8,500 voting from the Moiliili-McCully areas there. We feel that this is not a true submergence and in fact since the lower area is growing these numbers would tend to equalize themselves fairly rapidly.

I would also point out one final thing with respect to this plan. It has been most difficult for the committee. Waikiki is a very, very special animal. It's awfully hard to deal with. For one thing, the people who live there are very, very different from the people who vote there. Waikiki's populous, although one tends to look at expensive hotels and few luxurious high-rises, Waikiki's populous is socio-economically quite low. Their education level is not high, their socio-economic attainment in short is approximately what one finds in Moiliili-McCully. On the other hand, the few people there who bother to vote, and they are few, tend to be rather more wealthy, older people, who tend to vote in a manner somewhat different from what one would expect in a socio-economic area of that kind.

The net effect of course is to put together a district which we feel is not terribly dissimilar. It is true that there is an area around Diamond Head which could perhaps better be someplace else if we could have gotten it someplace else without distorting everything else on the map. But we do feel that this area and Waikiki are not terribly different in their voting patterns and in the forthcoming years we will see an equalization in this area and therefore any submerging effect that now exists will cease.

Mr. Chairman, this plan which was once a committee position will not attack the basic integrity or the basic fairness of our work. Nor would it destroy the philosophy or the structure underlying our plan. It would not run any risk of illegality.

The committee discussed but did not and could not

accept the amendment previously proposed but it can and does indicate its willingness to return to its prior position which is Plan S-1, a plan which we feel is every bit as fair, every bit as impartial and based upon criteria just as good as those of our present plan.

We urge that the delegates accept this amendment as a committee proposal to the Convention. I might report to you that the committee's vote on this matter was 20 in favor, 2 opposed, 1 absent. Kokua.

PRESIDENT: Delegate Akizaki is recognized.

DELEGATE AKIZAKI: Mr. President, I rise to speak in favor of this amendment. The primary purpose has been accomplished, the McCully-Moiliili community is together once again. At the same time, Mr. President, I would like to withdraw Amendment C-1, and I believe that C-2 is Rhoda Lewis' and it's an identical amendment. Therefore I ask this honorable body to vote down C-2. Thank you very much.

PRESIDENT: Thank you for a very brief and a speech right to the point. The Chair this time will allow the withdrawal of C-1 and recognize Delegate Ho, following which I will recognize Delegate Lum and then Delegate Lewis.

DELEGATE HO: Mr. Chairman, I only wish to say that I reallege and reincorporate by reference all the things said by Delegate Akizaki. I think that once again—well, no plan is perfect, Mr. President—I think that we have taken a forward step in this new Plan S-1 by preserving to the greatest degree possible the integrity of communities. The community of McCully-Moiliili and the community of Waikiki. Now, I grant you, Mr. President, that they may appear differently in the socio-economic features of both communities but with the reapportionment commission that we intend to set up under our new constitutional revision, I believe that this matter can be adequately taken care of sometime in the future.

PRESIDENT: Thank you. The Chair stated that he would next recognize Delegate Lum and then recognize Delegate Lewis and then I will recognize Delegate Ando.

DELEGATE LUM: Mr. President, I yield to Delegate Lewis.

PRESIDENT: Thank you. Delegate Lewis is recognized. Rhoda Lewis.

DELEGATE RHODA LEWIS: Mr. President, I am a member of the Apportionment Committee. I attended the meetings and I presented my dissent to this committee proposal. I cannot feel that the problem of the McCully-Moiliili area can be solved with justice to all the principles of the committee by simply transferring the area where the hurt lies to another body or group of voters.

I represent the Diamond Head precinct as well as parts of Kapahulu which have not been affected at all. I have kept an eye on their interest as well as those of

my own precinct. That precinct which I represent has been submerged ever since I've lived there and that is ten years. Our vote has been completely submerged. The committee plan had joined us to Waikiki which is not altogether homogeneous but, though I would have preferred to have had the precinct joined with Waiālae-Kahala, I went along with it and made no objections whatever. Then the question came up of this Plan S-1 which was considered just before the Labor Day weekend and it was a vote to put that out to public hearing as you see it today, with the exception of that little dog out there on the—well, as we face it, is the mauka-ewa. The chairman has explained, due to an error of numbers in the registered voters in the 14th District, it was necessary to take another precinct out of the Moiliili area. I think that is where the real trouble started. That however, came later. After the Labor Day weekend, we had our hearing and the committee voted to put Plan S together with S-1 as it was brought to the floor originally. The committee heard some of the representatives from the registered voters from my precinct and from Waikiki and then made that decision.

Now, the plan that was offered on Friday, which the delegate from the 15th District referred to and which was approved today, in my idea was a sound plan. I did vote against it Friday because I felt as a member of the committee I should stick to our original committee proposal. Now that the committee has a new proposal which I cannot support for the reasons I have given, I would like to urge upon the delegates the soundness of this plan which was very carefully and fairly explained on Friday, and with the leave of the President I wanted to offer that amendment. I think the President said we should take a recess and discuss the procedural angle. This plan makes the two-member district of Waikiki-Diamond Head, all the way out. This plan that you see on the board which the committee has just brought in chops our precinct up.

PRESIDENT: May the Chair interrupt the good delegate? In the sense of desiring to ascertain whether it would be satisfactory to the delegates to have a vote on the committee proposal and then have you offer your amendment and on due second it will be debated and then voted on.

DELEGATE RHODA LEWIS: Mr. Chairman, I do feel that procedurally I am in order to offer it as an amendment of the committee plan rather than having to vote first on the committee proposal.

PRESIDENT: The Chair will rule that should the delegate wish to offer an amendment, the delegate, if she so desires, may insist upon that right and offer an amendment to an amendment. However, the Chair will also tell you that following the motion, I am not recognizing another delegate until I have recognized Delegate Ando.

DELEGATE RHODA LEWIS: Now, Mr. Chairman, I would like to make my motion then to amend the committee-proposed amendment as set out in III C-2 which does represent the plan which was discussed on

Friday and which, as I have explained, is a two-member district, Waikiki-Diamond Head the whole precinct—

PRESIDENT: May the Chair ascertain whether or not the delegate has now moved that III C-2 be an amendment to the pending amendment of III C-E.

DELEGATE RHODA LEWIS: That is correct. It would be a substitute.

PRESIDENT: Thank you, delegate. Since you have made the motion, the Chair has stated that he will next recognize Delegate Ando and the Chair does recognize Delegate Ando. After Delegate Ando, the Chair said that he would recognize in that order, will then recognize Delegate O'Connor and that is the ruling of the Chair.

DELEGATE RHODA LEWIS: Is there a second to the motion, Mr. President?

DELEGATE FASI: What about a second, Mr. President?

PRESIDENT: The second will come when the second is recognized. Delegate Ando is now recognized in accordance with the statement of the Chair that the Chair will recognize Delegate Lum, Delegate Lewis and then Delegate Ando. Delegate Ando.

DELEGATE ANDO: Thank you, Mr. President. I only rise to thank the committee for the presentation of S-1.

PRESIDENT: The Chair will now recognize Delegate O'Connor.

DELEGATE O'CONNOR: Mr. President, I rise to second the motion that was made by Delegate Lewis.

PRESIDENT: The motion before the house is to have an amendment in the form of III C-2 constitute an amendment to the pending amendment in the form of III C-2. Is there any discussion?

DELEGATE O'CONNOR: Mr. President.

PRESIDENT: Delegate O'Connor is recognized.

DELEGATE O'CONNOR: Mr. President, with the permission of the Chair I would like to put the proposed plan on the bulletin board so they can be intelligently spoken to.

PRESIDENT: Will the Sergeant at Arms post it on one of the boards.

DELEGATE RHODA LEWIS: Mr. President, may I come forward also?

PRESIDENT: Delegate Lewis is now recognized and is given the opportunity of coming forward.

DELEGATE BEPPU: Mr. President.

PRESIDENT: Delegate Beppu is recognized.

DELEGATE BEPPU: Will you restate the motion please. I think that the amendment is III C-2 amending the pending motion III C-E.

PRESIDENT: That is correct, delegate, you are absolutely correct. We have a main motion pending. There is one amendment which is III C-E. The delegate has appropriately stated that she desires to present an amendment. She is in her procedural rights of doing so and therefore it is amendment III C-2 to III C-E exactly as the Secretary has stated. Delegate Lewis.

DELEGATE RHODA LEWIS: Mr. President, just to recall to the delegates, this is what we call the Waikiki Island bounded by the Ala Wai Canal, the ocean front, Kapahulu. This dotted line does not exist on the plan. The two-member district would consist of Waikiki, Diamond Head, the complete precinct, the 8th of the 16th instead of its being divided as it presently is, and part of Waiialae-Kahala which is divided by Kilauea Avenue and the line which continues the Kilauea Avenue boundary. Although it is not exactly Kilauea Avenue it drops down to make the proper numbers. That would be a two-member district. This would solve the problem which is presented by the committee proposal made today because not only would McCully-Moilili be joined in the area of Waiialae-Kahala instead of being joined in the area of McCully-Moilili.

I think for the same reasons that McCully-Moilili did not like the original committee proposal, we here feel that this is not a proper representative district. They put together the condominium-cooperative apartment owners, the homes on the side of Diamond Head, Waikiki, the Date Street area, the McCully-Moilili in one two-member district.

Now in the senatorial area I would have no remarks to make but along the premises of the committee's plan you have as homogeneous as possible representative district. It is much better accomplished by this plan which was offered last Friday and fully explained. This particular area here is simply a composite of necessity as offered by the committee today and I think I'm repeating myself when I say no solution in my humble opinion is to be found by simply transferring the problem from one area to another. Thank you, Mr. President.

PRESIDENT: Thank you, delegate. Does any other delegate desire to be recognized? I'll wait till the delegate has had an opportunity to resume her seat.

DELEGATE YIM: Mr. President, may we have a short recess so that we can go forward and take a look at those lines?

PRESIDENT: You may certainly recess and it is so declared, and it is short.

At 5:28 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:32 o'clock p.m.

PRESIDENT: Will the Convention please come to order. Will the delegates please take their seats since the Chair desires to recognize Delegate O'Connor. Delegate O'Connor.

DELEGATE O'CONNOR: Mr. President, I rise to speak in favor of the amendment and ask leave to come forward, so to speak.

PRESIDENT: Delegate O'Connor, you do have permission to come forward.

DELEGATE O'CONNOR: Mr. President, I speak in favor of the amendment. This amendment, as all of the delegates will recall, was a proposal advocated yesterday by Delegate Noguchi, Delegate Akizaki, Delegate Ho and was their initial creation.

Yesterday as Delegate Lewis was in the same situation—we are members of the Reapportionment Committee and we, at that time we voted on this, voted with the committee on the basic proposal. I had some misgivings on that vote and the misgivings were basically premised on the fact, Mr. President, that I believe this plan, which is Plan GN or CA, now the amendment before the house, is a better plan than any of the other plans for this particular area and the reasons are these and they are rather simple. First, as to Plan S-1 which was voted down in your committee, Plan S-1 combines Moilili and McCully with Waikiki-Diamond Head.

As you all know our apportionment scheme today is still retained in the jurisdiction of our local federal court. Judge Martin Pence in his decision on reapportionment in Hawaii pointed to the present 15th District as an example and these were the words for those members of this Convention who don't know where the words "heterogeneous" and "homogeneous" came from—from this decision. And he said in that decision, in his basic decision, that the 15th District comprises several groupings which were not homogeneous, taking the district as a whole. And he singled out in that decision Manoa Valley, the Moilili area and Waikiki as being separate and distinct areas. Homogeneous to themselves but not homogeneous to the overall 15th District. And he considered this a vice. Adopting Plan S-1 retains two-thirds of that vice. Moilili and Waikiki are thrown together.

Now, the plan before you, which is the amendment before you, does away with that situation because it incorporates as District No. 11 the Moilili-McCully complex. A homogeneous grouping. And it puts Waikiki into a separate location. And Waikiki, in this particular amendment, is grouped with Waiialae-Kahala. You say to yourself, "Is that a homogeneous grouping? Is it more homogeneous than grouping it with Moilili and McCully?"

As Delegate Schulze pointed out so adequately, there is no perfect plan in this area, there is no great innovation because that plan would have been brought before you long time ago. What we're trying to decide is which is the best plan. Not which is the compromise

but which is the best plan for this area of Oahu. And Mr. President, I say to my fellow delegates, that the grouping of Waialae-Kahala with Waikiki is better from a homogeneous standpoint than grouping of Waikiki with McCully and Moiliili.

Furthermore, a vice has been pointed out in this plan in that the 9th District cuts across our freeway boundary line. That freeway boundary line has been used across central Oahu. I would point out, Mr. President, to my fellow delegates, that the freeway in this area is still under construction for one thing; and secondly, that freeway terminates in the 9th District as indicated. And even if Plan S-1 is adopted, the plan which is now advocated by the committee, the freeway ends right in District 9 in that plan and anyone attempting to communicate between the makai and mauka areas of District 9 must scoot around this warp left in that district by District 11 which is caused by the freeway. I would suggest that in this particular area the freeway, although a very adequate and substantial boundary, if it ends in this particular district it should be skirted, and it does so end.

This plan conceived by the three gentlemen I previously mentioned does many good things. It creates nicely formed districts, it creates areas that are locked together with our like, it has been argued that this plan cuts Kaimuki right in half. I would point out, Mr. President and my fellow delegates, that the splitting of Kaimuki is almost identical to the present splitting of Kaimuki between the present 17th and 16th Districts. And I would point out that the people who live on the Koko Head side of the boundary between the 9th and the 11th in this amendment before you are people who live on the Koko Head slope of Kaimuki and those people shop in Waialae. Those people who live in this area of Kaimuki have their own schooling system in their own district and that schooling system is also utilized for intermediate school, for example, by the children from Waialae-Kahala. They go to Kaimuki Intermediate which is right here. And the children in this area go to Kalani High School which is right down here and I will present to you, my fellow delegates, that this split of the Kaimuki area although it does split a neighborhood is not a significant split. It is split there today. It is a split which is historical and for certain reasons geographically logical and the people who live on the Koko Head side of that split look in the Koko Head direction. The people who live on the other side look in the Honolulu direction.

For all of these reasons, I personally feel that this plan is a better plan than S-1. I feel the slight injustice it does in Waialae-Kahala where it splits up about three blocks of what can be really considered Waialae-Kahala—is certainly not counterbalanced by the fact that it lumps Moiliili-McCully and Waikiki together. This, Mr. President, I think is a nut which is much harder to swallow. And for these reasons, I would advocate the adoption of the amendment before the house and the adoption of this plan.

PRESIDENT: Thank you, delegate. Is there any other delegate who desires to be heard? Let the Chair

ascertain whether there is anybody who desires to speak for the first time.

DELEGATE LUM: Mr. President.

PRESIDENT: Delegate Lum is recognized.

DELEGATE LUM: As a delegate and a representative from that very district that we're talking about cutting out two precincts, I think it's very important that I express myself as far as my feelings towards this. For those who know my feelings about McCully and Makiki, I felt that they should be kept together as one community. I worked with those delegates trying to figure out a compromise plan which I feel should come out with something will be more homogeneous than it was when we first saw it. I was caught in a position where I couldn't say much because my district was not affected that much.

But here the drastic situation where a whole portion of my district, I would say about six precincts are going to be affected, I would say that this amendment would probably do better and would do more justice to our district totally than the proposed S-1. I feel sorry for Waikiki because I can see the possible growth of Waikiki and I've always maintained that the similarity between Waialae-Kahala economically as well as those who live and vote in Waikiki are more similar than those of Waikiki and Makiki and McCully. I've always maintained this although there are people in my district who disagree with me.

I feel that this particular amendment would keep all of the Kaimuki area which is the older section of Kaimuki made up of people like our honorable mayor, few of the department heads, owners of furniture stores and so on connected with Maunalani Heights and lower Maunalani Heights which are about the same income bracket, same interests and a portion of Waialae-Kahala which has to be put in there to make the numbers come out. And might I remind you that a large portion of this portion of Waialae-Kahala which is taken out is made up of the mall and the shopping center which is being developed right now. This grouping, this district is very homogeneous. It also keeps the Makiki-McCully area intact which is also homogeneous and it doesn't affect the rest. So I would say that this amendment would be more helpful to our district, this is my opinion, than in S-1.

PRESIDENT: Thank you, delegate. Is there any other delegate who desires to speak for the first time? The Chair will recognize Delegate Steiner and then recognize Delegate Goemans.

DELEGATE STEINER: Mr. President, I will make my remarks very brief. I rise to speak against the amendment. I do not agree with those who advocate there is a community of interest between the people who live in the Waialae-Kahala area and Waikiki.

Those in Waialae-Kahala area are residential leaseholders, for the most part family people with children. They live in homes, houses with yards. Those

who live in Waikiki for the most part live in high-rise buildings. It is my feeling many of these are without children, many of these buildings don't permit children. It's also true in many hotels. As far as I know there's only one hotel in our area. There's only two or three high-rise buildings. The building prohibits, as far as I know, any serious encroachment of these into that area which I represent.

I foresee the day Waikiki will be almost exclusively high-rise buildings. As a matter of fact, it's come to the point now the government has to get into lands, condemn lands as parks. I see little, if any, community of interest. I see entirely dissimilar parlance between those who live in the Waikiki area and the wants and desires of those who live out in what will be the 9th Representative District.

I urge the delegates to vote down this amendment.

PRESIDENT: Thank you, delegate. Delegate Goemans is now recognized.

DELEGATE GOEMANS: I have two questions of Delegate O'Connor if he would be so kind.

PRESIDENT: Will you address them to the Chair and then the Chair will determine whether the delegate—

DELEGATE GOEMANS: My first question is as to his statement regarding the length of the freeway. My understanding is that the freeway ran or would run by the effective time of this plan now well past the 9th Precinct.

PRESIDENT: Does Delegate O'Connor desire to answer the question? If the delegate does, he is recognized.

DELEGATE O'CONNOR: Thank you, Mr. President. My statement was that the freeway is presently under construction in that area. Mr. Goemans is correct. When it is finished it will run well into the 8th District but we are reapportioning today on a present situation and not on a future situation.

PRESIDENT: Thank you. Delegate Goemans, do you have another question?

DELEGATE GOEMANS: Yes, the other question is, as to the same court decision which was quoted by Delegate O'Connor concerning homogeneous and heterogeneous, the court also made a very strong point that we had to consider and reapportionment the senate and the house as an entity. That we could not with any degree of logic just divide up one body and not at the same time take into consideration what affected apportionment of the other body. Now in this plan, it would appear to me that not only are you cutting a senate line to one district, the 11th, but you're cutting the senate line right through the middle of another district, the 12th. And I would then add what assurance we have that the court would consider this a rational plan.

PRESIDENT: Does Delegate O'Connor desire to respond? If he does, he is recognized.

DELEGATE O'CONNOR: The same court indicated that there should be single-member districts on Oahu for one of the two houses. That idea was overturned by the U.S. Supreme Court as was the precept which Mr. Goemans just talked about in the case of *Burns v. Richardson*.

PRESIDENT: Thank you. Does any other delegate desire to be heard? Delegate Fasi.

DELEGATE FASI: Very briefly, Mr. President, I agree with Delegate Steiner's proposition against the amendment. I would also like to point out that the area as reported in the amendment by the committee is best suited and more homogeneous to the McCully-Moilili area simply due to the fact that we have large tracts of land that are being built on condominiums in that area and are zoned general planned for high-rise condominium uses. These are on the planning boards now and these buildings are going up and that alone would indicate that as far as being homogeneous, the plan submitted by the committee is best suited for this area.

PRESIDENT: Thank you. Does any other delegate desire to be recognized for the first time? Delegate Dodge is recognized.

DELEGATE DODGE: Mr. President. Delegate O'Connor was quite correct and I think that he quoted Judge Martin Pence correctly when he used the words that the 15th District was a mixture of homogeneity and heterogeneous and all mixed up. But what Judge Pence was addressing himself to was the senate plan for apportionment. And he and the other two district judges found the plan not comfortable with the federal Constitution. He was reversed, the three of them were reversed by the United States Supreme Court.

PRESIDENT: Delegate Dyer.

DELEGATE DYER: Mr. President, I rise to speak against the amendment. I agree with Delegate Steiner that there is a difference between Waialae-Kahala and the heart of Waikiki. That's point one.

Point two is that the proposed amendment, as I think most of the delegates know, divides Kaimuki which is not right.

And point three is that the proposed amendment also splits off a portion of Waialae-Kahala instead of keeping Waialae-Kahala intact. So, for these reasons, I'm going to have to vote against the proposed amendment.

PRESIDENT: Thank you. Is there any further discussion? Delegate Schulze. May the Chair determine if there's anybody else that wishes to speak for the first time. No one so indicating, the Chair recognizes Delegate Schulze.

DELEGATE SCHULZE: To speak for the first time

on the amendment, Mr. President.

PRESIDENT: Pardon me. Chair stands corrected. You are recognized for the first time on this amendment.

DELEGATE SCHULZE: Mr. President, I'll speak very briefly for the members of the committee. The delegates have heard from the two who disagree with the committee's decision. The committee, in this afternoon's meeting, did consider this plan along with Plan S-1 and the vote as I have earlier pointed out was 20 opposed to this plan and in favor of that one, 2 in favor of this plan.

I think the record ought also to be clear that the committee never did vote down Plan S-1. On August 30th, there was a straw vote taken in the committee on the plan that stands before us, that was Plan S and Plan S-1 won there. Plan S-1 had 9 votes, Plan S with some variation had 5 and there were 3 kanaluas and there were 3 people who didn't want to change anything.

Thereafter, as I have previously reported to the delegates, S-1 was altered to make it into S-1-A and that was on September 4, 1968, in which a vote was taken. The committee was still split between S-1 and S-1-A even at that time. Mr. Chairman, I would speak for these people very briefly in saying that the reason that this plan was not acceptable to the committee involves the problems that we pointed out before; namely, in helping the people who live in the ewa side of Diamond Head. It did solve their problems in some large extent but in doing so it required a split of Kaimuki and it required the construction of a line which does not generally follow either census tract or precinct lines through Waialae-Kahala involving a number of estimates involving a line which we found to be rather unsatisfactory.

For these reasons, as well as the reasons that we stated the other day, the committee felt that the S-1 plan was preferable and chose it.

PRESIDENT: The Chair wants to express its appreciation to the delegate for his patience in waiting this long time to point out that that was his first appearance in relation to this particular amendment.

Is there any further discussion? Since there is no further discussion, the Chair will determine whether or not there are sufficient delegates who desire roll call; and if there are not, the Chair will call for a division of the house. All those who desire roll call will please stand up. An insufficient number so desire. All those in favor of the amendment which has been presented by Delegate Lewis, being amendment III C-2, will please rise. Thank you. Those opposed will also rise. The amendment has been defeated.

The question before the house is, "Shall amendment III C-E be adopted." Is there any further discussion? If there's no further discussion, all those in favor of the amendment will please signify your approval by saying "aye." Those opposed, by saying "no." The motion has

been carried and the amendment III C-E has been adopted. Delegate Schulze.

DELEGATE SCHULZE: Mr. President, the legal descriptions will follow, of course.

PRESIDENT: Yes, the Chair will thank you for calling it to the Chair's attention. This has been the procedure before that when we have dealt with certain of these districts, of necessity we found that the technical survey description has not been available and as soon as that is available it will be considered to have been carried by the carriage of the motion. Delegate Schulze is recognized.

DELEGATE SCHULZE: Mr. President, a very short recess please.

PRESIDENT: A short recess is declared.

At 5:54 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:59 o'clock p.m.

PRESIDENT: Delegate Steiner, do you desire to be recognized?

DELEGATE STEINER: I do, Mr. President.

PRESIDENT: You are so recognized.

DELEGATE STEINER: Mr. President, there is on the desk of the delegates, Amendment III C-3. Mr. President, at this time I ask leave to insert an oral amendment which is being proposed by Delegate Lewis and which has the approval of the chairman of the Reapportionment Committee.

The amendment will be to broaden this continuity provision to the entire Article III and also to the provisions of Article XVI. That's the schedule as I understand it. Therefore, Mr. President, with your indulgence, the amendment which I have proposed would read as follows: "Should any provision of this article or the related provisions of Article XVI be determined to be invalid under the Constitution of the United States of America, the validity of the remaining provisions shall not be affected thereby."

PRESIDENT: Delegate, will you go back and take that a little more briefly. Under severability, it is, "Should any provision of this article in place of section—?"

DELEGATE STEINER: That's right, Mr. President.

PRESIDENT: Article—then what follows?

DELEGATE STEINER: "... for the related provisions of Article XVI be determined ..." and the rest reads as is printed, Mr. President.

PRESIDENT: So that you take out the words "any subsection thereof"?"

DELEGATE STEINER: That's correct, Mr. President. This is Delegate Lewis' suggestion that would broaden it to cover all the provisions of Article III.

PRESIDENT: Can the Chair determine whether or not you desire to move a new section reading, "Should any provision of this article or the related provisions of Article XVI be determined to be invalid under the Constitution of the United States of America, the validity of the remaining provisions shall not be affected thereby." Is that your desire?

DELEGATE STEINER: No, Mr. President. There's an extra word that slipped in there that was not intended. I'll read slowly, Mr. President. "Should any provision of this article of the related provisions of Article XVI be determined . . ." and the rest reads as is on the desks of the delegates.

PRESIDENT: The delegate has not yet moved for the adoption of the amendment and the Chair allows him to restate his amendment in the amended form so we wouldn't go through the process of having an amendment with an amendment to the amendment. Therefore, Delegate Steiner is recognized for the purpose of moving for the adoption of III C-3-A.

DELEGATE STEINER: So move, Mr. President.

DELEGATE SAIKI: Mr. President, I second the motion.

PRESIDENT: It has been moved and seconded by Delegate Saiki that III C-3-A be adopted. Is there any discussion? Delegate Kageyama is recognized.

DELEGATE KAGEYAMA: Mr. President, I believe that the amendment is of such importance that I think to conform to the rules it should be in writing. There was another change made by Delegate Steiner and I believe that the provision is worthy of consideration by the delegates and I think it should be in proper form. I think we have sufficient time to have that amendment reproduced in its proper form so that the delegates here would probably be able to understand and the President would compute in the oral amendment.

PRESIDENT: Could the Chair ascertain as to whether or not in a brief recess—if the maker of the motion could come over and show you what he's done and then the Chair will order that at a later time the appropriate amendment be typed up and distributed. But it is a little after six and I think it would expedite the work of the Convention if we could deal with this amendment at this time.

DELEGATE KAGEYAMA: Well, I have no objection and I have enough confidence in the President of this chamber here to—

PRESIDENT: Thank you very much. Is there any further discussion? Delegate Mizuha is recognized.

DELEGATE MIZUHA: Mr. President, I speak in opposition to this amendment. I don't see the necessity for this amendment at all in this article. If the article is going to be struck down, the court will determine which provisions of the article must be struck down and it will determine the severability of that particular section in the article. I don't think this is a statute like it's passed by the state legislature. This is a Constitution, and provisions in constitutional sections in constitutions all over America have been struck down. That doesn't mean the whole Constitution goes down or the whole article goes down. I think this is very academic and childish.

PRESIDENT: Delegate Steiner, do you desire to be recognized?

DELEGATE STEINER: I disagree that it is childish. We've been in this session here since July 15. We spent countless thousands of dollars to come up with a plan to present to the people of this State.

We had in the debates on Saturday, an indication that there is, could be a problem on at least one of these sections. We've had two competent lawyers stand up and take opposite viewpoints on whether or not the matter of fractional voting would be proper and would pass the test of constitutionality. Following that, there was some discussion as to whether or not this provision would be severable or not. In other words, could it be treated separately and the rest of the constitutional provisions stand by themselves. There was no definite assurance to this group that this would take place.

The purpose of my amendment, Mr. President, is to do everything possible to insure the court that should they ever get to that stage, that we will indicate to them in the plainest and clearest of terms that we wish any improper provision to be treated as separable. It is something which is done by the legislature, I strongly urge we do it here.

It's true, we're not dealing with a legislative matter. We're dealing with a Constitution. However, as a legislature or state relates to the Supreme Court of the State, we here working on this Constitution relate to the United States District Court or the United States Supreme Court. I say it's entirely proper to indicate to that body that if any provision be improper, that they leave the rest of our good work regarding reapportionment alone.

PRESIDENT: Thank you. Delegate Schulze is recognized.

DELEGATE SCHULZE: Mr. President, in behalf of the committee, we agree with both sides.

PRESIDENT: That will be very gallant of the delegate.

DELEGATE SCHULZE: Isn't that nice? Mr. President, we believe that the provision of the severability clause was not entirely necessary because—in fact we believed it was not necessary, because we had

designed and structured the entire Article IV in such a way that we felt that any review of it would result in the court selecting appropriately. On the other hand, today when Delegate Steiner asked what our decision was with respect to it, I pointed out that we had no objection subject to the changes given by my still favorite lawyer, Delegate Lewis, on the grounds that it certainly would communicate the intent of the drafters that the court go no further than was necessary in striking down any portion of Article IV. In short, it seemed to be a little frosting on the cake and it had absolutely no danger to it. We adhere to that position, we have no objection to the passage of the amendment. We do not believe it can do any harm.

May I also at this time apologize to the delegates for putting Delegate Steiner in the position where he was required to make an oral amendment. I must take the blame for this. He has asked me for several days to give him an opinion with respect to this and I was somewhat busy with other matters and did not do so.

PRESIDENT: The Chair does not desire to be facetious but it sounded as though that some of the delegates would have voted against this the other day but might vote for it today.

If there is no further discussion, all those in favor of the amendment will please signify their vote by saying "aye." Those opposed, by saying "no." The Chair is in doubt as to the numbers and therefore will ask for a division of the house. All those in favor of the amendment please stand. Thirty-two without counting the press. All those opposed will please rise. Will you please rise if you desire to, so we can get an accurate count. Approximately thirty-seven. The motion has been lost.

The question before the house is whether or not the proposal in an amended form will pass Second Reading and I will recognize Delegate Schulze for the purpose of making the appropriate motion.

DELEGATE SCHULZE: Mr. President, the committee has no further amendments to offer or explanations to propose and thereby moves adoption on Second Reading of Committee Proposal 12.

PRESIDENT: As amended.

DELEGATE SCHULZE: As amended in RD. 1.

PRESIDENT: Delegate Ariyoshi is recognized.

DELEGATE ARIYOSHI: Mr. President, I second the motion.

PRESIDENT: The motion has been properly made and seconded. However, at this time, the Chair will take a two-minute recess at the request of one of the delegates.

At 6:10 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 6:13 o'clock p.m.

PRESIDENT: The Convention will please come to order. The motion before the house is the passage of the proposal in an amended form and the Chair will recognize Delegate Bacon for a brief statement.

DELEGATE BACON: Mr. President, very briefly, I would like to point out for the record that there has been considerable opposition to this plan as drawn up for the proposed Representative District No. 23. This comes from the North Shore of the present Eighth District, Sunset Beach, Kahuku, Hauula and Kaaawa. They've communicated with me. However, at this time I will be voting for the committee report. We recognize the difficulties which they face; they are a rural community, but at the present time we will go along with the plan and hopefully, in the future, they can have their own representative out there. Thank you.

PRESIDENT: Thank you, delegate, for the brief and concise statement.

DELEGATE KAUHANE: Mr. President.

PRESIDENT: Delegate Kauhane is recognized.

DELEGATE KAUHANE: Mr. President, I would have to register my vote against the committee report. I am voting against the committee report because of the feeling I have of the gerrymandering of the Seventeenth District and also when the committee had an opportunity to study Plan S which combined the present 12th and 13th Districts providing the two districts with four representatives, and the committee after due consideration of other alternative compromises which the committee had proposed and was adopted by this Convention, I thought, too, that the committee would be a little more realistic in trying to get back to Plan S insofar as the 17th and 18th Districts are concerned.

I realize the committee's work. I realize the committee attempted to present a workable, acceptable and a reasonable reapportionment plan. I also will vote against the committee proposal because I do feel that in our senatorial makeup of multi-district, that we in the 17th and 18th Representative Districts were not considered as the multi-district of combination of two districts, representative districts so that we will have the opportunity of having to elect two senators to represent the multi-district, 17th and 18th. I also oppose the committee's proposal when the committee's recommendation in setting the boundary line taken away from Kalihi, Precincts 1 and 8. Also in the committee's proposal to divide Kalihi, mauka and makai in creating the 18th Representative District that the committee also stretched out. As I remarked, it is a gerrymandering feature by taking away from the present Kalihi district their rightful precinct of the second, third and fourth precinct district of the present 11th Representative District. Under this basis, I cannot begin to vote for the acceptance of the committee report. I feel that if I do, that I would not be doing justice to

the constituents who elected me to serve them in this Constitutional Convention to preserve for Kalihi what Kalihi is rightfully entitled to.

PRESIDENT: Thank you, delegate. The Chair will ask for a voice vote and after the voice vote, if anyone desires to be recorded as being in opposition, he will be so recorded. All those in favor of the motion as amended, please signify your approval by saying "aye." Those opposed, by saying "no." Does any delegate wish his vote to be recorded as being in the negative?

DELEGATE KAGEYAMA: Mr. Chairman.

PRESIDENT: Delegate Kauhane in the negative. Delegate Kageyama—

DELEGATE GOEMANS: Goemans.

PRESIDENT: Goemans in the negative.

DELEGATE KAGEYAMA: I rise to—

PRESIDENT: May I ascertain whether there are any negatives.

DELEGATE YAMAMOTO: Mr. Chairman, I vote negative.

PRESIDENT: Delegate Yamamoto, negative; Delegate George Loo, negative; Delegate Andrade, negative; Delegate Kawasaki, negative; Delegate Alcon, negative. Delegate Kageyama is now recognized.

DELEGATE KAGEYAMA: Thank you, Mr. Chairman, I—

PRESIDENT: It took a little time but we reached you.

DELEGATE KAGEYAMA: I assume that the Committee on Reapportionment did very deep research as far as trying to come out with some sort of a plan. And they have come out with a plan in which I am not in agreement for the very reason that the old 11th District has been taken to the market and has been sold. Portions of the old 11th District have been cut up like a cow: the hind went to the south, the body went to the east, and the head went probably to the west. And therefore, the identity of the old 11th District no longer exists.

PRESIDENT: Thank you. Thank you, delegate. As a matter of fact, the Chair had allowed you to speak although the Chair knows that—

DELEGATE KAGEYAMA: Mr. President, I took your position because there wasn't any motion before debate, which should have occurred before you had expressed that point. And now I willingly conceded to the President of waiting for that statement of yours that expression of sentiment or that idea will be presented after the vote. Otherwise, the parliamentary procedure would have been given me to express before the proper second. And I conceded to the President.

And if the President is going to deny me the right to fully express for the purpose of the record then I would insist that in the future the entire parliamentary procedure is followed to the "T." And this type of amendment that has been proposed on Second and Third Reading of the amendment on a reading of the entire provision on the basis that I am not extended this type of a courtesy.

DELEGATE KAUHANE: Mr. President, may I rise to a point of order?

PRESIDENT: I am sorry and the Chair apologizes to you, delegate, if in any way the Chair misled you. It was the Chair's understanding that I had made it clear that while on a voice vote, we would normally not record the "noes." Because of this particular situation, and because of the hour, we would record the people who desired to be known as individually voting "no," assuming the rest were voting "aye." And if the Chair led you to believe that there would be a statement of position afterwards, I am sorry because that was not the parliamentary position and I appreciate very much your saying that you had felt that you needed an opportunity to speak. And now, Delegate Kauhane is recognized.

DELEGATE KAUHANE: Mr. President, I rise to a point of order because I feel that the delegate is entitled to due courtesy by all members of this Convention.

PRESIDENT: That is not a point of order, delegate.

DELEGATE KAUHANE: Since he was abused the—

PRESIDENT: That is not a point of order, delegate, and the Chair has already apologized to the delegate if the Chair has misled the delegate in any way, and I certainly do not want to mislead anyone. I want to give everybody every opportunity—

DELEGATE KAUHANE: Mr. President.

PRESIDENT: —and the Chair will now recognize Delegate Kauhane if he is not satisfied with—

DELEGATE KAUHANE: Mr. President, I'm not saying that you did not afford the delegate an opportunity to speak. I am not saying that you did not try to explain to the delegate the position of the President. What I am trying to say on the point of order was, while the delegate was talking, that he was not extended the due courtesy entitled to him, having recognized the floor by you when noises were created. Certainly, regardless of his position in life, or his standing in life, he should be given all the courtesy he is entitled to, and I certainly feel that everyone of us should be given that consideration. Regardless how small the individual may feel or may present himself in the eyes of other delegates.

PRESIDENT: While the Chair will not call this a point of order, I think the point made by the delegate is well taken and I hope that every delegate will extend

every courtesy to every other delegate. Delegate Bryan is recognized.

DELEGATE BRYAN: I would like very much to make a statement for the record pertinent to the vote just taken. I was very happy to see the committee change its proposal and came out with a plan that could be supported by a great number of the delegates. My reason for feeling this way is I read my horoscope today and it says, "A change in plan will be very beneficial even at the last moment."

PRESIDENT: Thank you very much. Now may we get to some of the other work so that we can finish for the day.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 76:

On motion by Delegate Ansai, seconded by Delegate Young and carried, **Stand. Com. Rep. No. 76** was adopted and Res. Nos. 4, 5, 11, 13, 15, 16, 18, 19, 31,

32 and 35 were filed.

Standing Committee Report No. 77 (Com. P. No. 13, RD. 1, S. 1):

On motion by Delegate Ando, seconded by Delegate Oda and carried, **Stand. Com. Rep. No. 77** was adopted and **Com. P. No. 13, RD. 1, S. 1**, entitled: "Relating to Transitional Provisions," was agreed to as to style.

At this time, the President notified the Convention that the 48-hour notice was now in effect for the passage of **Com. P. No. 13, RD. 1, S. 1**, on Third Reading.

ADJOURNMENT

At 6:25 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention adjourned its last meeting at the McKinley High School Gym until 4:00 o'clock p.m., Wednesday, September 18, 1968, at the Senate Chamber at the Iolani Palace.

55TH DAY

Wednesday, September 18, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 4:00 o'clock p.m.

The President presided.

The Divine Blessing was invoked by Reverend Dan H. Kong of Olivet Baptist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kamaka, Kato, Kunimura, Mizuha, Morioka and O'Connor who were excused.

The President announced that approval of the Journals of the Forty-Seventh Day to the Fifty-Fourth Day would be deferred.

STANDING COMMITTEE REPORTS

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 80) informing the Convention that Stand. Com. Rep. No. 79 and Com. P. No. 9, RD. 1, S. 1, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 81) recommending that Com. P. No. 12, RD. 2, as amended in S. 1, be agreed to.

The President thereupon referred Stand. Com. Rep. No. 81 and Com. P. No. 12, RD. 2, S. 1, to the Committee on Accounts and Printing.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 82) informing the Convention that Stand. Com. Rep. No. 81 and Com. P. No. 12, RD. 2, S. 1, had been printed and distributed.

On motion by Delegate Amano, seconded by Delegate Andrade and carried, the report of the committee was adopted.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 79 (Com. P. No. 9, RD. 1, S. 1):

At this time, the President announced that due to a

clerical omission on Page 3 of Com. P. No. 9, RD. 1, S. 1, a new Page 3 had been typed and printed for replacement. He then called on Delegate Hitch to explain the omission.

DELEGATE HITCH: Thank you, Mr. President. The line that was dropped out in typing the proposal and which appears in Style Committee Report No. 79 is in the last paragraph. The last paragraph in the Proposal 9 that was distributed earlier read, "All general obligation bonds for a term exceeding one year shall be in serial form maturing in substantially equal installments of principal and interest," so that the intervening line has been dropped out. It should read as it does now in substitute page 3, "in substantially equal installments of principal, or maturing in substantially equal installments of both principal and interest."

PRESIDENT: Thank you for the explanation. Under these circumstances, the Chair would then again ask the consent of the body for the substitution of a new Page 3 in Committee Proposal No. 9. It is so ordered and the Chair now recognizes Delegate Ando.

DELEGATE ANDO: Mr. President, I beg your pardon for the inexcusable happening. It has happened but we had such committee members that were able to detect errors before it became a problem. For your Committee on Style, Mr. President, I recommend the adoption of Committee Proposal No. 9, RD. 1, S.1, with the new page added, and adoption of Standing Committee Report No. 79.

PRESIDENT: Delegate Oda is recognized.

DELEGATE ODA: Mr. President, I second that motion.

PRESIDENT: It has been moved and seconded that Standing Committee Report No. 79 with respect to Committee Proposal No. 9, in relation to Article VI, taxation, be adopted. If there's no discussion, all those in favor please—Delegate Kauhane is now recognized.

DELEGATE KAUHANE: Mr. President, I realize the work of the Committee on Style and its responsibilities. I question the right of the Committee on Style to change the substance of the intent that was voted upon by the Convention. I refer to Page 3, "Bonds may be issued by the State when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled." I gather by this, all of the members, the senate having 25 members, the two-thirds vote will be two-thirds of the 25 votes.

I note that by the committee change by deletion of the word "all" leads me to believe that "the members to which each house" could be the members present rather than the total number of the members to which

each house is entitled to, so that if the members, as to the members present, is the indication that may lead to the members to which each house, 15 members being chosen and two-thirds of the majority, two-thirds vote is ten as against 15, what is the—

PRESIDENT: Let the—the Chair can state that at present under our present Constitution, it is clear that whenever a two-thirds vote is required in the senate, it is two-thirds of 25, and in the house it is two-thirds of 51. And the committee is just making clear that the same rule is followed in the new Constitution as in the previous one, and the Chair will call on Delegate Hitch to respond further on this matter.

DELEGATE HITCH: This same phrase appears in a number of places in the Constitution and I will stand corrected by the chairman of the Style Committee, Delegate Ando, if I am not right. It was the purpose of the Style Committee to have this expression appear in exactly the same words everywhere so that when some committees used the word “all” and some committees omitted the word “all,” all was eliminated from this phrase wherever it appeared, and there is no change in meaning. It means two-thirds vote of the total number of the members of the house to which—

PRESIDENT: This has also been true in the legislative article where it was necessary to get a two-thirds vote of the members in order to, for instance to convene later in the year. And I think the language has been used consistently throughout.

Does Delegate Fasi wish to be recognized?

DELEGATE FASI: Mr. President, I was just wondering, does “members” mean the 26-member senate?

PRESIDENT: No, the—I don’t believe there will be a problem there. I think if you take your percentages it will all work out. You won’t get any half percentages.

Now, are there any further questions?

DELEGATE KAUHANE: Mr. President, there is another change in here.

PRESIDENT: Will the delegate remember to ask to be recognized first.

DELEGATE KAUHANE: Mr. Chairman, I rise to question the—

PRESIDENT: If you are rising to be recognized, the Chair will now recognize Delegate Kauhane.

DELEGATE KAUHANE: Mr. Chairman, there is another problem appearing on page 5. The change in substance by the Committee on Style, the committee report reads: “. . . bonds to meet appropriations, etc., which shall be payable,” the committee has deleted the words, “which shall be payable,” as the Convention had voted upon, and added: “. . . if required to be paid.” May we have a clarification of the difference between

the two phrases.

PRESIDENT: What page was this?

DELEGATE KAUHANE: On page 5, in the second paragraph. “Bonds to meet appropriations for any fiscal period in anticipation of the collection.” It continues on to where it says: “. . . deficits or failures of revenues which shall be payable”; this was voted upon by the Convention as a substantive matter, then the Committee on Style changes to where, “if required to be paid.” This changes the picture on the vote that was taken originally at the Convention. May we ask the reason for such a change?

PRESIDENT: Yes, delegate. The original read: “. . . which shall be payable within one year.” All of these were not necessarily required to be payable within one year. And I would like Delegate Hitch to respond in this matter if he will please.

DELEGATE HITCH: The meaning of, “which shall be payable,” as that has existed in practice under the Constitution and carried over to the new, the meaning that has been applied to that phrase is the meaning of, “if required to be paid within one year.”

Now, perhaps Delegate Rhoda Lewis, or Delegate Dodge or some of the others or Harold Shintaku, some of the attorneys who were involved in this can explain this better than I can, but it was to clarify the meaning rather than to change the meaning.

PRESIDENT: Does any other delegate wish to respond on this matter?

Delegate Ando and then Delegate Dodge.

DELEGATE ANDO: Mr. President, this section is talking about those bonds which can be issued without regard to any debt limit. If the phrase, “which shall be payable,” is left in with the phrase, “within one year,” it would indicate that bonds to meet revenues that are anticipated or to meet casual revenues or failure of revenues, only those bonds which shall be payable only within one year can be issued in our State. It’s the intent of the committee—

PRESIDENT: Delegate, may I interrupt you? It is your point, as I understand it, that this is an authorization phrase and that there is no authorization unless they would be authorized to be paid in that time; is that correct? Thank you.

DELEGATE KAUHANE: Mr. President, I believe the—

PRESIDENT: Delegate Kauhane is recognized.

DELEGATE KAUHANE: Mr. President, I believe the authorization if supported when bonds which are issued “which shall be payable.” We understand that the bonds that are issued “which shall be payable.” This takes out that supporting factor “which shall be payable,” and if required to be paid, there are two

different meanings to this. So I am much concerned with the position that I took in voting for the committee's proposal prior, believing its intent and purpose to be true. Now comes a clearer movement of its intent and purpose, "if required to be paid." It is my understanding that the bonds that ought to be issued, payable with—paid within one year, and if the bonding company says, "Well, you don't have to pay it," then you don't have to pay it. But in this instance—

PRESIDENT: I don't think there is any implication of that, Mr. Delegate. I think that the point that Chairman Ando is making was that if you read the full terminology in the case of—in anticipation of collection of revenues or to meet casual deficits, and that if required to be paid within a year they may be issued. This is an authorization and is an exception area. And I would therefore believe that "if required to be paid" modifies the exception period only so that they don't provide for the payment within a year. They don't have the authorization to issue this particular exceptional type of bond. It's only an emergency bond. Delegate Fasi.

DELEGATE FASI: Mr. President, I don't want to make an issue of it, but I can foresee a court case. I will also redefine what a member of the senate is. If you have a half vote, are you or are you not considered a member. Because under our present two-thirds rule, Mr. President, you divide 25 members by two-thirds, you get 16-1/3. What if in a vote with 26 members, two members of the body having a half vote each, you get 16½. We had required under the 25 member set-up, 17 votes to be the two-thirds of the body in the past. And I think if we don't define exactly what the voting power of a half member is, we may run into some legal technicalities as to what comprises a two-thirds vote of the senate. Now, I don't know if I have explained myself fairly, Mr. President. I think this is a point that should be covered before we pass over it.

DELEGATE FERNANDES: Mr. President.

PRESIDENT: Let us first find out whether there are any further questions in relation to the bond issue itself. Otherwise this goes to, not just taxation and finance but it goes to, right across the board. Delegate Yoshinaga is recognized.

DELEGATE YOSHINAGA: Yes, Mr. President. Are we on style or are we on the merits of the various proposals mentioned here.

PRESIDENT: We are on style and it is being suggested that the two-thirds vote, if you end by having an additional senator with a half vote, may take the two-thirds over 17 and I would believe that that would be so.

DELEGATE YOSHINAGA: Well, this is a matter that goes to the merits of the proposal.

PRESIDENT: That is right. You are correct.

DELEGATE YOSHINAGA: Well, the only reason I ask that question is pretty soon everybody else, in proposals brought by Style, is going to be taking up merit. And we'll be starting the Convention all over again. I have all the time, it doesn't bother me.

PRESIDENT: I think you are correct. I don't believe that there will be any necessity of any court case. It will be just the question of taking two-thirds of the members to which are entitled, and to determine whether it is the 25 or 26, and whether it's 17 or whether it's 17.32 or whatever it may be. I think we'll have to let them wrestle with the problem. I think the senate probably is capable of doing so.

Are there any other questions? All those in favor of the motion to adopt the report of the Committee on Style will please signify your approval by saying "aye," those opposed by saying "no." The motion has been carried.

THIRD READING

Committee Proposal No. 6, S. 1:

On motion by Delegate Dodge and seconded by Delegate Peter Lewis, **Com. P. No. 6, S. 1**, entitled: "Relating to General and Miscellaneous Provisions," the reading throughout of which having been waived, passed Third Reading by a vote of 73 ayes and 9 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kamaka, Kato, Kunimura, Mizuha, Morioka and O'Connor being excused.

The President directed the Clerk to note the presence of Delegates Kamaka, Kato and O'Connor.

Committee Proposal No. 7, RD. 1, S. 1:

On motion by Delegate Miyake and seconded by Delegate Peter Lewis, **Com. P. No. 7, RD. 1, S. 1**, entitled: "Relating to Legislative Powers and Functions," the reading throughout of which having been waived, passed Third Reading by a vote of 72 ayes and 3 noes, with Delegates George Loo, Sutton and Yoshinaga voting no; and 7 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kunimura, Mizuha and Morioka being excused.

Committee Proposal No. 8, RD. 1, S. 1:

On motion by Delegate Kato and seconded by Delegate Dodge, **Com. P. No. 8, RD. 1, S. 1**, entitled: "Relating to Revision and Amendment," the reading throughout of which having been waived, passed Third Reading by a vote of 75 ayes and 7 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kunimura, Mizuha and Morioka being excused.

The President directed the Clerk to note the presence of Delegate Morioka.

Committee Proposal No. 10, S. 1:

On motion by Delegate Ushijima and seconded by

Delegate Saiki, Com. P. No. 10, S. 1, entitled: "Relating to Local Government," the reading throughout of which having been waived, passed Third Reading by a vote of 76 ayes and 6 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kunimura and Mizuha being excused.

Committee Proposal No. 11, RD. 1, S. 1:

On motion by Delegate Ueoka and seconded by Delegate Takahashi, Com. P. No. 11, RD. 1, S. 1, entitled: "Relating to the Bill of Rights," the reading throughout of which having been waived, passed Third Reading by a vote of 75 ayes and 1 no, with Delegate George Loo voting no; and 6 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Goemans, Kunimura and Mizuha being excused.

At this time, Delegate Shiigi informed the members of the Convention of the birthday of Delegate Hitch. The President appointed his special committee of women delegates to escort Delegate Hitch to the rostrum where he was presented with two beautiful leis.

Delegate Schulze, being recognized by the President, informed the members of the Convention that today was the birthday of Delegate Hansen.

Being appointed by the President, Delegates Schulze and Larson escorted Delegate Hansen to the rostrum while the delegates sang "Happy Birthday" to her. She was then presented with a beautiful carnation lei and a birthday cake.

Delegate Hansen then thanked the members of the Convention with the following words:

"Thank you very much for the cake. It's sort of fattening but I'll eat it all anyway. I just wanted to say that I'm sort of sad today because I spent 21 precious long years of a lifetime that's going to be too short and I hope that in half a century, I'm going to be 71 years young instead of 71 years old because I think that you only get old when you desert your dreams.

"Thank you."

At 4:58 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:20 o'clock p.m.

At this time, the President notified the Convention that the 48-hour notice was now in effect for the passage of Com. P. No. 9, RD. 1, S. 1, relating to taxation; and Com. P. No. 12, RD. 2, S. 1, relating to reapportionment, on Third Reading.

ADJOURNMENT

At 5:25 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention adjourned until 10:00 o'clock a.m., Thursday, September 19, 1968.

56TH DAY

Thursday, September 19, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 10:15 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Jack D. Knighton of the First Baptist Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Bacon, Bryan, Burgess, Dyer, Noguchi and Souza who were excused.

The President announced that approval of the Journals of the Forty-Seventh Day to the Fifty-Fifth Day would be deferred.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 81 (Com. P. No. 12, RD. 2, S. 1):

Delegate Ando moved that **Stand. Com. Rep. No. 81** be adopted and **Com. P. No. 12, RD. 2**, as amended in **S. 1**, be agreed to as to style, seconded by Delegate Oda.

At this time, Delegate Rhoda Lewis raised two questions of the President. One was why there were no legal descriptions for the 11th and 12th Representative Districts which were amended on Second Reading. She said that she felt she was entitled to check the descriptions before adopting the committee report.

The President informed Delegate Rhoda Lewis that the typing of the descriptions of the two representative districts had been completed by the survey office and would be printed and distributed to the delegates.

The second question posed by Delegate Rhoda Lewis was in relation to the new Section 26. She questioned the blanks in place of section numbers and stated that it was difficult to determine whether it was merely a change in style and not a change in the substance of the section as it was adopted.

The President informed the delegates that he would call a recess later so that the chairman of the Style Committee could provide a list on a tentative basis to inform the delegates as to what was intended in this area; and also for the purpose of giving the delegates an opportunity to review the descriptions provided by the survey office on the changes of the 11th and 12th Representative Districts.

At this time, Delegate Fernandes and the officers of the Convention presented President Porteus with a sterling silver punchbowl ensemble as a memento of his presidency on behalf of all of the delegates to the Constitutional Convention of 1968.

The President then opened the gifts and thanked the members of the Convention with the following words:

"It's probably usually true that the Chair has been very rarely in a position that he is at a loss for words but I don't know that you realize how very deeply touched I am by your gift because to me it is an expression on your part and representative of the way that I think we all worked together.

"I'm sure that there were many people who felt that when we started this Convention that there would be some very, very difficult issues in which it would almost be impossible for everybody to work together in harmony in order to arrive at a decision. But I believe that you have succeeded in doing this.

"I am sure some of you have been vitally disappointed in certain of the areas but I think you have been willing to go on and tackle the next bit of work as it came along. I can't tell you how much it has meant to me to have been made presiding officer of such wonderful delegates. I am very deeply moved.

"I'm sorry that my gift to you is not ready. I felt that each of you should have something to commemorate your service in this Convention, and I also felt that it was inappropriate that any public money be spent to commemorate that service; and therefore, I have arranged and will, I hope by Tuesday, present to each of you a plaque in koa with the seal of the State and with the name of each of you inscribed in metal. As soon as these are ready, I will present them to you."

At 10:40 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 11:26 o'clock a.m.

THIRD READING

Committee Proposal No. 13, RD. 1, S. 1:

On motion by Delegate Kato and seconded by Delegate Dodge, **Com. P. No. 13, RD. 1, S. 1**, entitled: "Relating to Transitional Provisions," the reading throughout of which having been waived, passed Third Reading by a vote of 76 ayes and 6 excused, with

Delegates Bacon, Bryan, Burgess, Dyer, Noguchi and Souza being excused.

Committee Proposal No. 9, RD. 1, S. 1:

By unanimous consent, the rules of the Convention were suspended and on motion by Delegate Hitch and seconded by Delegate Hara, **Com. P. No. 9, RD. 1, S. 1**, entitled: "Relating to Taxation and Finance," the reading throughout of which having been waived, passed Third Reading by a vote of 71 ayes and 1 no, with Delegate Kauhane voting no; and 10 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Dyer, Fasi, Goemans, Kato, Miyake, Noguchi, Souza and Ueoka being excused.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 81 (Com. P. No. 12, RD. 2, S. 1):

Delegate Ando moved that **Stand. Com. Rep. No. 81** be adopted and **Com. P. No. 12, RD. 2**, as amended in **S. 1**, be agreed to as to style, seconded by Delegate Oda.

At this time, the President recognized Delegate Beppu.

DELEGATE BEPPU: Mr. President, I rise on a point of information. Will the President yield to a question?

PRESIDENT: I certainly will.

DELEGATE BEPPU: Mr. President, in regard to a report coming out of the Committee on Style, and I don't know whether this has been brought out before, my question is in regard to noncurrence or reservation, is it because of style or subject matter?

PRESIDENT: The Chair will attempt to determine that. The delegate who signed with reservation, would the delegate care to state the position of whether the reservation was in substance or whether it was on style only. Delegate Lewis is recognized.

DELEGATE RHODA LEWIS: Mr. President, it's a matter of parliamentary procedure. I signed with reservation because of the language of the committee report and trying to determine if this was common style and also recommend the adoption of the committee proposal. Actually, and I know I'm no expert, in my mind the better paragraph would be to recommend the adoption of the report and not the proposal advanced for third reading in the form hereto attached. It is my position on the proposal and I thought it better that I sign with reservation. My second reason that I signed with reservation is because I find no description that has now been furnished and thirdly, I had a question about the rewording of Section 26. I think that part has now been cleared up. I believe that the committee chairman is now prepared to supply that information according to our talk during recess.

PRESIDENT: Thank you. Delegate Schulze is recognized.

DELEGATE SCHULZE: Mr. President, the blanks in Section 26 on page 13 of Standing Committee Report No. 81 refer to sections in the transitional article No. XVI. Those delegates who are interested, if they will turn to page 5 of the new document in front of them, Committee Proposal 12, RD. 2, S. 1, page 5. The references are to the first section which appears on that page, "Senators elected in the 1968 general election shall serve for two-year terms." The second question which appears on that page would be the description of senatorial districts. It does not refer to the representative districts. It does refer then to the next three sections on page 20. The first three sections on page 20 of Committee Proposal No. 12, RD. 2.

These are the sections: (1) giving Kauai its 26th senator beginning 1970; (2) the effective date of the present reapportionment that is the 1970 general election; and (3) the provision providing for a commission to be constituted in the event the electors do not pass our reapportionment plan.

These sections, Mr. President, were put in here because these are the only sections which, so far as we can tell, have any dispute with the provisions of Senate Bill 1102 which will also be on the ballot and we thought that it would be better just to go ahead and list all the sections that we have had to amend it or add it in this Convention than it was to state them vaguely as we had done before. But because of the numbering problem, the fact that we can't number the transitional article until all of the sections are in, it was left in this manner.

PRESIDENT: Are there any further questions on this matter? Delegate Lum.

DELEGATE LUM: Mr. President, I rise on a point of information. I was wondering why there isn't a copy of the maps showing the new representative districts as well as senatorial districts—

PRESIDENT: I beg your pardon.

DELEGATE LUM: I was wondering why there aren't any maps that show new representative districts as amended, as well as the senatorial districts. Maybe I haven't found it. I don't know.

PRESIDENT: Maps can be prepared for you if you so desire them, delegate. But they are not attached to the committee report, but we can have maps prepared so that everybody will have them for their examination. Are there any further questions with respect to the Style Report No. 81?

DELEGATE KAUHANE: Mr. President.

PRESIDENT: Yes, Delegate Kauhane is recognized.

DELEGATE KAUHANE: Am I to understand that the Committee on Style report recommends the passage on third reading of Committee Proposal No. 12, RD. 2, S.1?

PRESIDENT: As it stands now on the record, delegate, the motion is for the adoption of the report which will carry only the changes in relation to style. At a later time, the Chair will then determine whether or not there are any objections to dealing with this matter on Third Reading. And if there are any objections it will stand over until Tuesday. But the vote that we are on now is not a Third Reading vote.

DELEGATE KAUHANE: Mr. President, I am not raising any objection to having Committee Proposal No. 12, RD. 2, S.1, to be considered on Third Reading. That will be submitted for our decision—

DELEGATE ANDO: Mr. President, point of order.

PRESIDENT: State your point, delegate.

DELEGATE ANDO: The motion before the house, Mr. President, is the adoption of Committee Proposal No. 12, RD. 2, S.1, relating to style changes only and we are not considering Third Reading at this point.

PRESIDENT: That is right. Delegate Kauhane.

DELEGATE KAUHANE: Mr. President, I fully realize that, since you explained that we are concerned about the committee's recommendation. I thought I would attempt to satisfy the members of this Convention that I will not enter a protest with respect to the problem of procedures. And if the delegate who rose to a point of order is not fully satisfied, perhaps we should take a recess so that I can then convince him as to future purpose.

PRESIDENT: I'm sure, delegate, you've made your position very clear.

If there is no further discussion, all those in favor will please signify your approval by saying "aye." Those opposed, by saying "no." The motion has been carried and Style Committee Report No. 81 has been adopted.

At this time, the President asked the delegates whether there were any objections to considering Com. P. No. 12, RD. 2, S. 1, on Third Reading.

There being an objection by Delegate Rhoda Lewis, consideration of Com. P. No. 12, RD. 2, S. 1, was deferred until Tuesday, September 24, 1968.

Delegate Ando, on a point of personal privilege, asked that the record show that the Committee on Style did not change the language of the descriptions of the two representative districts, that the language was left to the survey office.

The President stated that the delegate had made an important point and therefore if there was anything that may prove in future years that there was any slight misdescription or the two points didn't coincide exactly, it would not have arisen because of any consideration that the Committee on Style gave to it but it would

have been affected by the survey description which came from the survey office.

Delegate Young, being recognized by the Chair, rose to share her views regarding the Convention with the rest of the members of the Convention:

"Mr. Chairman, it has been an honor and a privilege to have had a part in reviewing and amending a great document.

"I have sat amazed amidst all this action,
I have seen the Porteus production, 'The Making of a Judge'

Starring Judge Mizuha and others like Steiner,
Dyer and Dodge,

Collective bargaining we gave to one and all,
Equality was the union's call,

Participation cried the youth of our State,
A vote and a voice the young did rate,

How can they miss with Hansen and Larson—
Batting for them at this Convention,

The Committee on Bill of Rights was drama-filled,
The social rights, in committee killed,

Apportionment was filled with wrath and hell—
But compromises were made and all went well,

Oh, yes the legislator's pay we did not forget,
To the sum of twelve thousand it was set,

Mr. President, I have chuckled to the political
wits of the loquacious,

I have listened spell-bound to the eloquence of the
gifted,

I've heard the wise words of the learned few,
And in humbleness watched the patience of the

Chair,
I have caught a glimpse of the future set forth by
liberal minds

And Mr. President, at times my heart soared like
the wings of an eagle to the mountain top of
idealism,

And quickly and rudely drawn back to earth's
reality,

Truly, I have sat amongst the great political minds
of our time,

And each day as the Convention comes to a
close—

I say with confidence and with inner pride
This is a new Hawaii, a part of a great nation,
And each day as the pages of history roll by
I know that I can look back and sincerely say,
'Well done, delegates to the 1968 Convention.'

ADJOURNMENT

At 11:59 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention adjourned until 10:00 o'clock a.m., Tuesday, September 24, 1968.

57TH DAY

Tuesday, September 24, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 10:00 o'clock a.m.

The President presided.

The Divine Blessing was invoked by Reverend Norman Hammer of the Prince of Peace Lutheran Church.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Alcon, Bryan, Burgess, Fasi, Hara, Peter Lewis and Schulze who were excused; and Delegates Andrade, Hung Wo Ching, Goemans, Kaapu and O'Connor who were absent.

The President announced that the Journals of the Forty-Seventh Day to the Fifty-Third Day had been signed by the Secretary and approved by the President.

At this time, Delegate Kauhane, on a point of personal privilege, spoke in relation to an item that appeared in the September 20, 1968 issue of the *Honolulu Star-Bulletin* in which the newspaper writer incorrectly stated his position as objecting to the final vote of Com. P. No. 12 until Tuesday.

Delegate Kauhane stated that that was not so. That in fact he had said to the President he would not enter a protest with respect to procedure and in checking with the Journal of that day, it is so stated.

The President ruled that the point was well taken. That he distinctly remembered Delegate Kauhane saying that he was not objecting and was satisfied to proceed with the consideration of the item.

At this time, Delegate Miyake introduced some visitors from Milwaukee, Wisconsin, who were here to formalize the National Conference of State Legislature Leaders which would be held in Honolulu on December 3rd to the 7th. Representing the home office were Richard E. McDonald, Associate Secretary of the Conference; Ginger Craig, Executive Secretary to Associate Secretary McDonald; and Charles Weidknecht, Vice-President of the McGuire Enterprises who was handling the travel arrangements.

The President welcomed them to Hawaii and they were recognized by the members of the Convention.

The President also congratulated Delegate Miyake for the prominent role he played in the proceedings of the conference.

At 10:15 o'clock a.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 10:30 o'clock a.m.

The President then noted the presence of students from Punahou School under the leadership of Miss Georgia Miller, who were recognized by the members of the Convention.

Attorney Heroico M. Aquiluz, Secretary to the Provincial Board of the Province of Laguna in the Philippines was also recognized by the members of the Convention upon introduction by Delegate Aduja.

REPORTS ON THE PUBLIC HEARINGS HELD ON THE NEIGHBOR ISLANDS

Delegate Fernandes, for the delegation from the County of Kauai, presented a report on the public hearing which was held on Kauai on July 25, 1968, stating that said hearing had been called for the purpose of affording the people of the County of Kauai an opportunity to express their views on the Constitution of the State of Hawaii. The report was received and placed on file.

Delegate Kage, for the delegation from the County of Maui, presented a report on the public hearing which was held on Maui on July 26, 1968, stating that said hearing had been called for the purpose of affording the people of the County of Maui an opportunity to express their views on the Constitution of the State of Hawaii. The report was received and placed on file.

Delegate Suwa, for the delegation from the County of Hawaii, presented a report on the public hearings which were held on Hawaii on August 1, 2 and 3, 1968, stating that said hearings had been called for the purpose of affording the people of the County of Hawaii an opportunity to express their views on the Constitution of the State of Hawaii. The report was received and placed on file.

STANDING COMMITTEE REPORT

Delegate Ando, for the Committee on Style, presented a report (Stand. Com. Rep. No. 83) recommending that the final form of the proposed amendments to the Constitution be agreed to.

The President thereupon referred Stand. Com. Rep. No. 83 to the Committee on Accounts and Printing.

INTRODUCTION OF RESOLUTION

A resolution (Res. No. 36), requesting the revisor of Statutes of Hawaii to effect such necessary

rearrangement, renumbering and technical changes of the sections within the article of the State Constitution, as may be affected, for proper form and arrangement and proper order in the State Constitution in the event that any or some of the amendments to the State Constitution proposed by the Constitutional Convention of Hawaii of 1968 were not ratified by the electorate, was offered by Delegate Ando.

The President thereupon referred Res. No. 36 to the Committee on Accounts and Printing.

At this time, the President directed the Clerk to note the presence of Delegates Alcon, Hung Wo Ching, Goemans, Hara and O'Connor.

GENERAL ORDER OF THE DAY THIRD READING

Committee Proposal No. 12, RD. 2, S.1 (Articles III and XVI):

Delegate Ariyoshi moved that **Com. P. No. 12, RD. 2, S. 1**, pass Third Reading, seconded by Delegate Dodge.

At this time, the President asked whether there was any discussion on the subject matter.

DELEGATE KAUHANE: Mr. President, as much as I would like to go along with the rest of the majority members of this Convention to vote for the final adoption of Committee Proposal No. 12, I would have to take the position that I will not be voting in favor of the passage on Third Reading of this document. I raised the following objections and the reasons why I will not vote for the final reading of this document, Mr. President, is on the matter of gerrymandering procedure to protect the 18th Representative District, Precincts 2, 3 and 4 now being included as part of the 17th Representative District.

Precinct 2 is located in Puuhale Street and Mokauea, some 600 feet away from the old Kalihi Street which has served as dividing line between Precincts 11 and 13. Precinct 4, located on Puuhale Street, is less than 600 feet away from the dividing line on Kalihi Street. Precinct 3, located on Mokauea Street, is some 200 feet away. If this is not gerrymandering, then I don't know what gerrymandering is.

Another area of disagreement that I have, Mr. President, is the senate composition with respect to the senatorial district. I feel that the precincts 17th and 18th could very well be made to design to elect two senators to represent the people of the 17th and 18th Representative Districts. I feel also, Mr. President, that in compromising the matter relating to satisfy other areas by the committee in charge with the consideration and presentation of Committee Proposal No. 12, that this area of consideration should have been given to the 18th Representative District, so that the issues represented will continue to retain its present three-member representatives to the state legislature.

We feel that we rightfully should be given this consideration of the retention of our three present representatives. The committee has seen to that to reduce the present representation to two in the way of process of reapportionment. We feel that under the original plan that was submitted by the committee which was under consideration, and I refer to Plan S, that the committee could have taken under consideration, the committee could have considered deviation in the making of both the present 13th and 11th Districts providing for the election of four representatives from this merger.

I feel, also, Mr. President, that in the matter of reapportionment that Hawaii has not presented an alternative position during the course of the hearings before the Supreme Court. That this was an opportunity afforded to the people of Hawaii to present an alternative proposal giving full consideration, full consideration with the composition of the membership, full consideration with respect to the merger of the 11th and 13th and providing for the election of four representatives. Although the Committee feels that such provision for the election of four legislators does not meet with their concept nor the guideline of the criteria which the committee has seen fit to adopt, nevertheless, I feel that the only body legally that can settle the question is the courts of the State of Hawaii. For these reasons, Mr. President, I am compelled to vote against the committee's Proposal No. 12.

PRESIDENT: Thank you, delegate. Does any other delegate desire to speak? Delegate Devereux is recognized.

DELEGATE DEVEREUX: Mr. President, I guess in any reapportionment plan, regardless of who is doing it, some people are going to be unhappy. It would have been very simple to have left the districts just as they are.

My district is one which had to be split up into three sections. I would like very much to have it left just as it was but this isn't in the cards. We were given a job to reapportion the districts in the State. As a member of the Apportionment and Districting Committee I feel that we had the finest assistance possible. We had legal assistance, we had assistance from political scientists, we had assistance from many of the voting districts. As far as I'm concerned, Mr. President, there wasn't any gerrymandering whatsoever and I think this should be clearly understood.

The districting commission which will be set up after the Convention closes to do the next redistricting will have these problems too and when it comes out with the next program four years from now, there will be just as many people who are unhappy about the changes that will have to take place. I think the committee has to establish policies, Mr. President. This our committee did. With great difficulty we spent many weeks actually to determine our policy.

And I would urge all the delegates, even though some of you may be unhappy with some of the lines

that have been drawn, to vote for this apportionment plan so we can let the people know that we have done the best we know how. As a member of this committee, I feel certain that the supreme court is going to approve of our plans. I have every faith and confidence that we have done the best we possibly can and I urge you to support this proposal. Thank you, Mr. President.

PRESIDENT: Thank you, delegate. Delegate Bacon is recognized and then I will recognize Delegate Rhoda Lewis.

DELEGATE BACON: Mr. President, during the recess in the last several days, I was again contacted, and this is for the record, Mr. President, by the individuals and community organizations from the North Shore of the present 8th District. They repeated their request that this very rural community, distant from the organized sections of Kailua and Kaneohe, want their own representative alone. I would like to state that at this time I don't feel that we can make any change and that we will have to wait until sometime in the future and we probably, with the changes in the status, that we may be able to accommodate them. At this time, I will vote for the plan. We will not be able to accommodate them.

PRESIDENT: Thank you, delegate. As the Chair stated, the Chair now recognizes Delegate Rhoda Lewis.

DELEGATE RHODA LEWIS: Mr. President, I am going to vote "no" on this plan. I feel that the last minute change which was made on District 12 on Second Reading was an injustice.

As a member of the Legislative Apportionment Committee, and I think a hard-working one, one who is familiar with the problems of the committee, I never felt, and I still feel, there were alternatives available to solve whatever problems were presented which would not have had, to my mind, the very unfortunate result which was presented by the 12th District as it stands at this time.

I wish that I could vote for some parts of this proposal and still vote against the districting, but as I cannot, I will have to vote "no."

PRESIDENT: Thank you, delegate. Does any other delegate desire to be heard? If no other delegate desires to be heard, Mr. Clerk, will you please call the roll.

The question before the house is the passage of Committee Proposal No. 12 in its RD. 2, S. 1, form. Mr. Clerk.

The motion to pass Com. P. No. 12, RD. 2, S. 1, entitled: "Relating to Legislative Apportionment and Districting," the reading throughout of which having been waived, on Third Reading was put and carried by a vote of 65 ayes and 9 noes, with Delegates Alcon, Goemans, Kageyama, Kauhane, Kawasaki, Rhoda Lewis, George Loo, Noguchi and Yamamoto voting no; and 8

excused, with Delegates Andrade, Bryan, Burgess, Fernandes, Kaapu, Peter Lewis, Miyake and Schulze being excused.

At 11:00 o'clock a.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Convention stood in recess until 4:30 o'clock p.m., this afternoon.

The Convention reconvened at 4:40 o'clock p.m.

STANDING COMMITTEE REPORTS

Delegate Jaquette, for the Committee on Submission and Information, presented a report (Stand. Com. Rep. No. 84) recommending that the resolutions enumerated in said report be adopted and submitting a resolution (Res. No. 37) for introduction and recommending its adoption.

The President thereupon referred Stand. Com. Rep. No. 84 and Res. No. 37, entitled: "Providing for the Submission to the People of the State of Hawaii of the Amendments Proposed by the Constitutional Convention of the State of Hawaii of 1968," to the Committee on Accounts and Printing.

Delegate Amano, for the Committee on Accounts and Printing, presented a report (Stand. Com. Rep. No. 85) informing the Convention that Stand. Com. Rep. Nos. 83 and 84 and Res. Nos. 36 and 37 had been printed and distributed.

On motion by Delegate Andrade, seconded by Delegate Doi and carried, the report of the committee was adopted.

At 4:45 o'clock p.m., the Convention stood in recess subject to the call of the Chair.

The Convention reconvened at 5:45 o'clock p.m.

At this time, with unanimous consent Delegate Ariyoshi moved that the Convention reconsider its action taken on Com. P. No. 12 on Third Reading, seconded by Delegate Dodge and carried.

Delegate Ariyoshi moved that Com. P. No. 12 pass Third Reading, seconded by Delegate Dodge.

Delegate Ariyoshi, with unanimous consent, moved that on page 13 of Com. P. No. 12 on the second line, the words "King Street" be deleted and in lieu thereof the words "Lunalilo Freeway" be inserted, seconded by Delegate Dodge and carried.

On motion by Delegate Ariyoshi and seconded by Delegate Dodge, Com. P. No. 12, RD. 2, S. 1, as amended, the reading throughout of which having been waived, passed Third Reading with a vote of 61 ayes and 9 noes, with Delegates Alcon, Andrade, Kageyama, Kauhane, Kawasaki, Rhoda Lewis, George Loo, Noguchi and Yamamoto voting no; and 12 excused, with Delegates Bryan, Burgess, Hung Wo Ching, Dyer, Hidalgo, Hitch, Peter Lewis, Mizuha, Saiki, Schulze,

Souza and Yim being excused.

INTRODUCTION OF RESOLUTIONS

The following resolutions (Res. Nos. 38 to 51) were read by the Clerk and disposed of as follows:

A resolution (Res. No. 38), entitled: "Expressing Gratitude and Indebtedness to the Citizens Committee on the Constitutional Convention," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 38 was adopted.

A resolution (Res. No. 39), entitled: "Expressing Deep Appreciation and Gratitude to the Senate and House of Representatives of the Hawaii State Legislature," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 39 was adopted.

A resolution (Res. No. 40), entitled: "Expressing Deepest Appreciation to the Public Works Section of the Department of Accounting and General Services," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 40 was adopted.

A resolution (Res. No. 41), entitled: "Expressing Appreciation to the Legislative Reference Bureau for its Splendid Cooperation and Services Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 41 was adopted.

A resolution (Res. No. 42), entitled: "Expressing Sincere Appreciation to Robert C. Schmitt and his Staff for Outstanding Services Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 42 was adopted.

A resolution (Res. No. 43), entitled: "Expressing Deepest Appreciation to the Members of the Press, the Wire Services, Radio Stations and TV Stations for Having Provided Excellent and Accurate Coverage Throughout the Session," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 43 was adopted.

A resolution (Res. No. 44), entitled: "Commending Station KHET for its Outstanding Coverage of the Activities of the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 44 was adopted.

A resolution (Res. No. 45), entitled: "Expressing Appreciation to the Legislative Auditor's Office for its Splendid Cooperation and Service Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 45 was adopted.

A resolution (Res. No. 46), entitled: "Expressing Deepest Appreciation to the Kapiolani Community College for Use of its Premises and the Splendid Cooperation and Service Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 46 was adopted.

A resolution (Res. No. 47), entitled: "Expressing Deepest Appreciation to McKinley High School for Use of its Premises and the Splendid Cooperation and Service Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 47 was adopted.

A resolution (Res. No. 48), entitled: "Extending Sincere Gratitude and Appreciation to the Honolulu Council of Churches," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 48 was adopted.

A resolution (Res. No. 49), entitled: "Extending Sincere Appreciation and Gratitude to the Catholic Church," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 49 was adopted.

A resolution (Res. No. 50), entitled: "Extending Sincere Appreciation and Gratitude to the Honpa Hongwanji Mission," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 50 was adopted.

A resolution (Res. No. 51), entitled: "Expressing Deep Appreciation to the Office of the Attorney General for its Untiring and Splendid Cooperation Rendered to the Constitutional Convention of Hawaii of 1968," was offered by the President.

On motion by Delegate Beppu, seconded by Delegate Ansai and carried, Res. No. 51 was adopted.

GENERAL ORDER OF THE DAY

Standing Committee Report No. 83:

On motion by Delegate Ando, seconded by Delegate Oda and carried, Stand. Com. Rep. No. 83, recommending agreement upon the final form of the proposed amendments to the Constitution was adopted by a rising vote.

Standing Committee Report No. 84:

Delegate Jaquette moved that Stand. Com. Rep. No. 84 and Res. No. 37 be adopted, seconded by Delegate

Minn.

The President, at this time, called for discussion on the matter.

DELEGATE RHODA LEWIS: I would like to ask whether the attorney general's office has agreed to this form of ballot as satisfactory.

DELEGATE JAQUETTE: The answer to that is "yes."

PRESIDENT: The attorneys for the Convention and the attorney general's office have reviewed the ballot, its form and its wording and have advised that they are appropriate and correct.

DELEGATE RHODA LEWIS: Mr. President, I also wanted to suggest a slight change in Question 22. I want to suggest a change in Question 22. I will make a motion that Question 22 be amended beginning with the fourth line.

PRESIDENT: Which question is this, to be sure everyone has it.

DELEGATE RHODA LEWIS: Question 22, which is on the last page, beginning on the fourth line "... have the same powers and privileges ..." and then insert, "and have the same number of delegates elected from same areas," then it continues as written, "as the Convention of 1968."

The reason for that, Mr. President, is that—well, I should really see if there's a second to my motion—I further move that the next statement which begins with the words "reduces the," next word is "required" so it reads, "reduces the required percentage of the total number of registered voters," then cross out the words "who voted" and insert "voting" in the majority at a special election from 35% to 30%. This is purely a—well, we might call it a matter of style, Mr. President. I don't know whether there is a second to my motion.

DELEGATE SUTTON: Second the motion.

PRESIDENT: Delegate Sutton was recognized as one who seconded the motion.

DELEGATE RHODA LEWIS: Mr. President, the third point is that while the present Constitution does state, "There shall be the same number of delegates to such convention, who shall be elected from the same areas," then refers to the Convention of 1950 which was being changed to 1968.

PRESIDENT: Has not that change been made in the draft? The Committee on Style did make that change. You're only making the change in the ballot itself, are you not?

DELEGATE RHODA LEWIS: The ballot, yes. I thought the ballot would be more complete if it mentioned that the precincts would go into detail into

the subject. I think it would be more complete if it mentioned the fact also that the Convention will be constituted to say, "as the 1968 Convention," if the legislature does not otherwise provide, rather than "as the 1950 Convention."

The other suggested change is purely technical. I believe it's clearer to say, "This is the required percentage of the total number of registered voters voting in the majority from 35% to 30%."

PRESIDENT: Delegate Aduja is recognized.

DELEGATE ADUJA: Mr. President, I thought that the sentence preceding Part A, Part B, Part C mentioned the fact that the full text of the amendment are available to the voter, so I can't see why there is a need to clarify the question. Am I correct or am I wrong?

PRESIDENT: Delegate Lewis.

DELEGATE RHODA LEWIS: I'm sorry I did not have a chance to consult with the chairman before I made this motion.

PRESIDENT: Delegate Jaquette is recognized then.

DELEGATE JAQUETTE: I believe Delegate Lewis corrected this. This was not the language of the Constitution that is being adopted. This is explanatory language. The resolution itself provides that it be in substantial good form so that if there's an s left off here or something of that sort, I'm sure it can be corrected. But I don't believe it's necessary to spell out in full detail the amendment in the ballot, only the explanatory language is enough.

PRESIDENT: Delegate Kauhane is recognized.

DELEGATE KAUHANE: Mr. President, I'm looking at the ballot that has been attached to the committee report. I note in Part C, following, "EXCEPT that I vote NO on one or more of the questions as follows," then we have an attached copy of the individual proposals, numbers 1 to 23. I would like to direct a question to the chairman as to presidential rule. Will any of the proposals be written out in the empty space appearing in Part C of the ballot?

PRESIDENT: Did the chairman of the Submission and Information get the question? Delegate Jaquette is recognized.

DELEGATE JAQUETTE: Thank you. If you will refer to the first page of the ballot, proposed ballot, it shows Part A, B and C. Now, this committee proposal would be that the ballot would be wider than the sheet that you have in front of you but under Part C, would be in two columns, would be items 1 to 23 that you see here. Does that answer the delegate's question?

DELEGATE KAUHANE: Mr. President, I feel that nothing should be hidden from the voter by an additional attached copy of all the proposals numbered

1 to 23, except it contained as part of Part C.

Mr. President, I also would like to say that having discussed the proposals numbered 1 to 23 from the copy that was handed to us by the committee chairman during our meetings, that some of the other attorneys who are not members of this Constitutional Convention whose judgment and opinion is highly recognized and acceptable by many of you in the legislature, that the concern arises with the summarized portion of the action taken by this Convention and the approval of the various proposals, that the summarized context that's contained in the information sheet to be furnished the electorate fully explains the problems of the Convention.

PRESIDENT: It is the intention, delegate, that that material that will be posted will set it forth in such detail that the voters will have an opportunity to see the exact language.

DELEGATE KAUHANE: Mr. President, this is what I mean that it will be posted up on the wall in the booth, but my question in regard to this is as some of the attorneys with whom I talked this morning were concerned if we are going to send the electorate this form of the ballot with the details of information and the proposal, that this detailed information merely express the will of the Convention in its adoption of the respective articles or does this simplify expressions by the committee meets any legal opposition that may come up later.

PRESIDENT: This matter was the exact point which was carefully reviewed with the Convention attorneys and with the attorney general's office. It was their opinion that this form of ballot was not objectionable.

DELEGATE KAUHANE: Then, Mr. President, if the attorney general's opinion can be made a part of the proceedings?

PRESIDENT: As the Chair stated, the attorney general's office carefully reviewed this matter and saw no objection to the form of the ballot. And the Chair will see to it that the questions and answers raised with regard to this point and the opinion of the attorney general will be requested in writing and will subsequently be made a part of the Convention record. Delegate Aduja is recognized.

DELEGATE ADUJA: May I raise two questions?

PRESIDENT: Perhaps, if they're not germane to the amendment that is pending, could we dispose of the amendment first? Or are your questions germane to the amendment. If not, let us dispose of the amendment. Delegate Jaquette is recognized.

DELEGATE JAQUETTE: If I may speak on the amendment proposed by Delegate Rhoda Lewis, the committee has voted against this particular amendment and I might say also that we might not have anything against the number of other amendments that might be proposed. If we were going to debate the language in

this full body, we'll be spending a great deal of time.

The language that we have presented for your approval is summary language. It's not the language of the Constitution that we propose. That language will be posted at the polling place. As long as the language is adequate and we have the attorney's word that it is, as long as the resolution says that we adopt the ballot in substantial good form, I believe that we will be safe to go with what we have presented.

PRESIDENT: Thank you. Delegate Kauhane will be recognized as to speak on the amendment on the general form of the ballot—

DELEGATE KAUHANE: Mr. President, I fully appreciate the expression made by the chairman of the committee in trying to speak forth for me but since this amendment was just now proposed, this certainly creates some problem with respect to clarification. If it is so then a recess should be had at this time in order that the committee should be given an opportunity to have a session that the proposed amendment including the chairman of the committee so that the members of the committee can fully understand and appreciate the purpose for which the amendment is being introduced. We just can't accept the amendment as being correct in its application and yet the way the recommender explains it raises a doubt as far as I am concerned.

PRESIDENT: Thank you, delegate. The position of the chairman is that this matter has been reviewed by the attorneys and if the form is not changed the Chair will have to take the responsibility and that's his position.

Is there any further discussion on the amendment? No further discussion on the amendment? All those in favor of the amendment will signify your approval by saying "aye." Those opposed will say "no." The amendment has failed to pass.

Delegate Devereux is recognized.

DELEGATE DEVEREUX: I would like to ask a question of the chairman of the committee.

PRESIDENT: Will you ask the question of the Chair and I will find out whether the chairman would yield.

DELEGATE DEVEREUX: First, is this the exact form in which the ballot is going to be given?

PRESIDENT: I think that was already answered that they did not have the capability within our printing processes of putting it in the exact form, and I think the chairman of the committee has already answered that question.

DELEGATE DEVEREUX: The question I have, Mr. President, is relating to the first section in the written instructions. I'm wondering if it would be advisable to underline the lines of "Vote only in either Part A or Part B or Part C" and "Do not vote in more than one

part." This is a number of lines put together all in capital letters but if those two sections were underlined it would call specific attention—

PRESIDENT: The committee again had the problem of not having the ability to lower the type to be smaller or larger or bolder or not. This will be part of the process of the printing of the ballot and the chairman of the committee will be consulted in relation to that preparation so that it could be in heavier black prints or underlined—that we'll take the advice of the printer on that. I think it's covered in the resolution.

Are there any further questions? Delegate Goemans is recognized.

DELEGATE GOEMANS: Mr. Chairman, I have one matter of further objection. In the committee report on page 3, paragraph c, I just would like to say further that the statement, "Your committee considered proposing the entire work of this Convention in one question," should be qualified in that the consideration is given to the question of single submission was in a very small segment of the total committee, less than a third and that's all the discussion we had on that. That is a matter of record, Mr. President.

I add a matter of information, too. One, in Question 1, in the ballot, what would happen in a situation that Question No. 1 would have failed and Question No. 3 would have passed?

PRESIDENT: There are many different possibilities of combinations, delegate. All the Chair can say is that we plan to recess and we will study the possibilities of what happens if reapportionment does not pass, but if reapportionment does not pass that there is provision for the committee to take action or the commission to take action. We may resort to that process. I'm sure we can't anticipate every possibility that may happen although—

DELEGATE GOEMANS: What would the situation be, what would Question No. 3 concerning minimum representation be. What would be the situation if, in 1970, if Question No. 1 didn't pass and Question No. 3 did pass?

PRESIDENT: Well, without the Chair trying to tell you exactly what it would be if the reapportionment plan didn't pass but the plan with respect to minimum representation did pass and is sufficiently segregated out. The Chair would assume that that would have been adopted.

DELEGATE GOEMANS: Though it's not self-executing? Would it be then—I don't see what would happen in 1970.

PRESIDENT: The Chair would assume like any other question of the Convention, if a section has been adopted, then the question would be, when it had been adopted, effective as of then or effective in 1970 or effective as of 1974, depending on the various provisions with respect to the adoptive period.

DELEGATE GOEMANS: Well, I will certainly cross that bridge if it ever appears. I had one other question and that is directed to the committee chairman. The committee report specifies certain criteria for determining these questions, relating to these questions the report mentioning subjects germane, reasonably connected and so on. My question is as to why the interim legislative compensation is separately stated rather than included as an intricate part of legislative powers, functions, rights and procedures and so on.

PRESIDENT: Perhaps the delegate—the chairman of the committee would yield to that question.

DELEGATE JAQUETTE: The question of the specific legislative salaries is presented separately on the advice of counsel. The advice of counsel, I believe, took into consideration that the interim or that the transitional salary was in a separate article from the rest of the legislative changes.

PRESIDENT: Thank you. Delegate Aduja is recognized.

DELEGATE ADUJA: I have two questions directed to the chairman, Mr. President.

PRESIDENT: Will you direct them to the Chair and the Chair will then ascertain whether the chairman desires to—

DELEGATE ADUJA: First of all, I would like to raise first is this, if the committee has ever thought of the cross mark. I always considered cross as being upright rather than by an x. Rather than put the word "cross" there, they just mark x.

PRESIDENT: The question is as to whether the cross or an x is the significant language. I'm sure that while normally for the matter of standard—the Chair will handle the cross—it would hold it up in a certain fashion but I'm sure that there is nothing that says it has to be an upright cross.

Delegate Kamaka is recognized.

DELEGATE ADUJA: One more question please.

PRESIDENT: Did Delegate Kamaka desire to answer that question?

DELEGATE KAMAKA: Yes, Mr. President, please. The lieutenant governor's office provided the committee with samples of marks whether they be crosses or x's indicating which mark would comply with this kind of a designation and which would not and they think that the discretion is for the voter in the kind of marking to put. Whether it resembles x exactly or not is not a real problem. There's quite some latitude for the kind of mark that they can put there.

PRESIDENT: Thank you for your explanation, delegate. Delegate Aduja.

DELEGATE ADUJA: The other question I'd like to

raise is this. Is there any significance in not following this sequence in Part A, C and B? I felt that Part A would be Part A and Part C would be Part B and thought Part B would be Part C. I recently decided this because we have a positive "yes" and then stop or accept which would you follow as B and then you have Part B at the bottom would be Part C. I thought the best sequence should be a much better way that you have it here now. May I ask this question to the committee chairman?

PRESIDENT: Yes, you certainly may. The Chair thinks it's a matter of taste and judgment that he will allow the chairman of the committee if he desires to respond.

DELEGATE JAQUETTE: Yes, that very matter was considered in the committee and it, in some of the earlier proposals, we had the chance to vote "no" on everything was at the very bottom. We felt that it should be raised in fairness to the vote and priority. We felt that in a sense, the "yes" in everything and "no" in everything were related and should be together and this was the particular sequence that we cannot raise in A, B, C.

PRESIDENT: Delegate Takahashi is recognized.

DELEGATE TAKAHASHI: This is a question that has been bothering me and this is a remote possibility but I would like to have this question answered. Supposing there's a tie between the votes cast for Part A and one of the questions in Part C, and assuming that they need to require 35 percent, which will prevail?

PRESIDENT: Well, I know in baseball, the tie goes to the runner. But I don't know what would happen here and I don't know whether the chairman of the committee has any answer to what happens in the case of a tie. I guess the thing to do is to take the recount. I don't know what happens in the case of a tie.

Delegate Alcon is recognized.

DELEGATE ALCON: Mr. President, may I ask a question please?

PRESIDENT: You certainly may.

DELEGATE ALCON: Is this the right wording—I mean the wording of the ballot to be presented to the voters?

PRESIDENT: This basically will be the wording itself, yes. That question was cleared by our attorneys and by the attorney general specifically.

DELEGATE ALCON: Mr. Chairman, I am rather bothered by it because of the fact that the instructions are hard to understand. Secondly, the words are long, legal terms and I don't think an ordinary layman would be able to understand them.

PRESIDENT: May I answer that, delegate? Your

concern was precisely the concern of the Chair and I thought that if it would be worded in much more simple language, it might be clearer to the voters. But the attorneys pointed out to me that the thesis in a number of cases is that when it comes down to the ballot, it is very technical—even to the point of arguing as to a word—instead of using the word "term" whether they should have used the word "tenure." And when the Chair was shown this, my position which had been similar to yours was immediately surrendered because I thought that if the attorneys advised this and if the attorney general approved this language as such, it would become necessary for us to explain to the voters in the plainest language that we can utilize what exactly they would be dealing with.

But it would be true that we should not run the risk of having someone later challenge the ballot because it was not put in sufficiently legal and exact terms. And therefore, under those circumstances, the Chair changed its position.

DELEGATE ALCON: I readily understand that, Mr. Chairman, but in order for a person to vote intelligently, he must be able to understand the question. My main concern—I feel that when a person does not understand the question then he will vote "no" on the question even if he intended to vote "yes" if he understood it.

PRESIDENT: That is precisely the risk that is run but under the circumstances because of the opinion, I think the majority of the delegates are going along with this position.

Delegate Bacon is recognized.

DELEGATE BACON: On page 2 of the committee report, it gives quotations ranging from \$42,100 to \$250,000 in order to inform the people. And the people of my district are going to ask the question, what are we going to spend on this public information program.

PRESIDENT: Roughly, the committee chose another route to follow. Rather than employing an agency, we thought we could save a considerable amount of money by the employment of an expert to help the committee in its operations. We feel that we will work out a program that will not only involve the principal Honolulu newspapers but the Suburban Press, the newspapers on each of the other islands and various other communication media. And in this way, we feel that we can reach people.

We will have brochures or information prepared and if we see that along the line this is satisfactory and we are meeting the needs apparently the program will be sufficient. If we are overdoing the need, the program can be slowed down. If we are under and not completely doing what we should, then the program, of necessity, will be stepped up so we will have some flexibility in the area. And we certainly are dependent on the delegates. It would be helpful if the delegates themselves would take it upon themselves to be before

different groups and to, and the Chair with others will go to various organizations, the AF of L, the ILWU, the HEA, the HGEA, the AF of L Teachers Organizations, the PTA and others, in order to enlist their support for the work of the Convention.

DELEGATE BACON: Then I can safely tell the people that it will be nowhere near \$250,000?

PRESIDENT: Not if I can help it.

DELEGATE BACON: Thank you.

PRESIDENT: Are there any further questions? Delegate Amaral.

DELEGATE AMARAL: Mr. President, under Part C, shouldn't there be a box for the marking of "yes"?

PRESIDENT: No, I think the committee has worked it out in such a fashion that the instructions are intended to be sufficiently clear that if you vote in—you can vote "yes," you can vote "no" or you can vote "yes" but and in "C," every item that the Convention has dealt with as an amendment, we have been advised by the attorneys, is covered. So someone can go down and if he happens to vote against every one of them, he would have rejected all. If he votes for six of them he would not have to vote "yes" because it was feared that somebody might overlook the necessity of putting the cross in the "yes" and then go down on the "no" basis and I think it is spelled out on the report and on the ballot. I certainly hope so anyway.

DELEGATE AMARAL: Then my only question here would be, then we'll assume that if there's a ballot that is blank then that ballot is a "no" vote.

PRESIDENT: No, if somebody takes a ballot and does not cast it, it will be counted as a person who has not voted on the proposition and that will not be counted automatically as a "no" vote. It will be counted as a person who did not vote but it therefore would impose the burden on the appearance of what was done to make sure that at least there was an affirmative vote of 35 percent of the people who went to the polls. Is there any further discussion? Delegate Devereux.

DELEGATE DEVEREUX: I'm a little confused about this too, Mr. President. It says above, vote only in either Part A or Part B or Part C. The person doesn't choose to vote in A, doesn't choose to vote in B and doesn't choose to vote in C. Wouldn't that be a "no" vote?

PRESIDENT: No, it will not be a "no" vote. It would be a person who has not voted on the issue. They had an opportunity to vote "yes" to all, "no" to all or "no" on some things and if they don't vote at all they have just not voted. They'll turn in a blank ballot just as if they take a vote from the 15th and they don't vote for Representative Devereux. It won't be counted as a "no" vote.

DELEGATE KAUHANE: I rise to speak against the committee report.

PRESIDENT: Delegate Kauhane is recognized.

DELEGATE KAUHANE: I signed the committee report that I do not concur. I feel that the electorate are not given a fair shake in the determination as to how to vote in the adoption of the Constitution or rejection of the Constitution.

Mr. President, I'm a strong believer that the proposition should be given to the people under this basis, on a "yes" and "no" vote. I cannot see Part A where the "no" vote has been locked out completely. Neither can I see it in Part B where the "yes" vote has been locked out completely. I look at Part C and again I find that the "no" vote is locked out, except where the voter takes the time out to read the instructions carefully and have an opportunity to vote in "ayes" unless he feels he would like to vote against. This, in my opinion, does not give the voter a fair shake, so to speak, as to his determination in voting for the propositions before him on the "yes" and "no" ballot. To me, this would be the most fairest way to submit the constitutional amendments to the voters, on a "yes" and "no" vote.

There is some thought about flanking of the ballot and every attempt should be made not to flank the ballot in the presentation to the voters. I feel that there is somewhat of a flanking of the proposal to be submitted in the form of the ballot. We have to give the voters the choice of selection, a chance to cast his ballot in a lock, a chance of voting "yes" on Part A. In Part B also in voting "no." I believe that the fairest and most appropriate recommendations contained in Part C but when we say I vote "yes," except for the following proposals which I will vote "no." That we deleted from the Constitution the illiteracy test by providing for the voter an opportunity to decide whether he should vote "no" when he decides to select Part C, I vote "yes" except for the following. He created a problem, another problem that would be created and I do hope this will probably not be faced by the voter. If the instructions are printed in the various ethnic languages to the State of Hawaii so that everyone can have a full opportunity to really understand what the instructions are. I do not know whether there is any mention contained in the committee report that such attempt will be undertaken. I hope that it is undertaken. This is one way that I'm sure that the public will be given a full opportunity.

There is quite a lot of assumption presented by various delegates to the Convention feeling that this ballot form we will lose the 35 percent vote. Certainly, Mr. President, you and I have no control over the 35 percent that we will need because each individual voter that walks in to vote is handed a copy of the ballot and the instruction. Also the itemized or summarized statement of the proposals that contain only will be more confused than the most intelligent voter. And because of these reasons that the ballot is not simple enough so that the average person will be able to fully understand the purpose for which he will vote on the

adoption and rejection of the proposals of the Constitution as voted upon by this Convention, I signed the committee report that I do not concur.

Secondly, Mr. President, I do not feel that the separation of items one and two should have been made. That both one and two should be combined as one proposal to be submitted and let the chips fall where they may. Rather than to set up, if you lose "apportionment and redistricting," then we can rely on item two, "provisions for future reapportionment." I look at the establishing of this commission. It is not a proper and legitimate commission with the powers that should be vested to it. That power which is now vested to the members of the legislature who can, if we lose in item one, apportionment and redistricting, that the legislature "shall" be forced to come out with the proposal but for submission not only to the electorate but to the courts as well. I cannot see where this delegation has legal power to give to a commission. That this power should be vested in the legislature.

For this reason, Mr. President, I signed the committee report, "I do not concur."

PRESIDENT: Thank you, delegate. All those in favor of the motion will please raise your right hand. The Chair has ascertained that there are more than 42, but those who oppose please raise your hand. Two "noes" and the others are in the affirmative. The committee report and the resolution have now been adopted.

Resolution No. 36:

On motion by Delegate Ando, seconded by Delegate Dodge and carried, Res. No. 36 was adopted.

At this time, the President announced that although the Convention had finished its business and was in a position to adjourn sine die, he would ask the Convention not to so adjourn but to adjourn subject to the call of the Chair to be sure that there would be no technicalities to prevent the Convention from reconvening should it be necessary. He then stated that the Convention would adjourn until October 21, 1968, unless otherwise notified.

Delegate Shiigi, being recognized by the President, thanked the President on behalf of the lady delegates for asking them to serve as a special committee and expressed hope that they had fulfilled whatever plans he had for them because it was an honor for them. Delegate Andrade then presented the President with a lei.

ADJOURNMENT

At 6:40 o'clock p.m., on motion by Delegate Fernandes, seconded by Delegate Suwa and carried, the Constitutional Convention of Hawaii of 1968 adjourned subject to the call of the Chair.

58TH DAY

Monday, October 21, 1968

The Constitutional Convention of Hawaii of 1968 was called to order at 10:00 o'clock a.m. in the Throne Room of Iolani Palace.

The President presided.

The Divine Blessing was invoked by Delegate Kage.

The President declared a quorum to be present and directed the Clerk to check the attendance, which showed that all delegates were present with the exception of Delegates Burgess and Ushijima who were excused.

The delegates were seated alphabetically in rows; directly behind them were guests and other interested persons to witness the signing of the amended Constitution of the State of Hawaii.

The President announced that the Journals of the 54th to 57th Days had been signed by the Secretary and approved by the President.

At this time, the President appointed Delegates Beppu, Kage and Peter Lewis to escort the Governor, the Honorable John A. Burns, to the dais.

The Governor addressed the Convention as follows:

"President Porteus, honorable delegates to the Constitutional Convention, distinguished guests, ladies and gentlemen:

"It is indeed a privilege and a pleasure to join you delegates to our 1968 Constitutional Convention on this historic occasion.

"And it is especially fitting that you have gathered here in the Throne Room, symbolizing the seat of government authority since the days of Hawaii's monarchy, to give final approval to the amendments you have proposed to our Constitution.

"It is appropriate because your deliberations and conclusions will shape the fundamental political document guiding the lives of all our people.

"You may recall that when you convened last July, I said each of you delegates held a high trust—a trust placed in you by your electorate.

"You have, in my judgment, honored this trust . . . and honored it well.

"By and large, the refinements and changes you have proposed to our Constitution are soundly based. They will provide a better framework for our government and for more meaningful execution of our laws.

"Should they be ratified by our voters in the referendum next month, our Constitution stands to be an even better model for other states to follow.

"Your thoughtful deliberations on the questions placed before you during the Convention once again demonstrate the high quality and caliber of political thought in Hawaii.

"It is noteworthy that though we are the youngest state in the union, we are continuing to lead our sister states in government organization and public affairs.

"As delegates, each of you has discharged your responsibilities nobly and honorably.

"In behalf of all our fellow citizens, may I take this opportunity to express our deep appreciation to each of you for the excellent job you have done.

"Hawaii stands to gain significantly from your endeavors.

"Mahalo."

At the conclusion of the message the President thanked the Governor for his thoughtful address.

The signing ceremonies began with the President affixing his signature to the Constitution, followed by the officers and delegates of the Convention.

At 12:15 o'clock p.m., at which time the last signature was affixed, being that of Delegate T. C. Yim, the President announced that all delegates present had executed the Constitution of the State of Hawaii on the original sheet and stated that they had done so with pens provided for that purpose and with special ink to insure as much permanency as possible.

The President stated further that it was his understanding that the delegates excused today, upon returning to the islands, would sign the Constitution.

On motion by Delegate Beppu, seconded by Delegate Peter Lewis, the President was authorized to approve the Journal of the Fifty-Eighth Day.

ADJOURNMENT

At 12:25 o'clock p.m., on motion by Delegate Kage,

seconded by Delegate Bryant and carried, the Constitutional Convention of Hawaii of 1968 adjourned, subject to the call of the Chair.

CONVENTION DOCUMENTS

1. Resolutions

RESOLUTION NO. 1

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That the rules of the Convention be and the same are hereby adopted in the manner and form hereto attached.

RESOLUTION NO. 2

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That the action of the President in naming the membership, chairmanship and vice-chairmanship of the standing committees of the Convention pursuant to the authority vested in him by Rule 4 (c) of the Convention, be, and is hereby affirmed as follows:

COMMITTEE ON BILL OF RIGHTS, SUFFRAGE AND ELECTIONS

Meyer M. Ueoka, Chairman
Sakae Takahashi, Vice-Chairman
Peter A. Aduja
Clarence Y. Akizaki
Emilio S. Alcon
Sakae Amano
Hayden F. Burgess
Nelson K. Doi
John F. Dyer
Diana C. Hansen
Yoshio Hasegawa
Richard M. Kageyama
Hiroshi Kato
Leland E. G. Larson
Toraki Matsumoto
John J. Medeiros
Jack H. Mizuha
George K. Noguchi
Dennis E. W. O'Connor
Richard Ike Sutton
Yoshito Takamine
T. C. Yim
Patsy K. Young

COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS

Hung Wo Ching, Chairman
Howard Y. Miyake, Vice-Chairman
Peter A. Aduja
Emilio S. Alcon
Sakae Amano
Alvin T. Amaral
Robert D. Y. Chang
Donald D. H. Ching
Nelson K. Doi

Frank F. Fasi
William E. Fernandes
Yoshio Hasegawa
Stuart Ho
Hiram K. Kamaka
Thomas K. Lalakea
Leland E. G. Larson
John J. Medeiros
Shigeyuki Nakatani
Howard K. Oda
Patricia F. Saiki
Richard P. Schulze, Jr.
Edna C. Shiigi
Alfred O. Souza

COMMITTEE ON LEGISLATIVE APPORTIONMENT AND DISTRICTING

Richard P. Schulze, Jr., Chairman
George R. Ariyoshi, Vice-Chairman
Ralph K. Ajifu
Alvin T. Amaral
Ed C. Bryan
Hung Wo Ching
Dorothy L. Devereux
Robert G. Dodge
Stanley I. Hara
Kekoa D. Kaapu
Duke T. Kawasaki
Tony T. Kunimura
Rhoda V. Lewis
George W. T. Loo
Barney B. Menor
Ted T. Morioka
Dennis E. W. O'Connor
Hiroshi Ozaki
Jacob Y. Pyo
Patricia F. Saiki
Alfred O. Souza
Yoshito Takamine
Nadao Yoshinaga

COMMITTEE ON EXECUTIVE

Nelson K. Doi, Chairman
Frank F. Fasi, Vice-Chairman
Clarence Y. Akizaki
Toshi Ansai
George R. Ariyoshi
Donald D. H. Ching
John F. Dyer
John W. Goemans
Bill Harper
Thomas K. Hitch
Stuart Ho

John J. Jaquette
 Kekoa D. Kaapu
 Hiram K. Kamaka
 Richard A. Kawakami
 Takeshi Kudo
 Frank W. C. Loo
 Tennyson K. W. Lum
 John J. Medeiros
 Barney B. Menor
 Ted T. Morioka
 Dennis E. W. O'Connor
 Meyer M. Ueoka

COMMITTEE ON JUDICIARY

Jack H. Mizuha, Chairman
 Keith J. Steiner, Vice-Chairman
 Robert D. Y. Chang
 Donald D. H. Ching
 Hung Wo Ching
 Nelson K. Doi
 John F. Dyer
 William E. Fernandes
 John W. Goemans
 Diana C. Hansen
 Yoshio Hasegawa
 John J. Jaquette
 Kazuo Kage
 Duke T. Kawasaki
 Thomas K. Lalakea
 George W. T. Loo
 Patricia F. Saiki
 Richard Ike Sutton
 Jack K. Suwa
 Robert S. Taira
 Meyer M. Ueoka
 John T. Ushijima
 Robert M. Wright

COMMITTEE ON TAXATION AND FINANCE

Thomas K. Hitch, Chairman
 Stanley I. Hara, Vice-Chairman
 Clarence Y. Akizaki
 Richard E. Ando
 Toshi Ansai
 George R. Ariyoshi
 James K. Bacon
 Hung Wo Ching
 William E. Fernandes
 Bill Harper
 Mario A. Hidalgo
 John J. Jaquette
 Richard M. Kageyama
 Hiram K. Kamaka
 Takeshi Kudo
 Tennyson K. W. Lum
 Momi T. Minn
 Ted T. Morioka
 Edna C. Shiigi
 Keith J. Steiner
 Robert S. Taira
 Robert M. Wright
 James K. Yamamoto

COMMITTEE ON LOCAL GOVERNMENT

John T. Ushijima, Chairman
 Patricia F. Saiki, Vice-Chairman
 Sakae Amano
 Ethel K. C. Andrade
 Toshi Ansai
 Ed C. Bryan
 Robert D. Y. Chang
 Robert G. Dodge
 Frank F. Fasi
 Stanley I. Hara
 Bill Harper
 Kekoa D. Kaapu
 Kazuo Kage
 Hiroshi Kato
 Duke T. Kawasaki
 Tony T. Kunimura
 Rhoda V. Lewis
 Frank W. C. Loo
 Toraki Matsumoto
 Momi T. Minn
 Keo Nakama
 Howard K. Oda
 Hiroshi Ozaki

COMMITTEE ON PUBLIC HEALTH, EDUCATION AND WELFARE; LABOR AND INDUSTRY

Robert S. Taira, Chairman
 Dorothy L. Devereux, Vice-Chairman
 Ralph K. Ajifu
 Emilio S. Alcon
 Richard E. Ando
 James K. Bacon
 Stanley I. Hara
 Mario A. Hidalgo
 Charles E. Kauhane
 Richard A. Kawakami
 Frank W. C. Loo
 Tennyson K. W. Lum
 Toraki Matsumoto
 John J. Medeiros
 Keo Nakama
 Shigeyuki Nakatani
 Jacob Y. Pyo
 Edna C. Shiigi
 Yoshito Takamine
 Mitsuo Uechi
 James K. Yamamoto
 Nadao Yoshinaga
 Patsy K. Young

COMMITTEE ON AGRICULTURE, CONSER- VATION, LAND AND HAWAIIAN HOMES

Hiram K. Kamaka, Chairman
 Kekoa D. Kaapu, Vice-Chairman
 Ralph K. Ajifu
 Ethel K. C. Andrade
 James K. Bacon
 Ed C. Bryan
 Hayden F. Burgess
 Dorothy L. Devereux
 Mario A. Hidalgo
 Charles E. Kauhane
 Richard A. Kawakami

Thomas K. Lalakea
Barney B. Menor
Momi T. Minn
Keo Nakama
George K. Noguchi
Hiroshi Ozaki
Jacob Y. Pyo
Alfred O. Souza
Sakae Takahashi
John T. Ushijima
Robert M. Wright
T. C. Yim

COMMITTEE ON REVISION, AMENDMENT AND OTHER PROVISIONS

Hiroshi Kato, Chairman
Robert G. Dodge, Vice-Chairman
Peter A. Aduja
Hayden F. Burgess
William E. Fernandes
Kazuo Kage
Takeshi Kudo
Rhoda V. Lewis
George W. T. Loo
Barney B. Menor
Howard Y. Miyake
Ted T. Morioka
Shigeyuki Nakatani
Howard K. Oda
Hiroshi Ozaki
Edna C. Shiigi
Keith J. Steiner
Richard Ike Sutton
Jack K. Suwa
Yoshito Takamine
Mitsuo Uechi
James K. Yamamoto
T. C. Yim

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Howard K. Oda, Vice-Chairman
Peter A. Aduja
Robert G. Dodge
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Stuart Ho
Richard A. Kawakami
Leland E. G. Larson
Rhoda V. Lewis
George K. Noguchi
Richard P. Schulze, Jr.
Richard Ike Sutton
Jack K. Suwa
Sakae Takahashi
Meyer M. Ueoka
James K. Yamamoto

COMMITTEE ON SUBMISSION AND INFORMATION

John J. Jaquette, Chairman
Momi T. Minn, Vice-Chairman

Clarence Y. Akizaki
Ethel K. C. Andrade
Frank F. Fasi
John W. Goemans
Diana C. Hansen
Stuart Ho
Charles E. Kauhane
Thomas K. Lalakea
Leland E. G. Larson
Howard Y. Miyake
George K. Noguchi
Dennis E. W. O'Connor
Nadao Yoshinaga
Patsy K. Young

COMMITTEE ON ACCOUNTS AND PRINTING

Sakae Amano, Chairman
Ethel K. C. Andrade, Vice-Chairman
Emilio S. Alcon
Alvin T. Amaral
James K. Bacon
Hayden F. Burgess
Donald D. H. Ching
Dorothy L. Devereux
John W. Goemans
Diana C. Hansen
Tony T. Kunimura
Toraki Matsumoto
John T. Ushijima
T. C. Yim
Nadao Yoshinaga

COMMITTEE ON RULES

Toshi Ansai, Chairman
Patsy K. Young, Vice-Chairman
Yoshio Hasegawa
Richard M. Kageyama
Hiroshi Kato
Duke T. Kawasaki
Takeshi Kudo
Tony T. Kunimura
George W. T. Loo
Howard Y. Miyake
Keo Nakama
Jack K. Suwa
Sakae Takahashi
Mitsuo Uechi
Robert M. Wright

RESOLUTION NO. 3

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That the Governor of the State of Hawaii be invited this day to address or extend such greetings to this body as he should be pleased to make; and

Be It Further Resolved That a certified copy of this Resolution be transmitted to the Honorable John A. Burns, Governor of the State of Hawaii.

RESOLUTION NO. 4

RESOLUTIONS

165

In accordance with Rule 34 of the rules of the convention, I move to amend the rules as follows:

After Rule 66, insert:

"Rule 67. The convention shall complete its deliberations in not more than forty-five (45) calendar days."

RESOLUTION NO. 5

RELATING TO THE RULES OF THE CONVENTION.

Resolved, That Rule 45 of the Rules of the Convention be amended as follows:

"Rule 45. After twenty days have passed and on the affirmative vote of twenty-five delegates a Committee shall report within five days, or such extension thereof as may be allowed by the President, on a specified matter referred to it not previously reported."

RESOLUTION NO. 6

WHEREAS, Registered voters are the most convenient bases for legislative apportionment since registered voter lists are broken down by legislative districts and precincts and continually maintained by the election clerks of the four counties of the State of Hawaii; and

WHEREAS, Legislative apportionment on a registered voter base eliminates the transient military personnel and thereby avoids gross distortions in the value of the votes cast for legislators; and

WHEREAS, Legislative apportionment on the basis of registered voters is a built-in incentive for political parties and civic organizations to undertake massive state voter registration drives, and generally encourages the average citizen to participate in and learn about the political processes of the State; and

WHEREAS, There is a lack of definitive evidence that certain socio-economic groups register to vote in substantially lower proportions than other groups; and

WHEREAS, The convenience and benefits of legislative apportionment on the basis of the registered voter population far outweighs the possibility of any slight discriminatory effects; and

WHEREAS, In Hawaii the registered voter count provides a fairly accurate reflection of the state citizen population; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That registered voters be retained as the basis for legislative apportionment in Hawaii; and

Be It Further Resolved That the Committee on Legislative Apportionment and Districting recommends the retention of legislative apportionment on the basis of registered voters; and

Be It Further Resolved That a copy of this Resolution be transmitted to the Committee on Legislative Apportionment and Districting, Constitutional Convention of Hawaii of 1968.

RESOLUTION NO. 7

REQUESTING A DEPARTMENT TO COORDINATE FEDERAL-STATE RELATIONS BE ESTABLISHED.

WHEREAS, There is a recognized need for developing increased coordination of federal and state programs and for the development of federal-state relations experts; and

WHEREAS, The Legislature of the State of Hawaii has already tried to alleviate the problem of disorganization and confusion by creating the office of federal programs coordinator in Act 237, Session Laws of Hawaii 1965; and

WHEREAS, An important part of this Act was intended to provide a mechanism by which federal, state, and local agencies can coordinate their plans, policies, and activities; to create Congressional awareness and understanding of the needs and potential of the State of Hawaii; to encourage and advise state departments, universities, and other appropriate state and local agencies in Hawaii of the availability of and the requirements of federal grants; to advise and provide necessary factual data to Congress and Hawaii's Congressional delegation; to recommend to the governor and the administration the types and necessity of legislative and administrative action in order that the State of Hawaii may avail itself of beneficial federal programs; to maintain contacts with federal, state, and local officials and agencies so that the programs of all levels of government may be coordinated; to cooperate with Hawaii's congressional delegation in promoting federal legislative and administrative action which may be beneficial to Hawaii; to appear before congressional committees in support of or in opposition to legislation which affects Hawaii; and to perform such other services as may be required by the governor and the legislature; and

WHEREAS, The need for such a service has not diminished but has increased since the passage of Act 237 in 1965; and

WHEREAS, The increased role the federal government in all phases of our lives necessitates the coordination of state and federal activities which could best be accomplished by the creation of a new department which had as its purpose the coordination of all federal, state, and local programs; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That a department of federal-state relations be established.

RESOLUTION NO. 8

WHEREAS, The Constitutional Convention of Hawaii of 1968, in accordance with Section 2, Article XV of

the State Constitution, is authorized to determine and provide for the manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate; and

WHEREAS, The Committee on Submission and Information of the Constitutional Convention, in accordance with the rules of the Convention, is authorized to recommend to the Convention the method and manner of submitting the proposed constitutional amendments to the people; and

WHEREAS, The submission of proposed amendments to the electorate either singly or in a series of related amendments is desirable in that it enables the people to express their will on each or most amendments; and

WHEREAS, The experiences in the States of Maryland and New York seem to indicate the ability of those opposed to single amendments to combine and defeat a well-drafted revised constitution; and

WHEREAS, Single or serial presentation of amendments will avoid the danger of the entire Constitution being rejected even though only one or two amendments are unpopular with the people; now, therefore,

Be It Resolved That the delegates to the Constitutional Convention of Hawaii of 1968 strongly support the submission to the electorate of the proposed amendments to the Constitution either singly or in a series of related amendments; and

Be It Further Resolved That the Committee on Submission and Information of the Convention be strongly requested to give this method of submission serious consideration; and

Be It Further Resolved That certified copies of this Resolution be sent to all Constitutional Convention delegates and to other appropriate individuals.

RESOLUTION NO. 9

RELATING TO THE CHANNEL WATERS.

WHEREAS, Control over the channel waters between the islands of Hawaii has been subject to continuing controversy through the years; and

WHEREAS, On at least two occasions our farsighted ancestors laid claim to the interisland waters; and

WHEREAS, The U.S. Court of Appeals' affirmation of the seaward boundaries at three nautical miles from the low water line of each island does not represent a conclusive judicial decision; and

WHEREAS, The coming years will see a vast array of discoveries in oceanography having considerable economic impact on our State, mass interisland transportation and increasing tourist enterprises making use of channel waters; and

WHEREAS, The current status of the channel waters as high seas subordinates our state government to the federal government in regulating such interisland activities; now, therefore,

Be It Resolved by the Delegates of the Constitutional Convention of Hawaii of 1968 That the Congress of the United States is requested to take steps leading to the inclusion of the channel waters within the boundaries of the State of Hawaii; and

Be It Further Resolved That copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of Hawaii's delegation to Congress.

RESOLUTION NO. 10

RELATING TO THE MANNER OF SUBMISSION OF A PROPOSED CONSTITUTIONAL REVISION OR AMENDMENTS TO THE ELECTORATE.

WHEREAS, In accordance with Section 2 of Article XV of the Hawaii State Constitution and Act 222, Session Laws of Hawaii 1967, the Constitutional Convention shall determine the manner in which any constitutional revision or amendments may be submitted to the electorate for ratification; and

WHEREAS, In accordance with the Rules of the Constitutional Convention of Hawaii of 1968, it is the responsibility of the Committee on Submission and Information to consider and report on the method and manner of submitting the Constitution or proposed amendments to the Constitution to the people; and

WHEREAS, The submission of constitutional revision or amendments to the electorate in an article-by-article method, or in series of related articles rather than submission of all the amendments as a whole to the electorate will afford the voters of the State of Hawaii maximum expression in the approval or disapproval of the proposed constitutional revisions or amendments; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the Committee on Submission and Information is strongly urged to recommend the submission of any constitutional revision or amendments to the electorate in an article-by-article method or in a series of related articles; and

Be It Further Resolved That a copy of this Resolution be sent to the Committee on Submission and Information, Constitutional Convention of Hawaii of 1968.

RESOLUTION NO. 11

DEDICATING THE CONSTITUTIONAL CONVENTION TO THE MEMORY OF AMERICANS WHO HAVE SACRIFICED THEIR LIVES IN THE SERVICE OF THEIR COUNTRY.

RESOLUTIONS

167

WHEREAS, The convening of the Constitutional Convention of 1968 is an event of historic and political significance to the State of Hawaii and to the Nation; and

WHEREAS, The efforts of the delegates and the results therefrom are a reflection of the values, goals and ideals of the democratic process; and

WHEREAS, Since the beginning of our country's history men and women have sacrificed their lives in times of war and peace that these ideals and the democratic process might be preserved; and

WHEREAS, The members of our armed services who have died plus noted leaders such as John F. Kennedy, Martin Luther King, and Robert F. Kennedy all have made the supreme sacrifice; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the Convention be dedicated to the memory of the men and women who have given their lives for their country; and

Be It Further Resolved That duly certified copies of this Resolution be sent to all delegates to the 1968 Constitutional Convention.

RESOLUTION NO. 12

WHEREAS, Section 5 of Article VIII of the Constitution of the State of Hawaii, popularly known as the conservation and beautification provision, was adopted only after extensive deliberation and debate at the 1950 Convention; and

WHEREAS, This provision, which empowers the State "to conserve and develop its natural beauty, objects, and places of historic or cultural interest, sightliness and physical good order..." is especially important to a state like Hawaii with its great wealth of natural beauty; and

WHEREAS, In this period of great population and industrial growth, there is a growing recognition of the need to conserve and develop our natural beauty; and

WHEREAS, The above constitutional provision was relied upon by the Supreme Court of Hawaii in upholding the power of the City and County of Honolulu to regulate for legitimate and aesthetic reasons advertising signs and billboards; and

WHEREAS, This constitutional provision would authorize State activities in other areas such as park and beach development, preservation of historic sites, and control of the general sightliness of our environment; now, therefore,

Be It Resolved That Section 5 of Article VIII of the State Constitution be retained in its present form; and

Be It Further Resolved That certified copies of this Resolution be sent to all Constitutional Convention delegates, to the officers of the Outdoor Circle of

Hawaii, and to other appropriate individuals and organizations.

RESOLUTION NO. 13

REQUESTING THE DELEGATES TO THE CONSTITUTIONAL CONVENTION TO MAINTAIN A HIGH LEVEL OF FLEXIBILITY IN REWRITING THE STATE CONSTITUTION.

WHEREAS, The history of constitutions begins with Aristotle and proceeds with such noble documents as the Magna Charta and the Mayflower Compact; and

WHEREAS, In a democracy, the citizen is at the same time subject and ruler, bound by laws that he participates in making; and

WHEREAS, It has been said that a constitution "like a suit of clothes for a man, should fit the particular community for which it is intended," and so should the Hawaii Constitution be drafted with the needs, desires, habits and traditions of Hawaii's people in mind; and

WHEREAS, The *Honolulu Advertiser* expressed these thoughts so eloquently in its editorial on Thursday, July 4; and

WHEREAS, A perusal of the editorial by all delegates may be enlightening and beneficial for the people of Hawaii; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That the Convention live up to the aspiration of the editorial and be characterized by a fair hearing for all ideas, a high level of open-mindedness and flexibility, and a determination to build on the best of the past; and

Be It Further Resolved That copies of this Resolution as well as copies of the *Advertiser's* editorial be transmitted to each delegate of the Constitutional Convention and to the *Honolulu Advertiser*.

RESOLUTION NO. 14

RELATING TO REAPPORTIONMENT.

WHEREAS, This Convention is faced with the difficult task of reapportioning the legislature and may be compelled to establish boundaries for legislator districts; and

WHEREAS, Single-member districts are recommended by leading authorities and are used in many states; and

WHEREAS, Single-member districts promote close relationships between legislators and their constituents; and

WHEREAS, Legislators from single-member districts are more accountable and responsive to the needs of their constituents; and

WHEREAS, Voters can make the most informed

choice where they need select only one legislator; and

WHEREAS, The present Eleventh Representative District elects three representatives at large; and

WHEREAS, The present Eleventh Representative District makes up parts of the current Fourth and Fifth Senatorial Districts; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968 That the Committee on Legislative Apportionment and Districting is requested to include in its proposed amendments a provision to subdivide the present Eleventh Representative District into single-member representative districts and if the Eleventh Representative District is established intact as a senatorial district or subdivided into senatorial districts, that each senatorial district elect only one senator; and

Be It Further Resolved That certified copies of this Resolution be delivered to each member of the Committee on Legislative Apportionment and Districting.

RESOLUTION NO. 15

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That the Rules of the Constitutional Convention of Hawaii of 1968 be amended by adding a new sentence at the end of the second paragraph of Rule 18 (a) to read as follows:

"Each committee report shall embrace an entire article."

RESOLUTION NO. 16

WHEREAS, The Citizens Committee on the Constitutional Convention rendered an outstanding service to the public and to the delegates increasing awareness and appreciation of the Convention's role and significance; and

WHEREAS, The Citizens Committee of more than 250 individuals representing 104 community organizations formed a vital link between the people of Hawaii and the delegates to the Convention; now, therefore,

Be It Resolved That the Convention expresses its gratitude and indebtedness to the Citizens Committee on the Constitutional Convention for its outstanding work; and

Be It Further Resolved That the Convention expresses its desire for continuing support by Hawaii's community organizations and its desire for the organization of a committee by the community's interested citizens to maintain lines of communications and information between the Convention and the people of Hawaii.

RESOLUTION NO. 17

WHEREAS, This Convention is faced with the

difficult duty of legislative reapportionment; and

WHEREAS, It may be compelled to undertake the complex and arduous task of establishing boundaries for representative districts; and

WHEREAS, The consideration of political, natural or historical boundary lines to avoid indiscriminate districting and to maintain compactness and contiguity has long been recognized; now, therefore,

Be It Resolved That the delegates of the Constitutional Convention of Hawaii of 1968 do hereby express their intent to combine the two Kona districts, which are the present Fourth and Fifth Representative Districts, into one representative district.

RESOLUTION NO. 18

REQUESTING AN AMENDMENT TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968 RULES.

WHEREAS, Rule 17 of the Constitutional Convention of Hawaii of 1968 Rules provides that the Committee on Submission and Information shall consist of sixteen members and in addition, the Vice-Presidents, Secretary, Assistant Secretary and the chairmen of the standing committees as members ex-officio; and

WHEREAS, That committee would thus have a total of thirty-six members; and

WHEREAS, The regular committee members are outnumbered by the ex-officio members; now, therefore,

Be It Resolved by the Delegates of the Constitutional Convention of Hawaii of 1968 That Rule 17 of the Constitutional Convention of Hawaii of 1968 Rules be amended to provide that the Committee on Submission and Information consist of sixteen members and in addition, the Vice-Presidents, Secretary and Assistant Secretary as members ex-officio with vote and the chairmen of the standing committees as members ex-officio without vote.

RESOLUTION NO. 19

WHEREAS, It is acknowledged by various authorities in the field that adequate pre-convention work is vital to any constitutional convention; and

WHEREAS, A large and significant part of such pre-convention work consists of professionally prepared background materials, information, and studies; and

WHEREAS, In the State of Hawaii we are indeed fortunate to have an outstanding organization of experienced researchers who are proficient in legal, legislative, and social science research; and

WHEREAS, This same organization has undertaken and completed the enormous and overwhelming task of preparing for the Constitutional Convention of Hawaii of 1968, the *Hawaii Constitutional Convention Studies*,

consisting of in-depth study and compilation of data and theory regarding constitutional problems, issues, other studies, other state practices, and the results of other conventions, resulting in seventeen separate bound volumes; and

WHEREAS, This same organization has accomplished this feat with minimal staffing; and

WHEREAS, This same organization is now rendering informational, consultative, and drafting services of inestimable value to the delegates and committees of the Hawaii Constitutional Convention of 1968; now, therefore,

Be It Resolved That the delegates of this Convention do hereby congratulate the LEGISLATIVE REFERENCE BUREAU for its outstanding service to the Constitutional Convention of Hawaii of 1968; and

Be It Further Resolved That copies of this Resolution be transmitted to the Legislative Reference Bureau and the University of Hawaii.

RESOLUTION NO. 20

RELATING TO THE REDISTRICTING OF THE EIGHTH REPRESENTATIVE DISTRICT ON OAHU.

WHEREAS, The Eighth Representative District on the Island of Oahu is a lengthy and relatively narrow district extending all the way from Makapuu Point to Waimea Bay, thereby violating the commonly accepted legislative districting standard of "compactness," which has been recognized by the United States Supreme Court as a legitimate districting consideration; and

WHEREAS, The Eighth Representative District, which incorporates that portion of Oahu known as Koolaupoko and Koolauloa, is an area characterized by variations in population density and economic interests and pursuits; and

WHEREAS, That portion of the Eighth Representative District extending from Makapuu Point to Mokapu Point is a highly urbanized area containing the communities of Kailua and Waimanalo; and

WHEREAS, That portion of the Eighth Representative District extending from Mokapu Point to the end of Kaneohe Bay or to Mokoli'i (Chinaman's Hat), containing the communities of Waikane, Waiahole, Kahaluu, Heeia, and Kaneohe, can be characterized as a semi-rural area with numerous small, family-type farms; and

WHEREAS, That portion of the Eighth Representative District extending from Mokoli'i (Chinaman's Hat) to Waimea Bay, containing the communities of Kahana, Hauula, Laie, Kahuku, Waialeale, and Pupukea, is a relatively rural area with an agrarian, principally sugar-based economy related to the agrarian-based Ninth Representative District communities of Waialua and Wahiawa; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the Committee on Legislative Apportionment and Districting of this Convention is hereby requested to establish that portion of the Eighth Representative District extending from Makapuu Point to Mokapu Point and that portion of the Eighth Representative District extending from Mokapu Point to Mokoli'i (Chinaman's Hat) as two separate representative districts, respectively, and to consolidate that portion of the Eighth Representative District extending from Mokoli'i to Waimea Bay with the Ninth Representative District; and

Be It Further Resolved That certified copies of this Resolution be transmitted to all members of the Committee on Legislative Apportionment and Districting and to all Constitutional Convention delegates.

RESOLUTION NO. 21

RELATING TO LEGISLATIVE EFFICIENCY.

WHEREAS, The bicameral legislature has often been criticized as expensive and cumbersome; and

WHEREAS, Much of this expense and cumbersomeness is caused by the duplicate committee system which results in greater costs for staffing needs and time consumed in passing bills; and

WHEREAS, The duplicate committee system increases the burden placed upon government officials and citizens appearing before committees; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968 That each house of the legislature is requested to consider including in its rules governing committee structure provisions for: (1) establishing joint housekeeping operations; (2) providing a parallel committee structure and (3) using joint committee action for holding hearings, sponsoring bills, interim committee work and other activities; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Fifth State Legislature.

RESOLUTION NO. 22

RELATING TO COMMITTEE PROCEDURE.

WHEREAS, Citizen participation in the legislative process is very important to the success of a democratic society; and

WHEREAS, The committee stage is one of the most vital phases of the legislative process; and

WHEREAS, Open committee procedures enhance the ability of interested citizens, as well as legislators, to understand and influence committee decisions; now, therefore,

Be It Resolved by the Delegates to the Constitutional

Convention of Hawaii of 1968 That each house of the legislature is requested to consider including provisions on the following in their rules governing committee procedures: (1) require the time, place and subject of all committee hearings to be publicized at least 72 hours in advance; and (2) require conference committees to act only upon the differences expressed between the two houses, to meet in open sessions and to hold a roll call vote of committee members on matters of substance; and

Be It Further Resolved That certified copies of this Resolution be delivered to all members of the Fifth State Legislature.

RESOLUTION NO. 23

RELATING TO RETENTION OF BICAMERAL LEGISLATIVE STRUCTURE.

WHEREAS, The two-house legislative body is the traditional legislative structure, accepted and understood by the people; and

WHEREAS, The United States Supreme Court has affirmed the continuing utility of the bicameral legislature; and

WHEREAS, The bicameral legislature assures adequate deliberation and provides a safeguard against the excesses of government; and

WHEREAS, The bicameral legislature permits greater flexibility and accuracy in apportionment so that all the people are more fully represented; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968 That the Committee on Legislative Apportionment and Districting is requested to retain the bicameral legislature in its proposed amendments; and

Be It Further Resolved That certified copies of this Resolution be delivered to all members of the Committee on Legislative Apportionment and Districting.

RESOLUTION NO. 24

RELATING TO THE SIZE OF THE SENATE AND HOUSE OF REPRESENTATIVES.

WHEREAS, There is no recognized single optimum size for the legislature; and

WHEREAS, It has been the long-standing tradition of both our State and our nation to provide larger bodies for the lower house and smaller for the upper; and

WHEREAS, Any size considered must be large enough to provide adequate representation and the manpower for committee work and yet small enough to allow the body to operate without rigid discipline; now, therefore,

Be It Resolved by the Delegates to the Constitutional

Convention of 1968 That the Committee on Legislative Apportionment and Districting is requested to include in its proposed amendments a provision fixing the size of the House of Representatives at a number between forty-five and fifty-five members and the Senate at a number between twenty and twenty-seven members; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Committee on Legislative Apportionment and Districting.

RESOLUTION NO. 25

RELATING TO PERMANENT PROFESSIONAL MAJOR LEGISLATIVE COMMITTEE STAFFING.

WHEREAS, The increasingly complex and technical nature of modern legislation requires expert staff assistance; and

WHEREAS, Greater independence from the executive branch of government is achieved when the legislature can rely on its own staff for information and assistance; and

WHEREAS, A permanent professional staff for major legislative committees provides continuity in committee investigations and such staffing facilitates the planning of committee work; and

WHEREAS, Professional staffing enables better utilization of available legislative service agencies; and

WHEREAS, A competent staff better prepares individual legislators to more fruitfully question witnesses at committee hearings; and

WHEREAS, A proficient staff ensures the efficient handling of bills; and

WHEREAS, Permanent experienced staffing can compensate for high turnover rates in committee memberships and legislative service; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of 1968 That each house of the legislature is requested to consider including in its rules governing committee staffing, provisions for: (1) permanent professional staffing for all major legislative committees; (2) who shall be adequately compensated; (3) who shall qualify for all benefits which accrue to state employment but shall not be subject to the state civil service laws; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Fifth State Legislature.

RESOLUTION NO. 26

RELATING TO LEGISLATIVE APPORTIONMENT.

WHEREAS, In facing the general problem of apportionment this Convention must consider the type of population to be used as the basis for

apportionment, the frequency with which reapportionment should be undertaken and the method of districting to be employed; and

WHEREAS, The use of registered voters as the basis for apportionment permits the easy gathering of necessary statistics along traditional boundary lines and accurately reflects the citizen population of our State; and

WHEREAS, The enormous population growth and mobility rates as well as the opinion of the United States Supreme Court on Hawaii apportionment suggest the wisdom of more frequent reapportionment than the present ten-year period; and

WHEREAS, "Differing complexions and collective attitudes" between the House of Representatives and the Senate are best produced by the use of substantially different districting methods for each body; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968 That the Committee on Legislative Apportionment and Districting is requested to include in its proposed amendments provisions for the use of registered voters as the basis for apportionment, for the reapportionment of the House of Representatives every six years and the Senate every eight years, for small, single-member districts in the House of Representatives and large multi-member districts in the Senate, not to exceed three senators per district and where senate districts become entitled to less than one senator, for the use of the place system as a method for compensating the loss of distinct representation; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Committee on Legislative Apportionment and Districting.

RESOLUTION NO. 27

RELATING TO LEGISLATOR SALARIES.

WHEREAS, Salaries currently paid to legislators are considered "demeaning and unconscionable" by leading authorities; and

WHEREAS, Even with narrowly limited sessions legislators engage in extensive legislature-related work during the interim between sessions; and

WHEREAS, Low salaries restrict the occupational and financial background from which candidates may be recruited for legislative service; and

WHEREAS, Larger annual salaries will broaden the legislator's financial independence and raise the prestige of legislative office; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968 That the Committee on Revision, Amendment and Other Provisions is requested to include in its proposed amendments to the Schedule of Article XVI a provision temporarily fixing legislator

salaries at a figure ranging between \$12,000 and \$20,000; and

Be It Further Resolved That the legislature is requested to consider implementing Section 10 of Article III by enacting a salary plan which would establish a base legislator salary of \$12,000 and subsequently increase such salary at \$1,000 every two years, to a maximum of \$20,000 at which time the entire salary plan shall come under review; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Committee on Revision, Amendment and Other Provisions and the members of the Fifth State Legislature.

RESOLUTION NO. 28

RELATING TO BIENNIAL BUDGETS.

WHEREAS, Biennial budget systems often require estimating expenditures as much as thirty months in advance of actual expenditure; and

WHEREAS, We are living in an era of constantly rising costs; and

WHEREAS, Numerous other chance factors impede accurately estimating costs for a two-year fiscal period; now, therefore,

Be It Resolved by the Delegates of the Constitutional Convention of Hawaii of 1968 That the legislature is requested, if it is empowered to convert to a biennial budget system, to incorporate within legislation providing for the biennial budget system, an inflationary device to account for increased costs associated with carrying out the same services during the second year or a base biennial budget with legislative power to appropriate supplemental funds in emergencies; and

Be It Further Resolved That certified copies of this Resolution be delivered to the members of the Fifth State Legislature.

RESOLUTION NO. 29

RELATING TO THE CONSOLIDATION OF CERTAIN REPRESENTATIVE DISTRICTS ON MAUI WITH THE SIXTH REPRESENTATIVE DISTRICT.

WHEREAS, The consolidation of representative districts having similar economic interests allows for more effective representation; and

WHEREAS, The Islands of Molokai and Lanai, presently comprising the Sixth Representative District, and the 20th, 21st, 22nd, 23rd, 24th, 25th, and 26th Representative Precincts of the present Seventh Representative District on the Island of Maui are largely rural with agriculture-based economies; and

WHEREAS, The present Sixth Representative District and the aforementioned precincts on Maui are further

interrelated economically in that they are areas for the potential growth of tourism; and

WHEREAS, The combining of the present Sixth Representative District and the aforementioned precincts on Maui, with their increasing population, will serve to approximate more closely the average or ideal number of registered voters per representative (5,000 to 1 according to 1966 general election figures of registered voters); now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the Committee on Legislative Apportionment and Districting of the Convention is hereby requested to consolidate the 20th, 21st, 22nd, 23rd, 24th, 25th, and 26th Representative Precincts of the present Seventh Representative District on the Island of Maui with the present Sixth Representative District composed of the Islands of Molokai and Lanai, allowing this newly consolidated district one representative; and

Be It Further Resolved That the Committee on Legislative Apportionment and Districting is further requested to designate the remaining portion of the present Seventh Representative District on the Island of Maui, namely, Representative Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 27, as the new Seventh Representative District, allowing this new district four representatives; and

Be It Further Resolved That certified copies of this Resolution be transmitted to each member of the Committee on Legislative Apportionment and Districting and to other appropriate individuals.

RESOLUTION NO. 30

RELATING TO A SPECIAL COVER PAGE FOR THE RATIFIED, AMENDED CONSTITUTION OF THE STATE OF HAWAII.

WHEREAS, The Constitution of the State of Hawaii, once it has been amended by the Constitutional Convention of 1968, will be the result of countless hours of careful, exhaustive, and dedicated work by the delegates and staff; and

WHEREAS, The Constitution of the State of Hawaii, when it is ratified by the electorate, will further be an indispensable document of immeasurable importance and influence on the people of Hawaii; and

WHEREAS, Such an august and indispensable document as our State Constitution should be printed in a style becoming its importance; and

WHEREAS, The printed cover page of the State Constitution is especially deserving of a distinctive format and color scheme; and

WHEREAS, The affixing of the image of the illustrious and courageous founder of the Hawaiian Kingdom, Kamehameha the Great, and the use of the two colors signifying the Hawaiian nobility, red and yellow, will undoubtedly enhance the attractiveness and

prestige of the State Constitution; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That any and all copies of the Constitution of the State of Hawaii, as amended and ratified in 1968, which are printed by the State or any of its political subdivisions and agencies, shall be printed with a special, copyrighted cover page containing the image of Kamehameha the Great and using an appropriate red and yellow color scheme; and

Be It Further Resolved That the Committee on Submission and Information is hereby requested to do everything possible to help effectuate the printing of official state copies of the 1968 amended and ratified Constitution of the State of Hawaii with the aforementioned special, copyrighted cover page; and

Be It Further Resolved That certified copies of this Resolution be transmitted to each member of the Committee on Submission and Information of the Convention, to the head of the State Archives, to the Governor and to other appropriate individuals.

RESOLUTION NO. 31

WHEREAS, The people of our State have voted to have a Constitutional Convention to analyze their present framework and philosophy of government to determine needed changes; and

WHEREAS, The Hawaii State Constitutional Convention of 1968 may be expected to produce an excellent document which will best meet the needs of the people of Hawaii for many years; and

WHEREAS, There is a need to make efficient and effective use of the delegates' time but, at the same time, thoroughly analyze, discuss and explore the present needs to provide for future change; and

WHEREAS, The delegates have a continuing responsibility to provide for full voter education, discussion, communication, and understanding of the operation and proceedings of the Convention and the issues involved; and

WHEREAS, An atmosphere of haste, expediency, or of undue limitation of time or deadlines may serve to limit or hinder the effectiveness of the delegates' work and the evaluative process involved; and

WHEREAS, The State of Hawaii has appropriated well over one million dollars to insure the Convention's financial solidarity and time for full and complete deliberation and communication with the people of our State; now, therefore,

Be It Resolved That the delegates to the Hawaii State Constitutional Convention of 1968 aspire to a high level of open-mindedness, flexibility, and deliberation upon all aspects of our present Constitution and needs of our people; and

Be It Further Resolved That the Convention impose

no deadlines in order that the delegates be unhindered by pressure or haste in this, the Hawaii State Constitutional Convention of 1968.

RESOLUTION NO. 32

REQUESTING STATE AND CITY OFFICIALS TO TAKE IMMEDIATE ACTION TO PRESERVE HAWAII'S SCENIC BEAUTY.

WHEREAS, The scenic beauty of Hawaii has always been one of its greatest assets, treasured by local residents and admired by tourists; and

WHEREAS, The Constitution of the State of Hawaii spells out in Article VIII, Section 5 that the State shall have power to conserve and develop its natural beauty; and

WHEREAS, This beauty is being marred daily by papers, cans, bottles and other litter, making the beaches, parks, roadsides, and other public places unsafe as well as unsightly; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That appropriate officials at the state and local levels be asked to coordinate immediate action in a statewide joint effort to alleviate the situation, to institute preventive programs, and to develop enforcement methods to prevent further ruination by littering of Hawaii's precious beauty; and

Be It Further Resolved That duly certified copies of this Resolution be sent to Governor John A. Burns, and to the mayor or county chairman of each county.

RESOLUTION NO. 33

REQUESTING THE DELEGATES TO AGREE ON A LIMITED BALLOT OF CONSTITUTIONAL AMENDMENTS TO BE SUBMITTED TO THE ELECTORATE.

WHEREAS, The public has indicated a desire to vote on individual constitutional amendments rather than on all new changes as a whole; and

WHEREAS, Many of the delegates to the Constitutional Convention have expressed a similar desire; and

WHEREAS, Hundreds of proposals have been introduced to the Convention which could result in similar number of constitutional amendments; and

WHEREAS, Confusion and misunderstanding would result if all such amendments were submitted to the electorate under one ballot; now, therefore,

Be It Resolved by the Delegates to the Constitutional Convention of Hawaii of 1968, That in those instances where an amendment is adopted by the Convention for submission to the people by an affirmative vote of less than sixty percent of the delegates, then upon a petition signed by thirty percent of the delegates, that amendment shall appear as a separate item on the

ballot.

RESOLUTION NO. 34

RELATING TO A BICAMERAL LEGISLATURE.

WHEREAS, It will serve as a useful guideline to the standing committees of the Constitutional Convention of 1968 to have a determination whether or not the bicameral form of legislature shall be retained for Hawaii by this Constitutional Convention; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the bicameral form of legislature be retained; and

Be It Further Resolved That a certified copy of this Resolution be transmitted to each of the chairmen of the standing committees of the Constitutional Convention of 1968.

RESOLUTION NO. 35

REQUESTING AN AMENDMENT TO THE RULES OF THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

WHEREAS, Rules 22 to 26 of the Constitutional Convention of Hawaii, 1968 provide for the convening of the Convention into a Committee of the Whole for the purpose of allowing the delegates to the Convention freedom, time and opportunity to study and debate the many issues contained in standing committee reports, proposals and other matters before the Convention; and

WHEREAS, Rule 48 of the Constitutional Convention provides that: (1) the Convention may not take action on any proposal on second reading until after four convention days have elapsed from the printing of said proposal; (2) the Convention may, on second reading of a proposal, debate such proposal or offer amendments thereto; and (3) upon the passage on second reading, the proposal must be referred to the Committee on Style for report within five convention days; and

WHEREAS, By Rule 47, no proposal may be acted upon on third reading unless two days' notice thereof has been given by announcement made in open session; and

WHEREAS, In considering the proposals relating to Article II of the State Constitution, the Committee of the Whole spent three convention days on said article; and

WHEREAS, It appears likely that some of the same amendments that were proposed in the Committee of the Whole will be proposed again when this body considers the Committee of the Whole committee report and the attached redraft of Committee Proposal No. 1, thereby rendering the debates and votes in the Committee of the Whole a nullity; and

WHEREAS, If said Committee of the Whole is

abolished, or if amendments were prohibited on second reading, the delegates to the Convention would still have ample time and opportunity, either through Rules 47 and 48, or Rules 22 to 26 to study, debate and offer amendments to the many proposals being considered by the Convention, while still providing for a more efficient and deliberative body; now, therefore,

Be It Resolved by the Delegates of the Constitutional Convention That one of the following alternative amendments to the Rules of the Constitutional Convention of Hawaii, 1968, be adopted:

1. That Rules 4(e), 22 to 26, 28-1 and 2, 37-8 and 9 and 48 be amended or deleted, thereby eliminating the Committee of the Whole, and to provide that, on second reading of a proposal, the following motions shall not be considered: to lay on the table; for the previous question; and to postpone indefinitely; or,

2. That Rules 22 to 26 be retained but that Rules 47, 48(d) and 60 be amended to provide that on second reading, there shall be no debate or amendments to any proposal except by the two-thirds consent of the delegates present.

RESOLUTION NO. 36

WHEREAS, Various amendments to the State Constitution have been framed by the Constitutional Convention of Hawaii of 1968 for submission to the electorate for ratification or rejection; and

WHEREAS, In the exercise of the electorate's freedom to ratify or reject the several proposals, one or some of the proposals may be rejected by the people of this State; and

WHEREAS, Such ratification of some and rejection of others may require rearrangement, renumbering and technical changes of the amendments ratified and parts of the State Constitution affected by such ratification or rejection when the Constitutional Convention is not in session; now, therefore, be it

Resolved, That the Revisor of Statutes of Hawaii be and is hereby respectfully requested by the Constitutional Convention of Hawaii of 1968 to effect such necessary rearrangement, renumbering, and technical changes of the sections within the article of the State Constitution, as may be affected, for proper form and arrangement and proper order in the State Constitution in the event that any or some of the amendments to the State Constitution proposed by the Constitutional Convention of Hawaii of 1968 are not ratified by the electorate.

RESOLUTION NO. 37

PROVIDING FOR THE SUBMISSION TO THE PEOPLE OF THE STATE OF HAWAII OF THE AMENDMENTS PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF HAWAII OF 1968.

WHEREAS, Pursuant to Section 2 of Article XV of

the Constitution of the State of Hawaii, the duly elected delegates to this Constitutional Convention of the State of Hawaii of 1968 have assembled at Honolulu from the 15th day of July, 1968, for the purpose of proposing amendments to the Constitution; and

WHEREAS, Various amendments to the Constitution have been framed by this Constitutional Convention; and

WHEREAS, Section 2 of Article XV of the Constitution of the State of Hawaii requires that the proposed amendments to the Constitution be submitted to the people of the State for ratification or rejection; now, therefore,

Be It Resolved by the Constitutional Convention of the State of Hawaii of 1968 That the proposed amendments to the Constitution be submitted to the people of the State of Hawaii for ratification or rejection at the general election to be held on the 5th day of November, 1968. Persons possessing the qualifications to vote for representatives to the Legislature of the State of Hawaii shall be entitled to vote on the ratification or rejection of said amendments. Such submission shall be by ballot and shall be conducted and the results thereof determined in conformity with Section 2, Article XV of the Constitution. The ballot for such submission shall be printed and distributed by the Lieutenant Governor of the State of Hawaii and shall be substantially in the form hereto attached; and

Be It Further Resolved That the returns of said submission shall be made by the election officers directly to the Lieutenant Governor, who shall certify the results of the submission to the Governor; and

Be It Further Resolved That the Lieutenant Governor is hereby requested to do whatever is necessary to have the proposed amendments properly submitted to the electorate.

RESOLUTION NO. 38

EXPRESSING GRATITUDE AND INDEBTEDNESS TO THE CITIZENS COMMITTEE ON THE CONSTITUTIONAL CONVENTION.

WHEREAS, The Citizens Committee on the Constitutional Convention rendered an outstanding service to the public and to the delegates by increasing awareness and appreciation of the Convention's role and significance; and

WHEREAS, The Citizens Committee of more than 250 individuals representing 104 community organizations formed a vital link between the people of Hawaii and the delegates to the Convention; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body express its gratitude and indebtedness to the Citizens Committee on the Constitutional Convention for its outstanding work; and

Be It Further Resolved That duly certified copies of this Resolution be forwarded to Judge Samuel P. King, Chairman, Mrs. Suzanne E. Case, Mrs. Billie Warinner, Mr. Howard Hiroki, Mrs. Jeannette Pratt, Mrs. Mary George and Mr. Durrell Douthit.

RESOLUTION NO. 39

EXPRESSING DEEP APPRECIATION AND GRATITUDE TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE HAWAII STATE LEGISLATURE.

WHEREAS, The Constitutional Convention of Hawaii of 1968 has nearly completed its deliberations and is ready to take its place in history; and

WHEREAS, The work of the Convention could never have commenced without the unselfish cooperation rendered by the Fourth Legislature of the State of Hawaii; and

WHEREAS, The loan by the Fourth Legislature to the Constitutional Convention of nearly all of the equipment has resulted in untold savings to the people of Hawaii; and

WHEREAS, The use of offices and other facilities of the Legislature by the Convention in its closing days has greatly facilitated the work of the Convention; and

WHEREAS, The confidence placed by the Fourth Legislature in enacting Act 3, Session Laws of Hawaii of 1968, is also deeply appreciated by this body; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body, by this means, express its appreciation to the Senate and the House of Representatives of the Fourth Legislature of the State of Hawaii; and

Be It Further Resolved That duly certified copies of this Resolution be transmitted to Senate President John J. Hulten, Senator David McClung, Majority Leader, and Senator Hebden Porteus, Minority Leader, and to Speaker of the House Tadao Beppu and Representative Joseph R. Garcia, Jr., Minority Leader.

RESOLUTION NO. 40

EXPRESSING DEEPEST APPRECIATION TO THE PUBLIC WORKS SECTION OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES.

WHEREAS, The Public Works Section of the Department of Accounting and General Services has unstintingly and graciously performed many services and acts of kindness for the benefit of the Constitutional Convention of Hawaii of 1968; and

WHEREAS, Without the cooperation of the staff of the Public Works Section, it would not have been possible for the Convention to convene on time nor to function effectively during the session; and

WHEREAS, This unselfish and wholehearted cooperation shall not go unnoticed by this body; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968, That KeNam Kim, Head of the Department of Accounting and General Services, Richard Nakamura, Lin Sung Loo, Yoshio Yoshimura, Clarence T. K. Chong and other members of the Public Works Section be thanked for giving unselfishly of their time and for contributing to the success of this session; and

Be It Further Resolved That duly authenticated copies of this Resolution be transmitted to Messrs. KeNam Kim, Richard Nakamura, Lin Sung Loo, Yoshio Yoshimura, Clarence T. K. Chong and to members of the Public Works Section of the Department of Accounting and General Services.

RESOLUTION NO. 41

EXPRESSING APPRECIATION TO THE LEGISLATIVE REFERENCE BUREAU FOR ITS SPLENDID COOPERATION AND SERVICES RENDERED TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

Resolved by the Constitutional Convention of Hawaii of 1968, That this body, by this means, express its appreciation to the Legislative Reference Bureau for its splendid cooperation and services rendered to the Convention prior to and during the session; and

Be It Further Resolved That duly certified copies of this Resolution be transmitted to Herman S. Doi, Director of Legislative Reference Bureau, and to Clement Fujimoto, Evelyn Goya, Susan Gushiken, Shirley Kakuda, Millicent Kim, Henry Kitamura, Jane Kunimura, Wayne K. Minami, Sueko Miura, Annette Y. Miyagi, Ellen Onaga, Judith Stalling, May Tamura, Jane Tsuchiyama, Maizie Yamada and Lei Saito.

RESOLUTION NO. 42

EXPRESSING SINCERE APPRECIATION TO ROBERT C. SCHMITT AND HIS STAFF FOR OUTSTANDING SERVICES RENDERED TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

WHEREAS, The Constitutional Convention of Hawaii of 1968 has nearly completed its work and is ready to take its place in history; and

WHEREAS, One of the most important phases of this Convention was the problem of legislative apportionment and districting; and

WHEREAS, The unselfish and tremendous expertise furnished the Committee on Legislative Apportionment and Districting by State Statistician Robert C. Schmitt, Miss Helen Yoshizaki, Miss Juanita Ching, Mr. Toshio Kumabe, Mr. Ralph Vaughn, Mr. Gerald Lai, and Miss Gayle R. Hunt, was of such nature that it exceeded the normal call of duty; and

WHEREAS, It is the wish of this body that such outstanding services shall not go unnoticed; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That it commend State Statistician Robert C. Schmitt and his staff for outstanding services performed on behalf of the Convention; and

Be It Further Resolved That duly authenticated copies of this Resolution be transmitted to Mr. Robert C. Schmitt, Miss Helen Yoshizaki, Miss Juanita Ching, Mr. Toshio Kumabe, Mr. Ralph Vaughn, Mr. Gerald Lai and Miss Gayle R. Hunt.

RESOLUTION NO. 43

EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE PRESS, THE WIRE SERVICES, RADIO STATIONS AND TV STATIONS FOR HAVING PROVIDED EXCELLENT AND ACCURATE COVERAGE THROUGHOUT THE SESSION.

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That it takes this means in expressing its deepest appreciation to the members of the press, the wire services, radio stations and TV stations for having provided excellent and accurate coverage throughout the session; and

Be It Further Resolved That a copy of this Resolution be forwarded to the four daily newspapers, to the wire services, to the radio stations and the TV stations throughout the State of Hawaii.

RESOLUTION NO. 44

COMMENDING STATION KHET FOR ITS OUTSTANDING COVERAGE OF THE ACTIVITIES OF THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

WHEREAS, The Constitutional Convention of Hawaii of 1968 has nearly run its course and is ready to take its place in history; and

WHEREAS, Station KHET has reported the activities of this Convention in an outstanding manner by providing live coverage; and

WHEREAS, Station KHET fulfills a vital function in the democratic process by informing the public of the various measures being considered in the Constitutional Convention; and

WHEREAS, Station KHET Program Director Robert Miller and his staff objectively and ably reported the proceedings; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That it commend Station KHET for its outstanding coverage of the activities of the Convention; and

Be It Further Resolved That duly authenticated

copies of this Resolution be transmitted to Station KHET and to Robert Miller.

RESOLUTION NO. 45

EXPRESSING APPRECIATION TO THE LEGISLATIVE AUDITOR'S OFFICE FOR ITS SPLENDID COOPERATION AND SERVICE RENDERED TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body, by this means, express its appreciation to the Legislative Auditor's Office for its splendid cooperation and service rendered to this Convention; and

Be It Further Resolved That duly certified copies of this Resolution be transmitted to Clinton Tanimura, Legislative Auditor, and to Yukio Naito.

RESOLUTION NO. 46

EXPRESSING DEEPEST APPRECIATION TO THE KAPIOLANI COMMUNITY COLLEGE FOR USE OF ITS PREMISES AND THE SPLENDID COOPERATION AND SERVICE RENDERED TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

WHEREAS, The Constitutional Convention of Hawaii of 1968 has nearly run its course and is ready to take its place in history; and

WHEREAS, The Convention would never have been possible without the use of the facilities of Kapiolani Community College; and

WHEREAS, Raymond Won, Provost, and Ernest Ching, Administrative Assistant, of Kapiolani Community College, unselfishly, kindly and fully cooperated with the Convention by opening the doors of the college to the Convention; and

WHEREAS, It is the desire of this body that such outstanding cooperation and service should not go unnoticed; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That it express its deepest appreciation and Aloha to the Kapiolani Community College and to Provost Raymond Won and Administrative Assistant Ernest Ching; and

Be It Further Resolved That duly certified copies of this Resolution be transmitted to Dr. Richard H. Kosaki, Vice-President for Community Colleges, Raymond Won, Provost, Kapiolani Community College and Ernest Ching, Administrative Assistant.

RESOLUTION NO. 47

EXPRESSING DEEPEST APPRECIATION TO MCKINLEY HIGH SCHOOL FOR USE OF ITS PREMISES AND THE SPLENDID COOPERATION AND SERVICE RENDERED TO THE CONSTI-

TUTIONAL CONVENTION OF HAWAII OF 1968.

WHEREAS, The Constitutional Convention of Hawaii of 1968 has nearly run its course and is ready to take its place in history; and

WHEREAS, The Convention would never have been possible without the use of the facilities of McKinley High School; and

WHEREAS, Edmund K. Toma, Principal, unselfishly, kindly and fully cooperated with the Convention by opening the doors of the school to the Convention; and

WHEREAS, It is the desire of this body that such outstanding cooperation and service should not go unnoticed; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That it express its deepest appreciation and Aloha to McKinley High School and to Edmund K. Toma, Principal; and

Be It Further Resolved That duly certified copies of this Resolution be transmitted to Teichiro Hirata, District Superintendent, Honolulu District Office, Department of Education, and to Edmund K. Toma, Principal, McKinley High School.

RESOLUTION NO. 48

EXTENDING SINCERE GRATITUDE AND APPRECIATION TO THE HONOLULU COUNCIL OF CHURCHES.

WHEREAS, The many churches and other religious organizations of the Honolulu Council of Churches have unselfishly and wholeheartedly provided the Constitutional Convention of Hawaii of 1968 with chaplains to invoke the daily blessings upon this body; and

WHEREAS, These kind actions on the part of the chaplains who have come to commence the daily session no matter what the convening hour was are deeply appreciated by the members of this body; and

WHEREAS, The members of this body have been guided by these inspiring messages in their deliberations to consider amendments to the Constitution of the State of Hawaii for the benefit of all the people of this State; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body extend to the Honolulu Council of Churches and all of its member churches its sincere gratitude and appreciation; and

Be It Further Resolved That certified copies of this Resolution be forwarded to the Honolulu Council of Churches.

RESOLUTION NO. 49

EXTENDING SINCERE APPRECIATION AND

GRATITUDE TO THE CATHOLIC CHURCH.

WHEREAS, The Catholic Church has unstintingly and most charitably provided the Constitutional Convention of Hawaii of 1968 with chaplains to invoke daily blessings upon this body; and

WHEREAS, These kind actions on the part of the chaplains who have come to commence the daily session of this body no matter what the convening hour was are deeply appreciated by the members of this body; and

WHEREAS, The members of this body have been guided by these inspiring messages in their deliberations for the benefit of all the people of this State; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body extend to the Catholic Church its sincere gratitude and thanks; and

Be It Further Resolved That a certified copy of this Resolution be forwarded to the Catholic Church.

RESOLUTION NO. 50

EXTENDING SINCERE APPRECIATION AND GRATITUDE TO THE HONPA HONGWANJI MISSION.

WHEREAS, The Honpa Hongwanji Mission has unstintingly and most charitably provided the Constitutional Convention of Hawaii of 1968 with chaplains to invoke daily blessings upon this body; and

WHEREAS, These kind actions on the part of the chaplains who have come to commence the daily session of this body no matter what the convening hour was are deeply appreciated by the members of this body; and

WHEREAS, The members of this body have been guided by these inspiring messages in their deliberations for the benefit of all the people of this State; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That this body extend to the Honpa Hongwanji Mission its sincere gratitude and thanks; and

Be It Further Resolved That a certified copy of this Resolution be forwarded to the Honpa Hongwanji Mission.

RESOLUTION NO. 51

EXPRESSING DEEP APPRECIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR ITS UNTIRING AND SPLENDID COOPERATION RENDERED TO THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968.

Resolved by the Constitutional Convention of Hawaii of 1968 That this body, by this means, express its appreciation to the Office of the Attorney General for

its splendid cooperation and service rendered to this body during this session; and

Be It Further Resolved That duly certified copies of

this Resolution be transmitted to Bert T. Kobayashi, Attorney General, Bertram Kanbara, Assistant Attorney General, and Nobuki Kamida.

2. Standing Committee Reports

STANDING COMMITTEE REPORT NO. 1

Your Committee on Accounts and Printing begs leave to report that Res. Nos. 1 to 3 and Spec. Comm. Rept. No. 1 have been printed and distributed.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 2

Your Committee on Accounts and Printing begs leave to report that Prop. Nos. 1 through 70 and Res. Nos. 4 through 13 have been printed and distributed.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 3

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 71 through 94 and Res. Nos. 14, 15 and 16.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 4

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 95 through 123.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 5

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 124 through 153 and Petition No. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 6

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 154 through 181 and Res. Nos. 17, 18 and 19; and Stand. Comm. Rept. Nos. 7 and 8.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 7

Your Committee on Rules to which was referred the matter of standard abbreviations to be used by this Convention begs leave to report as follows:

Your Committee submits the attached abbreviations

for certain terms and recommends that it be accepted as the standard abbreviations to be used by this Convention.

Signed by all members of the Committee.

COMMITTEE ABBREVIATIONS

COMMITTEES	ABBREVIATIONS
Committee on Agriculture, Conservation, Land and Hawaiian Homes	AG, CONSR, LD & HAW HMS
Committee on Bill of Rights, Suffrage and Elections	RGTS, SUFF & ELEC
Committee on Executive	EXEC
Committee on Public Health, Education and Welfare; Labor and Industry	HLTH, ED, WEL & LBR, INDUS
Committee on Judiciary	JUD
Committee on Legislative Apportionment and Districting	LEG APPORT & DIST
Committee on Local Government	LOC GOVT
Committee on Legislative Powers and Functions	LEG POWRS & FUNC
Committee on Revision, Amendment and Other Provisions	REV & AM
Committee on Submission and Information	SUB & INFO
Committee on Style	STYLE
Committee on Taxation and Finance	TAX & FIN
Committee of the Whole	COMM WHLE
Committee on Rules	RULES
Committee on Accounts and Printing	ACC & PRNTG
COMMITTEE REPORT	ABBREVIATIONS
Select Committee Report	SEL COMM REPT
Special Committee Report	SPEC COMM REPT

Committee of the Whole Report

COMM WHLE
REPT**STANDING COMMITTEE REPORT NO. 8**

Your Committee on Rules to which was referred the setting a date after which no proposal shall be introduced except by a committee, begs leave to report as follows:

Your Committee was of the opinion that the cutoff date for individual proposals should be set at an early date so your various committees may proceed with public hearings on such proposals expeditiously. However, it was also pointed out that the neighbor island hearings will not be concluded until the third of August and to deny them the opportunity to introduce any proposal resulting from such hearings will not serve the best interest of this Convention. Your Committee, therefore, unanimously agreed that the official time after which no proposal shall be introduced except by a committee to be 12:00 noon on August 6, 1968 and that the delegates be urged to have their individual proposals introduced by 12:00 noon on July 29, 1968.

Your Committee, therefore, recommends that the date after which no proposal shall be introduced, except committee proposals, be set at 12:00 noon on August 6, 1968 and also recommends that the delegates be urged to have their individual proposals introduced by 12:00 noon on July 29, 1968.

Signed by all members of the Committee except Delegate Uechi.

STANDING COMMITTEE REPORT NO. 9

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 182 through 199 and Res. Nos. 20 through 28.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 10

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 200 through 212.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 11

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 213 through 226 and Res. Nos. 29 and 30.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 12

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and

distributed Prop. Nos. 227 through 233 and Misc. Com. No. 6.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 13

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 234 through 247.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 14

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 248 through 251 and Res. No. 31.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 15

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 252 through 268 and Res. Nos. 32 and 33; and Petition No. 2.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 16

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 269 through 280.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 17

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 281 through 287.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 18

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 288 through 290.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 19

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 291 through 295.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 20

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 296 through 298.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 21

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 299 through 307 and Misc. Com. No. 7.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 22

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Prop. Nos. 308 through 325.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 23 (Majority)

Your Committee on Bill of Rights, Suffrage and Elections to which were referred proposals numbered 6, 8, 12, 30, 31, 41, 44, 48, 56, 63, 67, 68, 83, 99, 105, 140, 149, 160, 173, 279, 290 and 299, all relating to voter qualifications; 9, 43, 52 and 319, all relating to voter disqualifications; 39 and 89, both relating to registration and voting; 138, relating to the date of elections; 181, relating to primary elections; 25, 88, 89, 114 and 317, all relating to presidential preference primaries; 231, relating to open primary elections and outright elections; and 268, which offers no amendment to Article II of the Hawaii Constitution, begs leave to report as follows:

The proposals covered the several subject matters contained in Sections 1, 2, 4 and 5 of Article II of the Hawaii Constitution. There is no proposal to this Committee assigned which seeks to amend Section 3 of Article II. Certain proposals sought to add a new subject within Article II.

All committee meetings were open to the public, and many citizens, groups and organizations representing a cross section of our community were invited to present their views on the subjects covered by the proposals at the public hearings.

The following citizens presented their views:

Mr. Kim Beasley, Ad Hoc Committee on 18-Year Voting; Mr. Emmett Cahill, John Howard Association; Mr. Charles Campbell, teacher, Farrington High School; Mr. C. J. Cavanagh, Executive Vice-President, Chamber of Commerce of Hawaii; Mr. Dennis Clark, State Board of Young Americans for Freedom; Mr. Edward De Mello, ILWU Legislative Representative; Lt. Gov. Thomas P. Gill; Mr. Glenn Hudson, Executive Director, Hawaii Republican Party; United States Senator Daniel Inouye; Mr. Jesse Sartain; Dr. Allan Saunders, Professor Emeritus of the University of Hawaii; Mrs. Alice Scott,

League of Women Voters; Dr. Dan Tuttle; Mr. Walter Wenska, Editor, *Young Hawaii Magazine*.

The Committee, having conducted public hearings and deliberated upon the subjects covered by the proposals, presents for your consideration Section 1, Section 2 and Section 5 of Article II of the Hawaii Constitution, amended as follows:

Section 1 of Article II relating to qualifications is amended to read as follows:

“Section 1. Every citizen of the United States, who shall have attained the age of [twenty] eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. [No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.]”

The committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions. It is intended that the Committee on Style may exclude the brackets, the bracketed material, or the underscoring.

Your Committee established the age of eighteen years as the minimum age qualification for voting. This lowers the minimum voting age from the existing twenty years to eighteen years. The many criteria applied and the varying degrees of emphasis on each of the criteria applied afforded the witnesses for the retention of twenty years and the witnesses for the lowering to eighteen years wide latitude in presenting a respectable case for each side. Some of the reasons most often advanced in favor of lowering the voting age to eighteen years were:

1. Those who are old enough to fight for their government are old enough to vote for it.
2. A high proportion of young people assume the duties and responsibilities of adulthood long before attaining their twentieth birthday by entering the full-time labor force or by contracting marriage.
3. The high standards of education as compared to the year 1950 have made Hawaii's young people at least as well-informed on public affairs as many of their elders.

The arguments rebutting these reasons by those who favor retaining the voting age of twenty years were:

1. Military service is an irrelevant argument because military service requires an entirely different set of skills, attitudes and components of maturity than does voting. Similarly, a higher

education level does not necessarily mean political maturity.

2. The traditional practice of equating the voting age with the age of majority is soundly based. Hawaii's age of majority being twenty years, an eighteen-year-old escapes much of the duties and responsibilities of adulthood.

3. More and more young people go on to school after attaining the age of eighteen so that their entry into the labor market is delayed.

However meritorious these reasons may be to those advancing them, your Committee initially studied the function of voting in order to understand and arrive at the criteria most relevant to determine the readiness of an 18-year-old to vote. Dr. Allan Saunders, as a witness before your Committee, described the function of voting as follows:

"The function of voting is the function of participating in decision-making. It's not the function of choosing the wisest course of action. No one can assure us that this course is the wisest but it is the function of choosing and in an American democracy, fortunately we can choose in a fashion that makes it possible to alter that choice in the light of experience. It's not a final choice. The special function of voting is different from the function of fighting, different from the function of marriage, different from the function of making a contract. As I see it, it is a function of evaluating the quality of a candidate and the relevance of the platform that he offers to the electorate."

Inherently suggested in such a function of voting is the requirement of political maturity. It is noted also that at the 1950 Constitutional Convention, the Committee on Suffrage and Elections, in rejecting the voting age of eighteen years, felt that a person was "not politically mature at this age and two years will bring the necessary interest and understanding of the political life of Hawaii."

However that may have been in 1950, your Committee finds that in 1968, the eighteen-year-olds are politically mature to responsibly exercise the voting privilege. With the passage of time and the change in our social environment and culture, the growing arguments for the 18-year-old vote have become increasingly convincing. The higher level of education, which all witnesses acknowledged, has equipped the youth of today's Hawaii to become more politically aware, socially sophisticated and intelligently informed than the youth of a generation ago. The advent of mass television has made possible the visual exposure to and awareness of political issues, candidates, and activities so that there is ready opportunity for understanding, and stimuli for involvement in, the political life of Hawaii not before existing. In the context of this readiness, the youth denied their franchise and share of involvement in the making of social change could understandably exercise other means of involvement and expression such

as the demonstrations of recent years precipitated by youth.

Additionally, your Committee believes that the lowering of the voting age to 18 will have a salutary effect on the representative form of government. Senate Majority Leader Mike Mansfield described it as follows:

"Lowering the voting age to 18 will tend to bring about a more equitable balance in the electorate of the Nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in younger voters will not only broaden the political base of Government, it may well provide concurrently a more balanced approach in the Nation's general political outlook."

There were other proposals which sought to lower the age to 18½ and 19 years. Mindful that a selection of any age is perforce arbitrary, your Committee believes eighteen to be a rational demarcation, as a person of this age has normally graduated from high school and in many cases entered colleges or the labor market.

Several proposals sought to amend Section 1 by lowering the state residency requirement from one year to six months. Your Committee has found no compelling reason to change the one-year requirement which is of reasonable duration to insure that the voter makes an informed decision about the candidates and issues. Thirty-three other states include a one-year period in their constitutions. Hawaii has large pockets of military transients and their dependents, most of whom are on short tours of duty, unlikely to have an interest in the outcome of an election in Hawaii. The participation of an unconcerned body of transients in the population base for voting may well cause significant imbalance in the weight of a voter's vote. It should be noted also that the disability of interstate movers who were once disqualified from voting for the President and Vice-President of the United States because of the one-year residence requirement has recently been removed by Act 42 of the Session Laws of Hawaii, 1968.

The literacy requirement has been removed in its entirety. Hawaii's centralized education system has resulted in an unusually literate citizenry, and the provision does not appear to be a significant factor in the disenfranchisement of potential voters. There is no test or standard established to determine literacy, and the provision has seldom, if ever, been enforced. Literacy relating to only the English or Hawaiian language ignores the other languages commonly spoken, read and written by the several ethnic groups which make up Hawaii. It is also inconsistent with the spirit of the federal Voting Rights Act of 1965 which provides, in part, that if a person residing in a state where English literacy is required has completed at least six grades in an "American-flag" school (a school in the United States or its territories), in which the predominant classroom language was other than English, his inability to read, write, understand or interpret any

matter in the English language shall not be the basis for denying him the right to vote. For these reasons the literacy requirement appears surplusage in fact, and suspect in spirit of the law.

Section 2 of Article II relating to disqualifications is amended to read as follows:

"Section 2. No person who is non compos mentis shall be qualified to vote. [and] No person convicted of felony [, unless pardoned and restored to his civil rights,] shall be qualified to vote [.] if and only so long as he is committed under a sentence of imprisonment."

No meritorious reason given for change of the term "non compos mentis" to read "mentally ill" as proposed, your Committee retained the term "non compos mentis" as words of art with established meaning.

Under the existing Section 2, a person convicted of felony must be pardoned by the governor and restored to his civil rights before he shall be qualified to vote. Your Committee has amended this section so that the felon's disability to vote is removed if he is not physically imprisoned although under sentence of imprisonment. If the felon is deemed sufficiently rehabilitated and fit to re-enter society as a citizen and exercise the advantage thereof, he should be afforded the citizen's privilege to vote. This is consistent with the society's endeavor to rehabilitate the felon to stimulate his responsibility as a member of the community.

Section 3 of Article II relating to gain or loss of residence was not amended. While no proposal sought to amend this section, your Committee reviewed this section and finds that it should remain in its present form.

Section 4 of Article II relating to registration and voting was not amended.

Section 5 of Article II relating to elections is amended to read as follows:

"Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law. The legislature shall provide for a presidential preference primary each year in which a President of the United States is to be nominated."

The amendment establishes a presidential preference primary in Hawaii. Although cognizant of the practical disadvantages of a special election and the cost therefor and the geographic disadvantage which Hawaii suffers in size and distance in attracting national candidates to campaign in Hawaii, your Committee is persuaded more by the need to give the qualified voters of Hawaii an opportunity to involve themselves and express their

preference among leading contenders for their political party's nomination for president and to elect delegates to their political party's national convention who will reflect the preference so expressed by the voters. The dates for the primaries are to be set by the legislature. From tradition and experience in Hawaii, there is no reason to fear that the legislature will abuse this duty by manipulating the dates to the advantage of any groups.

The preservation of secrecy of political party affiliation was raised but was believed to be inconsistent with the two-party system. The matter of open primaries and the inclusion of specific dates for primary elections were also discussed but your Committee finds that such matters are better left for legislative determination.

Your Committee submits the attached committee proposal and recommends (1) that the above-numbered proposals referred to your Committee be filed; (2) that Section 3 and Section 4 of Article II be retained without amendment; and (3) that Section 1, Section 2, and Section 5 of Article II as amended in the form hereto attached as Committee Proposal No. 1 pass first reading.

Signed by all members of the Committee. Delegate Kato did not concur and Delegates Dyer, Hansen, O'Connor and Sutton did not concur in part.

COMMITTEE PROPOSAL NO. 1

RELATING TO SUFFRAGE AND ELECTIONS.

Resolved, That the following be agreed upon as amending Section 1, Section 2 and Section 5 of Article II of the State Constitution:

Section 1. Every citizen of the United States, who shall have attained the age of [twenty] eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. [No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.]

Section 2. No person who is non compos mentis shall be qualified to vote. [and] No person convicted of felony [, unless pardoned and restored to his civil rights,] shall be qualified to vote [.] if and only so long as he is committed under a sentence of imprisonment.

Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law. The legislature shall provide for a presidential preference primary each year in which a President of the United States is to be nominated.

STANDING COMMITTEE REPORT NO. 24 (Majority)

Your Committee on Legislative Powers and Functions which is charged with the review of Article III of the State Constitution begs leave to report as follows:

Section 1 of Article III of the State Constitution provides for a bicameral legislature. Your Committee, to which were referred several proposals seeking to amend Section 1 to provide for a unicameral legislature and several proposals favoring the retention of the two-house legislature, having arrived at a consensus for bicameralism, shall duly file a committee report on the subject either singly or together with other subjects within Article III. Your Committee finds, however, that the decision on unicameralism or bicameralism permeates and affects the subject matters of several other standing committees which now labor under the handicap of having to base their decisions on an assumption and leaving them uncertain until a decision is made by the Constitutional Convention. It is necessary for this Constitutional Convention to forthwith arrive at such decision on unicameralism or bicameralism as will provide a useful guideline which can be relied upon by the standing committees. The orderly progress of the work of the standing committees depends on it; the urgency of the matter demands it. Your Committee believes that such a guideline can be effectively established by the adoption of a resolution, in the form attached hereto and submitted herewith, by this Constitutional Convention.

Your Committee is in accord with the intent and purpose of the resolution attached hereto as Res. No. 34 and recommends its adoption.

Signed by all members of the Committee. Delegates Doi and Larson did not concur.

RESOLUTION NO. 34**RELATING TO A BICAMERAL LEGISLATURE.**

WHEREAS, It will serve as a useful guideline to the standing committees of the Constitutional Convention of 1968 to have a determination whether or not the bicameral form of legislature shall be retained for Hawaii by this Constitutional Convention; now, therefore,

Be It Resolved by the Constitutional Convention of Hawaii of 1968 That the bicameral form of legislature be retained; and

Be It Further Resolved That a certified copy of this Resolution be transmitted to each of the chairmen of the standing committees of the Constitutional Convention of 1968.

STANDING COMMITTEE REPORT NO. 25

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 23 and Comm. Prop. No. 1 pursuant to Rule 48(c) of this Convention;

and Stand. Comm. Rept. No. 24 and Res. No. 34.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 26

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed seven (7) amendments to Comm. Prop. No. 1 and Minority Report on Comm. Prop. No. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 27

Your Committee on Agriculture, Conservation, Land and Hawaiian Homes to which were referred proposals numbered 40, 60 and 168, all relating to the composition of the Hawaiian Homes Commission; and 268 and 299, the omnibus proposals relating to the entire Constitution, which offer no amendments to Article XI of the Hawaii Constitution, begs leave to report as follows:

Your Committee at its initial meeting assumed the preliminary stance favoring the retention of Article XI without any amendments as a starting point for any deliberations on proposals recommending changes to the present article. The position taken by your Committee was not an inflexible position but rather one taken to focus the Committee's discussion as well as to allay any fears expressed on the deletion of the article from the Constitution.

Consideration was given to the following proposals which were referred to your Committee:

Proposal No. 40 relating to the Hawaiian Homes Commission would amend Article XI by adding a new section which would provide for a Hawaiian homes commission composed of members elected by the lessees of the Hawaiian home lands who are qualified voters. The amendment would further provide that at least part of the membership of the commission shall represent major portions of the parcels of Hawaiian home lands.

Proposal No. 60 relating to the Hawaiian Homes Act Administration would amend Article XI by adding a new section which would provide for a Hawaiian homes commission composed of members who shall be elected by the lessees of the Hawaiian home lands.

Proposal No. 168 relating to the Hawaiian Homes Commission would amend Article XI by adding a new section which relates to the composition of the Hawaiian Homes Commission and which would require that one member be a lessee of the Hawaiian home lands and be elected by qualified voters who are also lessees of such lands.

Proposals No. 268 and 299 relating to the entire Constitution do not propose any changes to Article XI.

Your Committee received testimonies from representatives of organizations and individual citizens

on the specific proposals before the Committee as well as on the broader scope of the entire article. The neighbor island citizenry were also afforded the opportunity to testify during the hearings held on each of the neighbor islands. Your Committee received written statements and/or testimonies from the following citizens:

Mr. A. K. Piianaia, Hawaiian Homes Commission; Mr. Robert C. Freitas, Oahu Council of Hawaiian Homesteaders; Mr. David K. Trask, Jr., and Mr. Pilipo Springer, State Association of Hawaiian Civic Clubs; Mrs. Marie Olsen, the Executive Board of the Nanakuli Hawaiian Homesteaders Association; Mr. Stewart K. Boyd and Mr. William K. Paia, Order of Kamehameha, Kuhio Chapter No. 6; Mr. George Kahoiwai, Order of Kamehameha, Alii Chapter; Mr. Charles E. Kauhane, Order of Kamehameha, Office of the Alii Aimoku; Mr. Clarence Waipa, Keaukaha, Panaewa Community Association; Mr. George Young, Order of Kamehameha, Mamalahoa Chapter No. 2; Mr. James K. A. Burgess, Order of Kamehameha, Kaunualii Chapter No. 3; Mr. John Ball and Mrs. Leilani Mitchell.

With one exception, all of the individuals mentioned above strongly urged the retention of Article XI in its present form. The testimonies indicated that the article has stood the test of time and should not be altered.

One witness called for a review of the Hawaiian homes program in the light of present conditions.

The Chairman of the Hawaiian Homes Commission referring to the Legislative Reference Bureau study made several years ago stated that the need for the program continues to exist despite changing times, philosophies, social conditions and economic requirements.

Another witness, a lessee, initially testified in favor of the proposal calling for the election of commission members. He later retracted his statement and favored the appointment method of selecting commissioners. The reasons given for the appointment of commissioners were: (1) much administrative work will be required of the commissioners and this work will probably double during an election year; (2) because of the voting limitations to lessees only, it is possible that funding may be placed in jeopardy; and (3) the cost of campaigning will be too great.

The proposals referred to your Committee deal with the composition of the Hawaiian Homes Commission and are intended to change the method by which commission members are selected. They are also intended to improve the communications between the lessees and the administration as well as to give the lessees a greater voice in the operations of the department's affairs.

The present method of selecting members to the commission is one of gubernatorial appointment. There are presently two Hawaiian homesteaders serving on the commission representing the views of the homesteaders. Your Committee believes that the present system lends itself to representation of the homesteaders on the

commission. Your Committee also believes that whatever changes, if any, that need to be initiated to change the method of appointment can be accomplished by means other than constitutional amendment.

On the matter of improving communications between the lessees and the administration, it is the belief of your Committee that changing the composition of the commission will in no way insure communication between the lessees and the administration. Rather, communication can best be accomplished through a joint and continuous effort of the lessees and the administration.

There being no compelling or persuasive reasons for changing the present article, your Committee on Agriculture, Conservation, Land and Hawaiian Homes recommends (1) that the above-numbered proposals referred to your Committee be placed on file; (2) that Article XI be retained without amendment; and (3) that the committee report be adopted.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 28

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed six (6) amendments to Comm. Prop. No. 1, and Stand. Comm. Rept. No. 27.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 29

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed four (4) additional amendments to Comm. Prop. No. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 30

Your Committee on Public Health, Education and Welfare; Labor and Industry to which were referred proposals numbered 65, 222, 223, 280 and Resolution No. 12, all relating to public sightliness and good order; proposals numbered 224, 246, 247, 267 and 323, all relating to public health; Proposal No. 252 relating to a department of crime prevention; Proposal No. 301 relating to a board of public health and welfare; Proposal No. 267 relating to care of the handicapped; Proposal No. 17 relating to consumer protection; Proposal No. 299, an omnibus proposal relating to the entire Constitution, which offers an amendment to Article VIII of the Hawaii Constitution relating to public assistance; and Proposal No. 268, an omnibus proposal relating to the entire Constitution, which offers no amendments to Article VIII of the Hawaii Constitution, begs leave to report as follows:

The proposals and resolution covered new subject areas as well as those subjects presently found in Sections 2, 3 and 5 of Article VIII of the Hawaii

Constitution. There is no proposal assigned to this Committee which seeks to amend Sections 1 and 4 of Article VIII.

All Committee hearings and meetings were open to the public. Many citizens, groups and organizations, representing a cross section of our community, presented their views on the subjects covered by the proposals.

The following presented their views: Dr. Walter B. Quisenberry, Director of the Department of Health; Mrs. Cynthia H. Marnie, Sign Chairman of the Outdoor Circle; Dr. Harold S. Burkhardt; Mrs. Smokey Bird; Mr. Robert H. Lloyd; Mrs. Thelma Martindale; Mr. Lawrence F. Uno, Executive Director of the Mental Health Association of Hawaii; Delegate Ethel K. C. Andrade and Mr. A. L. Temple.

Your Committee, having conducted public hearings and having deliberated in full and open discussion upon the subjects covered by the proposals and resolution, begs leave to report that Sections 1, 2, 3, 4 and 5 of Article VIII should be retained in their present form. The basis for this position is discussed in the following paragraphs.

Section 1 of Article VIII of the Hawaii State Constitution reads as follows:

"Public Health

"Section 1. The State shall provide for the protection and promotion of the public health."

This constitutes a simple statement on the general responsibility of the State for the protection and promotion of the public health. It is considered to be a broad and flexible statement.

Your Committee received no proposals to change this section, nor did your Committee receive any other kind of expression to amend this section. General satisfaction with Section 1 was expressed by several persons who were testifying on other issues, combined with recommendations for its retention. Your Committee feels that the State of Hawaii is doing very well in its public health programs and that the wording of Article VIII, Section 1, is broad enough to permit any new developments in public health services. At the same time, this section places a positive mandate on the State to protect public health.

Section 2 of Article VIII of the Hawaii State Constitution reads as follows:

"Care of Handicapped

"Section 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons."

This section seeks to emphasize not only the State's responsibility for the care of the handicapped but also

concern for preventive measures and rehabilitation programs.

Your Committee received one proposal to amend Section 2. Proposal No. 267 making it mandatory upon the State to provide for treatment, rehabilitation and domiciliary care of the mentally and physically handicapped in lieu of the present language which states, "... shall have power to provide." Testimony was received from certain leaders of the Mental Health Association of Hawaii. This group unanimously felt that the present language is more flexible, and therefore more desirable. It was their view that the State should not be bound by such a mandatory provision in the Constitution. The present language allows the State the latitude needed to tap county, federal, and private resources to carry on its many programs for the handicapped, and this kind of constitutional basis has been found adequate in terms of increased services, new policies and techniques. Your Committee is in agreement with this view.

No person or organization testified in support of Proposal No. 267.

Section 3 of Article VIII of the Hawaii State Constitution reads as follows:

"Public Assistance

"Section 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health."

Your Committee received the omnibus Proposal No. 299 which would amend Section 3 of Article VIII to read as follows:

"The State shall have power to provide assistance, including legal assistance, for persons unable to maintain a standard of living compatible with decency and health."

Your Committee did not see fit to incorporate this change in Section 3 because it felt that (1) detailed specifications in a constitution can result in unintentionally limiting the scope of coverage; (2) if legal assistance is explicitly delineated, it follows that other rights should be forthrightly expressed; and (3) legal assistance can be provided for by legislation or administrative rule. No person or organization testified on this proposal.

Section 4 of Article VIII of the Hawaii State Constitution reads as follows:

"Slum Clearance, Rehabilitation and Housing

"Section 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income."

Your Committee received no proposals to change this

section, nor did your Committee receive any other kind of expression to amend this section. However, general satisfaction with Section 4 was expressed by several persons who were testifying on other issues in Article VIII.

Section 5 of Article VIII of the Hawaii State Constitution reads as follows:

"Public Sightliness and Good Order

"Section 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation."

There were a number of proposals calling for specific language in Section 5 to provide a constitutional basis for positive action in such specific areas of concern as air and water pollution, noise abatement, environmental health and welfare, and fish and wildlife control.

Some members of your Committee felt very strongly that the State responsibility in the area of environmental health should be specified somewhere in Article VIII. Although the majority did not accept this viewpoint, your Committee wishes to emphasize that it is fully cognizant of and looks with great concern on the growing problems of contamination, noise abatement and other aspects of environmental health. The legislature and the administration are expected to continue to give strong support to public health programs which will take care of these problems.

Your Committee believes that all proposals for changes in Section 5 are unnecessary because the recommended public health programs are already being carried out and others can be initiated under the broad grant of legislative power in Article VIII, Sections 1 and 5.

Committee deliberations on Proposal No. 301, relating to a Board of Public Health and Welfare with executive powers resulted in rejection of the idea. The Committee felt (1) that separate departments for health and social services would be of sufficient size and diversity to stand alone and justify departmental status, and (2) that a convincing case had not yet been made to show that the health and social service functions of the State have such a close relationship that they should be combined into single administrative organization.

Accordingly, your Committee on Public Health, Education and Welfare; Labor and Industry recommends (1) that the proposals enumerated in the first paragraph of this report, and which were referred to your Committee, be placed on file; (2) that Article VIII, Sections 1, 2, 3, 4 and 5 be retained without amendment; and (3) that the committee report be adopted.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 31

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 30, Comm. Whle. Rept. No. 1 and Comm. Prop. No. 1, RD. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 32

Your Committee on Agriculture, Conservation, Land and Hawaiian Homes to which were referred proposals numbered 65, 223 and 280, all relating to public sightliness and good order; and proposals numbered 268 and 299 which revise the entire Constitution but propose no amendments to Article VIII, Section 5, begs leave to report as follows:

Proposals covered by this report relate to Article VIII which properly falls within the province of your Committee on Public Health, Education and Welfare; Labor and Industry. However, proposed amendments to Section 5 of this article have been referred to your Committee on Agriculture, Conservation, Land and Hawaiian Homes for the reason that the purpose stated therein should be considered, together with your Committee's complete review of Article X relating to the conservation and development of natural resources.

All Committee meetings were open to the public and the following citizens presented their views:

Mrs. Jack Marnie, Sign Chairman, The Outdoor Circle; Mr. Robert R. Midkiff, President of the Hawaii Visitors Bureau, who also represented the Tourism Committee of the Chamber of Commerce of Hawaii; Mr. Robert Wenkam, Chairman, Sierra Club Hawaii Group, and Hawaii Vice-President, Federation of Western Outdoor Clubs; Mr. Alfred Preis, Executive Director of the State Foundation on Culture and the Arts; Mr. William A. Grant, Assistant Director, Oahu Development Conference; Mr. Harold L. Baker, Director, University of Hawaii Land Study Bureau; Mr. Robert A. Nui, Office of Urban Renewal Coordinator, City and County of Honolulu; Mr. David Nobriga, President, Hawaii Association of Soil and Water Conservation Districts; Mr. J. Garner Anthony, Robertson, Castle and Anthony; and Mr. Sunao Kido, Chairman, Department of Land and Natural Resources.

Article VIII, Section 5, reads as follows:

"Section 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation."

The amendment in Proposal No. 65 to this section establishes the policy of the State to conserve and protect objects and places of ecological, geological and archaeological significance in addition to those already listed. A further amendment requires the legislature in

implementing this policy, to include adequate provisions for the abatement of air and water pollution and of excessive and unnecessary noise. This proposal also amends Article X, but discussion on this portion of the amendment will be included in a separate report on Article X.

Proposal No. 223 amends Article VIII, Section 5, by requiring agencies of government to pay due attention and take action on all aspects of environmental health and welfare, including but not limited to such problems as air and water pollution control; noise abatement; preservation of land and natural resources; social and cultural welfare; animal, fish and wildlife control; and such other problems relating to environmental well-being.

The posture taken by your Committee is to retain Section 5 in Article VIII and that no amendments be made to this section. Almost all of the witnesses who presented their views supported this stance.

Your Committee believes that the language in Article VIII is broad enough to provide a basis for implementing the ecological, geological and archaeological interests and other problems relating to environmental well-being by legislative enactment. These are specifics which should not be included in the basic guidelines contained in the Constitution. Section 5 sets the policy and selection of specific objects and places should be consistent with this policy. Details are not the function of a constitutional provision and should be left to the legislature.

The proposed amendments "for the abatement of air and water pollution and of excessive and unnecessary noise" are amply covered by Section 1 of Article VIII, which provides for the protection and promotion of the public health. Also, the powers granted in Section 5 are comprehensive and include regulation of private property to prevent air and water pollution.

An example of legislation enacted within the scope of the existing Constitution is Act 163, S.L.H. 1965, regular session, which is an act relating to water pollution control. Under this act, rules and regulations have been adopted for the State of Hawaii for the abatement of water pollution.

Hawaii is unique among the 50 states in that its Constitution grants the power to the legislature to adopt any reasonable regulation of private property for conservation, natural beauty, sightliness and physical good order.

This constitutional provision was passed on by our Supreme Court in *State v. Diamond Motors, Inc.* 50 Hawaii 33 (1967). A unanimous court held:

"We accept beauty as a proper community objective, obtainable through the use of the police power. . . . The term 'sightliness and physical good order' does not refer only to junk yards, slaughter houses, sanitation, cleanliness, or incongruous business activities in residential areas, as appellants

argue." (p. 36)

And again:

"We hold that the application of the ordinance to appellants constituted a regulation for the public welfare under the City's police power in a legitimate field for legitimate aesthetic reasons and that it does not constitute a taking of private property without the payment of compensation." (p. 38)

The court makes it clear that the language of Article VIII, Section 5, is a broad grant of legislative power.

Proposal No. 280 amends Article VIII by deleting Section 5 and incorporating this section in Article X, together with amendments proposed in Proposals No. 65, 223 and 280.

Section 1 of Article X is a general policy statement mandating the legislature to promote the conservation, development and utilization of agricultural and all other natural resources. Section 5 of Article VIII provides for the reasonable regulation of private property for the purposes stated in that section. According to the record of the 1950 Convention, the same is true of the general policy statement in the conservation article. There is no restrictive language limiting the application of this philosophy to only public lands.

Although Section 5 appears to belong to Article X, it was decided by the delegates to the 1950 Convention that the "purpose of this section is to emphasize that public sightliness is basic to the total health program of the community."

The amendment to move Section 5, Article VIII to Article X is suggested because the title of Article VIII refers to public health and welfare while the title of Article X refers to conservation and development of resources. However, titles are not to be used in construing the Constitution. This is expressly provided in Article XIV, Section 12:

"Titles and subtitles shall not be used for purposes of construing this constitution."

Consistent with the stance taken by your Committee, we find no compelling reasons nor purpose for a change.

In summation, your Committee believes (1) that specific details should not be included in a constitutional provision and are more properly a legislative function; and (2) that the proposed amendments are already covered by the broad grant of legislative power in Article VIII, Sections 1 and 5.

Accordingly, your Committee on Agriculture, Conservation, Land and Hawaiian Homes recommends (1) that the above-numbered proposals referred to your Committee be placed on file; (2) that Article VIII, Section 5 be retained without amendment; and (3) that the committee report be adopted.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 33

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 32.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 34

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. No. 2.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 35 (Majority)

Your Committee on Agriculture, Conservation, Land and Hawaiian Homes to which were referred proposals numbered 61, 65, 146 and 280, all relating to the conservation, development and use of resources; proposals numbered 98, 155, 261 and petition numbered 2, all relating to the management of natural resources; proposal numbered 299 which revises the entire Constitution and proposes a new section to Article X relating to recreational facilities; and proposal numbered 268 which revises the entire Constitution but proposes no amendments to Article X, begs leave to report as follows:

The proposals and petition covered by this report relate to the subject matters contained only in Sections 1 and 2 of Article X of the Constitution. One proposal sought to add a new section to Article X.

All Committee meetings were open to the public and the following citizens presented their views:

Mr. Robert I. Bush, Planner, A.I.P., Hawaii Chapter, American Institute of Planners and Hawaii Nani Loa; Mr. Robert R. Midkiff, President of the Hawaii Visitors Bureau, who also represented the Tourism Committee of the Chamber of Commerce of Hawaii; Mr. Robert Wenkam, Chairman, Sierra Club Hawaii Group, and Hawaii Vice-President, Federation of Western Outdoor Clubs; Mr. Donald Wolbrink, President, Wolbrink and Associates, Inc.; Dr. Kenneth K. Otagaki, Chairman, Board of Agriculture; Mr. William A. Grant, Assistant Director, Oahu Development Conference; Mr. Harold L. Baker, Director, University of Hawaii Land Study Bureau; Mr. Robert A. Nui, Office of Urban Renewal Coordinator, City and County of Honolulu; Mr. David Nobriga, President, Hawaii Association of Soil and Water Conservation Districts; Mr. J. Garner Anthony, Robertson, Castle and Anthony; Mr. Sunao Kido, Chairman, Department of Land and Natural Resources; Mr. Herbert K. Yanamura, Legislative Chairman, Conservation Council of Hawaii; and Mr. Russell Ito, President, Hawaii Youth for Beautification.

Your Committee believes that the following presentation will aid the Convention in understanding

treatment of Article X.

"Section 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources."

Section 1 of Article X is a general policy statement which mandates the legislature to promote the conservation, development and utilization of agricultural resources and all other natural resources. This policy is not limited to resources owned by the State but to all resources whether publicly or privately owned.

Proposal No. 61 amends the section by requiring that all rights, title, or interest in or to minerals in, on or under lands owned or purchased in fee shall be reserved to the owner or purchaser.

Proposal No. 65 provides for the acquisition of lands and waters, including improvements thereon and any interest therein, outside of conservation districts by the legislature. It further requires that the lands of the State, now owned or hereafter acquired, constituting conservation districts shall be kept forever wild, except as the legislature may otherwise provide.

Proposal No. 146 amends the section by providing for the creation and maintenance of state parks by the legislature.

Proposal No. 299 revises the entire Constitution and proposes an amendment to Article X by adding a new section providing for a statewide system of recreational facilities, including a system of trails and camp-sites.

Your Committee believes that the language in this section is broad enough to provide a basis for legislative implementation of a statewide parks system, a recreational facilities program, a land acquisition program, and all other programs relating to our natural resources. This section sets the policy, leaving specifics to the legislature.

In fact, provisions to provide for the state parks system and the recreational facilities program have been implemented by legislation. Also, the present land laws and the laws of eminent domain provide for ample authority for the acquisition of lands and waters, inside or outside of conservation districts, for public purposes. These are examples of legislation enacted within the scope of the broad powers under Section 1.

Your Committee also believes that the provision in Proposal No. 65 requiring all present and future conservation districts to be kept forever wild aborts the concept of conservation and proper use of land. Your Committee believes that this is an unnecessary restraint because areas and natural resources can be utilized and still be conserved. What the proposal really suggests is that proper attention and consideration be given to the preservation of certain areas. This can best be accomplished by existing legislative and administrative measures.

The amendment in Proposal No. 280 to Section 1 deletes Section 5 of Article VIII and incorporates the section in Section 1 of the proposal. The reasons for retention of Section 5 in Article VIII were thoroughly discussed in Standing Committee Report No. 32.

The other amendments to Section 1 in Proposal No. 280 relate to specifics and are properly matters of legislative responsibilities.

Your Committee finds no compelling reason nor purpose for changing Section 1 of Article X.

"Section 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

"The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof."

Section 2 mandates the legislature to vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition as may be authorized by law. This section also permits the legislature to exclude from the jurisdiction of the boards or commissions established, assets under the control of political subdivisions or assets set aside for specific public purposes other than those for conservation. This section does not affect the functions of the Department of Agriculture, as per opinion numbered 64-14 rendered by the attorney general on March 6, 1964. The substance of this opinion was that the Board of Agriculture can be changed by legislation. The Board of Land and Natural Resources, however, cannot be changed unless this section is amended.

Proposal No. 155 amends this section by vesting powers for the management or disposition of natural resources in one or more single department executives.

Proposal No. 261 directs the board or commission charged with the management of soil and water conservation districts to assign the function to an administrative officer who shall have power to coordinate the activities of the districts. Your Committee believes that this matter is one of legislative responsibility.

Proposal No. 280 establishes a department of conservation and a department of land and natural resources, each to be headed by an executive board, nominated and, by and with the advice and consent of the senate, appointed by the governor. Your Committee believes that this matter is, again, one of legislative responsibility.

Petition No. 2 requests the Constitutional Convention to amend Article IV, Section 6 to prohibit so far as practicable, the inclusion of two or more major purposes or functions within the same department, when such purposes or functions tend to be in conflict and to convey to the legislature the Convention's intent that a principal department be established for the conservation and protection of recreational, esthetic, cultural and similar qualities with respect to land utilization.

The petition suggests that there are two conflicting functions within the same department; the first having to do with land utilization on a sound and financially gainful basis and the second having to do with land utilization designed to protect and enhance recreational, esthetic, cultural, and similar important qualities. Your Committee believes that the conflicts which arise because of different value systems can be resolved through the political process. The resolution of the conflict and the decision as to why, how, where and when a particular resource is to be conserved, developed and utilized is then left to the consideration of the conditions and circumstances involved.

Proposal No. 98 amends Articles IV, IX and X by providing that each principal department shall be headed by a single executive. The Department of Land and Natural Resources is presently headed by a board. The effect of this proposal is to eliminate this board and to substitute in lieu thereof, a single executive. Thus, the amendment to Article X raises an issue which involves weighing the relative merits of an executive board against that of a single administrator in the management of our natural resources.

Those who favor the use of a single executive department head state that a single administrator will provide greater accountability, efficiency and expertise. This we agree. However, we recommend the retention of a board for the Department of Land and Natural Resources because the problems which involve our natural resources differ somewhat from those of other administrative functions. The State's natural resources are expendable. In this area where great damage and irreparable loss may result from hasty or ill-conceived actions, it is essential that powers of management and disposition be entrusted to a board rather than a single individual. Strong influences and pressures are likely to be encountered and a board is less likely to succumb to such influences and pressures than the single individual since pressure would be diluted among several members. Further, a board represents a variety of geographical, economic and social interests, and thereby tends to insure greater consideration of the interrelationship of the multiple factors involved in any decision.

While no proposals sought to amend Sections 3, 4 and 5, your Committee reviewed these sections and finds that they should remain in their present forms.

Your Committee on Agriculture, Conservation, Land and Hawaiian Homes recommends (1) that the above-numbered proposals referred to your Committee be placed on file; (2) that Article X be retained without amendment; and (3) that the committee report be

adopted.

Signed by all members of the Committee. Delegate Kamaka did not concur with Section 2.

STANDING COMMITTEE REPORT NO. 36

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Res. No. 35, Stand. Comm. Rept. No. 35, and Comm. Prop. No. 1, RD. 2.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 37

Your Committee on Revision, Amendment and Other Provisions to which were referred Proposal No. 139, relating to the state seal; Proposal No. 260, relating to the state song and flower; Proposal No. 316, relating to the capital site; Proposal No. 268, an omnibus proposal relating to the entire Constitution which offers no amendments to Article XIII and Proposal No. 299, an omnibus proposal relating to the entire Constitution which contains a proposal relating to the state bird, begs leave to report as follows:

All committee meetings were open to the public, and representatives of organizations and individual citizens who may be interested in the various proposals were invited to present their views at the public hearings held for this purpose.

The following presented their views: Miss Agnes Conrad, State Archivist's office; Delegate James Yamamoto and Delegate Peter Aduja.

All of the proposals, except Proposal No. 316, provide for the addition of the following heraldic symbols to Article XIII of the Constitution: state seal, state song ("Hawaii Pono'i"), state flower (hibiscus) and state bird (nene). These symbols are presently given recognition by statute found in Chapter 14, Revised Laws of Hawaii 1955.

The Legislative Reference Bureau study on Article XIII states: "During the 1950 Hawaii Constitutional Convention a motion to include the state seal in the Constitution was defeated. It was argued that if the seal were to be included, a description would have to be spelled out and this would unnecessarily clutter the Constitution with detail. Consequently, the Convention passed a resolution urging the first state legislature to provide a Great Seal for the State of Hawaii. In 1959 the statute pertaining to the territorial seal was amended to reflect Hawaii's status as a state."

The same study indicates that most of our sister states do not include heraldic symbols in their constitutions but that they are adopted statutorily. It was also pointed out to your Committee that if we were to include these heraldic symbols in our Constitution, it would be appropriate to include other heraldic symbols such as the state motto, state

nickname, state tree or state color.

Your Committee agreed that there was no compelling or persuasive reason to add such symbols into Article XIII.

Proposal No. 316 relating to the state capital would amend Section 2 of Article XIII by adding a new sentence to read as follows: "No law changing the permanent location of the capital shall be valid until the same shall have been submitted to the qualified electors of the State at a general election and ratified and approved by them." Since Honolulu is designated as the state capital by Section 2, Article XIII of the Constitution, any change in the location of the capital will require a constitutional amendment which must be ratified by the people of this State. Therefore, the proposed amendment is already covered by the revision and amendment provisions in Article XIII, Section 2.

Accordingly, your Committee on Revision, Amendment and Other Provisions recommends (1) that the above-numbered proposal referred to your Committee be placed on file; (2) that Article XIII be retained without amendment; and (3) that the committee report be adopted.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 38

Your Committee on Executive was referred proposals numbered 27, 45, 53 and 142, all relating to the number of terms a governor may serve; 142, 169 and 268, all relating to governorship qualifications; 134 and 299, relating to the compensation of the governor and lieutenant governor; 219, relating to the duties of the lieutenant governor; 86, relating to the powers of the governor to enforce compliance; 85, relating to the number of executive departments, and the placement of regulatory, quasi-judicial and temporary agencies and public and quasi-public corporations within principal departments; 98 and 155, both relating to principal departments headed by single executives; 85, 120, 144, 230 and 245, all relating to legislative advice and consent of gubernatorial appointments and removals; 110 and 204, both relating to the term of office of gubernatorial appointees; 85 and 131, both relating to the requirements of gubernatorial appointees; 200, relating to the compensation of members of boards and commissions; 84, 129 and 217, all relating to the office of the attorney general as an elective position and the qualifications of the attorney general; 287, relating to the establishment of a principal Executive Department of Aeronautics & Airports; and 78, relating to procedures of impeachment and legislative confirmation of appointees under a unicameral legislature. Moreover, your Committee on Executive was referred Petition 2 relating to the functional integration of departments; and Resolution 7 relating to the establishment of a Department of Federal-State-County Relations.

Your Committee on Executive begs leave to report as follows:

The proposals and Petition 2 pertain to the subject matter contained in Sections 1, 2, 3, 5 and 6 of Article IV of the Hawaii State Constitution. No proposal referred to this Committee amends Article IV, Section 4: "Succession to Governorship; Absence or Disability of Governor." Both Proposal 287, and Resolution 7 sought to add an additional principal department.

All committee meetings were open to the public and many citizens, government officials, groups and organizations were invited to present their views on the subjects covered by the proposals, resolution and petition at the public hearings.

The following persons presented their views:

Dr. Norman Meller, professor of political science, University of Hawaii; Mr. Myron Thompson, Administrative Director, State of Hawaii; Lt. Governor Thomas P. Gill; Mr. Kase Higa, County Attorney, County of Maui; Mr. Clinton Tanimura, Legislative Auditor, State of Hawaii; Mr. KeNam Kim, Comptroller, Department of Accounting and General Services, State of Hawaii; Mr. Lawrence De Mello, Auditor, County of Hawaii; Senator John J. Hulten, President of the Senate, State of Hawaii; Mr. Boyd MacNaughton, President of C. Brewer & Co., Ltd.; Mr. Ralph Kiyosaki, Superintendent of Education, State of Hawaii; Rev. Robert Loveless, Board of Education, State of Hawaii; Mr. Andrew Ing, Director of Finance, State of Hawaii; Mr. Bert T. Kobayashi, Attorney General, State of Hawaii; Dr. Kenneth K. Otagaki, Chairman, Board of Agriculture, State of Hawaii; Mr. Sunao Kido, Chairman, Department of Land and Natural Resources, State of Hawaii; Mr. A. K. Piianaia, Chairman, Hawaiian Homes Commission; Dr. Robert Hiatt, Acting President, University of Hawaii; Mr. David Sanford, Hawaiian Trail and Mountain Club; Mr. Scott E. Hamilton, Conservation Council for Hawaii; Mr. Yukio Naito, Deputy Legislative Auditor, State of Hawaii; Dr. Shelley Mark, Chairman, Department of Planning and Economic Development, State of Hawaii; Dr. Robert Ryder, Central Analysis Group, State of Hawaii; and Mr. Jack W. Dayton, Business League for Sound Government.

Several delegates to this Constitutional Convention also presented testimony with regard to particular proposals. Among them were:

Delegate Richard E. Ando; Delegate James K. Bacon; Delegate Robert G. Dodge; Delegate Diana C. Hansen; Delegate Stuart Ho; Delegate Hiram K. Kamaka; Delegate Peter C. Lewis; Delegate Frank W. C. Loo; Delegate George K. Noguchi; Delegate Dennis E. W. O'Connor; and Delegate Sakae Takahashi.

The Committee, having conducted public hearings and deliberated upon the subjects covered by the proposals, Resolution 7 and Petition 2, presents for your consideration, Sections 1, 3 and 6 of Article IV of the Hawaii State Constitution, amended as follows:

"Section 1, Article IV relating to establishment of the executive is amended to read as follows:

"Section 1. The executive power of the State shall be vested in a governor.

"The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

"The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

"No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of [thirty-five] thirty years, [and have been] be a citizen of the United States [for twenty years], and be a resident of this State for five years next preceding his election.

"The governor shall not hold any other office or employment of profit under the State or the United States during his term of office."

In this report, your Committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions.

Your Committee recommends that the age of thirty (30) years be established as the minimum age qualification for the governorship. This lowers the minimum age qualification for the governorship from the existing thirty-five (35) years to the minimum age requirement established for a United States Senator. The Committee does not know of any empirical evidence to substantiate a particular minimum age for the governorship. Some members of the Committee expressed the feeling that the minimum age qualification should be lowered to the qualified voter age. To fix a minimum age requirement above the qualified voter age will necessarily restrict the choice of the electorate. However, recognizing that a selection of any age is arbitrary, your Committee established the age of thirty (30) as the minimum age qualification, believing that it is the most reasonable.

Your Committee deleted the existing requirement that the governor be a citizen of the United States for twenty years and amended the existing Constitution by requiring that the governor need only be a citizen of the United States. The Committee can find no reasonable cause for creating an arbitrary distinction between those persons who have acquired their citizenship by birth and those who have acquired their citizenship by naturalization. The Committee feels that there is substantial cause for constitutionally assuring that the governor has knowledge and awareness of local conditions, but this is adequately assured by the state residence requirement.

Several proposals referred to this Committee sought to limit the number of times a governor can run for re-election. The Committee voted to retain unlimited succession to the governorship as provided by the present Constitution. Your Committee feels that the choice of a governor should rest with the voters. If it is their desire that a well-qualified individual be retained in office for several terms, they should be given the opportunity to express this at the election polls. Constitutional restrictions become an expression of lack of faith in the ability of the electorate to decide intelligently whether to return to office an incumbent who has established a public record upon which to be judged.

Proponents of limited succession to the governorship were especially concerned about the building of a political machine by the incumbent. Your Committee, however, feels that there are sufficient checks upon the executive to counter-balance this—legislative and judicial controls, the two-party system, public opinion and criticism, and the Constitution. Your Committee also notes that limited terms diminish a governor's political leadership and he becomes ineffective as he nears the end of his allotted time because he is considered a "lame-duck" official.

Section 2 of Article IV relating to the lieutenant governor was not specifically amended. The amendment in Section 1 with respect to eligibility to the office of governor indirectly affects this section because of the present constitutional requirement that the lieutenant governor shall have the same qualifications as the governor.

Your Committee considered the issue of whether the lieutenant governor should be the president of the senate as provided for by Proposal 219. Although there is precedent for such an arrangement, your Committee feels that the present system, where the senate selects its presiding officer from its membership, better fits in with the concept of separation of powers. Each branch maintains its internal independence, yet each has adequate checks on the other.

It was argued that there would be better coordination of policy-making of the executive and legislative branches if the branches were connected by the presidency of the senate. Your Committee rejects this view since the existing channels of communication and of liaison, both formal and informal, have been adequate.

Section 3 of Article IV relating to the compensation of the governor and lieutenant governor is amended as follows:

"Section 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than [eighteen thousand] thirty-three thousand five hundred dollars, and [twelve thousand] twenty-seven thousand five hundred dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by

general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office."

Your Committee believes a provision to adequately compensate officials by setting a minimum below which salaries cannot be reduced protects the governorship from unreasonable domination by the legislature. Moreover, stipulation of minimum compensation reflects the importance and esteem of the offices of governor and lieutenant governor.

In accordance with these reasons, the Committee recommends that the minimum compensation of the governor and lieutenant governor be established at a level equal to their existing compensation, thirty-three thousand five hundred dollars (\$33,500) and twenty-seven thousand five hundred dollars (\$27,500), respectively, per annum.

Section 4 of Article IV relating to succession to governorship and absence or disability of governor was not amended. Although your Committee was not referred any proposal amending this section, considerable attention was given to assessing the adequacy of existing constitutional and statutory provisions regarding succession. Your Committee finds the present Constitution adequate in this regard and believes the existing Constitution provides the legislature with sufficient guidelines and flexibility to deal with matters of succession brought on by unforeseen circumstances. The Committee therefore recommends that Section 4, Article IV be retained in its present form without amendment.

Section 5 of Article IV relating to executive powers was not amended.

Your Committee finds that Section 5, Article IV is acceptable in its existing form in the Constitution. Proposal No. 86 sought to enhance executive power and gubernatorial supervision over principal departments by empowering the governor to enforce compliance with any constitutional or legislative mandate, or to enjoin the violation of any constitutional or legislative power or duty by any state or county officer. Although the *Model State Constitution* recommends that this provision be specifically stated in state constitutions, your Committee finds no compelling reason to include it in Hawaii's State Constitution.

In the opinion of the governor's office, such a constitutional provision was deemed "neither necessary nor desirable."

Moreover, from information received from the attorney general's office, your Committee believes that the attorney general of Hawaii already has the power and authority to enforce compliance with Hawaii's statutes and Constitution.

Section 6 of Article IV relating to executive and administrative offices and departments is amended to read as follows:

"Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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,] appointed by the governor and he 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; provided that, the appointment of the chief legal officer of the state shall be subject to the advice and consent of the senate. [The governor may, by and with the advice and consent of the senate, remove such single executive.]

"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,] appointed by the governor [.] ; provided that, the appointment of the members of the Board of Regents of the University of Hawaii shall be subject to the advice and consent of the senate. The term of office [and removal] of such members shall be as prescribed by law. The governor may remove any member. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. [The legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this constitution.] The removal of officers not otherwise provided herein shall be as prescribed by law.

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

such office if the appointment shall have failed of confirmation by the senate.

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

"All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least [three] one year[s] next preceding their appointment[.] ; provided that, the residence requirement shall not apply to the President of the University of Hawaii."

Section 6, Article IV.

Proposal 85 sought to increase the number of departments to twenty-five. Your Committee feels the existing constitutional ceiling of twenty departments has worked well and continues to insure the governor a manageable span of control over departments while not interfering with flexibility in administration.

Proposal No. 155 sought to replace the now existing plural executive of the Department of Land and Natural Resources with a single executive. Proposal No. 98 sought to establish single executives for every principal department within the executive branch.

After hearing considerable testimony on the issue of single vs. plural department heads, your Committee believes the establishment of an executive branch with responsibility, accountability and authority is best provided for by placing principal departments under single executives. Therefore, the Committee recommends placing all present principal departments under a single executive with the following exceptions: (1) Hawaiian Homes Commission, (2) University of Hawaii, (3) Department of Education. This in effect means that the provisions providing for plural executives of both the Department of Agriculture as established by law and the Department of Land and Natural Resources as established by this Constitution will have to be amended. The Committee notes that Article X of this Constitution will have to be amended to implement the change to the single executive for the Department of Land and Natural Resources, and statutory change must be adopted for the Department of Agriculture.

Your Committee believes that this Convention's decision to retain Article XI as it is now stated in the Constitution indicates substantial support for the present administrative structure of the Department of Hawaiian Home Lands. Moreover, the complexities attendant upon the overlapping federal and state jurisdictions suggest caution in altering the basic structure of the program.

With regard to the University of Hawaii, your Committee's decision was particularly affected by the special needs of the bounds of human understanding and wisdom. Since the freedom of inquiry is critical in

this pursuit, your Committee believes that a plural executive presently offers the best means for enabling the university to withstand the pressures of today. Within this decade, the people of Hawaii have had occasion to pass upon the administrative structure of the Department of Education. Since a plural executive was approved at that time and no compelling argument has been made for altering this arrangement, your Committee favors the retention of a board as the executive head of the Department of Education.

Your Committee recommends several changes in the provisions relating to the appointment and removal of department heads. First, the Committee recommends the elimination of the requirement of senate confirmation of appointments of all department heads except for the chief legal officer (attorney general) and the Board of Regents. Although the Committee did not specifically include the Hawaiian Homes Commission in the exception, Article XI, adopts the Hawaiian Homes Commission Act, 1920 and it is the intent of your Committee that this amendment shall in no way affect the provisions of that act.

Secondly, the Committee recommends the abolition of the requirement of senate approval for removal of department heads by the governor. Your Committee feels that the governor, as head of the executive branch, should have power to select and, when necessary, remove the heads of most administrative departments.

There are several reasons for eliminating the requirement of senate confirmation except for the attorney general and the Board of Regents. The governor as responsible head of the administration should have the unencumbered power to select the heads of all administrative departments. These heads are not only administrators, but also policy-makers and should be directly and personally responsible to the governor. The confirmation requirement often invites political maneuvering outside the public arena. This makes recruiting of good executive talent more difficult. Moreover, the legislature has ample power, such as budgetary control, to maintain a sufficient check on the executive branch.

The elimination of the requirement of senate approval for removal of department heads is consistent with the concept of a strong executive. If a governor is to be held responsible by the electorate for the administration of the state government, he should be able to remove appointees who no longer have his confidence.

Your Committee feels that the attorney general should be subject to the confirmatory powers of the senate. The attorney general advises both the legislative and executive branches. Moreover, the office of attorney general in Hawaii has been assigned over seventy functions by statute. The Committee also believes that the Board of Regents should be subject to the confirmatory powers of the senate since it is not wholly an administrative line department of the executive branch. A requirement of senate confirmation would further the academic freedom of the university and

insulate it as much as possible from political pressures.

Your Committee amends Section 6 by reducing the residency requirement of a governor's appointee from the existing three-year requirement to a one-year requirement. Your Committee believes that the role of government is becoming an increasingly complex one. In order to deal with this complexity and successfully implement the functions of government, Hawaii must be able to draw upon the outstanding talent of the nation. Thus, it was argued by some that there should be no residence requirement at all. Although your Committee recognizes the cogency of this argument, your Committee believes that a period of one year is necessary for a person to familiarize himself with Hawaii and thereby use his talents more effectively.

Your Committee, on the other hand, recommends that the recruiting of the president of the University of Hawaii should not be limited to Hawaii. Hawaii must be able to seek the top talent from any state. The administration of education is generally uniform and there is less need for adjustment to local conditions and problems. It is common practice in this country for states to recruit education personnel without regard to state boundaries. Citizens, including Hawaii's, have come to accept this practice as necessary for obtaining the best educational system possible. Your Committee notes that any doubts about whether the office of president of the University of Hawaii is presently excepted from the residency requirement will be eliminated by this recommendation.

Your Committee considered the issue of whether the office of attorney general should be appointive or elective. Your Committee recommends that the present practice of an appointive attorney general should be retained. Your Committee notes that an elective system may increase the chances of political conflict and hostility between the governor and the attorney general, especially in the case where the latter has political ambition to occupy the governor's office. It may further discourage individuals for the office who do not have the money nor the inclination to run for election. The Committee was not shown that the elective method of selecting the attorney general is an improvement over the present appointive one.

Two proposals referred to this Committee sought to change the duration of appointments made to fill vacancies of positions requiring senate confirmation which occur when the legislature is not in session or during a recess of the senate. These proposals would change the duration from one which expires at the end of the next session of the senate unless such appointment is confirmed by the senate to one of duration prescribed by law. Your Committee feels that the present provision is acceptable and requires no change.

Therefore, your Committee recommends: (1) that the above-numbered proposals referred to your Committee be filed; (2) that Section 2, Section 4, and Section 5 of Article IV be retained without amendment; and (3) that Committee Proposal No. 2 pass first reading in the form

attached hereto.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 2

RELATING TO THE EXECUTIVE.

Resolved, That the following be agreed upon as amending Section 1, Section 3 and Section 6 of Article IV of the State Constitution:

Section 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty years, be a citizen of the United States, and be a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Section 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars and twenty-seven thousand five hundred dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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 appointed by the governor and he 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; provided that the appointment of the chief

legal officer of the State shall be subject to the advice and consent of the senate.

Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be appointed by the governor; provided that the appointment of the members of the board of regents of the University of Hawaii shall be subject to the advice and consent of the senate. The term of office of such members shall be as prescribed by law. The governor may remove any member. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this Constitution or by law. The removal of officers not otherwise provided herein shall be as prescribed by law.

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

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

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least one year next preceding their appointment; provided that the residence requirement shall not apply to the president of the University of Hawaii.

STANDING COMMITTEE REPORT NO. 39

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 37, Stand. Comm. Rept. No. 38 and Comm. Prop. No. 2.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 40 (Majority)

Your Committee on Judiciary has received and considered the following proposals: 13, 24, 38, 51, 57, 73, 78, 113, 125, 144, 145, 158, 211, 213, 228, 268, 293, 297, 299, 308, 309, 313 and 315. In view of the fact most proposals relate to more than one subject matter, reference is hereby made to the topical areas with their corresponding proposals: DISTRICT COURT (Proposals 24 and 293); TEMPORARY DUTY OF

RETIRED JUSTICES (Proposal 213); APPOINTMENT (Proposals 51, 57, 125, 228, 297, 308, 309, 313 and 315); CONFIRMATION (Proposals 144 and 158); QUALIFICATION (Proposals 51, 57, 73, 113, 125, 211, 297 and 308); TENURE (Proposals 13, 51, 57, 73, 125, 145, 297, 308 and 315); COMPENSATION (Proposal 57); RETIREMENT and PENSION (Proposals 13, 51, 57, 73, 125 and 145); REMOVAL (Proposals 13, 51, 57, 145, 297 and 308); REAPPOINTMENT (Proposals 13, 57, 125, 297, 308 and 315). Proposals 268 and 299 were omnibus proposals relating to the entire Constitution, which offered no substantial amendment to the Hawaii Constitution. Your Committee begs leave to report as follows:

The proposals covered the several subject matters contained in Sections 1, 2, 3 and 4 of Article V of the Hawaii Constitution. There were no proposals before this Committee seeking to amend Sections 5 and 6 of Article V of the present Constitution. Certain proposals sought to include new subjects within Article V.

All public and committee hearings were open to the general public. No person or organization who asked to be heard at a public hearing was denied that privilege. In many instances, your Committee sought witnesses to present the pros and cons of the various issues under consideration.

Your committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions. It is intended that the Committee on Style may exclude the brackets, the bracketed material, or the underscoring.

Section 1 of Article V reads as follows:

“JUDICIARY POWER

“Section 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.”

Proposals 24 and 293, referred to this Committee, sought to upgrade the status of the various district courts in this State by according them constitutional recognition. The enumerated proposals included provisions to increase the tenure of office for district magistrates, raise salaries, improve their pensions and upgrade the qualification standards of eligibility to serve as district magistrates.

Your Committee on Judiciary after careful consideration, unanimously decided that, under the present provisions of the Constitution, the legislature has the power to accomplish the ends sought by the proposals. It is therefore the recommendation of this Committee that no changes be made to Section 1 of Article V of the Constitution.

Your Committee however strongly recommends and urges the legislature, in its future deliberations, to reorganize the court system and seriously consider the implementation of an integrated or two-level court system. Under such reorganization, district courts may be designated circuit courts of record and be incorporated as trial courts of limited jurisdiction within a division of the various circuits throughout the State.

Section 2 of Article V currently provides that the chief justice may assign a circuit court judge to sit temporarily on the supreme court in the case of vacancy due to illness, disqualification or for any number of different reasons including the present situation where no successor has been named to fill the vacancy caused by the retirement of a justice.

Proposal 213, considered by this Committee, sought to provide an additional roster of candidates, from which the chief justice may choose, to serve on a temporary case-by-case basis. It is the intent of that proposal to permit the chief justice to prevail upon voluntary services of retired justices of the supreme court to sit in case of vacancies.

Your Committee is aware of the current backlog of cases in the circuit court so that whenever a circuit court judge is called upon for temporary duty in the supreme court, this can only be done at the expense of an imposition upon his trial calendar. On a number of occasions, this has also necessitated the expense of calling upon a neighbor island circuit court judge to sit one day at the hearings and return from time to time to engage in conference deliberations before a final decision is rendered. Further, to call upon circuit court judges to sit in review of circuit court cases places that judge in a sometimes embarrassing situation of overruling the decisions of his peers.

On the other hand, retired justices represent a heretofore untapped reservoir of knowledge and experience available for temporary duty on the supreme court whenever the need arises. A justice may retire from the supreme court for any number of reasons, the least of which is incompetency, and therefore it is seemingly such a waste for the supreme court not to call upon the special talents, knowledge and experience of one of its former members who, all other things being equal, is as capable as anyone else to sit on that court.

Your Committee therefore recommends that Section 2 be amended to include the power of the chief justice to call upon retired justices, in addition to circuit court judges, to serve on a temporary basis. As amended, Section 2 of Article V reads:

“SUPREME COURT

“Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court may also be recalled

by the chief justice to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead."

The amended provision is prefaced by the phrase "as prescribed by law." It is the opinion of this Committee that the legislature should provide those various qualifications and limitations under which a retired justice may serve including consent of retired justices, compensation if any, limitation to those not in private practice, age limitation and certain other procedures whereby a retired justice is recalled.

The greatest interest was shown in discussions on the adoption of a commission or merit plan of selection of judges for both the trial and appellate courts. Public hearings were held on July 30, 1968 and August 9, 1968 at which time proponents and opponents of the commission plan were heard.

The following persons testified before this Committee: Mr. C. J. Cavanagh, Executive Vice-President, Chamber of Commerce of Hawaii; Mr. Norman Chung, attorney; Mr. C. Frank Damon, Jr., President, Bar Association of Hawaii; Mr. Edward DeMello, representative, ILWU; Mr. Hyman Greenstein, attorney; Mr. A. Peter Howell, attorney; Mr. Bert T. Kobayashi, attorney general, State of Hawaii; Mr. David C. McClung, attorney and state senator; Mrs. Helen Ryan, attorney; Mr. Joseph Ryan, attorney; Mr. Arthur K. Trask, attorney; Mr. Thomas M. Waddoups, attorney; Mr. P. E. B. Wainwright, President, Citizens' Administration of Justice Foundation; Dr. Richard A. Watson, professor of political science, University of Missouri; Mr. Glenn R. Winters, Executive Director, American Judicature Society.

There are presently three systems used throughout the fifty states in the selection of judges. These include:

1. Election of judge on a partisan or nonpartisan basis;
2. The federal system of appointment by the executive and confirmation by one or both bodies of the legislature (the system presently in effect in Hawaii);
3. Judicial commission or merit plan.

Many states however have adopted variations or combinations of these methods.

Presently thirteen jurisdictions have some form of a commission or merit plan. Of these only five jurisdictions, including Alaska, Colorado, Oklahoma, Puerto Rico (voluntary) and Utah have incorporated the commission plan on a statewide basis and applicable to all courts. In five other jurisdictions only selected counties or cities have adopted the commission plan including:

1. Alabama (circuit court of Jefferson County—Birmingham)
2. Florida (metropolitan court of Dade County—Miami)
3. Missouri (judges of supreme court, appellate court, circuit & probate courts of St. Louis and Jackson County)
4. Nebraska (judges of supreme & district courts, juvenile & municipal courts of Omaha & Lincoln)
5. New York (voluntary action of New York City mayor to appoint municipal judges)

In the remaining jurisdictions, the commission plan is applicable to certain designated courts, including:

1. Iowa (supreme court & district court; municipal & superior court judges are elected on nonpartisan ballot)
2. Kansas (supreme court; all others are elected on partisan ballot)
3. Vermont (superior & district courts; supreme court & county courts are elected by legislature)

(See Appendix A.)

The proponents of the commission plan cited as reasons for their position the following:

1. To remove the selection of judges from the political consideration of a governor and place it in the hands of a nonpartisan or bipartisan board of citizens;
2. The choice of nominees to be made without consideration or influence of partisan politics;
3. Formation of an independent panel of commissioners whose sole and exclusive function is to seek out, encourage and screen all candidates for judicial appointment;
4. The inclusion of both lawyer and layman views in the selection of judges.

Arguments to the contrary included:

1. The lack of accountability of the commissioners to the electorate;
2. The failure to remove politics from the commission's consideration of appointments;
3. The inherent factional conflict within the bar itself of plaintiff attorneys against defendant attorneys, large firm attorneys against small firm attorneys and sole practitioners;
4. The fear that one faction of the commission

may become entrenched with the power of self-perpetuation and unresponsive to the changing needs of the people;

5. The fact itself that the members of the Hawaii bar are far from unanimous on the ultimate issue of the desirability of a commission plan.

During the course of public hearings and committee discussions, a number of different proposals, relative to the composition of the commission, were presented for your Committee's consideration. But the primary and ultimate issue was whether or not the present appointive system need be changed.

On a motion before this Committee that the present appointive system be retained, a majority of your Committee voted in the affirmative and the motion was carried.

Your Committee therefore urges that there be no change to Section 3, Paragraph 1 of Article V of the Hawaii Constitution which reads:

"APPOINTMENT OF JUDGES

"Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor."

Your Committee believes that under the present appointive system the governor who appoints and the state senate who must confirm are directly accountable to the electorate for their actions. A citizen may register his ratification or disapproval of those actions taken by his elected officials by the most democratic process, namely at the polls in the next election, whereas under the commission plan, the board of commissioners, being one step further removed from the voters, are insulated from the direct response of the electorate.

No witness before this Committee was able to show any abuse under the present system except to engage in the speculative arena of the potential for abuse. But the same is true under a commission system where a potential for abuse is equally and inherently present.

The often-mentioned word "politics" was used extensively in condemnation as well as advocacy of both the commission and the appointive systems of selection of the judiciary. But where this Committee was faced with the alternative of transferring the function of appointment of judges from one sphere of influence, your Committee chose to retain the present system where no compelling reasons for the need of change were shown.

The issue of confirmation of judicial appointments was next considered. The present Section 3, Paragraph 1 of Article V provides for senate confirmation of judicial appointments.

Two proposals were considered by this Committee which sought to change the present system. Proposal 144 would have required confirmation by both houses of the legislature while Proposal 158 would have required no legislative confirmation of judicial appointments.

In view of the fact that a majority of this Committee had previously voted to retain the present appointive system, it is the unanimous opinion of your Committee that, in order to be consistent with the provisions of the status quo relative to selection of judges, there be no change to the confirmation clause of Section 3 of Article V so that confirmation of judges is and remains the exclusive prerogative of the state senate.

Therefore your Committee urges that the present provisions of Section 3 be retained which reads as follows:

"APPOINTMENT OF JUDGES

"Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor."

Section 3, Paragraph 2 of Article V currently provides that a person must first be admitted to practice law before the supreme court of Hawaii for a period not less than ten years before being eligible for an appointment to the judiciary.

Two proposals came before this Committee providing for changes and additions to the present provisions of qualification. Proposal 113 sought to provide that in addition to the ten-year admission requirement, that a candidate not be eligible for a judgeship unless immediately prior to his appointment as a judge, he shall have engaged in the actual practice of law for at least five years which may include legal practice within the offices of the attorney general, corporation counsel, or prosecutor. Proposal 211 also provided a change to the existing ten-year admission requirement so that admission to practice for at least ten years before the highest court of any of the states or a United States federal court may be sufficient to qualify a candidate to be eligible for a judicial appointment, provided however he has resided in the State of Hawaii at least three years immediately preceding his appointment.

The merits and demerits of the proposed changes, having been discussed at length, it is the unanimous opinion of your Judiciary Committee that no changes be made to the present qualification provisions of

Section 3, Paragraph 2 of Article V which reads:

“QUALIFICATIONS

“No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.”

Your Committee next considered the subject of tenure of office for judges. Under the present provision of the Hawaii Constitution, the terms of office of a justice of the supreme court and a judge of the circuit court are seven and six years respectively.

As many as ten proposals, referred to this Committee, alluded to the topic of tenure. Nine of these same proposals advocated an increase in tenure.

Your Committee voted to increase tenure to ten years for both supreme court justices and circuit court judges.

Section 3, Paragraph 3 of Article V relating to tenure is therefore amended to read as follows:

“TENURE; COMPENSATION;
RETIREMENT [;REMOVAL]

“The term of office of a justice of the supreme court shall be [seven] ten years and that of a judge of a circuit court shall be [six] ten years”

Your Committee urges the adoption of the amendment to increase tenure and cites as its reasons:

1. To attract better candidates to seek or accept judicial appointment;
2. To provide better security to an attorney to leave the active and often more lucrative practice of law during the peak of his career to pursue a career in the judiciary;
3. To insulate a judge for a longer period of time from the pressures of reappointment;
4. To insure an adequate accrual towards retirement pension after one term of office, especially concerning those with no other governmental service.

The fear of the opponents of longer tenure that this may perpetuate “bad” judges was considered by this Committee. But the safeguards as contained in the removal clause of Article V together with the benefit of hindsight in assessing the prior history of judicial appointments greatly outweighed and prevailed over any meritorious sentiment for retention of the present tenure of office.

On the issue of compensation, it is the near unanimous opinion of your Committee that the amount of compensation be left to the discretion of the legislature. As of the time of this report, the present salary structure is as follows:

- a) chief justice of supreme court – \$28,000
- b) associate justices of supreme court – \$27,000
- c) circuit court judges – \$25,000

It is felt that by present-day standards and in comparison with the salaries of judges in all other jurisdictions, Hawaii’s compensation to its judiciary is fair and adequate. However, in order to insure a greater degree of independence for the judiciary, it was decided that the present salary paid be a floor base against which the legislature may not lower their salaries unless, as currently stated in the Constitution, this is part of a general law applicable to all salaried officers of the State.

Therefore, your Committee passed a motion to provide that though the legislature shall set the salary of justices and judges, they shall not be less than that presently in effect. In order to incorporate this motion into the body of Section 3, Paragraph 3 of Article V, the amended passage would read as follows:

“TENURE; COMPENSATION;
RETIREMENT [;REMOVAL]

“... They shall receive for their services such compensation as may be prescribed by law, provided however, such compensation shall not be less than that presently in effect, and which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State.”

This Committee has undertaken to provide the addition of the wordings hereinabove underscored, knowing however that the final form and draft of the proposal is within the discretion of the Committee on Style. If it is the decision of the Committee on Style to insert the actual salaries, including \$28,000 for the chief justice, \$27,000 for associate justices and \$25,000 for circuit court judges, in place of the amended wording, “that presently in effect,” then the same may be done, in order to be consistent with other portions of the Constitution where numerical designations of salaries are also mentioned.

Section 3, Paragraph 3 of Article V reads as follows:

“TENURE; COMPENSATION;
RETIREMENT [; REMOVAL]

“... They shall be retired upon attaining the age of seventy years”

Your Committee received no proposals to change this section, nor was any testimony or sentiment expressed to amend the section. Proposals 13, 51, 57, 73 and

145, which were referred to your Committee and relating to the subject of retirement, advocated the retention of the present plan.

Your Committee therefore unanimously recommends that the present retirement age of 70 years be retained.

Proposals 57, 73 and 125, referred to this Committee, sought a guarantee of a minimum of 50 percent pension for all judges after service of ten years or more on the bench.

The proponents of the 50 percent guarantee minimum pension gave the following reasons for their position:

1. An inducement to attract more and/or better candidates for the judiciary;
2. Compensation for the loss of clients during their tenure as judges;
3. A welcomed financial assistance for those years immediately following his service on the bench when the difficulty of re-establishing a practice of law is most pronounced;
4. A recognition that one who offers himself for public service in his most productive years should be adequately compensated.

After due consideration of the merits of the issue, it is the opinion of your Committee that in view of the fact that this Committee has voted for an increase in the tenure of office of judges to ten years and whereas the present rate is 3.5 percent annually towards retirement, there should be no need for a minimum guarantee of 50 percent. The judiciary need not be accorded preferential treatment and should be considered as equal to the other two branches of government, the executive and the legislative, both of whose retirement pensions also accrue at an annual rate of 3.5 percent, as provided for by law.

Your Committee therefore urges that there be no changes to the present provision of the Constitution relative to pension and that Section 3, Paragraph 3 of Article V remain as follows:

“TENURE; COMPENSATION;
RETIREMENT [; REMOVAL]

“... They shall be included in any retirement law of the State”

The Committee next considered the removal clause in Article V of the Hawaii Constitution. There was a general consensus of opinion by proponents of a change to the present system that the legislature has done very little if anything to implement rules and procedures by which a judge may be removed.

In view of the fact that Section 4 of Article V currently provides for the retirement of an incapacitated judge by use of a commission or agency, authorized by

law to certify certain statement of facts and the governor is empowered to appoint a board to review these findings of facts and make its recommendation to the governor before acting, it is the opinion of this Committee that the removal clause should also be incorporated into and made a part of the same system and method as the retirement provisions.

In order to accomplish these ends, that portion of Section 3, Paragraph 3 of Article V relating to the legislature's removal power is deleted and that same removal responsibility is incorporated into Section 4 so that the whole of Sections 3 and 4 reads as follows:

“TENURE; COMPENSATION;
RETIREMENT [; REMOVAL]

“... They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State. [They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.]

“RETIREMENT FOR INCAPACITY
AND REMOVAL

“Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties [.] or has acted in such a manner as to constitute wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances and on their recommendation the governor [may] shall retire or remove the justice or judge from office.”

Under the proposed recommendations of this Committee, the legislature is authorized to establish a commission or agency to receive all complaints filed against members of the judiciary. The commission, if it determines that there is merit to the complaint, will then certify its statement of facts to the governor who must then appoint a board of review, whose duty it is to conduct a thorough and fair hearing, observing all rules of evidence and procedure, as provided by law, and if the board believes the charges to be substantiated it must then make its recommendation to the governor who must then act in accordance with the recommendation of the board.

Proposal 13, which was referred to your Committee for consideration, incorporated portions of the Missouri Plan in the area of reappointment. It would have permitted an incumbent justice or judge, upon the completion of his term in office, to submit his name before the electorate on the question of his retention

for another term of office.

Proponents of this plan argued that under this system a judge could "run on his record" and allow the voters to determine his retention irrespective of the administration that might then be in office at the time of the expiration of his term of office. This would insure that an incumbent be judged on his own merit without regard to any political affiliation.

However, it is the opinion of your Committee that in order to be consistent with the original intent of the vote to retain the status quo as applicable to selection of judges, that no changes be made to the reappointment procedures. Therefore no changes are recommended by your Committee to the present system which allows the governor the full discretion on reappointment or consideration of a new appointment.

No proposals were referred to your Committee advocating any changes to Sections 5 and 6 of Article V. Accordingly this Committee recommends that no change be made to these sections.

Your Committee submits the attached committee proposal and recommends (1) that all proposals referred to this Committee be filed; (2) that Sections 1, 5 and 6 of Article V be retained without amendment; and (3) that Sections 2, 3 and 4 of Article V be adopted as amended in the form hereto attached.

Signed by all members of the Committee. Delegates Chang, Doi, Dyer, Hasegawa, Jaquette, Kage, Kawasaki, Lalakea and Steiner concurred with the committee report but took exception to Section 3, Paragraph 1 of Article V relative to appointment of judges. Delegate Sutton did not concur.

STATES HAVING NONPARTISAN NOMINATING COMMISSIONS WHOSE JURISDICTIONS APPLY TO:

(Year Commission Initiated)	(State)	Highest Court	Intermediate Appellate Court	Trial Court	Special Court or Court of Limited Jurisdiction	Selected Counties or Cities (if not Statewide)	Former Method of Selection
1950	Alabama			x		Jefferson County	n.a. ¹
1956	Alaska	x	*	x			presidential appointment ²
1966	Colorado	x	*	x			election
1963	Florida				x	Dade County	election
1962	Iowa	x	*	x ³			election
1959	Kansas	x	*				election
1940	Missouri	x	x	x	x	St. Louis	election
1962	Nebraska	x	*	x ⁴	x ⁴	Jackson County Omaha Lincoln	election
1966	New York ⁵				x	New York City	election
1967	Oklahoma	x	x ⁶	x ⁷			election
1966	Puerto Rico ⁸	x	*	x			gubernatorial appointment
1967	Utah	x	*	x	x		election
1966	Vermont		*	x			

¹ Not available. All other districts elect their judges.

² U.S. district court for Territory of Alaska.

³ Commission plan used to select district court judges; municipal and superior court judges are elected.

⁴ Commission plan used to select judges of municipal courts and separate juvenile courts of Omaha and Lincoln.

⁵ Voluntary action of Mayor John V. Lindsay.

⁶ Commission plan used to select court of criminal appeals judges; commission plan voluntary for judges of court of appeals.

⁷ Governor may use services of judicial nominating commission.

⁸ Voluntary action of Governor Roberto Sanchez Vilella.

* No intermediate appellate court.

COMMITTEE PROPOSAL NO. 3

RELATING TO THE JUDICIARY.

Resolved, That the following be agreed upon as amending Sections 2, 3 and 4 of Article V of the State Constitution:

SUPREME COURT

Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court may also be recalled by the chief justice to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

APPOINTMENT OF JUDGES

Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

QUALIFICATIONS

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

TENURE; COMPENSATION;
RETIREMENT [; REMOVAL]

The term of office of a justice of the supreme court shall be [seven] ten years and that of a judge of a circuit court shall be [six] ten years. They shall receive for their services such compensation as may be prescribed by law, provided however, such compensation shall not be less than that presently in effect, and which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State. [They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.]

RETIREMENT FOR INCAPACITY
AND REMOVAL

Section 4. Whenever a commission or agency,

authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties [,] or has acted in such a manner as to constitute wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances and on their recommendation the governor [may] shall retire or remove the justice or judge from office.

STANDING COMMITTEE REPORT NO. 41

Your Committee on Public Health, Education and Welfare; Labor and Industry, to which were referred proposals numbered 19, 64, 108, 116, 122, 227, 275 and 277, all relating to public education; proposals numbered 2, 21, 22, 23, 32, 37, 50, 72, 100, 111, 123, 132, 135, 163, 185, 192, 220, 227, 275, 277 and 324, all relating to the Board of Education; proposals numbered 21, 135, 163, 185, 227, 275, 277 and 324, all relating to powers of the Board of Education; proposals numbered 82, 116 and 320, all relating to the University of Hawaii; proposals numbered 38, 78, 112, 130, 137, 143, 144, 161, 255 and 286, all relating to the Board of Regents, powers; proposals numbered 2, 4 and 87, relating to school advisory councils; proposals numbered 98 and 227, relating to all sections of Article IX of the Hawaii Constitution; proposals numbered 268 and 299, omnibus proposals relating to the entire Constitution; proposals numbered 92, 162, 314 and 320, relating to the establishment of other colleges, universities, and governing boards; and Proposal No. 156, relating to out-of-state tuition, begs leave to report as follows:

All Committee hearings and meetings were open to the public. Many citizens, groups and organizations, representing a cross section of our community, presented their views on the subjects covered by the proposals.

The following presented their views: Dr. Daniel Tuttle, Executive Secretary, Hawaii Education Association; Mrs. A. Jack Woods, President, Hawaii Congress of P.T.A.s; Mr. David Thompson, Educational Director, I.L.W.U.; Mrs. Pearl S. Lockwood, Audio-Visual Director, Iolani School; Mr. Ronald Harker, Vice-Chairman, Board of Education; Mr. Gordon H. Damon, President, Business League for Sound Government; Mr. Max Roffman, Oahu Division Director, United Public Workers; Mr. Ralph Kiyosaki, Superintendent of Education, Department of Education; Mrs. Bette Sanders, Chairman, Windward School Advisory Council; Mr. Anthony Pfaltzgraff, past president, Honolulu High School Association of Student Councils; Mr. Shinichi Nakagawa, Acting Chairman, Leeward School Advisory Council; Mrs. Beverly G. Papalimu, Legislative and Resolutions Chairman, Hawaii District No. 1, P.T.A.; Miss Linda Delaney, President, A.S.U.H.; Mrs. Amanda Kautz, citizen; Dr. Alan Saunders, Professor Emeritus, U. of H.; Mr. Craig Quick, Chairman, Student/Faculty Union, University of Hawaii;

Mr. George Simson, citizen; Dr. Robert W. Hiatt, Acting President, University of Hawaii; Dr. Richard Kosaki, Vice-President for Community Colleges, University of Hawaii; Dr. Robert L. Cushing, Chairman, Board of Regents, University of Hawaii; Dr. Robert Potter, Associate for Academic Development at the University of Hawaii; Mr. Duane Black, Chairman, Maui District School Advisory Council; Mr. Keith S. Snyder, citizen; Dr. Robert Loveless, member, Board of Education.

Your Committee, having conducted public hearings and having deliberated in full and open discussions upon the subjects covered by the proposals, begs leave to report that Sections 1, 2, 3, 4 and 5 of Article IX of the Hawaii Constitution be retained in their present form, and that a new section be added to Article IX of the Hawaii Constitution, to read as follows:

“Section _____. There shall be school advisory councils to advise the board of education in accordance with law.”

A report of your Committee's actions and deliberations is discussed in the paragraphs which follow.

Your Committee first considered a proposed amendment to Section 1 of Article IX which reads as follows:

“Section 1. The State shall provide for the establishment, support and control of a free statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.”

The proponents of a constitutionally-mandated “free statewide system of public schools” were primarily concerned with the many school P.T.A. fund-raising activities which are now carried on to help pay for supplies and equipment or school activities not presently funded under the Department of Education's annual appropriations. They felt that parents should not be obligated to raise funds for the school in this way and that inserting the word “free” in this section of the Constitution would eliminate this problem and clearly hold the State responsible for funding all aspects of public education.

This concern, as well as the need for adequate educational programs at public expense to overcome the adverse effects of poverty, infirmity or other individual handicaps or disadvantages, was shared by the entire membership of your Committee, but the majority view was that inclusion of the word “free” has such deep implications in the State's overall budgeting process that it would be better to leave to legislative enactment and statutory law, rather than constitutional law, the kind and extent of public funding needed for the State's

public schools. In this way the people of Hawaii can move closer each year to the ideal of “free” public education within the available financial resources of the State. Therefore, your Committee rejected the proposed amendment to Section 1 of Article IX.

Your Committee also considered another proposed amendment which reflected great interest in and concern for “free” education. This amendment provided for no tuition charge of residents at state institutions of higher learning, vocational and technical schools, and reads as follows:

“Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries, colleges, and institutions on vocational and technical learning and such other educational institutions as may be deemed desirable, including physical facilities therefor, of which there will be no tuition charged of residents. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.”

The proponents of this amendment noted that many state universities on the mainland charge no tuition, so the University of Hawaii should do the same. They suggested the setting of a high out-of-state tuition for nonresident students to offset the deficit which would result from the elimination of tuition charges for Hawaii residents.

The idea of no tuition at institutions of higher learning, vocational and technical schools was initially very appealing to your Committee members, but upon closer examination of the impact of such a constitutional change, the Committee rejected this idea. The Committee's decision was based on the following reasons:

1. Such a generalized constitutional provision for no tuition would restrict the power of the legislature in determining educational policies in terms of needs, resources, and the best approach in terms of conditions existing at any given time;

2. The greatest economic barrier to higher education may not be tuition but other barriers such as living away from home, family economics, and high fees and the high cost of campus activities;

3. The cost to the State would be prohibitive, and the effort of the State to fully support the K-12 public school system may be seriously impeded;

4. Specific reference to “no tuition” would still permit the legislature or the board of regents to impose substantial fees in lieu of tuition, as is being done in many state universities; and

5. Setting a high out-of-state tuition for nonresident students will not make up for the anticipated loss of an estimated 3.2 million dollars (based on 1967-68 enrollment figures for the entire University of Hawaii complex including community colleges). This estimated dollar loss in state revenues was obtained from the business office, University of Hawaii.

Your Committee also considered a proposed amendment to Section 2 of Article IX which reads as follows:

“Section 2. There shall be a board of education [composed of members who shall be elected by qualified voters], the members of which shall be selected in accordance with law. At least part of the membership of the board shall represent geographic subdivisions of the State.”

There was very little support for this proposed change. The Committee felt that a change of this type in the Constitution at this time is questionable because the present elective system is relatively new and has worked out well. The present board did not come about through some whimsical action; it was a long, difficult process. The legislature studied the elective-appointive issue very carefully before presenting the proposed constitutional amendment calling for an elective board to the electorate for ratification in 1964. The Committee believes that the elective board concept should be given a thorough test before any additional change is made. The Committee, therefore, rejected this proposed amendment.

Your Committee also considered a proposed amendment to Section 5 of Article IX which reads as follows:

“Section 5. 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, appointed by the governor. At least one of the members shall be a student and one member shall be on the faculty of the University of Hawaii. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, 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.”

Those who favored the proposed amendment felt that this would give the students new meaning in their school life, reduce student apathy at the university, and would bridge the gap that apparently exists now between the university administration and the faculty and the students. They argued that giving students and faculty some voice in making the basic policy decisions that affect them was an urgently needed change at this time.

Your Committee rejected the proposed amendment since (1) the governor already has the power to appoint

anyone, including a student or a member of the faculty, to the University of Hawaii board of regents, (2) the university administration and the board of regents have established campus policies and procedures to give student representatives every opportunity to discuss their views, their problems and their grievances with the administration, and (3) it would be difficult for one faculty member or one student representative to truly represent the many campuses which are part of the University of Hawaii system.

Your Committee also considered another proposed amendment to Section 5 of Article IX which reads as follows:

“Board of Regents; Powers

“Section 5. 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, appointed by the governor.] elected on a nonpartisan basis in accordance with law. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, 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.”

There was very little support for this proposed change. It was pointed out to your Committee that though the functions and powers of the board of regents and the board of education seem to be similar there is a basic difference. The basic difference is that in the case of the board of education they deal with almost every member of the public since attendance in elementary, intermediate and part of high school is compulsory for every child in this State while attendance in the university system is purely voluntary. The public school system being so close to the people, the people should have a direct voice in the administration of such system. On the other hand, in the case of the board of regents of the University of Hawaii, it is comparable to other departments of the State where the executive officer or officers are appointed by the governor with the advice and consent of the senate. There was no evidence presented that the present appointive process fails to obtain dedicated and qualified persons to serve as members of the board of regents. Your Committee, therefore, rejected the proposed amendment.

Your Committee recommends one change in Article IX. This change, as described in Committee Proposal No. 1, attached hereto, incorporates a new section to Article IX to read as follows:

“Section _____. There shall be school advisory councils to advise the board of education in accordance with law.”

Your Committee's recommendation is based on a majority viewpoint which embraces the following approach to this subject: Hawaii is unique in being the only State to provide a “statewide system of public

schools." There are no independent local districts, nor local school boards, nor independent district superintendents. All other states have highly decentralized public school systems with a considerable degree of authority delegated to the local school boards.

Because we have a "statewide system of public schools" with its board of education usually meeting in Honolulu, there is deep concern that the leadership of our educational system may not fully reflect the needs and concerns of the separate local school districts, particularly those on the neighbor island counties. The present district school advisory councils, created by Act 50, Session Laws of 1966, have been playing an important role as liaison and advisory bodies. There is concern that without a constitutional basis these same district school advisory councils can be abolished by the legislature which created them.

Establishing school advisory councils in our State Constitution will guarantee their perpetuity and will enable the people of Hawaii to bring their problems and wishes to a body that is close to them and available to them at all times.

A strong minority viewpoint held that there is no quarrel with the importance and necessity of local school advisory councils but that provisions for their establishment and their role in public education should continue to be left in the hands of the legislature, which, by its action in 1966, showed responsiveness to the needs and desires of the people of Hawaii in public education.

Accordingly, your Committee on Public Health, Education and Welfare; Labor and Industry submits the attached committee proposal and recommends (1) that the proposals enumerated in the first paragraph of this report, and which were referred to your Committee, be placed on file; (2) that Article IX, Sections 1, 2, 3, 4 and 5 be retained without amendment; and (3) that Committee Proposal No. 4, attached hereto, pass first reading.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 4

RELATING TO EDUCATION.

Resolved, That the following be agreed upon as adding a new section to Article IX of the State Constitution:

ARTICLE IX

Section _____. There shall be school advisory councils to advise the board of education in accordance with law.

STANDING COMMITTEE REPORT NO. 42 (Majority)

Your Committee on Public Health, Education and Welfare; Labor and Industry to which were referred proposals numbered 36 and 74, relating to private

employees; proposals numbered 70, 115, 154 and 172, relating to public employees; Proposal No. 321 relating to right to work; and proposals numbered 268 and 299, omnibus proposals relating to the entire Constitution which offer no amendments to Article XII of the Hawaii Constitution, begs leave to report as follows:

The proposals covered new subject areas as well as those subjects presently found in Sections 1 and 2 of Article XII of the Hawaii Constitution.

All committee hearings and meetings were open to the public. Many citizens, groups and organizations, representing a cross section of our community, presented their views on the subjects covered by the proposals.

The following presented their views: Mr. Daniel Ainoa, Executive Secretary of the Hawaiian Government Employees Association; Mr. Robert Repas; Mr. Robert Grunsky, President of the Hawaii Employers Council; Mr. Harold Hee, Chamber of Commerce of Hawaii; Mr. Robert Knight, Executive Secretary-Treasurer of the Hawaii State Federation of Labor, AFL-CIO; Mr. Jim Crane, Hawaii Federation of Teachers; Mr. Sam Slom, Business League of Sound Government; Mr. George Pai, Deputy Attorney General, State of Hawaii; Mrs. Edna T. Taufaasau, Director of the Department of Personnel Services, State of Hawaii; Mr. Max Roffman, Oahu Division Director of the United Public Workers; Dr. Daniel Tuttle, Jr., Executive Secretary of the Hawaii Education Association; Mr. Eddie DeMello, Legislative Lobbyist for the ILWU; and Delegate Diana C. Hansen.

Your Committee, having conducted public hearings and having deliberated in full and open discussion upon the subjects covered by the proposals, begs leave to report that Section 1 of Article XII be retained and Section 2 be amended. The basis for this position is discussed in the following paragraphs.

Section 1 of Article XII of the Hawaii State Constitution reads as follows:

"Private Employees

"Section 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining."

Proposals numbered 36 and 74 amend this section by adding the words, "and public employment," thereby giving public employees the same rights as private employees. They delete the existing Section 2 relating to public employees.

There was opposition and concern expressed by some delegates in granting public employees the same rights of collective bargaining as those in private employment. The question as to the interpretation of the term "collective bargaining" was raised. Does it include the right to strike? Will it render our present statutes now prohibiting public employees to strike unconstitutional? What areas would be included in collective bargaining?

Your Committee believes that the responsibility of public employees varies greatly from that of private employees, and questions the prudence of allowing public employees the same rights as private employees. Therefore, your Committee recommends the retention of Section 1 of Article XII without amendment.

Section 2 of Article XII of the Hawaii State Constitution reads as follows:

“Public Employees

“Section 2. Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the State, or any political subdivision or any department or agency thereof.”

Proposals numbered 70, 115, 154 and 172 all amend Section 2 of Article XII by giving the right of collective bargaining or collective negotiation to public employees. Proposals numbered 115 and 172, however, specifically exclude the right of public employees to strike.

After due consideration and deliberation, your Committee agreed to amend Section 2 of Article XII to read as follows:

“Public Employees

“Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.”

This amendment providing, “collective bargaining as prescribed by law,” allayed the opposition and concern expressed by some members of your Committee. By this amendment it is clear that the meaning of the term “collective bargaining” as used in Section 1 of Article XII and in Section 2 as proposed is not identical. In the case of public employees the rights of collective bargaining will be restricted to those areas and in such manner as will be determined by the legislature. Therefore, the right to strike is a matter for legislative determination.

Assistant Attorney General Bertram Kanbara of the office of the attorney general testified that the existing statutes could not be found unconstitutional since the amendment leaves it up to the legislature to determine the extent of collective bargaining. He added that the present laws are effective until the legislature enacts a change.

The proposed amendment to Article XII recognizes the change that has taken place in public employment since the Constitution was drafted in 1950 and does not limit public employees only to making known their grievances and proposals to the State.

In 1950, there were only a few collective bargaining situations in government service in the United States, and the principle of collective bargaining for public employees was not yet generally accepted.

Since that time, collective bargaining has spread in public employment and is now a growing trend throughout the United States.

This amendment does not affect any existing laws on public employment, which will remain in effect until changed by the legislature.

Proposal No. 321 seeks to amend Article XII by adding a new section to read as follows:

“No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind, enter into any agreement, written or oral, which excludes any person from employment because of non-membership in a labor organization.”

Your Committee received testimonies from interested citizens and delegates on this so-called “right-to-work” amendment and, with one exception, all of them strongly urged that this amendment not be added to the Constitution of the State of Hawaii.

Your Committee agreed that there was no compelling or persuasive reason to add this provision to the Constitution and if in the future it should become necessary for such a provision, it can be done by legislative enactment.

Accordingly, your Committee on Public Health, Education and Welfare; Labor and Industry submits the attached committee proposal and recommends (1) that the above-numbered proposals referred to your Committee be filed; (2) that Section 1 of Article XII be retained without amendment; and (3) that Section 2 of Article XII as amended in the form hereto attached as Committee Proposal No. 5 pass first reading.

Signed by all members of the Committee. Delegate Ajifu did not concur and Delegate Devereux did not concur in part.

COMMITTEE PROPOSAL NO. 5

RELATING TO ORGANIZATION, COLLECTIVE BARGAINING.

Resolved, That the following be agreed upon as amending Section 2 of Article XII of the State Constitution:

Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.

STANDING COMMITTEE REPORT NO. 43

Your Committee on Style, to which was referred Committee Proposal No. 1, Redraft 2, begs leave to report as follows:

The proposal, which the Convention has adopted on

second reading, covers Article II, Suffrage and Elections. The Convention has proposed amendments to Sections 1, 2 and 5.

Section 1 (Qualifications). Your Committee considered the wording of Section 1 but decided not to recommend any further change in the proposal.

Some members felt that the language could be improved, but the overall feeling was that the meaning was clear.

Section 2 (Disqualifications). Following is the version of Section 2 that the Convention adopted on second reading:

“Section 2. No person who is non compos mentis shall be qualified to vote. No person convicted of felony shall be qualified to vote except upon his final discharge or earlier as provided by law.”

The only change that your Committee recommends in this section is to insert the article “a” before the word “felony.”

Your Committee discussed the meaning of the phrase “final discharge.” Some members thought this phrase was not completely clear, but the Committee concluded that it should be retained to allow a broad interpretation.

The understanding of your Committee, based on debates in this Convention, is that “final discharge,” as used in Section 2, signifies the obtaining of a pardon, serving of the term of imprisonment, completion of the period of probation or parole, payment of a fine (if that is the sole penalty imposed), or the like.

Section 5 (Elections). Your Committee decided to recommend three style changes in Section 5.

Following is the version that the Convention adopted on second reading:

“Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law. Presidential preference primary may be held in accordance with law.”

Your Committee recommends:

1. Preceding the last sentence with the article “A.”
2. Placing the provision for a presidential preference primary in a new section, to be numbered Section 6.
3. Placing the provision for contested elections in a new section, to be numbered Section 7.

Your Committee felt that this arrangement would be

clear and orderly.

The changes recommended are merely for the purpose of style improvement and have no other implications.

Your Committee submits the attached proposal, Committee Proposal No. 1, RD.2, S.1, and recommends its adoption on third reading.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 1, RD. 2, S. 1

RELATING TO SUFFRAGE AND ELECTIONS.

Resolved, That the following be agreed upon as amending Section 1, Section 2 and Section 5 of Article II of the State Constitution:

Section 1. Every citizen of the United States, who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.

Section 2. No person who is non compos mentis shall be qualified to vote. No person convicted of a felony shall be qualified to vote except upon his final discharge or earlier as provided by law.

Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law.

Section 6. A presidential preference primary may be held in accordance with law.

Section 7. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

STANDING COMMITTEE REPORT NO. 44 (Majority)

Your Committee on Revision, Amendment and Other Provisions to which were referred proposals numbered 58, relating to consumer protection; 94, relating to the age of majority; 101, relating to an honorary monarchy; 205, relating to loyalty oaths; 244, relating to Hawaiian heritage; 270, relating to campaign expenditures; 272, relating to Rainbow Island; 276, relating to tax exemptions; 288 and 294, relating to legalized gambling; 295, relating to residency requirement; 306, relating to employees' retirement trust fund; 311, relating to seashore boundary; 11, 159, 166, 204 and 281, relating to ethics in government; 93, 193, 195, 207, 256 and 283, relating to initiative and referendum; 184 and 194, relating to recall; 268, an omnibus proposal relating to the entire Constitution, which offers no amendments to Article XIV of the Hawaii Constitution and 299, an omnibus proposal relating to the entire Constitution, which amends Article XIV by deleting Sections 3 and 4, begs leave to report as follows:

All committee meetings were open to the public, and many representatives of organizations and individual citizens who may be interested in the above-mentioned proposals were invited to present their views on the subjects covered by the proposals at the public hearings.

The following citizens presented their views: Gilbert Hara, Deputy Attorney General; James Peltier, representing Arthur Rutledge, President of Hawaii Teamsters and Hawaii Hotel Workers Union; Robert C. Knight, representing the AFL-CIO; Walter W. Harris, State Office of Consumer Protection; Judge Gerald R. Corbett; Royce Higa, representing William G. Among from the Department of Social Services; David K. Trask; Alfred Preis, Director of the State Foundation on Culture and the Arts; Myron Thompson; Pilahi Paki Silva; John J. Hulten, President of the Senate; Delegate Robert Wright; Sunao Kido, Chairman of the Department of Land and Natural Resources; Ralph Kondo, Department of Taxation; Rockwell Smith, Senior Citizens' Committee; David K. Trask, on behalf of Edna Tavares Tafaasau of the State of Hawaii Department of Personnel Services; Paul Sheurer, representing the Joint Social Action Committee of St. Andrew's Cathedral and of St. Paul's Congregation of the Philippine Independent Church; Clinton Ashford; Howard H. Moore; Ted M. Damron, Hawaiian Electric Company; Bert Kanbara, Deputy Attorney General; Reverend Claude Du Teil, Citizens' Committee on Ethics in Government; Mrs. Alice Scott, League of Women Voters; Mrs. Mary George; Delegate John F. Dyer; Vernon F. L. Char, Chairman, State Ethics Commission; Delegate Thomas Lalakea; Wayne Minami and Judy Stalling, Legislative Reference Bureau; and Judge E. V. Davis, delegate to the Alaska Constitutional Convention of 1955.

Proposal No. 58, relating to consumer protection and education. Proponents of this measure stressed that there was a need for a consumer protection and education office which would aid the citizens from being duped by deceptive schemes; that there are many citizens who have become subject to high pressure sales which has resulted in their purchase of luxury products or services in spite of their limited capacities to pay for them; that many states have some provision on consumer protection in their Constitution; and that some constitutional mandate on consumer protection should be included in the Hawaii Constitution to protect the citizenry.

Those who opposed the adoption of the proposal felt that the inclusion of this proposal would not serve as a cure-all for the evils which presently exist; that the State of Hawaii has effective legislation on this matter; that the legislature is very conscious of this matter and has passed legislation to protect the citizenry; and that the subject is not a constitutional but legislative matter.

After deliberation, your Committee found that the subject matter was being adequately handled by legislation and accordingly decided not to incorporate such a measure in the Constitution.

Proposal No. 101, creating an honorary monarchy.

Your Committee did not take action on this proposal because of the receipt of a written opinion from the state attorney general's office regarding the constitutionality of this proposal. The opinion stated that the United States Constitution prohibits any state from the granting of titles of nobility; therefore, the Hawaii Constitution cannot include such a proposal because the Admissions Act of Hawaii states that no provisions within the Hawaii Constitution shall be repugnant to the Constitution of the United States.

Proposal No. 94, lowering of the age of majority to eighteen. Your Committee was fully aware of the action of the Convention in lowering of the voting age to eighteen when considering this proposal; however, your Committee felt that an in-depth study of lowering the age of majority should be made before any action is taken. Your Committee felt that the matter could be better studied and acted upon by the legislature and accordingly decided to file the proposal in question.

Proposal No. 244, relating to Hawaiian heritage. The legislature has taken active steps in enhancing the heritage of the Hawaiian culture. In many public schools, students are being taught the culture and history of the Hawaiian people. Because of these relevant factors, your Committee decided against inclusion of this proposal in the Constitution.

Proposal No. 270. Sought to limit the amount that could be spent on campaign expenditures. Your Committee considered the proposal and after due deliberation decided against the inclusion of this proposal in the Constitution.

Proposal No. 272, relating to the prohibition of future commercial or industrial purposes on Rainbow Island. The federal government by the act of Congress and executive order conveyed two hundred acres of Rainbow Island to the State, of which the revenues from the land would go to the University of Hawaii. The remaining portion of Rainbow Island was given to the State of Hawaii without any conditions. Presently, the legislature vests the power to manage Rainbow Island in the Department of Land and Natural Resources. Your Committee concluded that the concerns expressed in this proposal could be best handled by said department for the purpose of obtaining optimum use of said island.

Proposal No. 276. Exempts disabled persons and persons over the age of 65 from all state taxes. Your Committee felt that it would be more appropriate to provide for tax exemptions in the tax law of the State because of the overall impact this proposal would have on our state revenues. It should be noted that there are laws which grant additional exemptions to the aged (128-13(c) and 121-11 R.L.H. 1955, as amended) and for the blind (121-11 R.L.H. 1955, as amended) from certain taxes. It was also pointed out to your Committee the difficulty of administering such a provision under our tax system where gross income tax, fuel tax, etc. are collected by the merchant from the consumer. Since the legislature does have power to grant further exemptions, if found necessary, your Committee

decided to file said proposal.

Proposals numbered 288 and 294. Legalizes gambling which shall be prescribed by the legislature. The Committee decided against the incorporation in the Constitution of proposals relating to legalized gambling.

Proposal No. 295. Requiring residency of one year for public employment. Your Committee discussed the subject at great length but the consensus of opinion was that the present statute (section 5-1(d) R.L.H. 1955, as amended) on the three-year residency requirement was not unduly restrictive since there are exceptions to said residency requirement in the hiring of public employees and, accordingly, your Committee decided to file said proposal. Your Committee concluded that in the event the three-year requirement becomes unduly restrictive, the legislature could change the applicable law to fit said circumstance.

Proposal No. 311. Adoption of the seashore boundary and the definition of "mean high water" mark according to the United States Coast and Geodetic Survey as opposed to the definition set down by the State Supreme Court in the *Ashford* decision. After discussing the matter, your Committee found that the matter was legislative or judicial in nature and therefore recommends that this proposal be filed. Your Committee was strongly influenced in its decision by the testimony of a witness who was adversely affected by the recent State Supreme Court decision. The witness testified that the matter should be left for the consideration of the legislature and not be provided for in the Constitution.

Proposals numbered 11, 159, 166, 204 and 281 are proposals to add a new section to Article XIV relating to a code of ethics. Your Committee after due deliberation and consideration voted to add a new section to Article XIV to read as follows:

"Section _____. The legislature and each political subdivision shall adopt a code of ethics for appointed and elected officers and employees of the State or the political subdivision, including members of boards, commissions and other bodies."

Inasmuch as the state legislature and the various counties have provisions and statutes providing for code of ethics, there was some reluctance to insert a provision mandating codes of ethics for the state government and the various counties. The Committee, however, felt that having a provision mandating a code of ethics for each governmental unit would ensure the continuance of said statutes and provisions and guarantee the existence of a code of ethics for all public employees and officers.

Since the judiciary has its own canons of ethics, the matter of exempting the judicial branch from this provision was discussed at length. It was the decision of your Committee that the judiciary should not be given specific exemption in the Constitution. However, this does not preclude the legislature from recognizing the

sufficiency of the judicial canons of ethics.

Proposals numbered 205 and 299 relating to Section 3 of Article XIV propose to delete Section 3 in its entirety. The reason for said proposal is the unconstitutionality of said section.

Opinions were received from the attorney general's office and the Legislative Reference Bureau confirming the invalidity of said section. Your Committee discussed this matter thoroughly and dwelled at length on the question of whether or not specific provision for a disqualification of disloyalty should be provided in the Constitution or should be as prescribed by the legislature. After due deliberation, your Committee decided that a specific disqualification provision should be in the Constitution and accordingly agreed to amend the section to read as follows:

"Section 3. No person who knowingly and intentionally does any act to overthrow the government of this State or of the United States by force or violence or who attempts to overthrow the government of this State or the United States by force or violence or who conspires with any person to overthrow the government of this State or the United States by force or violence shall hold any public office or employment."

There was much concern about the constitutionality of all the proposals submitted to the Committee and the above proposal was suggested by the attorney general's office. Your Committee was assured that the proposal meets the test of constitutionality and accordingly recommends its adoption.

Proposals numbered 93, 193, 195, 207, 256 and 283 are measures on initiative and referendum. Proposals numbered 184 and 194 are measures relating to recall. This report will not take time to explain nor will it enumerate the arguments for or against providing for the initiative, referendum and recall. (For discussion, see Legislative Reference Bureau, *Hawaii Constitutional Convention Studies*, Article II: Suffrage and Elections.)

Your Committee is in agreement with the Standing Committee Report No. 47 of the Constitutional Convention of Hawaii of 1950. The arguments against the inclusion of these measures in the 1950 Constitution (see Vol. 1, page 186) are equally applicable to this Convention:

"...the controversy between proponents of and authorities on these subjects is very great as to the merits and effectiveness of any of these measures, and the evidence as to such merits and effectiveness is far from conclusive. In the absence of a clear showing of great popular demand for any such measures, or convincing evidence of the necessity for or merit and effectiveness of the same, none of which has been satisfactorily established in the minds of the majority of your Committee, we believe that such provisions should not be included in the Constitution."

After a thorough discussion on the matter, your Committee finds no pressing need to include these measures in the Constitution. Your Committee therefore recommends against the inclusion in the Constitution of any provision relating to initiative, referendum and recall.

Accordingly, your Committee on Revision, Amendment and Other Provisions recommends (1) that the above-numbered proposals referred to your Committee be filed; (2) that Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Article XIV be retained without amendment; (3) that Article XIV be amended in the form hereto attached and Committee Proposal No. 6 pass first reading.

Signed by all members of the Committee. Delegate Sutton did not concur and Delegates Menor, Dodge and Yim did not concur in part.

COMMITTEE PROPOSAL NO. 6

RELATING TO GENERAL AND MISCELLANEOUS PROVISIONS.

Resolved, That the following be agreed upon as amending Article XIV of the State Constitution:

Adding a new section to read as follows:

Section ____ . The legislature and each political subdivision shall adopt a code of ethics for appointed and elected officers and employees of the State or the political subdivision, including members of boards, commissions and other bodies.

Amending Section 3 to read as follows:

Section 3. No person who knowingly and intentionally does any act to overthrow the government of this State or of the United States by force or violence or who attempts to overthrow the government of this State or the United States by force or violence or who conspires with any person to overthrow the government of this State or the United States by force or violence shall hold any public office or employment.

STANDING COMMITTEE REPORT NO. 45

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 40 and Comm. Prop. No. 3; Stand. Comm. Rept. No. 41 and Comm. Prop. No. 4; Stand. Comm. Rept. No. 42 and Comm. Prop. No. 5; Stand. Comm. Rept. No. 43 and Comm. Prop. No. 1, RD.2, S.1; and Stand. Comm. Rept. No. 44 and Comm. Prop. No. 6.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 46 (Majority)

Your Committee on Legislative Powers and Functions to which were referred proposals numbered 3, 7, 28, 29, 33, 35, 38, 46, 66, 71, 75, 76, 78, 81, 96, 110,

118, 119, 124, 134, 141, 144, 174, 178, 182, 186, 187, 188, 189, 190, 191, 197, 198, 199, 204, 206, 212, 221, 225, 236, 238, 240, 241, 242, 243, 250, 251, 253, 258, 263, 266, 268, 271, 273, 279, 284, 285, 289, 296, 299 and 307, all relating to legislative powers and functions and concerning Article III and Article XVI of the Hawaii Constitution begs leave to report as follows:

All committee meetings were open to the public and many citizens, groups and organizations representing a cross section of our community were invited to present their views on the subjects covered by the proposals at the public hearings.

The following citizens presented their views:

Mr. Harry Albright, Secretary, State Central Committee, Democratic Party; Delegate George Ariyoshi; Delegate Dorothy Devereux; Mr. Herman Doi, Director, Legislative Reference Bureau; Lt. Gov. Thomas P. Gill; Dr. Thomas H. Hamilton, member, Citizens Advisory Committee on Legislative Processes; Delegate Diana C. Hansen; Mr. KeNam Kim, Comptroller, State of Hawaii; Mr. Henry N. Kitamura, Researcher, Legislative Reference Bureau; Mr. Kim Tet Lee, Executive Secretary, Hawaii State Employees' Retirement System; Delegate Rhoda V. Lewis; Delegate George W. T. Loo; Mr. David C. McClung, Chairman, State Central Committee, Democratic Party; Dr. Norman Meller, professor, political science, University of Hawaii; Mr. Yukio Naito, Deputy Legislative Auditor; Dr. Harold Roberts, senior professor of business economics, and Director of Industrial Relations Center, University of Hawaii; Mr. Adam A. Smyser, Editor, *Honolulu Star-Bulletin*; Mrs. Judith Stalling, Researcher, Legislative Reference Bureau; Dr. Dan Tuttle, Executive Secretary, Hawaii Education Association.

Your Committee, having conducted public hearings and deliberated upon the subjects covered by the proposals, presents for your consideration recommendations affecting Article III of the Hawaii Constitution as follows:

Section 1 of Article III relating to legislative power was not amended. Included in this section is the vesting of the legislative power of the State in a legislature which shall consist of two houses, a senate and a house of representatives. Your Committee has, by passing upon this section without amendment, retained the bicameral form of legislature for the State of Hawaii.

The many arguments raised for a one- or two-house legislature have focused mainly on subjects of cost and efficiency in the operation of the legislature, effective responsiveness of legislator to constituents, checks to assure proper deliberative function of the legislature, relative need for the two-house legislature because of or in spite of the reapportionment decisions enunciating the equal population principle, and such collateral matters touching and concerning the aforesaid subjects. The Legislative Reference Bureau manual, *Hawaii Constitutional Convention Studies*, Article III, The Legislature, Volume 1, at pages 18 to 25, inclusive,

outlines, fairly and functionally, the unicameral v. bicameral arguments. Witnesses testifying before your Committee also discussed the same arguments without significant dimension added thereto. Thus, specific enumeration of all the arguments would be an exercise in manifold repetition of reasons pro and con generally already familiar to this Convention particularly in the light of the debate had on Resolution No. 34 entitled, "Relating to a Bicameral Legislature," on August 10, 1968. Rather, your Committee will refer to some of the arguments in the course of the discussion in this report.

The case for unicameralism for Hawaii, in theory and in vacuo, has a certain rational appeal, but only so meritorious. From the testimony presented by witnesses and upon deliberations had on this matter, your Committee is not convinced that unicameralism is a more effective legislative structure than bicameralism under conditions prevailing in Hawaii at this particular period of Hawaii's history.

Your Committee finds that much of the cost and efficiency depend upon factors other than the structural form of the legislature. Illustratively, under existing procedures there is a certain amount of redundant effort in the printing and consideration of bills and reports because of the necessity of passing upon the urgency of a bill by both houses before the merits thereof can be considered. Elimination of the urgency requirement would readily cure this handicap. Also, the same bills are introduced in successive sessions when passage is not achieved. Carry-over status of bills from one session to the next, which we do not have now, would avoid repeated introductions of and actions on the same bills and thus enhance efficiency and eliminate substantial costs. Neither meaningful comparisons nor empirical evidence on cost savings and efficiency have been demonstrated to your Committee as would compel it to abandon the existing bicameral system.

Similarly, responsiveness of legislators to constituents is not primarily dependent upon the legislative structure. The claim that bicameralism creates a setting for buck-passing and makes the legislator less visible and accountable to the voters ignores the matter of the quality of the legislator. Hawaii has had low paid legislators operating in part-time fashion. Adequate salary would not only attract a greater number of qualified candidates but also afford the legislator to spend more time in educating and informing his community and constituents of the legislative processes and the issues involved.

Inherent in a bicameral legislature is the decided advantage of a built-in check of one house by the other against hasty action; moreover, one house serves as a healthy competitive stimulus for the other toward better legislation and new ideas. Hawaii's experience has shown that this check and competitive element have existed and your Committee finds that the beneficial effects thereof have been more than illusory. Your Committee also notes from Hawaii's recent history as a Territory and a State, that the two-house system has checked powerful legislators from creating, designedly or otherwise, a monolithic legislature controlled by a single

dominant figure.

Recently the most telling argument against the bicameral legislature has been the reapportionment decisions of the United States Supreme Court in 1964 which held that both houses of the legislature must be apportioned on a population basis. The Hawaii senate (before the reapportionment decisions) had been based on geography; therefore, as the argument goes, it would follow from the reapportionment decisions that there is no need for that house whose existence was founded on geographic apportionment. The reasoning is patently sound, but ironically, the reapportionment decisions, as they affect Hawaii, made it even more judicious for Hawaii to continue the bicameral legislature. Pursuant to the reapportionment decisions, Hawaii has in good faith divested the less populated areas of their over-representation. The effect of the use of the population (registered voter) basis was to drastically reapportion and reduce the number of senators from the neighbor islands from fifteen to six and increase Oahu's representation from ten to nineteen. Your Committee feels that the six senators (with prospect of further decrease if the size of the senate is not enlarged) representing the constituencies of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Kauai and Niihau are now hard-pressed to effectively look after the needs of these seven islands while the nineteen other senators look after the needs of the one island of Oahu. In addition to this sudden shift in representative power, your Committee recognizes Hawaii's uniqueness in the highly centralized but necessary form of state government operating to meet the insular exigencies of political subdivisions situated as a chain of islands, the diverse racial, social and economic elements that must be contained within a given district, and the rapidly growing and highly mobile population in urban Oahu which can readily create instant imbalance in representation.

In this context, Hawaii needs, at this time, that legislative form of government as will permit it to explore as wide a variety of dimensions to achieve, apart from population equality, a representative system most effective for Hawaii. It is apt to note that the Supreme Court of the United States, in its prescience of our instant situation, stated:

"Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multi-member districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house."

Reynolds v. Sims, 377 U.S. at 576-577.

Admittedly, unicameralism can to some degree achieve

diversity in representation through differing districting schemes, but your Committee believes that bicameralism can establish a more complete scheme of representation for Hawaii within conditions peculiar to it and within the confines of the equal population principle.

Your Committee was neither unmindful of Nebraska's apparent success with unicameralism nor deterred from it because no other state has adopted it. It was felt that Nebraska's setting and problems were unlike Hawaii's, and that unicameralism or bicameralism is appropriate only as the context demands one or the other. Either system might be desirable at a particular period of a state's political development. The choice is a judgmental decision premised on the criterion of how best to achieve effective representation in a particular state at a particular time. It is by this standard, by the conditions now existing in Hawaii, and by the appraisal of unicameralism and bicameralism as aforesaid that your Committee has concluded to retain bicameralism.

Sections 2, 3 and 4 of Article III relate to the senate and the house, and their respective composition, districting and apportionment. These sections are under study by the Committee on Legislative Apportionment and Districting and therefore not within the purview of matters considered by your Committee on Legislative Powers and Functions.

Section 5 of Article III has been retained without amendment. This section first provides that the legislature shall be elected at general elections (which are held in even-numbered years), the date of which coincides with the date of national elections. Its retention is with reason. The coincidence with national elections produces larger voter turnout, thus insuring the widest popular support of candidates; moreover, it avoids the greater financial burdens of an off-year election campaign.

The present section also provides the tenure of office, being two-year terms for members of the house of representatives and four-year terms for members of the senate. Your Committee favors the present tenure against longer terms not only because it has apparently worked out well but also because your Committee finds that:

1. Frequent elections increase responsiveness on the part of office-holders to public needs;

2. The present system permits repeated opportunities for changes in public opinion to be given swift expression;

3. The alleged advantages of greater experience afforded by a longer term are more apparent than real and are determined more by the character of the individual legislator than by the length of his term;

4. Ineffective, inefficient or inept legislators could not be replaced for a longer length of time; and

5. While it may be somewhat of a hardship for house members to campaign as often because of rising costs, the difference in the length of terms is necessary to engender differing complexions and collective attitudes within the legislature.

Section 6 of Article III of the Constitution provides that any legislative vacancy shall be filled as may be prescribed by law, or, if there is no statutory provision, by gubernatorial appointment. Section 6 should be retained in its present form. It allows flexibility and does not encumber the Constitution with detailed provisions.

Section 7 of Article III of the Constitution, dealing with qualifications of legislators, should be retained in its present form. A minimum age requirement is necessary if the legislature is to be composed of persons who have been involved with community and social responsibilities and are qualified, by maturity and experience, to weigh carefully conflicting interests and arguments. Few people have been prevented from seeking office by this provision; socio-economic factors have been more important obstacles to the aspiring legislator than age.

The residency requirements, too, are important; all states include such provisions in their constitutions. The role of the legislator is to represent the views of his constituents, and he must be familiar with them and their needs, which familiarity residency, in some measure, assures.

Section 8 of Article III relating to privileges of members and Section 9 of Article III relating to disqualifications of members were retained without amendment. While no proposal was introduced affecting these sections, your Committee reviewed these sections and finds them without need of amendment.

Section 10 of Article III relating to salary and allowances has been amended to read as follows:

"Section 10. The members of the legislature shall receive [such salary and] allowances reasonably related to expenses and a salary, as [may be] prescribed by law [,] . [but any increase or decrease in the amount thereof] Any change in salary shall not apply to the legislature which enacted the same. [No salary shall be payable when the senate alone is convened in special session, or when the legislature convenes in special session pursuant to Section 17 of this article.]

"There shall be a commission on legislative salary, the members of which shall be appointed by the governor on or before June 1, 1971 and every four years thereafter. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve."

The principal amendment to this section is to provide for the establishment of a commission on legislative

salary, the members of which shall be appointed by the governor. Members of the commission shall be appointed on or before June 1, 1971 and every four years thereafter and shall hold office until the commission transmits its recommendation on the salary of the members of the legislature to the legislature. The commission shall review the salary of the members of the legislature, complete its work within sixty days after its appointment and submit to the legislature a recommendation for a salary plan for members of the legislature. It is still left to the legislature to prescribe its own salary by the enactment of a law. Heretofore, the legislators have been reluctant to provide pay increases for themselves (however deserving they may have been) for fear of public clamor of self-interest which could affect the political future of the legislators at the following election. Legislators have testified as to the truth of this concern, and legislative inaction on legislative salary increase confirms it. Continuing depression on legislative salaries by this artificial-yet-real deterrent would not only be unfair but would keep many qualified candidates from entering public service. Legislators, like other public servants, are no less deserving of periodic review and adjustments in their salaries. The commission, by its recommendation, will remove any onus of self-interest on the part of the legislature.

An amendment has also been made to this section to relate the allowances to reasonable expenses. While your Committee has no reason to believe that there is any abuse under the present provision, the amendment would clearly restrict allowances from taking any forms of subsidy. With the term "allowances" restricted to relate to reasonable expenses, it was believed that the legislature should have the flexibility to, and could fairly, effect changes in allowances to apply immediately to reflect current needs in expenses. Accordingly, an amendment was made to allow any change in allowances to apply to the legislature which enacted the same. Under the existing provision any increase or decrease in the salary and allowances shall not apply to the legislature which enacted the same. In readopting the said existing provision as it applies to salary only, it is your Committee's intent that the term "legislature" shall mean the state legislature which exists from the date of one general election to the date of the next general election.

Your Committee has also increased the salary of the legislators in terms of annual compensation instead of salary in terms of general and budget sessions. (This is hereinafter discussed in connection with the amendment of Section 17 of Article XVI.) Accordingly, there is no need for the last sentence which provides that no salary is payable at certain special sessions.

Section 11 of Article III relating to sessions has been amended by deleting the section in its entirety and amending it to read as follows:

“[Sessions

“Section 11. Regular sessions of the legislature shall be held annually. The governor may convene

the legislature, or the senate alone, in special session. All sessions shall be held at the capital of the State. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd-numbered years shall be known as 'general sessions' and regular sessions in even-numbered years shall be known as 'budget sessions.'

“Budget Sessions

“At budget sessions the legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed constitutional amendments and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 17 of this article. The legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

“Sessions; Commencement; Duration

“Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.]

“Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January and shall be convened at other times in special session, at the written request of a two-thirds majority of the members in each house, by the presiding officers of both houses. The governor may convene both houses or the senate alone 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 shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the members in each house or by the governor. Any session shall be recessed by the presiding officers of both houses at the written request of a majority of the members in each house. Sundays, Saturdays, holidays and any days in recess shall be excluded

in computing the number of days of any session. All sessions shall be held at 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."

The amendment proposes annual general sessions, thus eliminating alternating budget sessions. The present scheme of alternating a 60-day general session with a 30-day budget session was meant to serve several purposes. Generally speaking, restricting alternate sessions to budgetary and fiscal matters evolved out of the problems encountered in the regular biennial session arrangement where appropriation bills often necessitated the call for a special session or were the key log in the end-of-session "logjam." It provided a satisfactory solution to the growing realization on the part of those directly involved in the legislative process that the fiscal operations of government and effective financial planning required annual attention, whereas general legislation could be adequately dealt with on a biennial basis. Such circumstances then, contributed to the establishment of alternating budget sessions.

Your Committee is of the opinion that the State of Hawaii has arrived at that point in its social, economic, and political development, where the need for annual general sessions now exists. The action of other states indicates a trend toward eliminating alternating budget sessions. Since 1964, three states (Maryland, California and Kansas) have dropped restrictions limiting alternating sessions to fiscal matters, bringing the total number of states with annual general legislative sessions to fourteen. Your Committee feels that although the line between fiscal and nonfiscal matters may have been easily discernible in the past, such a distinction is extremely difficult to make today. In fact, much time is wasted during a budget session in debating what is fiscal and what is not, or when a measure is "urgent," i.e., necessary to the public interest, and when it is not. Moreover the spirit of the Constitution requiring a measure to be urgent for budget session consideration has been honored more in the breach than in the observance simply by marshalling sufficient votes to label any measure "urgent." Further, your Committee feels that the growth of the State is reflected in the growing volume of general problems presented to the legislature, and these deserve legislative attention annually rather than biennially.

In addition to maximizing legislative sensitivity to the needs of the community and keeping the legislature in pace with social change, your Committee also accepts and supports the view that the legislature should play a positive and definitive role in state government. Such a role requires that the policy-review, planning and revision process of the legislature be on-going rather than interrupted in alternate years by a budget session. The conclusions achieved through oversight of the administrative process can then be more rapidly incorporated in revised legislation.

In order to strengthen and maximize legislative flexibility and to permit wider legislative accommodation of the changing demands of our growing State, your

Committee recommends that the present alternating 30-day budget session be eliminated and annual 60-day general sessions be incorporated.

Your Committee also recognizes the need for strengthening the legislative branch *vis-a-vis* the executive branch. To this end your Committee recommends that the legislature be granted the power to extend any session for fifteen days by a two-thirds vote of each house of the legislature and, commensurately, that the governor's power to extend for thirty days be adjusted to fifteen days, it being the intent of your Committee that the aggregate number of days that a session may be extended by the governor and/or the legislature is fifteen days. Thus the governor cannot, for example, extend a session an additional fifteen days after the legislature had extended it for fifteen days. The legislature is also granted the power to convene itself into special session by a two-thirds vote of each house of the legislature. Presently only the governor has the power to extend any legislative session, and the legislature may convene itself only at or before noon on the forty-fifth day in special session without call, for the sole purpose of acting on any bill returned by the governor.

In accordance with all of the above-stated legislative objectives, it is further recommended that the legislature may, by a majority vote of each house, recess at will without the days of recess being computed into the number of days of any session; that Saturdays, as well as Sundays and holidays, be excluded in computing the number of days of any session to allow legislators more time to do their homework and reflect upon their activities; and that the legislature convene on the third Wednesday of January rather than the third Wednesday in February to allow the session, expanded by the adjustments proposed, to end in sufficient time before the commencement of the next fiscal year.

Sections 12, 13, 14 and 15 relating to adjournment, organization, quorum, and title and subject of laws passed by bill, respectively, have been retained without amendment. No proposal sought to amend these sections. Your Committee, after review, is satisfied that these sections need no amendment.

Section 16 of Article III has been amended to read as follows:

"Section 16. No bill shall become law unless it shall pass three readings in each house [,] on separate days. No bill shall pass final reading in each house unless in the form to be passed it shall have been printed and made available to the members of that house for at least twenty-four 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 and, at the latter session, shall pass at least one reading in the house in which the bill originated."

Your Committee has included the twenty-four hour rule as a requirement for the passage of bills. The purpose of this rule is to assure members of the legislature an opportunity to take informed action on the final contents of proposed legislation. This is accomplished by requiring the printing and availability of each bill in the "form to be passed" to the members of a house and a twenty-four hour delay between such printing and availability before final reading in each house. "Form to be passed" means the form in which a bill is passed on third reading in each house, concurrence of one house to amendments made by the other, and the form in which a bill is passed by both houses after conference on a bill. The twenty-four hour rule not only aids the legislator but also gives the public additional time and opportunity to inform itself of bills facing imminent passage.

In the course of hearings held on this matter, a respectable case was made in opposition to establishing the twenty-four hour rule in the Constitution. The possibility of litigation which might result in striking down sound and necessary legislation on merely technical grounds is certainly increased. The costs in terms of the rigidity and delay in handling legislative business, particularly in light of the fact that a majority of the bills which pass in most states, pass without recorded opposition, may outweigh the benefits derived under this rule. The twenty-four hour delay can, on the one hand, retard legislative progress by encouraging amendments or, during rush periods, stifle necessary changes in order to meet deadlines. The rule suffers from the same enforcement deficiencies as other procedural safeguards. Since the courts usually will not look beyond the legislative journal for procedural violations, the practical effect is that the rule can be suspended simply by failing to record procedural shortcomings. Hence, the rule will have effect only when supported by a strong legislative conviction of its wisdom and necessity. Finally, whether the rule will significantly promote informed action by the general citizenry or merely increase the influence of already strong and skillful lobbies is open to question.

The arguments raised in favor of the twenty-four hour rule were made with equal force. The complexity of modern legislation, particularly with the development of omnibus bills in such broad fields as the budget, tax reform, administrative organization, workmen's compensation and others, frequently causes amendments to such bills to be highly technical in nature yet far-reaching in effect. Without the specific language before him, these circumstances may compel the legislator to vote on numerous bills whose purposes seem unclear and whose details seem beyond comprehension. Under the twenty-four hour rule the legislator is provided with the basic information he requires, and if the subject matter proves too technical to be understood just by reading, time is available for consulting colleagues, the bill's sponsors or legislative staff services. The importance of interest groups and

their representatives to the legislative process as sources of information and barometers of public support for proposed legislation is unquestioned. By giving notice that a measure is coming up for final reading and by providing an opportunity to study the measure in its final form, the twenty-four hour rule enhances the functions served by these groups. Moreover, the delay better enables those concerned to marshal their forces in favor or against the matter under consideration.

In deliberating on the merits and demerits of the twenty-four hour rule, your Committee was guided by the belief that any change in procedure must be evaluated in terms of its contribution to the two principal legislative functions of representing people, groups and communities and of rendering decisions which can be accepted as carefully weighed and fairly made. It is our considered judgment that the substantial contribution which can be made by this rule through increasing awareness and understanding of proposed legislation decisively overrides the possible problems latent in its adoption.

The carry-over of bills permits those measures introduced in regular sessions held in odd-numbered years, but neither rejected nor adopted at such session to have life through the following regular session until finally acted upon. This provision is directed at improving the efficiency of the legislative process. Under present procedures, a large proportion of the bills introduced which fail to become law are reintroduced at the following session. The legislative machinery is considerably slowed down by the necessity of disposing of the same bills over and over again. Bills with a two-year life span would result in savings of time and the costs of reprinting reintroduced measures. A New Jersey study reports savings of about \$60,000 in reprinting costs for that state. Moreover, the carry-over of bills blunts the restrictive effects of limited sessions by preserving legislative progress which did not reach the bill-passing stage in the prior session. The major weakness of the bill carry-over procedure is its vulnerability to abuse when measures are carried over to the following session on third reading. In this instance, bills might be abruptly passed before the members of a house had time to review the contents of the bill and determine the course of action to be taken upon it. However, your Committee is of the opinion that adequate safeguard has been made against this possibility by the proviso which requires that a carry-over bill shall receive at least one reading in the house in which the bill originated. Two situations readily come to mind with respect to this requirement. First, a bill originating in the senate passes the senate and passes two readings in the house before adjournment of the session in an odd-numbered year. With the carry-over status, the bill, at the next session, passes third reading in the house which must return it to the senate for the one reading pursuant to the requirement. In the second situation, a bill originating in the senate passes two readings in the senate before adjournment in an odd-numbered year. At the next session, the bill carried over receives the third reading and is transmitted to the house which then proceeds to pass the bill on three readings. The house is not required thereafter to return it to the senate for

another reading because the senate had already met the one reading requirement by its passage of the bill on third reading in the second session. To keep the above illustrations simple, it was assumed in both situations that the bill went through each house without amendment.

Sections 17 and 18 relating to approval, veto and procedures upon veto, Section 19 relating to punishment of non-members and Section 20 relating to impeachment were considered and having received no testimony thereon, your Committee does not recommend any amendments.

Section 17 of Article XVI relates to the salary of the members of the legislature. Your Committee considered this matter in connection with Section 10 of Article III hereinbefore mentioned. Section 17 was amended to read as follows:

“Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of members of the legislature shall be [as follows: the sum of two thousand five hundred dollars for each general session, the sum of one thousand five hundred dollars for each budget session and the sum of seven hundred and fifty dollars for each special session.] twelve thousand dollars per annum.”

An annual salary of \$12,000 is not only reasonable but readily justifiable. No witness denied that the existing salary for a general session of \$2,500 is too low and that a salary increase is in order. The existing salary was established for conditions prevailing in 1950—eighteen years ago. Not only were salary scales and cost of living lower then, but also the problems of the State were less complex and demanding of a legislator's ability and time. The qualified candidate, which the public deserves, must be attracted to serve as legislator. The Citizens Committee to Advise the Senate on Legislative Processes recommended an annual salary of \$12,000 for a year-round legislator which your Committee has supported. The Citizens Committee's recommendation was made in contemplation of a ninety *calendar* day general session beginning in mid-February and ending in mid-May. Your Committee proposed a sixty *working* day session, legislature's power to extend for an additional fifteen working days, and the excluding of Saturdays from computation of the working days. All this would be substantial equivalence of or longer than ninety *calendar* days. Indeed, the existing sixty *working* day general session alone lasts from mid-February to end of April. It is also common knowledge that extensive pre-session work is done at every legislative session. Although the legislator is not restricted from another job, your Committee assumes that the legislator is available for service whenever required throughout the year. Your Committee firmly believes that this increased salary will attract and produce the kind of legislator who will spend more time in educating and informing his community and constituents of the legislative processes and issues.

It is assumed by your Committee that the proposed

actual annual compensation of \$12,000 would make unnecessary the use of a “deemed” salary for the purpose of determining the legislator's average final compensation under section 6-38 of the Revised Laws of Hawaii 1955. It is your Committee's intent that the annual compensation of a legislator not be deemed to be multiples of \$12,000 in computing his retirement, and it is expected that the legislature shall effect the necessary amendments to the retirement statute consistent with the intent herein expressed.

Your Committee recommends (1) that the above-numbered proposals referred to your Committee be filed; (2) that Sections 1, 5, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, 19 and 20 of Article III be retained without amendment; and (3) that Committee Proposal No. 7 pass first reading in the form attached hereto.

Signed by all members of the Committee. Delegates Fasi and Larson did not concur in part.

COMMITTEE PROPOSAL NO. 7

RELATING TO THE LEGISLATURE.

Resolved, That the following be agreed upon as amending Sections 10, 11 and 16 of Article III of the State Constitution:

Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature which enacted the same.

There shall be a commission on legislative salary, the members of which shall be appointed by the governor on or before June 1, 1971 and every four years thereafter. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January and shall be convened at other times in special session, at the written request of a two-thirds majority of the members in each house, by the presiding officers of both houses. The governor may convene both houses or the senate alone 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 shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the members in each house or by the governor. Any session shall be recessed by the presiding officers of both houses at the written request of a majority of the members in each house. Sundays, Saturdays, holidays and any days in recess shall be excluded in computing the number of days of any session. All sessions shall be held at 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.

Section 16. No bill shall become law unless it shall

pass three readings in each house on separate days. No bill shall pass final reading in each house unless in the form to be passed it shall have been printed and made available to the members of that house for at least twenty-four 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 and, at the latter session, shall pass at least one reading in the house in which the bill originated.

Further Resolved, That the following be agreed upon as amending Section 17 of Article XVI of the State Constitution:

Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars per annum.

STANDING COMMITTEE REPORT NO. 47

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 46 and Comm. Prop. No. 7.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 48

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Minority Report on Comm. Prop. No. 3.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 49 (Majority)

Your Committee on Revision, Amendment and Other Provisions to which were referred proposals numbered 1, 157, 180, 186, 218, 243, 249, 251, 257, 262 and 305, providing for the deletion of the proviso which requires approval by a majority of votes cast in each of a majority of the counties as it relates to representation from any senatorial district; 299, an omnibus proposal providing for the deletion of the above-mentioned proviso; 249, adding a new section dealing with conflicts between legislative amendments and constitutional convention amendments when both are adopted by the voters at the same general election; 38 and 78, calling for technical amendments to Article XV in the event that unicameral legislature is adopted for this State; 103, calling for twenty-year periods instead of ten-year periods before a question be automatically submitted as to a proposed Constitutional Convention; 216, adding powers to take testimony, subpoena and punish, and provides for privileges of members of the Constitutional Convention; 322, disqualifies elected officials and judges from serving as delegates to Constitutional Conventions,

changes the ratification provision to require majority vote only and deletes the requirement that the majority be at least thirty-five percent of the registered voters; and 268, an omnibus proposal relating to the entire Constitution, which offers no amendments to Article XV of the Hawaii Constitution, begs leave to report as follows:

This report covers the Preamble and Article XV of the Constitution of the State of Hawaii. There is no proposal assigned to this Committee which seeks to amend the Preamble of the Constitution.

All committee meetings were open to the public, and many representatives of organizations and individual citizens who may be interested in the above-mentioned proposals were invited to present their views on the subjects covered by the proposals at the public hearings.

The following citizens presented their views: Judy Stalling, Legislative Reference Bureau; Dr. Harold S. Roberts, professor of business economics; and Delegate Duke Kawasaki.

Your Committee, having conducted public hearings upon the subjects covered by the proposals and having given them due consideration, recommends the following amendments to Article XV:

Amend the fourth paragraph in Section 2 of Article XV to read:

“Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as [required] provided for the Hawaii State Constitutional Convention of [1950] 1968.”

Amend the sixth paragraph in Section 2 of Article XV to read:

“The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least [thirty-five] thirty percent of the total number of registered voters. [;provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.]”

In this report, your committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions.

The amendments to paragraph four, Section 2, Article XV provide for the makeup of a future Constitutional Convention to be, as nearly as practicable, as provided for this Constitutional Convention. Your Committee agreed also that future delegates in future conventions should have the powers and privileges accorded by law to this convention. Your Committee realizes that however remote the possibilities are that the legislature will fail to provide for future conventions, that the makeup, powers and privileges of such future convention should be the same as the 1968 convention in the event the legislature should fail to act.

Your Committee proposes two amendments to the sixth paragraph, Section 2 of Article XV. The first amendment reduces the percentage of the total number of registered voters who must have voted in the majority at a special election to ratify proposed constitutional amendments from thirty-five percent to thirty percent. It was pointed out to your Committee that the number of people voting at a special election is always less than at a general election, and unless the recommended change be adopted the possibility of ever getting a constitutional amendment ratified at a special election would be slim. Some of your Committee members suggested deleting the method of determining a majority upon the basis of the total of votes tallied. However, it was agreed that at least a minimum number of the total electorate ought to ratify an amendment.

The second amendment to this paragraph is the deletion of the proviso at the end of the sixth paragraph in Section 2 of Article XV because of a recent judicial interpretation which declared it unconstitutional and invalid. An opinion of the attorney general of Hawaii elaborates upon the unconstitutionality of the proviso.

"The . . . proviso is unconstitutional in that it lodges power in the counties with a minority of the population to prevent the reapportionment of the senate. In effect, the majority of voters in two counties would be able to block any reapportionment of the senate, notwithstanding the fact that they may represent a minor percentage of the total votes cast. Insofar as the counties are not based on population, but rather on geographical divisions of the State, the frustration of the will of the majority of voters in the State by this means would be constitutionally objectionable. In view of the Supreme Court decisions attacking malapportionment of state senates, the present scheme for reapportionment of the senate must be declared violative of the Equal Protection Clause."

No proposal was submitted to amend the Preamble

to the Constitution. However, it was suggested that the words "aloha spirit" or "aloha" be added to the Preamble. These suggestions failed to be adopted by your Committee.

Accordingly, your Committee on Revision, Amendment and Other Provisions submits the attached committee proposal and recommends (1) that the proposals enumerated in the first paragraph of this report, and which were referred to your Committee, be placed on file; (2) that the Preamble and Sections 1, 3 and 4 of Article XV be retained without amendment; and (3) that Committee Proposal No. 8, attached hereto, pass first reading.

Signed by all members of the Committee. Delegates Dodge and Sutton did not concur in part.

COMMITTEE PROPOSAL NO. 8

RELATING TO REVISION AND AMENDMENT.

Resolved, That the following be agreed upon as amending Article XV of the State Constitution:

Amend the fourth paragraph in Section 2 of Article XV to read:

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the Hawaii State Constitutional Convention of 1968.

Amend the sixth paragraph in Section 2 of Article XV to read:

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty percent of the total number of registered voters.

STANDING COMMITTEE REPORT NO. 50

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 49 and Comm. Prop. No. 8.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 51

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Minority Report on Comm. Prop. No. 7.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 52

Your Committee on Taxation and Finance was referred Proposals 5, 28, 49, 77, 90, 95, 96, 97, 104, 109, 117, 119, 121, 128, 147, 170, 190, 209, 221, 237, 241, 265, 268, 299 and 302 recommending amendments to various sections of Article VI. No changes in Sections 2 and 7 of Article VI were recommended by any proposal. Proposal 38 recommended no change in Section 8 of Article VI and Proposal 78 recommended no change in Sections 3 and 8 of Article VI. Proposal 183 would prohibit lotteries, Proposal 303 would require the legislature to apportion a part of state revenues to the counties and Proposal 304 would prohibit state taxes on food or drugs. Resolution 28 relates to biennial budgeting.

Your Committee on Taxation and Finance begs leave to report as follows:

All committee meetings were open to the public and the press. Many private citizens, government officials, groups and organizations, as well as the public at large, were invited to present to the Committee in public hearings their views on the subjects covered by the proposals and resolution referred to this Committee as well as any other subjects related to Article VI.

The following persons presented their views either as private individuals or as representatives of their indicated organizations: Mr. Howard Adams, former State Finance Director; Mr. Fred Bennion, Executive Director of the Tax Foundation of Hawaii; Mr. Edward J. Burns, State Director of Taxation; Mr. Hinano Cook, Honolulu Finance Director; Senator John J. Hulten, president of the Hawaii senate; Mr. Andrew Ing, Director of the State Department of Budget and Finance; Dr. Robert Kamins, University of Hawaii Dean for Academic Development; Mr. KeNam Kim, State Comptroller; Mr. George Koga, Honolulu councilman and a representative of the Hawaii State Association of Counties; Dr. Shelley M. Mark, State Director of Planning and Economic Development; Dr. Norman Meller, University of Hawaii professor of political science; Mr. George Ruff, Hawaiian Sugar Planters' Association; Mr. Henry Sebastian, Chamber of Commerce of Hawaii; Mr. Sam Slom, Business League for Sound Government; Mr. Newton Sue, co-author of the Legislative Reference Bureau *Constitutional Convention Study* on Article VI; Mr. Clinton Tanimura, Hawaii Legislative Auditor; and Mr. Joseph Vostal, Kidder, Peabody and Company.

In addition, the Committee considered the attitudes of the investment community, the bond rating agencies and bond counsel towards constitutional provisions related to debt and debt limits of such importance that a number of institutions were requested to respond to such proposed provisions, and responses were received from: The Bank of America, First National City Bank, Morgan Guaranty Trust Company, Dun and Bradstreet, Inc., Moody's Investors Service, Inc., Standard & Poor's Corporation and the State's bond counsel, Wood, King, Dawson, Logan, Love and Sabatine.

The Committee, having conducted public hearings, received the various communications referred to above and deliberated upon the subjects covered by the referred proposals and resolution, presents for your consideration Article VI of the Hawaii State Constitution, amended as follows:

Section 1 relating to the inalienability of taxing power is not amended. The only question raised was the apparent conflict with Section 3 of Article VII which authorizes the legislature to delegate taxing power to political subdivisions. This question was resolved with the determination that Section 1 of Article VI concerns only relations between the state government and any entity outside of the state government; since political subdivisions are creatures of the State, a delegation of taxing power to them is not a surrender, suspension, or contraction away of the taxing power by the State. It was considered unnecessary and undesirable to attempt this clarification by rewording Section 1. Furthermore, Section 3 of Article VII as a special provision would take precedence over Section 1 of Article VI which is a general provision; this order of precedence conforms to generally accepted principles of constitutional interpretation. (See Exhibit 1, opinion from the attorney general's office to the committee chairman dated August 9, 1968.)

Section 2 relating to taxation of nonresident citizens is deleted. This section was included by the 1950 Constitutional Convention because it was required by the Statehood Bill (H.R. 49) which was pending in Congress at the time. This requirement was not a part of the Admissions Act and therefore the motive for inclusion of this section ceased. More importantly, perhaps, substantial equality of taxation is required by the equal protection clauses of the Federal and State Constitutions which render this section essentially redundant. (See Exhibit 2, opinion from the attorney general's office to the committee chairman dated August 5, 1968.)

At this point, the Committee undertook an appraisal of the remaining proposals concerning taxing powers: Proposal 241 granting residual taxing powers to the counties, Proposal 183 prohibiting lotteries and Proposal 303 prohibiting state taxes on food and drugs.

The Committee voted overwhelmingly to retain full taxing power to the legislature, subject, of course, to the right of the legislature to delegate any such power to the political subdivisions. Some of the reasons for this decision were: efficiency, integrated statewide tax policy, simplicity and uniformity of taxation. Concern was expressed about the effect of substantial disparities between the counties' tax bases on their relative abilities to raise tax revenues and also the possibility of proliferation of local taxes such as has occurred in some states which have granted broad taxing powers to political subdivisions.

Section 3 relating to debt limitations:

Your Committee recommends a major redrafting of Section 3 of Article VI. The committee

recommendations are designed to achieve the following objectives:

1. To retain limits on state and county indebtedness.
2. To set limits that are flexible and are related to the ability of each respective unit of government to repay the debt.
3. To set limits that are sufficiently liberal as to permit adequate financing of future capital improvements but that at the same time provide assurance to investors that their investments in Hawaiian municipal securities are safe.
4. To encourage the issuance of general obligation bonds rather than revenue bonds in order to make substantial savings in interest charges.
5. To ensure that the State has a margin of debt issuance to provide for unforeseen contingencies.
6. To discourage devious and expensive devices used in so many states to circumvent debt ceilings.
7. To encourage a broad review of debt in terms of the capital needs of the entire community in contrast to the desires of only a segment of the community.
8. To encourage an annual review of the debt structure of the State and counties.
9. To remedy technical flaws in the revenue bond provision.

In making its recommendations, the Committee wants it to be clearly understood that a constitutional debt ceiling is not a substitute for good debt policy and effective debt management. It is merely a statement of the upper legal limit under which appropriate borrowing policies may be formulated. The maintenance of a sound financial posture of the State and of the counties requires that policy-makers give due consideration to a proper balance of cash and bond financing in implementing the capital improvement program and that, in the future as in the past, an "administrative" debt ceiling safely below the constitutional debt ceiling be established.

Following is a description in nonlegal language of provisions proposed to achieve the above objectives, with comments on the Committee's decisions.

A. Provisions applicable to both state and county debt

1. That issued and outstanding general obligation debt for an undertaking supported by user revenues and/or user taxes shall be excluded from the debt limits to the extent that (after operating, maintenance and other related costs) net user revenues and/or user taxes make the

undertaking self-sustaining so that all debt service charges will be met. The determination of being "self-sustaining" will be by law based upon the financial record of the undertaking in the prior fiscal year. Debt reimbursable to the State by the counties falls into this category.

The purpose of this provision is to encourage the use of general obligation bonds instead of revenue bonds. A self-sustaining activity of the government (such as the Harbor Division) can issue revenue bonds (secured solely by the revenues of the division), but revenue bonds usually sell at about 1% higher interest rate than general obligation bonds—perhaps these days the difference being between 5½% interest and 4½% interest. A 1% interest rate differential on a twenty-year \$10 million bond would cost about \$1 million over the life of the bond. Since the State would in any case undoubtedly stand behind harbor revenue bonds rather than see them in default, the full faith and credit of the State might just as well be pledged in the first place—with sizable interest savings. This could be done today, except that charging these reimbursable general obligation bonds against the state debt limit encourages the legislature to protect its debt margin by issuing revenue bonds which do not count against the debt ceiling. This encouragement is indicated by the fact that there are today outstanding revenue bonds of some \$33 million and authorized but unissued revenue bonds of some \$111 million.

2. Revenue bonds shall not count against debt limits. They must be authorized in the same fashion as general obligation bonds. Revenue bonds are redefined to be issuable by the State and counties as well as by public corporations and can be securable by user taxes as well as user revenues or special assessments.

We still want to provide for the issuance of revenue bonds since under some circumstances they may be desirable. However, our present Constitution limits revenue bonds to public corporations and specifies that they must be secured solely by the revenues of the undertaking. This was the basis of the Supreme Court Ho case in 1960 which declared certain revenue bonds countable against the state debt limit because they were not issued by a public corporation and because some user tax revenues were pledged as security. We propose that the State and the counties (as well as public corporations) may issue revenue bonds and that user taxes as well as user revenues or special assessments can serve as security. We also provide that revenue bonds require the same legislative authorization as general obligation bonds—which is not provided by

the present Constitution.

3. The outstanding general obligation debt for new and unproved types of revenue-producing undertakings (such as a possible inter-island surface ferry, a hovercraft activity, a mass rapid transit system) will be counted against the respective debt ceilings until such time as the revenue-producing capabilities of the enterprise are established, which must be at least one full fiscal year of operations.

Although this descriptive provision is not necessary since it would be covered by point A-1, its purpose is to emphasize that under no circumstances would general obligation debt undertaken for a new and unproven undertaking be excludable from the debt limit. This prohibits the use of *forecasted* revenues to permit an exclusion of debt for such a new undertaking.

4. Provisions regarding terms, maturities, refunding and emergency exclusions remain essentially unchanged.

These provisions have proven desirable in the existing Constitution. The only change proposed is to permit somewhat more flexibility in annual retirement installments by authorizing annuity installments as well as substantially equal installments. Annuity installments have the advantage of yielding equal annual debt service charges as opposed to equal payments on just the principal.

B. Provisions applicable only to state debt

1. That the debt ceiling shall be $3\frac{1}{2}$ times the average state general fund revenues (minus federal funds and debt reimbursements) of the prior three fiscal years.

Our present state debt ceiling is 15% of net assessed values of real property—a proviso that is an affront to reason because the State obtains no revenues from real property taxes. Non-reimbursable state general obligation bonds are repaid out of the general funds of the State, so that the amount of general fund revenues is a logical measure of the size of nonreimbursable debt that can be prudently contracted. For this purpose we eliminate from the general fund all federal funds and debt reimbursement receipts, since these monies are not available to cover nonreimbursable debt service charges. The Committee was unanimous in rejecting any fixed dollar limit. The multiple of $3\frac{1}{2}$ times general fund revenues was agreed upon by the Committee after considerable debate. The multiple of $3\frac{1}{2}$ roughly represents the equivalent of raising our present debt ceiling based on real property values from 15% to around 25%. The three-year base period was selected in preference to a shorter base period in order to keep the ceiling from changing too rapidly,

particularly in the event of a recession.

2. That all debt must be authorized by a two-thirds vote of both houses of the legislature.

The present provision that a two-thirds vote is required to authorize debt provides some assurance to the municipal bond buyer, helps to ensure that debt will be authorized only for sound projects, and has worked well in the years that it has been a requirement. We see no reason to change this provision.

3. That authorized and unissued general obligation debt for established undertakings shall be counted against the debt ceiling unless, by legislative determination, the undertaking for which such debt is authorized was fully self-sustaining in the prior year as defined in A-1. In the event such an undertaking was not fully self-sustaining in the prior fiscal year, authorized but unissued general obligation debt for that undertaking will not be counted against the debt ceiling *only* if user fees and charges and/or user tax rates are increased to the extent that all outstanding and authorized but unissued debt of such undertaking will, as determined by legislative action, be fully self-sustaining. Authorized and unissued debt for new and unproven types of revenue-producing undertakings shall not be excludable until the issued and outstanding debt of such an undertaking shall qualify for exclusion under A-3 above, after which such undertaking shall be deemed established.

If an undertaking cannot support the debt service charges on its issued and outstanding debt, it would not be appropriate to exclude authorized and unissued debt for the same undertaking unless positive action is taken to increase available revenues. If the associated user tariffs or user tax rates are increased enough to support all of the issued and outstanding as well as authorized and unissued debt associated with the undertaking, then the debt can be excluded. It is obvious that in the special case of new and unproven revenue-producing undertakings, authorized and unissued debt should not be excluded unless and until its revenue-producing capacity is proved.

C. Provisions applicable only to county debt

1. A sum equal to 15% of the total of the assessed values for tax rate purposes of real property in any 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 at any time outstanding and unpaid.

Since the counties obtain the bulk of their revenue from real property taxes, it is logical to retain real property net assessed values as

the base for calculating the county debt ceilings. The only changes proposed in this provision are to raise the ceiling from 10% to 15% in order to give the neighbor island counties a larger dollar margin which was judged necessary because of the low level of property values there, and to eliminate the restrictive 2% limit on the amount of debt that can be issued in any one year.

2. That all debt must be authorized by the governing body of the county and by the legislature.

This recommendation does not change the provision in the present Constitution. It might be noted that one reason why the Committee felt that it could safely raise the county debt limit to 15% is the control that the legislature would retain over county debt policy.

3. Reimbursable state general obligation bonds issued for the counties (which must be authorized by the county governing body) count against the county debt limit.

The State has in the past, and may again in the future, issue general obligation bonds for the counties—the reason being to obtain a lower interest rate than could be commanded by the counties if they issued their own debt. We are providing (in A-1 above) that such debt not be counted against the state debt limit, so it is proper that we should provide that such debt will be counted against the county debt limit.

Section 4 relating to the budget is amended to read as follows:

“Section 4. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed [general fund] expenditures and anticipated receipts of the State for the ensuing fiscal [period] biennium, together with such other information as the legislature may require. [The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period.] The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of [the] each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each [regular] such session.”

In this report, your Committee proposal has been

prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring.

The major function of this revision is to provide for comprehensive biennial budgeting. In addition, to permit responsiveness to changing budget concepts, such as the Planning-Programming-Budgeting System, the requirement that the budget be in two parts has been deleted; the form of the budget shall be prescribed by law.

The objectives of requiring biennial budgeting are:

1. To improve planning by enforcing a longer range view of government programs;

2. To alleviate the administrative burden of almost perpetual involvement in the existing annual budgeting process;

3. To permit more intensive analysis of selected areas or programs by the legislature in alternate years.

Section 5 relating to appropriations is amended to read as follows:

“Section 5. 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 sessions, 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 [period] biennium, to be known as the general appropriations bill, shall have been transmitted to the governor.

“At such time in any even-numbered year as may be prescribed 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, provided that such bill shall be accompanied by recommendations to provide for any added revenues or borrowings which 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 of the current fiscal biennium. 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.”

Although biennial budgeting is required by Section 4,

it was recognized that the forecasts required for a two-year budget would be presumably less reliable than the shorter ones currently required, so provision is made for either the governor or the legislature to initiate increases or decreases in any appropriations in even-year sessions.

The intent of this section is to require biennial appropriations and to assign the same priority for passage of the supplemental appropriations bill in an even-numbered year as is assigned the general appropriations bill in an odd-numbered year. Nothing in this section precludes the legislature from combining operating and capital expenditures in such bills or from treating capital expenditures in separate bills.

Section 6 relating to appropriations for private purposes is not amended. The advisability of specifying particular purposes as public purposes was discussed and rejected. In the particular case of industrial development bonds, it was felt that such a use of public credit would be desirable when it constitutes a public purpose and as such is already provided for with the existing wording.

Section 7 relating to expenditure controls is not amended.

Section 8 relating to the auditor: it is recommended that Section 8, concerning the auditor, be retained in its present form.

Your Committee has heard and considered suggestions that clarifying language be included to define the post-audit function more clearly. It has determined that the current provisions are sufficient to encompass the on-going audit activities of the auditor, including financial, program and performance audits, and that it is not necessary to enumerate the specific sub-categories of audit which the auditor is empowered to conduct.

Several members of your Committee have expressed concern over the various methods by which the legislature directs the auditor to conduct additional reports and investigations. It has been noted that direction has been furnished in committee reports, legislative acts, resolutions of the senate and the house, and by the president of the senate and speaker of the house. Your Committee recommends that the legislature examine this aspect with a view towards formalizing its procedures in calling for additional reports and investigations.

To accommodate the deletion of Section 2, succeeding sections of Article VI will have to be renumbered by the Style Committee.

Therefore, your Committee recommends: (1) that the proposals and resolution referred to it be filed; (2) that Sections 1, 6, 7 and 8 of Article VI be retained without amendment; and (3) that Committee Proposal No. 9 pass first reading in the form attached hereto.

Signed by all members of the Committee.

EXHIBIT I

August 9, 1968

Mr. Thomas K. Hitch, Chairman
Committee on Taxation and Finance
Constitutional Convention of Hawaii of 1968

Dear Sir:

This is in response to two questions posed by you concerning Article VI, Section 1 of the Hawaii Constitution which provides:

“The power of taxation shall never be surrendered, suspended or contracted away.”

You ask:¹ (1) whether the current delegation of power to the counties to set the real property tax rate is valid in view of the wording of this provision, and (2) whether proposals before the convention which would give independent taxing authority to the counties, require modification of this provision.

We answer the first question affirmatively and the second in the negative.

With respect to your first question, by enactment of Section 129-2, R.L.H. 1955, as amended, the state legislature has delegated to the board of supervisors and city council of each county the power to set the real property tax rate for the respective counties.

Article VII, Section 3 provides as follows:

“The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.” (Emphasis added.)

It expressly authorizes the legislature to delegate the State's taxing power to the political subdivisions. Accordingly, the delegation of such power by Section 129-2 is not in contravention of Article VI, Section 1.

As to your second question, we conclude that Article VI, Section 1 need not be modified. Any grant of separate and independent taxing power to the counties must be clearly and specifically conferred on the counties by provisions of the State Constitution. It is well established that political subdivisions of a state have no inherent power of taxation.² Whatever taxing powers such bodies possess are conferred by a delegation of such power by the legislature of the state³

¹ We have taken the liberty of rephrasing and transposing the order of the questions submitted by you.

² *Estes v. Gadsden*, 94 So.2d 744 (Ala. 1957); *Los Angeles v. Belridge Oil Co.*, 271 P.2d 5 (Calif. 1954); *Chamberlain v. Bridgeport*, 91 A. 380, 383 (Conn. 1914); *New Britain v. Mariners' Savings Bank*, 35 Atl. 505 (Conn. 1896).

³ *Henderson Bridge Co. v. Henderson*, 173 U.S. 592 (1879).

or by virtue of constitutional provisions conferring such power directly on political subdivisions of a state.⁴

We are of the view that a constitutional provision granting independent taxing authority to the counties may be included in the State Constitution without modifying Article VI, Section 1. There would not be any inconsistency or conflict between the provisions since the special provision granting the taxing power to the counties would govern the general provision as set forth in Article VI, Section 1.⁵

Furthermore, there are other states with the same constitutional provision as found in Article VI, Section 1 which set forth separate and additional provisions granting cities, towns, and villages the power to assess and levy taxes.⁶

We trust the foregoing is satisfactory of your request.

Very truly yours,

(s)Melvin K. Soong

MELVIN K. SOONG
Deputy Attorney General

EXHIBIT 2

August 5, 1968

Dr. Thomas K. Hitch, Chairman
Committee on Taxation and Finance
Constitutional Convention of Hawaii of 1968
Honolulu, Hawaii

Dear Dr. Hitch:

This is in reply to your letter of July 29, 1968 requesting an opinion of this office on whether Section 2, Article VI, of the Constitution of the State of Hawaii is redundant in that the protection provided by that section is already guaranteed by Section 1 of Article XIV of the Constitution of the United States and by Section 4 of Article I of the Constitution of the State of Hawaii, both of which ensure equal protection of the laws.

The equal protection clauses of the federal and State Constitutions require substantial equality of taxation. It is the opinion of this office that, to that extent,

Section 2 of Article VI is redundant. However, Section 2 of Article VI may require strict equality of taxation, and, if that exacting standard is desired, then Section 2 of Article VI would not be redundant.

Section 2 of Article VI of the Constitution of the State of Hawaii reads as follows:

“Section 2. The land and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.”

Although the language of this provision is quite broad, it would seem reasonable to imply certain limitations.* For example, the requirement of a uniform rate of taxation for residents and nonresidents would seem to presuppose that the property be of the same class.

Section 2 of Article VI precludes the State, in the exercise of its power to tax, from discriminating against nonresidents. The equal protection clauses of the federal and State Constitutions also proscribe, to a certain extent, the use of a classification based on residency under the taxation power of the State. Numerous decisions of the Supreme Court of the United States have held that a tax on property of the same class unreasonably discriminating against nonresidents is a denial of equal protection of the laws.

Southern Ry. Co. v. Greene, 216 U.S. 400, 54 L.Ed. 536, 30 S.Ct. 287 (1910);

Louisville & Nashville R.R.Co. v. Gaston, 216 U.S. 418, 54 L.Ed. 542, 30 S.Ct. 291 (1910);

Air-Way Corp. v. Day, 266 U.S. 71, 69 L.Ed. 169, 45 S.Ct. 12 (1924);

Hanover Ins. Co. v. Harding, 272 U.S. 494, 71 L.Ed. 372, 47 S.Ct. 713 (1926);

Wheeling Steel Corp. v. Glander, 337 U.S. 562, 93 L.Ed. 1551, 69 S.Ct. 1296 (1949).

However, the equal protection clause requires only substantial equality:

“The equal protection clause does not require a State to maintain a rigid rule of equal taxation, to resort to close distinctions, or to maintain a precise scientific uniformity; and possible differences in tax burdens not shown to be substantial or which are based on discriminations not shown to be arbitrary or capricious, do not fall within constitutional prohibitions.” *Lawrence v. State Tax Commission of State of Mississippi*, 1932, 286 U.S. 276, 284, 285, 76 L.Ed. 1102, 52 S.Ct. 556. See also: *Welch v. Henry*, 1938, 305 U.S. 134, 83 L.Ed. 87, 59 S.Ct. 121; *Ohio Oil*

*This section has not been interpreted by the Supreme Court of Hawaii.

⁴ *Ardmore v. Excise Board of Carter County*, 8 P.2d 2 (Okla. 1932); *McQuillan Municipal Corporations* 3d ed. (1963) v. 16 § 44.08.

⁵ *State by Kashiwa v. Coney*, 45 Haw. 650 (1962) rehearing denied 46 Haw. 50.

⁶ Arizona Const., Art. 9, § 6; Michigan Const., Art. 7, § 21.

Co. v. Conway, 1929, 281 U.S. 146, 74 L.Ed. 775, 50 S.Ct. 310, and cases cited.

Therefore, the equal protection clause would not invalidate the imposition of a tax at a higher (but not substantially higher) rate for a nonresident than a resident on property of the same class. However, Section 2 of Article VI may be more far-reaching due to the specificity of its proscription. Consequently, it may bar even insubstantial rate differentials based on residency.

In conclusion, Section 2 of Article VI of the State Constitution is redundant to an extent in that substantial equality of taxation is already provided by the equal protection clauses of the federal and State Constitutions. However, it is likely that Section 2 of Article VI establishes a more stringent standard of equality.

In reply to your question regarding the necessity of changing Section 6 of Article VI should a proposal authorizing the issuance of industrial development bonds be adopted, we are of the opinion that no change in Section 6 of Article VI would be necessary. Whatever conflict there might appear to be between that authorization and the "public purpose" requirement of Section 6, Article VI should be resolved by the well-settled rule of constitutional interpretation:

"When general and special provisions of a constitution are in conflict, the special provisions should be given effect to the extent of their scope, leaving the general provisions to control in instances where the special provisions do not apply." 16 C.J.S. *Constitutional Law* § 25.

Very truly yours,

APPROVED:

(s)Morton King

(s)Bert T. Kobayashi
BERT T. KOBAYASHI
Attorney General

MORTON KING
Deputy Attorney General

COMMITTEE PROPOSAL NO. 9

RELATING TO TAXATION AND FINANCE.

Resolved, That Section 2 of Article VI be deleted, and that the following be agreed upon as amending Section 3, Section 4 and Section 5 of Article VI of the State Constitution:

Section ____ . All bonds issued by or on behalf of the State must be authorized by a two-thirds vote of all the members to which each house of the legislature is entitled. Bonds of a political subdivision must be authorized by a majority vote of all the members to which each house of the legislature is entitled and a majority vote of the total authorized membership of its governing body. For the purposes of this section, the term "bonds" shall include bonds, notes, and other instruments of indebtedness.

No bonds of the State shall be authorized if the total of the amount of principal of such bonds of the State then outstanding and of bonds of the State theretofore authorized but unissued shall exceed three and one-half (3½) times the average of the annual revenues raised under the provisions of state legislation and covered into the general fund of the State in the three fiscal years next preceding the commencement of the session of the legislature at which such bonds are authorized, excluding from such revenues amounts paid into the general fund in reimbursement of the payment of principal of and interest on bonds of the State to the extent such bonds are excluded by other provisions of this section when determining the power of the State to authorize funded debt. The determination required by this paragraph shall be made as of the date of effectiveness of the act authorizing such bonds and the validity of any such bonds and the authorization thereof shall not thereafter become invalid or be affected by reason of any change in the revenues of the State covered into the general fund or by reason of the operation of the remaining provisions of this section.

Bonds 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, which shall be payable within one year, and bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by the State under legislative authorization without regard to any debt limit, even though the full faith and credit of the State may be pledged to the payment thereof.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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 at any time outstanding and unpaid.

Bonds 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, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided, even though the full faith and credit of the political subdivision may be pledged to the payment thereof.

All bonds for the payment of the principal and interest of which the full faith and credit of the State or political subdivision are pledged which are for a term exceeding one year shall be in serial form maturing in annual installments, the first installment to mature not later than five years from the date of the issue of such series and the last installment not later than thirty-five years from the date of such issue, and such installments shall be substantially equal in amount, except that the legislature may provide that in the case of such bonds for the payment of the principal of and interest on which the general fund shall by law be reimbursed from a special fund, such installments may be arranged so that the total of principal and interest maturing in any

year shall be substantially equal. Interest and principal payments on bonds for the payment of which the full faith and credit of the State or political subdivision are pledged shall be a first charge on the general revenues of the State or political subdivision.

In determining the power of the State or political subdivision to incur funded debt, there shall be excluded, and the limitations of this section on the power of the State or political subdivision to authorize or issue, as the case may be, funded debt, shall not be applicable to, the following:

(a) Bonds which have matured, or which mature in the then current fiscal year, or which have been irrevocably called for redemption and the redemption date has occurred or will occur in the then current fiscal year, for the payment of which monies the full amount required therefor have been irrevocably set aside;

(b) Bonds payable solely from assessments on properties and secured solely by such properties;

(c) Revenue bonds issued or to be issued for an undertaking from which a revenue may be derived and which are payable solely from and secured solely by such revenues;

(d) Revenue and user-tax bonds issued or to be issued for an undertaking from which a revenue may be derived and which are payable solely from and secured solely by such revenues and a user-tax;

(e) User-tax bonds issued or to be issued for a public improvement or system and which are payable solely from and secured solely by a user-tax;

(f) Reimbursable general obligation bonds for the payment of which the full faith and credit of the issuer are pledged, issued or to be issued for improvements assessable in whole or in part against properties benefited for the payment of all or part of the principal and interest of which reimbursement to the general fund is required by law to be made from such assessment collections, proportionately to the extent that reimbursement to the general fund is in fact made from the collection of special assessments available for such reimbursement;

(g) Reimbursable general obligation bonds for the payment of which the full faith and credit of the issuer are pledged, issued or to be issued for an undertaking from which a revenue may be derived or for an undertaking from which a revenue may be derived and from which a user-tax may be derived or for a public improvement or system with respect to which a user-tax may be derived, for the payment of all or part of the principal and interest of which reimbursement to the general fund is required by law to be made from such revenues or tax receipts proportionately to the extent that reimbursement to the general fund is in fact made from the net revenue and/or net user-tax receipts. For the purposes of this paragraph, such net revenue or net user-tax receipts shall be the revenue or receipts

remaining after there have been paid from such revenues or tax receipts the cost of operation, maintenance and repair of such undertaking or improvement or system and the principal of and interest on all revenue bonds, revenue and user-tax bonds, or user-tax bonds, payable from such revenues and tax receipts. No such reimbursable general obligation bonds authorized to be issued but unissued shall be excluded by reason of clause (g) until one year or such longer period as the legislature may determine after the issuance of such bonds, unless in the fiscal year next preceding the authorization thereof the undertaking or improvement or system produced a net revenue or there were derived net user-taxes with respect to, and the amount of such net revenue and/or user-taxes was sufficient to pay into the general fund the full amount of principal of and interest on all reimbursable general obligation bonds issued therefor then outstanding or the rates and charges for the use and services of the undertaking or the rate of such user-tax shall have been increased in an amount which in the opinion of the legislature or the governing body will produce net revenue or net user-taxes sufficient for the reimbursement to the general fund of all reimbursable general obligation bonds then outstanding and the bonds proposed to be issued. No revenue bonds, no revenue and user-tax bonds, and no user-tax bonds shall ever be excluded under clauses (c), (d), or (e) unless the issuer thereof is obligated by law to impose rates and charges for the use and services of the undertaking, or a combination of rates and charges and user-tax, or a user-tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair of the undertaking or public improvement or system, as the case may be, and the principal of and interest on all such revenue bonds, revenue and user-tax bonds, or user-tax bonds, as the case may be, which are payable from such revenues or tax and is further required by law to deposit such revenues or tax into a special fund and apply the same to such payments in the amount necessary therefor. For the purposes of this paragraph a user-tax shall mean 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 of or services furnished by the undertaking or public improvement or system for which the bonds have been issued or are to be issued. The legislature either annually or by general law shall provide for the method whereby the determinations and calculations required by this paragraph shall be made and for the annual certification of the amount of such debt to be excluded, and may also provide that receipts from on-street parking may be considered and treated as revenues of a parking undertaking for all purposes of this paragraph.

There shall also be excluded when determining the power of the State to incur funded debt, and the limitations of this section on the power of the State to authorize funded debt shall not be applicable to, bonds issued by the State prior to the effectiveness of this amendment to the Constitution for the payment of the principal of and interest on which a political subdivision possessing the taxing power is required by law at the time of such effectiveness to reimburse the State,

whenever and for so long as such reimbursement shall continue to be required by law, and bonds issued after the effectiveness of this amendment by the State with the consent of the governing body of a political subdivision possessing the taxing power, whenever and for so long as such political subdivision is required by law to reimburse the State for the payment of the principal thereof and interest thereon. During the period such bonds are excluded when determining the power of the State to incur funded debt, the principal amount thereof shall be included when determining the power to incur funded debt of the political subdivision from which such reimbursement is required.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

Section _____. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

Section _____. 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 sessions, 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.

At such time in any even-numbered year as may be prescribed 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, provided that such bill shall be accompanied by recommendations to provide for any added revenues or borrowings which 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 of the current fiscal biennium. 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.

STANDING COMMITTEE REPORT NO. 53 (Majority)

Your Committee on Local Government, to which were referred proposals numbered 26, 234 and 239 relating to local government charters; 62, 126, 236, 241 and 259, all relating to local government; 106, relating to transitional provisions; 177, relating to taxation of state lands; 183, relating to financing any expenses of government; 208, relating to salaries and allowances of members of the legislative bodies of political subdivisions; 235, relating to political subdivisions; 237, relating to debt limitations; 238, relating to local government taxation; 240, relating to purpose and construction of the article on local government; 250, relating to the creation of political subdivisions on Oahu; 264, relating to municipal airports; 268, relating to the referendum; 299, which offers no amendment to Article VII of the Hawaii State Constitution; 303, relating to local taxation and finance; 133, relating to county powers in education; 91, relating to county powers; 69, 79 and 242, all relating to local government powers, begs leave to report as follows:

The proposals pertain to the subject matter contained in Sections 1, 2, 3 and 5 of Article VII of the Hawaii State Constitution. No proposal referred to this Committee amends Section 4 of Article VII.

All committee meetings were open to the public and the following citizens presented their views on the subjects covered by the proposals.

Councilman George Koga, Chairman, Legislative Committee, City Council, City and County of Honolulu, and Chairman, Legislative Committee, Hawaii State Association of Counties; Daniel Ainoa, Executive Director, Hawaiian Government Employees Association; Henry Epstein, State Director, United Public Workers; Mrs. Edna Taufaasau, Director of Personnel Services, State of Hawaii; Supervisor Ralph Hirota, County of Kauai; Supervisor Herbert Matayoshi, County of Hawaii; Mrs. Guy C. Hewitt, Jr., Study Committee Chairman, League of Women Voters of Honolulu; Mr. Edward J. Burns, Director of Taxation, State of Hawaii; Mr. Fred Bennion, Director, Tax Foundation of Hawaii; Mr. Clinton Tanimura, Legislative Auditor; Mr. Yukio Naito, Deputy Legislative Auditor; Mr. Charles Mark, Office of the Legislative Auditor; Mr. Herman Doi, Director, Legislative Reference Bureau; Mrs. Judy Stalling, Legislative Reference Bureau; Mr. Hiroshi Oshiro, Legislative Counsel, City Council, City and County of Honolulu, and Mr. Peter Leong, City and County of Honolulu.

The Committee, having conducted public hearings and deliberated upon the subjects covered by the proposals, presents for your consideration, Section 2 of Article VII of the Hawaii State Constitution, amended as follows:

“Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures shall not include approval of a charter by a legislative body.”

“Charter provisions with respect to a political subdivision’s executive, legislative and administrative structure and organization shall be of superior authority to statute, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.”

“A law may qualify as a general law even though it is inapplicable to one or more counties by reasons of the provisions of this section.”

In this report, your committee proposal has been prepared by the use of the Ramseyer Method which indicates the new constitutional material to be added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions.

The principal change in this section is the protection of certain charter provisions against amendment or repeal by the legislature.

In *Fasi, et al, v. City and County of Honolulu, et al*, 50 H. 277, the Supreme Court held that a charter, even if adopted under the Constitution as provided by Article VII, Section 2, is no more than a statutory charter which is subject to continuing legislative control. This proposal will give a county charter a higher status within a prescribed area. The designated provisions will become of superior authority to a statute.

In prescribing the area within which a charter shall be of superior authority to a statute the proposal is similar to the model provision recommended by The American Municipal Association. This model provision was adopted by South Dakota in 1962. It was the basis of Proposal No. 241, introduced at the request of the Hawaii State Association of Counties.

Your Committee omitted from the draft presented by Proposal 241 the words “personnel” and “procedure.” The word “personnel” was omitted because your Committee was convinced that the legislature should not be deprived of the power to enact, and maintain in effect, laws such as Act 188, S.L.H. 1961. Under the committee proposal, no charter provision could supersede Act 188, S.L.H. 1961, unless the legislature so provided. Moreover, any delegation by the legislature of power as to personnel matters will not be irrevocable.

The word “procedure” was omitted in order to preserve the authority of statutes such as the Administrative Procedure Act.

As presented by your Committee, therefore, the area which the proposal places beyond legislative control is limited to charter provisions as to the executive, legislative and administrative structure and organization of the political subdivision. For example, the legislature could not change the composition of the legislative body of a county. However, the proposal specifically preserves the authority of the legislature to enact general laws allocating and reallocating powers and functions. This means that the legislature could transfer a function from the county to the state level even if the result would be to eliminate a department of the

county government provided for in its charter.

A minor change has been made in the first sentence of Section 2, where the word “general” has been introduced. This means that the enabling act providing for the adoption of charters of political subdivisions must be a general law. Another change is the addition of a sentence prohibiting reservation either by the legislature, or by the legislative body of the political subdivision itself, of the power of passing on the charter before its adoption. However, this would not preclude initiation of amendments or revisions by a legislative body of a political subdivision.

There has been added to Section 2 a new sentence which is intended to take care of the last two sentences of the opinion in the *Fasi* case. The following is a hypothetical case which exemplifies the intent. County A has a charter provision for filling of vacancies in elective offices by special elections. Counties B, C and D have no such provision. The legislature is not precluded from enacting or amending special election laws for filling of vacancies in county elective offices even though the laws cannot apply in county A by reason of its charter provisions. Notwithstanding this, the new statutory provisions may qualify as “general” laws.

In its discussions of all of the concepts embodied in proposals referred to it, and after complete review and deliberation of each section of Article VII, your Committee presents for your further consideration, the following:

I. Retention of the present language in Section 1 which reads:

“Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.”

The decision to retain this section unamended was reached after your Committee seriously considered proposals to grant counties residual powers, that is, all powers not denied by statute, charter or constitution.

Presently, Section 1 gives the state legislature complete authority to determine what powers counties may have and exercise. The heart of the question raised by proposals to grant counties residual powers is whether the grant of powers to local governments by the Constitution best promotes effective service to the people which is the common goal of state and local governments.

The Hawaii State Association of Counties urged favorable consideration of proposals to grant local governments residual powers. It was contended that the grant of residual powers would:

1. Encourage initiative and enhance responsiveness since counties would not have to wait for

positive legislative enactments delegating functions;

2. Free the legislature to devote more time to problems of statewide concern;

3. Provide for the most practical working relationships between state and local governments;

4. Foster and develop among citizens a full sense of civic duty and responsibility;

5. Prevent "buck-passing" by focusing state and county responsibility;

6. Provide counties with financial resources commensurate with their public service responsibilities;

7. Give local governments true "home rule."

Those favoring a status quo pointed out that:

1. Experience shows that the state legislature has been responsive to the needs of the counties. For example, new responsibilities given to the counties include: (a) the appointment of liquor and police commissioners, (b) the approval of the liquor commissions' rules and regulations by the county executive head rather than the governor, (c) the ratification of home rule charters by the county electorate alone rather than additional approval by the legislature, (d) the setting of rates for county vehicular taxes, and (e) the establishment of mass transit systems;

2. By reason of geography and history, Hawaii's governmental structure is unique and governmental powers are centralized at the state level;

3. Responses by county officials to questions posed by members of this Committee have been that denial of residual powers would not make county charters or governments unworkable;

4. Although the exercise of residual powers is subject to control by the state legislature, the damage may have been done before corrective action is instituted;

5. Residual power without taxing power is self-defeating;

6. While the concept of residual power is clear, the kind of powers that might be exercised by the counties and which they do not now have, and the ramification of the exercise of such powers are unknown factors.

Full discussion was had of the concept of residual powers. It became increasingly clear to the members of your Committee as it explored deeply into this area that there were many problems and too few answers. The general consensus of your Committee was that Hawaii's experience in having the legislature confer powers to the counties has worked well in the recent

past; that the legislature has been sympathetic and responsive to county problems; and that there is no demonstrated need for the constitutional grant of residual powers to the counties.

Your Committee, while cognizant that the granting of residual powers could represent one of the most far-reaching and progressive steps Hawaii could take to bring true "home rule" to the people of Hawaii, is equally cognizant that it is a risky venture into a yet untested doctrinal area where the questions raised outnumber those answered. For example, how much residual powers can the State safely confer upon the local government? In what areas should the State preempt? Should residual powers be given to other political subdivisions as well as to the counties? Is uniformity in certain county functions and administration desirable? If there is a court-test, how will the courts rule since legal precedents concerning residual powers are limited? The implications of the adoption of the residual powers principle are, to say the least, extensive. The State of Massachusetts encountered and is still encountering massive problems when, in 1966, it granted limited residual powers to its political subdivisions.

The fostering of greater home rule and the attainment of an ideal allocation of functional powers between state and county governments providing the best possible responsiveness to citizen needs were common objectives of your committee members.

Your Committee finds that the means of achieving these objectives presently exist in the Constitution and therefore recommends that no amendments be made to Section 1 of Article VII.

II. Retention of Section 3 which reads:

"Section 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions."

Your Committee fully considered the proposed amendments to the above section, especially Proposal No. 241, introduced at the request of the Hawaii State Association of Counties, which provides: "Each political subdivision shall have all powers of government, including the power to tax, not denied by this Constitution or by general law."

Every opportunity was accorded to all of the various county chairmen, members of the council or boards of supervisors, to appear before the Committee to present their views on the subject. In response thereto, Councilman George Koga of the City and County of Honolulu, Supervisor Yoneto Yamaguchi of the Maui Board, Supervisor Ralph Hirota of the Kauai Board, and Supervisor Herbert Matayoshi of the Hawaii Board appeared or sent comments to the Committee. In addition, your Committee heard testimony from Mr. Edward J. Burns, Director of Taxation, and Mr. Fred

Bennion, Director, Tax Foundation of Hawaii.

Your Committee by a large majority, recommended retention of Section 3 as it presently reads. By this action, your Committee is in accord with the conclusion reached by the Committee on Taxation and Finance in its reference to Section 3, Article VII:

"The Committee voted overwhelmingly to retain full taxing power to the legislature, subject, of course, to the right of the legislature to delegate any such power to the political subdivisions. Some of the reasons for this decision were: efficiency, integrated statewide tax policy, simplicity and uniformity of taxation. Concern was expressed about the effect of substantial disparities between the counties' tax bases on their relative abilities to raise tax revenues and also the possibility of proliferation of local taxes such as has occurred in some states which have granted broad taxing powers to political subdivisions."

Furthermore, your Committee is in accord with the statement presented by Mr. Fred Bennion, to wit:

"This issue of taxing powers to the counties is only a part of the larger issue of whether we wish to continue with centralization at the state level or do we wish to decentralize governmental functions. Local government in Hawaii performs few functions as compared with local government on the mainland. The most costly functions of government throughout all of the states are education, welfare and transportation—principally highways. They are mostly local government functions on the mainland and in Hawaii they are almost exclusively state government responsibilities. If these functions were to be transferred to local government in Hawaii, then only the City and County of Honolulu would have the ability to provide services at current levels. A grant of taxing power is meaningless if it is not used or if there is insufficient base. If the counties are to assume additional powers—be they functional or taxing—then they must assume the primary responsibility for performing the functions and should raise the taxes locally to support them. It does not seem logical to grant taxing powers and still expect the State to provide most of the capital improvements and a good share of operation revenues."

Again, in the words of Edward J. Burns, Director of Taxation, who stated: "... we believe the tax policies for the State must be determined and set at the state level. The State should maintain control over shaping its tax structure and should not permit the counties to set state tax policies ... the right to tax by the counties should be limited by the State through the legislature and should only be such as is granted by the state legislature within the framework of tax policy and tax structure it deems most appropriate for the State's taxpayers."

In summary of Section 3, your Committee concludes

that taxing powers should not be granted to the counties for the following reasons.

1. Additional taxing powers are not needed unless major functional powers are granted.
2. Taxes should not be levied to meet local conditions without regard to the State as a whole.
3. As the neighbor island counties lack an economic base of sufficient size to create a new tax base, continued dependence upon state financial aid would be required—or at least expected.
4. The economic base of the State is well defined and only the state legislature can effectively tap that base through taxation.
5. Low-yield nuisance taxes would prevail with high administrative costs.
6. Apportioning taxes among the counties according to wealth produced would cause many taxpayers compliance problems and greatly increase administration costs.
7. The counties already possess taxing powers in two major areas: property taxation and highway-user taxation.
8. There are no major sources of tax revenue left open to the counties.
9. Past experience indicates the counties will continue a preference for seeking state aid rather than levy local taxes.
10. As the counties perform relatively minor functions of government in terms of total governmental responsibilities, the legislature should control the taxing power.
11. The advantages of uniform taxation would be lost.
12. The present system of taxation is more economical and more efficient.

Accordingly, your Committee recommends retention of Section 3.

III. Retention of Section 4 which reads:

"Section 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim."

There were no proposals offered to amend this section. The delegates to the Constitutional Convention of 1950 included this section in the Constitution "... to curb some legislative practices found obnoxious by local units. One of these practices is compelling county government to pay accrued claims. This form of legislation, it was urged, usurped the judgment of courts

and interfered unnecessarily with local affairs and finances" Your Committee finds no reason for a change and therefore recommends its retention.

IV. Retention of Section 5 which reads:

"Section 5. This article shall not limit the power of the legislature to enact laws of statewide concern."

Proposal No. 241 sought to delete this section from the Constitution. In recommending retention of this section, your Committee recognizes the sovereignty of the State over its political subdivisions and its inherent power to enact laws of statewide concern.

Finally, your Committee presents for your further consideration, an amendment to Article XVI which adds a new section as follows:

"Section _____. Upon ratification of the amendments of Section 2 of Article VII the same shall take effect on the first day of January after three full calendar years have elapsed following such ratification. Upon the taking effect of the amendments Article VII as amended shall apply to all county charters irrespective of whether adopted before or after the admission of the State."

A transitional provision is contained in the proposal, deferring the taking effect of the amendments for three years. This will enable the legislature to review county charters before they pass beyond its control. They remain statutory charters until the amendments take effect.

It further is provided that, when the amendments take effect, Article VII as amended shall apply to all county charters irrespective of whether adopted before or after the admission of the State. The Honolulu charter was adopted before the admission of the State. In the Fasi opinion the court said: "Thus, the city and county charter does not come technically within the framework of the Constitution." The court did not dispose of the argument that the Honolulu charter nevertheless is within the spirit of the Constitution, but the point is disposed of by the proposal.

In view of the foregoing, your Committee therefore recommends: (1) that the above-numbered proposals referred to your Committee be filed; (2) that Section 1, Section 3, Section 4 and Section 5 of Article VII be retained without amendment; and (3) that Committee Proposal No. 10 pass first reading in the form attached hereto.

Signed by all members of the Committee. Delegate Dodge did not concur in part.

COMMITTEE PROPOSAL NO. 10

RELATING TO LOCAL GOVERNMENT.

Resolved, That the following be agreed upon as amending Section 2 of Article VII of the State

Constitution:

LOCAL SELF-GOVERNMENT: CHARTER

Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures shall not include approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be of superior authority to statute, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reasons of the provisions of this section.

Resolved Further, That the following be agreed upon as amending Article XVI of the State Constitution:

EFFECTIVE DATE AND APPLICATION OF ARTICLE VII, SECTION 2

Section _____. Upon ratification of the amendments of Section 2 of Article VII the same shall take effect on the first day of January after three full calendar years have elapsed following such ratification. Upon the taking effect of the amendments Article VII as amended shall apply to all county charters irrespective of whether adopted before or after the admission of the State.

STANDING COMMITTEE REPORT NO. 54

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 52 and Comm. Prop. No. 9 and Stand. Comm. Rept. No. 53 and Comm. Prop. No. 10.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 55 (Majority)

Your Committee on Bill of Rights, Suffrage and Elections to which were referred proposals numbered 318 relating to the rights of man; 150 and 153, both relating to freedom of religion, speech, press, assembly and petition; 226 relating to due process and equal protection and to jury service; 18, 34, 54, 80, 171 and 214, all relating to searches and seizures; 282 relating to the grand jury; 16 and 196, both relating to bail; 136 relating to capital punishment; 15, 55, 152, 171 and 179, all relating to the rights of the accused; 20 relating to the right to prompt arraignment; 229 relating to jury service; 203 and 298, both relating to the right to bear arms; 202 and 325, both relating to the quartering of soldiers; 151 and 232, both relating to eminent domain; 10 relating to economic security; 14, 42 and 107, all relating to the right to judicial redress; 291 relating to fair and just treatment in investigations; 47 relating to

immunity from punishment and civil disability; 148 relating to treason; 176 relating to land ownership; 246 relating to pure water; 267 relating to the right of persons to health; 269 relating to fair and just treatment in investigations and proceedings; 292 relating to fair and just treatment in investigations; 300 relating to sovereign immunity and 59, 268 and 299, all omnibus proposals relating to the Bill of Rights, begs leave to report as follows:

The proposals covered the several subject matters contained in Article I of the Hawaii Constitution. There is no proposal assigned to this Committee which seeks to amend Sections 1, 6, 10, 17, 19 and 20. Certain proposals seek to add new subjects within Article I.

All committee meetings were open to the public and many citizens, groups and organizations representing a cross section of our community were invited to present their views on the various subjects covered by the proposals at the public hearings.

The following citizens presented their views:

Mr. Wayne Minami, assistant researcher of the Legislative Reference Bureau; Dr. Allan Saunders, president of the American Civil Liberties Union; Dr. Norman Meller, professor at the University of Hawaii; Mr. John D. Fields, vice-president of Hawaiian Telephone Company; Commander Eugene Fletcher, Honolulu Police Department; Mr. Frank Padgett, attorney; Mr. Arthur Fong, deputy attorney general; Mr. J. Garner Anthony, attorney; Mr. Dudley Pratt, attorney; Mr. Royce Higa, Department of Social Services; Dr. Vivian Sloan, president of the Hawaii Medical Association; Mr. Robert Knight, American Federation of Labor; Mr. Herbert Kealoha and Mr. Tony Rutledge of Unity House; Mr. Bill Stenjem; Dr. Lyle Phillips, dentist; Dr. Donald McCormack, dentist; Dr. Francis Trapani, chiropractor; Mrs. McElrath, social worker, Local 142, ILWU.

There having been no proposal seeking to amend Section 1, your Committee nevertheless reviewed that section and finds no reason to offer any change.

Section 2 has not been amended by your Committee. Proposal 59 deletes the last sentence from this section. However, your Committee, realizing that this sentence may be surplusage, does not recommend its deletion.

There were several proposals seeking to include the freedom of association in Section 3. Since the right to associate has recently been guaranteed by the federal Supreme Court, as enunciated in the case of *N.A.A.C.P. v. Alabama* 357 U.S. _____ (1958), your Committee has found it unnecessary to include that right in the Hawaii Constitution.

Proposal 59 deletes the word "civil" from Section 4 so as to have that section read: "No person shall . . . be denied the enjoyment of his [civil] rights. . . ." Elimination of the word "civil" would have the effect of expanding the applicability of that section to protect a person's natural, political and personal rights as well.

Such an expansion of the scope of this section would include many areas which your Committee feels has not been sufficiently defined. Your Committee therefore favors the retention of the word "civil" in Section 4.

Your Committee also considered the addition of the words, "economic status and political belief," at the end of Section 4 so as to have that section read as follows: "No person shall . . . be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex, [or] ancestry [.] , economic status or political belief." Proponents of this addition voiced concern at what they consider a growing tendency of intolerance for segments of our society who espouse contrary political beliefs or are of different economic status. They felt that this situation could be alleviated by this proposed constitutional amendment.

Your Committee feels that the existing provisions are sufficient to prohibit any unfair discrimination or denial of a person's civil rights. While your Committee agrees that no person should be denied any of his civil rights on the grounds of political belief or economic status, it feels that those criteria have not been sufficiently defined so as to constitute a basis on which to bar discriminatory treatment.

Several proposals sought to secure all persons against unreasonable interceptions of their communications or other invasions of their privacy. Your Committee recognizes the need for certain protections of the individual's right to privacy in the context of today's society. The tremendous growth of electronic communications technology along with a corresponding growth of electronic surveillance techniques make possible the ready encroachment upon a person's private conduct and communication. The recently enacted Hawaii statute prohibiting wiretapping and eavesdropping by private persons as well as law enforcement officials protects the individual's communications from interception, and your Committee recognizes that the legislature took proper initiative to legislate protection in that area under our existing constitutional provision. Recent United States Supreme Court decisions have also enlarged and delineated the individual's protection against wiretapping and eavesdropping. Your Committee believes that a specific protection against communications interception in the Constitution may be somewhat narrow and limiting and therefore recommends a broader protection in terms of right of privacy. Accordingly, Section 5 of Article I of the State Constitution has been amended to read as follows:

"Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches, [and] seizures, and invasions of privacy, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

Your Committee is of the opinion that inclusion of the term "invasions of privacy" will effectively protect the individual's wishes for privacy as a legitimate social

interest. The proposed amendment is intended to include protection against indiscriminate wiretapping as well as undue government inquiry into and regulation of those areas of a person's life which are defined as necessary to insure "man's individuality and human dignity." Your Committee urges the adoption of this amendment.

There were no proposals submitted to this Committee which seek to amend Section 6. Your Committee finds no deficiency in the present language of this section.

A minority of your Committee sought to eliminate Section 7 from the Constitution as unnecessary and redundant. Your Committee recognizes that the protections afforded by Section 7 are also granted by the federal Constitution and by federal laws. However, your Committee feels the inclusion of this section in the Hawaii Constitution will ensure more lasting protection and give our courts greater flexibility in interpretation. Accordingly, your Committee recommends the retention of Section 7.

Your Committee notes that the title to Section 8 reads as follows: "Indictment, Trial by Jury, Criminal Cases." Section 8 does not contain any reference to "trial by jury." Your Committee accordingly requests the Committee on Style to review the title on Section 8 and recommend a new title that would more accurately reflect the contents of that section.

Your Committee also considered the inclusion in Section 8 of the right to a preliminary hearing in all criminal cases. Recognizing that such an amendment would require additional public hearings and further legal research, your Committee decided against its inclusion. This decision, however, is not meant to preclude the legislature from providing such a right.

Section 9 presently provides that excessive bail shall not be imposed. Your Committee has amended the section to read:

"Section 9. Excessive [bail shall not be required, nor excessive] fines shall not be imposed, nor cruel or unusual punishments inflicted. The court may, except for a defendant charged with an offense punishable by life imprisonment, dispense with bail if reasonably satisfied that the defendant or witness will appear when directed."

The amendment reflects the bail procedure as presently exists in our courts today under statutes implementing the existing Section 9. The amendment simply clarifies the scope with respect to the requirement of bail and would remove doubts, if any, as to the discretionary powers of the court in the matter of bail.

A constitutional prohibition on capital punishment was considered and rejected by your Committee since capital punishment is abolished by statute in Hawaii.

Section 10 presently guarantees a trial by jury in

suits at common law where the value in controversy exceeds "one hundred dollars." Your Committee discussed the possibility of changing the minimum amount to a sum which may be prescribed by the legislature. Your Committee, however, feels that a guarantee to a trial by jury is so important that it should be protected by a constitutional provision.

Section 11 has been amended to read as follows:

"Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days."

An additional guarantee is given the accused in that the State provides counsel for an indigent defendant charged with an offense chargeable by imprisonment for more than sixty days. In 1963 the landmark case of *Gideon v. Wainwright* held that indigent defendants accused of serious crimes must be offered the assignment of counsel and that the sixth amendment's right to counsel is applicable to the states through the fourteenth amendment. In *Miranda v. Arizona* (1966) the Supreme Court declared that before the police can interrogate the accused he must be clearly informed that he has a right to consult with a lawyer and to have the lawyer with him during interrogation. In addition, he must be warned that if he is an indigent, a lawyer will be appointed to represent him. In *U.S. v. Wade* (1967) the court held that the accused must be advised of and given the right to counsel at a "line-up" conducted for identification purposes. Counsel must be afforded at the parole revocation hearings at which suspended sentence may be imposed (*Mempa v. Rhay*, 1967). Your Committee notes from these cases the concern for the individual's right to have counsel during proceedings before the trial even at the "line-up" stage and after conviction. Your Committee believes that an indigent defendant charged with an offense chargeable by imprisonment for more than sixty days is entitled to the same concern and the right to counsel.

Section 12 provides that no person shall be disqualified to serve as a juror because of sex. Some discussion was had on whether or not exemptions from serving as a juror because of one's occupation should be disallowed. It was your Committee's feeling that it is necessary to allow exemptions to certain persons engaged in an occupation involving a service (i.e., teaching, military service, medical service, etc.), the disruption of which would be to the detriment of the public. No change was effected for this section.

Section 13 on habeas corpus and suspension of laws has not been amended. Your Committee finds that this section is acceptable in its existing form in the Constitution.

There were no proposals seeking to amend Section 14. Your Committee reviewed this section and favors retention in its present form.

Section 15 is retained by your Committee without amendment. The Committee feels that reference must be made to the report of the 1950 Constitutional Convention in order that the people of this State not misconstrue the intent of this section. The right to bear arms refers explicitly to the militia and is subject to lawful regulation.

With regard to Section 16 on the quartering of soldiers, your Committee recommends this section be retained in its present form.

There were no proposals seeking to amend Section 17. Your Committee accordingly recommends no change.

Section 18 has been amended as follows:

“Section 18. Private property shall not be taken or damaged for public use without just compensation.”

A similar provision was discussed and rejected by the 1950 Constitutional Convention. The 1950 Committee on Bill of Rights rejected the question of prohibiting the damaging of private property without just compensation because of the broad uncertainty of the term relating to “damage.” Your Committee finds that the 1950 committee’s worry over uncertainty of the term “damage” is misplaced.

Indeed, there is a distinct line of cases in many jurisdictions covering the definition of damage in the constitutional sense as it concerns your Committee in this instance. In 1870, a constitutional amendment was adopted in Illinois providing that private property shall be neither taken *nor damaged* for public use without compensation. This action by Illinois has been followed by twenty-five states which have added the phrase “damaged” to their constitutions. Since the Illinois constitutional amendment, a considerable body of law on the interpretation of “damage” has been expressed by the Illinois court and other courts. Your Committee feels the precedents set by Illinois and other states provide workable guidelines for Hawaii’s interpretation of “damage.”

Witnesses testified and cited some of the examples of uncompensated damages to private property under our present Constitution which would be compensable under your Committee’s proposal, as follows:

1. In a case involving a landlord-tenant situation, there is no compensation to the tenant even in cases where termination of his occupancy will greatly damage his property. When land and

buildings are condemned, the owner receives compensation but the tenant is often not compensated even if the tenant will then be deprived of that use and be forced to move at considerable cost. This most often affects small businesses that are forced to move all their equipment.

2. There is no compensation for plans and drawings that are made for the future use of any property. Architectural designs, drillings, etc. are often made, only to have the owner find that they are worthless after his property has been condemned.

3. In cases when the owner of property has his property damaged by a specific action of the State, there is often no compensation when the damage is caused by a failure of plans or unforeseen circumstances such as sporadic flooding due to inadequate storm drainage system. The owner of the property cannot even claim compensation under the state tort claims act, since that act makes exceptions for any “discretionary function of the State.”

The changes that would result from the adoption of a “damage” provision may be illustrated by the following excerpts taken from Nichols, *Eminent Domain* (3rd edition).

Consequential Damage

The term “consequential damages” is generally used in reference to damage to property, no part of which is appropriated. Under the provision for “taking” only consequential damages are generally not compensable, since such loss is deemed to be *damnum absque injuria*. Thus an abutter, the value of whose land is impaired or whose easement rights are interfered with, has no right to compensation unless there is a physical invasion of his property which impairs its use although it does not effect a “taking” in the technical sense of the term. Compensation in such cases may be required only for a serious interference which is tantamount to deprivation of the use or enjoyment of property. The principal forms of interference for which compensation has been allowed may be classed as instances of destruction of property or its use, and may be regarded as analogous to the incidental occupation of abutting property such as by flooding, which have been held to amount to a “taking” within the meaning of the constitutional provision. (page 503)

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Under the constitutional provision which requires the payment of compensation when property is damaged, consequential damages may be recovered. It has been held that by the constitutional change, liability for consequential damages has been extended. Judicial decisions have gone even further and have held that liability was

brought about by such constitutional change where no liability previously existed. In order to recover for such damage, it is not a prerequisite to recovery for the claimant to establish either that the public work constitutes a nuisance or that the work was negligently accomplished. Under this provision, property is damaged when it is made less valuable, less useful or less desirable and it is immaterial whether such damage occurs by reason of the construction or the maintenance of the project, so long as it is directly attributable to such causative factor and irrespective of whether or not there has been an actual physical taking of any part of such property. Personal inconvenience or discomfort to the owner or interference with the business conducted on the land is not compensable unless such results are causative factors in the depreciation in the value of the land. (page 508)

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Change of Grade

The relation of a parcel of land to the street upon which it abuts is such that the law recognizes the continuance of that relation as a right which the owner enjoys in connection with his property and which is peculiar to such property. The owner is consequently entitled to the protection of the integrity of that relation except as against the paramount right of the public to improve the street for street purposes. (page 531)

• • •

When a public highway is established, whether by dedication, by prescription, or by the exercise of eminent domain, the public easement thus acquired includes the right to establish the grade in the first place, and to alter it at any future time, as the public necessity and convenience may require. Consequently under provisions for "taking," the owner of land abutting upon the way, even if he owns the fee of the land within the limits of the way, has no constitutional right to compensation for injury to his premises by reason of the raising or lowering of the grade of the way by the public authorities. This rule does not, however, apply to cases of partial taking, where damage to the remainder by reason of change of grade is involved. (page 531)

• • •

Where the constitution or statutes of the state allow an owner compensation when his property is damaged for the public use, the interference with that right . . . in such a way as to depreciate the market value thereof, is a damage within the meaning of such provisions. (page 551)

Your Committee finds that loss by damage to private property for public use is no less real than loss by

taking of private property for public use. The amendment seeks to cure this inequity and your Committee recommends its adoption.

There were no proposals seeking to amend Sections 19 and 20. Your Committee accordingly recommends no change.

There were several proposals seeking to add new sections to Article I relating to economic security, judicial redress, human dignity, immunity from punishment and civil disability, treason redefined, protection against adverse possession, pure water, right to health, fair treatment in investigations and proceedings, and sovereign immunity. Serious consideration was given to these proposals not only in terms of substance but also as to whether they were proper subjects of legislation or the Constitution. Your Committee finds that Article I as amended herein adequately covers a person's basic rights consistent with the needs of our time. However meritorious the interest and subject matter may have been, your Committee believes that the legislature with its powers extending to all rightful subjects of legislation not inconsistent with the Hawaii Constitution or the Constitution of the United States might better deliberate and act upon them.

Your Committee recommends (1) that the above-numbered proposals referred to your Committee be filed; (2) that Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20 of Article I be retained without amendment; and (3) that Committee Proposal No. 11 pass first reading in the form attached hereto.

Signed by all members of the Committee. Delegate Sutton did not concur and Delegates Dyer and Hasegawa did not concur in part.

COMMITTEE PROPOSAL NO. 11

RELATING TO THE BILL OF RIGHTS.

Resolved, That the following be agreed upon as amending Sections 5, 9, 11 and 18 of Article I of the State Constitution:

Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches, seizures, and invasions of privacy, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Section 9. Excessive fines shall not be imposed, nor cruel or unusual punishments inflicted. The court may, except for a defendant charged with an offense punishable by life imprisonment, dispense with bail if reasonably satisfied that the defendant or witness will appear when directed.

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall

have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

Section 18. Private property shall not be taken or damaged for public use without just compensation.

STANDING COMMITTEE REPORT NO. 56

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. Nos. 3, 4 and 5, and Comm. Whle. Rept. No. 6 and Comm. Prop. No. 2, RD. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 57

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 55 and Comm. Prop. No. 11.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 58 (Majority)

Your Committee on Legislative Apportionment and Districting to which were referred several proposals, all relating to apportionment and districting and concerning Sections 2, 3 and 4 of Article III of the Constitution of the State of Hawaii, begs leave to submit herewith Committee Proposal No. 12 attached hereto, the full committee report covering said committee proposal to be submitted forthwith as a supplement to this committee report.

Signed by all members of the Committee. Delegates Kawasaki, Morioka and Pyo did not concur in part.

COMMITTEE PROPOSAL NO. 12

RELATING TO LEGISLATIVE APPORTIONMENT AND DISTRICTING.

Resolved, That the following be agreed upon as amending Sections 2, 3 and 4 of Article III and certain transitional provisions of Article XVI of the State Constitution:

THE LEGISLATURE Senate; Composition

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.

House of Representatives; Composition

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

Reapportionment

Section 4.1. *Reapportionment Year*. The year 1973 and every sixth year thereafter shall be reapportionment years.

Section 4.2. *Reapportionment Commission*. On or before March 1 of each reapportionment year and whenever reapportionment is required by court order, a legislative reapportionment commission shall be constituted. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall select one of their number for each house and the two so selected each shall designate two members of the commission. None of the eight members so selected shall be eligible to become a candidate for election to either house of the legislature in either of the first two elections under any such reapportionment plan. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission. Each of the four officials designated above as appointing authorities for the eight members of the commission shall, at the time of the commission appointments, also appoint one person from each basic island unit to an apportionment advisory council for that island unit. Such council shall remain in existence during the life of the commission and shall serve in an advisory capacity to the commission for matters affecting its island unit.

Any vacancy in the commission or a council shall be filled within fifteen days in the same manner in which such position was originally filled. Council and commission members not appointed within the time specified shall be appointed 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 120 days from the date on which its members are certified, the commission shall file with the chief election officer a final reapportionment plan which shall become law after publication as provided by law.

Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

Commission members 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 shall furnish, under the direction of the commission, all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties.

Section 4.3. *Chief Election Officer.* The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

Section 4.4. *Apportionment among Basic Island Units.* The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election in each of such 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 4.5. *Minimum Representation for Basic Island Units.* 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 this article, 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 4.6. *Apportionment within Basic Island Units.* Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw election district lines where necessary in such manner that the average number of registered voters per member in each district is as nearly equal 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 one person or political faction.

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

4. Insofar as is practicable, districts shall be compact.

5. Insofar as 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. Representative districts to the extent practicable shall be wholly included within senatorial districts.

7. Multi-member districts in either house shall not elect more than four members.

8. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided insofar as is practicable.

Section 4.7. *Continuance in Office of Members of the Senate.* As a part of a reapportionment plan the commission shall allocate among the districts the incumbent senators whose terms of office will not expire until the second general election following the taking effect of the plan. Notwithstanding any other provision of this Constitution, incumbent senators shall be allowed to complete their terms as senators of the districts to which they are allocated, irrespective of the districts in which they reside.

Section 4.8. *Mandamus and Judicial Review.* Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

TRANSITIONAL PROVISIONS

Section 21. Senators elected to four-year terms in the 1968 general election shall in every case continue to serve in the district bearing the same number as that in which they were elected until the expiration of their term.

Section 22. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

Districts are as shown on the maps posted in the Legislative Apportionment and Districting room in Convention Hall. Legal description can be found in Exhibit A of Supplementary Standing Committee Report No. 58.

Section 23. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

Districts are as shown on the maps posted in the Legislative Apportionment and Districting room in Convention Hall. Legal description can be found in Exhibit A of Supplementary Standing Committee Report No. 58.

Section 24. Effective for the first general election following ratification of Section 4.5 of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the senate as provided and with the effect set out in Section 4.5 of Article III hereof and such senator shall be allocated to the basic island unit of Kauai.

Section 25. The senatorial and representative districts and the numbers to be elected from each as set forth in the schedules shall become effective for the first general election following ratification of the amendment and to Sections 2 and 3 of Article III.

Section 26. The amendments to Article III, Sections 2, 3 and 4, proposed by the Constitutional Convention of 1968, shall upon ratification supersede the provisions of Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified.

SUPPLEMENTARY STANDING COMMITTEE REPORT NO. 58 (Majority)

Your Committee on Legislative Apportionment and Districting has previously submitted its proposal and report and submits herewith a supplementary report explaining in detail its activities and its proposal.

Your Committee has performed two separate functions. First, it has prepared plans for the present apportionment and districting of the State, and has proposed Sections 21, 22, 23 and 25 of Article XVI, and an amendment for Section 2 of Article III of the Constitution. Second, it has provided for periodic future reapportionment and redistricting and has proposed an amended Section 4 of Article III and Sections 24 and 26 of Article XVI of the Constitution.

This report presents an explanation of the Committee's actions in essentially the same order they will be presented to the Convention.

I. PROPOSALS REFERRED TO COMMITTEE

The following proposals, all relating to apportionment and districting and concerning portions of Sections 2 and 3 and all of Section 4 of Article III of the Constitution of the State of Hawaii, were submitted to

the Committee: 38, 78, 102, 157, 164, 165, 167, 175, 180, 186, 187, 201, 215, 218, 225, 233, 243, 248, 251, 254, 257, 262, 268, 274, 278, 299, 305, 310 and 312.

II. PERSONS EXPRESSING VIEWS TO COMMITTEE

All committee meetings were open to the public and during the extensive public hearings conducted, the following persons made known their personal or organization's views:

Dr. Norman Meller, Dr. Stuart Gerry Brown, Mr. Yukio Naito, Mr. James Funaki, Mr. Bert Kanbara, Assistant Attorney General, Mr. Thomas P. Gill, Lieutenant Governor, Mr. Robert Schmitt, State Statistician, Mr. Roy E. King, Chamber of Commerce of Hawaii, Mr. Franklin Y. K. Sunn, Chamber of Commerce of Hawaii, Mr. Ray Girod, Hawaii, Mr. Shoichi Nobohara, Mr. Fred Erskine, Mr. Franklin P. Gomes, Mr. Jack Suwa, Mr. Takeshi Kudo, Mr. S. Nakatani, Mr. James Yamamoto, Mr. Akoni Pule, Mr. Alfred Souza, Maui, Mr. Alvin Amaral, Maui, Mr. Hiroshi Ozaki, Molokai, Mr. William E. Fernandes, Kauai, Mr. Wendell Marumoto, Oahu, Mr. Peter Aduja, Mrs. C. R. Moe, Mr. Moe Kaleo, Mrs. Mabel Silva, Mr. Christian K. Holt, Sr., Mr. Toraki Matsumoto, Mr. Howard Miyake, Mrs. Eureka Forbes, Mr. Edward de Mello, Mr. Sakae Amano, Mr. Tennyson Lum, Mrs. Richard Ike Sutton, Mrs. Richard W. Bond, Jr., Mrs. Joy K. Loveland, Mrs. Iris J. Cullen, Mrs. Georgia Miller, Mr. Bob Freitas, Mr. George Noguchi, Ms. Gerri Madden, Mr. Rick Edwards, Mr. Bill Arballo, Mr. William Willison, Mr. Kengo Nagasako, Mr. Jackson Ah Chen, Ms. Helene Hale, Mr. Robert Yamada, Mr. Lou Pujalet, Rev. Lloyd Evans, Mr. Rex Matsuno, Mr. Richard Penhallen, Mr. Ted Sparrow and Mrs. Beverly Papanimu.

In addition, your Committee has received a written statement from residents of Waianae containing thirty signatures and one from residents of North Kohala containing 413 signatures.

III. PRESENT APPORTIONMENT AND DISTRICTING OF STATE

I. Text of Sections 2 and 3 of Article III with Proposed Changes

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. [The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: that portion of the island of Hawaii known as Puna, Hilo and Hamakua, five;

Second senatorial district: that portion of the

island of Hawaii known as Kau, Kona and Kohala, two;

Third senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, five;

Fourth senatorial district: that portion of the island of Oahu lying east and south of Nuuanu Street and Pali Road and the upper ridge of the Koolau Range from the Nuuanu Pali to Makapuu Point and all other islands not specifically enumerated, five;

Fifth senatorial district: that portion of the island of Oahu lying west and north of the fourth senatorial district, five; and

Sixth senatorial district: the islands of Kauai and Niihau, three.]

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

(The committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring. This method aids the delegates to see the changes with respect to the existing provisions. It is intended that the Committee on Style may exclude the brackets, the bracketed material, or the underscoring.)

2. Size of Legislature

Early in your Committee's deliberations, your Committee decided to recommend that the present size of both the senate (25) and the house (51) be retained. Although numerous proposals were referred to your Committee which proposed either to reduce or increase the size of the houses, your Committee was of the opinion that the evidence presented did not indicate that the change to any other number would produce greater efficiency or better results. Your Committee has concluded that the savings that could be effected by a reduction in size would be minuscule when compared to total state expenditures and would not justify disruption of a system that is already working effectively. Upon consideration of the proposals to increase the size of the body as a means to preserve neighbor island representation in the house, your Committee finds that the house size would have to be increased to between sixty to sixty-five members in order to retain present representation, and by the next reapportionment, the size might well be increased to eighty-five or ninety. Although your Committee feels that it is highly desirable to maintain strong and effective representation of each county in the legislature, it

did not feel that increasing the size of the legislature would be a tenable solution. Instead, your Committee has attempted and it believes that it has provided a solution to the neighbor island dilemma with its proposal for minimum effective representation. A discussion of that concept and its full implications follows in this report.

3. Use of Schedule for Senate District Descriptions

Your Committee also found that the senate districts are permanently fixed and listed under Section 2 of Article III of the Constitution, while the house districts were contained in a Schedule contained in Section 1 of Article XVI. Your Committee has determined that it is more appropriate to delineate both house and senate districts in Article XVI since the senate districts are no longer permanent and immune from change but rather like the house are subject to periodic reapportionment and redistricting. This decision comports with the federal court's decision that the proviso requiring a majority vote in a majority of counties to effect a change in senatorial representation, as contained in the sixth paragraph of Section 2 of Article XV, is invalid and with the decision of your Committee on Revision, Amendment and Other Provisions which eliminated this invalid proviso from the Constitution.

4. Description of Present Apportionment Provisions

Section 2 of the Constitution as presently worded provides for a senate composed of twenty-five members and describes six senatorial districts which elect ten senators from Oahu and fifteen senators from the neighbor islands. The sixth paragraph of Section 2 of Article XIV contains a proviso which requires a majority vote of the electorate in each of a majority of the counties to amend the senatorial apportionment contained in Article III. The federal courts have held the constitutional provisions apportioning the senate and the proviso invalid. The Supreme Court of the United States in *Burns v. Richardson*, 384 U.S. 73 (1966) approved the use of a temporary apportionment plan of the senate which divides the State into eight senatorial districts and provides for nineteen members of the senate to be elected from Oahu, three from Hawaii, two from Maui and one from Kauai, pending the effectuation of a permanent plan of legislative apportionment.

Section 4 of Article III as presently worded provides that the basis of apportionment for members of the house of representatives, among the basic areas, and within the basic areas among representative districts, shall be the number of voters registered in the preceding general election. Apportionment is a two-step process: first, representatives are allocated among the basic areas (the four counties) and then among the representative districts in each of the basic areas, no basic area or representative district to receive

less than one representative. Your Committee has followed this same procedure in effecting its proposed apportionment.

5. Difference between Apportionment and Districting

Apportionment is the process of allocating numbers of representatives or senators to various districts within the State according to an apportionment base (in this case, registered voters). Districting is the process of drawing lines on a map which enclose a geographic area. These geographic areas are called either representative or senatorial districts and the number of legislators allocated to a particular district depends on the number of registered voters the district contains.

6. Apportionment Base: Registered Voters

Your Committee recommends that the legislature continue to be apportioned on the basis of registered voters and has utilized this base for its apportionment. The registered voter basis was adopted because: (1) it produces a distribution of legislators substantially equivalent to that which would result from the use of the constitutionally permissible eligible voter population base; and (2) the superior and ready availability, reliability, applicability and quality of the data on registered voters, under the conditions existing in Hawaii, provide a far more accurate and meaningful reflection of the constitutionally permissible representation sought than that which would result from the use of certain other permissible population bases.

Several possible bases were recommended to your Committee and were thoroughly studied and decided upon by it, as follows:

Total population, as defined by the United States Bureau of the Census, consists of all persons who normally reside in a given geographic area. It includes military personnel attached ashore in the area, ships' crews (both civilian and military) in ports of the area in question on the census date, persons in transient accommodations (hotels, trailers, camps, etc., if they have no regular place of residence or are in the process of changing residence), local residents temporarily out of the State on business or vacation, students from other areas attending a local university, inmates of long-term institutions (mental hospitals, prisons, etc.).

The total population excludes ships' crews that may be home-ported in the area but are temporarily in ports outside of the area, students from the area at schools outside of the area, tourists temporarily visiting the area, and inmates of short-term institutions (general hospitals, etc.) unless they live in the same area. A full statement appears in the *Enumerator's Reference Manual, 1960 Census of Population and Housing*, published by the U.S. Bureau of the Census in 1959.

The difficulties attendant in the use of the total population may be particularly unique to Hawaii because of the large pockets of military and maritime personnel on the island of Oahu, largely confined within a few legislative districts on that island. The military population constitutes a sizeable proportion of the total population within the legislative districts wherein the military installations are situated.¹

Indeed, the district court in *Burns v. Richardson* 384 U.S. 73 (1966) observed that:

"Hawaii has become the United States' military bastion for the entire Pacific and the military population in the State fluctuates violently as the asiatic spots of trouble arise and disappear. If total population were to be the only criteria upon which legislative representation could be based, in Hawaii, grossly absurd and disastrous results would flow..." (238 F. Supp., at 474)

World War II, the Korean conflict, the Viet Nam crisis, and other near-incidents in the far east in the last twenty-five years have prompted sudden troop movements causing sharp increases and reductions of significant proportions in Hawaii. Legislative districts in which Schofield Barracks, Pearl Harbor, Kaneohe Marine Corps Air Station, and other military installations are located have thus been subject to violent population fluctuations during recent years which would produce either extreme over-representation or extreme under-representation if a total population base were used, depending upon the accident of how many military people and dependents were present on the day the count was taken. Further, between apportionments, the transient and fluctuating circumstances of the military personnel would render the concept of "population" rather elusive and distorted in those districts wherein the military are contained. Fluctuation among the military population is independent from and does not appear to have meaningful correlation with changes in civilian population so that distortions in military-heavy districts would not be balanced out by equivalent distortions in other districts. Of course, with the adoption of smaller representative districts by your Committee, these distortions would be even greater than in the past.

Because total population figures constitute a substantially distorted reflection of Hawaii's residents, citizens or eligible voters, your Committee rejected total population as a basis for apportionment.

¹ State statistician Robert C. Schmitt advised your Committee that in 1968 approximately 79% of all military personnel on Oahu lived in the existing 8th, 9th and 10th representative districts, and that approximately 12% of the total population was military and 13% of the population was military dependents in the aggregate of such districts.

The use of the total population suffers in another respect. The official U.S. Census is taken decennially, most recently as of April 1, 1960, which makes present data 8 years out of date. The 1968 estimates are based on inadequate information and are too crude to be used for purposes of apportionment. To use the 1960 census population for the present apportionment would not truly reflect the changing population but would accentuate the likelihood of a further deviation from equality of population among districts.

Permanent population was studied as a possible base inasmuch as this base, by definition, excludes the transient and nonresident elements. This base also proved to be practicably unworkable because data on the place of residence of the military personnel and dependents are not available, and it is difficult to get any meaningful division between the resident and nonresident military. Statisticians need to know not only the number of nonresidents but also in which districts they reside. This type of data is not available. This is true even in a census year, and of course the inaccuracy of estimates would grow with each year by which they are removed from such a year. While limited statistics are available on military personnel who were born and lived here for a year or so, they fall far short of a true picture of the military which can only be had by a complete study of the matter by the armed forces. Such a study is not available, but even if it were, your Committee is advised that the fluctuation and transiency of the military population would render the data obsolete as soon as they are tabulated.

It is also instructive to note that a number of transient civilians come to Hawaii on a short-term basis on job transfers by their employer-company for a period of a year or two, and the automatic inclusion of these transients who have neither the interest nor the intent to be resident voters in the apportionment base would further distort the "resident" population. As this base, like the total population base, fails to give or assure a fair approximation of Hawaii's residents, citizens or eligible voters, your Committee rejected the permanent population as an apportionment base.

Civilian population is total population less all military population. Your Committee rejected civilian population as a base because it removes quite arbitrarily the military personnel from the apportionment base simply because they are military. To so remove the military from the apportionment base is constitutionally impermissible, *Davis v. Mann*, 377 U.S. 678 (1964). Moreover, it is your Committee's intent, as a matter of policy, not to discriminate against a class of individuals merely because of their employment. It should be clearly understood that your Committee's concern over the military has nothing to do with their status but rests entirely upon their transient and fluctuating circumstances.

These disturb population figures and estimates so that they do not truly reflect a fair estimate of residents, citizens or eligible voters in Hawaii and particularly within the legislative districts of Hawaii.

Citizen population means citizens of both the United States and the State of Hawaii. This excludes from the apportionment base all nonresidents (including nonresident military and transients) and all aliens. Included however are all incompetents, felons, nonregistrants and nonvoters who are citizens of the United States and the State of Hawaii. As noted above with respect to permanent population, we still face the problem of securing statistics covering the nonresident military. Data as to aliens are readily available, but it appears that presently one cannot allocate these aliens to the different electoral districts because the tabulations do not show geographic detail below the state level. Your Committee also believes that there is a growing transiency among the aliens in Hawaii because of readily available and inexpensive transportation to and from the far eastern countries. Many aliens live in Hawaii on a temporary basis for a year or two under special permits for employment purposes, as students, or for extended visits. Because of the uncertainty in pinpointing the residence of the aliens and in the poor reliability and lack of availability of other data on citizen population, your Committee finds that the citizen population suffers the same shortcomings as the total population and permanent population bases and therefore is deficient as an apportionment base.

Eligible voter population as a base would exclude nonresidents, transients, aliens, and incompetents, including minors and felons disqualified from voting. Included, however, are all eligible voters, including nonregistrants among those who are eligible to register to vote. As stated in the existing constitutional provisions, those persons eligible to register to vote include all residents except the following: persons less than 20 years of age; aliens; residents of the State for less than one year as of the day of election; persons unable to speak, read and write either Hawaiian or English; persons who are non compos mentis; and persons convicted of felony, unless pardoned. No one is deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student in school.

Like the other bases discussed before, there are practical problems with the eligible voter basis. The only direct method available to determine the number of eligible voters is to determine the total population, from which is subtracted the number of nonresidents, the number of aliens and the number of those ineligible to register to vote. The problems in determining any of these numbers on an up-to-date basis have been discussed and it may

be seen that all the problems are added together and compounded in computing this base. Of course, a more direct and far more accurate method of ascertaining the necessary statistics would be a special, periodic state census. But Hawaii has not conducted a state census of this kind and to do so would be very expensive.² Mr. Schmitt also stated that an estimate of the eligible voter population could be calculated from the total population at the time of the federal census taken every ten years. However, he cautioned that the estimate would be very inaccurate after five years and that the registered voter totals, even with the inaccuracies from which they suffer, would give a more accurate picture of the eligible voter population at least from that time on until the next census. This inaccuracy is illustrated by the statistic that 112.3 percent of the eligible voter population in Kauai County voted in 1966, an obviously impossible ratio. Although election irregularities conceivably could be factors, Mr. Schmitt believes that a far more likely explanation is inaccuracy in the updated 1960 U.S. census total population base from which the eligible voter population is derived. It is clear that any estimate of the eligible voter population would be as suspect as the total, permanent or citizen population base.

Notwithstanding their computational difficulties, and in view of the special population problems peculiar to Hawaii, particularly with its small overall population, its high proportion of transient and mobile persons and its high growth rate (all of which quickly upset population equality among districts), your Committee concludes that the eligible voter basis is best for Hawaii. Your Committee believes as a matter of policy that the exclusion of all nonresidents, all aliens and incompetents (including minors and felons disqualified from voting) from the apportionment base is desirable for Hawaii. The eligible voter base will best stabilize and most fairly reflect the equality of the represented among districts under a meaningful representative system. Your Committee further concludes that the eligible voter basis would best achieve the goals of the "one-man, one-vote" principle enunciated by the Supreme Court and that this objective cannot be achieved in our State by the use of a total, permanent or citizen population base.

Although eligible voter population figures, like other population bases, are also difficult to obtain or extrapolate, your Committee finds that in Hawaii, a reasonable approximation can be obtained by the use of the registered voter population.³

² A letter from Senator Nelson Doi to Mr. Robert Schmitt, state statistician, indicated the cost would be \$1,000,000. This was in 1964 and presumably the cost has risen considerably by now.

³ This contrasts with other population bases which do not have any readily available means of approximation.

The registered voter base is the next logical subgroup extension of the eligible voter base—statistically separated only by those who are eligible to register to vote but who do not register. The extent to which the registered voter count reflects the eligible voters in a given district depends upon the extent of registration by those eligible to do so. There is no precise numerical measure of this available, but a high level of political activity and participation should certainly indicate a high correlation. Hawaii's history, recent and past, reflects a very strong involvement of its citizens in politics,⁴ a situation likely to continue in the future as a result of the continuing efforts by the lieutenant governor's office and the county clerks to foster and encourage registration of eligible voters throughout the State. Your Committee is also cognizant of a need for maintaining and improving the relationship between eligible voters and registered voters and has thus provided for the appointment of a chief elections officer with appropriate duties. This will be discussed in a section that follows.

Some of the State's current efforts to narrow the "gap" between eligible voters and registered voters are as follows: Hawaii's centralized education system has resulted in an unusually literate citizenry, and interest in politics and strong drives to bring out the vote have resulted in a high rate of voter turnout during the elections. In 1966, 87% of those registered to vote in the State actually voted. Your Committee also understands that offices of the clerks of the various counties make concerted efforts to register as many persons as possible of those eligible by: (1) recruiting volunteer registrars and locating them at various points for the convenience of registrants; (2) distributing information sheets on registration procedures and locations of registration points; and (3) placing public advertisements on registration in the daily newspapers. Lieutenant Governor Thomas P. Gill, whose office is charged with the enforcement of the election laws, testified that at the coming 1968 election an effort will be made at the polls to confirm or correct the place of residence of the voters.⁵ This will ensure improved accuracy of statistics showing the actual number of registered voters residing within an electoral district. He also advised your Committee that registration teams have been actually going out into those precincts when there were indications that registration might be lower than average in an effort to increase registration there. Unlike the mainland United States, Hawaii

⁴ The District Court in *Holt v. Richardson*, 238 F. Supp. 467, 240 F. Supp. 724 (D. Haw.) took note of this and essentially found it as a fact; the Supreme Court took cognizance of it at pp. 95-96.

⁵ A spot-check conducted by the lieutenant governor's office showed that some voters continue to vote in places of prior residence rather than in new districts to which they have moved. Of course voting and living in different districts, even if widespread, would not affect the validity of the registered voter base.

is geographically very small so that house-to-house registration drives in selected areas or throughout the State might possibly be achieved.

Nothing in our State Constitution or in the statutes implementing the exercise of franchise works to disenfranchise the military population or any other group of citizens. Hawaii continues to register all military personnel who are qualified if they so desire. The policy of this State has been to clarify ambiguities in our statutes to encourage registration, and recently Act 36 of the Session Laws of Hawaii 1966 was enacted for the purpose of clarifying that the voting rights of military personnel living on base were to be the same as those living elsewhere. Also, a registered voter who continues to vote either in a primary or general election need not re-register thus giving some permanence in the voting register for those who regularly participate in elections. Relatedly, Act 42 of the Session Laws of Hawaii 1968 waives residency requirements for newcomers to Hawaii who were citizens in other states and who wish to vote in the election for the President of the United States. Your Committee also notes that this Constitutional Convention has adopted and will submit to the electorate for approval a proposal lowering the voting age from 20 to 18, removing the literacy test, and relaxing the felon's voting disability so that upon final discharge, or earlier as the legislature may provide, a felon shall have his voting right restored instead of waiting for a full pardon by the governor. Your Committee recognizes these and other efforts which enlarge the apportionment base and/or otherwise help generate the political activity of the eligible voters to actually register and vote.

There are distinct advantages to the use of registered voter figures for apportionment. For example, they are compiled and brought up to date every two years by senatorial and representative districts and by precincts. This provides the ability to keep current track of population movements within districts and of population growth, both of which are substantial and neither of which affect all districts uniformly. This allows more frequent reapportionment in order to maintain the maximum equality of representation. Your Committee recommends that reapportionment be effected every six years, a period which will give reasonable stability of political districts and yet maintain a fairly current and accurate adherence to registered voter population.

It was originally thought by your Committee that the use of presidential election year figures might possibly assure a higher level of participation and reduce the likelihood that varying degrees of local interest in the outcome of the election would produce different patterns of political activity over the State. Study of past election figures, however, indicates that, in Hawaii, participation and patterns of political activity over

the State in presidential elections are not significantly different from those in other general elections.⁶ Apparently Hawaii's off-year gubernatorial races and the keen interest in local issues are as attractive to our voters as are presidential elections.

For the reasons stated, your Committee finds that the registered voter basis is the only basis that can assure any meaningful apportionment of the legislature for Hawaii.

Use of 1966 general election figures for current apportionment:

Your Committee used the 1966 registered voter figures in the initial apportionment of the legislature recommended by this report. This is in keeping with the existing constitutional provision which requires voters registered "at the last preceding general election," and is supported by other sound reasons as well. The 1966 figures are the most recent reliable statistics on registered voters in Hawaii. A suggestion that the 1968 figures now being compiled be used was received for consideration and rejected by your Committee on the grounds that such data is not now available. The county clerks are precluded from preparing the 1968 list of the electors until the closing of the general county registers ten days after the coming primary election in October. Even when the 1968 figures are finally compiled by the county clerks in terms of existing senatorial and representative districts and precincts, they would not provide helpful information regarding districts based on census-type criteria which your Committee has newly adopted in its districting. It would require a complete and time-consuming reorganization of the figures (as was done with the 1966 figures) before use of them can be made in any meaningful way.

Judicial decisions, and common sense, require only that equality in apportionment be related to some reasonable starting point. The Committee felt that 1966 general election figures were the most reasonable starting point, the count for the 1968 Constitutional Convention election being subject to problems because it was a special election and more current figures being unavailable except in estimated form.⁷ Your Committee has provided that although normal reapportionments are to take place every six years, the first reapportionment will occur in four years, when the data used will be six years old.

7. Districting

a. Problems of candidates in newly altered

⁶ See Voter Registration Statistics 1959-1968 prepared by the Office of the Lieutenant Governor, August 8, 1968.

⁷ Even the estimates are not available for the new representative districts. Applying them to the former representative districts on Oahu, they would not produce a transfer of a single representative from any district to any other.

districts:

The Committee found early in its public hearings that it is impossible to reapportion or redistrict the State without jeopardizing the ability of some of the incumbent state legislators (as well as of some prospective candidates who are not incumbents) to gain re-election. This is particularly true in large representative districts which are reduced in size and in which all incumbents live in a relatively small area. Your Committee has great sympathy for the problems faced by these persons and is not unmindful of the fact that many of them have spent substantial time and effort building a political following in large areas which are now being split into two or more representative districts. Your Committee considered recommending certain changes to the constitutional provisions pertaining to residence requirements for candidates to the legislature to permit adjustment after reapportionments. A review, however, disclosed that the Constitution does not itself contain any residence requirements as such⁸ and that the legislature, therefore, is free to act in the area. Your Committee strongly recommends that the legislature take action to relax residence requirements for candidates whose districts have been altered for a limited time after reapportionment and redistricting.⁹ Not only would such action permit candidates to adjust to altered circumstances, but would also very substantially reduce the pressure brought to bear against the redistricting agency.

b. Districting procedures followed by the Committee:

In order to assure incumbents and the public of a rational and objective districting plan which meets the legal requirements, your Committee utilized elaborate precautions to insure fairness and nonpartisanship. Your Committee first heard testimony from political scientists, attorneys and others, reviewed judicial decisions, analyzed the apportionment and districting provisions in the constitutions of other states and reviewed numerous publications on the subject. From all these sources, your Committee formulated and adopted districting criteria. It then engaged an independent team consisting of computer programmers, a statistician, a statistical assistant, statistical typists and a draftsman. This team programmed into the computer appropriate data gleaned from the 1966 registered voter figures for election precincts and extrapolated all data to correspond to census tracts. The team was then

⁸ Art. III, Sec. 7 requires that a member be a "qualified voter of the senatorial district from which he seeks to be elected. . . ." Art. II, Sec. 1 provides that a voter must have been a resident of the State for "not less than one year" but does not specify any residence requirements for qualification as a voter in any particular district.

⁹ The situation will be even more acute in forthcoming reapportionments and redistricting, the plans for which will be disclosed much closer than this one to the election for which they will be effective.

instructed to prepare and present to your Committee various districting plans according to your Committee's criteria. The maps were prepared in a downtown office and no member of your Committee or any other delegate was involved in the preparation of the various plans.

The team prepared a total of 39 house districting plans: 22 for the island unit of Oahu, 10 for the island unit of Hawaii, 3 for the island unit of Maui, and 4 for the island unit of Kauai.¹⁰ No alternate plans were prepared for the apportionment and districting of the senate. Your Committee, after a careful study, concluded that the senate districting plan now temporarily in effect under the ruling of *Burns v. Richardson*, 384 U.S. 73, is sound and acceptable, with some minor adjustments of boundary lines of two urban Oahu districts.

After nearly seven weeks of intensive hearings, study and discussion, your Committee realizes that the factors which must be considered in apportionment and districting are inextricably interrelated and are indeed complex and difficult to comprehend in their entirety.

c. Criteria used by the Committee in districting:

Your Committee adopted and used the following criteria to: (i) guide computer team in preparing the alternate districting plans and (ii) serve as your Committee's policies in selecting that plan which best meets the needs of Hawaii. Some of these criteria were also adopted in setting the guidelines for future reapportionment commissions.

(1) *The average number of registered voters per legislator in every district shall be as nearly equal as possible.* This criterion, of course, is merely a restatement of the equal population principle enunciated by the United States Supreme Court in its apportionment decisions. This criterion was given overriding consideration in the preparation of the various plans and in the selection of the plans adopted by your Committee.

(2) *No district shall extend beyond county boundaries.* This criterion preserves the integrity of political subdivisions. The composition, history and peculiar characteristics of each county (which is also a basic island unit) are described in that portion of this report relating to minimum representation for each island unit. Your Committee has been able to adhere to this criterion without doing violence to the equal population principle.

¹⁰ The Oahu island unit consists of the island of Oahu and all unenumerated islands; the Hawaii island unit consists of the island of Hawaii; the Maui island unit includes the islands of Maui, Molokai, Lanai and Kahoolawe; and the Kauai island unit includes the islands of Kauai and Niihau.

(3) *Insofar as possible, districts are to be contiguous (except multi-island districts) and compact.* This criterion serves as a guide for any future reapportionment of the state legislature to help prevent gerrymandering from occurring. Compact and contiguous districts have traditionally been urged by all authorities on apportionment, but they are sometimes difficult to design here because of Hawaii's special geography.

(4) *District lines must follow permanent and easily recognized lines—e.g., major streets, streams, clear geographical features—and should follow census tract lines where possible.* Easily recognizable lines permit each voter to be able to tell, without difficulty, the district to which he belongs. Permanent lines, too, permit district lines to be readily identifiable for as long as the configuration of the district remains unchanged. The house and the senate apportionment plans adopted by your Committee consistently utilize clear geographical features, major streets and streams. In addition to the use of mountain ridges, gullies and streets, the house apportionment plan for Oahu utilizes the newly constructed freeway to separate the mauka and makai representative districts in urban Honolulu. This criterion is designed to help future reapportionment commissions by establishing a restrictive guideline and thus narrowing the range of its discretion.

The requirement that census tract lines should be followed whenever possible was motivated first by the fact that the census uses the same geographical standards for its lines as those your Committee used in drawing district lines, and second, by a desire on the part of your Committee for district lines which would permit easy recourse to valuable voting and electoral data. The districts as now constituted do not follow census tract lines, yet a great deal of information about people (as compiled in census and other studies) are generally kept along census tract lines. Since the current district lines frequently cross census tracts (and vice versa), it is not possible accurately to correlate census data and estimates with our representative districts. Your Committee believes that requiring district lines to follow census tract lines where possible, coupled with your Committee's recommendations and proposals related to the office of the State's chief election officer, should facilitate the gathering of the kind of data needed for any future apportionment of the state legislature and for numerous other purposes such as state planning and forecasting activities.

(5) *Wherever possible, the division of areas with a substantial community of interest (socio-economic) is to be avoided.* Your

Committee concluded very early in its deliberations that it is highly desirable to permit a homogeneous group of people or an identifiable neighborhood group to participate in the political process as a unit, rather than to be split up arbitrarily into small factions in two or more districts. By a homogeneous group, your Committee means a group, the members of which are alike in their social and economic status.

Your Committee is aware that it is impossible to insure completely that no homogeneous group would be split up and the members scattered over several districts. Your Committee is further aware that it is no easy task to identify each and every group with a substantial community of interest. But, to the extent possible, without violating any of the other criteria established, your Committee believes that areas with a substantial community of interest should not be divided.

(6) *The submergence of small areas or groups within larger districts where substantially different socio-economic interests predominate is to be avoided.* Your Committee sought to avoid clear cases of one socio-economic group being disadvantaged by reason of its placement in a district in which another socio-economic class heavily predominates. This criterion attempts to establish some rough balance among diverse interest groups within a district. Where a socio-economic group of people cannot, by reason of its number or otherwise, be a district by itself, it should have at least a fighting chance to compete with other socio-economic groups in the same district in selecting a legislator. It is, admittedly, not a precise criterion, but it does delineate an undesirable condition which should be considered in selecting districts.

(7) *Districts may not be so drawn as to unduly favor one person or political faction.* In its deliberations, your Committee exercised the greatest degree of objectivity possible. It permitted the possible fate of no incumbent legislator and of no political party to influence its decision. Your Committee believes that the house and senate plans finally adopted by it reflect this objectivity.

(8) *No multi-member house district shall have more than three representatives.* The policy was adopted to prevent a long ballot. Greater the number of representatives a voter must select, greater the number of candidates and less the chance that the voter would become sufficiently acquainted with the candidates to cast an intelligent ballot. This policy is particularly important in areas where future growth in population is

immediate and foreseeable. The criteria for future reapportionment commissions is somewhat less restrictive, limiting representative and senate districts to four members.

(9) *No single-member districts shall be created in highly urban areas.* This criterion was adopted when it became evident that no rational single-member district lines could be drawn in highly urban areas. In a single-member districting system, populous areas are particularly susceptible to a mish-mash of lines and divisions of homogeneous groups. None of the districts in urban Honolulu and downtown Hilo is a single-member district in the plans adopted by your Committee. This criterion was not adopted for future reapportionment commissions since it was felt conditions and the availability of data might change and since it was not felt proper to impose so definite a prohibition as this upon the future.

(10) *Except where districts constitute entire islands or counties, the senate districts should be larger than representative districts, and senate district lines should avoid cutting across a house district.* The traditional concept of bicameralism that senate districts shall be larger than house districts was retained by your Committee. Your Committee, however, sought to draw senate district lines in such a fashion that they fell along representative district lines and cut across no representative district. The adopted plans successfully follow this policy, except in one minor instance. This criterion is adopted in a more general, less restrictive manner for future reapportionment.

d. Single-member v. multi-member districts:

In both *Fortson v. Dorsey*, 379 U.S. 433, and *Burns v. Richardson*, 384 U.S. 73, the United States Supreme Court held that the Equal Protection Clause (of the Fourteenth Amendment to the U.S. Constitution) does not require that at least one house of a bicameral state legislature consist of single-member legislative districts. Nevertheless, your Committee gave full and deliberate consideration to apportioning at least the house of representatives exclusively among single-member districts. The Committee also gave consideration to apportioning the house exclusively among multi-member districts.

To assist the Committee in deciding the issue of single-member v. multi-member districts, house districting plans were prepared reflecting (1) all single-member districts, (2) all multi-member districts, and (3) a combination of single- and multi-member districts. For the island of Oahu, two plans were prepared reflecting all single-member districts,¹¹ and at least five plans

¹¹ Plans A and B.

were prepared reflecting all multi-member districts. After a careful examination of all these plans, your Committee concluded that the best districting system for the house of representatives is that which is not rigidly limited to single- or multi-member districts.

The rejection of exclusively single-member districts for the house, of course, led to the rejection of exclusively single-member districts for the senate. Traditionally, in Hawaii, the senate districts have encompassed greater geographic areas than the house districts, and the members of the senate have enjoyed longer terms than the members of the house. In addition, the senate has been a smaller body than the house, and each senator has represented a larger number of constituents than a representative. Your Committee finds no valid reason to depart from this traditional scheme which has worked remarkably well.

Our findings which led to the conclusion that a combination of single- and multi-member districts is best for the house of representatives are as follows:

(1) *Reasons for rejecting all single-member districts.* Your Committee rejected the creation of exclusively single-member districts for the house of representatives because it finds that no meaningful apportionment can result therefrom in Hawaii, at least in the urban areas.

(a) *Single-member districting system unduly disrupts and divides areas where people have a substantial community of interest.* The overriding consideration in any districting system, whether it be a single-member districting system or a multi-member districting system, is substantial equality in numbers—that is, each legislator must represent that number of registered voters which is substantially equal to the number of registered voters represented by every other legislator. In a single-member districting system, this means that every district must contain substantially the same number of registered voters.

Your Committee finds that it is impossible to apportion the 51-member house among single-member districts which adhere to the "equal population" principle and at the same time preserve neighborhood or homogeneous socio-economic groups. Such a single-member districting system must be accomplished by counting the number of registered voters, beginning

at a given point on each island. As soon as the count approximates the average number of registered voters per representative, a line must be drawn circumscribing a district.¹² The lines frequently divided neighborhoods and submerged small segments of one socio-economic group in a district where some quite different group predominated. As Mr. Schmitt noted in his explanation of the plans to your Committee, "Homogeneous areas do not come in neat packages of 5,082 voters. If every neighborhood, every district, were that exact size, our problems would be solved."¹³ Homogeneous areas come in varying sizes, some greater than 5,082, others less than 5,082, and very, very few equal to 5,082 voters. Thus, the division of homogeneous areas and the scattering of its members among two or more districts were unavoidable, and many of the important criteria adopted by the Committee were violated more often than honored.

Plan B was drawn to adhere as closely as possible to the equal population principle. Plan A permits a greater deviation in the number of registered voters per district from the average or norm (some as great as 14%). The closer the adherence to the equal population principle, the less the chance of avoiding disruption of areas with substantial community of interest and greater the opportunity for submergence of small groups within a district in which a substantially different socio-economic interest predominates. Greater deviations from the equal population principle reduce this disruption but substantially increase the risk of the plan being declared unconstitutional. It is important to note that Plan B, with a deviation as great as 14% still substantially divides neighborhood areas and that the supreme court has in the past rejected unexplained deviations smaller than this.¹⁴

(b) *Single-member districting system results in irrational district lines.*

¹² 5,082 is the average number of registered voters per representative on Oahu based on Oahu's 1966 total registered voters (193,107) divided by the number of representatives (38) to which Oahu is entitled.

¹³ Committee on Apportionment and Districting, transcript of hearing held on July 29, 1968.

¹⁴ See *Swann v. Adams* 385 U.S. 440 (1967); *Kilgarlin v. Hill*, 386 U.S. 120 (1967).

District lines should be readily identifiable. Thus, one of the criteria followed by your Committee requires that district lines follow permanent and easily recognized lines—e.g., streets, streams, clear geographical features. Since there can be no substantial deviation in the number of registered voters in each single-member district from the average number of registered voters per representative, as soon as the count of registered voters reaches a number approximating the average, a search must be had for the nearest recognizable line. The geography of each island is such that geographic features such as streams, gullies and mountain ridges bisect even the most heavily populated areas of the island.

The result of creating single-member districts under these circumstances was found to be that district lines run every which way, with little semblance of order or rationale. Compactness is often disregarded, and contiguity can be maintained in several instances only by a sliver of land joining one part of the district with another part or by crossing mountain ridges or other geographical features that are actually impassable.

Your Committee finds that district lines of this kind, particularly in a state with small population which is growing, lead to a "crazy quilt" apportionment, which Justice Clark criticized in *Baker v. Carr*, 369 U.S. 186.

(c) *Single-member districts, especially where the population is changing rapidly, are subject to violent shifts in their district boundary lines at each apportionment. Such violent shifts in district lines detract from the stability desired in Hawaii's political process. A single-member districting system, when applied to Hawaii, means small districts. Small districts are easily susceptible to imbalances in numbers of voters with slight movements of people in or out of any single district.*

Data available to your Committee indicate that the people in Hawaii are relatively mobile—that is, there is a constant change in places of residence—and that the population, especially on Oahu, is growing rapidly. If the single-member districting system were adopted, it appears that the small size of the districts and the mobility and instability of the island population

will require at each apportionment of the Hawaii legislature violent changes in the district boundary lines. Voters accustomed to voting with one group of people will find themselves voting with a new group of people; voters accustomed to voting for legislators from among candidates familiar to them will find themselves voting for legislators from among candidates who are new to them. This might alienate many eligible voters who are otherwise highly motivated.

In sum, Hawaii has very special problems of geography and population. Exclusive reliance on single-member districts may have certain theoretically desirable features¹⁵ and may be a workable approach in other areas; in Hawaii it would create far more harm than any benefits it could produce and the Committee strongly rejects it.

(2) *Reasons for rejecting all multi-member districts.* Your Committee also rejected all proposals which would have required that every representative district be a multi-member district. Such a requirement ignores the existence of areas which can and ought to be, for varying justifiable reasons, single-member districts. Among the circumstances justifying certain areas in the State to be single-member representative districts are:

(a) *Areas which are substantially homogeneous in the socio-economic makeup of their populace, distinctly different from the socio-economic makeup of the people in adjoining areas, and which are sufficiently large and geographically separable to be representative districts by themselves.* These were the considerations which prompted your Committee to create a single-member representative district in Waianae (proposed district 21) on the island of Oahu.

The entire district of Waianae, including Nanakuli, is predominately a low-income area. It is a pocket of poverty and is one of two areas in the State where the model cities program is now in operation. It is also an area where special educational, health and welfare programs are offered to provide equal opportunities to its residents. The homogeneous district of Waianae is

readily distinguishable from its more highly affluent neighbor of Ewa. It is bordered by the sea on one side and is separated from the rest of the island of Oahu by the Waianae Range on two remaining sides. The alternative to making Waianae a single-member district by itself is to join Waianae with Ewa in a multi-member district. To group the low-income people of Waianae with the upper middle-income people of Ewa would to some extent result in the submergence of a distinct and distinguishable interest within another.

(b) *Areas which are so sparsely populated that multi-member districts would cover inordinately large geographic areas.* There are areas in the State which are sparsely populated, thus requiring that legislative districts be geographically large, covering many miles of uninhabited regions. So long as the equal population principle is substantially adhered to, there is no valid reason why single-member districts in such areas should not be created. To require otherwise would compel voters living miles apart to vote together and candidates to cover long distances in campaigning for office.

These are the reasons for the creation of single-member representative districts on the island of Hawaii. Each of these single-member districts, however, contains that number of registered voters which approximately equals the island unit's average number of registered voters per representative.

e. A general description of the plans:

The house and senate districting plans adopted by your Committee are incorporated in Exhibit A attached to this report. Your Committee believes that these districting plans are the fairest and most equitable of all possible plans.

The house districting plan creates twenty-five representative districts: one in the Kauai island unit, two in the Maui island unit, five on Hawaii and seventeen on Oahu. Each representative district is apportioned one, two or three representatives, depending on the size of the district.

The senate districting plan is substantially like the temporary plan currently in effect.¹⁶ The plan

¹⁵ Discussions of the relative advantages and disadvantages of single and multi-member districts are highly theoretical and subject to dispute. See *Hawaii Constitutional Convention Studies*, Article III; The Legislature (Apportionment Provisions), Volume II, Legislative Reference Bureau, July 1968, 40-47, 71-82.

¹⁶ The current temporary plan is the senate apportionment contained in the proposed constitutional amendment enacted by the Hawaii legislature at its 1967 session (S.B. 1102). This proposed amendment will be on the ballot at the general election of 1968. The problem that would arise if both it and the Committee's plan are ratified by the voters is resolved by proposed Section 26 of Article XVI, discussed later in this report.

creates eight senatorial districts, one for each of the basic island units of Kauai, Maui and Hawaii and five for the island unit of Oahu. The single senatorial district in each island unit of Kauai, Maui and Hawaii, is apportioned one, two and three, two and one senator, respectively.

f. Kauai.

The proposed house and senate district plans make no changes in the representational character of the island unit of Kauai. Kauai still retains its three representatives and one senator. Your Committee gave full consideration to the creation of single-member representative districts in the Kauai island unit. However, due to the topography and geography of Kauai and its population dispersion, no single-member district could be created which makes any sense.

g. Oahu.

The proposed districting plans make the following changes on the island of Oahu:

On Oahu, one senatorial district is apportioned three senators, and each of the four other districts is apportioned four senators.

The districting plans adopted by your Committee differ from the present house and senate apportionment primarily with respect to size of house districts and the extent of voter population deviations among districts. The proposed representative districts are smaller than those which currently exist. Presently, there are as many as six representatives being elected from a single district.

Your Committee reviewed the comments and opinion of the three-judge district court in *Holt v. Richardson*, 238 F. Supp. 468, 240 F. Supp. 724, and the comments and opinions of others who criticized the fact that both houses of our legislature were characterized by large, multi-member districts. It concluded that if senate districts were to retain their present large size and multi-member status, house districts should on the whole be smaller and elect fewer representatives.

The new apportionment is thus characterized generally by a reduction in the size of representative districts. It contains no representative district with more than three representatives. It retains, however, senatorial districts with as many as four senators.

Under existing apportionment, there are a number of districts which are both representative

and senatorial districts at the same time.¹⁷ Under the plans adopted by your Committee, no district on Oahu is a representative district and a senatorial district at the same time. Each senatorial district is larger in area and contains two or more representative districts.

At present, several senatorial district lines cut across representative districts, dividing the voters in each of such representative districts into two senatorial districts. The plans adopted by your Committee generally avoid the division of voters in any representative district into two senatorial districts.¹⁸

The existing representative district lines generally run from the mountain to the sea. Your Committee retained this manner of drawing district lines. However, for the city of Honolulu, after much experimentation, your Committee adopted the freeway as a major cutoff point for the purpose of splitting existing districts into smaller sizes. Your Committee was guided to this conclusion by a number of factors:

(1) The freeway both physically and psychologically divides the neighborhoods through which it runs. Statistical studies have shown that residents of a neighborhood tend to focus their shopping, social and other activities away from the freeway, and in general look upon the freeway as a barrier in fact between them and the neighborhoods on the other side.

(2) The freeway generally divides the city along socio-economic lines. There are exceptions, but as a generalization it can be said that industrial and less affluent residential areas tend to dominate in the makai side of the freeway.

(3) The freeway is a permanent, easily recognizable, physical boundary.

(4) The freeway is absolutely impartial, its location having nothing to do with incumbents, potential candidates, parties or others who may become upset whenever district lines are redrawn.

(5) Generally speaking, the freeway permits division of existing districts without requiring

¹⁷ The present 8th Representative District and the 3rd Senatorial District encompass the same geographic area. The present 15th Representative District and the 6th Senatorial District cover substantially the same area. Districts which serve both as representative and senatorial districts were severely criticized as being "political monoliths" by the United States District Court for the District of Hawaii in *Holt v. Richardson*, 240 F. Supp. 724.

¹⁸ The sole exception is the ewa boundary of the 7th Senatorial District which divides the 11th Representative District.

substantial changes in the mauka boundaries to obtain appropriate population totals.

h. Maui.

The house districting plan affects the island unit of Maui as follows:

Maui loses one representative, and the islands of Molokai and Lanai, by reason of their voter population, are no longer entitled to a single representative by themselves.

At present, the island of Maui itself elects four representatives at-large. The proposed districting plan divides the island of Maui into two. The northern portion of the island, including Wailuku and Lahaina, is joined with the islands of Molokai and Lanai to create a two-member district. The remainder of the island of Maui and the island of Kahoolawe constitute another two-member district.

In districting the Maui unit, your Committee was particularly concerned with preserving effective representation for the sparsely populated islands of Molokai and Lanai. Your Committee finds that the proposed districting plan is the only meaningful way in which Molokai and Lanai can be assured effective participation in the election of representatives. Your Committee seriously considered the possibility of having all four representatives elected at-large throughout the Maui island unit. Your Committee concluded, however, that such an at-large election unduly submerges the interests of Molokai and Lanai in the light of the much greater population on the island of Maui. Your Committee also considered the possibility of creating a single-member district consisting of Molokai and Lanai and a portion of the island of Maui. No meaningful single-member district, however, could be formed without unduly disrupting some community on the island of Maui.

i. Hawaii.

The proposed districting plans affect the island unit of Hawaii as follows:

At the present time, the city of Hilo and a portion of the Hamakua coast is a single, three-member representative district. The new apportionment divides this area into one single-member district and one two-member district.

In accordance with your Committee's experience in the city of Honolulu and its findings that single-member districts do not work well in urban areas and as a result of a past history of at-large elections in Hilo city, your Committee voted overwhelmingly to retain an at-large, multi-member district for the city of Hilo. However, the northern portion of the South Hilo judicial district is predominately sugar-cane land and consists primarily of plantation communities.

Your Committee, therefore, voted to create a single-member district for this northern portion of Hilo.

The present 5th Representative District (North and South Kohala and a portion of North Kona) is eliminated in the proposed house districting plan for Hawaii. North Kohala is included in a single-member district with Hamakua, and South Kohala is included in a single-member district with North and South Kona. Kau and Puna form another single-member district together with a small part of South Hilo.

Your Committee is aware that this districting plan is not entirely satisfactory. Due to topography, North Kohala is separable by impassable valleys, and is accessible to Hamakua only by a road which runs through the South Kohala-Kona district.

Indeed, the island of Hawaii presents peculiar problems which arise essentially out of the vast distances and sparse population of the island. Your Committee heard a great deal of testimony concerning the districting of the island of Hawaii, particularly with respect to the separation which the Committee proposed of North and South Kohala. Such separation is, as the Committee fully recognized, undesirable, but it is, in your Committee's judgment, not critical. The line drawn does not divide any population center and North Kohala, until recently, has been relatively isolated in any event. In addition, North Kohala is essentially a sugar plantation area, thus having a substantial identity of interests with the Hamakua district with which it is joined. The South Kohala district has little sugar and is primarily concerned with ranching and resort development.

Many persons from the North Kohala area have informed the Committee that they do not wish to have their district separated from South Kohala. The Committee very much appreciates the great effort made by these persons to make their views known, and indeed it is very sympathetic to those views. Because of the rigid numerical exactness required by the "one-man, one-vote" decision in drawing districts, however, the Committee was faced with a series of undesirable alternatives. It could either separate North and South Kohala or it would be required to do one of the following:

(1) Join North and South Kohala with a portion of Hamakua, thereby fracturing the traditional and highly homogeneous Hamakua district. The resort development area of South Kohala would then be separated from the resort development area of North Kona (a highly undesirable result in Committee's opinion) and joined with the plantation areas of Hamakua who have neither resort activity nor any immediate potential for same.

(2) Join North and South Kohala with

North Kona (the most desirable combination of these three districts). But the problems of numbers would then require splitting the Kona population center just south of Kealakekua. This would be highly undesirable since this population center is sandwiched between large geographical areas which are only very sparsely populated and the people residing on both sides of the line have common problems with respect to most relevant matters. Additionally, the people residing south of the line would be attached as a sort of appendage to a huge district containing the farming and sugar-producing areas of Puna, Pahala and Naalehu with whom they have very little in common. These persons would have difficulty receiving adequate representation in such a district since the representative would undoubtedly be elected from the population centers in Puna, many miles away and dissimilar from South Kona in geography, weather and socio-economic interests.

If the plan proposed by the Committee is undesirable as to those residing in North Kohala, the alternatives are fully as undesirable to others. The Committee deliberated at great length over the choice it was forced to make and even held a special public hearing in Hilo on September 7th. The Committee's conclusion is that the undesirable features of its original proposal to separate North and South Kohala are less destructive of the Committee's criteria and provide a lesser interference with potential effective representation than either of the alternatives.

It should be noted that the South Kohala-North Kona areas can anticipate substantial population growth in the near future. This may well mean that the North Kohala area can be rejoined to its neighbors in the next reapportionment four years from now.

j. Explanation of deviations among districts:

In developing the house and senate districting plans to recommend to the Convention proper, the members of your Committee kept foremost in their minds the ruling of the United States Supreme Court that the number of registered voters per legislator in any district must be substantially equal to the number of registered voters per legislator in every other district.

Your Committee sought to keep the disparity in numbers to a minimum by imposing on itself a working rule that no deviation from the average number of registered voters per legislator should exceed 10%, except in special, explained circumstances, and that wherever possible, deviations should be kept to within 5% of the average. It is often extremely difficult to comply with requirements as rigid as this and to design districts which in every respect adhere to the

Committee's criteria. The Committee has, however, attempted to minimize both deviations from numerical averages and from its criteria and believes that the result is a successful balance.

This part of the report explains the procedure used by your Committee in allocating the 51 representative and 25 senatorial seats to the various districts and the reasons for those deviations which appear to exceed reasonable limits.

(1) *Allocation of seats among basic island units.* Initially, your Committee apportioned the 51 representative and 25 senatorial seats to the four basic island units by the method of equal proportions. Your Committee is aware of the admonition of the United States Supreme Court contained in Footnote 4 of *Burns v. Richardson*, 384 U.S. 73, that the use of the method of equal proportions "will not necessarily result in a constitutional apportionment. It is the distribution of legislators rather than the method of distributing legislators that must satisfy the demands of the Equal Protection Clause." Your Committee has concluded, however, that the use of the method of equal proportions in this instance does not have the effect of denying to any person equal protection of the laws. As will be demonstrated, the resulting representative and senatorial districts are substantially equal in size. The method of equal proportions was used to allocate the total number of representative and senatorial seats to the basic island units for the reasons set forth elsewhere in this report to support your Committee's recommendation that each basic island unit be guaranteed a certain minimum representation.

As apportioned by the method of equal proportions, the basic island unit of Oahu, with 76.3% of the statewide total registered voters of 253,242, has thirty-eight representatives and nineteen senators; the basic island unit of Hawaii with 11.3% of the total registered voters has six representatives and three senators; the basic island unit of Maui with 7.5% of the total registered voters has four representatives and two senators; and the basic island unit of Kauai with 4.9% of the total registered voters has three representatives and one senator.

Each basic island unit's average number of registered voters per legislator and the percent by which such average deviates from the statewide average number of registered voters per legislator are as follows:

HOUSE

Island Unit	No. of Rep.	No. of Registered Voters	Island Average Registered Voters Per Representative	Percent Deviation from State Average of 4,967 ¹⁹
Oahu	38	193,107	5,082	+ 2.3
Hawaii	6	28,596	4,766	- 4.1
Maui	4	19,029	4,757	- 4.2
Kauai	3	12,510	4,170	-16.1

¹⁹ Total statewide number of registered voters (253,242) divided by the total number of representatives (51).

SENATE

Island Unit	Number of Senators	No. of Registered Voters	Island Average Registered Voters Per Representative	Percent Deviation from State Average of 10,130 ²⁰
Oahu	19	193,107	10,164	+ 0.3
Hawaii	3	28,596	9,532	- 5.9
Maui	2	19,029	9,514	- 6.1
Kauai	1	12,510	12,510	+23.5

²⁰ Total statewide number of registered voters (253,242) divided by the total number of senators (25).

The over-representation in the house for the basic island unit of Kauai by -16.1% resulted when, by the method of equal proportions, the last representative seat was assigned to that basic island unit. Its under-representation in the senate by +23.5% is caused by the inability of the island unit's 12,510 registered voters to command a second senate seat. Kauai's over-representation in the house compensates to a large

extent the unit's under-representation in the senate.²¹

When the apportionment plans adopted by your Committee for both the house and the senate are viewed together, they reflect the following average number of registered voters per legislator for each basic island unit and the percent by which such average deviates from the statewide average:

Basic Island Unit	No. of Legislators (Representatives and Senators)	No. of Registered Voters	Island Av. No. of R. V. per Legislator	% Deviation from Statewide Av. No. of R. V. per Legislator (3,332) ²²
Oahu	57	193,107	3,388	+ 1.7
Hawaii	9	28,596	3,174	- 4.7
Maui	6	19,029	3,171.5	- 4.8
Kauai	4	12,510	3,127.5	- 6.1

²² The total statewide number of registered voters (253,242) divided by the total number of representatives and senators (76).

(2) *Apportionment of legislative seats within each basic island unit.* Your Committee exercised extreme care to insure equality in the number of registered voters per legislator within each island unit. Some

²¹ The United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533, remarked that "apportionment in one house (of a bicameral legislature) could be arranged so as to balance off minor inequities in the representation of certain areas in the other house."

of the multi-member house districting plans prepared for your Committee contain slightly narrower deviations from the island units' averages than those contained in the plan adopted by your Committee. However, each of them violates one or more of the criteria adopted by your Committee and was thus rejected.

(a) *House of representatives.* The house districting plan adopted by your Committee creates 25 representative districts as follows:

District No.	Island Unit	No. of Representatives
1	Hawaii	1
2	Hawaii	2
3	Hawaii	1
4	Hawaii	1
5	Hawaii	1
6	Maui	2
7	Maui	2
8	Oahu	2
9	Oahu	2
10	Oahu	2
11	Oahu	3
12	Oahu	2
13	Oahu	3
14	Oahu	2
15	Oahu	2
16	Oahu	2
17	Oahu	2
18	Oahu	2
19	Oahu	2
20	Oahu	3
21	Oahu	1

(Continued next column.)

District No.	Island Unit	No. of Representatives
22	Oahu	2
23	Oahu	3
24	Oahu	3
25	Kauai	3

The statewide ratio of the largest number of registered voters per representative to the smallest number of registered voters per representative is 1.37 to 1. Within each basic island unit, the ratio is as follows:

Island Unit	Ratio
Oahu	1.23 to 1
Hawaii	1.16 to 1
Maui	1.06 to 1
Kauai	1 to 1

The percentage by which the number of registered voters per representative in each district deviates from the average number of registered voters per representative is shown on the following table. Two deviation percentages are given, one reflecting the deviation from the basic island unit's average and the other reflecting the deviation from the statewide average.

	Rep. Dist.	No. of Reprs.	No. of Reg. Voters	Reg. Voters per Rep.	% Dev. from Island Unit Av. No. of Reg. Voters per Rep.	% Dev. from Statewide Av. No. of Reg. Voters per Rep. (4965.53) ²³
<i>Hawaii</i>	1	1	4,377	4,377.0	- 8.2	- 11.9
	2	2	10,115	4,821.0	+ 1.2	- 2.9
	3	1	4,517	4,517.0	- 5.2	- 9.0
	4	1	4,766	4,766.0	0.0	- 4.0
	5	1	4,821	5,057.5	+ 6.1	+ 1.9
<i>Maui</i>	6	2	9,223	4,611.5	- 3.1	- 7.1
	7	2	9,806	4,903.0	+ 3.1	- 1.3

(Continued next page.)

²³ Total statewide registered voters (253,242) divided by the total number of representatives (51).

	Rep. Dist.	No. of Reps.	No. of Reg. Voters	Reg. Voters per Rep.	% Dev. from Island Unit Av. No. of Reg. Voters per Rep.	% Dev. from Statewide Av. No. of Reg. Voters per Rep. (4965.53)
<i>Oahu</i>	8	2	10,449	5,224.5	+ 2.8	+ 5.2
	9	2	9,973	4,986.5	- 1.9	+ 0.4
	10	2	10,449	5,224.5	+ 2.8	+ 5.2
	11	3	15,161	5,053.6	- 0.6	+ 1.8
	12	2	9,800	4,900.0	- 3.6	- 1.3
	13	3	15,597	5,199.0	+ 2.3	+ 4.7
	14	2	10,155	5,077.5	- 0.1	+ 2.3
	15	2	10,504	5,252.0	+ 3.3	+ 5.8
	16	2	11,099	5,549.5	+ 9.2	+ 11.8
	17	2	9,137	4,568.5	- 10.1	- 8.0
	18	2	10,363	5,181.5	+ 2.0	+ 4.3
	19	2	10,533	5,266.5	+ 3.6	+ 6.1
	20	3	14,812	4,937.3	- 2.8	- 0.6
	21	1	5,725	5,725.0	+ 12.7	+ 15.3
	22	2	9,296	4,648.0	- 8.5	- 6.4
	23	3	15,506	5,168.6	+ 1.7	+ 4.1
	24	3	14,548	4,849.3	- 4.6	- 2.3
<i>Kauai</i>	25	3	12,510	4,170.0	0	- 16.0

Deviation: Oahu. On the island of Oahu, except for four districts, the deviation in all districts from the island unit average number of registered voters per representative is 5% or less. In only two districts is the deviation greater than 10%. When measured against the state average number of registered voters per representative, the deviation in all districts, except eight, is within 5%. Only two of the eight districts deviate from the state average by more than 10%; the remaining six are 8% or less.

The two districts with deviations exceeding 10% measured against the Oahu average, are proposed House Districts 17 and 21. District 21 is the Waianae district. As mentioned earlier, your Committee's policy of not disrupting a homogeneous area which is large enough to be a district by itself and which would otherwise be submerged in another district in which another group interest predominates justifies the creation of District 21. District 17, which deviates from the island unit's average by 10.1% and the statewide average by 8.0%, consists of Kalihi-uka, lower Palama and a portion of Nuuanu. This is a mixed residential and industrial area, and the people who

reside in this district are generally of similar economic status. The creation of this district is thus in keeping with the policy of your Committee of retaining homogeneous areas intact wherever possible.

Deviation: Hawaii. On the island of Hawaii, the deviation from the island average number of registered voters per representative does not exceed 8.2%. When measured against the statewide average, District 1 deviates by -11.9% and District 3 by -9.0%. Due to the topography and vast geographic size of the island and the way the island's sparse population is dispersed, it is virtually impossible to narrow the deviation much further than this. Any attempt to narrow the deviation in any one district results in a greater deviation in another.

A deviation can be narrowed only by moving the boundary line of a district to take in more people or to eliminate some. Such movement of the boundary line has a domino effect. For example, if District 1's boundary line were moved either to the north or to the west, the boundary line of each subsequent district must in turn be moved. The effect of such movements

of boundary lines is the creation of districts which make little sense. Thus, if District 1's boundary line were moved northward, it would split the compact, homogeneous city of Hilo and would combine the southern portion of Hilo with Puna, which is several miles of forest away. If District 1's boundary line were moved westward, the effect is to split a part of South Kona away from the Kona coast and to join it with Kau over many miles of lava desert. Similarly, the corresponding movement of the boundary line of each subsequent district would split other homogeneous areas and join population centers which are miles apart.

Deviation: Maui. Maui's two districts deviate from the island's average number of registered voters per representative by +3.1% and -3.1%. When measured against the statewide average, the deviations are -1.3% and -7.1%. These deviations are minimal.

Deviation: Kauai. The Kauai island unit is over-represented in the state house of representatives by -16.0%. The reason for this has already been explained.

(3) *Senate.* The proposed senate districts and the number of senators apportioned to each are as follows:

District No.	Island Unit	No. of Senators
1	Hawaii	3
2	Maui	2
3	Oahu	3
4	Oahu	4

(Continued next column.)

District No.	Island Unit	No. of Senators
5	Oahu	4
6	Oahu	4
7	Oahu	4
8	Kauai	1
		25

The statewide ratio of the largest number of registered voters per senator to the smallest number of registered voters per senator is 1.31 to 1. The seemingly large ratio is caused by the single senator for the basic island unit of Kauai who represents 12,510 registered voters compared to the statewide average number of registered voters per senator of 10,130. Without including Kauai, the ratio is 1.08 to 1.

On the island of Oahu, which is the only basic island unit with more than one senatorial district, the ratio of the largest number of registered voters per senator to the smallest number of registered voters per senator is 1.026 to 1.

The percentage by which the number of registered voters per senator in each district deviates from the average number of registered voters per senator is shown on the following table. Deviations from the island unit's average is shown only for those senatorial districts on Oahu. The only meaningful measure of deviation in the other island units is the statewide average, since each island unit is a single senatorial district.

Senatorial District	No. of Senators	R.V. per Senator	Number of Registered Voters	% Deviation from Island Unit's Av. No. of R.V. per Senator ²⁴	% Deviation from Statewide Av. No. of R.V. per Senator (10,130) ²⁵
1	3	9,532	28,596		- 5.9
2	2	9,514	19,029		- 6.1
3	3	10,018	30,054	- 1.4	- 1.1
4	4	10,092	40,366	- 0.7	- 0.4
5	4	10,276	41,103	+ 1.1	+ 1.4
6	4	10,175	40,701	+ 0.1	+ 0.4
7	4	10,221	40,883	+ 0.5	+ 0.9
8	1	12,510	12,510		+ 23.5

²⁴ Total number of registered voters on Oahu (193,107) divided by the number of senators apportioned on Oahu (19) equals 10,163.53 registered voters per senator.

²⁵ Total statewide number of registered voters (253,242) divided by the total number of senate seats (25) equals 10,129.68.

Except for Kauai, the number of registered voters per senator in each senatorial district does not deviate from the statewide average by more than 6.1%. The under-representation by +23.5% for the island unit of Kauai was explained earlier in this report.

(4) *Legislature as a whole.* When the proposed representative districts and the proposed senate districts are read together, the number of registered voters per legislator in each district deviates from the statewide average number of registered voters per legislator by no more than 11.5%. The following table reflects this finding:

House Dist.	Senate Dist.	Tot. No. R.V.	Tot. No. Legislators (Hse. & Sen.)	Av. No. R.V. per Legislator	% Deviation from Statewide Av. per Legislator (3,332) ^{25a}
1)					
2)					
3)	1	28,596	9	3,174	- 4.7
4)					
5)					
6)	2	19,029	6	3,171.5	- 4.8
7)					
23)	3	30,054	9	3,339.3	+ 0.2
24)					
19)					
20)	4	40,366	12	3,363.8	+ 1.0
21)					
22)					
15)					
16)	5	41,103	12	3,425.2	+ 2.8
17)					
18)					
11 por)					
12)	6	40,701	13	3,130.8	- 6.0
13)					
14)					
8)					
9)	7	40,883	11	3,716.6	+ 11.5
10)					
11 por)					
25)	8	12,510	4	3,127.5	- 6.1

^{25a} Total registered voters (253,242) divided by the total number of legislators (76).

From the foregoing discussion, it is your Committee's conclusion that the districting plan adopted by your Committee substantially meets the requirement of "one man, one vote," and if any justification, rooted on a rational state policy, is required to explain any deviation from the equal population principle, it can readily be supplied.

k. Continuance in office of incumbent senators:

All senators elected in the 1968 general election will serve their full four-year terms. Section 21 of

Article XVI provides as follows:

"Senators elected to four-year terms in the 1968 general election shall in every case continue to serve in the district bearing the same number as that in which they were elected until the expiration of their term."

l. Effective date:

Your Committee recommends adoption of the following language as Section 25 of Article XVI:

"The senatorial and representative districts

and the numbers to be elected from each as set forth in the Schedules shall become effective for the first general election following ratification of the amendments to Sections 2 and 3 of Article III."

The intent of this section is to provide that the new apportionment and districting plan proposed by your Committee will become effective for the first general election following ratification.

IV. FUTURE REAPPORTIONMENT AND DISTRICTING

1. Reapportionment Periods

Your Committee recommends inclusion of the following language as Section 4.1 of Article III:

"Reapportionment Year. The year 1973 and every sixth year thereafter shall be reapportionment years."

The present provision in the Constitution requires the house to be reapportioned every ten years and the senate, by virtue of the present temporary plan now in effect, is required to be reapportioned on or before June 1, 1975 and every ten years thereafter. Your Committee has altered the reapportionment period so that reapportionment will occur at the same time for both houses—beginning in 1973 and every sixth year thereafter. The primary reasons for this change are:

(1) The United States Supreme Court in reviewing Hawaii's use of registered voters as an apportionment base suggested more frequent apportionments—every four or eight years.²⁶

(2) Your Committee has heard substantial testimony regarding the rapid growth of Hawaii's population which is not uniform among the several legislative districts, and of the rapid population shifts that occur. This would lead to substantial instances of over-representation and under-representation within a ten-year period and would produce substantial deviations among districts.

(3) Reapportionment and redistricting are rendered more difficult when existing districts become substantially unbalanced, for violent changes are required to correct them, thus magnifying difficulties for incumbents, potential candidates and voters.

(4) Although consideration was given to scheduling reapportionments every four or eight years to coincide with presidential elections, the statistics provided by the lieutenant governor's office indicate that

there is no apparent difference between voter registration and interest in presidential years or in off-years. This lack of difference may be due to the Hawaii gubernatorial elections being held during off presidential election years.

(5) Longer reapportionment periods promote greater stability of districts, while shorter periods are more desirable in terms of accurately reflecting rapid changes in the number of registered voters in each district. Six years was selected as an appropriate compromise between these desired ends.

2. Legal Status of Existing Reapportionment Provisions

The Constitution presently authorizes the governor to reapportion and redistrict the house of representatives every ten years. However, he is permitted to redraw district lines only when the average registered voters per representative in that district varies by more than 50% from the state average and requires only that the line be redrawn so that the variation is reduced to less than 50%. In practice, such a large variation will almost never occur where multi-member districts are used and therefore the governor's redistricting power is highly limited in scope. The present Constitution contains no reapportionment provisions for the senate but the legislature has passed and put upon the ballot for the next general election a constitutional amendment adopting the same program for the senate.

Your Committee has concluded that reapportionment in the manner suggested is constitutionally deficient. Recent judicial decisions indicate clearly that periodic reapportionment must be carried out with far less deviation than 50%. Indeed unexplained deviations of as little as 12% have been held unconstitutional because excessive.²⁷ Whenever legislative reapportionment is conducted in the future, it will be necessary to reduce all deviations to an absolute minimum unless carefully and legally acceptable explanations for specific exceptions are made. As a consequence and because of Hawaii's very rapid growth and mobile population, all future reapportionments will necessarily require redistricting which may be extensive.

3. General Considerations as to Kind of Districting Agency Needed

Given this circumstance your Committee has concluded that the responsibility for future reapportionments should not fall upon the governor or any single person. Your Committee finds:

(1) Whenever redistricting (as opposed to

²⁶ *Burns v. Richardson*, 284 U.S. 73 (1966)

²⁷ See *Swann v. Adams*, 385 U.S. 440 (1967); and *Kilgarlin v. Hill*, 386 U.S. 120 (1967).

simple reapportioning) is to take place, there is a wide range of discretion and judgment required.

(2) There is no way to accomplish an objective redistricting without affecting the future prospects of certain incumbents, potential candidates or parties in this area or that.

(3) Great political pressure will be brought to bear upon the reapportioning and districting agency.

(4) Some people will be unhappy and some of them will inevitably conclude that the redistricting was unfair.

(5) Judicial review based upon present constitutional limitations is limited largely to corrections of numerical deviations and of instances of extreme discrimination, but judicial review cannot be counted upon to correct instances of unfairness or of favoritism to persons, groups or parties in any districting plan.

Your Committee believes:

(1) That redistricting is a difficult and thankless task. It is unlikely that any substantial segment of the population could ever believe that a holder of political office carried out the task impartially and objectively even though such might actually have been the case and it seems inappropriate to subject the governor's office or any other elective office to such a situation.

(2) Those affected will react positively to a redistricting plan only if they feel that it was accomplished by an entirely nonpartisan or bipartisan body which had no reason to favor one person or group of persons or one party over another.

Your Committee has studied the reapportionment and redistricting provisions adopted by many states throughout the country. It has concluded that a nonpartisan body is quite impossible to locate or to appoint, and even if such a body were nonpartisan to begin with, the extreme political pressures brought to bear would be such that it could not long remain so. Other states have provided a variety of methods, the best of which involved balanced bipartisan commissions with strict deadlines and at least general districting criteria all included in its constitution. Your Committee has selected from these state provisions those features which it deems most likely to be effective and has filled in other provisions of its own specially designed for Hawaii.

Your Committee recommends inclusion of the following language as Section 4.2 of Article III:

“Reapportionment Commission. On or before March 1 of each reapportionment year and whenever reapportionment is required by court order, a legislative reapportionment commission shall be constituted. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall select one of their number for each house and the two so selected each shall designate two members of the commission. None of the eight members so selected shall be eligible to become a candidate for election to either house of the legislature in either of the first two elections under any such reapportionment plan. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission. Each of the four officials designated above as appointing authorities for the eight members of the commission shall, at the time of the commission appointments, also appoint one person from each basic island unit to an apportionment advisory council for that island unit. Such council shall remain in existence during the life of the commission and shall serve in an advisory capacity to the commission for matters affecting its island unit.

“Any vacancy in the commission or a council shall be filled within fifteen days in the same manner in which such position was originally filled. Council and commission members not appointed within the time specified shall be appointed 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 120 days from the date on which its members are certified, the commission shall file with the chief election officer a final reapportionment plan which shall become law after publication as provided by law. Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

“Commission members and apportionment

4. Reapportionment Commission

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 shall furnish, under the direction of the commission, all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties."

The reapportionment commission recommended by your Committee consists of nine members with the president of the senate and the speaker of the house each appointing two. Two each are appointed by the minority members in each house (the Committee debated having these appointments made by the minority leader in each house, but decided against use of that officer by name since problems might arise where there was more than one minority party or where the officers or their titles in the legislature might be changed). If any of these appointments are not made, the supreme court will make them. The eight persons so selected will presumably be evenly divided between the two political parties, a balance designed to assure members of each party that their interests have been adequately dealt with. Commission members are to be compensated and reimbursed for their expenses as provided by law and the eight initially selected are not permitted to run for legislative office under the districting program they have drawn for a period of four years. The latter proviso is to insure both incumbents and prospective candidates that self-interest in dealing with individual districts has been minimized.

The eight members initially selected are to select a ninth by agreement of at least six, who will act as chairman. If they are unable to make a selection, the chairman will be appointed by the supreme court. Appropriate time limits are specified for the appointments and the selection of the chairman, and the commission thereafter is given 120 days in which to complete its work. Advisory bodies are created for each county to insure that the problems and desires of each island unit are made known to the commission. Advisory body members are also compensated and their expenses reimbursed as provided by law.

The commission's work is to be carried out in such manner as the legislature may provide. Your Committee recommends that the legislature include in its provisions a requirement that public hearings be held and a requirement that the plan finally prepared be published for a given minimal period before it becomes law. No referendum to the people or to the legislature is involved but the legislature may wish to provide for the initial publication of the plan and a given period of time in which the public may bring its objections to the commission to permit the correction of errors without the necessity of judicial review.

5. Chief Election Officer

Your Committee recommends inclusion of the following language as Section 4.3 of Article III:

"Chief Election Officer. The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting."

Your Committee has found in its attempts to build appropriate districts that frequently statistics and other data in useful form simply are not available. To facilitate future apportionment activities, it is necessary to provide for: (1) a continuing program of maintenance of statistics in units smaller, and therefore more useful, than present precinct and census tract data; (2) an active ongoing program to maintain a high level of voter registration generally, but especially in districts which appear to be below average in voter registrations; and (3) a permanent program to re-register voters in the districts in which they actually reside. Programs and perhaps appropriate legislation is necessary to insure improvement in each of these areas.

At the suggestion of the lieutenant governor we have included a provision calling for the appointment of a chief election officer of the State and prescribing in general certain duties for such officer. At present the lieutenant governor is charged by law with carrying out most of the duties described and it is anticipated that the legislature will provide that the lieutenant governor will be chief election officer. Your Committee strongly recommends that the legislature take action as required to permit the effective implementation of the programs above suggested. Keeping current the register voter lists is critical for Hawaii since we are committed to the idea that our eligible voter population is best reflected and computed by the use of registered voters.

6. Apportionment Among Basic Island Units

Your Committee recommends inclusion of the following language as Section 4.4 of Article III:

"Apportionment among Basic Island Units. The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election in each of

such 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."

This section incorporates present apportionment methods as found in the Constitution and in the senate proposal. No changes have been made except the substitution of the term "basic island unit" for "basic area." This term is used throughout your Committee's reapportionment provisions and was adopted to reflect more clearly the fact that these areas are not only basic but are historical, geographical and political units with a strong identity of interest. These factors are important considerations in justifying deviations from a strict calculation of average registered voters. Since such deviations do occur by virtue of the fact that these areas do not possess exact multiples of the number of registered voters needed to justify a senator or a representative, it was felt the term would be helpful in supporting them.

7. Minimum Representation for Basic Island Units

Your Committee recommends inclusion of the following language as Section 4.5 of Article III:

"Minimum Representation for Basic Island Units. 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 this article, 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."

Recent years have witnessed a phenomenal growth in the population of Oahu and an inability on the part of neighbor island counties to keep pace.²⁸ It is true that the events which may change this trend are already in evidence. Many plans are being formulated for tourist development on the neighbor islands and capital improvements to facilitate this tourist activity are being provided. Nevertheless, it may be many years before all of the neighbor island counties will attain a population and voter growth rate equal to or exceeding that of Oahu. In these intervening years

²⁸ See Department of Planning and Economic Development, *The State of Hawaii Data Book*, State of Hawaii, 1967, Table 7, p. 5; and Andrew W. Lind, *Hawaii's People*, (3rd ed., University of Hawaii Press, Honolulu, 1967), Table 3, p. 44.

a serious problem will develop.

The Committee has given serious study and thought to the growing concentration of legislative representation on Oahu.²⁹ Following the one-man, one-vote principle enunciated by the United States Supreme Court, which requires a reasonably strict allocation of legislative members according to numbers of population or registered voters, Oahu will after this apportionment elect 38 of the 51 members of the house of representatives and 19 of the 25 members of the senate. Your Committee does not take issue with the basic philosophy underlying the one-man, one-vote principle but it is virtually unanimous in its opinion that rigid adherence to the principle may result in depriving substantial elements of our population of any effective representation in the state legislature in matters of government. This danger is occasioned largely by two factors which are unique to Hawaii. These are Hawaii's geographical structure wherein our four counties are each basic and independent island units separated by from thirty to seventy miles of open international ocean.³⁰ The second factor is Hawaii's highly simplified and centralized government structure.³¹ No other state in the union possesses either of these characteristics and, of course, no other state even remotely approaches the situation resulting from a combination of both.

Geographically, Hawaii's structure produces a number of results which must be considered in evaluating the needs of any governmental structure for the State. These are familiar to most of us but they will bear repetition here:

(1) Islands or groups of islands in Hawaii have been separate and distinct fundamental units since their first settlement by human beings in antiquity. As population grew, separate monarchies developed and each of the present counties was an independent free nation. It was not until about 1795, when Kamehameha I conquered and united the islands presently constituting Maui, Hawaii and Oahu under unified rule, that any abiding superior government existed. Kauai was never conquered by Kamehameha I but

²⁹ See Appendix 1.

³⁰ Robert M. C. Littler, *The Governance of Hawaii, A Study of Territorial Administration* (Stanford University Press, California, 1929), pp. 2-3; and *Civil Aeronautics Board v. Island Airlines, Inc.*, 235 F. Supp. 990 (D. Hawaii 1964); aff. 352 F. Supp. 735 (9th Cir. 1965) held that the seaward boundaries of Hawaii "were fixed at three nautical miles from the line of ordinary low water surrounding each and every one of the islands composing the State of Hawaii." (235 F. Supp. 990, 1007).

³¹ See Norman Meller, "Hawaii: A Study in Centralization," (Unpublished Ph.D. dissertation, Department of Political Science, University of Chicago, 1955); and W. Brooke Graves, *Centralization of Government in Hawaii*, The Library of Congress Legislative Reference Service (1962).

acquiesced to Kamehameha I in 1810.³² The first constitution of the nation of Hawaii, granted by King Kamehameha III in 1840, provided that there would be four governors "over these Hawaiian Islands—one for Hawaii—one for Maui and the islands adjacent—one for Oahu, and one for Kauai and the adjacent islands." The same constitution provided for a council of nobles to establish laws for the nation chosen from the four island units. Thereafter in every constitution of the nation, the territory and the state, the island units have been recognized as separate political entities.

(2) Hawaii's insular separation has had effects far more pervasive, however, than simply the establishment of historically independent governmental units. Each of the islands has had its unique geographic, topographic and climatic conditions³³ which have produced strikingly different patterns of economic progress and occupational pursuits. Thus each unit of government has its own peculiar needs and priorities which in some instances may be quite different from any other county.

(3) Statewide news media are centralized on the island of Oahu and concentrate their local news heavily, as might be expected, on Oahu matters. The people of Oahu therefore, constituting about 80% of the total population, know a great deal about the problems facing their island but very little about the problems of any Neighbor Island.

(4) It is not possible, given Hawaii's geography and its history, to manufacture tenable senatorial or representative districts by combining any parts of two counties. The result in any such case would always be the submergence and effective disenfranchisement of the voters in that county which constituted the lesser number. Consequently the people living in any given Neighbor Island unit can attain effective representation only from persons elected within that unit.

Given these geographically created factors, your Committee also considered the unique role of Hawaii's legislature in representative state government. In every other state in the union there are numerous minor governmental units—towns, cities, school districts, sewer districts and the like—which exercise power and in which the people may obtain local representation for local matters. Hawaii has none of these. Although Hawaii has major political units called counties,

³² Ralph S. Kuykendall and A. Grove Day, *Hawaii: A History from Polynesian Kingdom to American State* (Rev. ed., Englewood Cliffs, N. J.: Prentice Hall, 1961), pp. 23-29.

³³ See Department of Planning and Economic Development, Tables 93, 94 and 95.

these units have substantially less power and authority over local affairs than in most other states. The result is that Hawaii's legislature deals exclusively with, or at least effectively controls, many matters which are normally considered typically local government services.³⁴ Examples include the following areas of state jurisdiction:³⁵

(1) The entire public education system from the recruitment, payment and assignment of teachers to the maintenance, construction and operation of the public school system.

(2) The administration and control over all state and federal-aid highways, all boat harbors and all airports.

(3) The administration and collection of all major taxes, including the real property tax which is turned over to the counties after deduction of administrative expenses.

(4) The administration and control over all health and welfare activities, including the administration of hospitals, burial of indigents, economic assistance and rehabilitation.

(5) Administration and control over the entire judicial system, including the district courts, the circuit courts and the supreme court.

(6) Formulation and control of the state land use districts and primary responsibility for planning and economic development.

(7) Control of all natural resources, including fish, forestry, minerals, agriculture and land.

(8) The direction and coordination of programs of apprenticeships, employment security, labor law enforcement, workmen's compensation, industrial safety and labor-management relations.

(9) State law has created uniform provisions on classification and pay for all state and county employees by Act 188 of the Session Laws of Hawaii 1961.

In addition, in Hawaii and unlike other states, all of the major taxes are centrally administered and collected by the state government. A table prepared by the Tax Foundation of Hawaii is attached as Appendix 2 showing the amounts and

³⁴ See Norman Meller, "Hawaii: A Study in Centralization," (Unpublished Ph.D. dissertation, Department of Political Science, University of Chicago, 1955); W. Brooke Graves, *Centralization of Government in Hawaii*, The Library of Congress Legislative Reference Service, 1962; and Public Administration Service, *State and Local Government Relationships in the State of Hawaii* (Chicago: 1962).

³⁵ See Public Administration Service, pp. 44-48 but updated to reflect statutory changes since 1962.

types of taxes collected by the State as compared with those collected by the counties.

The referred-to table also reveals that the neighbor island counties are not self-supporting even for the limited county services they provide, and each county government depends on grants-in-aid from the legislature in order to support its own activities.

Your Committee believes the conclusions to be drawn from the foregoing are obvious and inescapable: if a voter of the State of Hawaii is to have meaningful representation in any kind of government, he must have effective representation from his own island unit in the state legislature.

Given this conclusion it is clear that the diminution of neighbor island representation which has characterized reapportionments in both bodies of the legislature in recent years raises the danger that at some point substantial numbers of Hawaii's citizens may be deprived of any effective representation in their governmental affairs. Your Committee held hearings and received testimony on the representation necessary to provide minimal coverage of legislative matters. Your Committee finds that the true deliberative bodies and decision-making centers in the legislature were the various committees. There were nineteen such committees in the senate and twenty-three in the house of representatives in the 1968 session. The testimony given to this Committee leads to the conclusion that even if these committees were drastically altered in structure or reduced in number, the number of basic areas of concern is such that for effective coverage and exposure of other legislators to its problems, a county must have an absolute minimum of two members in the senate and three members in the house of representatives.³⁶

Much of the Committee's discussion of this matter was taken up with a legal question: since the allocation of these minimal numbers of members to counties which had an insufficient voter population to warrant them would result in substantial deviations from the average number of registered voters throughout the State, would the courts permit the use of minimum representation? Your Committee felt that some minimum should be imposed. Some members of your Committee also felt that the supreme court would give recognition to a rational state plan based on Hawaii's unique representation problems, particularly since the solution called for only isolated deviations from the basic one-man, one-vote principle which could never result in control of the legislature shifting to a small fraction of the populace.

³⁶ These minimums do not of course apply to representative or senatorial districts within the basic island unit where problems of communication, of proximity and of economic and historical background do not exist or at least are far less severe.

In recognition of the problem of the neighbor island counties, your Committee recommends a plan whereby the 25 senators and 51 representatives would be allocated among the counties by the method of equal proportions as has always been the case. If that allocation results in a county receiving for example only one senator and two representatives then the senate would be increased to 26 members to provide the extra senator and the house to 52 members to provide the extra representative. These increases in the size of the house and senate would be temporary and the process will start anew at each six-year reapportionment. Thus if at the next reapportionment the county in question is entitled to its minimum out of the initial allocation, the senate and the house would remain at 25 and 51, respectively.

This plan would serve three important functions:

(1) It would isolate the deviations from the average so that every county which had sufficient population to warrant at least two senators and three representatives would be apportioned with mathematical perfection (insofar as the initial 25 and 51 members are concerned). Only the county or counties in which augmentation had been necessary would show deviations.

(2) No county would be deprived of the representation to which it was entitled out of the basic numbers of either house or senate to provide the additional representatives for the county or counties needing augmentation.

(3) The entire minimum representation plan could be split from the balance of the reapportionment scheme permitting review by the courts of that plan alone. If the courts concluded that the minimum plan could not be sustained, the court could overturn or effect necessary changes in the minimum plan without any adverse consequence to the remainder of the apportionment and districting provisions which could stand alone.

Fractional Voting

Your Committee was divided on the question whether the minimum plan had sufficient likelihood of success in the courts. Much deliberation failed to resolve this split. The legal issue seems to center not on the number of people elected to the legislature but rather on the voting power they exercise. Accordingly, your Committee reached agreement on a plan which gave to each neighbor island county a guaranteed minimum number of legislators but did not dilute the voting power of the remaining counties. A plan was developed therefore which provides that

each neighbor island county is to have as many votes in the legislature as its registered voter totals dictate except that no county will ever have less than one full vote in either house. Where the voting population is not sufficient, however, to give a particular county the minimum number of votes and members, then its representation will be augmented as above described but the members as augmented would simply share among themselves their county's allocated voting power. For example, if a county's registered voting population were such that the initial allocation gave it only one senator and two representatives, each body would be increased by one member to be assigned to that county. The county's two senators would each be entitled to all privileges and rights of that office and would share the county's one vote in the senate such that each would cast one-half vote. The house members would likewise have all rights and privileges of that office and each would cast two-thirds of a vote. If a county should ever be allocated only one representative in the initial allocation, then its three representatives as augmented would each cast one-third of a vote. The plan works in such a way that no other fractions would ever be utilized.

Since there would be no increase in the total votes cast within either legislative body, constitutional, statutory and internal rules with respect to minimums for affirmative action, quorums, and other matters need not be changed. Where such rules look to a proportion of the total vote, the same proportion will be required although it is possible that it will take a greater number of members to attain it. The houses of the legislature should provide by rule for any adjustments needed to integrate the fractional voting concept with its existing procedures.

Your Committee feels strongly that this plan is a rational one. It provides the minimum representation felt necessary to maintain our legislature as a truly representative body and it avoids most of the legal dangers that would otherwise accompany a plan to grant that minimum. Since only a small number would ever be added to either house under any feasible circumstances, the plan would not be disruptive of internal legislative matters (including allocation of physical space) and would never produce a proliferation of fractional votes. Since each senator and representative would be entitled to all rights and privileges of his office, including full pay and allowances, there need be no fear of "second-class status." There is no substantial dilution in the power, voting or otherwise, of the more populated counties. Finally, although there is still an element of legal risk since no such plan has ever been approved by a court before, the plan is placed in the Constitution and in the apportionment article in such a way that even if it were disapproved by the courts, it is very likely that the remainder of the reapportionment provisions would not be affected. These provisions have been planned in

such a way that they will stand alone in such an event and no further reapportionment or constitutional activity would be necessary.

Your Committee urges adoption of the plan.

8. Present Augmentation of Kauai Senatorial Representation

Your Committee recommends adoption of the following language as Section 24 of Article XVI:

"Effective for the first general election following ratification of Section 4.5 of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the senate as provided and with the effect set out in Section 4.5 of Article III hereof and such senator shall be allocated to the basic island unit of Kauai."

This transitional provision is designed to implement the minimum representation provision of Section 4.5 for the next general election after adoption of the Convention's proposal.

9. Apportionment Within Basic Island Units

Your Committee recommends inclusion of the following language as Section 4.6 of Article III:

"Apportionment within Basic Island Units. Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw election district lines where necessary in such manner that the average number of registered voters per member in each district is as nearly equal 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 one person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as is practicable, districts shall be compact.
5. Insofar as 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. Representative districts to the extent practicable shall be wholly included within senatorial districts.

7. Multi-member districts in either house shall not elect more than four members.

8. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided insofar as is practicable."

The method of equal proportions for apportionment within basic areas has been abandoned. The method must be abandoned since this method works only where legislative districts are fixed. In the past reapportionment has been contemplated by the Constitution as being simply the reallocation of legislators among relatively fixed existing districts. In such a case the method of equal proportions is appropriate but it would invariably produce substantial deviations from the average number of registered voters established for the basic unit. Recent supreme court decisions have clearly stated that substantial deviations will be invalidated. Therefore, your Committee has had to provide for periodic redistricting, as well as reapportionment. Since district lines will now be subject to periodic change, the method of equal proportions cannot any longer be used. The method has been retained for apportionment among basic island units where the lines will remain constant.

Your Committee has instead provided that apportionment and districting produce a result such that "the average number of registered voters per member in each district is as nearly equal the average for the basic island unit as practicable." This means that the quotient obtained by dividing the number of voters registered in each district by the senators or representatives assigned to that district should closely approximate the same quotient for the island unit as a whole. It has been argued within your Committee that the term "average" does not have the technical meaning that its use by your Committee would indicate and there is perhaps merit to this argument. Substantial discussion and experimentation with alternatives left your Committee with the conclusion that its language, even if technically deficient, conveys the intended message more clearly and concisely than any alternative and does not produce ambiguity.

Your Committee has also placed in this section a number of guidelines for the reapportionment commission to follow when redistricting. These are largely the same as the criteria initially adopted by

your Committee for its own districting and discussed in section III, subsection 7 (b), *supra*. It is not intended that these guidelines be absolute restrictions upon the commission excepting for numbers 1, 2, 3 and 7 which are stated in mandatory terms. The remainder are standards which are not intended to be ranked in any particular order. Rather, your Committee believes that they are matters that should be considered in any decision concerning districting and that the balance to be struck among them is a matter for case-by-case determination. The inclusion of these guidelines is intended to aid the reapportionment commission in maintaining impartiality and objectivity in its own reapportionment plan and to provide the courts with a standard for review of claims of gerrymandering or other unfair or partial result in the apportionment plan.

10. Continuance in Office of Members of the Senate

Your Committee recommends adoption of the following language as Section 4.7 of Article III:

"Continuance in Office of Members of the Senate. As a part of a reapportionment plan the commission shall allocate among the districts the incumbent senators whose terms of office will not expire until the second general election following the taking effect of the plan. Notwithstanding any other provision of this Constitution, incumbent senators shall be allowed to complete their terms as senators of the districts to which they are allocated, irrespective of the districts in which they reside."

Your Committee recommends a plan which permits continuance of the staggering of terms of senators yet allows incumbent senators to serve for the full four years even if a reapportionment year intervenes. The plan calls for the reapportionment commission to allocate incumbent senators whenever the district lines have been altered. Your Committee recommends that such allocation be to the district which contains all or the largest portion of the registered voters of the district from which the senator was originally elected. If the number of seats in that district has been reduced so that incumbent senators may not be so allocated, or if the allocation will disrupt the staggering of terms (where all senators' terms may expire at the same time), then a senator should generally be allocated to the district containing the next largest portion of registered voters of the district from which he was elected. If two or more senators need to be reallocated by this method, the allocation should be determined by lot. These recommendations appeared as requirements in an early draft of constitutional language drawn by your Committee but were removed as being unduly restrictive and detailed for inclusion in the Constitution.

Your Committee feels that it is unfair to

require a person who is elected to a four-year term to run again for office at the expiration of half of his term merely because of an intervening reapportionment. This is particularly true as periodic reapportionments are expected to occur regularly and frequently in the future.

11. Mandamus and Judicial Review

Your Committee recommends inclusion of the following language as Section 4.8 of Article III:

"Mandamus and Judicial Review. Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan."

Judicial review is provided in the form of a mandamus to require the commission to do its work, correct any error or effectuate the purposes of the reapportionment provisions contained in the Constitution. The grant of power to review is designedly broad, permitting the court to fashion its own remedies to fit the exigencies of the situation.

V. RESOLUTION OF CONFLICT BETWEEN COMMITTEE'S PROPOSAL AND SENATE BILL NO. 1102

Your Committee recommends inclusion of the following language as Section 26 of Article XVI:

"The amendments to Article III, Sections 2, 3 and 4, proposed by the Constitutional Convention of 1968, shall upon ratification supersede the provisions of Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified."

The senate has passed and placed on the ballot for the 1968 general election S.B. 1102, a reapportionment plan for the senate, as well as provisions for future reapportionment. If adopted, S.B. 1102 would become a constitutional provision and it would be in conflict with the Convention's proposal if it also is adopted. Obviously, if both were adopted the Convention's proposal would have to prevail over S.B. 1102 and the problem of insuring that such would be the case prompted the obtaining of an opinion of the attorney general on the matter. The section here proposed is designed to comply with the attorney general's opinion and to insure that the Convention's proposal for Sections 2, 3 and 4 will prevail over the provisions of S.B. 1102 if both are adopted.

VI. CONCLUSION

In summary, the major decisions made by your Committee are as follows:

1. That the size of the house and senate remain as they are: 51 representatives and 25 senators.
2. That registered voters be retained as the basis for reapportionment.
3. That senatorial districts remain essentially intact with two exceptions in urban Oahu where the district lines were altered so that the senatorial district lines would coincide with representative district lines. The number of districts and the number of senators elected from each senatorial district is the same as the present temporary senate plan provides.
4. That representative districts be reduced in size so that each district would not be allotted more than three representatives.
5. That the number of members of each house be temporarily increased if necessary to provide minimum effective representation to the neighbor island counties—at least three representatives and two senators with each legislator sharing the number of votes to which that basic unit may be entitled.
6. That a bipartisan reapportionment commission be responsible for reapportionment and districting.
7. That reapportionment and redistricting of both the house and senate occur in the same year—1973 and each sixth year thereafter.
8. That incumbent senators be allowed to serve their full four-year terms even though the terms are interrupted by a reapportionment year.
9. That the senatorial districts, like the house districts, be delineated in Article XVI as part of the Schedule rather than fixed in Article III.

The factors of apportionment and districting are inextricably intertwined and interrelated. So much so that any alteration of any of the factors or the districts will have ramifications throughout the plan and will require adjustments in areas outside of the district or the area of immediate concern.

With the foregoing in mind, your Committee recommends: (1) that the above-numbered proposals referred to your Committee be filed; and (2) that Committee Proposal No. 12 pass first reading in the form submitted.

Signed by all members of the Committee. Delegate Kawasaki did not concur in part.

**EXHIBIT A
LEGAL DESCRIPTION
OF DISTRICTS**

SENATE DISTRICTS

First Senatorial District: The Island of Hawaii, consisting of the first through fifth representative districts.

Second Senatorial District: The Islands of Maui, Molokai, Lanai and Kahoolawe, consisting of the sixth and seventh representative districts.

Third Senatorial District: That portion of the Island of Oahu consisting of the twenty-third and twenty-fourth representative districts.

Fourth Senatorial District: That portion of the Island of Oahu consisting of the nineteenth, twentieth, twenty-first and twenty-second representative districts.

Fifth Senatorial District: That portion of the Island of Oahu consisting of the fifteenth, sixteenth, seventeenth and eighteenth representative districts.

Sixth Senatorial District: That portion of the Island of Oahu consisting of the twelfth, thirteenth and fourteenth representative districts and that portion of the eleventh representative district lying on the west side of Kapahulu Avenue.

Seventh Senatorial District: That portion of the Island of Oahu consisting of the eighth, ninth and tenth representative districts and that portion of the eleventh representative district lying east of Kapahulu Avenue.

Eighth Senatorial District: The Islands of Kauai and Niihau, consisting of the twenty-fifth representative district.

REPRESENTATIVE DISTRICTS

First Representative District: That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo being more particularly described as follows: beginning at the junction of Haihai Street and Ainaola Drive, easterly along Haihai Street extended to Kanoelehua Avenue, thence southerly along Kanoelehua Avenue for 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa, thence easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad, thence easterly along the prolongation of a line that is parallel to Haihai Street to the South Hilo-Puna Boundary, southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Ainaola Drive intersects the South Hilo-Puna Boundary, thence northerly along the said prolongation and along Ainaola Drive northerly and northeasterly along Ainaola Drive to the point of beginning.

Second Representative District: That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala.

Third Representative District: That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo.

Fourth Representative District: That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: beginning at the seashore on the North Hilo-South Hilo Boundary, southeasterly and southerly along the seashore to the mouth of Wailuku River, westerly along Wailuku River to the prolongation of Punawai Street, thence southerly along said prolongation and along Punawai Street to Punahale Street, thence southwesterly along Punahale Street to Hoomana Street, thence southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch, thence westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; thence northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; thence northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); thence along the southerly side of said reservation to the common boundary between the lands of Piihonua and Punahoa 2; thence westerly along said boundary to the old Piihonua Road; thence southwesterly along the old Piihonua Road to Ainako Avenue, thence southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; thence westerly along said boundary to Akolea Road; thence southerly along Akolea Road to Waipahoehoe Stream; thence westerly along Waipahoehoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; thence northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same; thence northwest approximately 0.2 miles to Kahoama Stream; thence northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; thence northwesterly along Hookelekele Stream for a distance of 7,157 feet; thence northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6,780 feet to Aale Stream; thence easterly along said Aale Stream to its junction with Waiiau Stream; thence northwesterly along Waiiau Stream on into Awehi Stream to the upper boundary of Alae; thence northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream, thence northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; thence northeasterly along the North Hilo-South Hilo Boundary to the point of beginning.

Fifth Representative District: That portion of the Island of Hawaii for convenience referred to as that portion of

South Hilo, more particularly described as follows: beginning at the seashore at the mouth of Wailuku River, thence southeasterly along the seashore to the South Hilo-Puna Boundary, southwesterly along the South Hilo-Puna Boundary to a point where the prolongation of a line from the intersection of the north boundary of Panaewa Farm Lots with the old Puna Railroad to the South Hilo-Puna Boundary that is parallel to Haihai Street; westerly along said prolongation to the old Puna Railroad, westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue, northerly along Kanoelehua Avenue for about 100 feet where Haihai Street extended would meet said avenue, westerly along said prolongation along Haihai Street to Ainaola Drive, southwesterly and southerly along Ainaola Drive, thence southerly along the prolongation of Ainaola Drive to the South Hilo-Puna Boundary, southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary, northwesterly along the South Hilo-Kau Boundary, thence northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary, thence southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream, southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream, thence southeasterly along Awehi Stream on into Waiiau Stream to its junction with Alae Stream, westerly along said Alae Stream to the Hilo Forest Reserve Boundary; thence southwesterly along the lower boundary of the Hilo Forest Reserve for a distance of 6780 feet, thence southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; thence southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary, thence southeasterly about 0.2 mile to an angle in the Hilo Forest Reserve; thence southwesterly along the Hilo Forest Reserve to the Punahoa 1 and Ponahawai Boundary; thence easterly along said boundary and along Waipahoe Stream to Akolea Road, thence northerly along Akolea Road to the Punahoa 1 and 2 Boundary; thence easterly along Punahoa 1 and 2 Boundary to Ainako Avenue, northerly along Ainako Avenue to the old Piihonua Road, northeasterly along the old Piihonua Road to the Piihonua and Punahoa 2 Boundary; thence easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418), thence southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; thence southerly along the west side of Block "S" which fronts on the west side of Ekaha Street, southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch, easterly along the Hilo Boarding School Ditch to Hoomana Street, northwesterly along Hoomana Street to Punahale Street, northeasterly along Punahale Street to Punawai Street, northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River, easterly along Wailuku River to the point of beginning.

Sixth Representative District: The Islands of Molokai, Lanai and that portion of the Island of Maui that includes Lahaina and part of Wailuku that lies west of

the following described line: beginning at the seashore near Kahului Beach Road, at the end of the west breakwater of Kahului Harbor, southwesterly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue, thence southwesterly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766), thence along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of File Plan 906, thence southwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence southeasterly in a straight line to the seashore at the southeasterly corner of the abandoned Maalaea Airport.

Seventh Representative District: The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and the portion of Wailuku that lies east of the following described line: beginning at the seashore at the southeasterly corner of the abandoned Maalaea Airport, northwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence northeasterly in a straight line to the south corner of Lot 8-149 of File Plan 906, thence along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of File Plan 766, thence northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues, thence in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor.

Eighth Representative District: That portion of the Island of Oahu lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: beginning at the seashore at the east corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to Kahala Avenue, along Kahala Avenue to Waialae Golf Course, along Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Kapakahi Stream to its junction with Waialae-Nui Stream, along Waialae-Nui Stream crossing Kalaniana'ole Highway and continuing along Waialae-Nui Stream and Waialae-Nui Gulch to a place called Puu Lanipo at the top of Koolau Range, thence easterly along the top of Koolau Range, to Makapuu Point, thence southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands.

Ninth Representative District: That portion of the Island of Oahu for convenience herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: beginning at the seashore at the southeast corner of Diamond Head Lighthouse, along the east boundary of Diamond Head Lighthouse, westerly along Diamond Head Road, and along the boundary of Diamond Head State Monument (Executive Order 2000) and continuing northeasterly along Diamond Head State Monument (Executive Order 2000) and along Fort Ruger Military Reservation to Makapuu Avenue,

northerly along Makapuu Avenue to Kilauea Avenue, easterly along Kilauea Avenue to 22nd Avenue, northerly along 22nd Avenue to Harding Avenue, westerly along Harding Avenue to 21st Avenue, northerly along 21st Avenue to Lunalilo Freeway, southwesterly along Lunalilo Freeway to Koko Head Avenue, northerly along Koko Head Avenue to Waialae Avenue, westerly along Waialae Avenue to Sierra Drive, northerly along Sierra Drive to the southwest corner of Land Court Application 704, northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704, westerly along Lot 14, northerly along Lot 21, easterly along Lot 11, all of Land Court Application 704, northerly along the easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704, northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704, easterly along Pakui Street, northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract, File Plans 46 and 48, to the south corner of Lani Hale Tract, westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots, File Plan 50, northerly along the easterly boundary of Palolo Hillside Lots, File Plan 50 and Land Court Application 610 to the boundary of Waiomao, easterly along the boundary of Waiomao to the west corner of Land Court Application 859, easterly along the north boundary of Land Court Application 859 and the land of Waiomao to Kalepeamoia Triangulation Station, northeasterly in a direct line to Waialae-Nui Stream, southerly along Waialae-Nui Stream crossing Kalaniana'ole Highway to its junction with Kapakahi Stream, along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Waialae Golf Course to Kahala Avenue, along Kahala Avenue to the northeast corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to the seashore, thence southwesterly along the seashore to the point of beginning.

Tenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Koko Head Avenue, westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal, northerly along the Manoa-Palolo Drainage Canal to Dole Street, easterly along Dole Street to the east boundary of Waahila Faculty Housing, northerly along the east boundary of Waahila Faculty Housing to Waahila Triangulation Station, northeasterly along the Manoa-Palolo Boundary to a place called Mt. Olympus at the top of Koolau Range, easterly along the top of said range to a place called Puu Lanipo, southerly along Waialae-Nui Gulch for a distance of approximately 14,000 feet, thence southwesterly in a direct line to Kalepeamoia Triangulation Station, westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859, westerly along the land of Waiomao to the east corner of Land Court Application 610, southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots, File Plan 50,

to the west corner of Lani Hale Tract, easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract, File Plan 48, southerly along the westerly boundary of Palolo Hill Tract, File Plans 48 and 46, to the southeast corner of Pakui Street, westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704, southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract, File Plan 46, to the east corner of Lot 12-B of Land Court Application 704, westerly along Lot 12-B, southerly along Lots 12-B and 13-B, easterly along Lot 13-B, all of Land Court Application 704, southerly along Palolo Hill Tract, File Plan 46, to Sierra Drive, southerly along Sierra Drive to Waialae Avenue, easterly along Waialae Avenue to Koko Head Avenue, southerly along Koko Head Avenue to the point of beginning.

Eleventh Representative District: That portion of the Island of Oahu for convenience herein referred to as Moiliili and Kaimuki, more particularly described as follows: beginning at the intersection of Isenberg Street and Lunalilo Freeway, easterly along Lunalilo Freeway to 21st Avenue, southerly along 21st Avenue to Harding Avenue, easterly along Harding Avenue to 22nd Avenue, southerly along 22nd Avenue to Kilauea Avenue, westerly along Kilauea Avenue to Makapuu Avenue, southerly along Makapuu Avenue to Alohea Avenue, thence along the Fort Ruger Military Reservation to Trousseau Street, southwesterly along Monsarrat Avenue to Leahi Avenue, northwesterly along Leahi Avenue to Kapahulu Avenue, northerly along Kapahulu Avenue to Date Street, westerly along Date Street to Isenberg Street and northerly along Isenberg Street to the point of beginning.

Twelfth Representative District: That portion of the Island of Oahu for convenience herein referred to as Waikiki and McCully, more particularly described as follows: beginning at the outer edge of the reef at the entrance to Ala Wai Yacht Harbor, northerly along the east boundary of Magic Island to the extension of the centerline of the Ala Wai Canal, northeast along the extended line along the center of Ala Wai Canal to McCully Bridge, northerly along McCully Street to South King Street, easterly along South King Street to Isenberg Street, southerly along Isenberg Street to Date Street, easterly along Date Street to Kapahulu Avenue, southerly along Kapahulu Avenue to Leahi Avenue, southerly along Leahi Avenue to Monsarrat Avenue and easterly along Monsarrat Avenue to Trousseau Street, southeasterly thence southwesterly along Fort Ruger Military Reservation, southerly and easterly along the Diamond Head State Monument (Executive Order 2000) to Diamond Head Road, easterly along Diamond Head Road to the east boundary of Diamond Head Lighthouse, southerly along the east boundary of Diamond Head Lighthouse to the seashore, thence westerly along the seashore until Kapahulu Avenue extended, thence westerly along Kapahulu Avenue extended to the outer edge of the reef, thence westerly along the outer edge of the reef to the point of beginning.

Thirteenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway, westerly along Lunalilo Freeway to Pensacola Street, northeasterly along Pensacola Street to Nehoa Street, easterly along Nehoa Street to a point opposite Lewalani Drive, northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called Puu Ohia or Tantalus, northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called Puu Konahuanui, southeasterly along the top of said range to a place called Mt. Olympus, southwesterly along the Manoa-Palolo Boundary to Waahila Triangulation Station, thence southerly along the east boundary of Waahila Faculty Housing to Dole Street, westerly along Dole Street to Manoa Stream, southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning.

Fourteenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: beginning from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to Lunalilo Freeway, easterly along Lunalilo Freeway to Isenberg Street, southerly along Isenberg Street to South King Street, westerly along South King Street to McCully Street, southerly along McCully Street to Ala Wai Canal, southwesterly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island, southerly along the east boundary of Magic Island to the outer edge of the reef, westerly along the outer edge of the reef to the point of beginning.

Fifteenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway, northerly along Pali Highway to Nuuanu Pali Drive near Kepola Place, northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout, southeasterly along the top of Koolau Range to a point called Puu Konahuanui and southwesterly along the top of the ridge between the lands of Manoa, Pauoa and Makiki to a mountain peak called Puu Ohia or Tantalus, southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive, southwesterly on Nehoa Street to Pensacola Street, southerly along Pensacola Street to Lunalilo Freeway, westerly along Lunalilo Freeway to the point of beginning.

Sixteenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: beginning at the intersection of Nuuanu

Avenue and Lunalilo Freeway, northwesterly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway, thence northwesterly along North School Street to Likelike Highway, northerly along Likelike Highway to Kalihi Street, northeasterly along Kalihi Street to Akahi Street, southeasterly along Akahi Street to the top of the ridge between the lands of Kamaikai and Kapalama, northeasterly along the top of said ridge to a point on the Koolau Range called Puu Lanihuli, easterly along the top of Koolau Range to Pali Lookout, southwesterly along Nuuanu Pali Drive to Pali Highway near Kepola Place, southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue, southwesterly along Nuuanu Avenue to point of beginning.

Seventeenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway, southwesterly along Nuuanu Avenue to the sea, southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef, thence westerly along the outer edge of the reef to Mokauea Street extended, northeasterly along Mokauea Street extended to the intersection of the middle of Kalihi Channel and Mokauea Street extended, along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway, northwesterly along Nimitz Highway to Middle Street, northeasterly along Middle Street to Lunalilo Freeway, southeasterly along Lunalilo Freeway to the point of beginning.

Eighteenth Representative District: That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Middle Street, northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street, westerly and then mauka along Fort Shafter Military Reservation boundary and Kahauiki Ridge to a point on the top of Koolau Range called Puu Kahuauili, southeasterly along the top of Koolau Range to a point on Koolau Range called Puu Lanihuli, southwesterly along the top of the ridge between the lands of Kamaikai and Kapalama to Akahi Street, northwesterly along Akahi Street to Kalihi Street, southerly along Kalihi Street to Likelike Highway, southerly along Likelike Highway to School Street, southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway, northwesterly along Lunalilo Freeway to the point of beginning.

Nineteenth Representative District: That portion of the Island of Oahu for convenience referred to as Moanalua, Halawa and Aiea, more particularly described as follows: beginning at the point where Mokauea Street extended meets the outer edge of the reef, southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary, northerly along the Moanalua-Halawa boundary to the seashore, westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel, northerly along the center of Pearl Harbor Entrance Channel,

thence northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the entrance of Kalauao Stream at East Loch, Pearl Harbor and northeasterly along Kalauao Stream to the top of Koolau Range, southeasterly along the top of Koolau Range to a point on the top of Koolau Range called Puu Kahuauli, southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street, southwesterly along Middle Street to Nimitz Highway, easterly along Nimitz Highway to Kalihi Stream, southerly along Kalihi Stream and along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended, southwesterly along Mokauea Street extended to the point of beginning.

Twentieth Representative District: That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: beginning at the seashore on the boundary between Waianae and Ewa districts, northeasterly along the top of Waianae Range between the boundary of Waianae and Ewa districts to a point called Puu Palikea, thence following a direct line to Reservoir 31 of the Oahu Sugar Company, thence northeasterly along Waiahole Ditch to Waikele Stream, thence southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams, thence northeasterly along Kipapa Stream to Kamehameha Highway, southeasterly along Kamehameha Highway to the roadway leading to Mililani Memorial Park, northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch, northerly along the middle of Panakauahi Gulch to the siphon at the Waiahole Ditch, northwesterly along Waiahole Ditch to Kipapa Stream, northeasterly along Kipapa Stream to the top of Koolau Range, thence southeasterly along top of Koolau Range to the intersection of Kalauao Stream and top of Koolau Range, thence southwesterly along Kalauao Stream to the seashore at East Loch, Pearl Harbor, thence southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel, southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended, thence southwesterly along the seashore extended and thence southwesterly and northwesterly along the seashore to the point of beginning.

Twenty-First Representative District: That portion of the Island of Oahu for convenience herein referred to as Waianae, more particularly described as follows: beginning at the seashore on the boundary between the Ewa and Waianae districts, northwesterly along the seashore to Kaena Point, along the top of Waianae Range between the boundaries of Waianae, Waialua, Wahiawa and Ewa districts to the point of beginning.

Twenty-Second Representative District: That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiawa, more particularly described as follows: beginning at the seashore on the boundaries between Waialua and Koolauloa districts, easterly and southeasterly along the top of Koolau Range to the

intersection of Kipapa Stream and Koolau Range, southwesterly along Kipapa Stream to Waiahole Ditch, southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch, southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park, southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway, northwesterly on Kamehameha Highway to Kipapa Stream, southwesterly along Kipapa Stream to its junction with Waikele Stream, northwesterly along Waikele Stream to Waiahole Ditch, southwesterly along Waiahole Ditch to Reservoir 31, on a direct line from Reservoir 31 to a point on the top of Waianae Range called Puu Palikea, northwesterly along the top of Waianae Range along Waianae district boundary to Kaena Point, thence northeasterly along the seashore to the point of beginning.

Twenty-Third Representative District: That portion of the Island of Oahu for convenience herein referred to as all of Koolauloa and part of Koolaupoko, more particularly described as follows: beginning at the seashore between Waialua and Koolauloa districts, thence northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station, southwesterly along the southeast boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive, southeasterly along Kaneohe Bay Drive passing Mokapu Boulevard and on to North Kalaheo Avenue to Kawainui Drainage Canal, southwesterly along Kawainui Drainage Canal to the end of said canal where it meets the Kawainui Swamp, thence northwesterly at right angles to the Kawainui Canal to the southerly boundary of the Kalaheo Hillside Intermediate School, southwesterly and northwesterly along the south and west boundaries to the northwest corner of said school, thence northwesterly on a straight line to a point where the proposed Mokapu Saddle Road intersects the Kailua-Kaneohe boundary, southwesterly along Kailua-Kaneohe boundary to Kamehameha Highway, southeasterly along Kamehameha Highway to the junction of Kalaniana'ole Highway where it intersects the Pali Highway and Kamehameha Highway, southerly and continuing along Pali Highway to a point opposite the Pali Lookout, along the top of the Koolau Range to the point of beginning.

Twenty-Fourth Representative District: That portion of the Island of Oahu for convenience herein referred to as the remainder of Koolaupoko, more particularly described as follows: beginning at the seashore at Makapuu Point, westerly along the top of Koolau Range between the Honolulu and Koolaupoko districts to the Pali Lookout, northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalaniana'ole Highway, thence northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua, northeasterly along the Kailua-Kaneohe boundary to the top of the ridge, northeasterly along the top of the ridge to a point where the proposed Mokapu Saddle Road intersects with the Kailua-Kaneohe boundary, thence southeasterly on a straight line to the northeast corner of the Kalaheo Hillside Intermediate School, thence southeasterly and northeasterly along the west and south boundaries of said school to a point where

the school boundary intersects a line that is at right angles to the Kawainui Canal at the end where Kawainui Canal meets the swamp, northeasterly along the Kawainui Drainage Canal to North Kalaheo Avenue, northwesterly along North Kalaheo Avenue passing the intersection of Mokapu Boulevard on to Kaneohe Bay Drive, to a point where the east boundary of the

Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive, easterly along the southeast boundary of Kaneohe Marine Corps Air Station to the seashore, thence southeasterly along the seashore to the point of beginning.

Twenty-Fifth Representative District: The Islands of Kauai and Niihau.

APPENDIX 1
REGISTERED VOTERS, BY COUNTY

	1958	1960	1962	1964	1966
STATE TOTAL	175,317	202,059	221,650	239,361	253,242
Hawaii	25,534	26,059	27,194	28,130	28,596
% of Total	14.5	12.8	12.2	11.7	11.2
Maui	16,755	17,539	18,325	18,786	19,029
% of Total	9.5	8.6	8.2	7.8	7.5
Honolulu	121,647	147,123	164,324	180,179	193,107
% of Total	69.3	72.8	74.1	75.2	76.2
Kauai	11,381	11,338	11,807	12,266	12,510
% of Total	6.4	5.6	5.3	5.1	4.9

APPENDIX 2
ALLOCATION OF STATE AND COUNTY TAXES
Hawaii - Fiscal Year 1967
(In Thousands)

Type of Taxes	1967 Allocated to					Total
	State	Honolulu	Maui	Hawaii	Kauai	
State Collections						
Gross Income	\$ 93,988	\$ 2,067 ^d	\$2,624 ^d	\$3,638 ^d	\$2,178 ^d	\$104,495
Fuel	13,514	5,232	679	547 ^e	345	20,317
Liquor	5,797					5,797
Tobacco	4,669					4,669
Insurance	3,932					3,932
Public Service Companies	8,964					8,964
Banks & Financial Corp.	1,725					1,725
Income - Corporate ^a	10,525					10,525
Income - Individual ^b	63,512					63,512
Inheritance & Estate	1,591					1,591
Real Property ^c	3	26,468	1,397	1,927	849	30,644
Conveyance (Realty Transfer)	88					88

(Continued on following page.)

ALLOCATION OF STATE AND COUNTY TAXES, Continued

Type of Taxes	1967 Allocated to					Total
	State	Honolulu	Maui	Hawaii	Kauai	
State Collections						
Unemployment Compensation	\$ 10,769					\$ 10,769
Licenses & Others	763					763
Sub-Total	\$219,840	\$33,767	\$4,700	\$6,112	\$3,372	\$267,791
County Collections						
Liquor Fees	\$ ---	\$ 417	\$ 76	\$ 78	\$ 9 ^c	\$ 580
Utility Franchise	---	1,317	55	137	47	1,556
Motor Vehicle Weight	---	6,906	531	765	343	8,545
All Others	---	1,393	127	158	70	1,748
Sub-Total	\$ ---	\$10,033	\$ 789	\$1,138	\$ 469	\$ 12,429
TOTAL	\$219,840	\$43,800	\$5,489	\$7,250	\$3,841	\$280,220

a. Includes amounts paid on declared estimated taxes less refunds.

b. Includes delinquent collections from compensation and dividends tax repealed 1-1-58 and personal net income tax, including payments for withheld and declared estimated taxes less refunds.

c. Reduction in real property tax and liquor fees (Kauai only) due to delay in 1967 collections.

d. Tax sharing between state and counties replaced with state grants-in-aid effective 7-1-65.

e. Collections retained by State for county highways.

SOURCE: Tax Foundation of Hawaii, *Government in Hawaii; A Handbook of Financial Statistics, 1968*, Fifteenth ed., p. 18.

STANDING COMMITTEE REPORT NO. 59

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 58 and Comm. Prop. No. 12, and Comm. Whle. Rept. Nos. 7 and 8.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 60

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. No. 9, and Supp. Stand. Comm. Rept. No. 58.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 61

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. No. 10, Comm. Whle. Rept. No. 11, Comm. Whle. Rept. No. 12 and Comm. Prop. No. 7, RD. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 62

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and

distributed Comm. Whle. Rept. No. 13 and Comm. Prop. No. 8, RD. 1; Comm. Whle. Rept. No. 14 and Comm. Prop. No. 9, RD. 1; and Comm. Whle. Rept. No. 15 and Comm. Prop. No. 11, RD. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 63

Your Committee on Style, to which was referred Committee Proposal No. 2, Redraft 2, begs leave to report as follows:

The proposal deals with Section 1, Section 3 and Section 6 of Article IV of the State Constitution. Your Committee recommends changes in all three sections.

Your Committee has consulted with the chairman of the Committee on Executive to confirm that the changes do not affect the meanings.

Your Committee proposes the following changes in the fourth paragraph of Section 1:

“No person shall be eligible [to] for the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years [next] immediately preceding his election.”

The proposed style changes are indicated by brackets [for deletions] and underscoring for additions.

The change from "to" to "for" is merely to correct the grammatical error of the existing Constitution. The word "next" when applied to the past is unfamiliar to non-lawyers. The more common word is "immediately." However, the word "next" is used in this sense in Section 1 of Article II, Suffrage and Elections.

Your Committee proposes the following changes in Section 3:

"The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, [per annum] a year. Such compensation shall not be increased or [diminished] decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office."

Your Committee is attempting to remove all old and archaic English terms and other uncommonly used foreign and Latin phrases to achieve clarity of language and consistency with existing language whenever the meaning is not changed. This is to insure that the Constitution of 1968 (as revised by this Convention) shall be a document generally read and understood by all of the people. Therefore, the phrase "per annum" will be changed when recommended in all proposals coming before the Convention that pertain to annual salaries or compensations.

Your Committee proposes that the word "decreased" be substituted for the word "diminished" whenever it relates to the lowering of compensations or salaries.

Your Committee proposes the following changes in Section 6:

(second paragraph)

"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, appointed by the governor and he 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; [provided] except that the removal of the chief legal officer of the State shall be subject to the advice and consent of the senate."

The following statement appears in *The Drafting of State Constitutions: Working Papers for a Manual*, by Frank P. Grad, published by the National Municipal League, 1967. (The book was part of a program of state constitutional studies by the league and the Legislative Drafting Research Fund of Columbia

University.)

"...It is urged that the 'proviso' form not be used to state exceptions or for any other purpose. If an exception is intended, 'except that' or simply 'but' is clearer than 'provided that.' Provisos are undesirable because the words 'provided that' may create an ambiguity as to whether a condition or an exception is intended."

"State" should be capitalized whenever it is used as a noun. It is not capitalized only when used as an adjective. This is the style followed throughout the Constitution.

(third paragraph)

"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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor."

As originally approved by the Committee of the Whole during the 1950 Constitutional Convention, the first sentence of the above paragraph started out with the words: "Except as otherwise provided in this Constitution."

The Style Committee of the 1950 Convention omitted these words. It explained in its report:

"At the time of the adoption of the report on Executive Powers and Functions the manner to be followed in the selection of the board of education had not been determined. The words which have been deleted in the (Style Committee) redraft were provided in the original draft to care for the possibility of a board of education being selected in some other manner than by appointment by the governor.

"In view of the fact that this Constitution makes no exception in the case of the selection of school board members, and in view likewise of the fact that there are no other exceptions, your committee is of the opinion that the reference to exceptions is unnecessary."

In 1964, however, the Constitution was amended to provide for an elected board of education. Now the clause "except as otherwise provided in this Constitution" is necessary to bring Article IV into harmony with Article IX (Education).

Without it, the two articles conflict and the opening statement of the third paragraph of Section 6 is untrue. Logically, a reader could reason this way: 1. All boards that head major state departments are appointed.

2. The board of education is a board that heads a major state department. 3. Therefore, the board of education is appointed.

(fourth paragraph)

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

The sentence in brackets is difficult for a non-lawyer to comprehend. The underlined sentence is clearer.

(final paragraph)

“[All] Every officer[s] appointed under the provisions of this section shall be a citizen[s] of the United States and shall have been a resident [s] of [the] this State for at least one year [next] immediately preceding [their] his appointment; [provided] except that [the] this residence requirement shall not apply to the [P] president of the University of Hawaii.”

This paragraph contains the following defects that the above attempts to improve:

1. The comment on provisos holds true here too. “Except that” would be preferable to “provided that.”

2. The subject of the sentence is plural, yet the singular word “appointment” is used. (Surely all officers need not be appointed together.) Either “appointments” should be used or the entire sentence should be in the singular form: “Every officer appointed,” etc.

3. *The Drafting of State Constitutions*, cited earlier, says that “the use of the singular as far as possible, rather than the plural, is appropriate both in legislative and constitution drafting.”

4. “President” in the phrase “President of the University” is capitalized. But it is not capitalized in Article IX (Education). It should be the lower case. “The governor” is lower case throughout the Constitution.

5. “This residence requirement” is more explicit than “the residence requirement.”

6. The comment on the word “next” applies to this section too.

Incorporating all these points into a new version:

“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 his appointment, except that this residence requirement shall not apply to the president of the University of Hawaii.”

Your Committee recommends the adoption of Standing Committee Report No. 63, and consideration of the adoption of Committee Proposal No. 2, Redraft 2, S.1.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 2, RD. 2, S. 1

RELATING TO THE EXECUTIVE.

Resolved, That the following be agreed upon as amending Section 1, Section 3 and Section 6 of Article VI of the State Constitution:

Section 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years immediately preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Section 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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, appointed by the governor and he 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.

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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. If the manner of removal of an officer is not prescribed in this constitution, his removal shall be in a manner prescribed by law.

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

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate 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 his appointment; except that this residence requirement shall not apply to the president of the University of Hawaii.

STANDING COMMITTEE REPORT NO. 64

Your Committee on Style, to which was referred Committee Proposal No. 5, begs leave to report as follows.

The proposal, which would amend Section 2 of Article XII, reads as follows:

“SECTION 2. Persons in public employment

shall have the right to organize for the purpose of collective bargaining as prescribed by law.”

Although the meaning of this sentence is not crystal clear in itself, its meaning is clarified in the letter to you from the attorney general's office, dated September 3, in Standing Committee Report No. 42, and Committee of the Whole Report No. 7.

Therefore, your Committee has decided to make no changes in the proposed amendment.

Your Committee recommends the adoption of this standing committee report.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 65

Your Committee on Style, to which was referred Committee Proposal No. 3, begs leave to report as follows:

The proposal deals with Sections 2, 3 and 4 in Article V, the Judiciary. Your Committee recommends changes in all three sections.

Your Committee proposes the following changes in Section 2:

“SUPREME COURT

“Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court [may also be recalled by the chief justice to] also may serve temporarily on the supreme court at the request of the chief justice. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his [stead] place.”

Changes made by this Committee are indicated by brackets for omissions and underlines for additions.

The first phrase in brackets was rephrased to improve the grammar and also to avoid any implication that the retired justice must serve against his will.

The word “place” was substituted for the word “stead.”

Your Committee proposes the following changes in Section 3:

“APPOINTMENT OF JUDGES

“Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the

judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

"QUALIFICATIONS

"No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible [to such office who shall not] for the office of justice or judge unless he shall have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

"TENURE; COMPENSATION; RETIREMENT

"The term of office of a justice of the supreme court [shall be ten years] and [that] of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, [provided however, such compensation shall not be less than that presently in effect,] but no less than twenty-eight thousand dollars for the chief justice, twenty-seven thousand dollars for associate justices, and twenty-five thousand dollars for circuit court judges, a year. [and which] Their compensation shall not be [diminished] decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

No change has been made in the first paragraph of Section 3.

Your Committee has changed the phrase in brackets in the second paragraph of Section 3 for the sake of clarity.

The first change in the third paragraph of Section 3 was made to avoid redundancy, inasmuch as the Convention has decided that justices and judges alike shall have 10-year terms.

Your Committee is of the opinion salaries of justices and judges should be provided for in the article on the judiciary, rather than in the transition article. Accordingly, the clause, "provided however, such compensation shall not be less than that presently in effect," should be deleted and salary amounts given as shown. Standing Committee Report No. 40 says that the Committee on Style has this option.

The provision about lowering the compensation of justices and judges is made a second sentence.

The word "diminished" has been changed to "decreased." Your Committee proposes the following changes in Section 4:

"RETIREMENT FOR INCAPACITY AND REMOVAL

"Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties or has acted in [such a manner as to constitute] a manner that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances [and on their recommendation the governor shall retire or remove the justice or judge from office]. If the board recommends that the justice or judge should not remain in office, the governor shall remove or retire him from office."

The first bracketed phrase in Section 4 was changed to correct the grammar.

The second bracketed passage was changed to clarify the thought and to allow for the possibility that the board's recommendation may be the retention of the justice or judge.

Your Committee considered the question of whether the board's decision can be called a "recommendation"—when the governor is bound to unseat a justice or judge once the board decides that he should be unseated. But your Committee made no change in the word "recommendation."

Your Committee recommends the adoption of Committee Proposal No. 3, S. 1.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 3, S. 1

RELATING TO THE JUDICIARY.

Resolved, That the following be agreed upon as amending Sections 2, 3 and 4 of Article V of the State Constitution:

SUPREME COURT

Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court also may serve temporarily on the supreme court at the request of the chief justice. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his place.

APPOINTMENT OF JUDGES

Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

QUALIFICATIONS

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible for the office of justice or judge unless he shall have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

TENURE; COMPENSATION; RETIREMENT

The term of office of a justice of the supreme court and of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, but no less than twenty-eight thousand dollars for the chief justice, twenty-seven thousand dollars for associate justices and twenty-five thousand dollars for circuit court judges, a year. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State.

RETIREMENT FOR INCAPACITY AND REMOVAL

Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties or has acted in a manner that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances. If the board recommends that the justice or judge should not remain in office, the governor shall remove or retire him from office.

STANDING COMMITTEE REPORT NO. 66

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 63 and Comm. Prop. No. 2, RD.2, S.1; Stand. Comm. Rept. No. 64; and Stand. Comm. Rept. No. 65 and Comm. Prop. No. 3, S.1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 67

Your Committee on Revision, Amendment and Other Provisions to which were referred proposals numbered 127, 210 and 218, all relating to revisions of transitional provisions, begs leave to report as follows:

This report covers only the subject matters relating to transitional provisions of Article XVI of the Constitution and does not cover provisions relating to apportionment (Section 1) which is the subject matter of Standing Committee Report No. 58.

No committee hearing was held on the transitional provisions since the subject matters to be considered were all technical in nature and, in certain instances, your Committee had to wait for the decisions of other standing committees. However, your Committee did meet with representatives of the attorney general's office, Legislative Reference Bureau and our staff attorneys and, as a result of such meetings, your Committee recommends that the following sections be retained, amended or deleted for the following reasons:

1. That Section 2, relating to the continuity of laws from Territory to State, be amended to read as follows:

"Section _____. All laws in force at the time amendments to this constitution take[s] effect and not inconsistent therewith, [including, among others, acts of the Congress relating to the lands in the possession, use and control of the Territory of Hawaii,] shall [be the laws of the State and] remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

"Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of [this constitution, except that the State shall be the legal successor to the Territory in respect thereof,] the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, [in the name of the State, political subdivision, person or other party entitled to do so,] in all respects as fully as could have been done prior to the taking effect of [this constitution] the amendments."

The new provision states that laws now in force continue in force and that, except as otherwise provided by the amendments, the amendments shall not affect accrued rights or liabilities. It is the specific intent of your Committee that all laws in force before the amendments take effect remain in force, unless contrary to the amendments. This includes all acts of Congress presently in force which relate to the lands in the possession, use and control of the State of Hawaii.

2. That Section 3, relating to the debts and liabilities of the Territory being assumed by the State and debts owed to the Territory be collected by the State. Since we cannot ascertain whether any debts are still owed to the Territory, the section should be retained so as not to preclude the State from collecting such debts.

3. That Section 4, relating to acceptance by the State of bonds authorized by the Territory, be deleted. The attorney general's office, by Opinion No. 68-71, has informed us that there are no outstanding unissued bonds authorized by previous acts of the legislature of the Territory. Act 83, SLH 1961 lapsed all unissued territorial bond authorizing and unencumbered authorizations. Accordingly, the function of Section 4 has been completely performed and said section is no longer needed.

4. That Section 5, relating to the continuance of executive officers of the Territory and its political subdivisions and of judicial officers until their successors have qualified, be deleted. This section has served its function and is no longer required.

5. That Section 6, relating to the assumption of the secretary of Territory's duties by the lieutenant governor unless otherwise provided by law, be deleted. Section 14A-8 of the Revised Laws of Hawaii 1955 provides that the functions of the secretary of the Territory are transferred to the lieutenant governor and therefore this provision is no longer necessary.

6. That Section 7, relating to the satisfaction of residence, citizenship or other status or qualifications under the Constitution to be satisfied by corresponding residence, citizenship or other status or qualification in or under the Territory, be retained. Presently the Constitution requires that persons eligible to be appointed to the court must have been admitted to practice law before the supreme court of the State for at least ten years. Until August 21, 1969 arrives (the date of statehood), no one might be eligible to be appointed as a judge since they would not otherwise be qualified. (See the second paragraph of Section 3 of Article V.)

7. Section 8, relating to the reorganization of the territorial agencies into state departments, after the attainment of statehood, be deleted. The departments have been reorganized by the provisions of Chapter 14A of the Revised Laws of Hawaii 1955 and therefore there is no further need for the provisions of the section.

8. That Section 9, relating to the condemnation of fisheries, be retained. The deletion of the section would mean that it would no longer be mandatory for the State to condemn the vested rights to fisheries. Your Committee has been informed that there are cases in the courts involving the condemnation of fishing rights and that there are other konohiki fisheries still vested and yet to be condemned. (See Legislative Reference Bureau, *Constitutional Convention Studies*, Article XVI, (July 1968), pp. 132-133.)

9. That Section 10, relating to the election of the

first officers of the State and of the two senators and one representative to Congress upon the attainment of statehood, be deleted. This section has already served its function and is no longer required.

10. That Section 11, relating to the time of first primary election and the certification of its results, be deleted. This section is no longer required.

11. That Section 12, relating to the proclamation of statehood and the assumption of offices of the first officers, be deleted as no longer required.

12. That Section 13, relating to the terms of the first governor and lieutenant governor, be deleted as no longer required.

13. That Section 14, relating to the certification of the first elected senators and representatives to Congress by the governor and the lieutenant governor, be deleted as no longer required.

14. That Section 15, relating to the terms of office of the first elected legislators, be deleted as no longer required. It is the understanding of your Committee that the Committee on Style will incorporate the transitional provisions on terms of office of the legislators adopted by the Committee of the Whole.

15. That Section 16, relating to the convening of the first legislature after statehood, be deleted as no longer required.

16. That Section 17, relating to the salaries of the first elected legislators and until otherwise provided by law, be retained. It is the understanding of your Committee that the Committee on Style will incorporate the transitional provisions on legislative salaries adopted by the Committee of the Whole.

17. That Section 18, relating to the salaries of the first appointed justices and judges until otherwise provided by the legislature, be deleted as no longer required. The legislature has established the salaries of justices and judges by statute.

18. That the effective date of the Constitution be retained. "This Constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State." No effective date for the amendments proposed by this Convention is necessary since, unless otherwise specified, they will take effect upon compliance with the provisions of Article XV, Section 2 of the Constitution.

19. That a new section be added requiring biennial budgeting as provided in Committee Proposal No. 9, RD. 1, to take effect for the fiscal biennium beginning in 1971 and thereafter.

"Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting in Article VI shall take effect beginning with the 1971-1972 fiscal biennium."

It is the understanding of your Committee that the Committee on Style will arrange these transitional provisions and those that have been adopted in Committee Proposals No. 7, 9 and 12 in proper order under the authority of Rule 18(b) for this Convention.

Accordingly, your Committee on Revision, Amendment and Other Provisions recommends: (1) that the above-numbered proposals referred to your Committee be filed; (2) that Committee Proposal No. 13 pass first reading in the form attached hereto.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 13

RELATING TO TRANSITIONAL PROVISIONS.

Resolved, That the following be agreed upon as amending Article XVI of the State Constitution:

1. Section 2 of Article XVI be amended to read as follows:

Section _____. All laws in force at the time amendments to this constitution take effect and not inconsistent therewith, shall remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

2. Sections 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18 of Article XVI be deleted.

3. Add a new section to Article XVI to read as follows:

Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting in Article VI shall take effect beginning with the 1971-1972 fiscal biennium.

STANDING COMMITTEE REPORT NO. 68 (Majority)

Your Committee on Style to which was referred Committee Proposal No. 7, RD. 1, begs leave to report as follows:

The proposal covers Sections 7, 10, 11, 16 and 17 of Article III and Section 17 of Article XVI of the State Constitution, all relating to legislative powers and functions.

The changes made by your Committee are indicated by brackets [for deletions] and underline for additions.

Your Committee has amended Section 7 to read as follows:

“Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, [be of] have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, [be of] have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected.”

The age of majority is 20 in Hawaii at present. Strictly speaking, the phrase “be of the age of majority” means that the person must be exactly 20. Of course, the intent is clear and there is no likelihood that a court will interpret it otherwise. Nevertheless, it would be better to make it clear that the person is eligible if he has attained the age of 20. Moreover the phrase “shall have attained the age” is used in Section 1 of Article II of the State Constitution so that the amendment recommended achieves consistency as well.

Your Committee has amended Section 10 to read as follows:

“Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature [which] that enacted the same.

“There shall be a commission on legislative salary, [the members of] which shall be appointed by the governor on or before June 1, 1971, and every four years [thereafter] after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.”

The word “which” is incorrect. It should be “that” because the clause is restrictive.

The words “the members of” are unnecessary. By definition, a commission has members. Those words can also be misleading. The intent or expectation of the drafters is that the governor would appoint all the members simultaneously. If he could appoint the members on different days, it would be meaningless to say that the second commission must be appointed four years “thereafter.”

The phrase “every four years thereafter” immediately after the date June 1, 1971, could be construed so that the second commission would be appointed on June 1, 1975. The stated intent, however, is that the review of

salary is to be conducted every four years so that the second commission should be appointed four years after the first commission is appointed. Accordingly, your Committee recommends that such intent be expressly stated as "four years after the first commission is appointed" instead of the somewhat ambiguous phrase "four years thereafter."

A comma has been added after the year 1971. The use of a comma after the year conforms to the *United States Government Style Manual*.

Your Committee has amended Section 11 to read as follows:

"Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January. [and shall be convened at other times in special session, at the written request of a two-thirds majority of the number of members to which each house is entitled, by the presiding officers of both houses.]

"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. The governor may convene both houses or the senate alone 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 [shall] may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of [a] two-thirds [majority of the number] of the members to which each house is entitled or may be granted by the governor.

"Any session may be recessed by concurrent resolution adopted by a majority of the [number of] members to which each house is entitled. Saturdays, Sundays, holidays 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 [at] 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."

The one long paragraph in Section 11 has been separated into five shorter paragraphs each with its own or related subject matter.

First paragraph: This paragraph is limited to the convening of the annual regular session. The matter of special session was put into the second paragraph.

Second paragraph: The first method of calling a special session (by the legislature) was separated from the first paragraph and put in a separate sentence, for both clarity and order. The second method (by the

governor) is put in a sentence of its own. Both sentences were written in the active voice rather than in the passive to be consistent with the first paragraph. This paragraph relates to the calling of the two methods of special session.

Third paragraph: The word "majority" should not be used in connection with "two-thirds" and hence deleted. The phrase "the members to which each house is entitled" is used in Sections 14 and 18 of Article III.

The phrase, "any session shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the number of members to which each house is entitled or by the governor," is misleading as the intent of the Convention is to allow incremental extensions of several days duration so long as a total number of days extended does not exceed 15 days. Your Committee's amendment that a session *may* be extended would avoid an interpretation that a session must be extended for 15 days in any event. Also, the "shall" is not intended to apply to the governor who has the discretion to extend, and thus its use as a mandate is inappropriate.

The phrase "the members to which each house is entitled" is used again, instead of "the number of members to which each house is entitled" in consistence with a similar amendment made earlier in the second paragraph.

Fourth paragraph: The article "a" should precede "concurrent resolution."

Fifth paragraph: The phrase "at the capital" can be misleading. "Capital" here means Honolulu. "In the capital" might better serve the understanding of the word "capital."

Your Committee has amended Section 16 to read as follows:

"Section 16. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in [each] either house unless printed copies of the bill in the form to be passed [it] shall have been [printed and] made available to the members of that house for at least twenty-four 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 [and, at the latter session,] shall pass at least one reading in the house in which the bill originated."

The first long paragraph has been divided into two shorter paragraphs.

First paragraph: The third reading of bills and the twenty-four hour rule were put into the first paragraph and so isolated to highlight the two primary requirements in the passage of a bill.

Second paragraph: This paragraph has not been amended.

Third paragraph: The phrase "before the carried-over bill is enacted," is necessary to express the intent of the Convention. Without this phrase, the house or senate is mandated to pass something and to advance a bill one reading whether or not the house or senate intends to enact the bill.

Your Committee has amended the last paragraph of Section 17 to read as follows:

"In computing the number of days designated in this section, [there] the following days shall be excluded: Saturdays, Sundays, [and] holidays, and any days in which the legislature is in recess prior to its adjournment as provided in Section 11."

The above changes are merely for clarity.

Your Committee has amended Section 17 of Article XVI of the State Constitution to read as follows:

"Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars [per annum] a year."

Your Committee recommends only to change by using the phrase "a year" for "per annum." We have considered the logic of inserting this section into Section 10 of Article III. We agree with the proposal to retain this section in Article XVI since this section fixes the initial salary of the legislators which is subject to increase or decrease in the future by means other than a constitutional amendment. Such a variable figure properly belongs in the transitional section. This is unlike the stating of the minimum compensations of the executive and the judiciary in their respective articles because the minimum compensation is a fixed sum not subject to change except by a constitutional amendment.

Your Committee recommends the adoption of Committee Proposal No. 7, RD.1, S.1, and adoption of Standing Committee Report No. 68.

Signed by all members of the Committee. Delegate Rhoda Lewis did not concur in part.

COMMITTEE PROPOSAL NO. 7, RD. 1, S. 1

RELATING TO LEGISLATIVE POWERS AND FUNCTIONS.

Resolved, That the following be agreed upon as amending Sections 7, 10, 11 and 16 of Article III of the State Constitution:

Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected.

Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

Section 11. 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. The governor may convene both houses or the senate alone 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 at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays 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.

Section 16. No bill shall become law unless it shall pass three readings in each house 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 for at least twenty-four 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.

Further Resolved, That the following be agreed upon as amending the last paragraph of Section 17 of Article III of the State Constitution:

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 11.

Further Resolved, That the following be agreed upon as amending Section 17 of Article XVI of the State Constitution:

Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year.

STANDING COMMITTEE REPORT NO. 69

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed certified copies of Comm. Prop. No. 1, RD. 2, S. 2 on 9/6/68 and certified copies of Comm. Prop. No. 2, RD. 2, S. 1, Comm. Prop. No. 3, S. 1, and Comm. Prop. No. 5 on 9/14/68; and Stand. Comm. Rept. No. 67 and Comm. Prop. No. 13 and Stand. Comm. Rept. No. 68 and Comm. Prop. No. 7, RD. 1, S. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 70

Your Committee on Style, to which was referred Committee Proposal No. 6, begs leave to report as follows:

The proposal deals with Section 3 and a new section to be added to Article XIV of the State Constitution. The article is entitled, "General and Miscellaneous Provisions." Your Committee recommends changes in both sections.

The changes made by your Committee are indicated by brackets [for deletions] and underscoring for additions.

The following changes are recommended for the new unnumbered section:

"Section _____. The legislature and each political subdivision shall adopt a code of ethics, [for] which shall apply to appointed and elected officers and employees of the State or the

political subdivision, respectively, including members of boards, commissions and other bodies."

It is the intent of the Convention that the State should have one code and the counties should have separate codes, one for each county. The legislature is expected to implement by law this provision for the State. However, the charters for the counties may have the provisions of this proposal or their legislative body may adopt such codes.

"For" is substituted by the phrase "which shall apply to" for clarity of intent.

The word "respectively" is inserted to indicate the intent that a code adopted by the State shall apply only to those in the state government and the code of a county shall apply to those in the government of that county.

Your Committee proposes the following changes in Section 3:

"Section 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, [the government of this State or of the United States by force or violence] or [who] attempts to overthrow, [the government of this State or the United States by force or violence] or [who] conspires with any person to overthrow the government of this State or of the United States by force or violence. [shall hold any public office or employment.]"

The intent of the Convention is that "knowingly and intentionally" should apply not only to doing, but to attempting and conspiring. The wording as proposed did not make this clear.

The long sentence with several parts and sixty words separating "no person" from "shall hold any public office or employment," is a problem for the average reader.

Your committee proposal is intended to help the reader know what this section is all about. It reads as follows:

"Section 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, or attempts to overthrow, or conspires with any person to overthrow the government of this State or of the United States by force or violence."

Your Committee recommends the adoption of Committee Proposal No. 6, S. 1, and of Standing Committee Report No. 70.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 6, S.1

RELATING TO GENERAL AND MISCELLANEOUS PROVISIONS.

Resolved, That the following be agreed upon as amending Article XIV of the State Constitution:

Adding a new section to read as follows:

Section _____. The legislature and each political subdivision shall adopt a code of ethics, which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of boards, commissions and other bodies.

Amending Section 3 to read as follows:

Section 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, or attempts to overthrow, or conspires with any person to overthrow the government of this State or of the United States by force or violence.

STANDING COMMITTEE REPORT NO. 71

Your Committee on Style, to which was referred Committee Proposal No. 8, RD. 1, begs leave to report as follows:

The proposal deals with the fourth and sixth paragraphs of Section 2 and a new Section 5 of Article XV.

Your Committee proposes several style changes which are indicated by brackets [for deletions] and underscoring for additions.

Your Committee proposes the following changes in the fourth paragraph of Section 2:

"Unless the legislature shall otherwise provide, there shall be the same number of delegates to [such] the convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the [Hawaii State Constitutional] convention of 1968."

The word "such" is changed to "the" to conform to the *Hawaii Bill Drafting Manual's* admonition to not use "such" when "the, this or that" can be used.

"Hawaii State Constitutional" is deleted since this section deals with our State's constitutional convention. The 1950 constitutional convention was called the "Hawaii State Constitutional Convention of 1950" before statehood was achieved for the purpose of drafting the document which was to become the Constitution of the State of Hawaii when admission of the then Territory of Hawaii into the United States of America was achieved. "Constitutional Convention of Hawaii of 1968" is the official name of this convention as provided in our rules. Therefore, "the convention of 1968" is clearer and more correct.

Your Committee proposes the following changes in the sixth paragraph of Section 2:

"The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. [but no such] The revision or amendments shall be effective [unless] only if approved at a general election by a majority of all the votes tallied upon the question, [such] this majority constituting at least thirty-five percent of the total vote cast at [such] the election, or at a special election by a majority of [the total] all the votes tallied upon [such] the question, [such] this majority constituting at least thirty percent of the total number of registered voters."

The proposed style changes are made to shorten the lengthy one-sentence paragraph and to positively state the intent that "only if" the number required for ratification is received, the revision or amendments will be effective.

The "votes tallied" is made to read consistently as "all the votes tallied" in the second sentence without making substantive changes.

The change of "such" to "this" or "the" is explained above.

Your Committee proposes the following changes in the proposed new Section 5:

"Section 5. If [an amendment or] a revision or amendment proposed by a constitutional convention is in conflict with [an amendment or] a revision or amendment proposed by the legislature and both are submitted to the electorate at the same [time] election [,] and both are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting [amendments or] revisions or amendments are proposed by the same body [,] and are submitted to the [voters] electorate at the same election [,] and both are approved, then the [amendment or] revision or amendment receiving the highest number of [affirmative] votes shall prevail."

Article XV is entitled "Revision and Amendment," and this expression is used throughout this article. This phrase is therefore preferred over the reverse phrase.

Proposals are submitted at the same "election" rather than at the same "time."

The term "electorate" is used in other parts of this article rather than "voters."

In submission of a proposal for approval to the electorate, the only proposal that prevails as approved is one receiving the affirmative vote. If both are lost, there is no approval and the highest number of negative votes have no meaning. For these reasons, the use of the word "affirmative" is redundant and thus removed.

Your Committee recommends the adoption of Standing Committee Report No. 71 and consideration of the adoption of Committee Proposal No. 8, RD. 1, S. 1.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 8, RD. 1, S. 1

RELATING TO REVISION AND AMENDMENT.

Resolved, That the following be agreed upon as amending Article XV of the State Constitution:

Amend the fourth paragraph in Section 2 of Article XV to read:

Unless the legislature shall otherwise provide, there shall be the same number of delegates to the convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the convention of 1968.

Amend the sixth paragraph in Section 2 of Article XV to read:

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least thirty-five percent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty percent of the total number of registered voters.

Add a new section to Article XV to read:

Section 5. If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail.

STANDING COMMITTEE REPORT NO. 72

Your Committee on Style, to which was referred Committee Proposal No. 10, begs leave to report as follows:

The proposal covers Section 2 of Article VII and adds a new section to Article XVI of the State Constitution, both relating to local government. Your Committee recommends changes in both articles as amended by Committee Proposal No. 10.

The proposed style changes are indicated by brackets [for deletions] and underscoring for additions.

Your Committee proposes the following changes to Section 2 of Article VII.

“LOCAL SELF-GOVERNMENT; CHARTER

“Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not [include] require the approval of a charter by a legislative body.

“Charter provisions with respect to a political subdivision’s executive, legislative and administrative structure and organization shall be [of] superior [authority] to [statute] statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

“A law may qualify as a general law even though it is inapplicable to one or more counties by reason[s] of the provisions of this section.”

For the purpose of contrast, your Committee has added the word “however” in the first paragraph. Your Committee has deleted the word “include” appearing in the last sentence of the first paragraph and substituted therefor the words “require the” to conform to the intent of the Committee on Local Government.

In the second paragraph, your Committee has made the following changes: (a) deleted the word “of” appearing between the words “be” and “superior”; (b) deleted the word “authority” appearing between the words “superior” and “to” and; (3) deleted the word “statute” and substituted therefor the words “statutory provisions.” All of these changes were made for the sake of clarity.

Your Committee has amended the new section to be added to Article XVI to read as follows:

“EFFECTIVE DATE AND
APPLICATION OF ARTICLE VII,
SECTION 2

“Section _____. [Upon ratification of] The amendments [of] to Section 2 of Article VII [of the same] shall take effect on the first day of January after three full calendar years have elapsed following [such] their ratification. [Upon the taking effect of the amendments] When the amendments take effect, Article VII [as amended] shall apply to all county charters [irrespective of], whether adopted before or after the admission of [the] Hawaii into the Union as a state.”

Your Committee has amended this section by deleting and adding certain words for the sake of clarity and better sentence construction. There is no substantive

change.

Your Committee therefore recommends the adoption of Standing Committee Report No. 72 and consideration of the adoption of Committee Proposal No. 10, S. 1.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 10, S. 1

RELATING TO LOCAL GOVERNMENT.

Resolved, That the following be agreed upon as amending Section 2 of Article VII of the State Constitution:

LOCAL SELF-GOVERNMENT; CHARTER

Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section.

Resolved Further, That the following be agreed upon as amending Article XVI of the State Constitution:

EFFECTIVE DATE AND
APPLICATION OF ARTICLE VII,
SECTION 2

Section _____. The amendments to Section 2 of Article VII shall take effect on the first day of January after three full calendar years have elapsed following their ratification. When the amendments take effect, Article VII shall apply to all county charters, whether adopted before or after the admission of Hawaii into the Union as a state.

STANDING COMMITTEE REPORT NO. 73

Your Committee on Style, to which was referred Committee Proposal No. 11, RD. 1, S. 1, begs leave to report as follows:

The proposal covers Sections 5, 9, 11 and 18 of Article I of the State Constitution, all relating to bill of rights.

The changes made by your Committee are indicated by brackets [for deletions] and underline for additions.

Your Committee has amended Section 5 to read as

follows:

"Section 5. The right of the people to be secure in their persons, houses, papers and effects [,] against unreasonable searches, seizures, and invasions of privacy [,] shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted."

Consistent with proper sentence structure, the comma after the word "effects" and the comma after the word "privacy" have been deleted.

Your Committee has amended Section 9 to read as follows:

"Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may [, except for a defendant charged with an offense punishable by life imprisonment,] dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment."

The last sentence has been restructured by realigning certain phrases and clauses. As it is awkward to sandwich an exception between two integral parts of the same predicate "may" and "dispense with bail," the exception was placed at the end to avoid splitting the predicate and to achieve a meaningful order of the different phrases and clauses. Thus, the sentence sets forth (1) the discretionary authority of the court to dispense with bail, (2) the condition under which it may exercise that discretion and (3) the exception notwithstanding the authority and condition.

Section 11 appears satisfactory to your Committee and no change is recommended.

Section 18 reads, "Private property shall not be taken or damaged for public use without just compensation." The words "damaged for public use" appear awkward. Your Committee recognizes however that the language was designedly adopted from other jurisdictions, the body of law from which can provide guidelines in the legal interpretation of such words. For this reason your Committee has left Section 18 undisturbed.

Your Committee recommends the adoption of Committee Proposal No. 11, RD. 1, S. 1, and adoption of Standing Committee Report No. 73.

Signed by all members of the Committee except Delegates Dyer, Ho, Noguchi and Suwa.

COMMITTEE PROPOSAL NO. 11, RD. 1, S. 1

RELATING TO THE BILL OF RIGHTS.

Resolved, That the following be agreed upon as amending Sections 5, 9, 11 and 18 of Article I of the State Constitution:

Section 5. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

Section 18. Private property shall not be taken or damaged for public use without just compensation.

STANDING COMMITTEE REPORT NO. 74

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 70 and Comm. Prop. No. 6, S. 1; Stand. Comm. Rept. No. 71 and Comm. Prop. No. 8, RD. 1, S. 1; Stand. Comm. Rept. No. 72 and Comm. Prop. No. 10, S. 1; and Stand. Comm. Rept. No. 73 and Comm. Prop. No. 11, RD. 1, S. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 75

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. No. 16 and Comm. Prop. No. 13, RD. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 76

Your Committee on Rules, to which were referred

resolutions numbered 5, 15, 18 and 35, requesting various amendments to the rules of the Convention; resolutions numbered 4, 11, 13 and 31, relating to conduct of this Convention and its delegates; resolutions numbered 16 and 19, expressing gratitude to certain organizations and bureaus and Resolution No. 32 requesting preservation of Hawaii's scenic beauty, begs leave to report as follows:

Your Committee, after due deliberation, unanimously agreed to file all resolutions referred to this Committee and to request this Convention to prepare and adopt appropriate resolutions expressing its appreciation to the various news, radio and television media, Legislative Reference Bureau, the governor and appropriate departments of the State, Citizens Committee on the Constitutional Convention and convention staff for their outstanding services to the Constitutional Convention of Hawaii of 1968.

Accordingly, your Committee on Rules recommends that the above-numbered resolutions referred to your Committee be filed and appropriate resolutions expressing this Convention's appreciation be prepared and adopted.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 77

Your Committee on Style, to which was referred Committee Proposal No. 13, RD.1, begs leave to report as follows:

The proposal deals with the Transitional Provisions in Article XVI and proposes to amend Section 2 and add a new section.

The changes made by your Committee are indicated by brackets [for deletions] and underscoring for additions.

The following changes are proposed for Section 2:

"Section _____. All laws in force at the time amendments to this constitution take effect [and] that are not inconsistent [therewith,] with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations [,] or are [altered] amended or repealed by the legislature.

"Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments."

The changes are merely for clarity. Your Committee made an effort to state in English the Latin phrase "mutatis mutandis." But, we could find no English equivalent acceptable to lawyers.

Your Committee finds that the proposed new section of Article XVI is clear as amended in the Committee of the Whole and in RD. 1 of Committee Proposal No. 13. We do find the phrase "anything in this constitution to the contrary notwithstanding" can be better stated. However your Committee notes that this phrase is currently used in Section 1 of Article XI on the Hawaiian Home Lands. For this reason and for consistency this phrase is retained.

Your Committee recommends the adoption of Standing Committee Report No. 77 and consideration of the adoption of Committee Proposal No. 13, RD. 1, S. 1.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 13, RD. 1, S. 1

RELATING TO TRANSITIONAL PROVISIONS.

Resolved, That the following be agreed upon as amending Article XVI of the State Constitution:

Section 2 of Article XVI be amended to read as follows:

Section _____. All laws in force at the time amendments to this constitution take effect that are not inconsistent with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

Sections 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18 of Article XVI be deleted.

Add a new section to Article XVI to read as follows:

Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect for the biennial period beginning July 1, 1971.

STANDING COMMITTEE REPORT NO. 78

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Comm. Whle. Rept. No. 17 and Comm. Prop. No. 12; Stand. Comm. Rept. No. 76; and Stand. Comm. Rept. No. 77 and Comm. Prop. No. 13, RD. 1, S.1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 79

Your Committee on Style to which has been referred Committee Proposal No. 9, RD. 1 begs leave to report as follows:

The proposal covers Sections 2, 3, 4 and 5 of Article VI. Section 2 is deleted in the proposal. Sections 3, 4 and 5 relate to debt limitations, budgeting and appropriations.

The changes made by your Committee are indicated by brackets [for deletions] and underscoring for additions.

There are several changes made in various paragraphs that can be covered in generalities. The word "state," when a proper noun, has been made "State." Several changes were made in punctuation for the sake of consistency. References to like situations (e.g., "reimbursement to the general fund for the principal and interest on such bonds") are all made identical. No percentages or multiples are put in arabic numerals. "All" is eliminated when referring to the members to which each house of the legislature is entitled. "Which" has been changed to "that" in many cases. Also a number of minor word changes have been made for purposes of clarity or to eliminate redundancy.

It should be noted that any changes in wording or punctuation in the Constitution or in the proposal adopted by the Committee of the Whole have been made solely for style purposes and are not intended to change in any way the meaning of the original text. For this reason the chairman of the Committee on Taxation and Finance and the Convention's attorney participated fully in the Style Committee's consideration of Article VI. Also, the changes made by the Style Committee were discussed with the State's bond counsel (Wood, King, Dawson, Logan, Love and Sabatine).

The last sentence of the following paragraph is moved to a later paragraph in order to conform to its position in the present Constitution.

"Section _____. For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; 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 the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system. [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.]

"All bonds issued by or on behalf of the State or a political subdivision [thereof] must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

"Bonds may be issued by the State when authorized by a two-thirds vote of [all] the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization [.] would not cause the total of state indebtedness to exceed a sum equal to three and one-half [(3½)] times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include monies received as grants from the federal government and receipts in reimbursement of any indebtedness that is excluded in computing the total indebtedness of the State."

The following paragraph has been rewritten in its entirety for purposes of clarity.

"[Bonds 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, which shall be payable within one year and bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by or on behalf of the State. Such bonds and revenue bonds issued by or on behalf of the State may be issued when authorized by majority vote of all the members to which each house of the legislature is entitled without regard to any debt limit.]"

As written, the paragraph now reads:

"By majority vote of the members to which each house of the legislature is entitled and without regard to any debt limit, there may be issued by or on behalf of the State: bonds 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; bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God; and revenue bonds.

"A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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 [at any time] that is outstanding and unpaid [.] at any time.

"Bonds 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, [which shall be payable] if required to be paid within one year, may be issued by any political subdivision under authorization of law and of its governing body [.] without regard to [the limits of debt hereinabove provided.] any debt limit."

The last sentence of the first paragraph of this section is added to the following paragraph for reasons already noted.

"All general obligation bonds for a term exceeding one year 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 to mature not later than five years from the date of the issue of such series, and the last installment 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 total indebtedness of the State or funded debt of any political subdivision, [there shall be excluded the following:] the following shall be excluded:

"(a) Bonds [which] that have matured, or [which] that mature in the then current fiscal year, or [which] that have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year, and for the full payment of which monies have been irrevocably set aside.

"(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement or system, or to impose a user tax, or to impose a combination of rates and charges and user tax, [or a user tax,] as the case may be, sufficient to pay the cost 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 for the public undertaking, improvement or system, 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. For the purposes of this section a user tax shall mean 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 the public undertaking, improvement or system.

“(c) Bonds authorized or issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

“(d) General obligation bonds authorized or issued for assessable improvements, but only to the extent that reimbursements to the general fund [are in fact made] for the principal [of] and interest [of] on such bonds are in fact made from assessment collections available therefor.

“(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest [of] on all revenue bonds issued therefor have been [paid.] made.”

For the purposes of logical continuity, paragraphs (f) and (g) in the committee proposal have been reversed.

“[(f)] (g) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system [which] that has not been self-sustaining as determined for the immediately preceding fiscal year, and [which] that produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking [,] have been, or the rate of such user tax has been, increased by law or by the issuing body as authorized by law, in an amount [which] that is determined will produce sufficient net revenue or net user taxes, or any combination thereof, for reimbursement to the general fund for the payment of principal and interest on all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

“[(g)] (f) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system [which] that produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year [next] immediately preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, [which] that was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for

such public undertaking, improvement or system.

“(h) General obligation bonds issued by the State for any political subdivision, [by the state prior to and] 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 [of] for the payment of [the] principal and interest [of] on such bonds is required by law; provided that in the case of bonds authorized or issued after the effective date of this amendment, 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 from total indebtedness of the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

“[Annually,] Determinations of the exclusions from the total indebtedness of the State or funded debt of any political subdivision provided for in this section shall be made annually and certified by law or as prescribed by law. For the purposes of this section, [the] amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

“Nothing in this section shall prevent the refunding of any bond at any time.”

“Section _____. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.”

“Section _____. 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 prescribed 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 he shall submit a bill or bills to provide for any added revenues or borrowings which 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."

Your Committee on Style recommends the adoption of Committee Proposal No. 9, RD. 1, S. 1, and adoption of Standing Committee Report No. 79.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 9, RD. 1, S. 1

RELATING TO TAXATION AND FINANCE.

Resolved, That Section 2 of Article VI be deleted, and that the following be agreed upon as amending Sections 3, 4 and 5 of Article VI of the State Constitution:

Section ____ For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; 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 the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system.

All bonds issued by or on behalf of the State or a political subdivision must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by the State when authorized by a two-thirds vote of the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not

include monies received as grants from the federal government and receipts in reimbursement of any indebtedness that is excluded in computing the total indebtedness of the State.

By majority vote of the members to which each house of the legislature is entitled and without regard to any debt limit, there may be issued by or on behalf of the State: bonds 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; bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God; and revenue bonds.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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.

Bonds 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, may be issued by any political subdivision under authorization of law and of its governing body without regard to any debt limit.

All general obligation bonds for a term exceeding one year 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 to mature not later than five years from the date of the issue of such series, and the last installment 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 total indebtedness of the State or funded debt of any political subdivision, the following shall be excluded:

(a) 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, and for the full payment of which monies have been irrevocably set aside.

(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement or system, or to impose a user tax, or to impose a combination of rates and charges and user tax, as the case may be, sufficient to pay the cost 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 for the public undertaking, improvement or system, 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. For the purposes of this section a user tax shall mean 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 the public undertaking, improvement or system.

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

(d) General obligation bonds authorized or 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.

(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued therefor have been made.

(f) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year immediately preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, that was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

(g) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that has not been self-sustaining as determined for the immediately preceding fiscal year, and that produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking have been, or the rate of such user tax has been, increased by law or by the issuing body as authorized by law, in an amount that is determined will produce sufficient net revenue or net user taxes, or any combination thereof, for reimbursement to the general fund for the payment of principal and interest on all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

(h) 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 authorized or issued after the effective date of this amendment, 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 from total indebtedness of the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

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

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

Section _____. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

Section _____. 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 prescribed 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 he shall submit a bill or bills to provide for any added revenues or borrowings which 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.

STANDING COMMITTEE REPORT NO. 80

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 79 and Comm. Prop. No. 9, RD.1, S.1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 81

Your Committee on Style, to which was referred Committee Proposal No. 12, RD. 2, that proposes to amend Sections 2 and 4 of Article III pertaining to legislative districting and apportionment and certain transitional provisions of Article XVI, begs leave to report as follows:

Your Committee has had the privilege of having the chairman of your Committee on Legislative Apportionment and Districting participate in the consideration of the committee proposal. Changes were made only after concurrence that no substantive amendments were involved, and that changes submitted are for clarity, consistency of language and style.

The changes made by your Committee are indicated in brackets [for deletions] and underscoring for additions.

Your Committee offers no change in Section 2 as proposed in Committee Proposal No. 12, RD. 2.

Section 4, Sections 4.1 to 4.6, inclusive, and 4.8 all cover several matters within the subject of reapportionment. Your Committee has deleted the various section numbers. Your Committee intends to appropriately redesignate them when the proposals are referred to your Committee after third reading.

The following changes are recommended for the aforesaid sections:

“[Section 4.]

“Section [4.1] _____ Reapportionment Years.
The year 1973 and every eighth year thereafter shall be reapportionment years.

“Section [4.2] Reapportionment Commission. A legislative reapportionment commission shall be constituted on or before March 1 of each reapportionment year and whenever reapportionment is required by court order. [a legislative

reapportionment commission shall be constituted.] The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall [select] designate one of their number for each house and the two so [selected] designated shall each [shall designate] select two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within [30] thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

“[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 in either of the first two elections under any such reapportionment plan.]

“Each of the four officials designated above as [appointing] selecting authorities for the eight members of the commission shall, at the time of the commission [appointments] selections, also [appoint] select one person from each basic island unit to an apportionment advisory council for that island unit. [Such] 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.

“[Any] A vacancy in the commission or a council shall be filled by the initial selecting authority within [15] fifteen days [in the same manner in which such position was originally filled] after the vacancy occurs. [Council and commission members] Commission and council positions and vacancies not [appointed] filled within the times specified shall be [appointed] 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 [120] one hundred twenty days from the date on which its members are certified the commission shall file with the chief election officer a [final] reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the 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 in either of the first two elections under any such reapportionment

plan.

"Commission [members] 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, [shall furnish,] 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 [4.3] _____. **Chief Election Officer.** The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

"Section [4.4] _____. **Apportionment among Basic Island Units.** The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election in each of [such] 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 [4.5] _____. **Minimum Representation for Basic Island Units.** 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 this article 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 [4.6] _____. **Apportionment within Basic Island Units.** Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the district therein and shall redraw [election] district lines where necessary in such manner that for each

house the average number of registered voters 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 [one] a person or political faction.

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

4. Insofar as [is] practicable, districts shall be compact.

5. [Insofar as] 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 [to the extent practicable] shall be wholly included within senatorial districts.

7. [Multi-member districts in either house shall not elect more than four members.] Not more than four members shall be elected from any district.

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

"Section [4.8] _____. **Mandamus and Judicial Review.** Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within [45] forty-five days of the date specified for any duty or within [45] forty-five days after the filing of a reapportionment plan."

Your Committee has amended the transitional provisions proposed for Article XVI of the State Constitution affecting apportionment and districting.

Sections 22 and 23 are the schedules for the senate and representative districts and the number of members to be elected from each. Section 23 amends the existing

Section 1 of Article XVI.

Your Committee recommends the following style changes, setting forth or describing only those sections or parts thereof that have been amended.

Transitional Provisions

"Section [21] _____. Senators elected in the 1968 general election shall serve for two-year terms."

"Section [22] _____. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:"

The description of the Third Senatorial District has been amended to delete therefrom the words "and the island of Moku O Loe (Coconut Island)." Your Committee notes that the description of the Twenty-Third Representative District had been amended to include the island of Moku O Loe (Coconut Island), and as the Third Senatorial District is described as including the Twenty-Third Representative District, the deletion effected is appropriate.

The description of the Sixth and Seventh Senatorial Districts have been amended to provide that the Sixth Senatorial District shall no longer contain any part of the Eleventh Representative District all of which has been included in the Seventh Senatorial District. This style change is necessary to accommodate the change in descriptions of the Eleventh and Twelfth Representative Districts.

"Section [23] _____. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:"

"Section [24] _____. Effective for the first general election following ratification of Section [4.5] _____ of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the Senate as provided and with the effect set out in Section [4.5] _____ of Article III [hereof] and such senator shall be allocated to the basic island unit of Kauai."

"Section [25] _____. The senatorial and representative districts and the numbers to be elected from each as set forth in Sections [22] _____ and [23] _____ of this article shall become effective for the first general election following ratification of amendment [s] to Section 2 of Article III and of Sections [22] _____ and [23] _____ of this article."

"Section _____. Anything in this constitution to the contrary notwithstanding, if [the Senatorial and Representative districts and the members to be elected from each as set forth in] Sections [22] _____ and [Section 23] _____ of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969 [,] [and thereafter in the reapportionment years as set forth in Section 4.1 and Section 4.2 of Article III.]"

Section 26 has been completely reworded as follows:

"Section _____. Sections 2 and 4 of Article III and Sections _____, _____, _____, _____ and _____ of Article XVI, as amended and added by the constitutional convention of 1968, upon ratification, shall supersede Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified. If less than all of the above sections are ratified, then those ratified shall supersede Senate Bill No. 1102 to the extent they are in conflict therewith, even if the latter should be ratified."

Your Committee has deleted the section numbers of the above transitional provisions. Your Committee intends to appropriately redesignate them when the proposals are referred to your Committee after third reading.

The second sentence of Section 25 has been separated as a new section because of the contingency situation this sentence addressed itself to.

Your Committee recommends the adoption of Committee Proposal No. 12, RD. 2, S. 1 and Standing Committee Report No. 81.

Signed by all members of the Committee.

COMMITTEE PROPOSAL NO. 12, RD. 2, S. 1

RELATING TO LEGISLATIVE APPORTIONMENT AND DISTRICTING.

Resolved, That the following be agreed upon as amending Sections 2 and 4 of Article III and certain transitional provisions of Article XVI of the State Constitution:

Senate; Composition

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.

Reapportionment

Section _____. *Reapportionment Years*. The year 1973 and every eighth year thereafter shall be reapportionment years.

Section _____. *Reapportionment Commission.* A legislative reapportionment commission shall be constituted on or before March 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 shall each select two 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 shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to 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 twenty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the 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 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 _____. *Chief Election Officer.* The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

Section _____. *Apportionment among Basic Island Units.* The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election 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 _____. *Minimum Representation for Basic Island Units.* 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 this article 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 _____. *Apportionment within Basic Island Units.* Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the district therein and shall redraw district lines where necessary in such manner that for each house the average number of registered voters 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. Not more than four members shall be elected from any district.

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

Section _____. *Mandamus and Judicial Review.* Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

Transitional Provisions

Section _____. Senators elected in the 1968 general election shall serve for two-year terms.

Section _____. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

First Senatorial District: The Island of Hawaii consisting of the first through fifth representative districts, three senators.

Second Senatorial District: The Islands of Maui, Molokai, Lanai and Kahoolawe consisting of the sixth and seventh representative districts, two senators.

Third Senatorial District: That portion of the Island of Oahu consisting of the twenty-third and twenty-fourth representative districts, three senators.

Fourth Senatorial District: That portion of the Island of Oahu consisting of the nineteenth, twentieth, twenty-first and twenty-second representative districts, four senators.

Fifth Senatorial District: That portion of the Island of Oahu consisting of the fifteenth, sixteenth, seventeenth and eighteenth representative districts, four senators.

Sixth Senatorial District: That portion of the Island of Oahu consisting of the twelfth, thirteenth and fourteenth representative districts, four senators.

Seventh Senatorial District: That portion of the Island of Oahu consisting of the eighth, ninth, tenth and eleventh representative districts, four senators.

Eighth Senatorial District: The Islands of Kauai and Niihau consisting of the twenty-fifth representative district, one senator.

Section _____. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

First Representative District:

That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo being more particularly described as follows: beginning at the junction of Haihai Street and Ainaola Drive, easterly along Haihai Street extended to Kanoelehua Avenue, thence southerly along Kanoelehua Avenue for 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa, thence easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad, thence easterly along the prolongation of a line that is parallel to Haihai Street to the South Hilo-Puna Boundary, southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Ainaola Drive intersects the South Hilo-Puna Boundary, thence northerly along the said prolongation and along Ainaola Drive northerly and northeasterly along Ainaola Drive to the point of beginning, one representative.

Second Representative District:

That portion of the Island of Hawaii for convenience referred to as that portion of South Hilo, more particularly described as follows: beginning at the seashore at the mouth of Wailuku River, thence southeasterly along the seashore to the South Hilo-Puna Boundary, southwesterly along the South Hilo-Puna Boundary to a point where the prolongation of a line from the intersection of the north boundary of Panaewa Farm Lots with the old Puna Railroad to the South Hilo-Puna Boundary that is parallel to Haihai Street; westerly along said prolongation to the old Puna Railroad, westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue, northerly along Kanoelehua Avenue for about 100 feet where Haihai Street extended would meet said avenue, westerly along said prolongation along Haihai Street to Ainaola Drive, southwesterly and southerly along Ainaola Drive, thence southerly along the prolongation of Ainaola Drive to the South Hilo-Puna Boundary, southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary, northwesterly along the South Hilo-Kau Boundary, thence northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary, thence southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream, southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream, thence southeasterly along Awehi Stream on into Waiiau Stream to its junction with Alae Stream, westerly along said Alae Stream to the Hilo Forest Reserve Boundary; thence southwesterly along the lower boundary of the Hilo Forest Reserve for a

distance of 6780 feet, thence southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; thence southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary, thence southeasterly about 0.2 mile to an angle in the Hilo Forest Reserve; thence southwesterly along the Hilo Forest Reserve to the Punahoa First and Ponahawai Boundary; thence easterly along said boundary and along Waipahoehoe Stream to Akolea Road, thence northerly along Akolea Road to the Punahoa 1 and 2 Boundary; thence easterly along Punahoa 1 and 2 Boundary to Ainako Avenue, northerly along Ainako Avenue to the Old Piihonua Road, northeasterly along the Old Piihonua Road to the Piihonua and Punahoa 2 Boundary; thence easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418), thence southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; thence southerly along the west side of Block "S" which fronts on the west side of Ekaha Street, southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch, easterly along the Hilo Boarding School Ditch to Hoomana Street, northwesterly along Hoomana Street to Punahale Street, northeasterly along Punahale Street to Punawai Street, northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River, easterly along Wailuku River to the point of beginning, two representatives.

Third Representative District:

That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: beginning at the seashore on the North Hilo-South Hilo Boundary, southeasterly and southerly along the seashore to the mouth of Wailuku River, westerly along Wailuku River to the prolongation of Punawai Street, thence southerly along said prolongation and along Punawai Street to Punahale Street, thence southwesterly along Punahale Street to Hoomana Street, thence southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch, thence westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; thence northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; thence northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); thence along the southerly side of said reservation to the common boundary between the lands of Piihonua and Punahoa 2; thence westerly along said boundary to the old Piihonua Road; thence southwesterly along the old Piihonua Road to Ainako Avenue, thence southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; thence westerly along said boundary to Akolea Road; thence southerly along Akolea Road to Waipahoehoe Stream; thence westerly along Waipahoehoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; thence northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same;

thence northwest approximately 0.2 miles to Kahoama Stream; thence northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; thence northwesterly along Hookelekele Stream for a distance of 7,157 feet; thence northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6,780 feet to Aale Stream; thence easterly along said Aale Stream to its junction with Waiiau Stream; thence northwesterly along Waiiau Stream on into Awehi Stream to the upper boundary of Alae; thence northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream, thence northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; thence northeasterly along the North Hilo-South Hilo Boundary to the point of beginning, one representative.

Fourth Representative District:

That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo, one representative.

Fifth Representative District:

That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala, one representative.

Sixth Representative District:

The Islands of Molokai, Lanai and that portion of the Island of Maui that includes Lahaina and part of Wailuku that lies west of the following described line: beginning at the seashore near Kahului Beach Road, at the end of the west breakwater of Kahului Harbor, southwesterly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue, thence southwesterly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766), thence along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of File Plan 906, thence southwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence southeasterly in a straight line to the seashore at the southeasterly corner of the abandoned Maalaea Airport, two representatives.

Seventh Representative District:

The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and that portion of Wailuku that lies east of the following described line: beginning at the seashore at the southeasterly corner of the abandoned Maalaea Airport, northwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence northeasterly in a straight line to the south corner of Lot 8-149 of File Plan 906, thence along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of File Plan 766, thence northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues,

thence in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor, two representatives.

Eighth Representative District:

That portion of the Island of Oahu lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: beginning at the seashore at the east corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to Kahala Avenue, along Kahala Avenue to Waialae Golf Course, along Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Kapakahi Stream to its junction with Waialae-Nui Stream, along Waialae-Nui Stream crossing Kalaniana'ole Highway and continuing along Waialae-Nui Stream and Waialae-Nui Gulch to a place called Puu Lanipo at the top of Koolau Range, thence easterly along the top of Koolau Range, to Makapuu Point, thence southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands, two representatives.

Ninth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: beginning at the seashore at the southeast corner of Diamond Head Lighthouse, along the east boundary of Diamond Head Lighthouse, westerly along Diamond Head Road, and along the boundary of Diamond Head State Monument (Executive Order 2000) and continuing northeasterly along Diamond Head State Monument (Executive Order 2000) and along Fort Ruger Military Reservation to Makapuu Avenue, northerly along Makapuu Avenue to Kilauea Avenue, easterly along Kilauea Avenue to 22nd Avenue, northerly along 22nd Avenue to Harding Avenue, westerly along Harding Avenue to 21st Avenue, northerly along 21st Avenue to Lunalilo Freeway, southwesterly along Lunalilo Freeway to Koko Head Avenue, northerly along Koko Head Avenue to Waialae Avenue, westerly along Waialae Avenue to Sierra Drive, northerly along Sierra Drive to the southwest corner of Land Court Application 704, northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704, westerly along Lot 14, northerly along Lot 21, easterly along Lot 11, all of Land Court Application 704, northerly along easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704, northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704, easterly along Pakui Street, northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract, File Plans 46 and 48 to the south corner of Lani Hale Tract, westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots, File Plan 50, northerly along the easterly boundary of Palolo Hillside Lots, File Plan 50 and Land Court Application 610 to the boundary of Waiomao, easterly along the boundary of Waiomao to the west

corner of Land Court Application 859, easterly along the north boundary of Land Court Application 859 and the land of Waiomao to Kalepeamoia Triangulation Station, northeasterly in a direct line to Waialae-Nui Stream, southerly along Waialae-Nui Stream crossing Kalaniana'ole Highway to its junction with Kapakahi Stream, along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Waialae Golf Course to Kahala Avenue, along Kahala Avenue to the northeast corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to the seashore, thence southwesterly along the seashore to the point of beginning, two representatives.

Tenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Koko Head Avenue, westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal, northerly along the Manoa-Palolo Drainage Canal to Dole Street, easterly along Dole Street to the east boundary of Waahila Faculty Housing, northerly along the east boundary of Waahila Faculty Housing to Waahila Triangulation Station, northeasterly along the Manoa-Palolo Boundary to a place called Mt. Olympus at the top of Koolau Range, easterly along the top of said range to a place called Puu Lanipo, southerly along Waialae-Nui Gulch for a distance of approximately 14,000 feet, thence southwesterly in a direct line to Kalepeamoia Triangulation Station, westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859, westerly along the land of Waiomao to the east corner of Land Court Application 610, southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots, File Plan 50, to the west corner of Lani Hale Tract, easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract, File Plan 48, southerly along the westerly boundary of Palolo Hill Tract, File Plans 48 and 46, to the southeast corner of Pakui Street, westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704, southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract, File Plan 46, to the east corner of Lot 12-B of Land Court Application 704, westerly along Lot 12-B, southerly along Lots 12-B and 13-B, easterly along Lot 13-B, all of Land Court Application 704, southerly along Palolo Hill Tract, File Plan 46, to Sierra Drive, southerly along Sierra Drive to Waialae Avenue, easterly along Waialae Avenue to Koko Head Avenue, southerly along Koko Head Avenue to the point of beginning, two representatives.

Eleventh Representative District:

RD 16, prec. 1, makai of Lunalilo Freeway (50%)
 RD 16, prec. 4, makai of Lunalilo Freeway (50%)
 RD 16, prec. 5, 6, 7, 15, and 16 (all)
 RD 17, prec. 2 (all)
 RD 17, prec. 13 between Lunalilo Freeway and Kilauea Avenue (65%), two representatives.

Twelfth Representative District:

RD 15, prec. 8, makai of Lunalilo Freeway (75%)
 RD 15, prec. 9, 10, 11, 12, 20, 21, 22, 23, 24 (all)
 RD 16, prec. 8 ewa of Diamond Head Lighthouse
 (65%), three representatives.

Thirteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway, westerly along Lunalilo Freeway to Pensacola Street, northeasterly along Pensacola Street to Nehoa Street, easterly along Nehoa Street to a point opposite Lewalani Drive, northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called Puu Ohia or Tantalus, northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called Puu Konahuanui, southeasterly along the top of said range to a place called Mt. Olympus, southwestly along the Manoa-Palolo Boundary to Waahila Triangulation Station, thence southerly along the east boundary of Waahila Faculty Housing to Dole Street, westerly along Dole Street to Manoa Stream, southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning, three representatives.

Fourteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: beginning from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to Lunalilo Freeway, easterly along Lunalilo Freeway to Isenberg Street, southerly along Isenberg Street to South King Street, westerly along South King Street to McCully Street, southerly along McCully Street to Ala Wai Canal, southwestly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island, southerly along the east boundary of Magic Island to the outer edge of the reef, westerly along the outer edge of the reef to the point of beginning, two representatives.

Fifteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway, northerly along Pali Highway to Nuuanu Pali Drive near Kepola Place, northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout, southeasterly along the top of Koolau Range to a point called Puu Konahuanui and southwestly along the top of the ridge between the lands of Manoa,

Pauoa and Makiki to a mountain peak called Puu Ohia or Tantalus, southwestly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive, southwestly on Nehoa Street to Pensacola Street, southerly along Pensacola Street to Lunalilo Freeway, westerly along Lunalilo Freeway to the point of beginning, two representatives.

Sixteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway, northwestly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway, thence northwestly along North School Street to Likelike Highway, northerly along Likelike Highway to Kalihi Street, northeasterly along Kalihi Street to Akahi Street, southeasterly along Akahi Street to the top of the ridge between the lands of Kamanaiiki and Kapalama, northeasterly along the top of said ridge to a point on the Koolau Range called Puu Lanihuli, easterly along the top of Koolau Range to Pali Lookout, southwestly along Nuuanu Pali Drive to Pali Highway near Kepola Place, southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue, southwestly along Nuuanu Avenue to point of beginning, two representatives.

Seventeenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway, southwestly along Nuuanu Avenue to the sea, southwestly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef, thence westerly along the outer edge of the reef to Mokauea Street extended, northeasterly along Mokauea Street extended to the intersection of the middle of Kalihi Channel and Mokauea Street extended, along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway, northwestly along Nimitz Highway to Middle Street, northeasterly along Middle Street to Lunalilo Freeway, southeasterly along Lunalilo Freeway to the point of beginning, two representatives.

Eighteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Middle Street, northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street, westerly and then mauka along Fort Shafter Military Reservation boundary and Kahauiki Ridge to a point on the top of Koolau Range called Puu Kahuauili, southeasterly along the top of Koolau Range to a point on Koolau Range called Puu Lanihuli, southwestly along the top of the ridge between the lands of Kamanaiiki and Kapalama to Akahi Street, northwestly along Akahi Street to Kalihi

Street, southerly along Kalihi Street to Likelike Highway, southerly along Likelike Highway to School Street, southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway, northwesterly along Lunalilo Freeway to the point of beginning, two representatives.

Nineteenth Representative District:

That portion of the Island of Oahu for convenience referred to as Moanalua, Halawa and Aiea, more particularly described as follows: beginning at the point where Mokauea Street extended meets the outer edge of the reef, southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary, northerly along the Moanalua-Halawa boundary to the seashore, westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel, northerly along the center of Pearl Harbor Entrance Channel, thence northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the boundary between the lands of Waimalu and Kalauao at East Loch, Pearl Harbor, thence northeasterly along the Waimalu-Kalauao boundary to Kamehameha Highway, southeasterly along Kamehameha Highway to the intersection of Kamehameha Highway and Moanalua Road, thence northwesterly along Moanalua Road to the Waimalu-Kalauao boundary, thence northeasterly along the Waimalu-Kalauao boundary to the top of Koolau Range, southeasterly along the top of Koolau Range to a point on the top of Koolau Range called Puu Kahuauli, southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street, southwesterly along Middle Street to Nimitz Highway, easterly along Nimitz Highway to Kalihi Stream, southerly along Kalihi Stream and along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended, southwesterly along Mokauea Street extended to the point of beginning, two representatives.

Twentieth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: beginning at the seashore at the seaward end of Waimanalo Gulch located about 2300 feet south of Kahe Point Triangulation Station, northeasterly along Waimanalo Gulch to its beginning, then northeasterly in a straight line to a point called Puu Manawahua, thence northeasterly along the top of Waianae Range between the boundary of Waianae and Ewa districts to a point called Puu Palikea, thence following a direct line to Reservoir 31 of the Oahu Sugar Company, thence northeasterly along Waiahole Ditch to Waikele Stream, thence southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams, thence northeasterly along Kipapa Stream to Kamehameha Highway, southeasterly along Kamehameha Highway to roadway leading to Mililani Memorial Park, northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch, northerly along the middle of Panakauahi Gulch to the siphon at the

Waiahole Ditch, northwesterly along Waiahole Ditch to Kipapa Stream, northeasterly along Kipapa Stream to the top of Koolau Range, thence southeasterly along top of Koolau Range to the Waimalu-Kalauao boundary, thence southwesterly along the Waimalu-Kalauao boundary to Moanalua Road, southeasterly along Moanalua Road to the intersection of Moanalua Road and Kamehameha Highway, thence northwesterly along Kamehameha Highway to the Waimalu-Kalauao boundary, southwesterly along the Waimalu-Kalauao boundary to East Loch, Pearl Harbor, thence southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel, southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended, thence southwesterly along the seashore extended and thence southwesterly and northwesterly along the seashore to the point of beginning, three representatives.

Twenty-First Representative District:

That portion of the Island of Oahu for convenience herein referred to as Waianae and a portion of Honouliuli, more particularly described as follows: beginning at Kaena Point and proceeding up the crest of the Waianae Mountains to a point called Puu Manawahua, thence southwesterly in a straight line to the beginning of Waimanalo Gulch, thence southwesterly along Waimanalo Gulch to the sea south of Kahe Point, thence northwesterly along the seashore to the point of beginning, one representative.

Twenty-Second Representative District:

That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiwaha, more particularly described as follows: beginning at the seashore on the boundaries between Waialua and Koolauloa districts, easterly and southeasterly along the top of Koolau Range to the intersection of Kipapa Stream and Koolau Range, southwesterly along Kipapa Stream to Waiahole Ditch, southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch, southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park, southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway, northwesterly on Kamehameha Highway to Kipapa Stream, southwesterly along Kipapa Stream to its junction with Waikele Stream, northwesterly along Waikele Stream to Waiahole Ditch, southwesterly along Waiahole Ditch to Reservoir 31, on a direct line from Reservoir 31 to a point on the top of Waianae Range called Puu Palikea, northwesterly along the top of Waianae Range along Waianae district boundary to Kaena Point, thence northeasterly along the seashore to the point of beginning, two representatives.

Twenty-Third Representative District:

That portion of the Island of Oahu for convenience herein referred to as all of Koolauloa and part of Koolaupoko, more particularly described as follows: beginning at the seashore between Waialua and

Koolauloa districts, thence northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station, southwesterly along the southeast boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive, thence southwesterly on a straight line to Puu Papaa Triangulation Station, southwesterly along the top of the ridge to the Kailua-Kaneohe boundary, southwesterly along the Kailua-Kaneohe boundary to a point where the Kailua-Kaneohe boundary intersects Kamehameha Highway, southeasterly along Kamehameha Highway to the junction of Kalaniana'ole Highway where it intersects the Pali Highway and Kamehameha Highway, southerly and continuing along Pali Highway to a point opposite the Pali Lookout, along the top of the Koolau Range to the point of beginning, and the island of Moku O Loe (Coconut Island), three representatives.

Twenty-Fourth Representative District:

That portion of the Island of Oahu for convenience herein referred to as remainder of Koolaupoko, more particularly described as follows: beginning at the seashore at Makapuu Point, westerly along the top of Koolau Range between the Honolulu and Koolaupoko Districts to the Pali Lookout, northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalaniana'ole Highway, thence northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua, northeasterly along the Kailua-Kaneohe boundary to the point where the Kailua-Kaneohe boundary leaves the top of ridge towards Kailua Bay, thence northeasterly along the top of the ridge to Puu Papaa Triangulation Station, thence northeasterly on a straight line to a point where the south boundary of the Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive, easterly along the south boundary of Kaneohe Marine Corps Air Station to the seashore, thence southeasterly along the seashore to the point of beginning, three representatives.

Twenty-Fifth Representative District:

The Islands of Kauai and Niihau, three representatives.

Section _____. Effective for the first general election following ratification of Section _____ of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the Senate as provided and with the effect set out in Section _____ of Article III and such senator shall be allocated to the basic island unit of Kauai.

Section _____. The senatorial and representative districts and the numbers to be elected from each as set forth in Sections _____ and _____ of this article shall become effective for the first general election following ratification of amendment to Section 2 of Article III and of Sections _____ and _____ of this article.

Section _____. Anything in this constitution to the contrary notwithstanding, if Sections _____ and _____ of this article are not ratified, the reapportionment commission shall be constituted on or before March 1,

1969.

Section _____. Sections 2 and 4 of Article III and Sections _____, _____, _____, _____ and _____ of Article XVI, as amended and added by the constitutional convention of 1968, upon ratification, shall supersede Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified. If less than all of the above sections are ratified, then those ratified shall supersede Senate Bill No. 1102 to the extent they are in conflict therewith, even if the latter should be ratified.

STANDING COMMITTEE REPORT NO. 82

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 81 and Comm. Prop. No. 12, RD. 2, S. 1.

Signed by all members of the Committee.

STANDING COMMITTEE REPORT NO. 83 (Majority)

Your Committee on Style, to which was referred all committee proposals to amend the Constitution upon their adoption on third reading, begs leave to report as follows:

Your Committee has examined the proposals for proper form and for arrangement in proper order in the Constitution.

Your Committee submits herewith the final style and technical changes of all proposed amendments as set forth in Exhibit A attached hereto and made a part of this report.

In order to achieve arrangement of the proposed amendments in proper order in the Constitution, your Committee has effected several changes in arrangement of unamended sections as well as amended sections within the article. (These changes have been made under the authority granted to the Committee on Style by the Convention under Rule 18b.) Your Committee has also made changes in punctuation and grammar to correct errors that were overlooked previously but are now recommended for correction.

It is the judgment of your Committee that none of these changes affect the substance of the proposed amendments. The placement of the new proposals and the changes in the placement of the unamended sections have been made on the assumption that the people of Hawaii will ratify all the proposed amendments to the Constitution.

Your Committee recommends the following style and technical changes:

PREAMBLE

Unchanged.

FEDERAL CONSTITUTION ADOPTED

Unchanged.

ARTICLE I
BILL OF RIGHTS

Section 5. The title of this section has been amended to read "SEARCHES, [AND] SEIZURES AND INVASIONS OF PRIVACY." The added phrase covers the guarantee against unreasonable invasions of privacy, which the Convention chose to add to the subjects of Section 5.

Section 8. The title of this section has been amended to read "INDICTMENT, [TRIAL BY JURY, CRIMINAL CASES] DOUBLE JEOPARDY, SELF-INCRIMINATION." The Committee on Bill of Rights, Suffrage and Elections had asked the Committee on Style to change the title to reflect more accurately the subjects contained in the section. The change is a meaningful one. Section 8 does not at all relate to trial by jury; moreover, "double jeopardy" and "self-incrimination" are subjects that are not expressed by the title "criminal cases."

ARTICLE II
SUFFRAGE AND ELECTIONS

Section 1. The comma has been omitted after the words "United States" to correct the grammar.

Section 5. The title of this section has been changed to read "GENERAL AND SPECIAL ELECTIONS" inasmuch as the provision for contested elections has been placed in a separate section. The hyphen in "even-numbered," not appearing in the original Constitution, but added in subsequent editions of the Constitution has been retained as proper.

Section 6. This new section has been given the title "PRESIDENTIAL PREFERENCE PRIMARY" to describe this section, which authorizes the legislature to provide for a presidential preference primary.

Section 7. This new section has been given the title "CONTESTED ELECTIONS" to cover the subject of contested elections, which has been placed into a section of its own.

ARTICLE III
THE LEGISLATURE

Section 4. All of the reapportionment provisions that were assigned to Article III have been placed in Section 4 of Article III. The several subjects of reapportionment under this section are set apart by the respective titles. These titles were chosen by the Committee on Legislative Apportionment and Districting and your Committee has retained them.

Section 10. The title has been changed to read "SALARY, [AND] ALLOWANCES, COMMISSION ON LEGISLATIVE SALARY" to embrace the new subject of commission on legislative salary added to this section.

ARTICLE IV
THE EXECUTIVE

Your Committee recommends no change to this article.

ARTICLE V
THE JUDICIARY

Your Committee recommends no change to this article.

ARTICLE VI
TAXATION AND FINANCE

Section 2. The present Section 6 has been renumbered Section 2 and will be placed in this arrangement when the proposed deletion of the present Section 2 is ratified.

Section 3. The title has been changed to read "BONDS; DEBT LIMITATION" to express therein the subject of bonds covered in the section in connection with the debt limitation established.

Section 5. The terms "General Appropriations Bill" and "Supplemental Appropriations Bill" have been changed to lower case to conform with the present Constitution. Also, the word "which" appearing in the first sentence of the second paragraph has been deleted and substituted with the word "that" to improve clarity in meaning.

Section 6. The present Section 7 has been renumbered Section 6 to accommodate deletion of a section number.

Section 7. The present Section 8 has been renumbered Section 7 to accommodate deletion of a section number.

ARTICLES VII TO XIII, Inclusive

Your Committee recommends no change to these articles.

ARTICLE XIV
GENERAL AND MISCELLANEOUS PROVISIONS

Section 3. The title has been changed to read "DISQUALIFICATION [FOR DISLOYALTY] FROM PUBLIC OFFICE OR EMPLOYMENT."

Section 5. The new section on codes of ethics has been numbered 5, and this section has been

entitled "CODES OF ETHICS."

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15. These sections bear the numbers 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, respectively, in the present Constitution. No other change is recommended to these sections.

ARTICLE XV

REVISION AND AMENDMENT

Section 5. This new section, the provisions of which resolve and avoid conflicting constitutional revisions or amendments submitted to and approved by the electorate, has been given the title "CONFLICTING REVISIONS OR AMENDMENTS."

ARTICLE XVI

SCHEDULE

The Schedule Article is that part of a Constitution containing those provisions necessary to effectuate a smooth transition from the old to the new provisions. The section numbers designated and the changes effected are as follows:

Section 1. The new provisions for the districting and apportionment of the senate and the house of representatives are placed together in this section. Minor style changes have also been made in this section.

Section 2. This new provision provides that senators elected in the 1968 general election shall serve two-year terms. Your Committee has entitled it, "1968 SENATORIAL ELECTIONS."

Section 3. This new provision is entitled "TWENTY-SIXTH SENATOR, ALLOCATED TO KAUAL." The provision referred to in Article III is specified as "the twelfth paragraph of Section 4" of Article III.

Section 4. This new section is entitled "EFFECTIVE DATE FOR APPORTIONMENT AND DISTRICTING."

Section 5. This new section is entitled "REAPPORTIONMENT COMMISSION ACTIVATION."

Section 6. This new section is entitled "CONFLICTS BETWEEN APPORTIONMENT PROVISIONS."

Section 7. The amended Section 17 relating to legislators' salaries is renumbered as Section 7 and the title, "SALARIES OF LEGISLATORS," is retained.

Section 8. This new section is entitled "START OF BIENNIAL BUDGETING AND APPROPRIA-

TIONS."

Section 9. The title and this new section as suggested by the Committee on Local Government was left unchanged.

Section 10. This section is the renumbered and amended Section 2 of this article of the present Constitution.

Sections 11, 12 and 13 are the renumbered Sections 3, 7 and 9, respectively, of this article in the present Constitution.

Your Committee recommends (1) agreement upon the final form of the proposed amendments to the Constitution as set forth in said Exhibit A; (2) for such event that any or some of the proposed amendments are not ratified, that the Convention request of the Revisor of Statutes of Hawaii to make such necessary rearrangement, renumbering and technical changes of the sections within the article of the Constitution as may be affected for proper form and arrangement in proper order in the Constitution; and (3) adoption of Standing Committee Report No. 83.

Signed by all members of the Committee. Delegate Sutton did not concur.

EXHIBIT A

THE CONSTITUTION OF THE STATE OF HAWAII

With the Amendments Proposed by the
Constitutional Convention
of Hawaii of 1968

With Style and Technical Changes

PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people and for the people, and with an understanding heart toward all the peoples of the earth do hereby ordain and establish this constitution for the State of Hawaii.

FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

ARTICLE I BILL OF RIGHTS POLITICAL POWER

Section 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

RIGHTS OF MAN

Section 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION

Section 3. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

DUE PROCESS AND EQUAL PROTECTION

Section 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

SEARCHES, SEIZURES AND INVASION OF PRIVACY

Section 5. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

RIGHTS OF CITIZENS

Section 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

ENLISTMENT, SEGREGATION

Section 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

INDICTMENT, DOUBLE JEOPARDY, SELF-INCRIMINATION

Section 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person

be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

BAIL, EXCESSIVE PUNISHMENT

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.

TRIAL BY JURY, CIVIL CASES

Section 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

RIGHTS OF ACCUSED

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

JURY SERVICE

Section 12. No person shall be disqualified to serve as a juror because of sex.

HABEAS CORPUS AND SUSPENSION OF LAWS

Section 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

SUPREMACY OF CIVIL POWER

Section 14. The military shall be held in strict subordination to the civil power.

RIGHT TO BEAR ARMS

Section 15. A well regulated militia being necessary to the security of a free state, the right of the people

to keep and bear arms shall not be infringed.

QUARTERING OF SOLDIERS

Section 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

IMPRISONMENT FOR DEBT

Section 17. There shall be no imprisonment for debt.

EMINENT DOMAIN

Section 18. Private property shall not be taken or damaged for public use without just compensation.

LIMITATIONS ON SPECIAL PRIVILEGES

Section 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

CONSTRUCTION

Section 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II

SUFFRAGE AND ELECTIONS

QUALIFICATIONS

Section 1. Every citizen of the United States who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.

DISQUALIFICATIONS

Section 2. No person who is non compos mentis shall be qualified to vote. No person convicted of a felony shall be qualified to vote except upon his final discharge or earlier as provided by law.

RESIDENCE

Section 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

REGISTRATION, VOTING

Section 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy

of voting shall be preserved.

GENERAL AND SPECIAL ELECTIONS

Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law.

PRESIDENTIAL PREFERENCE PRIMARY

Section 6. A presidential preference primary may be held in accordance with law.

CONTESTED ELECTIONS

Section 7. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

ARTICLE III

THE LEGISLATURE

LEGISLATIVE POWER

Section 1. 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. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

SENATE; COMPOSITION

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.

HOUSE OF REPRESENTATIVES; COMPOSITION

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

REAPPORTIONMENT

REAPPORTIONMENT YEARS

Section 4. The year 1973 and every eighth year thereafter shall be reapportionment years.

REAPPORTIONMENT COMMISSION

A legislative reapportionment commission shall be constituted on or before March 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 shall each select two 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 shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to 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 twenty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the 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 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.

CHIEF ELECTION OFFICER

The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as

prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

APPORTIONMENT AMONG BASIC ISLAND UNITS

The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election 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.

MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS

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 this article 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.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the district therein and shall redraw district lines where necessary in such manner that for each house the average number of registered voters 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. Not more than four members shall be elected from any district.

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

MANDAMUS AND JUDICIAL REVIEW

Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

ELECTION OF MEMBERS; TERM

Section 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

VACANCIES

Section 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

QUALIFICATIONS OF MEMBERS

Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected.

PRIVILEGES OF MEMBERS

Section 8. 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 his 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 houses, and in going to and returning from the same.

DISQUALIFICATIONS OF MEMBERS

Section 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he 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 office," 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.

SALARY; ALLOWANCES; COMMISSION ON LEGISLATIVE SALARY

Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

SESSIONS

Section 11. 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. The governor may convene both houses or the senate alone 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 at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays 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 12. 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 13. Each house 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 is entitled, by suspension or expulsion of such member. Each house 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, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

QUORUM; COMPULSORY ATTENDANCE

Section 14. A majority of the number of members to which each house 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 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 may provide.

BILLS; ENACTMENT

Section 15. 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 16. No bill shall become law unless it shall pass three readings in each house 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 for at least twenty-four 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 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him 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 he 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 him 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 he plans to return such bill with his 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 for such passage, it shall be presented again to the governor, but shall become law only if he 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 11.

PROCEDURES UPON VETO

Section 18. Upon the receipt of a veto message from the governor, each house 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 is entitled, the same shall become law.

PUNISHMENT OF NONMEMBERS

Section 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house 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; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and having an opportunity to present evidence and be heard in his own defense.

IMPEACHMENT

Section 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives 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. When sitting for that purpose, the members of the senate 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 according to law.

ARTICLE IV

THE EXECUTIVE

ESTABLISHMENT OF THE EXECUTIVE

Section 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years immediately preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

LIEUTENANT GOVERNOR

Section 2. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor; provided that the votes cast in the general election for the nominee for governor shall be deemed cast for the nominee for lieutenant governor of the same political party. He shall perform such duties as may be prescribed by law.

COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR

Section 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

SUCCESSION TO GOVERNORSHIP; ABSENCE OR DISABILITY OF GOVERNOR

Section 4. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the

powers of his office until acquitted.

EXECUTIVE POWERS

Section 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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, appointed by the governor and he 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.

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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. If the manner of removal of an officer is not prescribed in this constitution, his removal shall be in a manner prescribed by law.

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

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate 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 his appointment; except that this residence requirement shall not apply to the president of the University of Hawaii.

ARTICLE V

THE JUDICIARY

JUDICIARY POWER

Section 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

SUPREME COURT

Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court also may serve temporarily on the supreme court at the request of the chief justice. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his place.

APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public

notice by the governor.

QUALIFICATIONS

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible for the office of justice or judge unless he shall have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

TENURE; COMPENSATION; RETIREMENT

The term of office of a justice of the supreme court and of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, but no less than twenty-eight thousand dollars for the chief justice, twenty-seven thousand dollars for associate justices and twenty-five thousand dollars for circuit court judges, a year. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State.

RETIREMENT FOR INCAPACITY AND REMOVAL

Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties or has acted in a manner that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances. If the board recommends that the justice or judge should not remain in office, the governor shall remove or retire him from office.

ADMINISTRATION

Section 5. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

RULES

Section 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

ARTICLE VI

TAXATION AND FINANCE

TAXING POWER INALIENABLE

Section 1. The power of taxation shall never be surrendered, suspended or contracted away.

APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED

Section 2. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

BONDS; DEBT LIMITATIONS

Section 3. For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; 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 the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system.

All bonds issued by or on behalf of the State or a political subdivision must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by the State when authorized by a two-thirds vote of the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include monies received as grants from the federal government and receipts in reimbursement of any indebtedness that is excluded in computing the total indebtedness of the State.

By majority vote of the members to which each house of the legislature is entitled and without regard to any debt limit, there may be issued by or on behalf of the State: bonds 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; bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God; and revenue bonds.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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.

Bonds 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, may be issued by any political subdivision under authorization of law and of its governing body without regard to any debt limit.

All general obligation bonds for a term exceeding one year 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 or principal to mature not later than five years from the date of the issue of such series, and the last installment 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 total indebtedness of the State or funded debt of any political subdivision, the following shall be excluded:

(a) 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, and for the full payment of which monies have been irrevocably set aside.

(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement or system, or to impose a user tax, or to impose a combination of rates and charges and user tax, as the case may be, sufficient to pay the cost 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 for the public undertaking, improvement or system, 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. For the purposes of this section a user tax shall mean 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 the public undertaking, improvement or system.

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

(d) General obligation bonds authorized or 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.

(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued therefor have been made.

(f) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year immediately preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, that was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

(g) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that has not been self-sustaining as determined for the immediately preceding fiscal year, and that produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking have been, or the rate of such user tax has been, increased by law or by the issuing body as authorized by law, in an amount that is determined will produce sufficient net revenue or net user taxes, or any combination thereof, for reimbursement to the general fund for the payment of principal and interest on all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

(h) 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 authorized or issued after the effective date of this amendment, 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 from total indebtedness of the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

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

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

THE BUDGET

Section 4. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

LEGISLATIVE APPROPRIATIONS; PROCEDURES

Section 5. 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 prescribed 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 he 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 bills shall have been transmitted to the governor.

EXPENDITURE CONTROLS

Section 6. Provision for the control of the rate of expenditures of appropriated state monies, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

AUDITOR

Section 7. The legislature, by a majority vote of each house in joint session, 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 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 all transactions and of all accounts kept by or for 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 his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

ARTICLE VII

LOCAL GOVERNMENT

POLITICAL SUBDIVISIONS; CREATION, POWERS

Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

LOCAL SELF-GOVERNMENT; CHARTER

Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the

provisions of this section.

TAXATION AND FINANCE

Section 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

MANDATES; ACCRUED CLAIMS

Section 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

STATE-WIDE LAWS

Section 5. This article shall not limit the power of the legislature to enact laws of state-wide concern.

ARTICLE VIII

PUBLIC HEALTH AND WELFARE

PUBLIC HEALTH

Section 1. The State shall provide for the protection and promotion of the public health.

CARE OF HANDICAPPED

Section 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

PUBLIC ASSISTANCE

Section 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

SLUM CLEARANCE, REHABILITATION AND HOUSING

Section 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

PUBLIC SIGHTLINESS AND GOOD ORDER

Section 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

ARTICLE IX

EDUCATION

PUBLIC EDUCATION

Section 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

BOARD OF EDUCATION

Section 2. There shall be a board of education composed of members who shall be elected by qualified voters in accordance with law. At least part of the membership of the board shall represent geographic subdivisions of the State.

POWERS OF THE BOARD OF EDUCATION

Section 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of education, who shall be appointed by the board and shall serve as secretary to the board.

UNIVERSITY OF HAWAII

Section 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

BOARD OF REGENTS; POWERS

Section 5. 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, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, 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.

ARTICLE X

CONSERVATION AND DEVELOPMENT OF RESOURCES

RESOURCES; CONSERVATION, DEVELOPMENT AND USE

Section 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

NATURAL RESOURCES; MANAGEMENT AND DISPOSITION

Section 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

SEA FISHERIES

Section 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

GENERAL LAWS REQUIRED; EXCEPTIONS

Section 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

FARM AND HOME OWNERSHIP

Section 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

ARTICLE XI

HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION ACT

Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make

additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

COMPACT WITH THE UNITED STATES

Section 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

AMENDMENT AND REPEAL

Section 3. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in Section 7, subsection (b) of [the Admission Act], subject to amendment or repeal only with the consent of the United States, and in no other manner. Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands," as defined by said Act, shall be used only in carrying out the provisions of said Act.

ARTICLE XII

ORGANIZATION; COLLECTIVE BARGAINING

PRIVATE EMPLOYEES

Section 1. Persons in private employment shall have

the right to organize for the purpose of collective bargaining.

PUBLIC EMPLOYEES

Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.

ARTICLE XIII

STATE BOUNDARIES, CAPITAL, FLAG

BOUNDARIES

Section 1. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

CAPITAL

Section 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

STATE FLAG

Section 3. The Hawaiian flag shall be the flag of the State.

ARTICLE XIV

GENERAL AND MISCELLANEOUS PROVISIONS

CIVIL SERVICE

Section 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

EMPLOYEES' RETIREMENT SYSTEM

Section 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

DISQUALIFICATION FROM PUBLIC OFFICE OR EMPLOYMENT

Section 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, or attempts to overthrow, or conspires with any person to overthrow the government of this State or of the United States by force or violence.

OATH OF OFFICE

Section 4. All 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." The legislature may prescribe further oaths or affirmations.

CODES OF ETHICS

Section 5. The legislature and each political subdivision shall adopt a code of ethics, which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of boards, commissions and other bodies.

INTERGOVERNMENTAL RELATIONS

Section 6. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

FEDERAL LANDS

Section 7. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

COMPLIANCE WITH TRUST

Section 8. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

ADMINISTRATION OF UNDISPOSED LANDS

Section 9. All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.

FEDERAL PROPERTY; TAX EXEMPTION

Section 10. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition

thereof by the United States or by reason of the consent of the United States to such taxation.

HAWAII NATIONAL PARK

Section 11. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

JUDICIAL RIGHTS

Section 12. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the state.

TITLES, SUBTITLES, PERSONAL PRONOUNS; CONSTRUCTION

Section 13. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

GENERAL POWER

Section 14. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

PROVISIONS SELF-EXECUTING

Section 15. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

ARTICLE XV

REVISION AND AMENDMENT

METHODS OF PROPOSAL

Section 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature.

CONSTITUTIONAL CONVENTION

Section 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question

shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

ELECTION OF DELEGATES

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to the convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the convention of 1968.

ORGANIZATION; PROCEDURE

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

RATIFICATION; APPROPRIATIONS

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least thirty-five percent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty percent of the total number of registered voters.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

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 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 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.

VETO

Section 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

CONFLICTING REVISIONS OR AMENDMENTS

Section 5. If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail.

ARTICLE XVI

SCHEDULE

DISTRICTING AND APPORTIONMENT

Section 1. A. Senatorial Districts; Number of Senators. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

FIRST SENATORIAL DISTRICT: The Island of Hawaii, consisting of the first through fifth representative districts—three senators.

SECOND SENATORIAL DISTRICT: The Islands of Maui, Molokai, Lanai and Kahoolawe, consisting of the sixth and seventh representative districts—two senators.

THIRD SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twenty-third and twenty-fourth representative districts—three senators.

FOURTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the nineteenth, twentieth, twenty-first and twenty-second representative districts—four senators.

FIFTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the fifteenth, sixteenth, seventeenth and eighteenth representative districts—four senators.

SIXTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twelfth, thirteenth and fourteenth representative districts—four senators.

SEVENTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the eighth, ninth, tenth and eleventh representative districts—four senators.

EIGHTH SENATORIAL DISTRICT: The Islands of Kauai and Niihau, consisting of the twenty-fifth representative district—one senator.

B. Representative Districts; Number of Representatives. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

FIRST REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo, more particularly described as follows: beginning at the junction of Haihai Street and Ainaola Drive and running (1) easterly along Haihai Street extended to Kanoelehua Avenue; (2) southerly along Kanoelehua Avenue for about 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa; (3) easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad; (4) easterly along a line that is parallel to Haihai Street and extends to the South Hilo-Puna Boundary; (5) southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Waikahe Street intersects the South Hilo-Puna Boundary; (6) northerly along the said prolongation and along Waikahe Street to the intersection of Waikahe Street and Ainaola Drive; (7) northerly and northeasterly along Ainaola Drive to the point of beginning—one representative.

SECOND REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii being the southern portion of South Hilo, more particularly described as follows: beginning at the seashore at the mouth of Wailuku River and running (1) southeasterly along the seashore to the South Hilo-Puna Boundary; (2) southwesterly along the South Hilo-Puna Boundary to a line that is parallel to Haihai Street and extends from the intersection of the north boundary of Panaewa Farm Lots and the old Puna Railroad to the South Hilo-Puna Boundary; (3) westerly along said line to the old Puna Railroad; (4) westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue; (5) northerly along Kanoelehua Avenue for about 100 feet to a point where the prolongation of Haihai Street would meet said avenue; (6) westerly along said prolongation along Haihai Street to Ainaola Drive; (7) southwesterly and southerly along Ainaola Drive to the intersection of Ainaola Drive and Waikahe Street; (8) southerly along Waikahe Street and the prolongation of Waikahe Street to the South Hilo-Puna

Boundary; (9) southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary; (10) northwesterly along the South Hilo-Kau Boundary; (11) northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary; (12) southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream; (13) southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream; (14) southeasterly along Awehi Stream on into Waiiau Stream to its junction with Alae Stream; (15) westerly along said Alae Stream to the Hilo Forest Reserve Boundary; (16) southwesterly along the lower boundary of the Hilo Forest Reserve for a distance of 6780 feet; (17) southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; (18) southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary; (19) southeasterly about 0.2 miles to an angle in the Hilo Forest Reserve; (20) southwesterly along the Hilo Forest Reserve to the Punahoa 1 and Ponahawai Boundary; (21) easterly along said boundary and along Waipahoehoe Stream to Akolea Road; (22) northerly along Akolea Road to the Punahoa 1 and 2 Boundary; (23) easterly along Punahoa 1 and 2 Boundary to Ainako Avenue; (24) northerly along Ainako Avenue to the Old Piihonua Road; (25) northeasterly along the Old Piihonua Road to the Piihonua and Punahoa 2 Boundary; (26) easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418); (27) southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; (28) southerly along the west side of Block "S" which fronts on the west side of Ekaha Street; (29) southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch; (30) easterly along the Hilo Boarding School Ditch to Hoomana Street; (31) northwesterly along Hoomana Street to Punahale Street; (32) northeasterly along Punahale Street to Punawai Street; (33) northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River; (34) easterly along Wailuku River to the point of beginning—two representatives.

THIRD REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: beginning at the seashore on the North Hilo-South Hilo Boundary and running (1) southeasterly and southerly along the seashore to the mouth of Wailuku River; (2) westerly along Wailuku River to the prolongation of Punawai Street; (3) southerly along said prolongation and along Punawai Street to Punahale Street; (4) southwesterly along Punahale Street to Hoomana Street; (5) southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch; (6) westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; (7) northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; (8) northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); (9) westerly along the southerly side of said reservation to

the common boundary between the lands of Piihonua and Punahoa 2; (10) westerly along said boundary to the old Piihonua Road; (11) southwesterly along the old Piihonua Road to Ainako Avenue; (12) southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; (13) westerly along said boundary to Akolea Road; (14) southerly along Akolea Road to Waipahoehoe Stream; (15) westerly along Waipahoehoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; (16) northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same; (17) northwesterly approximately 0.2 miles to Kahoama Stream; (18) northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; (19) northwesterly along Hookelekele Stream for a distance of 7157 feet; (20) northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6780 feet to Aale Stream; (21) easterly along said Aale Stream to its junction with Waiiau Stream; (22) northwesterly along Waiiau Stream on into Awehi Stream to the upper boundary of Alae; (23) northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream; (24) northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; (25) northeasterly along the North Hilo-South Hilo Boundary to the point of beginning—one representative.

FOURTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo—one representative.

FIFTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala—one representative.

SIXTH REPRESENTATIVE DISTRICT: The Islands of Molokai and Lanai and that portion of the Island of Maui that includes Lahaina and the portion of Wailuku that lies west of the following described line: beginning at the seashore near Kahului Beach Road at the end of the west breakwater of Kahului Harbor and running (1) southwesterly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue; (2) southwesterly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766); (3) westerly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) southerly along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of said File Plan 906; (5) southwesterly in a straight line to the intersection of Honoapiilani Highway and Kihei Road; (6) southeasterly in a straight line to the seashore which is approximately 3500 feet east from the southeast corner of Maalaea Beach Lots—two representatives.

SEVENTH REPRESENTATIVE DISTRICT: The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and the portion of Wailuku that lies east of the following described line:

beginning at a point on the seashore that is approximately 3500 feet east of the southeast corner of Maalaea Beach Lots and running (1) northwesterly in a straight line to the intersection of Honoapiilani Highway and Kihei Road; (2) northeasterly in a straight line to the south corner of Lot 8-149 of Kahului Town Development, Eighth Increment (File Plan 906); (3) northerly along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) easterly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of said File Plan 766; (5) northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues; (6) northeasterly in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor—two representatives.

EIGHTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waialae-Nui, Aina Haina, Niu, Kuliouou and Hawaii Kai and lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: beginning at the seashore at the east corner of Waialae Beach Park and running (1) northerly along the northeast boundary of Waialae Beach Park to Kahala Avenue; (2) northeasterly along Kahala Avenue to the Waialae Golf Course boundary; (3) northerly along the southwest boundary of Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (4) northerly along Kapakahi Stream to its junction with Waialae-Nui Stream; (5) northerly along Waialae-Nui Stream crossing Kalaniana'ole Highway and continuing northeasterly along Waialae-Nui Stream and Waialae-Nui Gulch to a place called "Puu Lanipo" at the top of Koolau Range; (6) easterly along the top of Koolau Range to Makapuu Point; (7) southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands—two representatives.

NINTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: beginning at the seashore at the southeast corner of Diamond Head Lighthouse and running (1) northerly along the east boundary of Diamond Head Lighthouse to Diamond Head Road; (2) westerly along Diamond Head Road, and along the westerly boundary of Diamond Head State Monument (Executive Order 2000); (3) continuing northeasterly along the northwesterly boundary of Diamond Head State Monument (Executive Order 2000) to Campbell Avenue; (4) northeasterly across Campbell Avenue along the northwest boundaries of the Reservoir Lot and Fort Ruger Military Reservation to Monsarrat Avenue; (5) across Monsarrat Avenue and continuing easterly along the northerly boundary of the Board of Water Supply Lot (Executive Order 1800); (6) easterly along Fort Ruger Military Reservation to Makapuu Avenue; (7) northerly along Makapuu Avenue to Kilauea Avenue; (8)

easterly along Kilauea Avenue to 22nd Avenue; (9) northerly along 22nd Avenue to Harding Avenue; (10) westerly along Harding Avenue to 21st Avenue; (11) northerly along 21st Avenue to Lunalilo Freeway; (12) southwesterly along Lunalilo Freeway to Koko Head Avenue; (13) northerly along Koko Head Avenue to Waialae Avenue; (14) westerly along Waialae Avenue to Sierra Drive; (15) northerly along Sierra Drive to the southwest corner of Land Court Application 704; (16) northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704; (17) westerly along Lot 14; (18) northerly along Lot 21; (19) easterly along Lot 11, all of Land Court Application 704; (20) northerly along the easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704; (21) northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704; (22) easterly along Pakui Street; (23) northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract (File Plans 46 and 48) to the south corner of Lani Hale Tract; (24) westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots (File Plan 50); (25) northerly along the easterly boundary of Palolo Hillside Lots (File Plan 50) and Land Court Application 610 to the boundary of Waiomao; (26) easterly along the boundary of Waiomao to the west corner of Land Court Application 859; (27) easterly along the north boundary of Land Court Application 859 and the land of Waiomao to "Kalepeama" Triangulation Station; (28) northeasterly in a direct line to Waialae-Nui Stream; (29) southerly along Waialae-Nui Stream crossing Kalaniana'ole Highway to its junction with Kapakahi Stream; (30) southerly along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (31) southerly along the southwest boundary of Waialae Golf Course to Kahala Avenue; (32) southwesterly along Kahala Avenue to the northeast corner of Waialae Beach Park; (33) southerly along the northeast boundary of Waialae Beach Park to the seashore; (34) southwesterly along the seashore to the point of beginning—two representatives.

TENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Koko Head Avenue and running (1) westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal; (2) northerly along the Manoa-Palolo Drainage Canal to Dole Street; (3) easterly along Dole Street to the east boundary of Waahila Faculty Housing; (4) northerly along the east boundary of Waahila Faculty Housing to "Waahila" Triangulation Station; (5) northeasterly along the Manoa-Palolo Boundary to a place called "Mt. Olympus" at the top of Koolau Range; (6) easterly along the top of said range to a place called "Puu Lanipo"; (7) southerly along Waialae-Nui Gulch for a distance of approximately 14,000 feet; (8) southwesterly in a direct line to "Kalepeama" Triangulation Station; (9) westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859; (10) westerly along the land of

Waiomao to the east corner of Land Court Application 610; (11) southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots (File Plan 50) to the west corner of Lani Hale Tract; (12) easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract (File Plan 48); (13) southerly along the westerly boundary of Palolo Hill Tract (File Plans 48 and 46) to the southeast corner of Pakui Street; (14) westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704; (15) southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract (File Plan 46) to the east corner of Lot 12-B of Land Court Application 704; (16) westerly along Lot 12-B; (17) southerly along Lots 12-B and 13-B; (18) easterly along Lot 13-B, all of Land Court Application 704; (19) southerly along Palolo Hill Tract (File Plan 46) to Sierra Drive; (20) southerly along Sierra Drive to Waialae Avenue; (21) easterly along Waialae Avenue to Koko Head Avenue; (22) southerly along Koko Head Avenue to the point of beginning—two representatives.

ELEVENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: beginning at the intersection of Kapahulu Avenue and Lunalilo Freeway and running (1) southeasterly along Lunalilo Freeway to 21st Avenue; (2) southwesterly along 21st Avenue to Harding Avenue; (3) southeasterly along Harding Avenue to 22nd Avenue; (4) southwesterly along 22nd Avenue to Kilauea Avenue; (5) northwesterly along Kilauea Avenue to Makapuu Avenue; (6) southwesterly along Makapuu Avenue to Alohea Avenue; (7) southwesterly along Fort Ruger Military Reservation and along Board of Water Supply Lot (Executive Order 1800) to Trousseau Street; (8) southwesterly along Monsarrat Avenue to Leahi Avenue; (9) northwesterly along Leahi Avenue to Kapahulu Avenue; (10) northerly along Kapahulu Avenue to the point of beginning—two representatives.

TWELFTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waikiki, Moiliili and McCully, more particularly described as follows: beginning at the outer edge of the reef at the entrance to Ala Wai Yacht Harbor and running (1) northeasterly along the east boundary of Magic Island to the extension of the centerline of the Ala Wai Canal; (2) northeasterly along the extended line and along the center of Ala Wai Canal to McCully Bridge; (3) northeasterly along McCully Street to South King Street; (4) southeasterly along South King Street to Isenberg Street; (5) northeasterly along Isenberg Street to Lunalilo Freeway; (6) southeasterly along Lunalilo Freeway to Kapahulu Avenue; (7) southerly along Kapahulu Avenue to Leahi Avenue; (8) southeasterly along Leahi Avenue to Monsarrat Avenue; (9) easterly along Monsarrat Avenue to Trousseau Street; (10) southeasterly, thence southwesterly along the northwest boundary of Fort Ruger Military Reservation to the southwest side of Campbell Avenue; (11) southwesterly thence easterly along the northwesterly and westerly boundary of Diamond Head State Monument (Executive Order 2000) to Diamond Head Road; (12) easterly along Diamond

Head Road to the east boundary of Diamond Head Lighthouse; (13) southerly along the east boundary of Diamond Head Lighthouse to the seashore; (14) westerly along seashore to a point where Kapahulu Avenue extended meets the seashore; (15) westerly along the extension of Kapahulu Avenue to the outer edge of the reef; (16) westerly along the outer edge of the reef to the point of beginning—three representatives.

THIRTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway and running (1) westerly along Lunalilo Freeway to Pensacola Street; (2) northeasterly along Pensacola Street to Nehoa Street; (3) easterly along Nehoa Street to a point opposite Lewalani Drive; (4) northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (5) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (6) southeasterly along the top of said range to a place called "Mt. Olympus"; (7) southwesterly along the Manoa-Palolo Boundary to "Waahila" Triangulation Station; (8) southerly along the east boundary of Waahila Faculty Housing to Dole Street; (9) westerly along Dole Street to Manoa Stream; (10) southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning—three representatives.

FOURTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: beginning at the junction of the Honolulu Harbor Channel and the outer edge of the reef and running (1) northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Lunalilo Freeway; (3) easterly along Lunalilo Freeway to Isenberg Street; (4) southerly along Isenberg Street to South King Street; (5) westerly along South King Street to McCully Street; (6) southerly along McCully Street to Ala Wai Canal; (7) southwesterly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island; (8) southerly along the east boundary of Magic Island to the outer edge of the reef; (9) westerly along the outer edge of the reef to the point of beginning—two representatives.

FIFTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue and running (1) northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway; (2) northerly along Pali Highway to Nuuanu Pali Drive near Kepola Place; (3) northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout; (4) southeasterly along the top of Koolau Range to a point called "Puu Konahuanui"; (5) southwesterly along top of ridge

between the lands of Manoa, Pauoa and Makiki to a mountain peak called "Puu Ohia" or "Tantalus"; (6) southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (7) southwesterly on Nehoa Street to Pensacola Street; (8) southerly along Pensacola Street to Lunalilo Freeway; (9) westerly along Lunalilo Freeway to the point of beginning—two representatives.

SIXTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) northwesterly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway; (2) northwesterly along North School Street to Likelike Highway; (3) northerly along Likelike Highway to Kalihi Street; (4) northeasterly along Kalihi Street to Akahi Street; (5) southeasterly along Akahi Street to the top of the ridge between the lands of Kamaikai and Kapalama; (6) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (7) easterly along the top of Koolau Range to Pali Lookout; (8) southwesterly along Nuuanu Pali Drive to Pali Highway near Kepola Place; (9) southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the point of beginning—two representatives.

SEVENTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) southwesterly along Nuuanu Avenue to the sea at Honolulu Harbor; (2) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef; (3) westerly along the outer edge of the reef to a point where Mokauea Street extended meets the outer edge of the reef; (4) northeasterly along said Mokauea Street extended to its intersection with the middle of Kalihi Channel; (5) northerly along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway; (6) northwesterly along Nimitz Highway to Middle Street; (7) northeasterly along Middle Street to Lunalilo Freeway; (8) southeasterly along Lunalilo Freeway to the point of beginning—two representatives.

EIGHTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: beginning at the intersection of Lunalilo Freeway and Middle Street and running (1) northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street; (2) westerly then northeasterly along Fort Shafter Military Reservation boundary and continuing along Kahauiki Ridge to a point on the top of Koolau Range called "Puu Kahuauili"; (3) southeasterly along the top of Koolau Range to a point on Koolau Range called "Puu Lanihuli"; (4)

southwesterly along the top of the ridge between the lands of Kamaikai and Kapalama to Akahi Street; (5) northwesterly along Akahi Street to Kalihi Street; (6) southwesterly along Kalihi Street to Likelike Highway; (7) southwesterly along Likelike Highway to School Street; (8) southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway; (9) northwesterly along Lunalilo Freeway to the point of beginning—two representatives.

NINETEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Moanalua, Halawa and Aiea, more particularly described as follows: beginning at the point where Mokauea Street extended meets the outer edge of the reef and running (1) southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (2) northerly along the Moanalua-Halawa boundary to the seashore; (3) westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel; (4) northerly along the center of Pearl Harbor Entrance Channel; (5) northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the boundary between the lands of Waimalu and Kalauao at East Loch, Pearl Harbor; (6) northeasterly along the Waimalu-Kalauao boundary to Kamehameha Highway; (7) southeasterly along Kamehameha Highway to the intersection of Kamehameha Highway and Moanalua Road; (8) northwesterly along Moanalua Road to the Waimalu-Kalauao boundary; (9) northeasterly along the Waimalu-Kalauao boundary to the top of Koolau Range; (10) southeasterly along the top of Koolau Range being the Ewa-Koolaupoko boundary to a point on the top of Koolau Range called "Puu Kahuauili"; (11) southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street; (12) southwesterly along Middle Street to Nimitz Highway; (13) easterly along Nimitz Highway to Kalihi Stream; (14) southerly along Kalihi Stream to the seashore and continuing along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended; (15) southwesterly along Mokauea Street extended to the point of beginning—two representatives.

TWENTIETH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: beginning at the seashore at the seaward end of Waimanalo Gulch located about 2300 feet south of "Kahe Point" Triangulation Station and running (1) northeasterly along Waimanalo Gulch to its beginning; (2) northeasterly on a straight line to a point called "Puu Manawahua"; (3) northeasterly along the top of Waianae Range being the Waianae-Ewa boundary to a point called "Puu Palikea"; (4) southeasterly on a straight line to Reservoir 31 of the Oahu Sugar Company; (5) northeasterly along Waiahole Ditch to Waikele Stream; (6) southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams; (7) northeasterly along Kipapa Stream to Kamehameha Highway; (8) southeasterly along Kamehameha Highway to the roadway leading to Mililani Memorial Park; (9)

northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch; (10) northerly along the middle of Panakauahi Gulch to the siphon at the Waiahole Ditch; (11) northwesterly along Waiahole Ditch to Kipapa Stream; (12) northeasterly along Kipapa Stream to the top of Koolau Range; (13) southeasterly along top of Koolau Range being the Ewa-Koolaupoko boundary to the Waimalu-Kalauao boundary; (14) southwesterly along the Waimalu-Kalauao boundary to Moanalua Road; (15) southeasterly along Moanalua Road to the intersection of Moanalua Road and Kamehameha Highway; (16) northwesterly along Kamehameha Highway to the Waimalu-Kalauao boundary; (17) southwesterly along the Waimalu-Kalauao boundary to East Loch, Pearl Harbor; (18) southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel; (19) southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended; (20) southwesterly along the seashore extended and continuing southwesterly and northwesterly along the seashore to the point of beginning—three representatives.

TWENTY-FIRST REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waianae and a portion of Honouliuli, more particularly described as follows: beginning at the seashore at Kaena Point on the Waialua-Waianae boundary and running (1) southeasterly along the crest of the Waianae Mountains being the boundary between Waianae and Waialua, Wahiawa and Ewa to a point called "Puu Manawahua"; (2) southwesterly on a straight line to the beginning of Waimanalo Gulch; (3) southwesterly along Waimanalo Gulch to the seashore located about 2300 feet south of Kahe Point; (4) northwesterly along the seashore to the point of beginning—one representative.

TWENTY-SECOND REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiawa, more particularly described as follows: beginning at the seashore on the Waialua and Koolauloa boundaries and running (1) easterly and southeasterly along the top of Koolau Range being the Waialua-Koolauloa boundary to the intersection of Kipapa Stream and the top of Koolau Range; (2) southwesterly along Kipapa Stream to Waiahole Ditch; (3) southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch; (4) southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park; (5) southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway; (6) northwesterly along Kamehameha Highway to Kipapa Stream; (7) southwesterly along Kipapa Stream to its junction with Waikele Stream; (8) northwesterly along Waikele Stream to Waiahole Ditch; (9) southwesterly along Waiahole Ditch to Reservoir 31; (10) northwesterly on a direct line from Reservoir 31 to a point on the top of Waianae Range called "Puu Palikea"; (11) northwesterly along top of Waianae Range along the boundary between Waianae and Ewa, Wahiawa and Waialua to Kaena Point at seashore; (12) northeasterly along the seashore to the point of

beginning—two representatives.

TWENTY-THIRD REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Koolauloa and the northwestern portion of Koolaupoko, more particularly described as follows: beginning at the seashore on the Waialua-Koolauloa boundary and running (1) northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station; (2) southwesterly along the south boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive; (3) southwesterly on a straight line to "Puu Papaa" Triangulation Station; (4) southwesterly along the top of the ridge to the Kailua-Kaneohe boundary; (5) southwesterly along the Kailua-Kaneohe boundary to a point where the Kailua-Kaneohe boundary intersects Kamehameha Highway; (6) southeasterly along Kamehameha Highway to its junction with Kalaniana'ole Highway and Pali Highway; (7) southerly and continuing along Pali Highway to a point opposite the Pali Lookout; (8) northwesterly along the top of the Koolau Range being the boundary between Koolaupoko and Honolulu, Ewa and Wahiawa and Koolauloa and Wahiawa and Waialua to the point of beginning, and the Island of Moku O Loe (Coconut Island)—three representatives.

TWENTY-FOURTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as the southeastern portion of Koolaupoko, more particularly described as follows: beginning at the seashore at Makapuu Point and running (1) westerly along the top of Koolau Range being the Honolulu-Koolaupoko boundary to the Pali Lookout; (2) northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalaniana'ole Highway; (3) northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua; (4) northeasterly along the Kailua-Kaneohe boundary to the point where the Kailua-Kaneohe boundary angles off the top of the ridge towards Kailua Bay; (5) northeasterly along the top of the ridge to "Puu Papaa" Triangulation Station; (6) northeasterly on a straight line to a point where the south boundary of the Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive; (7) easterly along the south boundary of Kaneohe Marine Corps Air Station to the seashore; (8) southeasterly along the seashore to the point of beginning—three representatives.

TWENTY-FIFTH REPRESENTATIVE DISTRICT: The Islands of Kauai and Niihau—three representatives.

1968 SENATORIAL ELECTIONS

Section 2. Senators elected in the 1968 general election shall serve for two-year terms.

TWENTY-SIXTH SENATOR, ALLOCATED TO KAUAI

Section 3. Effective for the first general election following ratification of the twelfth paragraph of Section 4 of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the senate as provided and with

the effect set out in the twelfth paragraph of Section 4 of Article III and such senator shall be allocated to the basic island unit of Kauai.

EFFECTIVE DATE FOR APPORTIONMENT AND DISTRICTING

Section 4. The senatorial and representative districts and the numbers to be elected from each as set forth in Sections 1A and 1B of this article shall become effective for the first general election following ratification of the amendment to Section 2 of Article III and of Sections 1A and 1B of this article.

REAPPORTIONMENT COMMISSION; ACTIVATION

Section 5. Anything in this constitution to the contrary notwithstanding, if Sections 1A and 1B of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969.

CONFLICTS BETWEEN APPORTIONMENT PROVISIONS

Section 6. Sections 2 and 4 of Article III and Sections 1A, 2, 3, 4 and 5 of Article XVI, as amended and added by the constitutional convention of 1968, upon ratification, shall supersede Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified. If less than all of the above sections are ratified, then those ratified shall supersede Senate Bill No. 1102 to the extent they are in conflict therewith, even if the latter should be ratified.

SALARIES OF LEGISLATORS

Section 7. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year.

START OF BIENNIAL BUDGETING AND APPROPRIATIONS

Section 8. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect for the biennial period beginning July 1, 1971.

EFFECTIVE DATE AND APPLICATION OF ARTICLE VII, SECTION 2

Section 9. The amendments to Section 2 of Article VII shall take effect on the first day of January after three full calendar years have elapsed following their ratification. When the amendments take effect, Article VII shall apply to all county charters, whether adopted before or after the admission of Hawaii into the Union as a State.

CONTINUITY OF LAWS

Section 10. All laws in force at the time amendments to this constitution take effect that are not inconsistent

with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

DEBTS

Section 11. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

RESIDENCE, OTHER QUALIFICATIONS

Section 12. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

CONDEMNATION OF FISHERIES

Section 13. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

EFFECTIVE DATE

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty and of the Independence of the United States of America the one hundred and seventy-fifth.

STANDING COMMITTEE REPORT NO. 84 (Majority)

Your Committee on Submission and Information begs leave to report as follows:

Under convention rules, your Committee has responsibility for three programs and begs leave to report action under these categories.

1. Information Program during Convention.

2. Information and education between recessing of Convention and General Election Day.

3. Submission of proposed amendments for voter approval.

1. Information Program during Convention.

a. With the aid of standard committee staff allowances, your Committee has produced a weekly newsletter which has been distributed to press, radio, television, service clubs, delegates and others.

b. Your Committee has assisted news media in their efforts to cover convention news.

c. Your Committee arranged for a series of interviews with convention committee chairmen to add to educational TV coverage.

d. The chairman has taped twice daily newscasts at the request of radio stations KPOI and KORL and daily newscasts for KGMB throughout the Convention.

e. A speakers' bureau has been maintained and more than forty speaking and panel discussion engagements have been met or scheduled.

f. Your Committee has maintained an all-island clipping file which will be turned over to the archives. Press coverage has been rated as outstanding.

2. Information and education between recessing of Convention and General Election Day.

a. Your Committee received proposals from seven advertising agencies for the task of information and education. Quotations ranged from \$42,100 to \$250,000.

b. Your Committee, after thorough review and deliberation, decided to handle this job by employing Mr. Edward Joesting on a contract basis to manage this function for your Committee with general committee guidance.

c. The plan for the educational activity is contained in Exhibit I. Your Committee has concluded that its function of informing the voters is a vital one which must be carried on vigorously to insure that the Convention's work is not lost for lack of understanding by the electorate.

d. It is the hope of your Committee that all delegates will individually and collectively work to secure voter approval but your Committee believes that public funds should be used only to get the voters to know the issues and to vote intelligently. The brochures and advertisements will stress this theme rather than appeal directly for a "yes" vote.

3. Submission of Proposed Amendments for voter approval.

a. Article XV of our Constitution sets forth the requirements for ratification of proposed constitutional amendments. To be successful we need approval of a majority of all the votes tallied on the question, such majority constituting at least thirty-five percent of the total vote cast.

b. Your Committee urges that the proposed constitutional amendments be submitted to a vote of the electorate at the general election, November 5, 1968.

c. Your Committee considered proposing the entire work of this Convention in one question. This method has the advantage of simplicity and the possible advantage of popular issues carrying the controversial. This, however, not only forecloses any opportunity of the voter to express himself for some amendments and against others but also accumulates the negative minority of each separate proposed amendment to collectively become a negative majority in the one question covering the several proposed amendments. Your Committee has, therefore, decided against the submission of the proposals in one question. The division of the question into as many questions as there are proposed amendments was also considered and rejected because of the unwieldy and long ballot which would necessarily result by this approach. Moreover, many of the amendments are sufficiently related to each other so that an artificial division of them detracts from voter understanding. For these reasons your Committee recommends that amendments relating to the same subject or germane thereto or reasonably connected thereby be grouped to form the questions. Your Committee feels this to be a reasonable standard which achieves fair understanding of the amendments by the voter and fair opportunity of success for the Convention's work.

d. Your Committee also considered submitting each of the proposed amendments as separate questions with a "yes" or "no" vote. Since this will result in submitting to the people for ratification not less than 23 questions, a major problem to overcome is voter apathy. Your Committee was concerned that many voters will not take the time to mark their "yes" votes but will mark only the question or questions that they are opposed to. For this reason your Committee has agreed that a way should be provided to the voter, if he wishes, to approve or reject each of the questions by one vote or, if he wishes, to vote against one or more of the questions and to approve the balance.

e. Therefore, in accordance with Rule 65 of this Convention, your Committee has drafted the attached resolution setting forth the form of ballot to accomplish this end. The questions to be

submitted to the people for ratification are set forth in Part C of the ballot and numbered 1 to 23. The numbers and the questions will be keyed from the ballot to a complete schedule of constitutional changes which will be made available in each voting unit. The questions do not contain amendments in full since to do so would cause the questions to be lengthy and may confuse the voters, but they are of sufficient nature to identify the amendments and to show their character and purpose. The questions were formulated with the aid of the convention attorneys.

f. The manner of counting the number of "yes" and "no" votes on each of the questions is as follows: if the voter marks by a cross in Part A, he shall be counted as having voted "yes" on each of the twenty-three questions in Part C. If he marks by a cross in Part B, he shall be counted as having voted "no" on each of the twenty-three questions in Part C. If he votes in Part C, each of the questions he has marked by a cross shall be counted as a "no" vote and each of the questions he has left unmarked shall be counted as a "yes" vote. If a voter fails to mark either Parts A, B or C, no vote shall be tallied.

g. Resolutions numbered 8, 10, 30 and 33, which were referred to your Committee, have been considered by your Committee in arriving at the foregoing recommendations.

Accordingly, your Committee on Submission and Information recommends: (1) that the above-numbered resolutions referred to your Committee be filed; (2) that Standing Committee Report No. 84 be adopted; and (3) that the attached Resolution No. 37 be adopted.

Signed by all members of the Committee. Delegate Kauhane did not concur and Delegate Goemans did not concur in part.

EXHIBIT 1

MEMORANDUM

September 20, 1968

TO: President Hebden Porteus
FROM: Edward Joesting, Public Information Officer
SUBJECT: Public Information Program

The information program for the Constitutional Convention will attempt to familiarize the voters of the State of Hawaii with the amendments which the Convention has passed.

To accomplish this mission means that the voters of the State must be reached and to do this, space and time must be bought in a variety of media. In addition to paid space and time the information program will make the best use of all other means of communication at our disposal.

The following is an outline of the major areas in which the information program will concentrate its energies:

NEWSPAPERS

All newspapers in the State of Hawaii which have substantial resident population circulation will be used to inform the voters of the issues. Newspapers on Hawaii, Kauai and Maui will be used as well as newspapers on Oahu. The language press will be used where it is deemed necessary.

Duplication of the form the ballot will take will be included in the newspaper advertising so that voters will be familiar with the appearance of the ballot before they actually are handed it at their polling place.

TELEVISION

The three major commercial television stations in the State will also be used. We plan to use either one-minute spots or twenty-second spot announcements. This will have to be determined after the ballot form is decided. Language television spots will also be used.

RADIO

Those radio stations in the State will be used which offer the largest audiences per dollar of expenditure. Spot announcements will be created, possibly twenty seconds in length also. Programming will be in the Filipino, Japanese and English languages.

FOLDERS

A minimum of two folders should be produced. The first of these would be a simple folder which reduces the amendments to their most understandable form. This folder will be mass-produced and distributed to the greatest number of people possible.

A second folder should be created which will discuss the amendments in greater detail. This folder will be available for those persons who want additional information on the amendments.

If it is possible, the ballot form will be incorporated in both of these folders. If this is not feasible, a separate folder could be designed for that purpose.

DIRECT MAILING

Certain mailings should be made to persons in the community who might be called opinion leaders in an effort to build support for the efforts of the Convention. This mailing could consist of the more detailed of the folders accompanied by a "buck slip" which could be slipped over the top of the folder and which would explain the purpose of the mailing. Such groups as attorneys, candidates, legislators and teachers would receive such mailings.

SYMBOL

A symbol has been developed which will be used

wherever possible. This symbol will help create a feeling of importance of the State Constitution. At this time the wording on this symbol will be "Know the Issues—then Vote—Hawaii Constitutional Convention."

SPEAKERS' BUREAU

The Information Office will act as a clearing house for such community groups as wish to have speakers address them on the Constitutional Convention. To help gain audiences for speakers a mailing will be made to PTA, church and service groups.

Supplies of folders will be available for speakers to distribute to audiences and the Information Office will produce, in cooperation with the Legislative Reference Bureau, a kit for speakers.

PRESS COOPERATION

The Information Office will work with the press in developing material for their use in a discussion of the various issues.

PRIMARY ELECTION

Through the office of the Lieutenant Governor material will be given to all voters at the time of the primary election on October 5.

EDUCATIONAL TELEVISION

The educational television station has offered the Constitutional Convention a series of eight half hours during the month of October. In addition they have offered the Convention a one-hour summary show to be aired on the evening of November 4.

RESOLUTION NO. 37

PROVIDING FOR THE SUBMISSION TO THE PEOPLE OF THE STATE OF HAWAII OF THE AMENDMENTS PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF HAWAII OF 1968.

WHEREAS, Pursuant to Section 2 of Article XV of the Constitution of the State of Hawaii, the duly elected delegates to this Constitutional Convention of the State of Hawaii of 1968 have assembled at Honolulu from the 15th day of July, 1968, for the purpose of proposing amendments to the Constitution; and

WHEREAS, Various amendments to the Constitution have been framed by this Constitutional Convention; and

WHEREAS, Section 2 of Article XV of the Constitution of the State of Hawaii requires that the proposed amendments to the Constitution be submitted to the people of the State for ratification or rejection; now, therefore,

Be It Resolved by the Constitutional Convention of the State of Hawaii of 1968 That the proposed amendments to the Constitution be submitted to the people of the State of Hawaii for ratification or rejection at the general election to be held on the 5th day of November, 1968. Persons possessing the qualifications to vote for representatives to the legislature of the State of Hawaii shall be entitled to vote on the ratification or rejection of said amendments. Such submission shall be by ballot and shall be conducted and the results thereof determined in conformity with Section 2, Article XV of the Constitution. The ballot for such submission shall be printed and distributed by the lieutenant governor of the State of Hawaii and shall be substantially in the form hereto attached, and

Be It Further Resolved That the returns of said submission shall be made by the election officers directly to the lieutenant governor, who shall certify the results of the submission to the governor, and

Be It Further Resolved That the lieutenant governor is hereby requested to do whatever is necessary to have the proposed amendments properly submitted to the electorate.

OFFICIAL BALLOT

AMENDMENTS TO THE CONSTITUTION PROPOSED
BY THE CONSTITUTIONAL CONVENTION OF THE
STATE OF HAWAII OF 1968

GENERAL ELECTION
TUESDAY, NOVEMBER 5, 1968

VOTING INSTRUCTIONS:

THE VOTER SHALL MARK HIS BALLOT BY A CROSS MARK (X) IN THE APPROPRIATE SQUARE OR SQUARES.

VOTE ONLY IN EITHER PART A OR PART B OR PART C.

DO NOT VOTE IN MORE THAN ONE PART.

ALL AMENDMENTS PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF HAWAII OF 1968 HAVE BEEN INCORPORATED INTO BALLOT QUESTIONS 1-23 LISTED BELOW IN PART C OF THE BALLOT.

PART A

YES I vote YES on each of the questions on the amendments to the Hawaii State Constitution proposed by the 1968 Constitutional Convention as listed in Part C and numbered 1 to 23, inclusive, the full text of the amendments covered by the questions having been made available to me at my voting unit.

PART C

I vote YES on each of the questions on the amendments to the Hawaii State Constitution proposed by the 1968 Constitutional Convention as listed below, the full text of the amendments covered by the questions having been made available to me at my voting unit, EXCEPT that I vote NO on one or more of the questions as follows:

PART B

NO I vote NO on each of the questions on the amendments to the Hawaii State Constitution proposed by the 1968 Constitutional Convention as listed in Part C and numbered 1 to 23, inclusive, the full text of the amendments covered by the questions having been made available to me at my voting unit.

1. APPORTIONMENT AND DISTRICTING OF LEGISLATURE.

Provides for the senatorial districts and representative districts and the number of members to be elected from each commencing at the 1970 general election (Constitutional Convention plan) until the

NO

next reapportionment; for the Convention plan to supersede the legislature's apportionment plan for the senate (S.B. No. 1102) if both are ratified; and for related changes. (Article XVI, Section 1 and new Section).

- | | | |
|--|--------------------------------|---|
| 2. PROVISIONS FOR FUTURE REAPPORTIONMENT.
Establishes a commission to reapportion the number of legislators among and within basic island units on the registered voter basis every 8 years starting in 1973 and at such time to redistrict where necessary according to the criteria provided; provides for the commission to be constituted on or before March 1, 1969 if the Constitutional Convention plan is not approved by the voters; a chief election officer; two-year terms for senators elected in 1968; each of the proposed apportionment and districting amendments as may be ratified to supersede the legislature's apportionment plan for the senate (S.B. No. 1102) to the extent in conflict therewith if the latter is also ratified; removes old provisions on senate apportionment based on geography; and provides for related changes. (Article III, Sections 2 and 4; Article XVI, new Sections). | <input type="checkbox"/>
NO | 8. EIGHTEEN YEAR OLD VOTE.
Lowers the minimum voting age from 20 years to 18 years. (Article II, Section 1). <input type="checkbox"/>
NO |
| 3. MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS.
Provides that any basic island unit initially allocated less than a minimum of 2 senators and 3 representatives be allocated the number necessary to attain such minimums in which case each of such senators and representatives shall have a fractional vote; provides, as a transitional provision, for augmentation of Kauai with one additional senator to attain minimum of 2 senators with fractional votes; and for related changes. (Article III, Section 4; Article XVI, new Section). | <input type="checkbox"/>
NO | 9. VOTING RIGHTS OF FELONS.
Restores the right to vote to felons upon their final discharge or earlier as provided by law. (Article II, Section 2). <input type="checkbox"/>
NO |
| 4. INVASIONS OF PRIVACY.
Guarantees additional protection of the people against unreasonable invasions of privacy. (Article I, Section 5). | <input type="checkbox"/>
NO | 10. ELIMINATING THE LITERACY REQUIREMENT TO VOTE.
Removes the requirement that citizens be able, except for physical disability, to speak, read, and write Hawaiian or English in order to vote. (Article II, Section 1). <input type="checkbox"/>
NO |
| 5. BAIL.
Allows the court to dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment. (Article I, Section 9). | <input type="checkbox"/>
NO | 11. AUTHORIZATION FOR PRESIDENTIAL PREFERENCE PRIMARY.
Authorizes the legislature to provide for a presidential preference primary. (Article II, new Section). <input type="checkbox"/>
NO |
| 6. COUNSEL FOR INDIGENTS.
Requires the State to provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than 60 days. (Article I, Section 11). | <input type="checkbox"/>
NO | 12. MINIMUM AGE OF LEGISLATORS.
Lowers the minimum age required for a person to serve in the legislature from 30 years for a senator and 25 years for a representative to the age of majority (which is now 20 years as set by the legislature). (Article III, Section 7). <input type="checkbox"/>
NO |
| 7. PAYMENT FOR CERTAIN DAMAGES TO PRIVATE PROPERTY.
Guarantees just compensation for private property damaged as well as taken for public use. (Article I, Section 18). | <input type="checkbox"/>
NO | 13. LEGISLATIVE SESSIONS, POWERS, RIGHTS AND PROCEDURES.
Establishes a commission on legislative salary appointed every 4 years to review and recommend legislative salaries; provides for annual regular general sessions of 60 working days commencing in January of each year; authority in the legislature to extend the session an additional 15 working days, to recess and to convene in special session; a 24 hour period between distribution of the printed bill and its third or final reading; carry-over status of a bill from one general session to another within a two-year period of a State legislature; and for related changes. (Article III, Sections 10, 11, 16 and 17). <input type="checkbox"/>
NO |
| | | 14. LEGISLATIVE COMPENSATION.
Establishes legislators' salaries at \$12,000 a year until changed by enactment following recommendation of the commission on legislative salaries. (Article XVI, Section 17). <input type="checkbox"/>
NO |
| | | 15. ELIGIBILITY REQUIREMENTS FOR OFFICE OF GOVERNOR; COMPENSATION OF GOVERNOR AND LIEUTENANT GOVERNOR; REMOVAL OF SINGLE EXECUTIVES AND CERTAIN OTHER OFFICERS; RESIDENT REQUIREMENT AND EXCLUSION.
Changes eligibility requirements for the office of governor by reducing the minimum age from 35 years to 30 years <input type="checkbox"/>
NO |

STANDING COMMITTEE REPORTS

and deleting the 20 years United States citizen requirement; establishes minimum compensation for the governor and lieutenant governor; provides for the removal of single executives by the governor without the advice and consent of the senate, except in the case of the chief legal officer of the State; the removal of certain other officers in a manner prescribed by law; requires every officer appointed under Section 6 to be a citizen of the United States and reduces the residence requirement from at least 3 years to at least one year immediately preceding his appointment; excludes the president of the University of Hawaii from the residence requirement; and provides for related changes. (Article IV, Sections 1, 3 and 6).

16. JUDICIAL ADMINISTRATION, TERM OF OFFICE AND COMPENSATION. NO

Authorizes the chief justice of the supreme court to request retired justices to sit on the supreme court when needed; increases the terms of office of justices and judges to 10 years; provides minimum salaries for justices and judges at not less than presently provided by law; and changes the provisions for removal of justices and judges. (Article V, Sections 2, 3 and 4).

17. STATE AND COUNTY DEBT LIMITS. NO

Relates the State debt limit to general fund revenues instead of to real property values; increases both State and County debt limits; and provides for related changes. (Article VI, Section 3).

18. TWO YEAR BUDGETING AND APPROPRIATIONS. NO

Provides that beginning July 1, 1971 State budgets and appropriations be on a biennial instead of annual basis, with annual review of appropriations; and for related changes. (Article VI, Sections 4 and 5; Article XVI, new Section).

19. LOCAL GOVERNMENT; CHARTER; EFFECTIVE DATE. NO

Authorizes each political subdivision to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law; provides that prescribed procedures shall not require approval of a charter by a legislative body; provides for superiority of certain charter provisions to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions; and for related changes.

Transitional section provides for effective date of amendments which shall be on the first day of January after three full

calendar years have elapsed following their ratification and shall apply to all county charters. (Article VII, Section 2; Article XVI, new Section).

20. COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES. NO

Allows public employees to engage in collective bargaining as provided by law. (Article XII, Section 2).

21. CODES OF ETHICS AND DISQUALIFICATION FOR DISLOYALTY. NO

Require codes of ethics for all appointed and elected officers and employees of the State or political subdivisions; and adopts new provision for disqualification of any person from public employment for disloyalty. (Article XIV, Section 3 and new Section).

22. REVISION AND AMENDMENTS TO THE CONSTITUTION. NO

Provides that, unless otherwise provided by the legislature, future Constitutional Convention to have same powers and privileges as the convention of 1968; reduces the percentage of the total number of registered voters who voted in the majority at a special election from 35% to 30%; establish rules to resolve and avoid conflicting Constitutional revisions and amendments submitted to and approved by the electorate. (Article XV, Section 2 and new Section).

23. TECHNICAL, TRANSITIONAL, STYLE AND OTHER CHANGES. NO

Deletions and rewording of various sections of the Constitution where the subject matters have been found to be no longer necessary or unconstitutional under the provisions of the Constitution of the United States; Style changes; and all changes not specifically mentioned which are incidental to and reasonably connected to the main purposes of the amendments proposed by the Constitutional Convention of the State of Hawaii of 1968.

STANDING COMMITTEE REPORT NO. 85

Your Committee on Accounts and Printing begs leave to report that the Committee has printed and distributed Stand. Comm. Rept. No. 83 and Exhibit A; Stand. Comm. Rept. No. 84; Res. No. 36 and Res. No. 37.

Signed by all members of the Committee.

3. *Minority Reports*

MINORITY REPORT NO. 1 on Committee Proposal No. 1.

A minority of your Committee on Bill of Rights, Suffrage and Elections does not concur in part with Standing Committee Report No. 23 as it relates to voter age qualification.

After hearing all of the evidence presented at public hearings on the subject of age of voting, after carefully considering the arguments presented by members of the Committee and after careful deliberation, this minority feels that Section 1 of Article II is more properly amended as indicated below:

“Section 1. Every citizen of the United States, who shall have attained the age of [twenty] majority as established by law, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. [No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.]”

This committee proposal has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring.

This minority is deeply concerned that the task of this convention is to draft an abiding, meaningful Constitution and not to legislate or invade areas best covered by the legislature.

The age of majority in the State of Hawaii is now set out in Section 330-1 of the Revised Laws of Hawaii 1955 as 20 years of age. This is the statutory age of maturity established by the legislature and has historically already been changed once (from 21 to 20) by that body.

Majority is defined in Black's Law Dictionary as, “Full age; the age at which, by law, a person is entitled to the management of his own affairs and to the enjoyment of civic rights.”

The wisdom of using the age of majority is illustrated by the 1950 Constitutional Convention's Committee Report (Standing Committee Report No. 39).

“The Committee established the age of twenty (20) years as the qualification for voting. The Committee unanimously agreed that Hawaii should give the privilege of suffrage at the age of twenty (20) years, which is that age of majority in Hawaii. A person old enough to

be married without parental consent, a person old enough to assume his own debts, a person old enough to enter into his own business by law, is old enough to enjoy the privilege of suffrage—let alone the fact that he is already a taxpayer and also is eligible for draft in the armed services of our country.

“The voting age of twenty-one (21) years was the extension of the English tradition from medieval times that was embodied in the constitution of all the states. While the age of eighteen (18) years was brought up for discussion, it was felt that a person is not politically mature at this age and two years will bring the necessary interest and understanding of the political life of Hawaii. Geographically speaking, maturity in the physical and mental make-up is attained faster in a temperate or warm climate.”

The primary reasons why the minority of this committee feels that the voting age should be established at the age of majority are as follows:

1. A person below the age of majority in the State of Hawaii is legally a child; he is not responsible for his debts, a contract cannot be enforced against him, he cannot sue or be sued as an individual, his parents are responsible for his torts, and he can only be held responsible as an adult for his criminal actions if it is so ordered by the Family Court.

2. A voter between the ages of 18 and 20 in the State of Hawaii would be discriminated against and would not have the full right of suffrage in that he would have no individual standing in court to contest an election or to compel by mandamus any part of the electoral process.

3. The father and mother of a child under 20 are the natural guardians of his property. The child under 20 cannot even execute a will disposing of real or personal property.

4. Children under the age of 20 in Hawaii are absolutely subject to the commands of their parents and might be unduly influenced by parents in the suffrage process. Section 330-4, RLH 1955 reads:

“Section 330-4. Duty of Minor Children. It shall be the duty of all children during their minority to obey the lawful and moral commands of their parents, or, if adopted as by law allowed, the lawful and moral commands of the parents by adoption, or in default of natural or adopted parents, the lawful and moral commands of the guardians

appointed according to law.”

5. Forty-six states in these United States today require a voter to be 21 years of age which is also the majority age in those states.

6. No quarrel is made by this minority with the proposition that if the legislature in its wisdom, after due deliberation and considering all facts, desires to change the age of majority to 18 that the age for voting should also be 18.

Proponents of the 18-year-old vote argue that:

1. If he is a person old enough for military service, he is old enough to vote:

2. Young people enter into full-time labor and marry prior to reaching the age of majority.

3. Higher standards of education make the 18-year-old as well-informed politically as their elders.

The answers to each of these arguments were clearly demonstrated to your Committee:

1. No 18-year-olds have been drafted in Hawaii since 1946. The large majority of those drafted have been age 20 and older.

2. Marriage contracted prior to reaching the age of majority must be with the consent of the parents. Children under 20 do not have an unimpeded right to marry. A child under 20 may not enter into his own business by law but may only be someone else's employee under that person's direction and guidance.

3. Evidence on political maturity on 18 to 20-year-olds indicated, for example, that at the University of Hawaii in the past several years only a few hundred students out of the total student body have participated in student politics. In the 1967 election of student body officers, 2,200 students voted out of a total of 16,000 ASUH members representing a total student body of 21,000. Little or no other positive evidence of an alleged political maturity for 18-year-olds was developed.

In summary, this minority of your Committee proposes that the most meaningful constitutional provision to establish a voter's minimum age to insure competency and maturity is the statutory *age of majority*. Therefore, this minority will submit an amendment in the form attached.

Signed by:

Delegates O'Connor, Akizaki, Alcon, Sutton, Hansen and Hasegawa.

AMENDMENT TO COMMITTEE PROPOSAL NO. 1

RELATING TO SUFFRAGE AND ELECTIONS.

It is hereby moved that the Committee Proposal No. 1 of the Committee on Bill of Rights, Suffrage and Elections be amended as it pertains to Section 1 of Article II of the State Constitution to remove the words "eighteen years" from the second line of said Section 1 and substitute therefor, "majority as established by law," so that Section 1 of Article II would be amended to read as follows:

Section 1. Every citizen of the United States, who shall have attained the age of [twenty] majority as established by law, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election. [No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.]

**MINORITY REPORT NO. 2
on Committee Proposal No. 3.**

A minority of your Judiciary Committee does not concur with that part of Standing Committee Report No. 40 which recommends retention of the "status quo" on the selection of judges.

The substance of the present system is embodied in that part of Article V, Section 3, which states as follows:

"The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts."

The majority report says, in effect, that the present system of selection cannot be improved. The Committee voted by a close margin to consider no change. The minority of the Committee believes improvement is possible in the stage of *initial selection* through a commission for selection. Such commission would be a constitutionally-sanctioned body which would be empowered: (a) to receive applications from those interested in judicial positions; (b) to seek out qualified persons to fill such positions if such need ever arose; (c) to review the qualifications of applicants and choose that group most suited for such positions. The commission would screen out when necessary persons unfit or otherwise lacking in the qualifications felt necessary or desirable. Nomination by the governor and confirmation by the senate would remain.

The minority of the Committee urges the delegates to further deliberate and come forth with a constitutional amendment providing guidelines for an acceptable form of commission for selection. This should be done in the Committee of the Whole so all delegates may participate in the deliberations on this important issue. Failure to consider this subject further deprives the people of Hawaii acting through this Convention of the possibility of improving the present system.

As a guideline the minority of this Committee

suggests the following features for a commission approach:

- (a) that the number of commissioners be nine;
- (b) that *at least* three be lawyers who are elected from all lawyers residing in the State of Hawaii, and with the election conducted by an appropriate governmental agency (possibly the office of the attorney general);
- (c) that there be *at least* four members who are not lawyers;
- (d) that the remaining two members should be as prescribed by the legislature;
- (e) that the City and County of Honolulu and each of the neighbor island counties have at least one member representative;
- (f) that the commission be required to furnish the governor with at least five names for any available position unless the governor shall request a lesser number;
- (g) that there be senate confirmation of each of the persons nominated by the governor.

The minority of the Committee believes the details of who selects the commissioners should be left up to the legislature to enact, subject to the above limitations. The deliberations on this need not delay the other business of this Convention. But, equally important, the composition requirements could change with the times and the legislature would be able to make changes.

For the following reasons the minority of the Committee feels a commission for selection as above would be an improvement over the present system:

- (1) A commission for selection would be a continuing governmental body charged with the duty of reviewing the qualifications of nominees for judicial office. There is no such body or organization at present.
- (2) A commission for selection could develop criteria. There are none at present. The criteria used now for selecting judges depends at present upon who is the incumbent governor. For example, if a governor is a lawyer he could be influenced by different considerations than a governor who is not a lawyer.
- (3) The commission for selection would be a body to whom the public can look for accountability for judges and performance on the bench. As a result of public watchfulness the commission members will strive to do a proper job and put into practice proper criteria. The argument of "accountability" has been used in opposition to a commission plan. However, the minority feels there is no practical accountability under the present system. No example has been

presented of any governor or senator who as a part of his campaign to get elected made an issue out of the judges he selected or confirmed, or didn't re-appoint or refused to confirm.

(4) The public is further served by placing the initial selection responsibility in an independent body for there is insurance against an unqualified person coming to the bench merely because of any political arrangement or compromise.

(5) A commission plan for selection would strengthen the public image of the judiciary as a separate branch. Working within the framework of the present system, a commission along the lines suggested by the minority of the Committee would provide obvious checks and balances against the possibility of any hold by the other two branches on the judiciary.

(6) The existence of a commission would increase the respect of the public for the judicial process. Real or fancied, there is concern among members of the public. Reference is made to editorials appearing in the *Honolulu Advertiser* (July 14, 1968) and the *Honolulu Star-Bulletin* (July 15, 1968).

(7) The Judiciary Committee majority report proposes tenure for supreme court justices and circuit court judges to be lengthened to ten (10) years. This proposal increases the need for an improved selection process which a commission in the suggested form will provide.

(8) The proposed plan of the minority of the Committee would give the neighbor islands an assured voice in the selection of judges and justices. Such representative members would be in a good position to know the background, ability and conduct of any neighbor island applicant. Other than at the final stage of senate confirmation, none exists under the present system.

(9) The proposed plan of the minority of the Committee provides for senate confirmation. This is looked upon as a final check in a three-stage process: commission—governor—senate.

In addition to the foregoing reasons, evidence presented in Committee strongly favors the concept of a commission plan in the area of selection. For example:

(a) The nationwide trend is toward a commission plan of selection. Glenn Winters, Executive Director of the American Judicature Society and editor of its journal, testified on August 9:

"I will just take a minute needed to name the states in which all or part of the judges are selected under a plan involving nomination by a commission: Listed alphabetically, they are Alabama, Alaska,

Colorado, Florida, Idaho, Iowa, Kansas, Missouri, Nebraska, New York, Oklahoma, Puerto Rico, Utah and Vermont. Idaho, Oklahoma and Pennsylvania will vote within the next year on extension of the merit plan to more courts. North Dakota on adoption for all courts. Constitutions including merit selection of judges were recently defeated in Kentucky and Maryland on other grounds."

(b) The commission plan has public acceptance. Again, from Glenn Winters' testimony:

"The last word from New York is to be found in the *New York Times* of the day before yesterday. As you know, appointments by the mayor to about one hundred New York City judgeships which have always been appointive, have been made under a merit plan instituted by the former Mayor Robert H. Wagner and continued and expanded by Mayor John V. Lindsay. Now a number of new judgeships have been created in the Supreme Court, the general trial court in that state, and for the 17th Manhattan and the Bronx, Wednesday's *New York Times* says both Democratic and Republican leaders have agreed to have nominations screened by a 19 member bi-partisan panel of prominent New York lawyers, judges and laymen. When political leaders of both major parties in as intensely political a place as New York City accept the principle of the non-partisan lawyer-layman commission and after years of experience with it, join in extending its use to additional courts and judges on a limited basis, it becomes clear that these commissions are here to stay and that they have merits to commend themselves to practical, hard-headed Republicans and to practical hard-headed Democrats, either one as much as the other. Most of all, they commend themselves to the people, whose interests they are well designed to protect."

(c) The commission plan concept has the sanction of the American Bar Association and the American Judicature Society. The American Judicature Society is a national and international organization of over 27,000 lawyers, judges and laymen, in all 50 states, Canada and 43 other countries of the world, founded on July 15, 1913, to promote the efficient administration of justice. Its activities include publishing a monthly journal and other books and literature; conducting meetings, institutes, conferences and seminars; and maintaining an information and consultation service with respect to all aspects of the administration of justice and its improvement.

(d) Where the public in Hawaii has had an opportunity to examine the subject, there has been approval. In January, 1967, a Citizens' Conference on the Administration of Justice was

convened at the insistence of Governor Burns and Chief Justice Richardson. This conference lasted three days and considered different aspects of our Hawaii judicial system. A "Consensus Statement," a result of this conference, reads in part:

"The selection of judges should be based on merit and should be removed as far as possible from the influence of partisan politics.

"This can best be accomplished by the adoption of a commission modeled substantially after that of the Model Judicial Article, which provides for both lawyers and laymen to seek out and review available and qualified prospective appointees and present panels to the appointing authority from which the selection will be made."

Two points raised in the majority report require special consideration. First, that no abuse of the present system was presented to the Committee. This argument is not controlling. The delegates are charged with examining and recommending changes if desirable in a constitution. This constitution may not be changed for many decades. The delegates should look to the future and the potential for future problems and seek improvements so the public will be benefitted.

Second, a point is made of the fear of politics entering into a commission and its selections. The positive evidence based on experience is such fear is not justified. The makeup of a commission with the contending and opposing forces plus the desire to do a proper job work against this. As Mr. Glenn Winters testified on August 9:

"There have been suggestions that other interest groups than the political parties may infiltrate and control the commissions—plaintiff's or defense lawyers, management of labor, racial minorities or majorities. I suppose again that in dealing with a quantity as changeable and nebulous as human personalities, it would be next to impossible to keep all these and other equally important factors constantly in balance. It is not necessary, anyway. Experience in Missouri and the other merit plan states has been that the commission members, the vast majority of them have taken their job very seriously, have tried hard to do a good job, and have taken pride in the quality of the nominations they have been able to produce."

In order to have the same to the delegates well in advance of the meeting of the Committee of the Whole, the minority report has been kept brief. If time permits and if the same is believed of assistance in the deliberations, material covering further points or amplifying points raised in this report will be made available.

In conclusion, the minority of the Judiciary Committee feels the people of Hawaii are best served by having a commission for selection. To this end, the

undersigned minority will submit an amendment to Article V and urge its adoption. The ultimate decision on whether the present system can be improved would thus be left up to the people to adopt or reject such an amendment in the election to ratify all proposed amendments to the Constitution. We are confident such an amendment would be accepted.

Signed by:

Delegates Jaquette, Chang, Dyer, Kawasaki, Kage, Steiner, Lalakea, Sutton and Doi.

**MINORITY REPORT NO. 3
on Committee Proposal No. 7.**

A minority of your Committee on Legislative Powers and Functions does not agree with that part of Standing Committee Report No. 46 which recommends retention of the "status quo" in Section 7 of Article III concerning the age qualifications of legislators.

The present provision states:

"No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected."

The majority report says that, "A minimum age requirement is necessary if the legislature is to be composed of persons who have been involved with community and social responsibilities and are qualified, by maturity and experience, to weigh carefully conflicting interests and arguments. Few people have been prevented from seeking office by this provision; socio-economic factors have been more important obstacles to the aspiring legislator than age."

The minority of the Committee urges the delegates to further consider this section and come forth with a constitutional amendment more broadly worded and less restrictive as to age qualifications for office.

It is interesting to note that, basically, the same age qualifications and requirements for office were in effect in Hawaii under the Organic Act (1900-1959), and even earlier under the laws of the Republic of Hawaii (1893-1898), and go back to the United States Constitution as originally drafted in 1787. Thus, in Hawaii, there have been basically no changes in the age requirement of candidacy for office; although, during this time span, the voting age and other restrictions of office candidacy and voting have been lessened considerably.

The historical reason(s) for constitutionally specifying a particular age or any age at all as a qualification for

membership in the legislature is not discussed in the literature presently available referring to Hawaii, including the debates in the Committee of the Whole in 1950. Where qualifications are mentioned, age is briefly dismissed as a "customary" requirement supposedly, (1) acting as a safeguard against admitting to the legislative body persons lacking the necessary knowledge and wisdom for dealing with the problems confronting the State; and (2) insuring the public that their legislators will have been involved to a certain degree with community and social responsibilities and will be able to react to the issues with a certain experience and maturity, because of age.

Recent studies carried out by political and social scientists find that the actual age of most legislators is *well above* the constitutionally-specified minimum. Apparently, the legislative recruitment process in the United States tends to select middle-aged men in their forties and fifties for legislative careers.

Historically, however, age qualifications for office (as well as for voting) have been only one type of restriction. Other restrictions: property-holding, tax-paying, and complicated citizenship and residency requirements. The trend of American democracy has been in the direction of broadening the base of the electorate—a reduction in voting and office-holding restrictions and expansion of the base of decision-making and participation in the American political process.

Qualifications are imposed in order to achieve a particular composition in the legislature; however, the effectiveness of such provisions is uncertain. Professor John C. Wahlke, a well-known author on American state legislatures, relates that, "It may safely be said that the formal prerequisites for the office of state legislator no longer influence significantly the character of legislative membership." Dr. Wahlke continues, saying, "Far more important than the formal requirements in setting the character of legislative membership are the informal determinants," such as the play of social, psychological, economic and political factors. Women are not excluded constitutionally for legislative membership, but they are hardly present in numbers proportional to the general population. The same could be said for ethnic minorities. Whereas, certain occupational groups, such as lawyers, and certain social groups, such as the middle-upper income groups, are also "over-represented" in state legislatures. Regardless of the effects of constitutionally-prescribed qualifications, it is well documented that legislators are among the most educated occupational groups in the United States.

All state constitutions incorporate certain qualifications which must be met before a candidate may become a member of the state legislature. Twenty-one is the most common age requirement for membership in the lower house; however, Delaware, Kentucky and Missouri specify 24; while Arizona, Colorado, Hawaii, South Dakota, Utah and Puerto Rico require 25 years of age. Age qualifications for the "upper" house differ widely. A minimum age of 21 is required in fourteen states, and twenty-three states

require a minimum of 25, and seven states including Hawaii set the minimum age for senate membership at 30. In four states the minimum ages range from 22 to 27, and Massachusetts and New York do not provide age requirements. It is interesting to note that Hawaii, being the "youngest" state with the lowest median age, is among those states with the most restrictive age requirements for office.

In conclusion, the minority of the Committee on Legislative Powers and Functions feels that the age qualifications for office should be that of a "qualified voter" for the aforementioned reasons and the following points:

1. We do not know of any empirical evidence to substantiate a particular age requirement of candidacy for office; indeed, since the informal determinants seem to be of greater importance.

2. To fix a minimum age requirement above that of "a qualified voter" will necessarily restrict the choice of the electorate and create "classes of voters"—"first-class" voters who are eligible to run for office and vote, and "second-class" voters who supposedly have the judgmental qualities to choose among candidates and issues, but who cannot, themselves, run for office.

3. Democracy is an ideology, a way of life, associated with equality and equality of opportunity, not a society of "privileged," in this case, the persons who have come to the constitutionally "right" age.

4. It is unnecessary to constitutionalize an age requirement for office, since the legislature could probably determine the qualifications of its members with respect to age, if necessary. (See Section 13 of Article III.)

5. The continuing expansion of educational

opportunities is providing young talent capable of distinguished public service.

6. The greater age qualification for membership in the "upper" house is not necessary. The mere fact that the senate offers more security, longer terms, and greater prestige will lend itself to having an "older" and, supposedly, more experienced membership.

7. The practice of differing and graded requirements for each house—age, residency, property ownership, tax payment—has been modified by most states, and the philosophic and aristocratic reasons for such a differentiation on the state level have largely vanished or become outmoded with time.

8. The improvement of political participation might begin by removing the obstacles to it, rather than by maintaining inequality of political opportunity—age qualifications and other restrictions.

9. A reduction in the qualifications for office would open a constructive channel of change for the minority of young voters who desire to actively participate in the political process of American democracy.

The minority of the Committee on Legislative Powers and Functions feels that all of the people of Hawaii would best be served by reducing the age restrictions on legislative service, and will, therefore, submit an amendment to Article III and urge its adoption. The final decision would thus be left up to the people to adopt or reject such an amendment. We are confident that such an amendment would be accepted.

Signed by:

Delegates Ho, Schulze, Medeiros, Larson, Doi, Fasi and Nakatani.

4. Committee of the Whole Reports

COMMITTEE OF THE WHOLE REPORT NO. 1

Your Committee of the Whole, to which was referred Standing Committee Report No. 23 of the Committee on Bill of Rights, Suffrage and Elections, and Committee Proposal No. 1 accompanying the report and entitled "A Proposal Relating to Suffrage and Elections," having held meetings on August 14, 15 and 16, 1968, having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 1, 2 and 5 of Article II of the State Constitution, which sections were considered section by section together with unamended Sections 3 and 4 of Article II. The action taken is set forth as follows:

Section 1, relating to qualifications of voters, as originally proposed, reads as follows:

"Section 1. Every citizen of the United States, who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election."

Recommendation: Your Committee recommends that Section 1 be adopted as proposed which reduces the voting age from twenty to eighteen and deletes the "literacy" requirement.

Considerable debate was held on this section, more particularly, on the age of voting and the "literacy" requirement. Amendments were offered to fix the voting age at the age of majority as provided by law. None of the amendments were adopted. The voting age being premised upon political maturity, its concomitance with the age of majority fixing legal responsibility is not necessary, however convenient it may be.

Section 2 relating to disqualifications of voters, as originally proposed, reads as follows:

"Section 2. No person who is non compos mentis shall be qualified to vote. No person convicted of felony shall be qualified to vote if and only so long as he is committed under a sentence of imprisonment."

Recommendation: Your Committee recommends that the last sentence of Section 2 be amended as follows:

"No person convicted of felony shall be qualified to vote except upon his final discharge or earlier as provided by law."

The revision, as proposed by your Committee, will avoid

the unintended enfranchisement of a convicted felon on bail pending appeal by disqualifying the felon until final discharge. It also gives the legislature the flexibility to provide for an earlier removal of the felon's disqualification as the legislature may find necessary in the future to accommodate changing times, mores and conditions of our society. Thus, the revision still allows the legislature to provide as much restoration of voting rights to a convicted felon as the original proposal intended.

Section 5 relating to elections, as originally proposed, reads as follows:

"Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law. The legislature shall provide for a presidential preference primary each year in which a President of the United States is to be nominated."

Recommendation: Your Committee recommends that Section 5 be adopted as proposed which adds a new requirement for presidential preference primary.

In addition to the debates and discussion had on the sections aforesaid, consideration was given to an amendment offered which sought to amend the last sentence of Section 4 of Article II of the State Constitution as follows:

"Secrecy of voting shall be preserved and no record or list of the party ballot selected by each voter shall be maintained."

While your Committee acknowledges the concern that the publication of the list of party ballot selection at primary election may discourage from voting certain voters who, because of employment relations or otherwise, may desire anonymity over franchise, it was believed that such an amendment was a matter for legislative determination. Accordingly, the amendment was not adopted.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 1 and consider the passage of Committee Proposal No. 1, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 1, RD. 1

RELATING TO SUFFRAGE AND ELECTIONS.

Resolved, That the following be agreed upon as

amending Section 1, Section 2 and Section 5 of Article II of the State Constitution:

Section 1. Every citizen of the United States, who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.

Section 2. No person who is non compos mentis shall be qualified to vote. No person convicted of felony shall be qualified to vote except upon his final discharge or earlier as provided by law.

Section 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law. The legislature shall provide for a presidential preference primary each year in which a President of the United States is to be nominated.

COMMITTEE OF THE WHOLE REPORT NO. 2

Your Committee of the Whole to which was referred Standing Committee Report No. 27 of the Committee on Agriculture, Conservation, Land and Hawaiian Homes, having held a meeting on August 20, 1968, having fully debated and considered the report, begs leave to report as follows:

Standing Committee Report No. 27 covered the proposals seeking to amend Article XI of the Hawaii Constitution relating to the Hawaiian Homes program. Your Committee agrees with the recommendations of the Committee on Agriculture, Conservation, Land and Hawaiian Homes and recommends that Article XI be retained without amendment.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 2.

COMMITTEE OF THE WHOLE REPORT NO. 3

Your Committee of the Whole to which was referred Standing Committee Report No. 30 of the Committee on Public Health, Education and Welfare; Labor and Industry, and Standing Committee Report No. 32 of the Committee on Agriculture, Conservation, Land and Hawaiian Homes, having met on August 26, 1968, having fully debated and considered the reports, begs leave to report as follows:

Standing Committee Report No. 30 considered the proposals seeking to amend Article VIII of the Hawaii Constitution relating to public health and welfare. Your Committee agrees with the recommendation of the Committee on Public Health, Education and Welfare; Labor and Industry and recommends that Article VIII be retained without amendment.

Standing Committee Report No. 32 considered the

proposals seeking to amend Section 5 of Article VIII of the Hawaii Constitution relating to public sightliness and good order. Your Committee agrees with the recommendation of the Committee on Agriculture, Conservation, Land and Hawaiian Homes recommending retention of this section.

Your Committee of the Whole recommends the adoption of the Standing Committee Reports No. 30 and 32.

COMMITTEE OF THE WHOLE REPORT NO. 4

Your Committee of the Whole to which was referred Standing Committee Report No. 35 of the Committee on Agriculture, Conservation, Land and Hawaiian Homes, having met on August 29, 1968, and having fully debated and considered the report, begs leave to report as follows:

Standing Committee Report No. 35 covered the proposals seeking to amend Article X of the Hawaii Constitution relating to conservation and development of resources. Your Committee agrees with the recommendations of the Committee on Agriculture, Conservation, Land and Hawaiian Homes and recommends that Article X be retained without amendment.

Your Committee of the Whole recommends the adoption of Standing Committee Report No. 35.

COMMITTEE OF THE WHOLE REPORT NO. 5

Your Committee of the Whole, to which was referred Standing Committee Report No. 37 of the Committee on Revision, Amendment and Other Provisions, relating to Article XIII, State Boundaries, Capital and Flag, begs leave to report that it has considered the same and recommends that Standing Committee Report No. 37 be adopted.

COMMITTEE OF THE WHOLE REPORT NO. 6

Your Committee of the Whole, to which was referred Standing Committee Report No. 38 of the Committee on Executive, and Committee Proposal No. 2 accompanying the report and entitled "A Proposal Relating to the Executive," having held meetings on August 29, 1968, having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 1, 3 and 6 of Article IV of the State Constitution, which sections were considered section by section together with unamended Sections 2, 4 and 5 of Article IV. The action taken is set forth as follows:

Section 1, relating to establishment of the executive, as originally proposed, reads as follows:

"Section 1. The executive power of the State shall be vested in a governor.

"The governor shall be elected by the qualified

voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

"The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

"No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty years, be a citizen of the United States, and be a resident of this State for five years next preceding his election.

"The governor shall not hold any other office or employment of profit under the State or the United States during his term of office."

Recommendation: Your Committee recommends that the fourth paragraph of Section 1 be amended as follows:

"No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years next preceding his election."

The revision, as proposed by your Committee, is one of style, rather than one of substance. The words "be a citizen of the United States" are unnecessary in this paragraph for the reason that Section 1 of Article II of the State Constitution requires a qualified voter to be a citizen of the United States.

Section 3 relating to the compensation of the governor and lieutenant governor, as originally proposed reads as follows:

"The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office."

Recommendation: Your Committee recommends that Section 3 be adopted as proposed, which establishes the minimum compensation of the governor and lieutenant governor at a level equal to their existing compensation.

Section 6 relating to executive and administrative offices and departments, as originally proposed, reads as follows:

"Section 6. All executive and administrative offices, departments and instrumentalities of the

state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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 appointed by the governor and he 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; provided that, the appointment of the chief legal officer of the State shall be subject to the advice and consent of the senate.

"Whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be appointed by the governor; provided that, the appointment of the members of the board of regents of the University of Hawaii shall be subject to the advice and consent of the senate. The term of office of such members shall be as prescribed by law. The governor may remove any member. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The removal of officers not otherwise provided herein shall be as prescribed by law.

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

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

"All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least one

year next preceding their appointment; provided that, the residence requirement shall not apply to the President of the University of Hawaii."

Recommendation: Your Committee recommends the following amendments to Section 6:

1. Amend the second paragraph to read:

"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, appointed by the governor and he 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; provided that the removal of the chief legal officer of the State shall be subject to the advice and consent of the senate."

The revision, as proposed by your Committee, restores the confirmation powers of the senate as presently provided for in the State Constitution. After considerable debate, your Committee recommends the retention of the requirement of advice and consent of the senate to the appointment of single executive department heads as a device of "checks and balances" on the administrative branch of government.

Although your Committee agreed with the principle recommended by the Committee on Executive which authorizes the governor to remove a department head without the advice and consent of the senate, your Committee recommends as an exception to this amendment, the attorney general who is the chief legal officer of the State. His basic responsibility is to the people. He is also the legal adviser, not only to the governor and to the various agencies and instrumentalities of the State, but also to the legislature. It is therefore desirable, and your Committee recommends, senate approval as a requisite to the removal of the attorney general.

2. Amend the third paragraph to read:

"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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor."

The revision, as proposed by your Committee, restores the confirmation powers of the senate as presently provided for in the State Constitution. Your Committee also recommends that the term of office and removal of members of boards and commissions which

head principal departments shall be as prescribed by law. This paragraph as amended by your Committee retains paragraph 3 as it is presently contained in the State Constitution.

Paragraphs 1, 5 and 6 of Section 6, as presently contained in the State Constitution and retained in Proposal No. 2, was not amended by your Committee. Paragraph 4 relating to "the appointment and removal of officers for whose election or appointment provision is not otherwise made by the constitution or by law," as revised in Proposal No. 2, and paragraph 7, as revised in Proposal No. 2, which reduces the residency requirement for officers appointed under this section and excepts the president of the University of Hawaii from any residence requirement, were not amended by your Committee.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 6 and consideration of the passage of Committee Proposal No. 2, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 2, RD. 1

RELATING TO THE EXECUTIVE.

Resolved, That the following be agreed upon as amending Section 1, Section 3 and Section 6 of Article IV of the State Constitution:

Section 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Section 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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, appointed by the governor and he 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; provided that the removal of the chief legal officer of the State shall be subject to the advice and consent of the senate.

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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. The removal of officers not otherwise provided herein shall be as prescribed by law.

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

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

All officers appointed under the provisions of this section shall be citizens of this State and shall have been residents of the State for at least one year next preceding their appointment; provided that, the residence requirement shall not apply to the President of the University of Hawaii.

COMMITTEE OF THE WHOLE REPORT NO. 7

Your Committee of the Whole, to which was referred Standing Committee Report No. 42 of the Committee on Public Health, Education and Welfare; Labor and Industry, and Committee Proposal No. 5, entitled "A Proposal Relating to Organization, Collective Bargaining," having met on September 3, 1968 and after full and free discussion, begs leave to report as follows:

The proposal covered amendment to Section 2 of Article XII of the State Constitution which reads as follows:

"Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law."

Considerable debate was held on this proposal and seven amendments were prepared. However, all of these amendments, except one, were withdrawn. The only amendment which was voted on proposed that Section 2 as it now appears in the Constitution be retained and the following sentence be added at the end thereof: "Persons in public employment shall have the right to engage in collective bargaining procedures as established by law, in the areas therein prescribed." This vote was against the adoption of this amendment.

During the debate on this proposal, questions were raised as to the legal meaning of the term "collective bargaining" and whether the proposal would force the legislature to provide for bargaining on classification and wages and the right to strike for public employees. References were made to the attorney general's opinion of September 3, 1968, which has been made a part of the record of this Convention, and to Standing Committee Report No. 42, that the scope and extent of the right of collective bargaining for public employees, including the right to strike, and the manner in which it is to be exercised, shall be as determined by the legislature. The extent to which the right will be given, restricted, regulated or withheld is a matter that the legislature in the exercise of its judgment would decide.

Committee Proposal No. 5 was adopted without amendment by your Committee.

Accordingly, your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 7 and consider the passage of Committee Proposal No. 5 on second reading.

COMMITTEE OF THE WHOLE REPORT NO. 8

Your Committee of the Whole to which was referred Standing Committee Report No. 44 of the Committee on Revision, Amendment and Other Provisions, and Committee Proposal No. 6, accompanying the same, having met on September 3, 1968 and having fully and freely debated and considered said report and committee proposal, begs leave to report thereon as follows:

In Committee Proposal No. 6, the first amendment adds a new section to Article XIV to read as follows:

"Section _____. The legislature and each

political subdivision shall adopt a code of ethics for appointed and elected officers and employees of the State or the political subdivision, including members of boards, commissions and other bodies."

An amendment was offered to require the supreme court of the State to adopt a code of ethics for justices, judges and magistrates, since the judiciary has its own canons of ethics. The amendment failed to be adopted. However, as noted on page 5 of the Standing Committee Report No. 44, this does not preclude the legislature from recognizing the sufficiency of the judicial canons of ethics.

Your Committee recommends that the proposal adding a new section to Article XIV relating to code of ethics for public officers and employees be adopted as proposed.

The second amendment in Committee Proposal No. 6 amends Section 3 of Article XIV to read as follows:

"Section 3. No person who knowingly and intentionally does any act to overthrow the government of this State or of the United States by force or violence or who attempts to overthrow the government of this State or the United States by force or violence or who conspires with any person to overthrow the government of this State or the United States by force or violence shall hold any public office or employment."

This amendment to Section 3 of Article XIV, known as "disqualification for disloyalty," was necessitated because of the ruling by the attorney general of the State that the existing provision is unconstitutional. Assurance was given that this proposed amendment would meet the test of constitutionality. An amendment was offered to delete the words "or employment" from the proposal. The proponent's argument was basically that one who had been convicted of being disloyal and having served his sentence should not be barred from public employment for life. The amendment failed to be adopted.

Your Committee recommends that the proposal in Committee Proposal No. 6 relating to disqualification for disloyalty be adopted without amendment.

Various other amendments were offered during the meeting of your Committee to amend specific sections of the existing Article XIV or to add new sections to such article. The amendments related to: consumer protection; Hawaiian heritage; residency of one year for public employment and initiative and referendum. Considerable debate was held on these amendments. None of these amendments were adopted.

Your Committee of the Whole recommends the adoption of this report and consider the passage of Committee Proposal No. 6, on second reading.

COMMITTEE OF THE WHOLE REPORT NO. 9

Your Committee of the Whole, to which was referred Standing Committee Report No. 40 of the Committee on Judiciary and Committee Proposal No. 3, entitled "A Proposal Relating to the Judiciary" and Minority Report on Committee Proposal No. 3, having held a meeting on September 4, 1968, and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 2, 3 and 4 of Article V of the Hawaii Constitution. No amendments were proposed for Sections 1, 5 and 6 of Article V. The action taken is set forth as follows:

Section 2 relating to the supreme court, as proposed, reads:

"Section 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court may also be recalled by the chief justice to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead."

Recommendation: Your Committee recommends that Section 2 be adopted as proposed, which provides that the chief justice may also call upon retired justices in addition to his present authority to call upon circuit court judges to serve on a temporary case-by-case basis.

Discussion was held on this section concerning the qualifications and limitations under which a retired justice may be recalled to serve. As proposed, Section 2 authorizes the legislature to enact the necessary legislation providing for the procedural qualifications including consent of retired justices, compensation if any, age limitations, disqualification of those engaged in active practice of law, and certain other procedures whereby a retired justice is recalled.

Section 3, paragraph 1, relating to the appointment of judges, reads as follows:

"Section 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor."

Considerable debate was held on this section and five amendments were proposed. However, all but one of these amendments were withdrawn. The only amendment upon which a vote was taken proposed that, as provided by law, a commission be established to seek out and screen all prospective candidates for judicial appointment and submit a list of those, in their

opinion, best qualified from which the governor shall nominate and the senate may confirm. The amendment failed to pass.

Recommendation: Your Committee recommends that the present appointive system be retained and that Section 3, paragraph 1 be adopted without amendment.

Section 3, paragraph 2, relating to qualifications of judges, reads as follows:

"No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office."

Recommendation: No amendment having been proposed and no expression to the contrary having been recorded, it is the recommendation of your Committee that Section 3, paragraph 2 be adopted without amendment.

Section 3, paragraph 3, relating to tenure, compensation and retirement, as proposed, reads as follows:

"The term of office of a justice of the supreme court shall be ten years and that of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, provided however, such compensation shall not be less than that presently in effect, and which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

Your Committee considered this section in its various topical areas. On the subject of tenure, your Committee of the Whole adopted the proposed change to the present provisions of the Hawaii Constitution, thereby increasing the tenure of justices of the supreme court from seven years to ten years and that of judges of the circuit court from six years to ten years. The tenure of ten years will be applicable to justices and judges appointed or reappointed after ratification of this section of the Constitution.

Recommendation: After considerable debate and discussion, it is the recommendation of your Committee that the proposed section, relative to tenure, be adopted.

On the subject of compensation, your Committee of the Whole adopted the proposed change to the present provision of the Hawaii Constitution which includes within the second sentence the addition of the words, "provided however, such compensation shall not be less than that presently in effect." It is the intention of the

above-mentioned wording that, though the legislature shall set the salaries of justices and judges, the present salary paid be a floor base against which the legislature may not lower their salaries unless, as currently stated in the Constitution, this is part of a general law applicable to all salaried officers of the State.

Recommendation: It is therefore the recommendation of your Committee that the proposed section, relative to compensation, be adopted.

On the subject of retirement, no amendment having been proposed and no discussion to the contrary having been heard, it is the further recommendation of your Committee that that portion of Section 3, paragraph 3, relative to retirement be adopted without amendment.

Section 4, relating to retirement for incapacity and removal, as proposed, reads as follows:

"Section 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties or has acted in such a manner as to constitute wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances and on their recommendation the governor shall retire or remove the justice or judge from office."

Section 4 as proposed enables the legislature to enact legislation to establish a commission or agency with certain prescribed functions to receive and process all complaints filed against members of the judiciary. The commission or agency will investigate and conduct hearings as prescribed by law. If it determines that there is merit to the complaints, it will then certify its statement of facts to the governor who must then appoint a board of three persons to hear the evidence and if the board believes the charges to be substantiated, it must then make its recommendations to the governor who must retire or remove the justice or judge from office. The retirement or removal of a judge within the meaning of the proposed Section 4 is for the purpose of dismissing the judge from the bench and shall in no way increase or diminish his accrued retirement benefits, as determined by the retirement board within the meaning of Article XIV of the Constitution.

Recommendation: It is the recommendation of your Committee that Section 4 be adopted as proposed.

Committee Proposal No. 3 was adopted without amendment by your Committee.

Accordingly, your Committee of the Whole recommends (1) the adoption of the Committee of the Whole Report No. 9; (2) minority report be filed; and

(3) consider the passage of Committee Proposal No. 3 on second reading.

COMMITTEE OF THE WHOLE REPORT NO. 10

Your Committee of the Whole, to which was referred Standing Committee Report No. 53 of the Committee on Local Government, and Committee Proposal No. 10, accompanying the report and entitled "A Proposal Relating to Local Government," having met on September 9, 1968, having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal referred to your Committee consisted of two parts. Part one covered amendments to Section 2 of Article VII and part two added a new section to Article XVI.

Section 2 of Article VII was considered together with unamended Sections 1, 3, 4 and 5 of Article VII. The action taken is set forth as follows:

Section 2 of Article VII, as originally proposed, reads as follows:

"LOCAL SELF-GOVERNMENT; CHARTER

"Section 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures shall not include approval of a charter by a legislative body.

"Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be of superior authority to statute, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

"A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section."

There were no amendments offered in the Committee of the Whole to Section 2 of Article VII as set forth in Committee Proposal No. 10, or to any of the sections of Article VII recommended for retention by your Committee on Local Government. Therefore, your Committee recommends that Section 2 of Committee Proposal No. 10 be adopted without amendment.

The new section to be added to Article XVI was considered by your Committee of the Whole and the action taken is set forth as follows:

Section ____ of Article XVI, as originally proposed, reads as follows:

"EFFECTIVE DATE AND APPLICATION OF ARTICLE VII, SECTION 2

"Section ____ Upon ratification of the amendments of Section 2 of Article VII the same

shall take effect on the first day of January after three full calendar years have elapsed following such ratification. Upon the taking effect of the amendments Article VII as amended shall apply to all county charters irrespective of whether adopted before or after the admission of the State."

There were no amendments offered in the Committee of the Whole to the new section to be added to Article XVI as set forth in Committee Proposal No. 10. Therefore, your Committee recommends that the new section be adopted without amendment.

Accordingly, your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 10 and consideration of the passage of Committee Proposal No. 10, on second reading.

COMMITTEE OF THE WHOLE REPORT NO. 11

Your Committee of the Whole, to which was referred Standing Committee Report No. 41 of the Committee on Public Health, Education and Welfare; Labor and Industry, and Committee Proposal No. 4, accompanying the report, having held its meeting on September 3, 1968 and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal adding a new section to Article IX relating to school advisory councils was considered together with unamended Sections 1, 2, 3, 4 and 5 of Article IX. The action taken is set forth as follows:

No amendment was offered to Sections 1, 2 and 3 of Article IX and your Committee recommends retention of these sections without amendment.

The following amendment to Section 4 was offered: "The University of Hawaii is hereby established as a state university which shall be free for undergraduate residents of Hawaii and constituted a body corporate."

Considerable debate was held on this amendment. The majority of the members of your Committee voted against the adoption of this amendment.

Numerous amendments were offered to Section 5, which would require student and/or faculty representation on the board of regents of the University of Hawaii. After considerable debate, all of these amendments were rejected by the committee standing or voice vote.

Committee Proposal No. 4 which reads as follows was fully debated and discussed:

"Section ____ There shall be school advisory councils to advise the board of education in accordance with law."

The majority of the Committee of the Whole members voted to reject the standing committee's recommendation to establish school advisory councils in the State Constitution.

Accordingly, your Committee on Public Health, Education and Welfare; Labor and Industry recommends that Committee Proposal No. 4 be filed, and adoption of the Committee of the Whole Report No. 11.

COMMITTEE OF THE WHOLE REPORT NO. 12

Your Committee of the Whole, to which was referred Standing Committee Report No. 46 of the Committee on Legislative Powers and Functions and Committee Proposal No. 7 accompanying the report and entitled "A Proposal Relating to the Legislature," having held a meeting on September 6, 1968 and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 10, 11 and 16 of Article III and Section 17 of Article XVI of the State Constitution. These were considered section by section together with Sections 1, 5, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, 19 and 20. Sections 2, 3 and 4 of Article III relating to legislative composition, districting and apportionment are under study by the Committee on Legislative Apportionment and therefore were not considered by your Committee. The action taken is set forth as follows:

Committee Proposal No. 7 did not seek to amend Section 7 relating to qualifications of members of the legislature. An amendment was offered to change the age requirement of the members. Existing Section 7 of Article III of the State Constitution reads as follows:

"Section 7. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the State for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the State for not less than three years and be a qualified voter of the representative district from which he seeks to be elected."

Recommendation: Your Committee recommends Section 7 to read as follows:

"Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, be of the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, be of the age of majority and be a qualified voter of the representative district from which he seeks to be elected."

The revision as proposed by your Committee lowers the minimum age requirements for senator and representative from thirty years and twenty-five years,

respectively, to the age of majority which by statute is presently twenty years. The legal maturity of adulthood was felt to more closely measure one's capacity for community and social responsibilities and understanding than the present age requirements.

Section 10 relating to salary allowances and a salary commission, as originally proposed, reads as follows:

"Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature which enacted the same.

"There shall be a commission on legislative salary, the members of which shall be appointed by the governor on or before June 1, 1971 and every four years thereafter. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve."

Recommendation: Your Committee recommends that Section 10 be adopted as proposed. This section provides legislative salary and such allowances as are reasonably related to expenses, as prescribed by law. It is the intent of your Committee that allowances shall not take any form of subsidy but rather that they be restricted and related to reasonable expenses. Any change in allowances may apply to the legislature which enacted the same. A change in salary shall not apply to the legislature which enacted the same. It is your Committee's intention that the term "legislature" shall mean the state legislature which exists from the date of one general election to the date of the next general election. This section also provides for a commission on legislative salary. It shall recommend a salary plan for members of the legislature, but the legislature would still prescribe its own salary by the enactment of a law after receiving the recommendation of the commission or on its own volition.

Section 11 relating to sessions of the legislature, as originally proposed, reads as follows:

"Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January and shall be convened at other times in special session, at the written request of a two-thirds majority of the members in each house, by the presiding officers of both houses. The governor may convene both houses or the senate alone 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 shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the members in each house or by the governor. Any session shall be recessed by the presiding officers of both houses at the written request of a majority of the members in each house. Sundays, Saturdays, holidays and any days in recess shall be excluded

in computing the number of days of any session. All sessions shall be held at 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."

Recommendation: Your Committee recommends that Section 11 be amended to read as follows:

"Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January and shall be convened at other times in special session, at the written request of a two-thirds majority of the number of members to which each house is entitled, by the presiding officers of both houses. The governor may convene both houses or the senate alone 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 shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the number of members to which each house is entitled or by the governor. Any session may be recessed by concurrent resolution adopted by a majority of the number of members to which each house is entitled. Saturdays, Sundays, holidays and any days in recess pursuant to concurrent resolution shall be excluded in computing the number of days of any session. All sessions shall be held at 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."

The changes recommended by your Committee clarify the original proposal in the following respects:

1. The phrase "members in each house" was amended to read "number of members to which each house is entitled" to avoid any possible interpretation that something less than the total number of members to which each house is entitled was intended.

2. The amendment also provides that the authorization for recess will be by concurrent resolution adopted by a majority of the number of members to which each house is entitled. As originally proposed, a session can be recessed by the presiding officers of both houses at the written request of a majority of the number of members to which each house is entitled. Presumably each house votes independently for such a recess even though a majority vote is required of both houses. A concurrent resolution more clearly conveys the idea of mutual consent of both houses than does the language as originally proposed. This amendment also eliminates any possible conflict between this section and Section 12 which reads:

"Section 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other."

Section 16 relating to passage of bills and carry-over of bills, as originally proposed, reads as follows:

"Section 16. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass final reading in each house unless in the form to be passed it shall have been printed and made available to the members of that house for at least twenty-four 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 and, at the latter session, shall pass at least one reading in the house in which the bill originated."

Recommendation: Your Committee recommends that Section 16 be adopted as proposed. This proposed section expands the existing provision covering the passage of bills by:

1. Requiring that a bill shall have been printed in the form to be passed on final reading and made available to the members of a house for at least twenty-four hours before it shall pass final reading in that house; the phrase "form to be passed" means the form in which a bill is either (a) passed on third reading in each house, (b) concurred to by one house after amendments have been made by the other, or (c) passed by both houses after a conference committee has agreed upon it; and

2. Providing for the carry-over status of a bill pending at the final adjournment of a regular session in an odd-numbered year to the next regular session at which latter session the bill must, before enactment, receive at least one reading in the house in which the bill originated.

Committee Proposal No. 7 did not seek to amend Section 17 relating to approval or veto of a bill by the governor and to reconsideration after adjournment by the legislature. An amendment was offered to change the last paragraph of Section 17. The last paragraph of the existing Section 17 of Article III of the State Constitution reads as follows:

"Sundays and holidays shall be excluded in computing the number of days designated in this section."

Recommendation: Your Committee, pursuant to the amendment offered, explained and carried, recommends that the last paragraph of Section 17 of Article III of the State Constitution be amended to read as follows:

"In computing the number of days designated in this section there shall be excluded Saturdays, Sundays and holidays, and any days in which the

legislature is in recess prior to its adjournment as provided in Section 11."

This amendment puts the method by which days are counted for the governor to act on the bills under Section 17 in consonance with the method by which days are counted for legislative sessions under the new Section 11 as recommended herein. This is necessary to avoid a conflict in determining when the governor must act in the case where he shall have "ten days" to consider bills presented to him "ten or more days" before the adjournment of the legislature sine die.

Section 17 of Article XVI of the State Constitution relating to a specific legislative salary, as originally proposed, reads as follows:

"Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars per annum."

Recommendation: Your Committee recommends that Section 17 be adopted as proposed.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 12 and the consideration of the passage of Committee Proposal No. 7, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 7, RD. 1

RELATING TO THE LEGISLATURE.

Resolved, That the following be agreed upon as amending Sections 7, 10, 11 and 16 of Article III of the State Constitution:

Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, be of the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, be of the age of majority and be a qualified voter of the representative district from which he seeks to be elected.

Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature which enacted the same.

There shall be a commission on legislative salary, the members of which shall be appointed by the governor on or before June 1, 1971 and every four years thereafter. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third

Wednesday in January and shall be convened at other times in special session, at the written request of a two-thirds majority of the number of members to which each house is entitled, by the presiding officers of both houses. The governor may convene both houses or the senate alone 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 shall be extended not more than fifteen days by the presiding officers of both houses at the written request of a two-thirds majority of the number of members to which each house is entitled or by the governor. Any session may be recessed by concurrent resolution adopted by a majority of the number of members to which each house is entitled. Saturdays, Sundays, holidays and any days in recess pursuant to concurrent resolution shall be excluded in computing the number of days of any session. All sessions shall be held at 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.

Section 16. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass final reading in each house unless in the form to be passed it shall have been printed and made available to the members of that house for at least twenty-four 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 and, at the latter session, shall pass at least one reading in the house in which the bill originated.

Further Resolved, That the following be agreed upon as amending the last paragraph of Section 17 of Article III of the State Constitution:

In computing the number of days designated in this section there shall be excluded Saturdays, Sundays and holidays, and any days in which the legislature is in recess prior to its adjournment as provided in Section 11.

Further Resolved, That the following be agreed upon as amending Section 17 of Article XVI of the State Constitution:

Section 17. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars per annum.

COMMITTEE OF THE WHOLE REPORT NO. 13

Your Committee of the Whole to which was referred Standing Committee Report No. 49 of the Committee on Revision, Amendment and Other Provisions, and Committee Proposal No. 8 accompanying the report, having held its meetings on September 7 and 11, 1968

and having fully debated and considered the report and proposal, begs leave to report as follows:

The report covers the Preamble and Article XV of the Constitution of the State of Hawaii. The committee proposal contains amendments to the fourth and sixth paragraphs of Section 2, Article XV, no amendments to Sections 1, 3 and 4 of Article XV and no amendment to the Preamble of the Constitution.

The amendment to the fourth paragraph of Section 2, Article XV reads:

"Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the Hawaii State Constitutional Convention of 1968."

Recommendation: Your Committee recommends that the amendment as proposed be adopted. Question was raised whether the term "privileges" should apply to delegates or to the convention. It was pointed out that the convention was made up of delegates and specific reference to delegates was unnecessary.

The amendment to the sixth paragraph of Section 2, Article XV reads:

"The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty percent of the total number of registered voters."

Recommendation: Your Committee recommends that the amendment as proposed be adopted. The proposal makes two amendments to the sixth paragraph of Section 2. The first amendment reduces the percentage of the total number of registered voters who must have voted in the majority at a special election to ratify proposed constitutional amendments from "thirty-five percent" to "thirty percent."

An amendment was offered providing that a mere majority, without any reference to any percentage of votes tallied, would be sufficient to ratify any constitutional amendment or revision at any election, but was rejected by your Committee.

The second amendment deletes the proviso in said paragraph which has been declared unconstitutional and invalid.

An amendment was offered to add a new section to

Article XV which reads:

"Section 5. If an amendment or revision proposed by a constitutional convention is in conflict with an amendment or revision proposed by the legislature and both are submitted to the electorate at the same time, and are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting amendments or revisions are proposed by the same body, submitted to the voters at the same election, and are approved, the amendment or revision receiving the highest number of affirmative votes shall prevail."

Recommendation: Your Committee recommends the adoption of this amendment. The amendment takes care of possible situations, of conflicting constitutional amendments or revisions being ratified in the same election.

Amendments were also offered to add "Aloha" or "Aloha Spirit" to the Preamble of the Constitution. After much debate the amendments were rejected by your Committee.

Accordingly, your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 13 and the consideration of the passage of Committee Proposal No. 8, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 8, RD. 1

RELATING TO REVISION AND AMENDMENT.

Resolved, That the following be agreed upon as amending Article XV of the State Constitution:

Amend the fourth paragraph in Section 2 of Article XV to read:

Unless the legislature shall otherwise provide, there shall be the same number of delegates to such convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the Hawaii State Constitutional Convention of 1968.

Amend the sixth paragraph in Section 2 of Article XV to read:

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty percent of the total number of registered voters.

Add a new section to Article XV to read:

Section 5. If an amendment or revision proposed by a constitutional convention is in conflict with an amendment or revision proposed by the legislature and both are submitted to the electorate at the same time, and are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting amendments or revisions are proposed by the same body, submitted to the voters at the same election, and are approved, the amendment or revision receiving the highest number of affirmative votes shall prevail.

COMMITTEE OF THE WHOLE REPORT NO. 14

Your Committee of the Whole, to which was referred Standing Committee Report No. 52 of the Committee on Taxation and Finance, and Committee Proposal No. 9, accompanying the report and entitled "A Proposal Relating to Taxation and Finance," having held a meeting on September 9, 1968, having fully debated and considered the report and proposal, begs leave to report as follows:

Draft 9-A was a substitute proposal brought in by the Committee on Taxation and Finance as a shortened version of Committee Proposal 9 attached to Standing Committee Report No. 52. Draft 9-A did not change the meaning of Committee Proposal 9.

The proposal covered deletion of Section 2 of Article VI, amendments to Sections 3, 4 and 5 of Article VI of the State Constitution, which sections were considered section by section, together with unamended Sections 1, 6, 7 and 8 of Article VI. The action taken is set forth as follows:

Section 2 relating to taxation of nonresident citizens was proposed to be deleted. This provision is essentially redundant in view of the equal protection clauses of the federal and State Constitutions; it was originally included to comply with a statehood bill but the eventual Statehood Act did not contain this requirement.

Recommendation: Your Committee recommends that Section 2 be deleted as proposed.

Section 3 relating to debt limits of the State and its political subdivisions, as proposed, reads as follows:

"Section _____. For the purposes of this section, the term 'bonds' shall include bonds, notes and other instruments of indebtedness; 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 political subdivision are pledged; and the term 'revenue bonds' means all bonds payable from and secured by the revenues, or user taxes, or any combination of both, of an undertaking, improvement or system. 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.

"All bonds issued by or on behalf of the State

or a political subdivision thereof must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

"Bonds may be issued by or on behalf of the State when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such bonds at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to three and one-half (3½) times the average general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include federal fund receipts, and reimbursement receipts for indebtedness excluded from the total indebtedness of the State.

"Bonds 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, which shall be payable within one year, bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, and revenue bonds may be issued by or on behalf of the State by majority vote of all the members to which each house of the legislature is entitled without regard to any debt limit.

"A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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 at any time outstanding and unpaid.

"Bonds 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, which shall be payable within one year, and revenue bonds may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

"All general obligation bonds for a term exceeding one year shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installments as to both principal and interest, the first installment of principal to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue.

"In determining the total indebtedness of the state or funded debt of any political subdivision, there shall be excluded the following:

"(a) Bonds which have matured, or which mature in the then current fiscal year, or which

have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year and for the full payment of which monies have been irrevocably set aside.

“(b) Revenue bonds, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the undertaking, or a combination of rates and charges and user tax, or a user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair of the public undertaking or improvement or system and the principal and interest on all such revenue bonds and to deposit such revenues or tax into a special fund and apply the same to such payments in the amount necessary therefor. For the purposes of this section, a user tax shall mean 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 the public undertaking or improvement or system.

“(c) Bonds incurred under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

“(d) General obligation bonds authorized or issued for improvement assessments to the extent that reimbursements to the general fund are in fact made.

“(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined at the end of the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such undertaking, improvement or system and revenue bonds issued therefor have been paid.

“(f) General obligation bonds authorized but unissued for an existing public undertaking, improvement or system which have not been self-sustaining as determined at the end of the immediately preceding fiscal year, and which produce revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking, or the rate of such user tax has been increased by law or by the issuing body as authorized by law, in an amount which is determined will produce sufficient net revenue or net user taxes or any combination thereof, for reimbursement to the general fund for all general

obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

“(g) General obligation bonds authorized but unissued for an existing public undertaking, improvement or system which produces revenues, or user tax receipts, or any combination thereof, but only if in the fiscal year next preceding the authorization, the undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, which was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

“(h) General obligation bonds issued for any political subdivision by the state prior to and after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State of the payment of the principal and interest of such bonds is required by law; provided that in the case of bonds authorized or issued after the effective date of this amendment, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period such bonds are excluded from total indebtedness of the state, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

“The methods whereby determinations and calculations required by this section shall be made, for the annual certification of the amount of debt to be excluded, the amounts received from on-street parking which may be considered and treated as revenues of a parking undertaking, and for all other purposes of this section, shall be by, or as prescribed by, law.

“Nothing in this section shall prevent the refunding of any bond at any time.”

Five amendments were offered providing for changes in the definitions of revenue bonds and general obligation bonds, a change in the revenue base limiting state debt to exclude grants-in-aid and changes in the multiple to be applied to the revenue base. The amendments failed to be adopted. The chairman of the Committee on Taxation and Finance noted a correction on page 5 of Standing Committee Report No. 52: reference to the issuance of revenue bonds by public corporations should include public enterprises as well as public corporations. Your Committee of the Whole approved the actions of the standing committee as described in Standing Committee Report No. 52 and voted on the wording of Section 3 in Committee Proposal 9-A subject to possible technical amendment to ensure adherence to the concepts expressed in the report.

Various technical amendments were made to Proposal 9-A which adhere to the concepts expressed in Standing

Committee Report No. 52. The amended proposal to Section 3 of Article VI of the State Constitution, as set forth below, has been prepared by the use of the Ramseyer Method which indicates the constitutional material to be deleted in brackets [] and the new material added by underscoring.

"Section ____ For the purposes of this section, the term 'bonds' shall include bonds, notes and other instruments of indebtedness; 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 political subdivision are pledged; and the term 'revenue bonds' means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system. 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.

"All bonds issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by [or on behalf of] the State when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such bonds at the time of authorization, would not cause the total of state indebtedness to exceed a sum equal to three and one-half (3½) times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include [federal fund receipts, and reimbursement receipts for indebtedness excluded from the total indebtedness of the State.] monies received as grants from the federal government and receipts in reimbursement of indebtedness excluded in computing the total indebtedness of the State.

"Bonds 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, which shall be payable within one year [,] and bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, [and revenue bonds] may be issued by or on behalf of the State. [by majority vote] Such bonds and revenue bonds issued by or on behalf of the State may be issued when authorized by majority vote of all the members to which each house of the legislature is entitled without regard to any debt limit.

"A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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 at any time outstanding and unpaid.

"Bonds 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, which shall be payable within one year, [and revenue bonds] may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

"All general obligation bonds for a term exceeding one year shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installments [as to] of both principal and interest, the first installment of principal to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue.

"In determining the total indebtedness of the state or funded debt of any political subdivision, there shall be excluded the following:

"(a) Bonds which have matured, or which mature in the then current fiscal year, or which have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year and for the full payment of which monies have been irrevocably set aside.

"(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement, or system, or a combination of rates and charges and user tax, or a user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair of the public undertaking, [or] improvement or system and the principal and interest on all [such] revenue bonds issued for the public undertaking, improvement or system and to deposit such revenues or tax into a special fund and apply the same to such payments in the amount necessary therefor. For the purposes of this section [,] a user tax shall mean 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 the public undertaking, [or] improvement or system.

"(c) Bonds [incurred] authorized or issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

"(d) General obligation bonds authorized or issued for [improvement assessments] assessable improvements to the extent that reimbursements to the general fund are in fact made [.] for the

principal of and interest of such bonds from assessment collections available therefor.

“(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined [at the end of] for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the principal and interest of all revenue bonds issued therefor have been paid.

“(f) General obligation bonds of the State authorized but unissued for an existing public undertaking, improvement or system which [have] has not been self-sustaining as determined [at the end of] for the immediately preceding fiscal year, and which produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking, or the rate of such user tax has been increased by law or by the issuing body as authorized by law, in an amount which is determined will produce sufficient net revenue or net user taxes or any combination thereof, for reimbursement to the general fund for all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

“(g) General obligation bonds of the State authorized but unissued for an existing public undertaking, improvement or system which produces revenues, or user tax receipts, or [any] a combination of both, [thereof,] but only if in the fiscal year next preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, which was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

“(h) General obligation bonds issued for any political subdivision by the state prior to and after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State of the payment of the principal and interest of such bonds is required by law; provided that in the case of bonds authorized or issued after the effective date of this amendment, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period such bonds are excluded from total indebtedness of the state, the

principal amount then outstanding shall be included within the funded debt of such political subdivision.

“[The methods whereby determinations and calculations required by this section shall be made, for the annual certification of the amount of debt to be excluded, the amounts received from on-street parking which may be considered and treated as revenues of a parking undertaking, and for all other purposes of this section, shall be by, or as prescribed by, law.]

“Annually, determinations of the exclusions from the total indebtedness of the State or funded debt of any political subdivision provided for in this section shall be made and certified by law or as prescribed by law. For the purposes of this section, the amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

“Nothing in this section shall prevent the refunding of any bond at any time.”

Recommendation: Your Committee recommends that Section 3 as amended be adopted.

In order to resolve any doubt, it is the intent of your Committee that the provisions of Section 3 as amended shall apply to all authorized and unissued and all issued and outstanding debt prior to the effective date of this amendment.

Section 4 relating to budgeting, as originally proposed and in Amendment No. 9-A, reads as follows:

“Section _____. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.”

An amendment was proposed to provide for annual budget submission but it failed to be adopted.

The chairman of the Committee on Taxation and Finance noted that the standing committee had agreed unanimously that biennial budgeting (and the relevant portions of Section 5 dealing with appropriations) should take effect on January 1, 1971 and that this should be accomplished with a transitional provision.

Recommendation: Your Committee recommends that Section 4 be amended as proposed.

Section 5 relating to appropriation procedures, as originally proposed and in Amendment No. 9-A, reads as follows:

"Section _____. 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 sessions, 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.

"At such time in any even-numbered year as may be prescribed 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, provided that such bill shall be accompanied by recommendations to provide for any added revenues or borrowings which 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 of the current fiscal biennium. 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."

An amendment was proposed to delete the proposed Section 5 and retain the existing constitutional provision but it failed to be adopted.

Recommendation: In order to make it clear that the legislature can amend either operating or capital appropriations in even-numbered years and that the governor can also propose amendments to capital appropriations in even-numbered years, your Committee authorized the chairman of the Committee on Taxation and Finance to make technical changes in the language of proposed Section 5 and your Committee recommends the following amendments to Committee Proposal 9-A regarding appropriations procedures:

1. Amend the first sentence of the second paragraph to read:

"In each regular session in any even-numbered year, at such time as may be prescribed 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 he shall submit a bill or bills to provide for any added revenues or borrowings which such amendments may require."

2. Amend the second sentence of the second paragraph to read:

"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."

Sections 1, 6, 7 and 8 of Article VI as presently contained in the State Constitution and not amended by Proposal 9 were not amended by your Committee.

Your Committee of the Whole recommends adoption of the Committee of the Whole Report No. 14 and consideration of the passage of Committee Proposal No. 9, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 9, RD. 1

RELATING TO TAXATION AND FINANCE.

Resolved, That Section 2 of Article VI be deleted, and that the following be agreed upon as amending Sections 3, 4 and 5 of Article VI of the State Constitution:

Section _____. For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; 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 political subdivision are pledged; and the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system. 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.

All bonds issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by the State when authorized by a two-thirds vote of all the members to which each house of the legislature is entitled, provided such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half (3½) times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not

include monies received as grants from the federal government and receipts in reimbursement of indebtedness excluded in computing the total indebtedness of the State.

Bonds 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, which shall be payable within one year and bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God, may be issued by or on behalf of the State. Such bonds and revenue bonds issued by or on behalf of the State may be issued when authorized by majority vote of all the members to which each house of the legislature is entitled without regard to any debt limit.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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 at any time outstanding and unpaid.

Bonds 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, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

All general obligation bonds for a term exceeding one year 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 to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue.

In determining the total indebtedness of the state or funded debt of any political subdivision, there shall be excluded the following:

(a) Bonds which have matured, or which mature in the then current fiscal year, or which have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year and for the full payment of which monies have been irrevocably set aside.

(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement, or system, or a combination of rates and charges and user tax, or a user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair of the public undertaking, improvement or system and the principal and interest on all revenue bonds issued for the public undertaking, improvement or system and to deposit such revenues or tax into a special fund and apply the same to such payments in the amount necessary therefor. For the purposes of this

section a user tax shall mean 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 the public undertaking, improvement or system.

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

(d) General obligation bonds authorized or issued for assessable improvements to the extent that reimbursements to the general fund are in fact made for the principal of and interest of such bonds from assessment collections available therefor.

(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the principal and interest of all revenue bonds issued therefor have been paid.

(f) General obligation bonds of the State authorized but unissued for an existing public undertaking, improvement or system which has not been self-sustaining as determined for the immediately preceding fiscal year, and which produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking, or the rate of such user tax has been increased by law or by the issuing body as authorized by law, in an amount which is determined will produce sufficient net revenue or net user taxes or any combination thereof, for reimbursement to the general fund for all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

(g) General obligation bonds of the State authorized but unissued for an existing public undertaking, improvement or system which produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year next preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, which was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

(h) General obligation bonds issued for any political subdivision by the state prior to and after the effective date of this section, but only for as long as

reimbursement by the political subdivision to the State of the payment of the principal and interest of such bonds is required by law; provided that in the case of bonds authorized or issued after the effective date of this amendment, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period such bonds are excluded from total indebtedness of the state, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

Annually, determinations of the exclusions from the total indebtedness of the State or funded debt of any political subdivision provided for in this section shall be made and certified by law or as prescribed by law. For the purposes of this section, the amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

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

Section _____. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

Section _____. 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 any even-numbered year, at such time as may be prescribed 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 he shall submit a bill or bills to provide for any added revenues or borrowings which 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.

COMMITTEE OF THE WHOLE REPORT NO. 15

Your Committee of the Whole, to which was referred Standing Committee Report No. 55 of the Committee on Bill of Rights, Suffrage and Elections, and Committee Proposal No. 11 accompanying the report and entitled "A Proposal Relating to the Bill of Rights," having held a meeting on September 10, 1968, and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 5, 9, 11 and 18 of Article I of the State Constitution. These sections were considered section by section together with Sections 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19 and 20. The action taken is set forth as follows:

Section 5 relating to searches and seizures, as originally proposed, reads as follows:

"Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches, seizures, and invasions of privacy, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

Recommendation: Your Committee recommends that Section 5 be amended to read as follows:

"Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches, seizures, and invasions of privacy, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted."

The protection against unreasonable invasions of privacy, as proposed by Committee Proposal No. 11, is intended to include protection against unreasonable interception of communications. Accordingly, your Committee has included the words "or the communications sought to be intercepted" at the end of Section 5, not only to indicate that the broad scope of the term "invasions of privacy" shall include protection of a person against unreasonable interception of communications, but also to avoid any interpretation, by the absence of such words, that warrants issuing need not be supported by particular description of the communications sought to be intercepted.

Section 9 relating to bail and excessive punishment, as originally proposed, reads as follows:

"Section 9. Excessive fines shall not be imposed, nor cruel or unusual punishments inflicted. The court may, except for a defendant charged with an offense punishable by life imprisonment, dispense with bail if reasonably satisfied that the defendant or witness will appear when directed."

Recommendation: Your Committee recommends that Section 9 be amended to read as follows:

"Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may, except for a defendant charged with an offense punishable by life imprisonment, dispense with bail if reasonably satisfied that the defendant or witness will appear when directed."

In Committee Proposal No. 11 the restraint against excessive bail was deleted from the existing Section 9 of the State Constitution. It had been deleted from the existing Section 9 which was also amended by Committee Proposal No. 11 to allow a court discretion, except for a defendant charged with an offense chargeable by life imprisonment, to dispense with bail if the court is reasonably satisfied that the defendant or witness will appear when directed. However, your Committee believes that an express restraint against excessive bail be reinstated to retain the spirit and tone against excessive bail and also to avoid the possible interpretation that the deletion of the restraint against excessive bail perforce removes with it any authority for the imposition of bail.

Section 11 which relates to rights of accused, as originally proposed, reads as follows:

"Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days."

Recommendation: Your Committee recommends that Section 11 as proposed be adopted.

Section 18 relating to eminent domain, as originally proposed, reads as follows:

"Section 18. Private property shall not be taken

or damaged for public use without just compensation."

Recommendation: Your Committee recommends that Section 18 as proposed be adopted. The amendment proposed by Committee Proposal No. 11 extends the protection that "private property shall not be taken for public use without just compensation" to cover also private property damaged for public use. The purpose of the amendment is to provide relief to a property owner where his property has been damaged without any physical taking, as a result of an undertaking for a public use. In addition to the State and its political subdivisions the amendment also applies to a public utility or any other agency or corporation duly authorized by the legislature to exercise the power of eminent domain.

Existing Section 18 of the State Constitution requires compensation only in the case where private property is physically taken for a public use. The courts have generally construed this to exclude compensation where a property has been damaged but not physically taken for a public use. The amendment is intended to apply to certain of those damages resulting from an undertaking for a public use and not those types of damages normally recoverable in tort actions. The amendment is neither intended to affect governmental bodies in their lawful and proper exercise of police powers to protect public health, safety and welfare, nor apply to instances of zoning or planning, which fall within the proper exercise of such police powers.

Your Committee has considered the case of *Rigney v. City of Chicago*, 102 Ill. 64 (1881). Illinois was the first state to adopt such an amendment in its constitution and was followed by twenty-four other states.¹ The *Rigney* case was the first to interpret such an amendment, and since that case a considerable body of law has been developed by the Illinois court and the courts of other states construing similar constitutional provisions.

Your Committee's reference to and consideration of the law developed in other jurisdictions was to satisfy your Committee that the phrase "damaged for public use" within the instant context is not so vague and indefinite as to escape practicable applicability. The established body of law will be helpful and will provide guidance to our courts; however, it is not your Committee's intent that our courts be bound by each precedent in every case. It should also be noted that it is not the intent of your Committee that our courts be guided or controlled in any way by the several specific examples mentioned on page 8 of Standing Committee Report No. 55 and in the debates of your Committee of the Whole.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 15

¹Alabama, Arizona, Arkansas, California, Colorado, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Virginia, Washington, West Virginia and Wyoming.

and the consideration of the passage of Committee Proposal No. 11, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 11, RD. 1

RELATING TO THE BILL OF RIGHTS.

Resolved, That the following be agreed upon as amending Sections 5, 9, 11 and 18 of Article I of the State Constitution:

Section 5. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches, seizures, and invasions of privacy, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may, except for a defendant charged with an offense punishable by life imprisonment, dispense with bail if reasonably satisfied that the defendant or witness will appear when directed.

Section 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

Section 18. Private property shall not be taken or damaged for public use without just compensation.

COMMITTEE OF THE WHOLE REPORT NO. 16

Your Committee of the Whole to which was referred Standing Committee Report No. 67 of the Committee on Revision, Amendment and Other Provisions and Committee Proposal No. 13 accompanying the report and entitled, "A Proposal Relating to Transitional Provisions," having held a meeting on September 16, 1968 and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Section 2, deletions of Sections 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18, and an addition of a new section relating to the effective date of July 1, 1971 for the amendments on budgeting and appropriations in Article XI.

Section 2 as proposed reads as follows:

"Section _____. All laws in force at the time

amendments to this constitution take effect and not inconsistent therewith, shall remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

"Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments."

Your Committee recommends that Section 2 be adopted as proposed.

Your Committee recommends the deletions of Sections 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18 for reasons given in Standing Committee Report No. 67.

The new section as proposed reads:

"Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting in Article VI shall take effect beginning with the 1971-1972 fiscal biennium."

Your Committee recommends that the new section be amended to read as follows:

"Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect [beginning with the 1971-1972 fiscal biennium.] for the biennial period beginning July 1, 1971."

The amendments make the proposal technically correct by adding the provision for biennial appropriations in addition to biennial budgeting and to make it clear that biennial budgeting and appropriations are to begin for biennial period beginning July 1, 1971.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 16 and the consideration of the passage of Committee Proposal No. 13, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 13, RD. 1

RELATING TO TRANSITIONAL PROVISIONS.

Resolved, That the following be agreed upon as amending Article XVI of the State Constitution:

1. Section 2 of Article XVI be amended to read as follows:

Section _____. All laws in force at the time amendments to this constitution take effect and not inconsistent therewith, shall remain in force, mutatis mutandis, until they expire by their own limitation, or are altered or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

2. Sections 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18 of Article XVI be deleted.

3. Add a new section to Article XVI to read as follows:

Section _____. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect for the biennial period beginning July 1, 1971.

COMMITTEE OF THE WHOLE REPORT NO. 17

Your Committee of the Whole, to which was referred Standing Committee Report No. 58 and supplementary report thereto of the Committee on Legislative Apportionment and Districting, and Committee Proposal No. 12 accompanying the report and entitled, "A Proposal Relating to Legislative Apportionment and Districting," having held meetings on September 12, 13 and 14, 1968, and having fully debated and considered the report and proposal, begs leave to report as follows:

The proposal covered amendments to Sections 2, 3 and 4 of Article III and certain transitional provisions of Article XVI of the State Constitution. The action taken is set forth as follows:

Section 2 relating to the composition of the senate, as originally proposed, reads as follows:

"Senate; Composition

"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."

Recommendation: Your Committee recommends that Section 2 as proposed be adopted.

Section 3 relating to the composition of the house of

representatives, as originally proposed, reads as follows:

"House of Representatives; Composition

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

Recommendation: Your Committee recommends that Section 3 be deleted from the proposal. The language in Section 3 as set forth in the proposal is in the same form as that in the existing Section 3 of the State Constitution, and no purpose will be served by proposing a re adoption of Section 3. By deleting Section 3 from the proposal, it is not the intent of your Committee to delete Section 3 from the State Constitution. It intends to preserve the existing Section 3 of the State Constitution unamended.

Section 4 relating to reapportionment, as originally proposed, is set forth as Sections 4.1 to 4.8, inclusive, to delineate the several matters covered by the subject of reapportionment.

Section 4.1 relating to reapportionment years as originally proposed reads as follows:

"Section 4.1. *Reapportionment Year.* The year 1973 and every sixth year thereafter shall be reapportionment years."

Recommendation: Your Committee recommends that Section 4.1 be amended to read as follows:

"Section 4.1. *Reapportionment Year.* The year 1973 and every eighth year thereafter shall be reapportionment years."

The frequency of reapportionment has been changed from every six years to every eight years. Your Committee believes that sound reasons support this recommendation. The six-year reapportionment period had been selected as an appropriate compromise between the desired ends of (1) stability of districts which are promoted by longer reapportionment periods and (2) the accuracy in the reflection of rapid changes of the registered voters in each district which may be more likely by shorter reapportionment periods. The six-year period had been considered in the context of staggering senate terms which could have, under the scheme of reapportionment and redistricting, been cut off by an intervening reapportionment year. The overall plan, however, designedly permitted continuance of the staggering of terms of senators, yet allowed incumbent senators to serve for the full four years even if a reapportionment year intervenes. The plan called for the reapportionment commission to allocate incumbent senators whenever the district lines had been altered. Allocation was to be made to the district which contains all or the largest portion of the registered voters of the district from which the senator was

originally elected. If the number of seats in that district had been reduced so that incumbent senators could not be so allocated, or if the allocation disrupted the staggering of terms (where all senators' terms may expire at the same time), then a senator was generally to be allocated to the district containing the next largest portion of registered voters of the district from which he was elected. If two or more senators had to be reallocated by this method, the allocation was to be determined by lot.

The staggering of senate terms having been removed (as hereinafter discussed in this report), so that all senators would now have concurrent four-year terms commencing 1970, there is good reason to adapt the reapportionment period to avoid dislocation of certain senators whose terms are fortuitously interrupted by a reapportionment year. The eight-year period would prevent cutting off of senate terms, eliminate the need to preserve terms of incumbent senators and avoid the confusion attendant in the allocation of incumbent senators to another district. The change in the reapportionment period does not deviate from the suggestion of the United States Supreme Court in *Burns v. Richardson*, 284 U.S. 73 (1966) that Hawaii's registered voter basis might be better used with more frequent reapportionment of every four to eight years.

Section 4.2 relating to reapportionment commission, as originally proposed, reads as follows:

"Section 4.2. *Reapportionment Commission.* On or before March 1 of each reapportionment year and whenever reapportionment is required by court order a legislative reapportionment commission shall be constituted. The commission shall consist of nine members. The President of the Senate and the Speaker of the House of Representatives shall each select two members. Members of each house belonging to the party or parties different from that of the President or the Speaker shall select one of their number for each house and the two so selected each shall designate two members of the commission. None of the eight members so selected shall be eligible to become a candidate for election to either house of the legislature in either of the first two elections under any such reapportionment plan. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within 30 days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission. Each of the four officials designated above as appointing authorities for the eight members of the commission shall, at the time of the commission appointments, also appoint one person from each basic island unit to an apportionment advisory council for that island unit. Such council shall remain in existence during the life of the commission and shall serve in an advisory capacity to the commission for matters affecting its island unit.

"Any vacancy in the commission or a council shall be filled within 15 days in the same manner in which such position was originally filled. Council and commission members not appointed within the time specified shall be appointed 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 120 days from the date on which its members are certified the commission shall file with the chief election officer a final reapportionment plan which shall become law after publication as provided by law. Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

"Commission members 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 shall furnish, under the direction of the commission, all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties."

Recommendation: Your Committee recommends that Section 4.2 as proposed be adopted except the first paragraph thereof which is amended to read as follows:

"On or before March 1 of each reapportionment year and whenever reapportionment is required by court order a legislative reapportionment commission shall be constituted. The commission shall consist of nine members. The President of the Senate and the Speaker of the House of Representatives shall each select two members. Members of each house belonging to the party or parties different from that of the President or the Speaker shall select one of their number for each house and the two so selected each shall designate two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within 30 days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission. 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 in either of the first two elections under any such reapportionment plan. Each of the four officials designated above as appointing authorities for the eight members of the commission shall, at the time of the commission appointments, also appoint one person from each basic island unit to an apportionment advisory

council for that island unit. Such council shall remain in existence during the life of the commission and shall serve in an advisory capacity to the commission for matters affecting its island unit."

As originally proposed, the ninth member who serves as the chairman of the reapportionment commission, unlike the eight other members, was not made ineligible to become a candidate for election to either house of the legislature in either of the first two elections under the subject reapportionment plan. The members of the apportionment advisory council also were not barred from becoming such candidates. The amendment recommended by your Committee bars all members of the reapportionment commission and all members of the apportionment advisory council from becoming candidates for election to either house of the legislature in either of the first two elections under any such reapportionment plan. Your Committee believes this standard will remove any taint of conflict and self-interest. Your Committee also believes that the public deserves of members in position of such trust affecting the public interest not honesty alone but the punctilio of honor as well.

Sections 4.3 to 4.6, inclusive, as originally proposed read as follows:

"Section 4.3. *Chief Election Officer.* The legislature shall provide for a chief election officer of the State whose responsibilities shall be as prescribed by law and shall include the supervision of State elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

"Section 4.4. *Apportionment among Basic Island Units.* The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election in each of such 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 4.5. *Minimum Representation for Basic Island Units.* 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 Section 2 and 3 of this article 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 4.6. *Apportionment within Basic Island Units.* Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the district therein and shall redraw election district lines where necessary in such manner that the average number of registered voters per member in each district is as nearly equal 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 one person or political faction.

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

4. Insofar as is practicable, districts shall be compact.

5. Insofar as 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. Representative districts to the extent practicable shall be wholly included within senatorial districts.

7. Multi-member districts in either house shall not elect more than four members.

8. Submergence of an area in a larger district wherein substantially different socioeconomic interests predominate shall be avoided insofar as is practicable."

Recommendation: Your Committee recommends that Sections 4.3 to 4.6, inclusive, as proposed be adopted.

Section 4.7 relating to continuance in office of members of the senate as originally proposed reads as follows:

"Section 4.7. *Continuance in Office of Members of the Senate.* As a part of a reapportionment plan the commission shall allocate among the districts the incumbent senators whose terms of office will not expire until the second general election following the taking effect of the plan. Notwithstanding any other provision of this Constitution, incumbent senators shall be allowed to complete their terms as senators of the districts to which they are allocated irrespective of the

districts in which they reside.”

Recommendation: Your Committee recommends that Section 4.7 be deleted.

The provision for the continuance in office of members of the senate had been prompted by the feeling on the part of the Committee on Apportionment and Districting that it was unfair to require a person who is elected to a four-year term to run again for office at the expiration of half of his term merely because of an intervening reapportionment. The removal of staggered terms of senators and the change in the reapportionment period from six years to eight years, properly scheduled, foreclose the cutting off of senate terms. For this reason, Section 4.7 is no longer necessary.

Section 4.8 relating to mandamus and judicial review, as originally proposed, reads as follows:

“Section 4.8. *Mandamus and Judicial Review.* Original jurisdiction is vested in the Supreme Court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within 45 days of the date specified for any duty or within 45 days after the filing of a reapportionment plan.”

Recommendation: Your Committee recommends that Section 4.8 as proposed be adopted.

Several transitional provisions were set forth in the proposal as Sections 21 to 26, inclusive.

Section 21 as originally proposed reads as follows:

“Transitional Provisions

“Section 21. Senators elected to four-year terms in the 1968 general election shall in every case continue to serve in the district bearing the same number as that in which they were elected until the expiration of their term.”

Recommendation: Your Committee recommends that Section 21 be amended to read as follows:

“Section 21. Senators elected in the 1968 general election shall serve for two-year terms.”

This limitation of a senate term commencing at the 1968 general election to a two-year term is necessary to accommodate the intent of your Committee to have all concurrent senate terms commencing at the 1970 general election. This cut-off of the term of senators elected in 1968 is not inconsistent with Act 281 of the Session Laws of Hawaii 1965 which provided for the provisional reapportionment of the senate pursuant to which the senators were elected in 1966 and to which

the senators will be elected in 1968. Section 4 of Act 281 provided that:

“This Act shall take effect upon approval by the Governor of the State of Hawaii and by the United States District Court for the District of Hawaii and shall remain in effect until superseded by constitutional amendment; provided that the regular election of 1966 shall be the first election held pursuant to the provisions herein.”

Clearly the senators are elected and hold their senate seats subject to constitutional amendment affecting their tenure.

Section 22 relates to the senatorial districts and the number of senators to be elected from each, and Section 23 relates to the representative districts and the number of representatives to be elected from each.

Recommendation: Your Committee recommends that Section 22 and Section 23, respectively, be adopted as amended in the following respects.

Your Committee has amended the Third Senatorial District and the Twenty-Third Representative District to include the island of Moku O Loe (Coconut Island) within their respective districts. The Twenty-Third and Twenty-Fourth Representative Districts were amended by relocating their common boundary so that the area known as Kalaheo Hillside has been moved from the Twenty-Third Representative District (Kaneohe) into the Twenty-Fourth Representative District (Kailua). This was accomplished without either violating the redistricting criteria or disturbing the substantial equality of registered voters among the districts. The Second, Third, Fourth and Fifth Representative Districts, respectively, have been redesignated to read Fifth, Fourth, Third and Second Representative Districts, respectively, and rearranged in numerical order. The redesignation was made to preserve the district numbers traditionally assigned to the respective districts.

The technical and legal descriptions effecting the changes as aforesaid are set forth in Committee Proposal No. 12, RD. 1, submitted herewith.

Section 24 as originally proposed reads as follows:

“Section 24. Effective for the first general election following ratification of Section 4.5 of Article III and until the next reapportionment one senator shall be added to the twenty-five members of the Senate as provided and with the effect set out in Section 4.5 of Article III hereof and such senator shall be allocated to the basic island unit of Kauai.”

Recommendation: Your Committee recommends that Section 24 as proposed be adopted.

Section 25 as originally proposed reads as follows:

“Section 25. The Senatorial and Representative districts and the numbers to be elected from each

as set forth in the schedules shall become effective for the first general election following ratification of the amendment and to Sections 2 and 3 of Article III."

Recommendation: Your Committee recommends that Section 25 be amended to read as follows:

"Section 25. The Senatorial and Representative districts and the numbers to be elected from each as set forth in Sections 22 and 23 of this article shall become effective for the first general election following ratification of amendments to Section 2 of Article III and Sections 22 and 23 of this article.

"Anything in this constitution to the contrary notwithstanding, if the Senatorial and Representative districts and the members to be elected from each as set forth in Section 22 and Section 23 of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969, and thereafter in the reapportionment years as set forth in Section 4.1 and Section 4.2 of Article III."

Section 25 as amended makes specific reference to Sections 22 and 23 which contain the senatorial and representative districts and the numbers to be elected from each. It also deletes any reference to amendment to Section 3 of Article III because Section 3 is not being amended as discussed earlier. A new paragraph has also been added to provide for the constituting and convening of the reapportionment commission on or before March 1, 1969 in the event that the amendments to the Constitution covering the reapportionment commission are ratified but the apportionment and districting as set forth in Sections 22 and 23 are not so ratified by the electorate. Although it is likely that the United States District Court having jurisdiction over Hawaii's present reapportionment will order the reapportionment commission to act in such an event, the paragraph provides added safeguard in case the court fails to act promptly.

Section 26 as originally proposed reads as follows:

"Section 26. The amendments to Article III, Sections 2, 3, and 4, proposed by the Constitutional Convention of 1968, shall upon ratification supersede the provisions of S.B. No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified."

Recommendation: Your Committee recommends that Section 26 as proposed be adopted.

Your Committee notes that the section numbers of the transitional provisions do not coincide with the section numbers of the transitional provisions in Article XVI of the State Constitution although it is apparent that certain sections of Article XVI are sought to be amended. Your Committee has not undertaken to correct this and assumes that your Committee on Style shall make the appropriate redesignation of section

numbers.

Your Committee also incorporates by reference so much of Supplementary Standing Committee Report No. 58 as is not inconsistent with this committee report.

Your Committee of the Whole recommends the adoption of the Committee of the Whole Report No. 17 and the consideration of the passage of Committee Proposal No. 12, RD. 1, on second reading.

COMMITTEE PROPOSAL NO. 12, RD. 1

RELATING TO LEGISLATIVE APPORTIONMENT AND DISTRICTING.

Resolved, That the following be agreed upon as amending Sections 2 and 4 of Article III and certain transitional provisions of Article XVI of the State Constitution:

Senate; Composition

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.

Reapportionment

Section 4.

Section 4.1. *Reapportionment Year*. The year 1973 and every eighth year thereafter shall be reapportionment years.

Section 4.2. *Reapportionment Commission*. On or before March 1 of each reapportionment year and whenever reapportionment is required by court order a legislative reapportionment commission shall be constituted. The commission shall consist of nine members. The President of the Senate and the Speaker of the House of Representatives shall each select two members. Members of each house belonging to the party or parties different from that of the President or the Speaker shall select one of their number for each house and the two so selected each shall designate two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within 30 days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission. 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 in either of the first two elections under any such reapportionment plan. Each of the four officials designated above as appointing authorities for the eight members of the commission shall, at the time of the commission appointments, also appoint one person from each basic island unit to an apportionment advisory council for that island unit.

Such council shall remain in existence during the life of the commission and shall serve in an advisory capacity to the commission for matters affecting its island unit.

Any vacancy in the commission or a council shall be filled within 15 days in the same manner in which such position was originally filled. Council and commission members not appointed within the time specified shall be appointed 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 120 days from the date on which its members are certified the commission shall file with the chief election officer a final reapportionment plan which shall become law after publication as provided by law. Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

Commission members 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 shall furnish, under the direction of the commission, all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties.

Section 4.3. *Chief Election Officer.* The legislature shall provide for a chief election officer of the State whose responsibilities shall be as prescribed by law and shall include the supervision of State elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

Section 4.4. *Apportionment among Basic Island Units.* The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election in each of such 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 4.5. *Minimum Representation for Basic Island Units.* 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 Section 2 and 3 of this article 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 4.6. *Apportionment within Basic Island Units.* Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the district therein and shall redraw election district lines where necessary in such manner that the average number of registered voters per member in each district is as nearly equal 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 one person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as is practicable, districts shall be compact.
5. Insofar as 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. Representative districts to the extent practicable shall be wholly included within senatorial districts.
7. Multi-member districts in either house shall not elect more than four members.
8. Submergence of an area in a larger district wherein substantially different socioeconomic interests predominate shall be avoided insofar as is practicable.

Section 4.8. *Mandamus and Judicial Review.* Original jurisdiction is vested in the Supreme Court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within 45 days of the date specified for any duty or within 45 days after the filing of a reapportionment plan.

Transitional Provisions

Section 21. Senators elected in the 1968 general election shall serve for two-year terms.

Section 22. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

First Senatorial District: The Island of Hawaii consisting of the First through Fifth Representative Districts, three senators;

Second Senatorial District: The Islands of Maui, Molokai, Lanai and Kahoolawe consisting of the Sixth and Seventh Representative Districts, two senators;

Third Senatorial District: That portion of the Island of Oahu consisting of the Twenty-Third and Twenty-Fourth Representative Districts, and the Island of Moku O Loe (Coconut Island), three senators;

Fourth Senatorial District: That portion of the Island of Oahu consisting of the Nineteenth, Twentieth, Twenty-First and Twenty-Second Representative Districts, four senators;

Fifth Senatorial District: That portion of the Island of Oahu consisting of the Fifteenth, Sixteenth, Seventeenth and Eighteenth Representative Districts, four senators;

Sixth Senatorial District: That portion of the Island of Oahu consisting of the Twelfth, Thirteenth and Fourteenth Representative Districts and that portion of the Eleventh Representative District lying on the west side of Kapahulu Avenue, four senators;

Seventh Senatorial District: That portion of the Island of Oahu consisting of the Eighth, Ninth and Tenth Representative Districts and that portion of the Eleventh Representative District lying east of Kapahulu Avenue, four senators;

Eighth Senatorial District: The Islands of Kauai and Niihau consisting of the Twenty-Fifth Representative District, one senator.

Section 23. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

First Representative District:

That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo being more particularly described as follows: Beginning at the junction of Haihai Street and Ainaola Drive, easterly along Haihai Street extended to Kanoelehua Avenue, thence southerly along Kanoelehua Avenue for 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa, thence easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad, thence easterly along the prolongation of a line that is parallel to Haihai Street to the South Hilo-Puna Boundary, southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Ainaola Drive intersects the South Hilo-Puna Boundary, thence

northerly along the said prolongation and along Ainaola Drive northerly and northeasterly along Ainaola Drive to the point of beginning, one representative;

Second Representative District:

That portion of the Island of Hawaii for convenience referred to as that portion of South Hilo, more particularly described as follows: Beginning at the seashore at the mouth of Wailuku River, thence southeasterly along the seashore to the South Hilo-Puna Boundary, southwesterly along the South Hilo-Puna Boundary to a point where the prolongation of a line from the intersection of the north boundary of Panaewa Farm Lots with the old Puna Railroad to the South Hilo-Puna Boundary that is parallel to Haihai Street; westerly along said prolongation to the old Puna Railroad, westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue, northerly along Kanoelehua Avenue for about 100 feet where Haihai Street extended would meet said avenue, westerly along said prolongation along Haihai Street to Ainaola Drive, southwesterly and southerly along Ainaola Drive, thence southerly along the prolongation of Ainaola Drive to the South Hilo-Puna Boundary, southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary, northwesterly along the South Hilo-Kau Boundary, thence northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary, thence southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream, southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream, thence southeasterly along Awehi Stream on into Waiiau Stream to its junction with Alae Stream, westerly along said Alae Stream to the Hilo Forest Reserve Boundary; thence southwesterly along the lower boundary of the Hilo Forest Reserve for a distance of 6780 feet, thence southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; thence southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary, thence southeasterly about 0.2 mile to an angle in the Hilo Forest Reserve; thence southwesterly along the Hilo Forest Reserve to the Punahoa First and Ponahawai Boundary; thence easterly along said boundary and along Waipahoe Stream to Akolea Road, thence northerly along Akolea Road to the Punahoa 1 and 2 Boundary; thence easterly along Punahoa 1 and 2 Boundary to Ainako Avenue, northerly along Ainako Avenue to the Old Piihonua Road, northeasterly along the Old Piihonua Road to the Piihonua and Punahoa 2 Boundary; thence easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418), thence southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; thence southerly along the west side of Block "S" which fronts on the west side of Ekaha Street, southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch, easterly along the Hilo Boarding School Ditch to Hoomana Street, northwesterly along Hoomana Street to Punahale Street, northeasterly along

Punahale Street to Punawai Street, northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River, easterly along Wailuku River to the point of beginning, two representatives;

Third Representative District:

That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: Beginning at the seashore on the North Hilo-South Hilo Boundary, southeasterly and southerly along the seashore to the mouth of Wailuku River, westerly along Wailuku River to the prolongation of Punawai Street, thence southerly along said prolongation and along Punawai Street to Punahale Street, thence southwesterly along Punahale Street to Hoomana Street, thence southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch, thence westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; thence northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; thence northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); thence along the southerly side of said reservation to the common boundary between the lands of Piihonua and Punahoa 2; thence westerly along said boundary to the old Piihonua Road; thence southwesterly along the old Piihonua Road to Ainako Avenue, thence southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; thence westerly along said boundary to Akolea Road; thence southerly along Akolea Road to Waipahoe Stream; thence westerly along Waipahoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; thence northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same; thence northwest approximately 0.2 miles to Kahoama Stream; thence northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; thence northwesterly along Hookelekele Stream for a distance of 7,157 feet; thence northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6,780 feet to Aale Stream; thence easterly along said Aale Stream to its junction with Waiiau Stream; thence northwesterly along Waiiau Stream on into Awehi Stream to the upper boundary of Alae; thence northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream, thence northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; thence northeasterly along the North Hilo-South Hilo Boundary to the point of beginning, one representative;

Fourth Representative District:

That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo, one representative;

Fifth Representative District:

That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala, one representative;

Sixth Representative District:

The Islands of Molokai, Lanai and that portion of the Island of Maui that includes Lahaina and part of Wailuku that lies west of the following described line: Beginning at the seashore near Kahului Beach Road, at the end of the west breakwater of Kahului Harbor, southwesterly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue, thence southwesterly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766), thence along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of File Plan 906, thence southwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence southeasterly in a straight line to the seashore at the southeasterly corner of the abandoned Maalaea Airport, two representatives;

Seventh Representative District:

The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and the portion of Wailuku that lies east of the following described line: Beginning at the seashore at the southeasterly corner of the abandoned Maalaea Airport, northwesterly in a straight line to the old Puu Hele Triangulation Station (destroyed), thence northeasterly in a straight line to the south corner of Lot 8-149 of File Plan 906, thence along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of File Plan 766, thence northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues, thence in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor, two representatives;

Eighth Representative District:

That portion of the Island of Oahu lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: Beginning at the seashore at the east corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to Kahala Avenue, along Kahala Avenue to Waialae Golf Course, along Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Kapakahi Stream to its junction with Waialae-Nui Stream, along Waialae-Nui Stream crossing Kalaniana'ole Highway and continuing along Waialae-Nui Stream and Waialae-Nui Gulch to a place called Puu Lanipo at the top of Koolau Range, thence easterly along the top of Koolau Range, to Makapuu Point, thence southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands, two representatives;

Ninth Representative District:

That portion of the Island of Oahu for convenience

herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: Beginning at the seashore at the southeast corner of Diamond Head Lighthouse, along the east boundary of Diamond Head Lighthouse, westerly along Diamond Head Road, and along the boundary of Diamond Head State Monument (Executive Order 2000) and continuing northeasterly along Diamond Head State Monument (Executive Order 2000) and along Fort Ruger Military Reservation to Makapuu Avenue, northerly along Makapuu Avenue to Kilauea Avenue, easterly along Kilauea Avenue to 22nd Avenue, northerly along 22nd Avenue to Harding Avenue, westerly along Harding Avenue to 21st Avenue, northerly along 21st Avenue to Lunalilo Freeway, southwestwesterly along Lunalilo Freeway to Koko Head Avenue, northerly along Koko Head Avenue to Waialae Avenue, westerly along Waialae Avenue to Sierra Drive, northerly along Sierra Drive to the southwest corner of Land Court Application 704, northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704, westerly along Lot 14, northerly along Lot 21, easterly along Lot 11, all of Land Court Application 704, northerly along easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704, northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704, easterly along Pakui Street, northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract, File Plans 46 and 48 to the south corner of Lani Hale Tract, westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots, File Plan 50, northerly along the easterly boundary of Palolo Hillside Lots, File Plan 50 and Land Court Application 610 to the boundary of Waiomao, easterly along the boundary of Waiomao to the west corner of Land Court Application 859, easterly along the north boundary of Land Court Application 859 and the land of Waiomao to Kalepeamoia Triangulation Station, northeasterly in a direct line to Waialae-Nui Stream, southerly along Waialae-Nui Stream crossing Kalaniana'ole Highway to its junction with Kapakahi Stream, along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828, along Waialae Golf Course to Kahala Avenue, along Kahala Avenue to the northeast corner of Waialae Beach Park, along the northeast boundary of Waialae Beach Park to the seashore, thence southwestwesterly along the seashore to the point of beginning, two representatives;

Tenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Koko Head Avenue, westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal, northerly along the Manoa-Palolo Drainage Canal to Dole Street, easterly along Dole Street to the east boundary of Waahila Faculty Housing, northerly along the east boundary of Waahila Faculty Housing to Waahila Triangulation Station, northeasterly along the Manoa-Palolo Boundary to a place called Mt. Olympus at the top of Koolau Range, easterly along the top of said range to a place called Puu Lanipo, southerly along

Waialae-Nui Gulch for a distance of approximately 14,000 feet, thence southwestwesterly in a direct line to Kalepeamoia Triangulation Station, westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859, westerly along the land of Waiomao to the east corner of Land Court Application 610, southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots, File Plan 50, to the west corner of Lani Hale Tract, easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract, File Plan 48, southerly along the westerly boundary of Palolo Hill Tract, File Plans 48 and 46, to the southeast corner of Pakui Street, westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704, southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract, File Plan 46, to the east corner of Lot 12-B of Land Court Application 704, westerly along Lot 12-B, southerly along Lots 12-B and 13-B, easterly along Lot 13-B, all of Land Court Application 704, southerly along Palolo Hill Tract, File Plan 46, to Sierra Drive, southerly along Sierra Drive to Waialae Avenue, easterly along Waialae Avenue to Koko Head Avenue, southerly along Koko Head Avenue to the point of beginning, two representatives;

Eleventh Representative District:

That portion of the Island of Oahu for convenience herein referred to as Moiliili and Kaimuki, more particularly described as follows: Beginning at the intersection of Isenberg Street and Lunalilo Freeway, easterly along Lunalilo Freeway to 21st Avenue, southerly along 21st Avenue to Harding Avenue, easterly along Harding Avenue to 22nd Avenue, southerly along 22nd Avenue to Kilauea Avenue, westerly along Kilauea Avenue to Makapuu Avenue, southerly along Makapuu Avenue to Alohea Avenue, thence along the Fort Ruger Military Reservation to Trousseau Street, southwestwesterly along Monsarrat Avenue to Leahi Avenue, northwestwesterly along Leahi Avenue to Kapahulu Avenue, northerly along Kapahulu Avenue to Date Street, westerly along Date Street to Isenberg Street and northerly along Isenberg Street to the point of beginning, three representatives;

Twelfth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Waikiki and McCully, more particularly described as follows: Beginning at the outer edge of the reef at the entrance to Ala Wai Yacht Harbor, northerly along the east boundary of Magic Island to the extension of the centerline of the Ala Wai Canal, northeast along the extended line along the center of Ala Wai Canal to McCully Bridge, northerly along McCully Street to South King Street, easterly along South King Street to Isenberg Street, southerly along Isenberg Street to Date Street, easterly along Date Street to Kapahulu Avenue, southerly along Kapahulu Avenue to Leahi Avenue, southerly along Leahi Avenue to Monsarrat Avenue and easterly along Monsarrat Avenue to Trousseau Street, southeasterly thence

southwesterly along Fort Ruger Military Reservation, southerly and easterly along the Diamond Head State Monument (Executive Order 2000) to Diamond Head Road, easterly along Diamond Head Road to the east boundary of Diamond Head Lighthouse, southerly along the east boundary of Diamond Head Lighthouse to the seashore, thence westerly along the seashore until Kapahulu Avenue extended, thence westerly along Kapahulu Avenue extended to the outer edge of the reef, thence westerly along the outer edge of the reef to the point of beginning, two representatives;

Thirteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: Beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway, westerly along Lunalilo Freeway to Pensacola Street, northeasterly along Pensacola Street to Nehoa Street, easterly along Nehoa Street to a point opposite Lewalani Drive, northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called Puu Ohia or Tantalus, northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called Puu Konahuanui, southeasterly along the top of said range to a place called Mt. Olympus, southwesterly along the Manoa-Palolo Boundary to Waahila Triangulation Station, thence southerly along the east boundary of Waahila Faculty Housing to Dole Street, westerly along Dole Street to Manoa Stream, southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning, three representatives;

Fourteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: Beginning from the junction of the Honolulu Harbor Channel and the outer edge of the reef running northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to Lunalilo Freeway, easterly along Lunalilo Freeway to Isenberg Street, southerly along Isenberg Street to South King Street, westerly along South King Street to McCully Street, southerly along McCully Street to Ala Wai Canal, southwesterly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island, southerly along the east boundary of Magic Island to the outer edge of the reef, westerly along the outer edge of the reef to the point of beginning, two representatives;

Fifteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue, northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway, northerly along Pali Highway to Nuuanu

Pali Drive near Kepola Place, northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout, southeasterly along the top of Koolau Range to a point called Puu Konahuanui and southwesterly along top of ridge between the lands of Manoa, Pauoa and Makiki to a mountain peak called Puu Ohia or Tantalus, southwesterly along the top of the ridge between the lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive, southwesterly on Nehoa Street to Pensacola Street, southerly along Pensacola Street to Lunalilo Freeway, westerly along Lunalilo Freeway to the point of beginning, two representatives;

Sixteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway, northwesterly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway, thence northwesterly along North School Street to Likelike Highway, northerly along Likelike Highway to Kalihi Street, northeasterly along Kalihi Street to Akahi Street, southeasterly along Akahi Street to the top of the ridge between the lands of Kamaikai and Kapalama, northeasterly along the top of said ridge to a point on the Koolau Range called Puu Lanihuli, easterly along the top of Koolau Range to Pali Lookout, southwesterly along Nuuanu Pali Drive to Pali Highway near Kepola Place, southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue, southwesterly along Nuuanu Avenue to point of beginning, two representatives;

Seventeenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway, southwesterly along Nuuanu Avenue to the sea, southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef, thence westerly along the outer edge of the reef to Mokauea Street extended, northeasterly along Mokauea Street extended to the intersection of the middle of Kalihi Channel and Mokauea Street extended, along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway, northwesterly along Nimitz Highway to Middle Street, northeasterly along Middle Street to Lunalilo Freeway, southeasterly along Lunalilo Freeway to the point of beginning, two representatives;

Eighteenth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Middle Street, northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street, westerly and then mauka along Fort Shafter Military Reservation boundary and Kahauiki Ridge to a point on the top of

Koolau Range called Puu Kahuaui, southeasterly along the top of Koolau Range to a point on Koolau Range called Puu Lanihuli, southwesterly along the top of the ridge between the lands of Kamaikai and Kapalama to Akahi Street, northwesterly along Akahi Street to Kalihi Street, southerly along Kalihi Street to Likelike Highway, southerly along Likelike Highway to School Street, southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway, northwesterly along Lunalilo Freeway to the point of beginning, two representatives;

Nineteenth Representative District:

That portion of the Island of Oahu for convenience referred to as Moanalua, Halawa and Aiea, more particularly described as follows: Beginning at the point where Mokauea Street extended meets the outer edge of the reef, southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary, northerly along the Moanalua-Halawa boundary to the seashore, westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel, northerly along the center of Pearl Harbor Entrance Channel, thence northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the entrance of Kalauao Stream at East Loch, Pearl Harbor and northeasterly along Kalauao Stream to the top of Koolau Range, southeasterly along the top of Koolau Range to a point on the top of Koolau Range called Puu Kahuaui, southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street, southwesterly along Middle Street to Nimitz Highway, easterly along Nimitz Highway to Kalihi Stream, southerly along Kalihi Stream and along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended, southwesterly along Mokauea Street extended to the point of beginning, two representatives;

Twentieth Representative District:

That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: Beginning at the seashore on the boundary between Waianae and Ewa Districts, northeasterly along the top of Waianae Range between the boundary of Waianae and Ewa Districts to a point called Puu Palikea, thence following a direct line to Reservoir 31 of the Oahu Sugar Company, thence northeasterly along Waiahole Ditch to Waikele Stream, thence southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams, thence northeasterly along Kipapa Stream to Kamehameha Highway, southeasterly along Kamehameha Highway to roadway leading to Mililani Memorial Park, northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch, northerly along the middle of Panakauahi Gulch to the siphon at the Waiahole Ditch, northwesterly along Waiahole Ditch to Kipapa Stream, northeasterly along Kipapa Stream to the top of Koolau Range, thence southeasterly along top of Koolau Range to the intersection of Kalauao Stream and top of Koolau

Range, thence southwesterly along Kalauao Stream to the seashore at East Loch, Pearl Harbor, thence southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel, southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended, thence southwesterly along the seashore extended and thence southwesterly and northwesterly along the seashore to the point of beginning, three representatives;

Twenty-First Representative District:

That portion of the Island of Oahu for convenience herein referred to as Waianae, more particularly described as follows: Beginning at the seashore on the boundary between the Ewa and Waianae Districts, northwesterly along the seashore to Kaena Point, along the top of Waianae Range between the boundaries of Waianae, Waialua, Wahiawa and Ewa Districts to the point of beginning, one representative;

Twenty-Second Representative District:

That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiawa, more particularly described as follows: Beginning at the seashore on the boundaries between Waialua and Koolauloa Districts, easterly and southeasterly along the top of Koolau Range to the intersection of Kipapa Stream and Koolau Range, southwesterly along Kipapa Stream to Waiahole Ditch, southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch, southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park, southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway, northwesterly along Kamehameha Highway to Kipapa Stream, southwesterly along Kipapa Stream to its junction with Waikele Stream, northwesterly along Waikele Stream to Waiahole Ditch, southwesterly along Waiahole Ditch to Reservoir 31, on a direct line from Reservoir 31 to a point on the top of Waianae Range called Puu Palikea, northwesterly along top of Waianae Range along Waianae District boundary to Kaena Point, thence northeasterly along the seashore to the point of beginning, two representatives;

Twenty-Third Representative District:

That portion of the Island of Oahu for convenience herein referred to as all of Koolauloa and part of Koolaupoko, more particularly described as follows: Beginning at the seashore between Waialua and Koolauloa Districts, thence northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station, southwesterly along the southeast boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive, thence southwesterly on a straight line to Puu Papaa Triangulation Station, southwesterly along the top of the ridge to the Kailua-Kaneohe boundary, southwesterly along the Kailua-Kaneohe boundary to a point where the Kailua-Kaneohe boundary intersects Kamehameha Highway, southeasterly along Kamehameha Highway to

the junction of Kalaniana'ole Highway where it intersects the Pali Highway and Kamehameha Highway, southerly and continuing along Pali Highway to a point opposite the Pali Lookout, along the top of the Koolau Range to the point of beginning, and the island of Moku O Loe (Coconut Island), three representatives;

Twenty-Fourth Representative District:

That portion of the Island of Oahu for convenience herein referred to as remainder of Koolaupoko, more particularly described as follows: Beginning at the seashore at Makapuu Point, westerly along the top of Koolau Range between the Honolulu and Koolaupoko Districts to the Pali Lookout, northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalaniana'ole Highway, thence northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua, northeasterly along the Kailua-Kaneohe boundary to the point where the Kailua-Kaneohe boundary leaves the top of ridge towards Kailua Bay, thence northeasterly along the top of the ridge to Puu Papaa Triangulation Station, thence northeasterly on a straight line to a point where the south boundary of the Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive, easterly along the south boundary of Kaneohe Marine Corps Air Station to the seashore, thence southeasterly along the seashore to the point of beginning, three representatives;

Twenty-Fifth Representative District:

The Islands of Kauai and Niihau, three representatives.

Section 24. Effective for the first general election following ratification of Section 4.5 of Article III and until the next reapportionment one senator shall be added to the twenty-five members of the Senate as provided and with the effect set out in Section 4.5 of Article III hereof and such senator shall be allocated to the basic island unit of Kauai.

Section 25. The Senatorial and Representative districts and the numbers to be elected from each as set forth in Sections 22 and 23 of this article shall become effective for the first general election following ratification of amendments to Section 2 of Article III and Sections 22 and 23 of this article.

Anything in this constitution to the contrary notwithstanding, if the Senatorial and Representative districts and the members to be elected from each as set forth in Section 22 and Section 23 of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969, and thereafter in the reapportionment years as set forth in Section 4.1 and Section 4.2 of Article III.

Section 26. The amendments to Article III, Sections 2, 3, and 4, proposed by the Constitutional Convention of 1968, shall upon ratification supersede the provisions of S.B. No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified.

5. Special Committee Reports

SPECIAL COMMITTEE REPORT NO. 1

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Delegates to the Constitutional Convention of Hawaii of 1968, which were issued by the lieutenant governor of the State of Hawaii pursuant to Sections 11-70 and 11-71, Revised Laws of Hawaii 1955, as amended, and finds that they have been legally elected and are duly qualified to sit as delegates, as follows:

First District	Jack K. Suwa
Second District	Nelson K. Doi Stanley I. Hara John T. Ushijima James Yamamoto Shigeyuki Nakatani
Third District	Yoshito Takamine
Fourth District	Takeshi Kudo
Fifth District	Ethel K. C. Andrade
Sixth District	Hiroshi Ozaki
Seventh District	Toshi Ansai Alfred O. Souza Meyer M. Ueoka Kazuo Kage Alvin T. Amaral
Eighth District	Peter A. Aduja James K. Bacon Robert D. Y. Chang Kekoa D. Kaapu Richard P. Schulze, Jr. Diana C. Hansen John J. Medeiros Bill Harper Ralph K. Ajifu Hiram K. Kamaka
Ninth District	Howard K. Oda Toraki Matsumoto Jacob Y. Pyo
Tenth District	Mario A. Hidalgo Momi T. Minn Edna C. Shiigi Nadao Yoshinaga Patsy K. Young Hayden F. Burgess Ed C. Bryan Donald D. H. Ching Mitsuo Uechi

Eleventh District	Emilio S. Alcon Richard M. Kageyama Charles E. Kauhane Robert M. Wright Duke T. Kawasaki
Twelfth District	George R. Ariyoshi Sakae Takahashi Peter C. Lewis Frank W. C. Loo
Thirteenth District	George W. T. Loo Sakae Amano
Fourteenth District	Howard Y. Miyake Robert S. Taira T. C. Yim Richard Ike Sutton Barney B. Menor Leland E. G. Larson
Fifteenth District	Richard E. Ando Hung Wo Ching Dorothy L. Devereux Robert G. Dodge Frank F. Fasi Yoshio Hasegawa Stuart Ho George K. Noguchi Clarence Y. Akizaki John J. Jaquette Hebden Porteus
Sixteenth District	Tadao Beppu John W. Goemans Hiroshi Kato Rhoda V. Lewis Keo Nakama Ted T. Morioka
Seventeenth District	John F. Dyer Thomas K. Hitch Thomas K. Lalakea Tennyson K. W. Lum Patricia F. Saiki Keith J. Steiner Dennis E. W. O'Connor
Eighteenth District	Tony T. Kunimura Richard A. Kawakami William E. Fernandes Jack H. Mizuha

6. Governor's Messages

GOVERNOR'S MESSAGE NO. 1

EXCERPTS FROM REMARKS BY
GOVERNOR JOHN A. BURNS
OPENING SESSION, 1968 CONSTITUTIONAL
CONVENTION
McKINLEY HIGH SCHOOL

Monday, July 15, 1968

President Porteus, distinguished and honorable delegates, Chief Justice Richardson and all distinguished guests, and Lieutenant Governor Gill, ladies and gentlemen. First of all, may I say I have not been so singly honored by anyone or anything recently as I have by these most charming, gracious and beautiful delegates who escorted me to the rostrum. I am deeply appreciative of my good fortune. I desire also to take advantage of this opportunity to extend my personal congratulations to each of you 82 citizens of Hawaii who have been elected as delegates to our second Constitutional Convention. It is a distinct honor to be invited to address you today in your inaugural session, and I consider it a high privilege and a great pleasure to be with you.

It is noteworthy that this Convention has been brought about in the time-tested manner traditional to our representative form of government.

Each of you holds a high trust placed in you by your electorate. I share in their confidence that you will, during the course of this Convention, dedicate all your energies and abilities to further insure the preservation of our democratic form of government and its proven institutions.

It has frequently been noted that our State Constitution—a document agreed upon by delegates to the first Convention exactly 18 years ago next Monday—is fundamentally a sound and up-to-date political instrument. This has been noted this morning in its proceedings. As a matter of fact, our Constitution is looked upon as a model by many other states involved in similar conventions. I share the view that we do have an excellent Constitution. The delegates who fashioned it in 1950 did a most creditable job in preparing for the sovereignty accorded to us nine years later. We are fortunate to have among your numbers in this Convention several delegates who participated in that first Convention. May I express a personal pleasure also at sharing with you the title "delegate" because it is a most honorable one and a most historical one in these United States. The experience of those among you who have served previously will undoubtedly be most highly valuable in your deliberations.

While our Constitution is sound in most respects, it

will not suffer from further refinements. Meeting in Convention as you are, all points of view can be explored to produce these necessary changes.

Reapportionment of our legislature—the original impetus for calling a convention—is, of course, the major issue confronting you. Other important questions which will surely merit your consideration for possible amendment are the structures in the state debt ceiling and judicial tenure. But I do not intend to belabor you with a recitation or dissection of these matters which rest ultimately in your judgment. Nor is it my intent to offer inspiration, for this surely will come from within. Nor do I presume to counsel you, for you will find many, I am sure, eager to counsel you in the succeeding days. Moreover, in the final analysis each of you is and will be your own counsel, which is as it should be as elected delegates representing the voters of this State.

What I should like to leave with you today is a reminder that you will be reviewing and considering changes in the basic political document of our State—the highest law of our Islands, our exercise as citizens of our sovereignty.

Policies, as expressed in legislation and in executive decisions, are always subject to change to meet the needs of changing times and changing ways.

Principles, however, remain immutable; and it is basically an expression of principles which will guide the substance of a constitution's provisions.

The subject matter in your hands is at the heart and the very foundation of the institutions by which our society is organized and by which it lives. You have, therefore, the highest challenge before you—to refine a document which will insure a better Hawaii for all our citizens for today and for tomorrow. Your deliberations and your decisions will be of vital importance to the future course of our State and our people.

There will, I am sure, be times of difficulty in reaching agreement on what avenue is best of troublesome issues. At such times, perhaps you can take heart in being reminded of the troubled road that led to the drafting of our nation's Constitution. I am indeed delighted to see that we quoted the democratic representative Thomas Jefferson this morning. It started, as you know, with a revolution and then proceeded through a number of ineffective attempts to devise a new government for our States, including the Articles of Confederation which functioned so badly it began to appear that the revolution had been fought in vain.

Finally, there was the Constitutional Convention of 1787, but even then there was no end of disagreement. Many compromises were necessary before the venture

could be brought to a successful conclusion.

Then, as the last members were signing the Constitution, Benjamin Franklin, looking toward the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun.

"I have," Mr. Franklin said, "often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was a rising or a setting sun. But now, at length, I have the happiness to know that it is a rising and not a setting sun."

I share in Mr. Franklin's view that "things are looking up," and I further share in the people's expressed confidence in your demonstrated dedication to building a better Hawaii.

As Chief Executive, I welcome you to meet with me at any time that you feel necessary, and I stand ready to assist you in any way the Executive Branch can to make this Convention the success it deserves to be. My very best wishes for a most successful and fruitful Convention.

Mahalo and God be with you.

GOVERNOR'S MESSAGE NO. 2

STATE OF HAWAII
EXECUTIVE CHAMBERS

July 18, 1968

The Honorable Hebden Porteus
President
Constitutional Convention of Hawaii of 1968

This is to acknowledge your letter of July 16, 1968, in which you ask for approval to sign vouchers for the Constitutional Convention.

I am enclosing with this letter a copy of my memo to State Comptroller KeNam Kim which advises him that I am delegating to you authority to expend funds appropriated by Act 3, S.L.H. 1968, for defraying the expenses of the Convention. It authorizes Comptroller Kim to honor warrant vouchers signed by you.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

(s)John A. Burns

JOHN A. BURNS
Governor of Hawaii

Encl.

STATE OF HAWAII
EXECUTIVE CHAMBERS

July 18, 1968

MEMORANDUM

TO: The Honorable KeNam Kim, Comptroller
Department of Accounting
and General Services

SUBJECT: Authority to Sign Vouchers for
Constitutional Convention

Please be advised that I am hereby delegating to Senator Hebden Porteus, who has been duly elected the president of the Constitutional Convention convened under the provisions of Act 222, S.L.H. 1967, the authority to expend funds appropriated by Act 3, S.L.H. 1968, for defraying the expenses of the Convention.

In accordance with the above delegation of authority, which is provided for in Section 2 of Act 3, S.L.H. 1968, warrant vouchers prepared and signed by President Porteus in accordance with the provisions of Section 34-33, R.L.H. 1955, as amended, are to be paid by your office.

GOVERNOR'S MESSAGE NO. 3

REMARKS BY GOVERNOR JOHN A. BURNS
SIGNING CEREMONY
1968 CONSTITUTIONAL CONVENTION
THRONE ROOM, IOLANI PALACE

Monday, October 21, 1968

President Porteus, honorable delegates to the Constitutional Convention, distinguished guests, ladies and gentlemen:

It is indeed a privilege and a pleasure to join you delegates to our 1968 Constitutional Convention on this historic occasion.

And it is especially fitting that you have gathered here in the Throne Room, symbolizing the seat of government authority since the days of Hawaii's monarchy, to give final approval to the amendments you have proposed to our Constitution.

It is appropriate because your deliberations and conclusions will shape the fundamental political document guiding the lives of all our people.

You may recall that when you convened last July, I said each of you delegates held a high trust—a trust placed in you by your electorate.

You have, in my judgment, honored this trust . . . and honored it well.

By and large, the refinements and changes you have proposed to our Constitution are soundly based. They will provide a better framework for our government and for more meaningful execution of our laws.

Should they be ratified by our voters in the referendum next month, our Constitution stands to be an even better model for other states to follow.

Your thoughtful deliberations on the questions placed before you during the Convention once again demonstrate the high quality and caliber of political thought in Hawaii.

It is noteworthy that though we are the youngest state in the union, we are continuing to lead our sister states in government organization and public affairs.

As delegates, each of you has discharged your responsibilities nobly and honorably.

In behalf of all our fellow citizens, may I take this opportunity to express our deep appreciation to each of you for the excellent job you have done.

Hawaii stands to gain significantly from your endeavors.

Mahalo.

7. Departmental Communications

DEPARTMENTAL COMMUNICATION NO. 1

STATE OF HAWAII
EXECUTIVE CHAMBERS

July 16, 1968

Honorable Hebden Porteus, President
Constitutional Convention

In addressing the opening session of the 1968 Constitutional Convention, Governor Burns offered the resources of the Executive Branch of government to help insure the success of your convention.

There may be occasions during your deliberations when information may be required from members of the Executive Branch. This office has been designated to assist you in expediting this process.

For your information I am transmitting herewith a listing of the telephone numbers of staff members of the Executive Office and those of the department heads and deputies.

Should you be unable to locate a department head for desired information, please call 502-893 or 5475-178 and ask for Tim Wee or Mrs. Lydia Maiwela. They will do their best to assist you or to route your request to the proper office for the fastest possible response.

My very best wishes for a successful convention.

Sincerely,

(s)Myron B. Thompson

MYRON B. THOMPSON
Administrative Director

DEPARTMENTAL COMMUNICATION NO. 2

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

September 3, 1968

The Honorable Hebden Porteus
President, Constitutional
Convention of Hawaii of 1968

This is in reply to your inquiry of August 30, 1968, as to (1) the "legal interpretation" of the words "collective bargaining," and (2) whether Committee Proposal No. 5 of the Committee on Public Health, Education and Welfare; Labor and Industry would "force" the legislature in the future to provide for bargaining on classification and wages and the right to

strike for public employees.

(1) "Collective bargaining" has been defined as:

"a procedure looking toward the making of a collective agreement between the employer and the accredited representative of his employees concerning wages, hours, and other conditions of employment." 51 CJS, *Labor Relations* (1967 ed.), sec. 148.

The term is not of fixed and unvarying meaning and its true scope and extent must depend on the context in which it is used.

In the private sector, the provision of the National Labor Relations Act guaranteeing employees the right to engage in self-organization, collective bargaining, and other concerted activities for mutual aid or protection includes the right to strike. 51A CJS, *Labor Relations* (1967 ed.), sec. 331(a). However, the right is not absolute, and the Act itself regulates and imposes restrictions thereon. *Ibid.*

Public employment, unlike private employment, is subject to an "elaborate system of laws constituting the policy of the state in the domain of public employment;" 51 CJS, *id.*, sec. 33 at pp. 629-630, such as the laws providing for the civil service system, compensation, separation of legislative and executive powers, and the necessity of appropriations of public funds by the legislature, to name a few.

Where a statute had conferred the right of collective bargaining on a certain group of public employees, the court recognized that the employees "have received the benefit of civil service status and must necessarily accept whatever curtailment such status causes in the scope of their bargaining rights." *Erie County Water Authority v. Kramer*, 167 NYS 2d 557, 566; *aff'd*. 157 NE 2d 712; see *City of Springfield v. Clouse*, 206 SW 2d 539 (Mo.).

Your inquiry is prompted by Committee Proposal No. 5, which proposes to amend Section 2 of Article XII of the State Constitution to read as follows:

"Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law."

In view of the less than crystal clarity of the scope and extent of the term "collective bargaining," as pointed out above, resort may properly be had to the report of the committee for clarification. *In re Pringle*, 22 Haw. 293.

Standing Committee Report No. 42 dated August 28, 1968 reports on Proposal No. 5:

"By this amendment it is clear that the term 'collective bargaining' as used in Section 1 of Article XII [which provides that: 'Persons in private employment shall have the right to organize for the purpose of collective bargaining'] and in Section 2 as proposed is not identical. In the case of public employees the rights of collective bargaining will be restricted to those areas and in such manner as will be determined by the legislature. Therefore, the right to strike is for legislative determination."

• • •

"This amendment does not affect any existing laws on public employment, which will remain in effect until changed by the legislature." (pp. 3, 4)

It is clear therefrom that the scope and extent of the right of collective bargaining for public employees, including the right to strike, and the manner in which it is to be exercised, shall be as determined by the legislature.* The extent to which the right will be given, restricted, regulated or withheld is a matter that the legislature in the exercise of its judgment would decide.

(2) In reply to your second question, it is obvious from the foregoing that Committee Proposal No. 5 would not "force" the legislature in the future to provide for bargaining on classification and wages and the right to strike for public employees.

As in enacting any other kind of legislation, the legislature would be expected to weigh the public interest and all other relevant considerations and exercise its discretion in making its determination.

Very truly yours,

(s)Bertram T. Kanbara

BERTRAM T. KANBARA
Assistant Attorney General

APPROVED:

(s)Bert T. Kobayashi

BERT T. KOBAYASHI
Attorney General

*As a matter of style, this thought might be more aptly conveyed by providing that: "Persons in public employment shall have such rights to organize for the purpose of collective bargaining as may be prescribed by law."

DEPARTMENTAL COMMUNICATION NO. 3

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

October 15, 1968

Honorable Hebden Porteus
President, Constitutional
Convention of Hawaii 1968

This is in response to your request for the opinion of this office as to whether the ballot prepared by the Lieutenant Governor's office, on which the proposals of the Constitutional Convention are being presented to the electorate on November 5, is in substantial conformance with the ballot approved by the Constitutional Convention.

Upon a careful review of the ballots, we reply in the affirmative.

Resolution No. 37 of the Constitutional Convention provides that the ballot shall be substantially in the form attached to the resolution, and requests the Lieutenant Governor "to do whatever is necessary to have the proposed amendments properly submitted to the electorate."

The ballot proposed by the Lieutenant Governor is in two parts: (1) the specific questions, in caption form, on which votes will be cast, which will be on a punch card on Oahu and in the 2nd Representative District on Hawaii, and on a paper ballot similar in format to the punch card, in the rest of the State; and (2) a separate booklet containing summaries of each question, as prepared by the Constitutional Convention, which will be given to each voter.

In addition, the full text of the Constitution as proposed to be amended will be posted in each voting unit.

This office is of the view, concurred in by attorneys for the Constitutional Convention, that the proposed ballots will present the various questions to the voters in substantially the form in which they were formulated by the Constitutional Convention, and accordingly conform to Resolution No. 37.

Very truly yours,

(s)Bertram T. Kanbara

BERTRAM T. KANBARA
Assistant Attorney General

APPROVED:

(s)Bert T. Kobayashi

BERT T. KOBAYASHI
Attorney General

8. *Miscellaneous Communications*

MISCELLANEOUS COMMUNICATION NO. 1

THE PEOPLE OF HAWAII HAVE ENTRUSTED UPON YOU AND YOUR FELLOW DELEGATES TO THE CONSTITUTIONAL CONVENTION A MOST IMPORTANT RESPONSIBILITY. I AM CONFIDENT THAT ALL OF YOU WILL FULFILL OUR HIGHEST EXPECTATIONS. WE KNOW THAT AMENDMENTS MADE TO OUR CONSTITUTION WILL BE MADE WITH THE BEST INTERESTS OF OUR PEOPLE IN MIND. I REGRET THAT I CANNOT BE WITH YOU AT THE OPENING OF THIS IMPORTANT CONVENTION. BEST WISHES FOR A SUCCESSFUL CONVENTION.

DANIEL K. INOUE
UNITED STATES SENATOR

MISCELLANEOUS COMMUNICATION NO. 2

MRS. FONG AND I REGRET EXCEEDINGLY OFFICIAL SENATE DUTIES IN WASHINGTON PREVENT ACCEPTANCE OF YOUR KIND INVITATION TO ATTEND THE OPENING DAY CEREMONY OF THE HAWAII STATE CONSTITUTIONAL CONVENTION. I AM CONFIDENT THE DELEGATES IN THEIR WISDOM AND WITH THE EXPERIENCED LEADERSHIP OF PRESIDENT-DESIGNATE HEBDEN PORTEUS WILL WRITE AN IMPROVED CONSTITUTION TO WHICH NOT ONLY HAWAII'S PEOPLE BUT THE ENTIRE NATION CAN POINT WITH PRIDE AND SATISFACTION. PLEASE CONVEY TO ALL ASSEMBLED DELEGATES MY VERY BEST WISHES FOR AN OUTSTANDING CONVENTION. ALOHA

HIRAM L. FONG
U.S. SENATOR

MISCELLANEOUS COMMUNICATION NO. 3

PERMIT ME TO TAKE THIS MEANS TO EXTEND MY WARMEST GREETINGS AND VERY BEST WISHES TO YOU UPON THIS INAUGURAL SESSION OF OUR STATE CONSTITUTIONAL CONVENTION. I AM CONFIDENT THAT IN YOU THE PEOPLE OF HAWAII HAVE CHOSEN HIGHLY QUALIFIED DELEGATES WHO WILL ABLY MEET THE CHALLENGE OF IMPROVING OUR STATE CONSTITUTION FOR A RESOLUTION OF PENDING PROBLEMS. MAY YOU PERFORM YOUR DUTIES WELL FOR YOUR ACTIONS WILL DETERMINE THE COURSE OF HAWAII'S FUTURE. ALOHA AND BEST WISHES.

SPARK MATSUNAGA

MISCELLANEOUS COMMUNICATION NO. 4

THANK YOU FOR THE INVITATION TO THE OPENING DAY CEREMONY OF THE CONSTITUTIONAL CONVENTION. REGRETTABLY THE PRESS OF CONGRESSIONAL BUSINESS PRECLUDES MY ATTENDANCE AS I MUST REMAIN IN WASHINGTON UNTIL ADJOURNMENT. HOWEVER I WOULD APPRECIATE YOUR CONVEYANCE OF MY WARMEST GREETINGS AND ALOHA TO THE DELEGATES AND HONORED GUESTS ASSEMBLED ON THIS AUSPICIOUS OCCASION. BEFORE YOU LIES THE ARDUOUS AND IMPORTANT TASK OF DESIGNING THE FUNDAMENTAL DOCUMENT OF OUR GREAT STATE WHICH WILL GUIDE AND PROFOUNDLY ENRICH THE LIVES OF THE PEOPLE OF HAWAII FOR DECADES TO COME. I KNOW THAT THOSE COMMITTED TO THIS GREAT EFFORT WILL RENDER THEIR SERVICES IN THE HIGHEST TRADITION OF PUBLIC OFFICE. YOU HAVE MANY INTERESTING DAYS AHEAD OF YOU. IN THE SPIRIT OF THE HIGHEST AND BEST TRADITIONS OF OUR DEMOCRACY YOU HAVE BEEN CHOSEN TO LAY THE BASIS OF OUR GOVERNMENT AND YOUR ASSIGNMENT IS ONE OF HONOR AND RESPONSIBILITY. WITH WARMEST GOOD WISHES AND MUCH SUCCESS IN YOUR ENDEAVORS.

PATSY T. MINK
MEMBER OF CONGRESS

MISCELLANEOUS COMMUNICATION NO. 5

POLICY STATEMENTS WITH RESPECT TO CONSTITUTIONAL CONVENTION ISSUES ADOPTED AT THE CHAMBER OF COMMERCE OF HAWAII LEGISLATIVE POLICY CONVENTION

April 25, 1968

I. *SUFFRAGE AND ELECTIONS (Article II)*

A. *Residence Requirement*

Residence Requirement for voting in the State of Hawaii should be reduced from one year to six months.

Supporting Statement

Hawaii's residence requirement needs to be modernized to serve today's mobile society and the resultant population increase in Hawaii adequately.

Since candidates and campaign issues are not widely publicized until election time, voters presumably could vote intelligently in their new area of residence.

Further, City and County of Honolulu election officials support this recommendation and have approved the recommendation of the President's Commission which says that state residence requirements should not exceed six months.

II. THE LEGISLATURE (Article III)

A. Legislative Sessions

The Chamber of Commerce of Hawaii supports an annual limited general session not to exceed ninety (90) days duration. It also recommends granting the legislature the power to recess for more than three (3) days and the power to reconvene itself in special session. Such legislative powers are intended to supplement the powers of the Governor to reconvene the legislature or to extend a legislative session as is now provided in Hawaii's Constitution.

Supporting Statement

The annual regular sessions permit more frequent focusing of public attention on critical issues. The conclusions achieved through legislative oversight of the administrative process can be more rapidly incorporated in revised legislation. Limiting the length of session allows attention to be focused on policy-making functions by the news media, interest groups and citizens, which is more difficult to sustain over long periods of time. Limited sessions also insure that policy decisions will be made and not simply postponed.

B. Apportionment and Districting

Apportion the legislature (both houses) by single member districts limiting candidates to those having physical residency within districts.

Apportion and redistrict on the basis of registered voters following each Governor's election.

Redistrict through a non-legislative agency.

Supporting Statement

Persons whose social and economic interests are similar can best be represented in the legislature by defining small, homogeneous districts.

Single-member districts give high visibility and accountability between the legislator and his constituency. A house member will be concerned with promoting the interests of his individual district, while the single-member, multi-district senate member would promote broader, more independent legislation based on his larger, more diverse constituency.

Rapid growth and shifting of population due to large real estate developments and industry concentrations cause rapid changes in district makeups. A four-year

apportionment-districting period based on accurate and readily available registered voter figures should be made after each gubernatorial election.

Apportionment and redistricting should be accomplished by a non-legislative agency, possibly a judiciary membered or appointed group.

III. THE JUDICIARY (Article V)

A. Selection of Judges

Establish a commission, a majority of whose membership should be appointed independently of the Governor, to submit to the Governor a panel of available and qualified persons for selection of judges. The Governor shall appoint judges from this panel.

Supporting Statement

There is a need to amend this section to minimize the influence of partisan politics in the judiciary, to expedite the process of filling vacancies, and to provide the Governor with a qualified panel from which he may select judges.

B. Length of Tenure and Retirement

Tenure for all supreme court and circuit court judges should be for a term of ten years.

Supporting Statement

The tenure of office for all judges should be for a term of ten years. This will provide more security for the judges by allowing their tenure to overlap gubernatorial terms and to qualify for retirement benefits. This would also induce more highly qualified attorneys to offer themselves for public service.

A ten-year tenure will not be a handicap for removal of any judge. Removal from office may be executed for cause and in such manner as may be provided by law.

No changes in the retirement for judges; they shall be included in any retirement law of the State, as presently provided for in the Constitution.

IV. TAXATION AND FINANCE (Article VI)

A. Debt Limitations

Retain all debt limitation provisions in Article VI, Section 3 of the Constitution of the State of Hawaii with the following exceptions:

1. Eliminate the \$60,000,000 state debt ceiling.
2. Eliminate bonds which have been authorized but are unissued from the definition of debt subject to limitation.
 - a. Provide for automatic lapsing of

authorized but unissued bonds after two years.

3. Eliminate the requirement that bonds be paid in substantially equal annual installments.
4. Replace the 15% of assessed values limitation with a limitation of 1.75 times the average annual state general fund and special fund tax revenues for the preceding three years.
 - a. Indebtedness to be authorized by the legislature by a two-thirds vote of all members to which each house of the legislature is entitled.
 - b. Provide that the legislature may submit to the electorate a proposal for an amount of debt beyond the limit.
5. Retain the 10% county limitation of the total of assessed values of real property for tax rate purposes.
 - a. Eliminate the 2% of the total of such assessed values limitation for any one fiscal year.
 - b. Indebtedness to be authorized by the governing body of the county by a two-thirds vote of all the members to which the governing body is entitled.
 - c. Provide that the governing body of a county may submit to the electorate a proposal for an amount of debt beyond the limit.

Supporting Statement

Article VI, Section 3 of the Constitution should be amended for the following reasons:

1. A fixed dollar ceiling proved ineffective since statehood and a higher dollar ceiling would also be of little value for the future.
2. Including in the definition of funded debt the authorized-unissued bonds distorted the debt. The state legislature has authorized debt close to the maximum and the Governor issues bonds in accordance with market conditions and priority of projects. This has resulted in a large backlog of projects which cannot be funded within a reasonable period. Often these projects become less desirable or essential due to changing conditions. It would be desirable to include in the Constitution a provision that authorized projects for which bonds had not been sold within two years to be lapsed. These authorized-unissued bonds should not be included within the debt limit. Only the outstanding bonds

would be charged against the limitations.

3. In order to more effectively manage the debt, bonds should not necessarily be retired in equal annual installments. It might be advantageous to retire the principal in unequal payments in order to eliminate peaks of high debt costs and perhaps also to save interest costs.
4. Any percentage of real property valuations when used as a limitation upon state debt is not desirable. This yardstick is not related to the State's ability to pay debt service costs unless the State were to take over the real property tax. Tradition would appear to favor retention of this source of tax revenue as a local governmental revenue.

Therefore, a new measurement should be found. The most acceptable limitation would be to relate the amount of debt to the amount of tax revenues available to pay the debt service costs. Any multiple of average annual tax revenues as a debt limit will necessarily be high in comparison with other states. Debt is already very high in Hawaii and a conservative limit might postpone indefinitely future capital projects. Therefore, facing this dilemma, it was concluded that there should be no limit on debt provided the electorate wished to assume the debt burden. It also was concluded that rather than have a referendum on projects that the governing boards would submit a proposal for an amount of debt which would be beyond the limit and could only be authorized if approved by the electorate.
5. As real property taxes are the major tax source to the counties and as real property valuations are still the traditional local government measurement for limiting debt, it was concluded that the present 10% provisions should remain in the Constitution.

The 2% of assessed value limitation for any one fiscal year might prevent the local governments from undertaking an essential major project. This annual limitation is not necessary.

County debt beyond the 10% of taxable property values could be exceeded in the same manner as for the State by submitting the proposal to the electorate.

6. Finally, the debt incurring powers of the governing boards of the counties and the state legislature are quite liberal; therefore, the practice of requiring a two-thirds vote of the membership of both houses of the legislature should be continued and the same provisions should apply to the City Council of Honolulu and the boards of supervisors of the neighbor counties.

MISCELLANEOUS COMMUNICATION NO. 6

July 18, 1968

President Johnson, in a major policy statement, recently proposed lowering the voting age to 18. Such a

proposal, considered radical a few years ago, is now acceptable. Most of the major presidential candidates, including Governor Nelson Rockefeller, Vice-Presidents Hubert Humphrey and Richard Nixon, Senator Eugene McCarthy, and the late Senator Robert Kennedy, have voiced similar sentiments. We, the Ad Hoc Committee For The 18 Year Old Vote, urge the same. We implore the Constitutional Convention to involve 18 year olds in the political process of America. We urge the Convention to set the minimum voting age in Hawaii at 18.

The reasons for lowering the voting age are clear and unassailable. It is unfair and illogical, for instance, to let the government decide to send a person of 18 years to his death in any war without enabling him to participate in that decision. As the situation stands now, this is exactly the case. A sizeable block of people are given no chance to express themselves realistically in a life-and-death situation. Demonstrations and other forms of expressing opposing opinions are available to the 18 year old, but experience has shown these methods to be of questionable value. The same goes for campaigning against established party machinery—as seen in Senator McCarthy's presidential bid. The only effective and practical method of expression is the vote.

There remains the question as to whether the 18 year old has the maturity to use his vote wisely. This is a valid question, as it was during the woman suffrage movement, and deserves honest consideration. Frankly, we are sure that he does. Today's 18 year old is better educated and better informed than ever before. He has developed political awareness which involves progressivism and caution, idealism and practicality.

Not an accidental phenomenon (as viewers of Senator McCarthy's campaign might be led to believe), this youthful awareness and involveness in the on-going political environment has been seen often in recent years—even when these energies are of doubtful relevance. Barry Goldwater evoked a similar response, as did John Kennedy before him.

We think then that the voting age should be 18. This, rather than the age of 20 or 21, is a better yardstick for maturity.

We ask that you, as a delegate to the Constitutional Convention, join the ranks in support of our stand and work for such a change. Already, support has been expressed locally by both of the daily papers, the Governor, Lieutenant Governor, and the Mayor. In any event, we are sure that at the very least you will give our proposal serious consideration.

Thank you.

Sincerely,

(s)Michael Crowell

MICHAEL CROWELL AND

(s)Robert Stauffer

ROBERT STAUFFER

Secretaries of
The Ad Hoc Committee For
The 18 Year Old Vote

MISCELLANEOUS COMMUNICATION NO. 7

July 30, 1968

Mr. Hebden Porteus, President
Constitutional Convention of
Hawaii of 1968

Because of the many concerns the Kaneohe Jaycees have for our government and the confidence that we, the electorate, have given our constitutional convention delegates in working for the betterment of our way of life, the attached resolution was drawn up. The reason for this resolution is obvious. We do not want the many legislators and aspiring politicians to forego their immediate duties due to the up-coming elections. We feel that each delegate's immediate concern is to the office to which he was elected to.

The comments that we have received from people who know and comments from the newspapers have given us much thought for the need of circumspection. There has been mention of delegates leaving for the National Democratic and Republican Conventions on the mainland, and we vehemently do not feel that this is part and parcel of their immediate function. They cannot abridge their responsibility as delegates to our constitutional convention in any way, shape or form. If this happens, the confidence that the electorate places on elected officials is destroyed. There cannot be any substitution either, as each delegate ran on his own merits and the electorate voted accordingly.

We also do not feel that there should be any time limit set for any purpose whatsoever. The ultimate aim should be the best document the delegates can come up with; for they are well compensated and should not now take advantage of the fact that they are in office. If it takes till Christmas, at least we know that they have tried without being diverted to personal ambitions.

We ask that you convey this letter to the entire delegation, and also the attached resolution. The resolution will be submitted to other community organizations, the newspapers and our State Jaycee Organization.

Yours truly,

(s)Mathew F. Kaonohi

MATHEW F. KAONOHI
President,
Kaneohe Jaycees

RESOLUTION

WHEREAS, The Kaneohe Jaycees and the community it represents, is cognizant and appreciative of the type of

government we live under.

WHEREAS, The Constitutional Convention symbolizes the heart of Hawaii's governmental processes.

WHEREAS, The delegates now assembled at said Convention are dutifully working to facilitate a better Constitution.

WHEREAS, Each delegate is responsible, unequivocally, in his dedication of his every effort in affording the people of Hawaii the best Constitution possible.

WHEREAS, Such duties and responsibilities to effectuate a better Constitution are entrusted to each and every delegate as evidenced by the electorate in the special election recently held to select the delegates.

WHEREAS, No other ambition is to supersede public confidence in each delegate's thoughts except the thought of their responsibility to the people they represent.

WHEREAS, That if any delegate feels compelled to forego his duties and responsibilities for the undertaking of any other cause(s) except family causes, he should resign, reimburse the people for whatever monies he has received that he has not earned, and also make public his ultimate intentions as to the reasons he had sought the office as delegate.

Therefore, The Kaneohe Jaycees without reservations, adopt this Resolution for the betterment of our community and our state.

WITNESSES: This day, 2nd of August in the year nineteen hundred and sixty-eight (1968).

MISCELLANEOUS COMMUNICATION NO. 8

LEAGUE OF WOMEN VOTERS OF HAWAII
POSITION STATEMENT ON ELECTION LAWS

Members of the League of Women Voters of Hawaii believe that the qualifications for voting which are included in the Constitution of the State of Hawaii, Article II, Section 1, should be amended in two ways:

1. to lower the voting age from twenty to eighteen.
2. to lower the residence requirement for voting in state or local elections from one year to six months.

(s)Marguerite Simson

MARGUERITE SIMSON,
President
LWV of Hawaii

MISCELLANEOUS COMMUNICATION NO. 9

August 1, 1968

This note is to call to your attention the fact that in the new State Constitution you should seriously consider making provisions for the Governor to appoint members of the State Board of Education who will represent each of our large segments of society—Republicans, Independents and Democrats. The reasons for this are identical with those of appointment of judges in contrast to elected judges. Our Board of Education members should be persons of utmost integrity, competence and dedication because they actually have so much responsibility for the education of our growing youngsters.

Thank you for your work on Con-Con. Best wishes and aloha.

Sincerely yours,

(s)Jim F. Fleming

JAMES F. FLEMING, M.D.

MISCELLANEOUS COMMUNICATION NO. 10

September 8, 1968

A special meeting of Big Island Delegates and Representatives of the Apportionment and Districting Committee was held in Hilo Saturday afternoon for the purpose of explaining the Big Island redistricting and hearing public sentiment.

At this meeting a redistricting plan for the Big Island was offered by the *Hawaii Tribune-Herald* which received overwhelming support from those in attendance at the meeting.

The Apportionment Committee's proposed H-2a plan was discussed but received only one person's endorsement.

Unfortunately, Sunday's *Honolulu Advertiser* did not fully or adequately report the meeting proceedings. Reading only that story, no one would guess that there was any opposition to the proposed H-2a plan—nothing could be further from the truth.

Having received such overwhelming support for our plan we feel it is our responsibility to the Big Island public to do everything in our power to have the Constitutional Convention adopt the plan proposed by the *Tribune-Herald* instead of H-2a.

We have every respect for the committee's efforts and sincerity, but we simply feel that our plan is superior and is favored by Big Island voters.

We are enclosing a map of our proposed plan and arguments in favor of it, and a complete story about the meeting. We hope that you will study our proposal and see that it is worthy of consideration over H-2a.

May we urge that you support our efforts to have the plan adopted.

Sincerely,

(s)Louis Pujalet

LOUIS A. PUJALET
Vice President/General Manager

DISTRICT 1 ADVANTAGES

1. It brings Puna into a more logical alignment with that part of Hilo where many Punans work and where many Puna workers live, where much of Puna's varied products are transported to market, where a large number of Puna youngsters continue their public education at the secondary level;
2. It meets the stated desires of many Puna voters and residents who believe their interests would better be served with this alignment rather than being tied to the Kau area where there is little business or geographic connection beyond that found on a map;
3. Unlike the committee's H-2a, it does not submerge small sections of South Hilo to warrant creating of an illogical Puna-Kau district;
4. It provides an opportunity for Puna voters to vote for two state house representatives instead of one;
5. Much of the South Hilo area which will be a part of this district also has common interests with Puna as it serves in part as a flower-growing area and also as a major wholesale area for the florist industry;
6. It brings Hawaii Volcanoes National Park precinct into Puna and Hilo district to meet a formal petition by voters in that precinct for such a new link which allies them more closely with their business, professional and social contacts;
7. District 1 would serve as a well-balanced district of residents with common problems, with a likely common growth factor and with an extremely common geographic relationship.

DISTRICT 2 ADVANTAGES

1. Unlike the H-2a plan recommended by the committee, it does not submerge the urban precincts of Pihoonua and Puueo with the rural and sugar-based economy of the proposed District 3;
2. This district, like District 1, is composed of voters and residents of similar interests and needs. All of these voters are directly linked to Hilo's major educational facilities, to the Hilo business community and to professional services. It is composed of those who reside in Hilo City

and work in North Hilo and conversely those who work in Hilo and reside in North Hilo precincts;

3. This district would integrate the basic Hilo downtown along with all of North Hilo, maintaining the historic and clearly defined North Hilo-Hamakua boundary, and without parcelling existing and recognized voting precincts. It would incorporate all of Precincts 9 through 22 except for Precinct 11 in the existing District 2 plus 1, 2 and 3 of the existing Third District. (These lines are closely like those used to choose the delegates to the Constitutional Convention in Hilo.)

DISTRICT 3 ADVANTAGES

1. This district would more completely satisfy the largest number of Big Islanders than any other plan thus far proposed;
2. It does not divide the historic district of Kohala in any way;
3. It does not divide those working in South Kohala and living in Hamakua and North Kohala into two districts as proposed in H-2a;
4. It follows existing planning of public facilities which call for centralized services—police, hospital, rural community centers—which now all are earmarked for the main center of Kamuela;
5. It links together the great cattle-ranching area, sugar plantation complexes and agricultural lands into a homogeneous entity;
6. It links together a district commonly served by the same airport at Kamuela and the same major deep sea harbor at Kawaihae.

DISTRICT 4 ADVANTAGES

1. It unites the populous areas of Kona for the first time since 1959, reducing a major service factor now facing that district and a common complaint of voters who reside in this area;
2. It more logically connects Kona and Kau which have more common business, professional and development ties than do Kau and Puna;
3. It provides for a more compact district that could be more easily and efficiently serviced than the mammoth district proposed by the committee in which the rural parts of South Kona would be joined with distant Puna and that portion of South Hilo.

OBJECTIONS TO PLAN H-2a

1. It splits North Kohala from South Kohala, an action opposed by nearly every North Kohala

voter and the vast majority of South Kohala voters;

2. This plan draws district lines with little apparent regard for traditional, historic and real boundary lines of the Island of Hawaii's six traditional districts;
3. This plan, in order to create proposed District 1, dissects three distinct Hilo precincts (Ainaola, Kawailani and Panaewa) and connects voters sliced away in this manner to a district that extends through Kau—a total rural region which is total submergence of almost 700 voters;
4. This plan also submerges the Piihonua and Puueo precincts of Hilo with 1,648 voters to help create the single-member Fourth District (North Hilo);
5. This plan has a deviation of 14.3 percent from the high to the low, a difference too great, we feel, in view of other alternatives;
6. This plan carves out unrelated precincts and

throws them together to create District 4—a district with great divergence of socio-economic interests;

7. At least two of the districts are unwieldy: the First, an immense land area which runs from urban Hilo to rural Kau; and the Second, which attempts to link two widely separated pockets of population, Kailua and Kawaihae, a distance of nearly 60 miles without even a connecting highway.

MEMORANDUM

September 8, 1968

To: Constitutional Convention

From: *Hawaii Tribune-Herald*

Subject: Districting Plan T-H for Hawaii County

The following table presents a possible districting plan for Hawaii County, which we have designated Plan "T-H."

New District Number	Existing Districts & Precincts	Registered Voters	Representatives	Voters per Representative	Percent Deviation *
1	RD 4/9; RD 1/1-8 RD 2/1-8 & 11	9,424	2	4,712.0	-1.1
2	RD 2/9-22, Except 11 RD 3/1-3	9,461	2	4,730.5	-0.7
3	RD 3/4-9 RD 5/2-9	4,776	1	4,776.0	+0.2
4	RD 5/1 RD 4/1-11 Except 9	4,934	1	4,934.0	+3.3
		28,595	6	4,766.0	1.3**

* From Hawaii County Average (4,766)

** Average Percent Deviation, Signs Disregarded

These are the overall advantages to the *Tribune-Herald's* proposed plan for redistricting Hawaii County:

1. The 2-2-1-1 division of representation provides for no dominance of any single district.

2. Each district is so constructed that it does not arbitrarily, in order to meet number of voters criteria, slice major and historic districts, divide precincts and submerge isolated pockets of either or rural precincts.

MISCELLANEOUS COMMUNICATION NO. 11

September 12, 1968

MEMO TO: DELEGATE ED BRYAN, CHAIRMAN
COMMITTEE OF THE WHOLE ON
DISTRICTING

SUBJECT: CORRESPONDENCE ON DISTRICTING
FOR HAWAII

As a matter of record for the Committee of the Whole, I wish to submit herewith the following messages received from the Island of Hawaii on the matter of districting which arrived on my convention desk after committee deliberations on districting for Hawaii:

1. T-H Plan Support from Mrs. John B. Smith-Hilo
2. T-H Plan Support from Mr. & Mrs. R. H. Speer-Hilo 9/8
3. H2A Plan from Mr. Richard Penhallow-Kamuela 9/8/68
4. Supporting N-S Kohala, Mr. W. Willison, Kamuela 9/10/68
5. T-H Plan-Mrs. Helene Hale 9/8/68
6. T-H Plan Petition from 24 Hilo residents.
7. H2A Waimea-Kawaihae Community Assn 9/11/68

I believe that it is only fair to the people of Hawaii that their views be made a part of the record.

I also wish to include the 413 signatures submitted to the Reapportion & Districting meeting in Hilo from the residents of North Kohala.

Thank you for every consideration you have given me on this vital issue on behalf of the people from Hawaii.

(s)Ethel K. C. Andrade

DELEGATE ETHEL K. C. ANDRADE

3. No single industry or type of economy would completely dominate any district; but the plan carefully integrates the major industries of tourism and agriculture so that each member representing the Big Island would be necessarily concerned with all factors influencing the Island.
4. The geographic composition of each district is such that it provides representative serviceability better than any other plan, especially H-2a which provides for an extremely unwieldy First District.
5. The percentage of voter deviation in this plan is less pronounced than any other plan. The deviation factor is 4.4 percent from the least to the most populous districts. District 1 has 9,424 registered voters and two seats for a 4,712 average per representative; District 2 has 9,461 registered voters and two seats for 4,730 per representative; District 3 has 4,776 voters for one representative; and District 4 has 4,934 voters for one representative. H-2a has a deviation of 14.3 percent from the least to the most populous, a deviation more than three times greater than this proposed plan.
6. Based upon the committee's seven criteria, this plan more closely meets these criteria than H-2a or other plans considered by the committee.
7. This plan follows traditional boundaries to a greater degree than H-2a.
8. No single precinct is split; H-2a dissects at least three Hilo precincts—Ainaola, Kawailani and Panaewa.
9. Each district has a growth area; thereby this proposal would lend itself to the anticipated growth of the Island, likely causing fewer major shifts in future reapportionments.

9. Petitions

PETITION NO. 1

July 17, 1968

WHEREAS, Governor John A. Burns and Chief Justice William S. Richardson sponsored a Citizen's Conference on the Administration of Justice in January, 1967; and

WHEREAS, This Conference at its close adopted a Consensus Statement which included a recommendation to form a citizens organization to provide for the continuing improvement and public understanding of the judicial system; and

WHEREAS, The Citizen's Administration of Justice Foundation was formally chartered on July 20, 1967 as a non-political, nonpartisan, non-profit, lay (non-lawyers) organization; and

WHEREAS, This Foundation's immediate interest is revision in the judicial section of the Hawaii State Constitution to ensure improvement in the systems for selection, compensation, tenure and discipline of judges, so

Therefore, The Foundation does hereby respectfully petition the Honorable Constitutional Convention for the State of Hawaii to amend the Judicial Article as necessary to achieve the following:

1. *Assure selection for the bench of those attorneys best qualified in terms of personal integrity, judicial temperament and adequate legal training and experience, a merit plan method of judicial appointment be established.* An independent judiciary, everyone will agree, is the keystone of constitutional government, but independence requires a reasonable insulation from partisan politics.

Under such a plan, the Governor of Hawaii would fill judicial vacancies from a list of names submitted by an impartial, nonpartisan nominating body whose duties would be to seek out and interest the best qualified candidates. This body would consist of highly regarded representatives of the bar and the laity—holding neither public office nor official position in a political party—with the chairmanship possibly vested in the Chief Justice of the Hawaii State Supreme Court.

The Foundation is not recommending any specific number of persons on the nominating body, nor a proportion as between bar and laity, nor any specific method of the members' appointment, but confines itself to the principle of the merit plan method of judicial selection, which

it feels combines the advantages and eliminates the faults of both the elective and present appointive methods.

2. *To encourage and attract the interest of those best qualified for the bench, the tenure of Hawaii's judges be made dependent upon satisfactory service in office.*

In his address to the Citizens' Conference here last year, then Associate Justice Clark said that twenty-one states provide longer tenure than Hawaii for State Supreme Court justices and eighteen states provide longer tenure for circuit court judges.

3. *Make compensation, retirement and pension provisions that will achieve the goal of maintaining a thoroughly qualified and independent judiciary.*

The *Journal of the American Judicature Society* has noted a "growing realization on the part of lawyers, civic leaders and legislators that adequate judicial salaries are not just a favor to judges, but a necessary investment for quality judicial service . . . Salaries (however) are only one element of three that make up the total compensation picture. The other two are retirement compensation and that vague but increasingly important package which has come to be known as fringe benefits."

Our studies indicate a separate pension plan dependent solely on service on the bench (in addition to other benefits arising from government service) will be of benefit in attracting candidates.

4. *A nonpartisan commission representing bar, bench and laity—with members holding neither public office nor official position in a political party—be established to receive, investigate and hear in confidence complaints against judges and in appropriate cases to recommend to the State Supreme Court censure or removal of the judge concerned, with final power vested in the Supreme Court.*

The Foundation will be pleased to provide such detailed information and studies as delegates individually or collectively may wish concerning judicial sections in other State Constitutions and the experience thereunder.

Further, the Foundation will welcome the opportunity for its representatives to appear before the appropriate committee or committees of the Convention to further discuss and answer questions

concerning the above matters within the scope of its Charter.

(s)P. E. B. Wainwright

P. E. B. WAINWRIGHT
President,
Citizen's Administration of
Justice Foundation

PETITION NO. 2

PETITION OF THE HAWAIIAN TRAIL AND MOUNTAIN CLUB, TO THE MEMBERS OF THE CONSTITUTIONAL CONVENTION OF HAWAII OF 1968, CONCERNING ARTICLE IV.

WHEREAS, The Constitution of the State of Hawaii, in Section 6 of Article IV, presently provides for the allocation of all executive and administrative functions, powers, and duties "among and within not more than twenty principal departments in such manner as to group the same according to major purposes in so far as practicable," and,

WHEREAS, The inclusion of two or more major purposes or functions within the same department, when such purposes or functions tend to be in conflict as to intent or result, is generally recognized as being not in the public interest, and,

WHEREAS, It is felt that in fact the public interest has tended not always to have been well served by the inclusion within the same department of two conflicting functions; the first having to do with land utilization on a sound and financially gainful basis for the State, the second having to do with land utilization designed to protect and enhance recreational, esthetic, cultural, and similar important qualities for the public, and,

WHEREAS, Certain States apparently have allocated the aforementioned conflicting functions to separate departments, possible examples of which being New York and Illinois, and,

WHEREAS, It is felt that appropriate wording in Section 6 of Article IV, clarifying the intent not to mix within the same department conflicting functions such as, but not necessarily limited to, the two conflicting functions previously cited herein, would be in the public interest, and,

WHEREAS, There are at present 19 executive departments,

Be It Resolved, That the Honorable Members of the Constitutional Convention of Hawaii of 1968 are respectfully petitioned to consider the following amendment of Section 6 of Article IV: in the first sentence, after the word "purposes," insert the word "which"; after the word "practicable," continue with the words, "are not in conflict as to intent or result."

Be It Further Resolved, That the Honorable Members are further respectfully petitioned to convey to the legislature their statement of intent that there be established a principal department whose purpose, without conflict among its various aspects, would include the conservation and protection of recreational, esthetic, cultural, and similar qualities in regard to land utilization.

Respectfully submitted,

(s)John B. Hall

JOHN B. HALL
President

10. Digest of Proposals Offered by Delegates

Committee proposals, the actual vehicles employed by the Convention in adopting the several articles which comprise the Constitution, are set forth in the preceding Documents section, usually as attachments to the reports of standing committees.

The proposals made by individual delegates—which initiated committee consideration of the various subject matter areas and which were frequently incorporated in committee proposals—are digested on the following pages in the form of summaries.

Names of the delegates introducing particular proposals can be ascertained from the Journal after consulting the index.

- 1 — Deletes the proviso in Article XV, Section 2 requiring ratification by the counties of constitutional amendments relating to senate reapportionment.
- 2 — Provides for a board of education, and for district school advisory councils, both elected on a nonpartisan basis.
- 3 — Provides for annual 60-day general legislative sessions by eliminating the alternating budget session. Also gives the presiding officers power to convene special sessions and to extend a regular session for not more than 30 days at the written request of a majority of the members of each house.
- 4 — Provides for elective district school advisory councils.
- 5 — Removes the 60 million dollar amount as the state funded debt limit and provides that the funded debt of the State shall not exceed an amount equal to _____ times the average of the annual tax revenues of the State for the previous three fiscal years.
- 6 — Lowers the minimum voting age in Hawaii to 18 years.
- 7 — Lowers the minimum age requirement for senators from 30 to 25 years.
- 8 — Lowers the minimum voting age in Hawaii to 18 years and the minimum residence in the State to six months. Also removes the literacy requirement.
- 9 — Disqualifies from voting any person mentally ill and any person sentenced for a felony, unless pardoned, from the time sentence is imposed until final discharge.
- 10 — Guarantees the right of the people to economic security and mandates the legislature to provide protection against the loss or inadequacy of income.
- 11 — Prohibits any public officer or state employee from activities or interests which would conflict with the discharge of his duties and responsibilities. Directs the legislature to prescribe a code of ethics.
- 12 — Lowers the minimum voting age in Hawaii to 18 years.
- 13 — Increases the terms for supreme court justices to 12 years and for circuit court judges to 10 years. Provides that in order to serve an additional term, an incumbent justice or judge, upon completion of his term, must submit his name before the electorate on a nonpartisan basis, on the question of retention for another term.
- 14 — Guarantees every citizen the right to maintain a judicial action against the State to restrain a violation of either the State or U.S. Constitution, including unconstitutional expenditures.
- 15 — Requires that the State provide counsel for indigent defendants charged with any offense punishable by imprisonment for more than sixty days.
- 16 — Permits the court to dispense with bail if reasonably satisfied that the defendant will appear, except in the case of offenses punishable by life imprisonment.
- 17 — Guarantees consumers the right to full information on the quantity, total purchase price and all other material conditions of a sale.
- 18 — Guarantees all persons the right to be secure against unreasonable interception of electronic or other communications, and defines the conditions under which legal interception may occur.
- 19 — Authorizes the State to provide for the establishment, support and control of a system of free education, including public schools, colleges and institutions of vocational and technical learning.
- 20 — Adds to the rights of the accused in a criminal prosecution, the right to be promptly arraigned.
- 21 — Provides for the gubernatorial appointment of board of education members. Empowers the board with full authority for the administration of the department of education, to set up the State's education policies, fix school curriculums and prescribe the duties of the superintendent of education.
Also provides that the superintendent of education, the board's administrative officer, be appointed by the governor and serve for a term expiring at the end of the governor's term.

22 — Provides for a full-time, civil service exempt board of education. Prohibits board members from holding any other governmental position, and requires that at least part of the membership represents geographic subdivisions of the State.

23 — Establishes the department of education as a principal executive department, to be headed by a single executive, the superintendent of education, who will be appointed by the governor.

24 — Provides for full-time district court magistrates who are subject to the appointment procedures and qualifications constituted for supreme court justices and circuit court judges.

Further provides that magistrates shall receive the same term of office and compensation as a district court judge.

25 — Mandates the legislature to provide for a presidential preference primary each year in which a U.S. president is to be nominated.

26 — Empowers each political subdivision to adopt, amend or repeal a charter for its own self-government. Further provides that all charters, or parts or amendments of charters, be subject to ratification by a majority of voters of the county.

27 — Limits a person elected to the office of governor to two terms. Also limits a person to one term if he previously held the office of, or acted as, governor for more than two years of another person's term.

28 — Provides for annual 60-day general legislative sessions by eliminating the alternating budget sessions. Allows carry-over status for any business, bill or resolution pending at the adjournment of a session held in an odd-numbered year.

Establishes biennial budgeting procedures for the State to take place during the legislative sessions held in odd-numbered years. Allows the governor to submit, during even-numbered sessions, proposed revisions of the operating expenditures bill and the capital improvements bill enacted at the previous odd-numbered year session.

29 — Specifies that before becoming law a bill must have been printed and upon the desks of the members in final form at least three days prior to final passage in the house last to act upon it.

30 — Lowers the minimum voting age in Hawaii to 18 years.

31 — Lowers the minimum voting age in Hawaii to 18 years.

32 — Provides for a board of education elected on a nonpartisan basis.

33 — Amends Article XVI of the State Constitution by deleting Section 17, relating to salaries of legislators.

34 — Guarantees the right of the people to be secure against unreasonable searches, seizures, interceptions of their communications or other invasions of privacy.

35 — Deletes the provision prohibiting payment of salary when only the senate is convened in special session or when the legislature convenes in special session to act upon a bill returned by the governor.

36 — Grants to public employees the right to organize for the purpose of collective bargaining.

37 — Provides for the election of board of education members during odd-numbered years.

38 — Establishes a unicameral legislature consisting of 55 members elected from four legislative districts to serve for four-year terms. Also lowers the minimum age requirement for legislators to 25 years and provides an annual salary for them of \$15,000.

Vests all authority previously vested in either or both houses by the Constitution or by law in this unicameral legislature. Defines the clerk, presiding officer, house speaker or senate president as now being the corresponding clerk, officer or speaker of the one-chamber legislature.

Establishes annual regular legislative sessions by eliminating the alternating budget session. Allows the presiding officer to convene the legislature at other times at the written request of a majority of the members. Requires that each regular session adjourn sine die, at noon on a day determined by resolution; and deletes the provisions concerning the duration and extensions of sessions.

39 — Guarantees secrecy of political party affiliation to all voters.

40 — Provides for a Hawaiian homes commission composed of nine members elected by Hawaiian home lands lessees who are qualified voters. Further provides that part of the commission membership represent major portions of the parcels of Hawaiian home lands.

41 — Lowers the minimum voting age in Hawaii to 18 years.

42 — Guarantees every citizen the right to maintain a judicial action or proceeding against the State or political subdivision to restrain a violation of either the State or U.S. Constitution, including unconstitutional expenditures.

43 — Disqualifies from voting any person convicted of a felony so long as he is committed under a sentence of imprisonment.

44 — Lowers the minimum voting age in Hawaii to 19 years.

45 — Limits a person elected to the office of governor to three terms. Also limits a person to two terms if he has previously acted as governor for more than two years of another person's term.

46 — Provides for annual 60-day general legislative sessions by eliminating the alternating budget session.

47 - Guarantees all persons immunity from punishment and civil disability for any act not infringing upon another's property or other interest, or upon the public peace or governmental functions.

48 - Lowers the minimum voting age in Hawaii to 18 years, and removes the literacy requirement.

49 - Removes the 60 million dollar amount previously established as the limit of the state funded debt at any time and provides that the total net debt outstanding shall not exceed $1\frac{3}{4}$ times the average of the annual tax revenues of the previous five fiscal years.

50 - Provides that the method of selecting the board of education members be prescribed by the legislature.

51 - Establishes a judicial commission of nine members: two senators elected by the senate, two representatives elected by the house, two elected by the bar association and three appointed by the governor. Each member must be a state resident and shall be ineligible for a judicial appointment until three years after his four-year term of office expires.

Requires the governor to fill vacancies in the supreme court or circuit courts from a list of three nominees presented by the judicial commission. Should more than one vacancy exist, permits the governor to fill such vacancies from any list of nominees presented not more than sixty days prior to the appointment. If the governor fails to make the appointment within sixty days, allows the judicial commission to make the appointment.

52 - Disqualifies from voting any person imprisoned for a felony and any person sentenced but not committed unless restored to voting rights by a circuit court judge as prescribed by law.

53 - Limits a person elected to the office of governor to two terms. Also limits a person to one term if he has previously acted as governor for more than two years of another person's term.

54 - Guarantees the right of the people to be secure against interception of electronic and oral or other communications by electronic methods.

55 - Requires the State to provide counsel for all indigent defendants charged with offenses punishable by imprisonment for more than sixty days.

56 - Lowers the minimum voting age in Hawaii to 18 years and removes the literacy requirement.

57 - Establishes a judicial commission of nine members: the chief justice, four elected by the bar association, and four lay members appointed by the governor. Requires each member to be a state resident and U.S. citizen. Prohibits any member from holding public or political office, or from a judicial appointment until three years after the expiration of his term. Empowers the commission to nominate justices and judges and to recommend the retirement or removal of justices.

Directs the governor to fill vacancies in the supreme court or circuit courts from a list of three nominees presented by the judicial commission. If more than one vacancy exists, permits the governor to fill them from

any list presented by the commission not more than sixty days prior to the appointment. If the governor fails to make the appointment within sixty days, allows the commission to make the appointment.

Provides that the chief justice be selected by the judicial commission from the supreme court members, for a term of five years subject to reappointment, except that he may resign from the office of chief justice without resigning from the court. Should the chief justice be unable to serve, provides that the justice senior in length of service serve temporarily in his stead.

Increases the terms of justices and judges to ten years, and provides for additional ten-year terms as extended by the judicial commission.

Disqualifies without loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge retain all pension benefits, and that a justice or judge removed by the supreme court be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries be not less than the salary of the highest state official other than the governor, with no reduction during the terms. Authorizes a lifetime pension of not less than 50% of the most recent annual compensation for justices and judges who have served ten years or more and have not been removed.

58 - Requires the legislature to provide for the protection and education of citizens against harmful and unfair business practices.

59 - Adds freedom of association to those freedoms guaranteed to man. Prohibits any law allowing restraints on man's freedom of expression unless the expression creates an imminent peril of social harm.

Prohibits discrimination against any person either by the State or by any other person, firm, corporation or organization because of race, religion, sex or ancestry.

Provides that offenses heretofore prosecuted by indictment shall be prosecuted by information, after preliminary examination by a magistrate, or by indictment, with or without such examination prescribed by law. In an indictment without examination, guarantees the accused the right to inspect the minutes of the grand jury.

Permits the court to dispense with bail if reasonably satisfied that the defendant will appear, except for

offenses punishable by life imprisonment.

Requires that the State provide counsel for indigent defendants charged with an offense punishable by imprisonment for more than sixty days.

Adds to the bill of rights: the right of the people to be secure against unreasonable interception of electronic, oral and other communications by electronic methods; the right to fair and just treatment in any investigation conducted by the State or any political subdivision; the right to privacy; the right to economic security sufficient to live with dignity; the right to the highest attainable standard of health; the right to maintain a judicial action against the State or its political subdivisions to restrain a violation of either the State or U.S. Constitution, including unconstitutional expenditures; the right of consumers to be fully informed of the quantity, total purchase price and other conditions of a sale; and the right to learn and to teach.

Deletes from the bill of rights: the provision requiring recognition by the people of their obligations and responsibilities in order that the rights of man may endure; the provisions guaranteeing the right to military enlistment and prohibiting segregation in any military organization; the qualifying provisions listed under suspensions of the writ of habeas corpus; the provisions concerning military subordination to civil power, the right to bear arms and the quartering of soldiers.

Requires that all records of the State, local governments, public authorities and other public corporations be open to public inspection.

Specifies that all public officers and employees subscribe to the loyalty oath or affirmation before taking office.

Deletes Sections 3 and 4 of Article XIV, relating to loyalty of public officers and employees.

60 – Provides for a Hawaiian homes commission elected by the lessees of the Hawaiian home lands.

61 – Guarantees to the owner or purchaser of land all rights to the minerals and other natural resources therein.

62 – Authorizes the counties to create townships within and to provide for governments thereof. Empowers townships of over 20,000 in population to frame and adopt charters of their own self-government.

63 – Lowers the minimum voting age in Hawaii to 18 years.

64 – Prohibits discrimination in public educational institutions because of race, religion, sex or ancestry.

65 – Establishes a state policy to conserve and protect objects and places of ecological, geological and archaeological significance. Requires the legislature in implementing this policy to include adequate provisions for the abatement of air, water and noise pollution, and to provide for the acquisition of lands and waters outside the conservation districts.

66 – Establishes as the only requirement of a legislator that the person be a qualified voter of the district from which he seeks to be elected.

67 – Lowers the minimum voting age in Hawaii to 18 years and the minimum residence to six months.

68 – Lowers the minimum voting age in Hawaii to 18 years and the minimum residence to six months. Also removes the literacy requirement.

69 – Grants political subdivisions power to adopt, amend or repeal their own self-governing charters, and assigns them all legislative powers not prohibited by law or charter.

Provides that state legislation requiring increased expenditures by a political subdivision shall not become effective until approved by ordinance enacted by the governing body of the political subdivision, unless enacted by a two-thirds vote of all members of each house of the legislature.

70 – Grants public employees the right to organize for the purpose of collective bargaining.

71 – Lowers the minimum age requirements for legislators to 20 years for both houses.

72 – Provides for a school advisory council appointed by the governor, with at least part of the membership representing geographic subdivisions of the State. Authorizes the council to act as advisor to the board of education.

73 – Increases the terms of supreme court justices and circuit court judges to ten years each, and provides that any justice or judge who has served for at least ten years shall upon termination receive a lifetime pension of not less than fifty percent of his highest annual compensation.

74 – Grants public employees the right to organize for the purpose of collective bargaining.

75 – Provides that the presiding officers of the legislature may convene the legislature in special session, or extend a regular session for not more than 30 days at the written request of a majority of the members of each house.

Specifies that all sessions be held at the capitol building, or if the capitol is unsafe, at a place designated by the governor.

76 – Establishes annual 60-day general legislative sessions by eliminating the alternating budget session.

77 – Establishes 300 million dollars as the annual limit of the state funded debt, and provides that the sum total of all bonds and other instruments of indebtedness during the fiscal year not exceed fifteen percent of the average tax revenues of the State for the three years next preceding. Directs that bond authorizations lapse if bonds are not issued within three years.

78 – Establishes a unicameral legislature consisting of 57 members elected by the voters of four legislative districts, to serve for four-year terms.

Vests all authority previously vested in either or both houses by the Constitution or by law in this unicameral

legislature. Defines the clerk, presiding officer, house speaker or senate president as now being the corresponding clerk, officer or speaker of the one-chamber legislature.

79 – Authorizes the legislature to enact laws affecting a political subdivision upon the request of the governing body of the subdivision, but prohibits such laws from discriminating against the remaining political subdivisions.

80 – Guarantees the right of the people to be secure against unreasonable interception of both electronic communications and oral and other communications by electronic methods.

81 – Reiterates the provisions relating to the legislative powers vested in the senate and house of representatives, as specified in the already-existing Section 1 of Article III.

82 – Provides that no entrance examination need be given to students entering the state university who have successfully completed a college preparation curriculum approved by the board of education.

83 – Establishes the minimum voting age in Hawaii as the age of majority as prescribed by law, and lowers the minimum residence in the State to six months.

84 – Provides for a new article in the Constitution establishing the attorney general as chief legal officer of the State, and authorizing him to represent the State in criminal and civil cases.

Requires that the attorney general be a qualified voter and have been authorized to practice law in the State for at least five years.

Provides for the election of the attorney general for a four-year term to begin on the first Monday in December following his election. In the case of a vacancy, allows the governor to appoint, with senate confirmation, a person to complete the term.

85 – Increases the maximum number of principal executive departments to twenty-five, and provides for the establishment of regulatory, quasi-judicial and temporary agencies, and public and quasi-public corporations for special purposes; provides that such bodies may, but need not, be allocated within a principal department.

Removes the requirement of senate confirmation by allowing the governor alone to make all appointments and removals of single executives, members of boards, commissions, or other bodies which are heads of principal departments, and for all other officers for whose election or appointment provision is not otherwise made by this Constitution. Also deletes the three-year residency requirement for all officers appointed under these provisions.

86 – Authorizes the governor to enforce any constitutional or legislative mandate and restrain violation of any constitutional or legislative power, duty or right by an officer, department or agency of the State; but authorizes no action or proceeding against the

legislature.

87 – Provides for district school advisory councils with members appointed by the governor. Authorizes each council to serve as advisor to the board of education and to its district member on the board of education.

88 – Mandates the legislature to provide for a presidential preference primary each year in which a president of the United States is to be nominated. Designates that the primary be held on the second Tuesday in May, or 45 days before the convening of the first major political party convention, whichever is closest to the time of the convention.

89 – Mandates the legislature to provide for a presidential preference primary each year in which a president of the United States is to be nominated.

90 – Removes the 60 million dollar amount as the state funded debt limit and provides that the total of state indebtedness shall not exceed an amount equal to _____ times the average annual state general and special fund tax revenues for the preceding three years. Permits debt in excess of the limit for specifically itemized purposes, if approved by a majority of the electorate voting. Provides that bond authorizations be for a specified period and will lapse if not issued in that period.

Allows the issuance of bonds and other instruments of indebtedness by the governing body of a political subdivision when authorized by a two-thirds vote of its members, provided that it does not exceed ten percent of the total assessed values of the subdivision's real property.

Deletes the provision requiring all bonds of over one-year term to mature in substantially equal annual installments.

91 – Grants political subdivisions power to adopt, amend and repeal their own self-governing charters. Requires submission of all charters or amendments of charters to the voters of the subdivision, which submissions will become effective if approved by a majority of the voters.

92 – Establishes a system of community colleges and assigns it title to all real and personal property set aside or conveyed to it.

Provides for a board of regents of the community colleges, whose members will be appointed by the governor with senate confirmation, and will, at least in part, represent geographic subdivisions of the State. Grants the board power to formulate policy and exercise control through its executive officer, the president of the community colleges, who shall be appointed by the board.

93 – Adds a new article to the Constitution to permit the people to propose and enact laws by the initiative and to approve or reject legislative acts by the referendum.

Provides that an initiative or referendum be proposed by an application containing the bill to be initiated or act to be referred; that the application be signed by the

voters of each county, equal to one percent of the voters in the preceding general election and that it be filed with the lieutenant governor for certification and preparation of a petition summarizing the subject matter. If such petition is signed by at least ten percent of the voters in the preceding general election in at least two-thirds of the counties, directs that it be filed with the lieutenant governor.

Allows an initiative petition to be filed at any time and directs the lieutenant governor to prepare a ballot title and proposition summarizing the proposed law, and to place them on the ballot for the first statewide election held more than 120 days after the legislative session adjournment following the filing. Voids the petition if, before the election, substantially the same measure was enacted.

Allows the filing of a referendum petition only within 90 days after adjournment of the legislative session at which the act was passed. Directs the lieutenant governor to prepare a ballot title and proposition summarizing the act and to place them on the ballot for the first statewide election held more than 180 days after the legislative session at which the act was passed.

Authorizes initiative enactment if a majority of the voters favor adoption; if a majority favor rejection, specifies the act be rejected. Directs that an initiated law become effective 90 days after certification, not subject to veto and that it may be amended but may not be repealed by the legislature for two years. Specifies that an act rejected by referendum is void 30 days after certification.

Restricts the initiative from any statute authorizing or repealing the levy of taxes, from dedications of revenues, to make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. Restricts the referendum from any statute authorizing or repealing the levy of taxes, dedications of revenue, appropriations, local or special legislation, or laws necessary for the immediate preservation of the public peace, health or safety.

94 – Adds a new section to Article XIV defining the age of majority in the State as 18 years.

95 – Removes the 60 million dollar amount as the state funded debt limit, and provides that the total of state indebtedness shall not exceed an amount equal to _____ times the average annual state general and special fund tax revenues for the preceding three years. Permits debt in excess of the limit for specifically itemized purposes, if authorized by a two-thirds vote of the legislature. Provides that bond authorizations be for a specified period and will lapse if not issued in that period.

Allows a political subdivision to contract further debt when authorized by a two-thirds vote of the governing body.

Deletes the provision requiring all bonds of over one-year term to mature in substantially equal annual installments.

96 – Establishes annual 60-day general legislative

sessions by eliminating the alternating budget session, and provides carry-over status for any business, bill or resolution pending at the adjournment of a regular session held in an odd-numbered year.

Establishes biennial budgeting procedures for the State to take place during the legislative sessions held in odd-numbered years. Allows the governor, during even-numbered years, to submit proposed revisions of the operating expenditures and capital improvements bills enacted in the previous odd-numbered year.

97 – Removes the 60 million dollar amount as the state funded debt limit, and requires that bond and other issuances be authorized by a two-thirds vote of each house of the legislature. Requires that bond authorizations, if unallotted within two years, lapse. Authorizes indebtedness by a political subdivision without regard to any debt limit when incurred under revenue bond statutes by a public enterprise of the subdivision when the only security is the revenues of such enterprise or indebtedness incurred under special improvement statutes when the only security is the properties benefited or improved or the assessments thereon.

Deletes from the auditor's duties the making of such additional reports and conducting of such other investigations as directed by the legislature.

98 – Provides that each principal department shall be headed by a single executive, thus eliminating the board of education, board of regents, and the board of land and natural resources, and replacing them with single executive heads.

99 – Lowers the minimum voting age in Hawaii to 18 years and removes the literacy requirement.

100 – Provides for a board of education consisting of members appointed by the governor from panels submitted by local school advisory councils.

101 – Creates an honorary monarchy headed by a sovereign who will not be employed by or have any power of government.

102 – Adjusts the sixth representative district to include a portion of the island of Maui in addition to Molokai and Lanai.

Adjusts the seventh representative district to eliminate that portion of the island of Maui included in the sixth representative district.

103 – Lengthens the period from ten to twenty years when the question can be automatically submitted proposing a constitutional convention.

104 – Removes the 60 million dollar amount as the state funded debt limit, and authorizes issuance of bonds and other instruments of indebtedness provided the total of all debt services for the fiscal year does not exceed _____ percent of the average of the total of tax and other revenues received by the State in its general fund in the two preceding fiscal years.

105 – Lowers the minimum voting age in Hawaii to 18

years and the minimum residence in the State to six months.

106 — Declares that any county charter in effect prior to the effective date of the Constitution is deemed to have been adopted under the provisions of the Constitution.

107 — Guarantees every voter the right to bring an action or proceeding to enforce compliance with any constitutional or legislative mandate or to restrain the violation of any constitutional or legislative power, duty, or right by the State or any of its political subdivisions.

108 — Deletes the provision for state support and control of the public school system.

109 — Removes the 60 million dollar amount as the state funded debt limit, and provides that the debt service total for any fiscal year shall not exceed an amount equal to fifteen percent of the average of the total amount of tax revenues and other revenues received by the State in the two preceding fiscal years.

110 — Provides for a legislative salary of not less than \$12,000; and deletes the provision prohibiting payment of salary when only the senate is convened in special session or when the legislature convenes in special session to act upon a bill returned by the governor.

Establishes annual general legislative sessions by eliminating the alternating budget session, and authorizes the presiding officers of both houses to convene the legislature in other than regular sessions.

Provides that regular sessions adjourn sine die, at noon on a day determined by concurrent resolution; and provides for carry-over status of any business, bill or resolution pending at final adjournment of a session held in an odd-numbered year.

Provides that any appointment requiring senate confirmation, which is made when the legislature is not in session or the senate is recessed, shall be of a duration as prescribed by law.

111 — Provides for a board of education appointed by the governor. Deletes the provision requiring that the superintendent of education serve as secretary to the board.

112 — Deletes the provision requiring that at least part of the membership of the university board of regents represent geographic subdivisions of the State.

113 — Adds to judicial qualifications the requirement that any person eligible for appointment must have been in the actual practice of law at least five years immediately preceding his appointment, either in private practice or government service similar to that conducted by the offices of either the attorney general, the public prosecutor or the corporation counsel.

114 — Mandates the legislature to provide for a presidential preference primary each year in which a president of the United States is to be nominated.

115 — Grants to public employees the right to organize

for the purpose of collective bargaining, but specifies that this right does not include the right to strike. Requires the legislature to provide orderly, impartial and reasonable procedures for arbitration, mediation or conciliation to settle unresolved disputes.

116 — Includes state universities and community colleges in the public education system. Allows the legislature to establish other four-year colleges or universities and to provide for their administration and control.

117 — Removes the 60 million dollar amount as the state funded debt limit, and provides that the total debt outstanding shall not exceed an amount equal to _____ percent of the gross tax revenues of the State.

118 — Establishes annual 90-day general legislative sessions by eliminating the alternating budget session. Changes the salary for members of the legislature for both regular and special sessions.

119 — Establishes annual 60-day general sessions of the legislature by eliminating the alternating budget session.

Establishes biennial budgeting procedures for the State to take place during legislative sessions held in odd-numbered years. Allows the governor, during even-numbered years, to submit proposed revisions of the operating expenditures and capital expenditures bills enacted during the previous odd-numbered year session.

120 — Provides for gubernatorial appointments and removals of single executives and members of boards, commissions or other heads of principal departments by eliminating the senate confirmation requirement.

121 — Removes the 60 million dollar amount as the state funded debt limit, and provides that the total state indebtedness shall not exceed an amount equal to 2.50 times the average annual state general and special fund tax revenues for the preceding five years. Authorizes further debt incurrences without limit if approved by a majority of the electorate voting on the question.

122 — Establishes for persons 18 and older a statewide system of free colleges, universities and institutions of vocational and technical learning.

123 — Establishes the department of education as a principal executive department to be headed by the superintendent, who will be appointed by the governor with the confirmation of the senate.

124 — Establishes as the only requirement to serve as a legislator, that the person be a qualified voter of the district from which he seeks to be elected.

125 — Establishes a judicial commission of nine members: one the chief justice, three to be elected by the bar association, and five lay members to be appointed by the governor. Requires each member to be a state resident and U.S. citizen. Prohibits any member from holding public or political office, or from a judicial appointment until three years after the expiration of his term. Empowers the commission to

nominate justices and judges and to recommend the retirement or removal of justices and judges.

Directs the governor to fill vacancies in the supreme court or circuit courts from a list of three nominees presented by the judicial commission. If more than one vacancy exists, permits the governor to fill them from any list presented by the commission not more than sixty days prior to the appointment. If the governor fails to make the appointment within sixty days, the commission shall make the appointment.

Provides that the chief justice be selected by the judicial commission from the supreme court members, for a term of five years subject to reappointment, except that he may resign from the office of chief justice without resigning from the court. Should the chief justice be unable to serve, the justice senior in length of service shall serve temporarily in his stead.

Increases the terms of justices and judges to ten years, and provides for additional ten-year terms as extended by the judicial commission.

Disqualifies without loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge shall retain all pension benefits, and that a justice or judge removed by the supreme court shall be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries be not less than the salary of the highest state official other than the governor, with no reduction during the terms. Authorizes a lifetime pension of not less than 50% of the most recent annual compensation for justices and judges who have served ten years or more and have not been removed.

126 — Requires that all laws conferring powers on political subdivisions be of general application except when provisions of an existing charter are superior to a statute and preclude such general application.

Provides for election of members of the legislative body of a political subdivision. Establishes the superior authority of charter provisions to a statute subsequently enacted, with respect to a subdivision's executive, legislative and administrative structure, organization, personnel and procedure, subject to the requirement that administrative proceedings always be subject to judicial review in the manner provided by law or rule of court.

127 — Adjusts those sections of the transitional provisions which relate to continuity of laws and

continuance of officers, to reflect the changes since statehood.

128 — Allows the State, any political subdivision and any public corporation to grant or lend its money to any person, association or corporation for economic and community development purposes. Allows the legislature to create a public corporation as an instrumentality of persons, associations and corporations for economic and community development purposes.

129 — Requires that the attorney general have the same qualifications and election conditions as the governor, and that the attorney general have been licensed to practice law in the State for at least ten years preceding his election. Authorizes the attorney general to represent the State in civil actions and administrative proceedings. Proposes that any vacancy in the office of attorney general be filled for the unexpired term either as prescribed by law or by appointment by the governor.

130 — Provides that the president of the university, when appointed, need not be a citizen or resident of this State.

131 — Lowers the state residency requirement for officers appointed to principal departments to one year.

132 — Establishes the department of education as a principal administrative department, to be headed by the superintendent of education who will be appointed by the governor with senate confirmation. Empowers the superintendent to formulate policy and exercise control over public schools, the university, public libraries and other educational institutions.

133 — Grants to each county the authority to appropriate supplementary funds for education of the children therein.

134 — Establishes the salary of a legislator as being equal to fifty percent of the salary of a U.S. Congressman; the salary of the governor as being fifty percent of the salary of the President of the United States; and the salary of the lieutenant governor as being seventy-five percent of the governor's salary.

Deletes Section 17 of Article XVI, pertaining to legislative salaries.

135 — Establishes the department of education as a principal administrative department, to be headed by the superintendent of education who will be appointed by the governor with senate confirmation. Empowers the superintendent of education to formulate policy and exercise control over the public school system.

Establishes local school advisory councils to be elected and to serve as advisors to the superintendent of education.

136 — Prohibits capital punishment in the State.

137 — Requires that at least one member of the board of regents be a student attending the university and at least one member be a member of the faculty of the university.

138 — Provides that primary elections be held on the first Saturday after the first Friday in September in all even-numbered years.

139 — Provides for an official state seal, to be kept by the governor and used for official purposes only.

140 — Lowers the minimum voting age in Hawaii to 18½ years and the minimum residence in the State to six months.

141 — Lowers the residence requirement for legislators to one year, and removes the age restrictions for members of both houses.

142 — Limits a person elected as governor to not more than two full successive terms. Removes the 35-year age requirement for governor and lowers the residence requirement to one year.

143 — Provides for an elected board of regents of the university.

144 — Provides for confirmation of *both* houses of the legislature in gubernatorial appointments and removal of single executives. Requires the consent of the entire legislature instead of the senate alone in cases of impeachment.

Prohibits the payment of salary when either house of the legislature is convened in special session. Authorizes the governor to convene either house in special session.

145 — Provides an unlimited term of office for a justice of the supreme court by specifying that he shall serve until removed or retired. Increases the term of office of a judge of a circuit court from six to ten years.

146 — Directs the legislature to provide for the creation and maintenance of state parks.

147 — Removes the 60 million dollar amount as the state funded debt limit, and provides that the total of all debt services shall not exceed an amount equal to fifteen percent of the average of the total amount of tax revenues and other revenues received by the State in its general fund in the two preceding fiscal years.

148 — Defines treason against the State as the levying of war against the State, or adhering to its enemies, or giving them aid and comfort.

149 — Lowers the minimum state residence requirement for voters to six months, and removes the literacy requirement.

150 — Guarantees the people's right to assemble peaceably to consult for the common good.

151 — Prohibits the damaging as well as the taking of private property for public use without just compensation.

152 — Requires that in all criminal prosecutions, the accused have a copy as well as being informed of the nature and cause of the accusation.

153 — Guarantees to all the right to freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and that in all trials for libel the truth, when published with good motives and for justifiable ends, will be sufficient defense.

154 — Grants public employees the right to bargain collectively through representatives of their own choosing.

155 — Provides for the management or disposition of natural resources by one or more single department executives.

156 — Directs the legislature to provide a tuition differential for nonresident and resident students at the university and at community colleges, and specifies the greater tuition for nonresident students.

157 — Provides for reapportionment of the legislature. Also sets 1974 as the date of the next reapportionment of both houses of the legislature, and provides that future reapportionments occur every four years thereafter. Deletes the provision that no basic area shall receive less than one member in the house of representatives, and provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

158 — Provides for gubernatorial appointment of supreme court justices and circuit court judges by eliminating the senate confirmation requirement and by imposing a 10-day public notice requirement.

159 — Adds a new article to the Constitution to provide guidelines for ethics in government. Requires officers and employees to demonstrate the highest standards of ethical conduct; to recognize that the public interest is their primary concern and to discharge their duties accordingly; and to be trustees of the property, funds and effects of their agency so far as these can be committed to their management and control, and makes them subject to all duties and responsibilities imposed by law on trustees.

Mandates the legislature to provide a code of ethics for all officers and employees of the State, excluding only justices, judges and magistrates. Also directs each political subdivision to establish its own code of ethics and ethics commission.

Establishes an independent state ethics commission to administer and enforce the code of ethics of the State, and prohibits members from holding other public offices.

160 — Expands the literacy requirement of qualified voters to include the ability to speak, read and write either English, Hawaiian, Korean, Japanese, Spanish, Portuguese, dialects of Chinese, Filipino or any other language spoken, read and written in the State.

161 — Establishes a board of regents of the university with power to formulate policies and standards, and with complete supervision, control and direction of all expenditures from the institution's funds. Vests complete accountability and responsibility for such powers with the board.

162 — Creates a board of regents composed of one representative from each senatorial district, to be elected for a six-year term of office. Provides that the superintendent of education also be a member.

Directs that the board elect a president of the university, who will be its principal executive officer as well as an ex-officio member of the board without the right to vote.

163 — Establishes a board of education with complete supervision of the department of education, to control and direct all expenditures of the department and with power to formulate policies and educational standards and to fix school curriculums.

Establishes a superintendent of education to be elected by the school board from that body, who shall become the principal executive officer of the department of education and an ex-officio member of the board without the right to vote.

164 — Adjusts the sixth representative district to include a portion of the island of Maui as well as the islands of Molokai and Lanai.

Adjusts the seventh representative district to include the remaining portion of the island of Maui and the island of Kahoolawe.

165 — Adjusts the sixth representative district to include that portion of Maui presently the second, third and fourth precincts of the seventh representative district as well as the islands of Molokai and Lanai.

Adjusts the seventh representative district to include the remaining portion of the island of Maui and the island of Kahoolawe.

166 — Directs the legislature to enact a code of ethics to apply to every officer or employee of the State except justices, judges and magistrates.

167 — Increases the number of senators from twenty-five to thirty-five, and the number of senatorial districts from six to eighteen.

Increases the number of representatives from fifty-one to eighty-three.

168 — Requires one member of the Hawaiian homes commission to be a lessee of the Hawaiian home lands and to be elected by qualified voters who are also lessees.

169 — Lowers the minimum age for governor to 20 and the minimum residence in the State to three years, and deletes the 20-year U.S. citizenship requirement.

170 — Directs that current unissued bonds authorized for more than two years shall lapse, and that bond authorization be applicable for two years and shall lapse if the bonds are not issued within that period.

171 — Guarantees the people's right to be secure against interception of electronic communications and interception of oral and other communications by electronic methods.

Mandates the State to provide counsel for indigent defendants charged with any offense punishable by

imprisonment for more than sixty days.

172 — Grants to public employees the right to organize for the purpose of collective negotiation, but specifies that this right shall not include the right to strike. Directs that the legislature provide procedures to settle unresolved disputes.

173 — Lowers the minimum voting age in Hawaii to 18 years and removes the literacy requirement. Designates that the minimum age for voters in special local elections held prior to September shall be 19 years.

174 — Provides for a four-year term of office for members of the legislature.

Directs that the legislature be a continuous body during the term of office, and specifies that if adjourned, it may be convened by the governor or by the presiding officers of both houses at the written request of a majority of the members of each house.

175 — Reapportions the legislature by dividing the State into as many senatorial districts as there are senators and as many representative districts as there are representatives. Provides that each district consist of contiguous and compact territory with integrated socio-economic area, and that all districts contain populations of registered voters substantially equal. Further provides that district boundaries be redrawn as often as necessary to achieve this.

Establishes a districting commission to define the districts, consisting of nine members: two each to be appointed by the presiding officer and minority leader of each house, and one—the chairman—to be appointed by the governor. Prohibits members from holding public office, and directs that vacancies be filled by the appointing authority.

Provides for appointment of a commission within 90 days after each legislative convening following a gubernatorial election. Directs that the commission submit a districting plan to the governor within 90 days, and that the governor issue a proclamation defining the boundaries within 90 days after receipt. Allows the governor to change the plan but requires the reasons in an accompanying statement. Provides that the plan be effective for legislative elections for the next two general elections.

Allows any qualified voter to apply to the circuit court to compel the appointment of commission members, the performance of the commission's duty or of the governor's duty, or to correct any error in districting. Vests original jurisdiction in the circuit courts and review on appeal by the supreme court.

176 — Protects persons having title or deed from loss of their land for failure to evict or defend against claimants.

177 — Allows counties to levy taxes upon state-owned land not leased or improved.

178 — Establishes annual 90-day general legislative sessions by eliminating the alternating budget session. Provides that two-thirds of the members of each house as well as the governor may convene the legislature in

special session or extend the regular session for not more than 30 days.

Designates the first Monday in February for commencement of regular sessions, and allows carry-over status of any bill pending at the final adjournment of a session.

Allows each house to establish its own permanent professional staffing, and provides that these appointees may assist in developing and formulating policy and serve as staff to committees during interim and regular sessions.

Recommends a change in the salary of legislators.

179 - Guarantees that no person be denied the right of appeal to the state supreme court because of inability to pay the appeal costs.

Guarantees the right of counsel in any appeal to the state supreme court; directs the court to appoint counsel and sets the maximum service fee of \$1,000 per case.

180 - Provides for reapportionment of the legislature. Also sets the next reapportionment date and future reapportionment dates. Changes the basis of reapportionment from registered voters to total population and guarantees that such reapportionment give equal weight to the vote of each person.

181 - States that primary elections be held on the first Friday in October.

182 - Removes the state residence requirement for legislators and requires them to be qualified voters only of the State rather than the particular district from which seeking office.

183 - Prohibits the State from operating or authorizing a lottery for any purpose.

184 - Provides that all elected officials be subject to recall by the voters, and directs the legislature to prescribe the procedures and grounds.

185 - Establishes the department of education as a principal department, to be headed by a superintendent of education appointed by the governor with senate confirmation. Empowers the superintendent to formulate policy and exercise control over the public school system.

Provides for local school advisory councils which will represent geographic subdivisions and serve as advisors to the superintendent of education. Provides that the council members be appointed by the governor with senate confirmation.

186 - Provides for reapportionment of the legislature and that legislators be elected by the place system method. Also sets the next reapportionment date and provides that future reapportionments occur every six years thereafter.

Provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

Increases the terms of office of representatives from two to four years and of senators from four to six

years. Also lowers the minimum age requirement for senators to 25 years.

187 - Increases the terms of office of representatives from two to four years and of senators from four to six years.

188 - Establishes annual 90-day general legislative sessions by eliminating the alternating budget session. Allows the legislature to convene in special session or to extend the regular session for not more than 30 days at the written request of the majority of the members of each house.

Provides for the carry-over of any measure pending at the adjournment of a regular session in an odd-numbered year.

Proposes a salary for legislators of \$12,000 per annum.

189 - Requires that bills be printed and made available to legislators and the public in final form at least three days prior to final passage in each house. Prohibits any bill on which a public hearing has been requested from passing third reading unless such hearing has been held.

190 - Establishes annual 60-day general legislative sessions by eliminating the alternating budget session.

191 - Removes the requirement that legislators be qualified voters of the districts from which they are seeking election.

192 - Directs the legislature to provide that the terms of all board of education members will not expire simultaneously. Restricts board members to not more than two terms.

193 - Permits the people to propose and enact laws by the initiative, under procedures as prescribed by law.

194 - Provides that all elected officials be subject to recall by the voters, and directs the legislature to prescribe the procedures and grounds.

195 - Allows the people to approve or reject acts of the legislature by the referendum, under procedures as prescribed by law.

196 - Grants that all persons charged with criminal offenses be bailable, except for offenses punishable by life imprisonment without parole when the proof is evident or the presumption great.

197 - Requires that the place system method be used in every case where the voters of a legislative district elect more than one legislator.

198 - Authorizes the legislature to provide interim committees to conduct business on subjects under legislative control, to act during or between sessions.

199 - Requires that all legislators be qualified voters, and be residents of, and have lived in, the districts from which they are seeking election for not less than one year preceding the election date.

200 — Provides for compensation as prescribed by law for all board and commission members appointed by the governor.

201 — Establishes a minimum of two senators from each district, and provides for the reapportionment of both the senate and the house of representatives. Terminates all unexpired terms of legislators upon adoption of the reapportionment plan.

202 — Deletes Section 15 of Article I concerning the people's right to bear arms, and permits the maintenance of a well-regulated militia.

203 — Protects the people's right to keep and bear arms but subjects it to reasonable regulation by law.

204 — Establishes annual general legislative sessions by eliminating the alternating budget session. Authorizes the presiding officers of both houses to convene the legislature in other than regular session at the written request of a majority of the members to which each house is entitled. Allows the governor to convene the house alone, or the senate alone or both houses, in special session.

Provides that regular sessions shall adjourn sine die at noon on a day determined by concurrent resolution. Prohibits recesses of more than three days during any session by either house without the consent of the other. Provides for carry-over status of any measure pending at the adjournment of a regular session in an odd-numbered year.

Allows the governor to make appointments normally requiring senate confirmation when the legislature is not in session. Directs that the duration of such appointments be prescribed by law.

Mandates the legislature to prescribe a code of ethics and to provide for the regulation of conflicts of interest for all elected state officers.

205 — Deletes Sections 3 and 4 of Article XVI concerning the transfer of debts and bonds from the Territory to the State.

206 — Provides that a legislative vacancy be filled by the unsuccessful candidate for the seat who received the most votes in the election at which the person to be succeeded was elected. Authorizes the governor to make an appointment if such person ran unopposed in the primary and general election.

207 — Allows the people to propose and enact state laws by the initiative, and to approve or reject legislative acts by the referendum. Directs that such proposals be submitted to the electorate at the first general election, but limits the number of proposals on the ballot to not more than one initiative and one referendum.

208 — Any increase or decrease in the salary and allowances of the legislative body of a political subdivision shall not apply to the legislative body which enacted it.

209 — Increases the duties of the legislative auditor to include post-audits of the programs and performance, as well as post-audits of the transactions and accounts, of all state departments, offices and agencies.

210 — Deletes Sections 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 18 of Article XVI concerning transitions from Territory to State.

211 — Amends the qualifications requirement for justices and judges to include any person admitted to practice law for at least ten years in any state or federal court of the United States; and adds a three-year state residency requirement.

212 — Provides that any legislative vacancy be filled by the unsuccessful candidate of the same political party who received the most votes in the general election in which the seat was contested. If none, provides that the vacancy be filled by the unsuccessful candidate of the same political party who received the most votes in the primary election. If unopposed in the primary, allows the vacancy to be filled as prescribed by law; if no law, authorizes the governor to make an appointment.

213 — Permits a former justice of the supreme court who is not yet 70 years old to be temporarily assigned, with his consent, for such judicial service as may be prescribed by supreme court rules.

214 — Guarantees the right to be secure against unreasonable interception of communications by electronic, mechanical or other devices.

Prohibits any order authorizing or approving such interception but upon probable cause, supported by oath or affirmation of a prosecuting attorney, and with the affidavit and complete statement of a person having personal knowledge; and requires that the statement must show reasonable grounds to believe that evidence or information of a crime may be thus and not otherwise obtained, and must give all other pertinent information concerning the interception.

Specifies that an order for interception may be issued only by a circuit court judge of the circuit involved, and be limited to a reasonable period of time and to major offenses. Prohibits evidence obtained in violation of the above from admission in any judicial, legislative or administrative proceeding.

215 — Staggers the terms of representatives by creating two classes of seats in the house: the first to be filled by the one member from each representative district who received the most votes, who will serve a four-year term of office; and the second to be filled by the remaining members elected, who will serve two-year terms. Staggers the terms of senators by creating two classes of seats in the senate: the first to be filled by the one member from each senatorial district who received the most votes, who will serve a six-year term of office; and the second to be filled by the remaining members elected, who will serve four-year terms.

216 — Grants to the constitutional convention the power to take testimony, issue subpoenas and prosecute witnesses who refuse to take oath, testify or produce

records or who swear falsely.

Protects convention members from being held to answer for any statement or action taken in the exercise of their duties as delegates; protects members from arrest during attendance and in going to and from the convention, except for felony and breach of peace cases.

Authorizes the convention to punish by fine or imprisonment any nonmember guilty of disorderly or contemptuous behavior, or who threatens, assaults, arrests or detains any person ordered to attend, or rescues any person arrested for such.

Requires that any person charged be informed in writing of the charge against him, and have an opportunity to present evidence or be heard in his own defense.

217 — Establishes the attorney general as the chief legal officer of the State, to be elected by the voters as prescribed by law.

218 — Provides for the reapportionment of the legislature and that legislators be elected by the place system method. Also sets the next reapportionment date, and provides for future reapportionments every tenth year thereafter. Provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

Provides that, upon adoption of the reapportionment plan, all unexpired terms of the legislature shall terminate. Establishes the term of office for representatives to begin with their election and end on the day of the next general election. Staggers the term for senators by dividing the senate into two classes: the first to hold office for a four-year term of office, and the second for a two-year term; specifies that upon expiration of these terms of office, the term of their successors will be four years. Provides that half of the members to which each senatorial district is entitled be of the first class, or if not an even number, that the members of the first class be the quotient of the total number divided by two, rounded off to the next whole number. Provides that membership in both classes be determined by the number of votes cast for each senator in the district, and that those in the first class shall have received the highest number of votes.

219 — Establishes the lieutenant governor as president of the senate but with no vote unless the senate is equally divided.

220 — Establishes a board of education appointed by the governor, with senate confirmation, from panels submitted by the local school advisory councils. Also provides for the election of the local school advisory council members.

221 — Provides for annual general legislative sessions by eliminating the alternating budget session. Limits the period of regular sessions in even-numbered years, after 1969, to 45 days and in odd-numbered years to 60 days. Excludes Saturdays, Sundays and holidays in computing the number of days of any session. Allows a majority of the legislators from each house, or the governor, to convene the legislature in special session or to extend any session for not more than 30 days.

Requires the governor to submit to the legislature prior to the opening of each session in an odd-numbered year, a biennial budget. Directs that the governor submit bills to provide for expenditures and additional revenues or borrowings in odd-numbered years, and that the governor and the legislature act upon revisions to the biennial budget in even-numbered years.

Proposes that the legislative salary be one-half the compensation of a congressman.

222 — Vests power in the State to conserve and develop the highest order of environmental health and welfare.

223 — Directs that all appropriated governmental agencies give attention to and act upon all aspects of environmental health and welfare, including such problems as air and water pollution control; noise abatement; preservation of land and natural resources; social and cultural welfare; animal, fish and wildlife control, etc.

224 — Vests power in the State to protect its air, water and land against needless contamination.

225 — Eliminates the house of representatives by vesting all legislative power of the State in a senate composed of 51 members elected for four-year terms from 51 senatorial districts, each of contiguous and compact territory containing an integrated socio-economic area, and each containing an equal population of registered voters.

Provides that the senate be a continuous body which meets in annual regular sessions, and if adjourned may be convened by the governor or the presiding officer at the written request of a majority of the members.

Establishes a board of chancellors composed of 16 members, four to be elected from each county for four-year terms, and to receive the same compensation as senators. Requires the board to convene at the same time as the senate and to continue in session for as long as the senate; allows it to make recommendations to the senate and to voice its objections or propose amendments to any bill under senate consideration.

Authorizes the senate and board of chancellors each as sole judge of elections, returns and qualifications of members, with power to punish a member by censure or, with a two-thirds vote, by suspension or expulsion, for misconduct, disorderly behavior or neglect of duty. Requires that each choose its officers, determine its own rules of procedure and keep a journal. Also provides that vacancies in the senate and the board be filled by law or by gubernatorial appointment.

Creates a five-member senatorial districting commission: two members each to be appointed by the presiding officer and minority leader of the senate and one member, the chairman, to be appointed by the governor. Prohibits any member from holding public office, and provides that vacancies be filled by the appointing authority.

Requires the appointment of a commission within 90 days after each legislative convening following a gubernatorial election. Directs the commission to submit a districting plan to the governor within 90 days, and

the governor to issue a proclamation defining the boundaries within 90 days after receipt. Allows the governor to correct any error but requires the reasons in an accompanying statement. Provides that the plan be effective for senate elections for the next two general elections.

Allows any qualified voter 30 days to apply to the first circuit court to correct any districting error, or to require the appointment of a districting commission if no commission is appointed or if the duties have not been performed within the time prescribed.

226 – Protects all persons from discrimination because of economic status or political belief. Also prohibits disqualification of any juror because of occupation.

227 – Establishes the department of education as a principal department headed by a superintendent appointed by the governor. Grants to the superintendent power to formulate policy for and exercise control over the public educational institutions of the State, including the universities, four-year colleges and community colleges.

Establishes a board of education for each county of the State, with members elected by the voters of that county. Grants each board power to formulate policy and exercise control over the public school system of its county, within the framework of the superintendent of education, through its administrative officer who shall be appointed by the board and shall serve as its secretary.

Establishes a board of regents for the University of Hawaii, appointed by the governor. Grants the board power to formulate policy and exercise control over the university within the framework of the superintendent of education, through its administrative officer, the president of the university, who shall be appointed by the board and serve as its secretary.

Establishes a board of trustees for each four-year and community college, appointed by the governor. Grants each board power to formulate policy and exercise control over its college within the framework of the superintendent of education, through its administrative officer, the college president, who shall be appointed by the board and serve as its secretary.

228 – Establishes a judicial commission consisting of nine members: the chief justice, three from the bar association, and five lay members appointed by the governor. Requires that each member be a state resident and U.S. citizen; that none hold or run for any public or political office; that none be eligible for any judicial appointment during or for three years after their commission membership is expired; that all perform without regard to partisan politics; and that all serve six-year terms, to be staggered at two-year intervals. Directs the supreme court to fill vacancies within 30 days of the vacancy.

Provides that the chief justice be selected by the judicial commission from the supreme court members, for a term of five years subject to reappointment, except that he may resign from the office of chief justice without resigning from the court. Should the chief justice be unable to serve, provides that the justice senior in length of service serve temporarily in his stead.

Increases the terms of justices and judges to ten years, and provides for additional ten-year terms as extended by the judicial commission.

Disqualifies without loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge shall retain all pension benefits, and that a justice or judge removed by the supreme court shall be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries be not less than the salary of the highest state official other than the governor, with no reduction during the terms. Authorizes a lifetime pension of not less than 50% of the most recent annual compensation for justices and judges who have served ten years or more and have not been removed.

229 – Proposes that the pay of a juror be provided by law, but not less than 75% of his daily wages or less than \$20.00 per day.

230 – Allows the governor alone to remove any single executive by deleting the provision requiring senate confirmation for such removal.

231 – Designates the first Saturday in October in all even-numbered years for open primary elections.

Provides that the person or persons receiving the greatest number of votes in a primary, according to the number of seats open for election to a particular office, be the candidate or candidates of the party in the following general election.

Authorizes any candidate receiving a specified percentage of votes in the primary, as determined by the legislature, to be elected outright to the office, without standing for election at the general election.

232 – Prohibits the damaging as well as the taking of private property for public use without just compensation.

233 – Revises the descriptions of the ninth and tenth representative districts in the Schedule.

234 – Grants to a political subdivision power to amend and repeal as well as adopt a charter for its own self-government. Requires that all charters, or parts, be submitted to the voters of the subdivision for approval by a majority of those voting. Provides that charter provisions are superior to statute.

235 — Prevents state legislation requiring increased expenditures by a political subdivision from becoming effective until approved by the subdivision's legislative body, unless sufficient funds are granted by that or separate legislation.

236 — Allows the legislature to enact special laws relating to political subdivisions if such laws are approved by the governing body of the affected unit.

237 — Directs that all bonds and other instruments of indebtedness issued by a political subdivision must be authorized by the governing body.

Removes the 60 million dollar amount as the state funded debt limit, and deletes other provisions concerning debt limitations of the State. Provides that a subdivision's funded debt limit shall not exceed an amount equal to _____ percent of the total of the assessed real property values in the subdivision. Changes the aggregate of debts contracted by the subdivision during the fiscal year from the two percent maximum of the total of assessed values.

Provides that this section not apply to indebtedness contracted by any political subdivision for a public improvement or service to the extent that net revenue therefrom meet the annual requirements for interest on and amortization or redemption of such debt; further provides that net revenue be gross revenue derived from such public improvement or service including periodic subsidies as provided by the legislature, less all costs of operation, maintenance and repairs.

238 — Empowers political subdivisions to levy taxes, excises, fees, charges, etc., and grants the legislature power to apportion state revenues among the political subdivisions. Prevents state legislation requiring increased expenditures by a subdivision from becoming effective until approved by the subdivision's legislative body.

239 — Grants to a political subdivision power to amend and repeal as well as adopt a charter for its own self-government. Requires that all charters, or parts, be submitted to the voters of the subdivision for approval by a majority of those voting. Provides that charter provisions are superior to statute.

240 — Recommends that powers and authority granted political subdivisions be liberally construed to give them the largest measure of self-government.

241 — Recommends that powers and authority granted political subdivisions be liberally construed to give them the largest measure of self-government.

Authorizes the legislature to create counties and other political subdivisions within the State, and to provide for their government. Grants each political subdivision all powers of government not denied by the constitution or general law.

Grants each political subdivision power to adopt, amend or repeal a charter for its own self-government. Requires that all charters, or parts, be submitted to the voters of the subdivision for approval by a majority of those voting. Provides that charter provisions are superior to statute.

Directs that all bonds and other instruments of

indebtedness issued by a political subdivision must be authorized by the governing body. Establishes as the limit of the subdivision's funded debt a sum equal to _____ percent of the total of the assessed real property values in the subdivision. Permits the subdivision, authorized by its governing body, to issue instruments of indebtedness in anticipation of revenue collections or to meet casual deficits or failures of revenue, to be payable within one year.

Provides that the debt limitations specified above not apply to indebtedness incurred under revenue bond statutes or ordinances by a public enterprise of the subdivision; or incurred under special improvement enactments when the only security is the properties benefited or improved; or indebtedness contracted for a public improvement, or part, or service to the extent that net revenue therefrom shall meet the annual requirements for interest on and amortization or redemption of such debt. Specifies that net revenue be gross revenue derived from such public improvement or service including periodic subsidies as provided by the legislature, less all costs of operation, maintenance and repairs.

Prohibits any law mandating a political subdivision to pay any previously accrued claim.

242 — Grants each political subdivision all powers of government not denied by the constitution or general law.

243 — Decreases the number of senators from 25 to 21, and provides that they be elected at large on a statewide basis. Increases the term of office of senators from four to six years.

Staggeres the terms of senators by dividing the senate into two classes: the first class to consist of eleven, elected with the highest number of votes, whose term of office begins with their election and ends on the day of the third general election thereafter; and the second class to consist of the remaining senators elected, whose term of office begins with their election and ends on the day of the second general election thereafter. Directs that upon expiration of these terms, the term of office of their successors will be six years.

244 — Directs the State to preserve the heritage and culture of the Hawaiian people and to encourage continued support of Hawaiian traditions.

245 — Allows the governor alone to appoint and remove all single executives by deleting the requirement of senate confirmation.

246 — Prevents any public water supply from being used to carry substances added to affect the physical or mental function of the consumer's body without the consent of the majority of the consumers.

247 — Empowers the people to require that any potable water supply provided for public use be safe for every consumer.

248 — Divides the State into two congressional districts using the current representative districts and provides that representatives to Congress be elected by such

districts.

Sets the date for the next redistricting and authorizes the governor to redistrict the congressional districts every ten years thereafter. Specifies that each district be compact, of contiguous territory and as nearly as possible equal in population.

Vests original jurisdiction in the state supreme court, to compel by mandamus or otherwise the governor to perform such redistricting and to correct any error made.

249 — Changes the majority required to approve constitutional amendments at special elections from thirty-five to thirty percent of the total number of registered voters. Deletes the proviso in Article XV, Section 2 requiring ratification by the counties of constitutional amendments relating to senate reapportionment.

Provides that, in case of the approval of conflicting proposals framed either at different legislative sessions or by the legislature and a constitutional convention, that the one last adopted for submission to a vote will prevail.

250 — Directs the legislature to create four political subdivisions within the island of Oahu and describes the location of each, using the current representative districts.

251 — Reapportions the legislature by changing the areas of reapportionment from four basic areas to one or more senatorial or representative districts, and permits no more than two senators from any district. Guarantees that the method of reapportionment give equal weight to the vote of each person and that, upon such reapportionment, if counties or portions are combined to form a senatorial district, that these senators be elected by the place system method, with not more than one of the senators elected being a resident of the same county.

Deletes the proviso in Section 2 of Article XV requiring ratification by the counties of constitutional amendments relating to senate reapportionment.

Terminates all unexpired terms of the legislators upon the effective date of the reapportionment and staggers the terms of senators by dividing the senate into two classes: the first class to consist of the senator elected from the district with the most votes, whose term will begin with his election and end on the day of the second general election thereafter; and the second class to consist of the remaining senators elected from the district, whose terms will begin with the election and end on the day of the next general election. Provides that thereafter the terms of their successors will be four years.

252 — Creates a department of crime prevention as a principal executive department, to be headed by an executive board composed of members appointed by the governor with senate confirmation. Provides that part of the board membership represent geographic subdivisions, and that the number of members, terms of office, removal, etc. be as prescribed by law.

Directs the department to investigate crime in the State and to report its findings and recommendations to

the governor, the legislature and the political subdivisions of the State. Also authorizes the department to propose legislation it deems desirable and to make such reports and investigations as directed by the legislature.

253 — Authorizes the legislature to provide interim committees for business within the scope of legislative control, to act between sessions.

254 — Adds to the provisions on house reapportionment that the islands of Molokai and Lanai shall be a representative district entitled to a minimum of one member.

255 — Provides for a board of regents of the university composed of eleven members: eight elected by qualified voters, two elected by the university's full-time registered student body (one a full-time registered student, and one a full-time registered graduate student) and one elected from the university faculty by the members of the faculty.

256 — Allows the voters of a political subdivision to approve or reject by the referendum through an application signed by not less than 100 qualified voters and filed with the subdivision's clerk. Requires that, if proper, the clerk certify it and prepare a petition containing the summarized subject matter for circulation. Provides that, if signed by ten percent of the qualified voters in the preceding general election, it may be filed with the clerk.

Allows a referendum petition to be filed only after legislative adjournment. Directs the clerk to prepare a ballot title and proposition and to place them on the ballot for the first general election. Provides that, if a majority of the votes on the proposition favor, it shall be void in that subdivision; and that the clerk certify the election returns. Specifies that a referendum is void 30 days after certification.

Prohibits a referendum from applying to dedications of revenue, appropriations, or laws preserving the public peace, health or safety.

257 — Reapportions the legislature and sets the date for the next legislative reapportionment. Provides that no senatorial district shall receive more than two or less than one member and no representative district shall receive more than four or less than two members. Guarantees that equal weight be given to the vote of each registered voter.

Terminates all unexpired terms of the legislators upon the effective date of the reapportionment and staggers the terms of senators by dividing the senate into two classes: the first class to consist of the senator in each district elected with the most votes, whose term will begin with his election and end on the day of the second general election thereafter; and the second class to consist of the other senator elected from the district, whose term will begin with his election and end on the day of the next general election. Provides that thereafter terms of their successors will be four years.

258 — Provides that any legislative vacancy occurring within six months of a general election be filled for the

unexpired term at that election; and that any vacancy occurring more than six months before a general election be filled by a special election.

259 — Provides that any vacancy in an elected public office of a political subdivision occurring within six months of a general election be filled for the unexpired term at that election; and that any vacancy occurring more than six months before a general election be filled at a special election.

260 — Authorizes "Hawaii Ponoï" as the official state song and the pua aloalo (hibiscus) as the official state flower.

261 — Directs that the board or commission charged with the management of soil and water conservation districts assign the function to an administrative officer empowered to coordinate the activities of the districts.

262 — Reapportions the legislature and sets the date for the next legislative reapportionment. Provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

263 — Prevents any bill from passing third and final reading unless preceded by a public hearing.

264 — Grants each political subdivision power to establish, operate and maintain municipal airports.

265 — Provides that appropriations be considered valid only for the fiscal year for which made, and that any part not encumbered or expended, and any surplus of funds received because of greater than expected tax revenues, be used for amortizing general obligation bonds, reducing taxes and reducing the budget for succeeding fiscal years.

266 — Requires that third reading bills be considered and passed only between 10:00 a.m. and 6:00 p.m. and from 7:30 to 10:30 p.m.

267 — Guarantees all persons the right to receive medical care and treatment to attain the best possible physical and mental health.

Directs the State to provide for treatment, rehabilitation and domiciliary care of mentally or physically handicapped persons.

268 — Reapportions the senate by increasing the membership to thirty-three and decreasing the number of districts to four. Also reallocates the number of representative seats in several districts. Sets 1980 as the date of the next reapportionment, and provides for future reapportionments every ten years thereafter.

Provides for the establishment of a reapportionment commission between March 1 and June 1, 1979 and each tenth year thereafter, one member to be appointed by the senate president, one by the house speaker, and three members by the governor. Authorizes the commission to reapportion the legislature and redesignate district boundaries, and to submit its plan of reapportionment, districting and allotment of senatorial terms to the governor by December 1st of the year appointed. Directs the governor to issue a proclamation

with the results of the commission, to be effective for the next five elections.

Increases the terms of representatives to four years and of senators to six years. Lowers the minimum age of senators to 25 years and that of representatives to 20 years. Also proposes a legislative salary equal to one-half that received by congressmen.

Establishes annual general legislative sessions by eliminating the alternating budget session. Changes regular session commencement date to the third Wednesday in January, and increases the duration of sessions held in odd-numbered years to 90 days, in even-numbered years to 60 days, and special sessions to 30 days.

Lowers the minimum age of the governor and lieutenant governor to 25 years.

Removes the 60 million dollar amount as the state funded debt limit, deletes the provisions relating to excesses of debt limitations, and provides that the limit of state funded debt be set by the legislature based on the six-year capital improvements expenditures program.

Permits the voters of a political subdivision to approve or reject by the referendum and provides a description of the necessary procedures. Restricts the referendum from dedications of revenue, appropriations or laws necessary for the immediate preservation of the public peace, health or safety.

269 — Guarantees all persons the right to fair and just treatment in any state or subdivision investigation or proceeding.

270 — Establishes a dollar limit for campaign expenditures of U.S. congressional candidates and for all elected officials of the State and its political subdivisions.

271 — Requires that all legislators be residents of the districts from which seeking election for at least eighteen months before filing nomination papers. Defines residence as the place a person occupies and uses as his primary place of residence. Requires candidates to submit affidavits alleging their residence and directs the lieutenant governor to investigate and verify these.

272 — Prohibits Rainbow Island (Sand Island), excluding federally-owned areas, from being used for commercial or industrial purposes, but permits the presently existing uses until their termination.

273 — Establishes annual general legislative sessions by eliminating the alternating budget session. Sets commencement date of the regular session for the first Monday in January. Increases the regular session period to 75 working days, and excludes Saturdays, Sundays and holidays in computing the session days. Directs that the budget be considered on an annual basis and enacted for the next fiscal year at each session. Proposes a legislative salary of \$7,500 for each general session and \$1,500 for each special session.

274 — Reapportions the senate by decreasing the number of senators to 19 and establishing multi-member senatorial districts. Reapportions the house by decreasing the number of representatives to 40 and establishing

multi-member representative districts.

Sets 1973 as the next reapportionment date and authorizes future reapportionments every eighth year thereafter. Allocates the number of senators and representatives by using the number of voters registered at the last preceding presidential general election. Provides that no district except those on Oahu may receive less than one member. Provides for redistricting on Oahu in order to guarantee that equal weight be given to the vote of each registered voter.

275 — Establishes a department of education headed by a director of education to be appointed by the governor and empowered to formulate policy for the coordination and control of the public school system which includes the university and a system of four-year and community colleges. Establishes a board of public education, a board of trustees for the four-year and community college system, and a board of regents of the university, all composed of members to be elected by the voters. Provides that the director of education appoint a president for each of the above boards to serve as executive officer and secretary of the board.

Allows the legislature to establish a coordinating council composed of the presidents of the respective boards and the director of education, who will be the council chairman. Directs that the council coordinate the activities of the boards.

276 — Exempts from all state taxes every resident 65 and over and not employed, and every resident totally disabled.

277 — Establishes a department of education headed by a director of education appointed by the governor and empowered to formulate policy for the coordination and control of the public school system which includes the university and a system of four-year and community colleges. Establishes a board of public education, a board of trustees of the four-year and community college system, and a board of regents of the university, all composed of members appointed by the governor with confirmation by a majority of the legislature in joint session. Provides that the director of education appoint a president for each of the above boards to serve as executive officer and secretary of the board.

Allows the legislature to establish a coordinating council composed of the presidents of the respective boards and the director of education who will be the council chairman. Directs that the council coordinate the activities of the boards.

278 — Divides the State into two congressional districts and provides that representatives to congress be elected from such districts.

Sets the date for the next redistricting and authorizes the governor to redistrict the congressional districts every ten years thereafter. Specifies that each district be as nearly as possible equal in population or in registered voters, in accordance with the base used in the next legislative reapportionment of the house of representatives. Directs the governor to issue a proclamation with the results of such redistricting.

Vests original jurisdiction in the state supreme court, to compel by mandamus or otherwise the governor to

perform such redistricting and to correct any error made.

279 — Changes the minimum voting age in Hawaii and the minimum residence in the State, adds a residence requirement in the precinct, and removes the literacy requirement.

Changes the minimum age for senators and representatives and the minimum residence in the State, and adds a residence and voting requirement in the precinct for both senators and representatives. Requires that a legislator reside in the district from which elected for the duration of his term.

280 — Establishes a department of conservation headed by an executive board composed of seven members appointed by the governor. Empowers the board to formulate policy and exercise control over conservation districts and the conservation of natural beauty, places of historic and cultural interest, sightliness and physical good order.

Establishes a department of land and natural resources headed by an executive board composed of seven members appointed by the governor. Empowers the board to formulate policy and exercise control over the natural resources of the State for the production of food and fibre. Requires that any disposition of public lands in a conservation district, watershed or forest reserve be preceded by a majority of the board.

Directs the legislature to provide for the abatement of air and water pollution and of excessive noise, the protection of agricultural lands, forest, mountain highlands, shorelines, and water resources. Allows the legislature to define open space lands and natural scenic resources and provide for recreational and esthetic uses.

281 — Prohibits a legislator from representing anyone, for compensation, before any state board or commission, other than those whose functions are solely advisory.

282 — Prohibits any person from being indicted while his preliminary hearing is pending; and directs that the bail posted pending a preliminary hearing be applied to that required by the circuit court.

283 — Permits the people to propose and enact laws and ordinances by the initiative and approve or reject legislative acts and county ordinances by the referendum.

Provides that an initiative or referendum be proposed by an application containing the bill to be initiated or the act or ordinance to be referred; that the application containing the bill or act be signed by eight percent of the qualified voters of each senatorial district or county; and that it then be submitted to the attorney general or chief legal officer of the county for review. After review, directs that the application be filed with the lieutenant governor or county clerk who will certify it if it is in proper form.

Directs that the lieutenant governor or county clerk then prepare a petition summarizing the subject matter of the bill or act for circulation; prohibits the giving, paying or receiving of money or other consideration for circulating the petition. If signed by 12% of the

qualified voters in two-thirds of the senatorial districts or 12% of the voters of a county, it can be filed with the lieutenant governor or county clerk.

Allows an initiative petition proposing an act to be filed at any time, and directs the lieutenant governor or county clerk to prepare a ballot title and proposition summarizing the proposed law, and to place it on the ballot for the first statewide election held more than 120 days after the legislative adjournment following the filing. Voids the petition if before the election, substantially the same measure was enacted.

Allows the filing of a referendum petition containing an act only within 90 days after adjournment of the legislative session at which the act was passed. Directs the lieutenant governor or county clerk to prepare a ballot title and proposition summarizing the act and to place it on the ballot for the first statewide election held more than 180 days after that session adjourns.

Authorizes initiative enactment into state law if a majority of the votes favor adoption; if a majority favor rejection, specifies that the act be rejected. Designates the lieutenant governor or county clerk to certify the returns. Directs that an initiated bill become effective 90 days after certification, not subject to veto and that it may be amended but may not be repealed by the legislature or the county governing for two years. Specifies that an act or ordinance rejected by referendum be void 30 days after certification.

Restricts the initiative from dedications of revenues, making or repealing appropriations, creating courts, defining the jurisdiction of courts or prescribing their rules, or enacting local or special legislation. Restricts the referendum from dedications of revenue, appropriations, local or special legislation, or laws necessary for the immediate preservation of the public peace, health or safety.

284 — Requires every bill to pass third reading in the second house in which considered at least five days prior to adjournment. Allows bills reported out of conference committees to be considered during the five days prior to adjournment, but restricts the last day before adjournment to those bills reported out and rejected by the legislature.

285 — Includes members of either house with those persons who may be fined or imprisoned because of disrespect of either house, and also disrespect of any witness appearing before such house.

286 — Allows the governor to appoint, without senate confirmation, members of the board of regents from a list of nominees submitted by a commission to be established by law. Provides for university representation on the commission.

287 — Creates a department of aeronautics and airports as one of the principal administrative departments, to be headed by a board of aeronautics and airports appointed by the governor with senate confirmation. Provides that the board have powers and duties as prescribed by law.

288 — Prohibits gambling of any kind unless the legislature prescribe the specific kind, the restrictions and the methods of control.

289 — Requires that every bill be printed and on the house members' desks in final form at least 48 hours prior to passage on third or final reading in each house. Allows each house member to offer amendments to that bill at any reading.

290 — Changes the minimum voting age in Hawaii to the age of majority, and adjusts the literacy requirement to include any person able to either speak, read or write the English or Hawaiian language.

291 — Guarantees every person the protection of the State and law against abusive attacks on his honor, reputation and private or family life.

292 — Guarantees that all persons be given fair and just treatment in any investigation by the State or its political subdivisions.

293 — Establishes district courts, limited in jurisdiction and of such number of divisions and of judges as the supreme court determines necessary; provides that each district be a geographic unit with at least one judge, and that a judge be eligible to sit in every other district.

Directs that the chief justice appoint the district court judges for _____-year terms, and prevents a judge from engaging in the private practice of law during his term.

Directs that judges be subject to retirement for incapacity and removal for cause by the supreme court after a hearing. Directs that the legislature provide for pensions for district court judges, and, for those who have served ten years or more, provides for pensions of not less than 50% of the salary received at the time of retirement or death.

294 — Allows the State or its political subdivisions to provide for the establishment and control of a system of legalized lotteries and pari-mutuel races. Requires that the legislature or governing bodies appoint commissions to operate the systems, and that net proceeds be applied for recreational or cultural activities or for general revenue purposes.

295 — Requires that all state public employees be residents of the State for at least one year.

296 — Requires that any person holding an elective county or state office or heading any department must resign within three days after filing nomination papers for any elective office, except that of delegate to a constitutional convention; excludes an incumbent who files for another term in the same elective office, or an incumbent whose term will expire within 90 days following the general election in which he proposes to be a candidate.

297 — Establishes a judicial commission of nine members: three elected by the bar association; two lay members appointed by the governor; and two each appointed by the senate president and the house speaker, either attorneys or lay members. Prohibits a member from holding public or political office, or from a judicial appointment until three years after the

expiration of his term. Empowers the commission to nominate justices and judges and to recommend the retirement or removal of justices and judges.

Directs the governor to fill vacancies in the supreme court or circuit courts from a list of three nominees presented by the judicial commission. If more than one vacancy exists, permits the governor to fill them from any list presented by the commission not more than sixty days prior to the appointment. If the governor fails to make the appointment within sixty days, the commission shall make the appointment.

Provides that the chief justice be appointed by the governor with senate confirmation for a four-year term, subject to reappointment, except that he may resign the office of chief justice without resigning from the court. Should the chief justice be unable to serve, the justice senior in length of service shall serve temporarily in his stead.

Increases the terms of justices and judges to eight years, and provides for additional eight-year terms as extended by the judicial commission.

Disqualifies without loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge shall retain all pension benefits, and that a justice or judge removed by the supreme court shall be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries of justices and judges shall be fixed by statute, with no reduction during the term. Directs the legislature to provide for payment of pensions.

298 — Provides that weapons may be prohibited or regulated by law.

299 — Adds to the bill of rights: the right to economic security including benefit of legal counsel; the right to be secure against interception of telephone, telegraph, oral or other communications by electronic methods; the right of the accused to adequate counsel at all stages of any criminal proceeding; the right to maintain judicial action against any officer, employee or instrumentality of the State or subdivision to restrain a violation of the State or U.S. Constitution; the right to inspect records of the State, local governments, public authorities and other corporations; and the right of public employees to organize for collective bargaining. Also deletes the provisions relating to rights of citizens, enlistment and segregation, and the guaranteeing of jury service regardless of sex.

Lowers the minimum voting age in Hawaii to 18 years, and removes the literacy requirement.

Reapportions the senate by increasing the number of senators to thirty and providing for single-member senatorial districts. Reapportions the house by increasing the number of representatives to sixty and providing for single-member districts. Sets the next reapportionment date and provides for future reapportionments every ten years thereafter. Provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

Staggeres the term of senators by dividing the senate into three classes: the first with a term ending on the day of the third general election after their election; the second with a term ending on the day of the second election; and the third with a term ending on the next election. Further provides that class membership be determined by the drawing of lots, and that the terms of senators thereafter shall be for six years.

Establishes annual general legislative sessions by eliminating the alternating budget session. Allows the legislature to convene at other than regular session at the written request of a majority of the members by the presiding officers; allows the governor to convene both houses, or either, in special session. Requires that each regular session adjourn sine die at noon on a day determined by concurrent resolution. Prevents either house from recessing for more than three days without the consent of the other; and allows carry-over status for any business pending at final adjournment of a regular session held in an odd-numbered year. Requires a two-thirds vote of all members for adjournment of any special session.

Requires that the budget be submitted to the legislature in odd-numbered years for the ensuing fiscal biennium. Allows the governor, prior to the opening of each regular session in even-numbered years, to submit to the legislature a plan for proposed revisions of the operating expenditures bill and the capital expenditures bill enacted at the regular session next preceding.

Allows each house to provide for permanent professional staffing, and requires that appointees perform duties as assigned. Permits appointees as appropriate to assist in the development and formulation of policy and to serve as staff to committees during the interim and regular sessions.

Removes the 60 million dollar amount as the state funded debt limit, and deletes the provisions relating to excess debt limitations. Provides that bond authorizations lapse if unallotted two years after enactment.

Increases the terms of supreme court justices and circuit court judges to ten years each.

Includes legal assistance in the public assistance which the State may provide.

Provides for the appointment of board of education members by the governor, with senate confirmation.

Directs the State to develop a statewide system of recreational facilities, including a system of trails and campsites.

300 — Prohibits the State from claiming sovereign immunity in any action or proceeding in which it is a party.

301 — Establishes a department of public health and welfare to be headed by a public board of health and welfare composed of members appointed by the governor with senate confirmation. Provides that part of the board membership represent geographic subdivisions.

Grants the board power to formulate policy and exercise control over the public health and welfare of the State, through its executive officer to be appointed by the board and to serve as board secretary.

302 — Removes the 60 million dollar amount as the state funded debt limit, and establishes as the total net debt outstanding an amount not to exceed two times the average of the last three years' annual revenues.

303 — Permits the legislature to delegate its real property tax powers to the political subdivisions, and provides that no less than ten percent of all state revenues, except real property tax revenues, be apportioned among the subdivisions.

304 — Prohibits any state tax on food or drugs sold in the State.

305 — Establishes a reapportionment commission to consist of eight members, four from each of the two major political parties, appointed by the governor from lists of eight names each provided by the parties. Prohibits commission members from being public employees or officials.

Provides for commission appointments whenever apportionment or districting of the legislature is required, and requires members to hold office until the apportionment or districting plan becomes effective.

Designates the lieutenant governor as commission secretary without a vote, and directs that he furnish technical services. Directs the lieutenant governor, within 30 days of the adoption of the Constitution and every eight years thereafter, to convene the commission not less than 30 nor over 45 days thereafter. Requires that the commission complete work within 180 days, and that all final decisions have the concurrence of a majority of the members.

Directs that each final plan be published within 30 days from its adoption and that it become law 60 days after publication. Requires the lieutenant governor to keep a public record of the commission proceedings and to be responsible for the publication and distribution of each plan.

Allows each member to submit his proposed plan to the supreme court if a majority of the commission cannot agree; and authorizes the supreme court to determine the most appropriate plan. Provides that the published plan be effective for the 1970 elections and for elections each eighth year thereafter.

306 — Mandates the legislature to establish a retirement trust fund for the State and counties. Establishes a board of trustees to control the trust fund, and a trust agreement with the terms and conditions of the fund. Provides that the trust fund be used solely for providing retirement benefits, that it assume control of the existing state retirement system and that no employee lose any benefits because of transfer to the fund. Declares that the trust fund not be considered a

department of the executive branch, nor one of the twenty principal departments of government.

307 — Provides that the legislature be a continuous body during the term for which its members are elected. Authorizes the governor or the presiding officer, at the written request of a majority of the members, to convene the legislature in other than regular session.

308 — Establishes a judicial commission of nine members: three to be elected by the state bar association; two lay members appointed by the governor; and two each to be appointed by the senate president and the house speaker, either attorneys or lay members but none from either house. Requires each member to be a state resident and U.S. citizen. Prohibits members from holding public or political office, or from a judicial appointment until three years after the expiration of his term. Empowers the commission to nominate justices and judges and to recommend the retirement or removal of justices and judges.

Directs the governor to fill vacancies in the supreme court or circuit courts from a list of three nominees presented by the judicial commission. If more than one vacancy exists, permits the governor to fill them from any list presented by the commission not more than sixty days prior to the appointment. If the governor fails to make the appointment within sixty days, the commission shall make the appointment.

Provides that the chief justice be appointed by the governor with senate confirmation, for a term of four years subject to reappointment, except that he may resign the office of chief justice without resigning from the court. Should the chief justice be unable to serve, the justice senior in length of service shall serve temporarily in his stead.

Increases the terms of justices and judges to eight years, and provides for additional eight-year terms as extended by the judicial commission.

Disqualifies without a loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge shall retain all pension benefits, and that a justice or judge removed by the supreme court shall be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries of justices and judges be fixed by statute, with no reduction during the term. Directs the legislature to provide for payment of pensions.

309 — Authorizes a judiciary commission, rather than the governor to appoint the supreme court justices and circuit court judges. Establishes a judiciary commission composed of nine members elected on a nonpartisan basis. Staggers the terms of commission members by dividing the commission into three groups: the first, with a six-year term, to consist of the three members elected with the most votes; the second, with a four-year term, to consist of the three members elected with the next highest votes; and the third, with a two-year term, to consist of the three members with the least votes. Provides that, upon expiration of these terms, the terms of their successors will be six years.

310 — Establishes a bipartisan commission for each county for all apportionment and redistricting required, and provides that the county of Kalawao be deemed a part of the same county as the rest of Molokai.

Provides that the commission consist of five qualified voters of the county: four selected by the county organizations of the two political parties (two by each party) whose candidates for governor received the most votes at the last general election; and one, the chairman, selected by the four members. Further provides that if a third-party gubernatorial candidate has received more than 25% of the vote, that the commission consist of seven members, two to be selected by the third political party.

Requires that commission members hold office until their plan becomes effective, and prohibits them from legislative election until two years after the plan takes effect.

Requires that each commission prepare and adopt a constitutional apportionment and districting plan. Sets the date of completion of the plan, and the number of days from the date of adoption within which each final plan shall be published and within which it shall become law after final publication. Allows each member to submit a proposed plan to the supreme court if a majority of the commission cannot agree, and directs the supreme court to determine the most appropriate plan and to have it adopted by the commission.

Allows the supreme court, upon application of any qualified voter of the county within _____ days after final publication of the plan, to review the plan and remand it to the commission for further action if necessary.

311 — Provides that the boundaries of all properties bordering the seashore, including royal patents describing them as "ma ke kai," be the mean high water level based on publications of the U.S. Coast and Geodetic Survey.

312 — Reapportions the legislature and sets 1974 as the date of the next reapportionment, with future reapportionments occurring every sixth year thereafter. Provides for redistricting in order to guarantee that equal weight be given to the vote of each registered voter.

Staggers the terms of representatives by dividing the house into two classes: the first with a term beginning with their election in 1970 and ending on the day of the next general election; and the second with a term beginning with their election and ending on the day of

the second general election. Staggers the terms of senators by dividing the senate into three classes: the first with a term beginning with their election in 1970 and ending on the day of the next general election; the second beginning with their election and ending on the day of the second general election; and the third beginning with their election and ending on the day of the third general election. Provides that upon expiration of these terms the terms of succeeding representatives shall be four years and the terms of succeeding senators shall be six years.

Deletes the proviso in Article XV, Section 2 requiring ratification by the counties of constitutional amendments relating to senate reapportionment.

313 — Establishes a judicial commission to fill vacancies in the supreme court, circuit courts or full-time magistrates' positions in the district courts.

Provides that the commission consist of ten members: four elected by the voters of the city and county of Honolulu, with not more than two admitted to practice law; two each elected by the voters of the counties of Hawaii, Maui and Kauai, with not more than one from each county admitted to practice law.

Divides commission members into three groups: the first, with a six-year term of office, to consist of two laymen and two persons admitted to practice law, with not more than two members elected by the city and county of Honolulu; the second group, with a four-year term, to consist of two laymen and one admitted to practice law; and the third group, with a two-year term, to consist of one layman and two admitted to practice law. Provides that membership in the groups be determined by the drawing of lots, and that upon expiration terms will be six years.

314 — Includes under public educational institutions state universities and four-year colleges. Permits the legislature to establish other four-year colleges or universities and provide for their administration and control.

315 — Establishes a judicial commission of nine members: four lay members appointed by the governor, one a resident of the city and county of Honolulu, one of the county of Hawaii and one each from the counties of Maui and Kauai; three elected by the bar association; and one each selected by the senate and the house of representatives. Requires each member to be a state resident and U.S. citizen. Prohibits members from holding public or political office, or from a judicial appointment until three years after the expiration of his term. Empowers the commission to nominate justices and judges and to recommend the retirement or removal of justices and judges.

Directs the governor to fill vacancies in the supreme court or circuit courts from a list of five nominees presented by the commission. Allows the governor to adjust the number of nominees on the list, and directs that nominations be sent to the senate, when not in session, only after ten days' public notice by the governor. If more than one vacancy exists, permits the governor to fill them from any list presented by the commission not more than 60 days prior to the nomination. Should the governor fail to nominate within

60 days, authorizes the commission to make the appointment from the same lists, subject to senate confirmation.

Increases the terms of justices and judges to ten years, and provides for additional ten-year terms as extended by the judicial commission nomination and gubernatorial appointment.

Disqualifies without loss of salary any justice or judge who has pending an indictment or information charging him with a felony, or a recommendation by the judicial commission for his removal or retirement. Authorizes the supreme court to suspend a justice or judge without salary when he pleads guilty or no contest or is found guilty in any court of a felony or any other crime involving moral turpitude under that law. Provides that, if conviction is reversed, he be paid his salary for the period of suspension; and if not, that he be removed from office.

Allows the supreme court, on recommendation of the judicial commission, to retire a justice or judge for a disability or to remove a justice or judge for willful misconduct in office, for failure to perform his duties, for habitual intemperance, or for conduct prejudicial to the administration of justice. Provides that a retired justice or judge shall retain all pension benefits, and that a justice or judge removed by the supreme court shall be ineligible for judicial office and suspended from practicing law in the State.

Provides that the salaries be not less than the salary of the highest state official other than the governor, with no reduction during the terms. Authorizes a lifetime pension of not less than 50% of the most recent annual compensation for justices and judges who have served ten years or more and have not been removed.

316 — Prohibits any law changing the permanent location of the state capital unless ratified and approved by qualified electors at a general election.

317 — Directs the legislature to provide for a presidential preference primary each year that a U.S. president is to be nominated. Provides that, until then, the officer in charge of state elections establish procedures by which the voters may express their preference and elect delegates to their party's national convention.

318 — Guarantees the free and unrestricted right of all, whenever medical or surgical care is needed, to select any licensed physician or surgeon or hospital using public funds in the State.

319 — Guarantees that every person convicted of a felony have all civil rights restored upon completion of the term of imprisonment or after release from probation or parole. Denies the right to vote to any person non compos mentis and any person convicted of a felony during the term of imprisonment or while on probation or parole.

320 — Includes under public educational institutions

state universities and four-year colleges. Authorizes the legislature to establish other four-year colleges and universities and provide for their administration and control.

321 — Prohibits any person from being denied the opportunity to obtain or retain employment because of nonmembership in a labor organization; and prevents the State or any subdivision, corporation, individual or association from entering an agreement which excludes any person from employment because of nonmembership in a labor organization.

322 — Grants any qualified voter eligibility in a constitutional convention, unless provided in the constitution.

Sets between 50 and 82 the number of convention delegates, to be elected in a nonpartisan primary and general election, from precinct combinations that best provide for broad community representation. Directs that the legislature provide adequate funds for the election, operation of the convention and submission of the results to the electorate.

Authorizes the governor to fill any vacancy by appointing the person who received the next highest number of votes in the precinct or district grouping.

Prevents any revision or amendments from being effective until approved by a majority of the voters, and provides that such revision take effect 60 days after the vote, unless otherwise provided.

323 — Directs that the State provide for the scientific study and research of man and human ecology with emphasis on the role of government; further directs that the legislature appropriate funds equal to one-half of one percent of the annual general revenues of the State for the preceding fiscal year. Authorizes the university board of regents to control allocation of these funds through the executive officer, the president of the university.

324 — Establishes the department of education as the public school system of the State, exclusive of college level, and grants it title to all real and personal property conveyed to it, to be held in public trust and administered and disposed of according to law.

Establishes a board of education of the department, to be appointed by the governor from among the local school advisory councils, unless objected to by the senate during the succeeding 30 senate working days. Deletes the provision that the superintendent of education shall serve as the secretary of the board.

Establishes local school advisory councils for each administrative school district, to be composed of members elected by the voters from each district. Provides that vacancies on the councils be filled by the governor, with consideration given to the candidates of the preceding council election.

325 — Deletes Section 16 of Article I concerning the quartering of soldiers.

FINAL STATUS OF MEASURES PROPOSED

Data in this section was prepared by the Legislative Reference Bureau, with the assistance of Computer Center 3, Liliuokalani Building.

Measures referred to are set forth in the preceding Documents section of this volume.

Total Number of Measures Introduced:

Proposals	325
Committee Proposals	13
Resolutions	51
	<hr/>
	389

Guide to the Use of the Index:

Every measure introduced in the Convention is accounted for in the following Index of Proposals and Resolutions. Measures are indexed in the General Index or in the Private Measures Index.

The General Index accounts for all measures not indexed in the specialized index—the Private Measures Index—and includes request measures of general interest. Principles common to most indexes have been employed, hence the entries are indexed generically by subject—the broader category first. The subject categories or subject headings of the index reflect, in most instances, the subject categories or article headings of the present Hawaii Constitution.

The Private Measures Index includes: (1) resolutions which offer congratulations, the appreciation or condolence of the Convention; or (2) resolutions which confer some privilege or honor upon private individuals or organizations. Private measures are indexed by name of individual or organization.

The following abbreviations have been employed:

P	Proposal
CP	Committee Proposal
R	Resolution

1. Index of Proposals and Resolutions

THE GENERAL INDEX

A

AGE OF MAJORITY
ESTABLISHMENT – P 94
VOTING AGE – P 83, 290
AIRPORTS, MUNICIPAL, COUNTY ESTABLISHMENT, OPERATION AND
MAINTENANCE, AUTHORIZATION – P 264
APPORTIONMENT, LEGISLATIVE – *see* LEGISLATURE, HAWAII STATE
ASSEMBLY, RIGHT OF – *see* BILL OF RIGHTS
ATTORNEY GENERAL – *see* EXECUTIVE-OR-STATE GOVERNMENT
AUDITOR – *see* TAXATION AND FINANCE

B

BAIL – *see* BILL OF RIGHTS, ACCUSED, RIGHTS OF THE
BILL OF RIGHTS
ACCUSED, RIGHTS OF THE
ACCUSATION, WRITTEN FORM – P 152
APPEALS, INDIGENT DEFENDANTS, RIGHT TO COUNSEL – P 179
ARRAIGNMENT, PROMPT, GUARANTEE – P 20
BAIL
AMENDMENTS, BROAD PROVISIONS – P 196, 299
DISPENSATION BY COURT, CERTAIN CASES – P 16, 59, CP 11
INDICTMENT, BAIL PROVISIONS – P 282
INDIGENT DEFENDANT, RIGHT TO COUNSEL – P 15, 55, 59, 171, 299,
CP 11
AMENDMENTS GENERALLY – P 59, 299
ARMS, RIGHTS TO BEAR
PROHIBITION – P 202, 298
REGULATION BY LAW – P 203, 298
ASSEMBLY, RIGHTS BROADENED – P 150
CAPITAL PUNISHMENT, ABOLISHMENT – P 136
CIVIL DISABILITY AND PUNISHMENT, IMMUNITY – P 47
CIVIL RIGHTS, RESTORATION – P 319
COMMITTEE PROPOSAL ON – CP 11
COMMUNICATIONS INTERCEPTION, REASONABLE AND UNREASONABLE – P
18, 34, 54, 59, 80, 171, 214, 299, CP 11
CONSUMER PROTECTION GUARANTEE – P 17, 58, 59
DISCRIMINATION, PROHIBITION
EDUCATION, PUBLIC – P 64
ECONOMIC SECURITY – *see* BILL OF RIGHTS, INCOME MAINTENANCE
EMPLOYMENT RIGHTS, NON-MEMBERSHIP IN LABOR UNIONS – P 321
EQUAL PROTECTION CLAUSE, BROAD PROVISIONS – P 226, 299
HEALTH, MEDICAL CARE, RIGHTS – P 59, 267, 318
HUMAN DIGNITY, GUARANTEE – P 291
INCOME MAINTENANCE, ECONOMIC SECURITY GUARANTEE – P 10, 59, 299
INVESTIGATION OR PROCEEDINGS BY STATE OR COUNTY, FAIR AND JUST
TREATMENT, GUARANTEE – P 269, 292
JUDICIAL REDRESS – P 14, 42, 59, 107, 299
JURY SERVICE, JUROR QUALIFICATION – P 226, 229
MAN, RIGHTS OF – P 318
MILITARY OR MILITIA
ENLISTMENT, SEGREGATION – P 268, 297

MAINTENANCE OF STATE MILITIA – P 202
 QUARTERING OF SOLDIERS, PROVISION ELIMINATION – P 325
 PRIVACY, INVASION OF, PROTECTION AGAINST – P 34, CP 11
 PROPERTY RIGHTS
 INTERESTS RESERVED TO PRIVATE OWNERS – P 61
 OWNERSHIP, LOSS OF LAND FOR FAILURE TO EVICT OR DEFEND
 AGAINST OTHER CLAIMANTS, RIGHTS – P 176
 PRIVATE PROPERTY DAMAGED FOR PUBLIC USE, JUST
 COMPENSATION – P 151, 232, CP 11
 SEASHORE PROPERTY, BOUNDARIES, DEFINITION – P 311
 RECORDS, GOVERNMENT, PUBLIC RECORDS, RIGHT TO KNOW – P 299
 SOLDIERS, QUARTERING PROVISIONS, ELIMINATION – P 325
 SOVEREIGN IMMUNITY, STATE CLAIM, PROHIBITION – P 300
 SPEECH AND PRESS RIGHTS, BROADENED – P 153
 TREASON, DEFINITION – P 148
 WATER SUPPLY, PUBLIC, CONSUMER RIGHTS
 ADDITIVES TO WATER SUPPLY, CONSUMER CONSENT REQUIREMENTS
 – P 246
 SAFETY GUARANTEE – P 247
 BOARDS AND COMMISSIONS – *see* EXECUTIVE-OR-STATE GOVERNMENT
 BOUNDARIES, STATE
 CHANNEL WATERS, INCLUSION – R 9
 SEASHORE PROPERTY, BOUNDARIES, DEFINITION – P 311

C

CAMPAIGN EXPENSES – *see* ELECTIONS AND SUFFRAGE
 CAPITAL PUNISHMENT – *see* BILL OF RIGHTS
 CLOSED OR PARTY PRIMARY – *see* ELECTIONS AND SUFFRAGE, PRIMARY
 ELECTIONS
 COLLECTIVE BARGAINING – *see also* PUBLIC OFFICERS AND EMPLOYEES
 PUBLIC OFFICERS AND EMPLOYEES, COLLECTIVE BARGAINING RIGHTS – P
 36, 70, 74, 115, 154, 172, CP 5
 COLLECTIVE NEGOTIATION – *see* COLLECTIVE BARGAINING
 COMMUNITY COLLEGES – *see* HIGHER EDUCATION
 COMMUNITY DEVELOPMENT, FINANCING – *see* TAXATION AND FINANCE,
 ECONOMIC AND COMMUNITY DEVELOPMENT
 CONGRESSIONAL DISTRICTS, PROVISIONS – P 248, 278
 CONSERVATION – *see* LAND AND NATURAL RESOURCES
 CONSTITUTIONAL CONVENTION OF 1968 – *see also* REVISION AND AMENDMENT,
 CONSTITUTIONAL
 EFFORTS
 DEDICATION TO RENOWNED PUBLIC LEADERS – R 11
 FLEXIBILITY, OPEN-MINDEDNESS, ADVOCACY – R 13
 GOVERNOR'S ADDRESS – R 3
 LENGTH
 RULE AMENDMENT, 45-DAY CONVENTION – R 4
 TIME LIMIT, ELIMINATION – R 31
 RULES
 ADOPTION – R 1
 COMMITTEE OF THE WHOLE PROCEDURE, AMENDMENT PROCEDURE,
 RULE AMENDMENT – R 35
 COMMITTEE ON SUBMISSION AND INFORMATION, MEMBERSHIP,
 INCLUSION OF EX-OFFICIO MEMBERS – R 18
 COMMITTEE REPORTS, INCLUSION OF ENTIRE ARTICLE, RULE
 AMENDMENT – R 15
 LENGTH, 45-DAY CONVENTION, RULE AMENDMENT – R 4
 RECALL OF PROPOSALS FROM COMMITTEES, PROCEDURE, RULE
 AMENDMENT – R 5
 STANDING COMMITTEES, CHAIRMEN, VICE-CHAIRMEN, MEMBERS,
 ASSIGNMENT – R 2
 CONSUMER PROTECTION – *see* BILL OF RIGHTS
 COUNTIES – *see* LOCAL GOVERNMENT, SUBDIVISIONS, POLITICAL

D

DEBT LIMITATIONS – *see* TAXATION AND FINANCE
 DISLOYALTY, DISQUALIFICATION FROM PUBLIC EMPLOYMENT – *see* PUBLIC OFFICERS AND EMPLOYEES, LOYALTY

E

ECONOMIC AND COMMUNITY DEVELOPMENT, FINANCING – *see* TAXATION AND FINANCE

EDUCATION – *see also* HIGHER EDUCATION

BOARD OF EDUCATION

ABOLISHED – P 23, 132, 135, 185

APPOINTIVE, GUBERNATORIAL NOMINATION – P 21, 111, 299

APPOINTIVE, NOMINATIONS BY LOCAL SCHOOL ADVISORY COUNCILS – P 100, 220, 324

COUNTY BOARDS OF EDUCATION – P 227

ELECTION OF MEMBERS, ODD-NUMBERED YEARS – P 37

ELECTIVE, NONPARTISAN BASIS – P 2, 32

FULL-TIME MEMBERS – P 22

STATUTORY PROVISIONS FOR MEMBER SELECTION – P 50

SUPERINTENDENT OF EDUCATION, MEMBER, ELECTION BY BOARD – P 163

TERMS, STAGGERING, LIMITATIONS – P 192

COMMITTEE PROPOSAL ON, SCHOOL ADVISORY COUNCILS, CONSTITUTIONAL STATUS – CP 4

COORDINATING COUNCIL OF PRESIDENTS OF PUBLIC EDUCATION, UNIVERSITY, FOUR YEAR AND COMMUNITY COLLEGES BOARDS AND

DIRECTOR OF EDUCATION – P 275, 277

DEPARTMENT, BODY CORPORATE – P 324

DIRECTOR OF EDUCATION – P 275, 277

PUBLIC EDUCATION

COUNTY FUNDING – P 133

DISCRIMINATION, PROHIBITION – P 64

FREE EDUCATION SYSTEM – P 19, 275, 277

SUPPORT AND CONTROL PROVISIONS, REDEFINITION – P 108, 133

SCHOOL ADVISORY COUNCILS

APPOINTIVE – P 72, 87, 185

BOARD OF EDUCATION MEMBERS, NOMINATION – P 100

COMMITTEE PROPOSAL ON – CP 4

CONSTITUTIONAL STATUS – CP 4

ELECTIVE

GENERALLY – P 4, 135, 220, 324

NONPARTISAN BASIS – P 2

SUPERINTENDENT OF EDUCATION

BOARD OF EDUCATION MEMBER, ELECTION BY BOARD – P 163

EXECUTIVE DEPARTMENT HEAD – P 23, 123, 132, 135, 185, 227, 275, 277

GUBERNATORIAL APPOINTEE, ADMINISTRATIVE OFFICER – P 21

NOMINATION, APPOINTMENT AND REMOVAL OF PRESIDENTS OF UNIVERSITY, FOUR YEAR AND COMMUNITY COLLEGES – P 275, 277

REGENTS, BOARD OF, MEMBER – P 162

UNIVERSITY OF HAWAII

POLICY FORMULATION FOR UNIVERSITY AND COMMUNITY COLLEGES – P 227, 275, 277

SINGLE EXECUTIVE HEAD OF STATE UNIVERSITY – P 132

ELECTIONS AND SUFFRAGE

CAMPAIGN EXPENSES, STATUTORY LIMITS – P 270

COMMITTEE PROPOSAL ON – CP 1

CONSTITUTIONAL CONVENTION, AMENDMENTS, SUBMISSION AND RATIFICATION ELECTION – *see* REVISION AND AMENDMENT, CONSTITUTIONAL

EDUCATION BOARD ELECTIONS – *see* EDUCATION, BOARD OF EDUCATION

PRIMARY ELECTIONS

OUTRIGHT ELECTION – P 231
 PARTY PRIMARY, ELIMINATION, OPEN PRIMARY – P 39, 231
 PRESIDENTIAL PREFERENCE PRIMARY, ESTABLISHMENT – P 25, 88,
 89, 114, 317, CP 1
 TIME OF ELECTION – P 138, 181

QUALIFICATIONS

AGE, LOWERING – P 6, 8, 12, 30, 31, 41, 44, 48, 56, 63, 67, 68, 99, 105,
 140, 173, 279, 299, CP 1
 AGE OF MAJORITY, VOTING AGE – P 83, 290
 FELONY CONVICTION AND IMPRISONMENT, MENTAL ILLNESS,
 DISQUALIFICATION – P 9, 43, 52, 319, CP 1
 LITERACY REQUIREMENT
 AMENDMENTS, BROAD PROVISIONS – P 160
 ELIMINATION – P 8, 48, 56, 68, 99, 299, CP 1
 RESIDENCE, LENGTH, CHANGE – P 8, 67, 68, 83, 105, 140, 149, 279

ETHICS IN GOVERNMENT – *see also* PUBLIC OFFICERS AND EMPLOYEES

CODE OF ETHICS

COMMITTEE PROPOSAL ON – CP 6
 COUNTY OFFICERS AND EMPLOYEES – P 11, 159, 166, CP 6
 ELECTIVE STATE OFFICERS – P 204, CP 6
 JUDGES, JUSTICES AND MAGISTRATES, EXCLUSION – P 166
 STATE OFFICERS AND EMPLOYEES – P 11, 159, 166, 204, CP 6
 COMMISSION, ETHICS, CONSTITUTIONAL AGENCY – P 159

EXECUTIVE – *see also* STATE GOVERNMENT

AMENDMENTS, GENERALLY – P 85, CP 2
 ATTORNEY GENERAL, ELECTIVE OFFICER – P 84, 129, 217
 BOARDS AND COMMISSIONS, MEMBERS
 APPOINTMENT BY GOVERNOR ALONE, EXCEPTIONS – P 200, CP 2
 COMPENSATION – P 200
 REMOVAL BY GOVERNOR ALONE, EXCEPTIONS – P 120, CP 2
 RESIDENCE REQUIREMENTS – P 131, CP 2
 TENURE – P 120

COMMITTEE PROPOSAL ON – CP 2

DEPARTMENTS, EXECUTIVE

ADMINISTRATIVE OFFICERS, APPOINTIVE, RESIDENCE REQUIREMENTS
 – P 131, CP 2
 AERONAUTICS AND AIRPORTS DEPARTMENT, EXECUTIVE BOARD,
 CREATION – P 287
 AGRICULTURE DEPARTMENT, SINGLE EXECUTIVE HEAD – P 155
 CONSERVATION DEPARTMENT, CREATION – P 280
 CRIME PREVENTION DEPARTMENT, CREATION – P 252
 EDUCATION DEPARTMENT, BODY CORPORATE – P 324
 FEDERAL-STATE RELATIONS DEPARTMENT, CREATION – R 7
 HEAD, DEPARTMENTAL
 APPOINTMENT AND REMOVAL OF SINGLE EXECUTIVE BY
 GOVERNOR ALONE – P 245, CP 2
 ELECTIVE OFFICE CANDIDATE, RESIGNATION REQUIREMENTS –
 P 296
 REMOVAL BY GOVERNOR ALONE, EXCEPTIONS – P 120, 230, 245,
 CP 2
 RESIDENCE REQUIREMENTS – P 131, CP 2
 SINGLE EXECUTIVE – P 98, 155
 TENURE, BOARD AND COMMISSION MEMBERS – P 120
 LAND AND NATURAL RESOURCES DEPARTMENT, CONSTITUTIONAL
 STATUS – P 280
 LAND AND NATURAL RESOURCES DEPARTMENT, SINGLE EXECUTIVE
 HEAD – P 155
 PUBLIC HEALTH AND WELFARE DEPARTMENT, CREATION – P 301

GOVERNOR

AGE REQUIREMENTS – P 142, 169, CP 2
 APPOINTMENTS, ADVISE AND CONSENT, APPROVAL REQUIREMENTS
 BOARD OR COMMISSION MEMBERS
 APPOINTMENT BY GOVERNOR ALONE, EXCEPTIONS – P 200,
 CP 2

REMOVAL BY GOVERNOR ALONE, EXCEPTIONS – P 120, CP
 2
 HOUSE AND SENATE CONSENT, REQUIREMENTS – P 144
 SINGLE EXECUTIVES
 APPOINTMENT BY GOVERNOR ALONE, EXCEPTIONS – P 245,
 CP 2
 REMOVAL BY GOVERNOR ALONE, EXCEPTIONS – P 120,
 230, 245, CP 2
 ENFORCEMENT, EXECUTION OF LAWS AND MANDATES – P 86
 RESIDENCE REQUIREMENTS – P 142, 169
 SALARY AND COMPENSATION – P 134, 299, CP 2
 TERM LIMITATIONS – P 27, 45, 53, 142
 LIEUTENANT GOVERNOR
 INVESTIGATION OR PROCEEDING BY STATE OR COUNTY, FAIR AND
 JUST TREATMENT, GUARANTEE, ENFORCEMENT – P 269
 SALARY AND COMPENSATION – P 134, 299, CP 2
 SENATE PRESIDENT, NON-VOTING – P 219

F

FINANCE AND TAXATION – *see* TAXATION AND FINANCE

G

GAMBLING – *see also* TAXATION AND FINANCE, LOTTERIES
 LEGALIZED GAMBLING – P 288
 GOVERNMENT RESEARCH AND STUDY – *see* STATE GOVERNMENT, STUDY AND
 RESEARCH
 GOVERNOR – *see* EXECUTIVE
 GUARANTEED ANNUAL INCOME – *see* BILL OF RIGHTS, INCOME MAINTENANCE

H

HAWAIIANA
 HERITAGE AND CULTURE, PRESERVATION – P 244
 MONARCHY, HONORARY, ESTABLISHMENT – P 101
 SCENIC BEAUTY, PRESERVATION, ACTION TAKEN, STATE AND COUNTY
 GOVERNMENTS REQUESTED – R 32
 STATE BIRD – P 299
 STATE SEAL – P 139
 STATE SONG AND FLOWER – P 260
 HAWAIIAN HOME LANDS
 HAWAIIAN HOMES COMMISSION
 LESSEE-MEMBER, APPOINTIVE – P 168
 MEMBERS, ELECTION BY LESSEES – P 40, 60
 HIGHER EDUCATION – *see also* EDUCATION
 COLLEGES, FOUR-YEAR, AUTHORIZATION – P 227, 275, 277, 314, 320
 COMMUNITY COLLEGE SYSTEM
 BOARD OF TRUSTEES OR REGENTS
 APPOINTIVE, GUBERNATORIAL NOMINATION, BOTH HOUSES
 ADVISE AND CONSENT – P 277
 CREATION – P 92, 227, 275, 277
 ELECTIVE – P 275
 CONSTITUTIONAL AGENCY STATUS – P 92, 116, 227, 275, 277
 COORDINATING COUNCIL OF PRESIDENTS OF PUBLIC EDUCATION,
 UNIVERSITY, FOUR-YEAR AND COMMUNITY COLLEGES BOARDS AND
 DIRECTOR OF EDUCATION – P 275, 277
 FOUR-YEAR COLLEGES, AUTHORIZATION – P 116, 227, 275, 277, 314, 320
 FREE PUBLIC EDUCATION SYSTEM – P 19, 122, 275, 277, 314, 320
 UNIVERSITIES, STATE, AUTHORIZATION – P 116, 227
 UNIVERSITY OF HAWAII
 ADMISSION, ENTRANCE EXAMINATION REQUIREMENT, ELIMINATION

- P 82
 BOARD OF REGENTS
 ABOLISHED - P 132
 ELECTIVE - P 143, 255, 275
 GEOGRAPHICAL REPRESENTATION REQUIREMENTS, ELIMINATION - P 112
 NOMINATION OF MEMBERS BY COMMISSION, GUBERNATORIAL APPOINTMENT - P 286
 POWERS - P 161, 227
 SECRETARY OF BOARD, PRESIDENT - P 227, 275
 STUDENT MEMBER - P 137
 PRESIDENT
 RESIDENCE REQUIREMENT, ELIMINATION - P 130
 SECRETARY, BOARD OF REGENTS - P 227, 275
 SUPERINTENDENT OF EDUCATION, BOARD MEMBER - P 162
 TERMS, MEMBERSHIP PROVISIONS - P 162
 SUPERINTENDENT OF EDUCATION, HEAD OF STATE UNIVERSITY - P 132
 TUITION DIFFERENTIAL, NON-RESIDENT STUDENTS - P 156
 HOUSE OF REPRESENTATIVES, HAWAII STATE - *see* LEGISLATURE, HAWAII STATE

I

INCOME MAINTENANCE - *see* BILL OF RIGHTS
 INITIATIVE, REFERENDUM AND RECALL
 COUNTY CHARTERS - *see* LOCAL GOVERNMENT, CHARTERS
 DEBT, EXCESS OF LIMIT, CERTAIN, APPROVAL BY ELECTORATE - P 90, 121
 LEGISLATION, PROPOSAL AND APPROVAL BY PEOPLE - P 93, 193, 195, 207, 256, 283
 ORDINANCES, PROPOSAL AND APPROVAL BY PEOPLE - P 283
 RECALL, ELECTIVE OFFICERS - P 184, 194

J

JUDGES AND JUSTICES - *see* JUDICIARY
 JUDICIAL REDRESS - *see* BILL OF RIGHTS
 JUDICIARY
 COMMITTEE PROPOSAL ON - CP 3
 COUNTY ADMINISTRATIVE PROCEEDINGS, JUDICIAL REVIEW - P 239, 241
 DISTRICT COURTS, ESTABLISHMENT, APPOINTMENT OF MAGISTRATES, OTHER REQUIREMENTS - P 24, 293
 JUDGES AND JUSTICES
 APPOINTMENT
 GUBERNATORIAL, PROCEDURE, PUBLIC NOTICE - P 158
 JUDICIAL COMMISSION, APPOINTIVE POWER - P 309, 313
 ELECTIVE OFFICERS, TENURE - P 13
 ETHICS CODE, EXCLUSION - P 166
 NOMINATIONS BY JUDICIAL COMMISSION - P 51, 57, 125, 297, 308, 315
 QUALIFICATIONS - P 113, 211, 308
 RESIDENCE REQUIREMENT - P 211, 308
 RETIRAL AND REMOVAL - P 57, 308, CP 3
 RETIREMENT PROVISIONS - P 73
 SUPREME COURT, TEMPORARY JUDICIAL SERVICE BY CERTAIN JUSTICES - P 213, 297, 308, CP 3
 TENURE - P 57, 73, 125, 145, 297, 299, 308, 315, CP 3
 JUDICIAL COMMISSION
 APPOINTMENT OF JUDGES AND JUSTICES - P 309, 313
 ELECTIVE - P 309, 313
 NOMINATION OF JUDGES AND JUSTICES - P 51, 57, 125, 297, 308, 315
 POWERS AND RESPONSIBILITIES - P 57, 125, 297, 308, 313, 315

TERMS OF COMMISSIONERS, STAGGERING – P 228, 308
 JUSTICES – *see* JUDICIARY, JUDGES AND JUSTICES
 SUPREME COURT
 TEMPORARY JUDICIAL SERVICE BY CERTAIN JUSTICES – P 213, 297, 308,
 CP 3
 JUSTICES AND JUDGES – *see* JUDICIARY, JUDGES AND JUSTICES

L

LABOR UNIONS, NON-MEMBERSHIP, EMPLOYMENT RIGHTS – *see* BILL OF RIGHTS, EMPLOYMENT RIGHTS
 LAND AND NATURAL RESOURCES – *see also* PUBLIC HEALTH AND WELFARE, PUBLIC SIGHTLINESS AND GOOD ORDER
 CONSERVATION
 DEPARTMENT OF, CREATION – P 280
 FOREST PRESERVES – P 65
 PLANNING, COMPREHENSIVE – P 223
 PROMOTION AND PROTECTION OF RESOURCES – P 280
 DEPARTMENT
 LAND AND NATURAL RESOURCES DEPARTMENT, CONSTITUTIONAL STATUS – P 280
 SINGLE EXECUTIVE FOR ADMINISTRATIVE DEPARTMENTS – P 155
 IMPROVEMENT, NATURAL, FOREST RESOURCES, PROMOTION BY LEGISLATURE – P 65, 280
 MANAGEMENT
 IMPROVEMENT, PROMOTION BY LEGISLATURE – P 65, 280
 PLANNING, COMPREHENSIVE – P 223
 SOIL AND WATER CONSERVATION DISTRICTS, MANAGEMENT FUNCTIONS, ASSIGNMENT TO ADMINISTRATIVE OFFICER – P 261
 PARKS, STATE, CREATION AND MAINTENANCE, LEGISLATIVE RESPONSIBILITY – P 146
 RAINBOW ISLAND, PERMITTED USE – P 272
 RECREATIONAL FACILITIES, STATEWIDE SYSTEM, DEVELOPMENT – P 146, 299
 SEA FISHERIES
 CONDEMNATION, EMINENT DOMAIN PROVISIONS – P 127
 LEGISLATIVE PROCESS – *see* LEGISLATURE, HAWAII STATE
 LEGISLATORS – *see* LEGISLATURE, HAWAII STATE, MEMBERS
 LEGISLATURE, HAWAII STATE
 APPORTIONMENT
 COMMISSION, DISTRICTING, REAPPORTIONMENT AGENCY – P 175, 225, 257, 268, 305, 310, CP 12
 COMMITTEE PROPOSAL ON – CP 12
 EIGHTH REPRESENTATIVE DISTRICT, REDISTRICTING – R 20
 ELEVENTH REPRESENTATIVE DISTRICT, SUBDIVISION, SINGLE-MEMBER SUBDISTRICTS – R 14
 FREQUENCY OF REAPPORTIONMENT – P 157, 175, 180, 186, 218, 251, 274, 312, CP 12, R 26
 HAWAII COUNTY, FOURTH AND FIFTH REPRESENTATIVE DISTRICT, COMBINATION INTO ONE DISTRICT – R 17
 HOUSE, GENERALLY – P 167, 180, 186, 201, 218, 251, 257, 262, 268, 274, 299, 312, CP 12
 MAUI COUNTY
 MOLOKAI AND LANAI, REPRESENTATIVE DISTRICT, ONE MEMBER – P 254
 SIXTH AND SEVENTH REPRESENTATIVE DISTRICTS, REDISTRICTING – P 102, 164, 165, R 29
 METHOD, DISTRICTING – P 175, CP 12
 NINTH AND TENTH REPRESENTATIVE DISTRICTS, REDISTRICTING – P 233
 PLACE SYSTEM – P 186, 197, 218, 251, R 26
 POPULATION, TOTAL, BASIS – P 180
 REGISTERED VOTER BASIS, RETENTION – P 157, CP 12, R 6, 26
 SENATE, GENERALLY – P 157, 167, 180, 186, 201, 218, 251, 257, 262,

- 268, 274, 299, 312, CP 12
- BICAMERAL LEGISLATURE, RETENTION – P 81, R 23, 34
- BILLS, PASSAGE AND ENACTMENT
 - APPROVAL OR VETO – *see also* EXECUTIVE
 - CARRY OVER TO EVEN YEAR REGULAR SESSION – P 110, 178, 188, 204, 299, CP 7
 - CONFERENCE COMMITTEE CONSIDERATION OF BILLS, TIME AND PROCEDURE – P 284
 - FINAL PASSAGE IN ONE HOUSE, TIME REQUIREMENT PRIOR TO FINAL READING – P 29, 189, 266, 289, CP 7
 - INITIATIVE AND REFERENDUM, ENACTMENT AND APPROVAL OF STATUTES BY PEOPLE – P 93, 193, 195, 207, 256
 - THIRD READING BILLS
 - HOURS, TIME OF PASSAGE – P 29, 189, 266, 289, CP 7
 - PUBLIC HEARING REQUIREMENTS – P 189, 263
- CHANCELLORS, BOARD OF AND SENATE, TYPE OF LEGISLATURE – P 225
- COMMITTEE PROPOSALS ON – CP 7, 12
- COMMITTEES
 - EFFICIENCY, DUPLICATION, ELIMINATION – R 21
 - INTERIM AND SPECIAL, AUTHORIZATION – P 198, 253
 - PROCEDURE, PUBLIC HEARING REQUIREMENTS, CONFERENCE COMMITTEE SESSIONS AND PROCEDURE – R 22
 - STAFFING, PERMANENT PROFESSIONAL – P 178, 299, R 25
- CONTINUOUS BODY – *see* LEGISLATURE, HAWAII STATE, YEAR-ROUND LEGISLATURE
- HOUSE OF REPRESENTATIVES
 - APPORTIONMENT AND DISTRICTING – P 167, 180, 186, 201, 218, 251, 262, 268, 274, 299, 312, CP 12
 - DISTRICTS
 - EIGHTH REPRESENTATIVE DISTRICT, REDISTRICTING – R 20
 - HAWAII COUNTY, FOURTH AND FIFTH REPRESENTATIVE DISTRICT, COMBINATION INTO ONE DISTRICT – R 17
 - MAUI COUNTY
 - MOLOKAI AND LANAI, REPRESENTATIVE DISTRICT, ONE MEMBER – P 254
 - SIXTH AND SEVENTH REPRESENTATIVE DISTRICT, REDISTRICTING – P 102, 164, 165, R 29
 - MULTI-MEMBER DISTRICTS
 - NUMBER LIMIT PER DISTRICT – P 257, 305
 - PLACE SYSTEM – P 186, 197, 218, R 26
 - NINTH AND TENTH REPRESENTATIVE DISTRICTS, REDISTRICTING – P 233
 - SINGLE-MEMBER DISTRICTS – P 299, R 26
 - MEMBERS, REPRESENTATIVES
 - AGE – P 71, 124, 141, 268, 279
 - NUMBER, CHANGE – P 167, 274, R 24
 - TERMS
 - INCREASE – P 174, 186, 187, 215, 268, 312
 - STAGGERING – P 187, 215
 - STAFF, PERMANENT, PROFESSIONAL – P 178, 299
- MEMBERS, LEGISLATORS GENERALLY
 - AGE REQUIREMENTS – P 71, 124, 141, 268, 279
 - DISQUALIFICATIONS – P 281
 - QUALIFICATIONS
 - RESIDENCE – P 66, 124, 141, 182, 199, 251, 279
 - RESIDENCE, DISTRICT, DEFINITION – P 271, 279
 - VOTER, QUALIFIED – P 66, 124, 141, 182, 191, 199
 - RESIDENCE REQUIREMENT, LOWERING – P 182
 - SALARY AND ALLOWANCES
 - COMMISSION ON LEGISLATIVE SALARY – CP 7
 - INCREASE – P 134, 178, 188, 221, 268, 273, 299, CP 7, R 27
 - INCREASE, YEAR-ROUND LEGISLATURE – P 110, 204
 - SPECIAL SESSION TO RECONSIDER VETOED BILLS, SALARY PAYMENT – P 35
 - STATUTORY SCHEDULE – P 33

- VACANCIES
 - ELECTIONS, GENERAL AND SPECIAL, FILLING BY – P 258
 - RUNNER-UP, FILLING OF SEAT IN QUESTION – P 206
 - RUNNER-UP, SAME POLITICAL PARTY, FILLING OF SEAT IN QUESTION – P 212
- POWERS, LEGISLATIVE
 - COLLECTIVE BARGAINING PROCEDURE, PUBLIC EMPLOYEES, STATUTES ENACTMENT – P 172
 - COUNTY STATUTES, GENERAL LAWS, EXCEPTIONS – P 126
 - DEBT LIMIT DETERMINATION – P 268
 - DISRESPECT TO LEGISLATORS, LEGISLATIVE WITNESSES, PUNISHMENT – P 285
 - GAMBLING, LEGALIZED, AUTHORIZATION – P 288
 - GUBERNATORIAL APPOINTMENTS, ADVISE AND CONSENT
 - ABOLISHMENT, APPOINTMENT AND/OR REMOVAL BY GOVERNOR ALONE, EXCEPTIONS – P 120, 230, 245, CP 2
 - BOTH HOUSES, CONSENT, REQUIREMENTS – P 144
 - LAND AND NATURAL, FOREST RESOURCES, PUBLIC SIGHTLINESS, PRESERVATION POWERS – P 65
 - LOCALIZED STATUTES, ENACTMENT, AUTHORIZATION – P 79, 236, CP 10
 - PARKS, STATE, CREATION AND MAINTENANCE – P 146
- REAPPORTIONMENT – *see* LEGISLATURE, HAWAII STATE, APPORTIONMENT
- SENATE
 - APPORTIONMENT AND DISTRICTING – P 157, 167, 180, 186, 201, 218, 251, 257, 262, 268, 274, 299, 312, CP 12
 - AT-LARGE, STATEWIDE MEMBERSHIP – P 243
 - CONTINUOUS BODY, 51 MEMBERS, SINGLE-MEMBER DISTRICTS – P 225
- DISTRICTS
 - MULTI-MEMBER DISTRICTS
 - NUMBER LIMIT PER DISTRICT – P 201, 251, 257, 305
 - PLACE SYSTEM – P 186, 197, 218, R 26
 - SINGLE-MEMBER DISTRICTS, ENLARGED BODY – P 225, 299, 312
 - TWO SENATORS PER SENATORIAL DISTRICT – P 201, 251, 257
- MEMBERS, SENATORS
 - AGE REQUIREMENTS – P 7, 71, 141, 186, 268, 279
 - AT-LARGE, STATEWIDE MEMBERSHIP – P 243
 - NUMBER, CHANGE – P 167, 225, 243, 268, 274, R 24
- TERMS
 - INCREASE – P 186, 187, 215, 243, 268, 299, 312
 - STAGGERING – P 187, 215
 - TRANSITIONAL PROVISIONS – P 243, 251, 257
- PRESIDENT, LIEUTENANT GOVERNOR, NON-VOTING – P 219
- SPECIAL SESSION OF SENATE ALONE, SALARY FOR SENATORS, PAYMENT – P 35
- STAFF, PERMANENT, PROFESSIONAL – P 178, 299
- SESSIONS
 - BUDGET SESSIONS
 - ELIMINATION – P 3, 28, 46, 76, 96, 110, 118, 119, 174, 178, 188, 190, 204, 268, 273, 299, 307, CP 7
 - COMMENCEMENT DATE – P 268, 273, CP 7
 - CONTINUOUS SESSIONS – P 110, 174, 204, 299, 307
 - EXTENSION, REQUEST BY MEMBERS OF BOTH HOUSES – P 188, 221, CP 7
 - LENGTH, DURATION OF REGULAR SESSION – P 118, 178, 188, 268, 273
- SPECIAL SESSIONS
 - CALL BY THE LEGISLATURE – P 3, 75, 178, 188, 221, CP 7
 - SENATE SPECIAL SESSION, SENATOR'S SALARY, PAYMENT – P 35
- UNICAMERAL LEGISLATURE – P 38, 78
- YEAR-ROUND LEGISLATURE – P 110, 174, 204, 299, 307
- LIEUTENANT GOVERNOR – *see* EXECUTIVE
- LOCAL GOVERNMENT
 - CHARTERS, SELF GOVERNMENT
 - APPROVAL PROCEDURES, REQUIREMENTS – CP 10

EXISTING, EFFECTIVE CHARTERS, TRANSITIONAL PROVISIONS – P 106, CP 10
 FRAMING AND ADOPTION PROCEDURES, COUNTY INITIATIVE – P 26, 91, 234, 239, 241
 GUARANTEE, LARGEST MEASURE OF SELF GOVERNMENT – P 240, 241
 LEGISLATIVE RESTRICTIONS LIFTED – P 26, 234, 239, 241
 REPUBLICAN FORM OF GOVERNMENT – P 26, 126, 234, 239, 241
 COMMITTEE PROPOSAL ON – CP 10
 COUNTIES – *see* LOCAL GOVERNMENT, SUBDIVISIONS, POLITICAL
 DEBT INCURRENCE
 AUTHORIZATION BY COUNTY LEGISLATIVE BODY, LEGISLATIVE RESTRICTIONS LIFTED – P 237, 241
 EXCESS, AUTHORIZATION REQUIREMENTS – P 95, CP 9
 LIMITATIONS, CEILING – P 97, 237, 241, CP 9
 LEGISLATIVE BODY
 SALARY AND ALLOWANCES – P 208
 VACANCIES, FILLING BY GENERAL OR SPECIAL ELECTIONS – P 258
 OAHU, SUBDIVISION INTO FOUR COUNTIES – P 250
 POWERS, COUNTY
 ADMINISTRATIVE PROCEEDINGS, JUDICIAL REVIEW – P 239, 241
 AIRPORTS, MUNICIPAL, ESTABLISHMENT, OPERATION AND MAINTENANCE – P 264
 EDUCATION, PUBLIC, FUNDING PROVISIONS – P 133
 EXPENDITURES OF COUNTY INCREASED BY STATE LAW, COUNTY APPROVAL BY ORDINANCE – P 69, 235, 238
 GENERALLY – P 69, 126, 240, 241, 242
 SELF GOVERNMENT, LIBERAL INTERPRETATION – P 240, 241
 TAXATION POWERS
 GENERALLY – P 69, 238, 241
 REAL PROPERTY TAX ON UNLEASED OR UNIMPROVED STATE LANDS, LEVY – P 177
 REAL PROPERTY TAX POWERS, DELEGATION BY STATE – P 303
 REVENUE, STATE, COUNTY SHARE – P 303
 STATUTES, LEGISLATIVE, LOCALIZED, AUTHORIZATION – P 79, 236, CP 10
 TOWNSHIPS, CREATION – P 62
 LOTTERIES, STATE OR COUNTY – *see* TAXATION AND FINANCE
 LOYALTY, QUALIFICATION FOR PUBLIC EMPLOYMENT – *see* PUBLIC OFFICERS AND EMPLOYEES

M

MILITIA, STATE – *see* BILL OF RIGHTS
 MONARCHY, HONORARY, ESTABLISHMENT – P 101

O

OATH OF OFFICE – *see* PUBLIC OFFICERS AND EMPLOYEES

P

PARI-MUTUEL RACING – *see* TAXATION AND FINANCE
 PARTY OR CLOSED PRIMARY – *see* ELECTIONS AND SUFFRAGE, PRIMARY ELECTIONS
 PRESS AND SPEECH RIGHTS – *see* BILL OF RIGHTS, SPEECH AND PRESS RIGHTS
 PROPERTY RIGHTS – *see* BILL OF RIGHTS
 PUBLIC CORPORATIONS, FINANCING OF ECONOMIC AND COMMUNITY DEVELOPMENT PROJECTS – *see* TAXATION AND FINANCE, ECONOMIC AND COMMUNITY DEVELOPMENT
 PUBLIC HEALTH AND WELFARE
 DEPARTMENT OF PUBLIC HEALTH AND WELFARE, EXECUTIVE BOARD HEAD, CREATION – P 301

- HANDICAPPED, TREATMENT AND CARE, MANDATORY – P 267
- POLLUTION, AIR AND WATER, NOISE, REGULATION BY LEGISLATURE – P 65, 223, 224, 280
- PUBLIC SIGHTLINESS AND GOOD ORDER – *see also* LAND AND NATURAL RESOURCES
 - BEAUTIFICATION, CONSERVATION PROVISIONS, RETENTION – R 12
 - ENVIRONMENTAL HEALTH AND WELFARE, DEVELOPMENT – P 222
 - PROTECTION, STATE POLICY – P 65, 222, 224
 - SCENIC BEAUTY, PRESERVATION, ACTION TAKEN, STATE AND COUNTY GOVERNMENTS REQUESTED – R 32
- WATER SUPPLY, PUBLIC, CONSUMER PROTECTION
 - ADDITIVES, CONSUMER CONSENT REQUIREMENTS – P 246
 - SAFETY GUARANTEE – P 247
- PUBLIC OFFICERS AND EMPLOYEES – *see also* EXECUTIVE-OR-STATE GOVERNMENT
 - ADMINISTRATIVE OFFICERS, APPOINTIVE, RESIDENCE REQUIREMENT – P 131, CP 2
 - CANDIDATES FOR ELECTIVE OFFICE, CERTAIN PUBLIC OFFICERS, RESIGNATION REQUIREMENTS – P 296
 - COLLECTIVE BARGAINING RIGHTS – P 36, 70, 74, 115, 154, 172, 299, CP 5
 - DEPARTMENT HEADS
 - APPOINTMENT AND REMOVAL OF SINGLE EXECUTIVES BY GOVERNOR ALONE – P 245, CP 2
 - BOARD OR COMMISSION MEMBERS, TENURE, REMOVAL BY GOVERNOR – P 120, CP 2
 - ELECTIVE OFFICE CANDIDATES, RESIGNATION REQUIREMENTS – P 296
 - REMOVAL OF APPOINTEES BY GOVERNOR ALONE – P 120, 230, 245, CP 2
 - RESIDENCE REQUIREMENTS – P 131, CP 2
 - SINGLE EXECUTIVE – P 98, 155
 - ELECTIVE OFFICERS, GENERALLY
 - CANDIDATES FOR, CERTAIN PUBLIC OFFICERS, RESIGNATION REQUIREMENTS – P 296
 - ETHICS CODE – P 204, CP 6
 - RECALL – P 184, 194
 - ETHICS CODE, STATE AND COUNTY GOVERNMENTS – P 11, 159, 166, CP 6
 - LOYALTY, PUBLIC EMPLOYMENT QUALIFICATION
 - DEFINITION – CP 6
 - ELIMINATION FROM CONSTITUTION – P 205, 299
 - OATH OF OFFICE
 - DEFINITION – P 299
 - ELIMINATION FROM CONSTITUTION – P 205
 - RESIDENCY, PUBLIC EMPLOYMENT REQUIREMENT – P 295
 - RETIREMENT TRUST FUND – P 306

R

- RAINBOW ISLAND – *see* LAND AND NATURAL RESOURCES
- REAPPORTIONMENT, LEGISLATIVE – *see* LEGISLATURE, HAWAII STATE, APPORTIONMENT
- RECALL – *see* PUBLIC OFFICERS AND EMPLOYEES, ELECTIVE OFFICERS, GENERALLY
- RECREATIONAL FACILITIES – *see* LAND AND NATURAL RESOURCES
- REFERENDUM, LEGISLATIVE – *see* INITIATIVE AND REFERENDUM
- REVISION AND AMENDMENT, CONSTITUTIONAL
 - COMMITTEE PROPOSAL ON – CP 8
 - CONSTITUTIONAL CONVENTION – *see also* CONSTITUTIONAL CONVENTION OF 1968
 - DELEGATES
 - ELECTION – P 322, CP 8
 - PRIVILEGES AND IMMUNITIES – P 216
 - POWERS, DEFINITION – P 216
 - QUESTION SUBMISSION TO ELECTORATE, TIME – P 103

CONSTITUTION, HAWAII STATE, DOCUMENT, COVER PAGE OF
 CONSTITUTION AS AMENDED AND RATIFIED IN 1968 - R 30
 CONSTITUTION, TECHNICAL AMENDMENTS, REARRANGEMENT BY REVISOR
 OF STATUTES - R 36
 RATIFICATION REQUIREMENTS, CERTAIN QUESTIONS, COUNTY VOTE
 TALLY, ELIMINATION - P 1, 186, 243, 249, 251, 257, 262, 299, CP 8
 SUBMISSION
 AMENDMENTS OR REVISIONS, PROPOSED, CONFLICTING, PROPOSAL
 SUBMITTED TO ELECTORATE - P 249
 BALLOT FORM, PRESENTATION TO ELECTORATE DURING GENERAL
 ELECTION OF 1968 - R 37
 BALLOT OF CONSTITUTIONAL AMENDMENTS, LIMITED - R 33
 CONSTITUTIONAL CONVENTION QUESTION, TIME OF SUBMISSION - P
 103
 SINGLE OR SERIAL PRESENTATION OF AMENDMENTS, ARTICLES TO
 ELECTORATE - R 8, 10

S

SAND ISLAND - *see* LAND AND NATURAL RESOURCES, RAINBOW ISLAND
 SEA FISHERIES - *see* LAND AND NATURAL RESOURCES
 SENATE, HAWAII STATE - *see* LEGISLATURE, HAWAII STATE
 SESSIONS, LEGISLATIVE - *see* LEGISLATURE, HAWAII STATE
 SOVEREIGN IMMUNITY, STATE - *see* BILL OF RIGHTS
 SPEECH AND PRESS RIGHTS - *see* BILL OF RIGHTS
 STATE CAPITAL, HONOLULU, OAHU, ESTABLISHMENT - P 316
 STATE FLOWER - *see* HAWAIIANA
 STATE GOVERNMENT - *see also* EXECUTIVE-OR-PUBLIC OFFICERS AND
 EMPLOYEES
 AERONAUTICS AND AIRPORTS DEPARTMENT, EXECUTIVE BOARD,
 CREATION - P 287
 AGRICULTURE DEPARTMENT, SINGLE EXECUTIVE HEAD - P 155
 ATTORNEY GENERAL, ELECTIVE OFFICER - P 84, 129, 217
 BOARDS AND COMMISSIONS, MEMBERS APPOINTED BY GOVERNOR,
 COMPENSATION - P 200
 CONSERVATION DEPARTMENT, CREATION - P 280
 CRIME PREVENTION DEPARTMENT, CREATION - P 252
 EDUCATION DEPARTMENT, BODY CORPORATE - P 324
 FEDERAL-STATE RELATIONS DEPARTMENT, CREATION - R 7
 LAND AND NATURAL RESOURCES DEPARTMENT, CONSTITUTIONAL
 STATUS - P 280
 LAND AND NATURAL RESOURCES DEPARTMENT, SINGLE EXECUTIVE
 HEAD - P 155
 PUBLIC HEALTH AND WELFARE DEPARTMENT, CREATION - P 301
 STUDY AND RESEARCH, ROLE OF GOVERNMENT - P 323
 STATE SEAL - *see* HAWAIIANA
 STATE SONG - *see* HAWAIIANA

T

TAXATION AND FINANCE
 AUDITOR
 DUTIES, REDEFINITION - P 97, 209
 BUDGET
 BIENNIAL BUDGET
 CREATION - P 28, 96, 119, 221, 299, CP 9
 INFLATIONARY EFFECTS, OFFSETTING, DEVICE FOR - R 28
 COMMITTEE PROPOSAL ON - CP 9
 DEBT LIMITATIONS
 BOND AUTHORIZATIONS, UNISSUED, LAPSING PROVISIONS - P 77, 90,
 97, 170, 299
 CEILING, AMENDMENTS - P 5, 49, 77, 90, 95, 97, 104, 109, 117, 121,
 147, 302, CP 9

COUNTY INDEBTEDNESS, AGGREGATE, EXCESS SUMS – P 95, 97, 237, 241
 LEGISLATIVE AUTHORIZATION, VOTE REQUIREMENTS – P 104, 117, 121, 147, CP 9
 LEGISLATIVE DETERMINATION – P 268, 299
 REFERENDUM, CERTAIN DEBTS IN EXCESS OF LIMIT – P 90, 121
 ECONOMIC AND COMMUNITY DEVELOPMENT, FINANCING PROVISIONS, CREATION OF PUBLIC CORPORATIONS – P 128
 LOTTERIES, STATE OR COUNTY
 PROHIBITION – P 183
 SYSTEM, ESTABLISHMENT – P 294
 PARI-MUTUEL RACING, SYSTEM, ESTABLISHMENT – P 294
 SURPLUS FUNDS, USE AND PROCEDURES – P 265
 TAXES AND TAXING POWERS
 COUNTY SHARE OF STATE REVENUES – P 303
 EXEMPTIONS
 AGED PERSONS – P 276
 FOOD AND DRUGS – P 304
 REAL PROPERTY TAX POWER, DELEGATION TO COUNTIES – P 303
 TOWNSHIPS – *see* LOCAL GOVERNMENT
 TRANSITIONAL PROVISIONS AND PROCEDURE
 COMMITTEE PROPOSAL ON – CP 13
 GENERALLY – P 127, 210, 268, 299, CP 13
 TREASON – *see* BILL OF RIGHTS

V

VOTING – *see* ELECTIONS AND SUFFRAGE

W

WATER SUPPLY, PUBLIC AND WATER ADDITIVES, RIGHTS OF CONSUMING PUBLIC – *see* BILL OF RIGHTS–OR–PUBLIC HEALTH AND WELFARE
 WIRETAPPING AND EAVESDROPPING – *see* BILL OF RIGHTS, COMMUNICATIONS INTERCEPTION

THE PRIVATE MEASURE INDEX

A

ATTORNEY GENERAL, DEPARTMENT OF THE, APPRECIATION – R 51

C

CATHOLIC CHURCH, GRATITUDE AND APPRECIATION – R 49
 CITIZENS COMMITTEE ON THE CONSTITUTIONAL CONVENTION, GRATITUDE – R 16, 38

H

HAWAII STATE LEGISLATURE, APPRECIATION AND GRATITUDE – R 39
 HONOLULU COUNCIL OF CHURCHES, GRATITUDE AND APPRECIATION – R 48
 HONPA HONGWANJI MISSION, GRATITUDE AND APPRECIATION – R 50

K

KAPIOLANI COMMUNITY COLLEGE, APPRECIATION – P 46
KHET STATION, COMMENDATION – R 44

L

LEGISLATIVE AUDITOR'S OFFICE, APPRECIATION – R 45
LEGISLATIVE REFERENCE BUREAU, APPRECIATION – R 19, 41

M

MCKINLEY HIGH SCHOOL, APPRECIATION – R 47

P

PRESS, RADIO STATIONS, TV STATIONS, WIRE SERVICES, MEMBERS,
APPRECIATION – R 43
PUBLIC WORKS SECTION, ACCOUNTING AND GENERAL SERVICES DEPARTMENT,
APPRECIATION – R 40

S

SCHMITT, ROBERT C. AND STAFF, APPRECIATION – R 42

2. Final Status of Proposals and Resolutions

The status table gives an abbreviated history of all proposals and resolutions as they proceed through the convention consideration process. There are three different types of tables and these are arranged by type of convention measure.

Type of Measure

1. (P) Proposals
2. (CP) Committee Proposals
3. (R) Resolutions

Type of Information Given for Each Measure

1. Proposals and Committee Proposals
 - a. Short and abbreviated title
 - b. Calendar day of introduction
 - c. Calendar day of readings
 - d. Committee referrals and committee report numbers
 - e. Calendar day and manner of final disposition
2. Resolutions
 - a. Short and abbreviated title
 - b. Calendar day of introduction
 - c. Committee referrals and committee report numbers
 - d. Calendar day and manner of final disposition

Abbreviations Employed

Amendments

An asterisk (*) in the "day" column indicates that a new draft (or redrafts) of the measure was adopted.

Committee Referrals

A slash (/) between two committees indicates that the measures have been referred to two committees jointly; a double slash (//) used to enclose committees indicates that one or more committees concur with one committee report.

The order of the committee designations indicates the order of consideration. The committee report numbers correspond to the order of the committee designations.

Committee Abbreviations

AG, CONSR, LD&HAW HMS	Committee on Agriculture, Conservation, Land and Hawaiian Homes
RGTS, SUFF&ELEC	Committee on Bill of Rights, Suffrage and Elections
EXEC	Committee on Executive

HLTH, ED, WEL&LBR, INDUS	Committee on Public Health, Education and Welfare, Labor and Industry
JUD	Committee on Judiciary
LEG APPORT&DIST	Committee on Legislative Apportionment and Districting
LOC GOVT	Committee on Local Government
LEG POWRS&FUNC	Committee on Legislative Powers and Functions
REV&AM	Committee on Revision, Amendment and Other Provisions
SUB&INFO	Committee on Submission and Information
STYLE	Committee on Style
TAX&FIN	Committee on Taxation and Finance
COMM WHLE	Committee of the Whole
ACC&PRNTG	Committee on Accounts and Printing
RULES	Committee on Rules

Committee Report Numbers

Committee report numbers are designated next to the committee referral column. Except for standing committee report numbers, committee report numbers are preceded by the following abbreviations:

SEL COMM REPT	Select Committee Report
SPEC COMM REPT	Special Committee Report
COMM WHLE REPT or CWR	Committee of the Whole Report

Dates of Convention Action

The month and calendar day on which proposals and resolutions are introduced in convention or passed on readings or adopted by the convention are noted in the

"day" column. The following abbreviations are employed:

J July
A August
S September
O October
N November
D December

Thus the notation "J15" means July 15, 1968.

PROPOSALS

NUMBER	SUBJECT	READING	DAY (Amended*)	COMMITTEES	COMMITTEE REPORTS	DISPOSITION
3	APPORTIONMENT, SENATE	1	J15	LEG APPORT & DIST	13	SEE CP 31

Proposal number and title.

Proposal introduced in Convention on July 15. Passed 1st reading and referred to standing committee which issued report #13.

Names of Convention standing committees to which (committee) proposal was referred and committee report numbers after respective readings.

Proposal filed; see standing committee rept. 13.

COMMITTEE PROPOSALS

NUMBER	SUBJECT	READING	DAY (Amended*)	COMMITTEES	COMMITTEE REPORTS	DISPOSITION
31 /	APPORTIONMENT, LEGISLATURE RD3	1 2	J20 J25*	COMM WHLE STYLE	CWR 4 5	
	(SEE SCR 13)	3	J30*	STYLE		

RD refers to redraft. The numbers which follow the initials indicate the number of times the proposal has been amended.

Refers to standing committee report which introduces committee proposals.

Proposal passed 3rd reading and referred back to Committee on Style for proper arrangement in the Constitution.

Proposal passed 2nd reading and referred to Committee on Style for editing. Asterisk denotes amendment prior to passage of 2nd reading on July 25.

PROPOSALS

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
1	CONST REV,CNTY RATIFCTN REQ	1	J16	REV&AM	49	FILE S05
2	SCH ADVSRY CNCL,CONST AGENCY	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
3	LEGIS,SPECL,BUDGT SESS CHGE	1	J16	LEG POWRS&FUNC	46	FILE S03
4	SCH ADVSRY CNCL,CONST AGENCY	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
5	DEBT LIMIT,CEILING CHANGE	1	J16	TAX&FIN	52	FILE S06
6	VOTING,AGE REQUIRMT,LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
7	SENATE,AGE REQUIRMT,LOWERED	1	J16	LEG POWRS&FUNC	46	FILE S03
8	VOT,AGE,RES,LITRCY REQ CHGE	1	J16	RGTS,SUFF&ELEC	23	FILE A10
9	VOTE REQ,MENTALLY ILL&FELNY	1	J16	RGTS,SUFF&ELEC	23	FILE A10
10	ECON SECURITY,INCME MAINTAIN	1	J16	RGTS,SUFF&ELEC	55	FILE S09
11	PUB OFF&EMP,CODE OF ETHICS	1	J16	REV&AM	44	FILE A30
12	VOTING,AGE REQUIRMT,LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
13	JDG&JUSTICE,TERMS,SUCCESSN	1	J16	JUD	40	FILE A30
14	JUDICIAL REDRESS,GUARANTEE	1	J16	RGTS,SUFF&ELEC	55	FILE S09
15	INDIGNT ACCUSED,COUNSEL RTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
16	BAIL,DISPENSATN,CERT CASES	1	J16	RGTS,SUFF&ELEC	55	FILE S09
17	CONSUMER PROTECTN,GUARANTEE	1	J16	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
18	COMMUNCTN INTERCPTN,RIGHTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
19	PUB ED,GENRL PROVSNS BROADN	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
20	RTS OF ACCUSED,ARRAIGNMENT	1	J16	RGTS,SUFF&ELEC	55	FILE S09
21	BD&SUPT OF ED,APPOINTIVE	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
22	BD OF ED,FULL-TIME MEMBERS	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
23	DOE,SUPT OF ED,EXECUTVE OFF	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
24	DIST MAGISTRTES,PROVSN,GEN	1	J16	JUD	40	FILE A30
25	PRESIDENTIAL PREF PRIMARY	1	J16	RGTS,SUFF&ELEC	23	FILE A10
26	CHARTRS,ADOP&REVS,N,RATIFCTN	1	J16	LOC GOVT	53	FILE S06
27	GOVERNOR,3RD TERM LIMIT	1	J16	EXEC	38	FILE A28

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

429

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
28	BUDGT SESS ELIM,BIENN BUDGT	1	J16	LEG POWRS& FUNC/TAX&FIN	46 52	FILE S03 FILE S06
29	LEGIS,BILL PASSAGE PROCEDRE	1	J16	LEG POWRS&FUNC	46	FILE S03
30	VOTING,AGE REQUIRMT LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
31	VOTING,AGE REQUIRMT LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
32	BD OF ED,ELECTN,NONPARTISAN	1	J16	HLTH,ED,WEL& LBR,INDUS	41 42	FILE A30 FILE A30
33	LEGISTR,PAY,STATUTORY SCHED	1	J16	LEG POWRS&FUNC	46	FILE S03
34	COMMUNCTN INTERCEPT,RIGHTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
35	LEGISLATOR PAY,SPECL SESSN	1	J16	LEG POWRS&FUNC	46	FILE S03
36	PUB EMP,COLLECTVE BARGAINNG	1	J16	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
37	BD OE ED,ELECTION,ODD YRS	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
38	UNICAMERAL LEGIS,CREATION	1	J16	LEG POWRS& FUNC/LEG APPORT&DIST/ JUD/TAX&FIN/ HLTH,ED,WEL& LBR,INDUS/ REV&AM	40 41 46 49 52 58	FILE A30 FILE A30 FILE S03 FILE S05 FILE S06 FILE S11
39	PARTY PRIMARY,PROHIBITION	1	J16	RGTS,SUFF&ELEC	23	FILE A10
40	HAW HMES,COMMISSNRS,ELECTN	1	J16	AG,CONSR,LD& HAW HMS	27	FILE A20
41	VOTING,AGE REQUIRMT LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
42	REDRESS,INDIVIDUAL RIGHT	1	J16	RGTS,SUFF&ELEC	55	FILE S09
43	VOTNG DISQUAL,FELNY,IMPRISN	1	J16	RGTS,SUFF&ELEC	23	FILE A10
44	VOTING,AGE REQUIRMT LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
45	GOVERNOR, THREE TERM LIMIT	1	J16	EXEC	38	FILE A28
46	LEGIS,BUDGET SESSION ELIM	1	J16	LEG POWRS&FUNC	46	FILE S03
47	IMMUNITY,PUNISHMT,CERT ACTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
48	VOTING,AGE,LITRCY REQ CHGE	1	J16	RGTS,SUFF&ELEC	23	FILE A10
49	DEBT LIMIT,CEILING CHANGE	1	J16	TAX&FIN	52	FILE S06
50	BD OF ED,SELECTION,AMENDMTS	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
51	JUDICIAL COMMISSN,CREATION	1	J16	JUD	40	FILE A30
52	VOTNG DISQUALIFICATN,FELONY	1	J16	RGTS,SUFF&ELEC	23	FILE A10
53	GOVERNOR,TWO TERM LIMIT	1	J16	EXEC	38	FILE A28

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
54	COMMUNCTN INTERCPTN,RIGHTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
55	INDIGNT ACCUSED,COUNSEL RTS	1	J16	RGTS,SUFF&ELEC	55	FILE S09
56	VOTING,AGE,LITRCY REQ CHGE	1	J16	RGTS,SUFF&ELEC	23	FILE A10
57	JUDICIAL COMMISSN,CREATION	1	J16	JUD	40	FILE A30
58	CONSUMER PROTECTN,GUARANTEE	1	J16	REV&AM	44	FILE A30
59	BILL OF RTS,GENERLY AMENDED	1	J16	RGTS,SUFF&ELEC	55	FILE S09
60	HAWN HMS COMMISSNRS,ELECTN	1	J16	AG,CONSR,LD, HAW HMS	27	FILE A20
61	MINERAL RTS PRESERVTN,OWNER	1	J16	AG,CONSR,LD, HAW HMS	35	FILE A29
62	LOC GOVT,TOWNSHIPS,ESTABMNT	1	J16	LOC GOVT	53	FILE S06
63	VOTING,AGE REQUIRMT LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
64	PUB SCH,DISCRIMNTN PROHIBTN	1	J16	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
65	POLLUTN,NOISE,REGULATN POWR	1	J16	HLTH,ED,WEL& LBR,INDUS/AG, CONSR,LD, HAW HMS	30 32 35	FILE A26 FILE A26 FILE A29
66	LEGISLATRS,AGE REQ LOWERED	1	J16	LEG POWRS&FUNC	46	FILE S03
67	VOTNG,AGE,RES REQ LOWERED	1	J16	RGTS,SUFF&ELEC	23	FILE A10
68	VOT,AGE,RES,LITRCY REQ CHGE	1	J16	RGTS,SUFF&ELEC	23	FILE A10
69	LOC GOVT,ADDITNL,TAX POWERS	1	J16	LOC GOVT	53	FILE S06
70	PUB EMP,COLLECTVE BARGAINNG	1	J16	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
71	LEGISLATRS,AGE REQ LOWERED	1	J17	LEG POWRS&FUNC	46	FILE S03
72	SCH ADVSRY COUNCL,EXEC APPT	1	J17	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
73	JDG&JUSTICE,TENURE,PENSION	1	J17	JUD	40	FILE A30
74	PUB EMP,COLLECTVE BARGAINNG	1	J17	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
75	SPEC SESS CALLED BY LEGIS	1	J17	LEG POWRS&FUNC	46	FILE S03
76	LEGIS,BUDGT SESSION,ELIMIN	1	J17	LEG POWRS&FUNC	46	FILE S03
77	DEBT LIMIT, CEILING CHANGE	1	J17	TAX&FIN	52	FILE S06
78	UNICAMERAL LEGIS,CREATION	1	J17	LEG POWRS& FUNC/LEG APPORT&DIST/ EXEC/REV&AM/ JUD/TAX&FIN/ HLTH,ED,WEL&	38 40 41 46 49 52	FILE A28 FILE A30 FILE A30 FILE S03 FILE S05 FILE S06

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

431

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
				LBR,INDUS	58	FILE S11
79	LOCAL GOVT STATUTE,ENACTMT	1	J17	LOC GOVT	53	FILE S06
80	COMMUNCTN INTERCPTN,RIGHTS	1	J17	RGTS,SUFF&ELEC	55	FILE S09
81	BICAMRL LEGISLATURE,RETENTN	1	J17	LEG POWRS&FUNC	46	FILE S03
82	UH,ENTRNC E PROCEDURE,AMENDMT	1	J17	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
83	VOTING AGE,RES REQ CHANGE	1	J17	RGTS,SUFF&ELEC	23	FILE A10
84	ATTORNEY GENERAL,ELECTION	1	J17	EXEC	38	FILE A28
85	EXECUTVE DEPTS,GENRL AMENDT	1	J17	EXEC	38	FILE A28
86	GOVERNOR,LAW EXECUTION	1	J17	EXEC	38	FILE A28
87	SCH ADVSRY CNCL,CONST AGENCY	1	J17	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
88	PRESIDENTIAL PREF PRIMARY	1	J17	RGTS,SUFF&ELEC	23	FILE A10
89	PRESIDENTIAL PREF PRIMARY	1	J17	RGTS,SUFF&ELEC	23	FILE A10
90	DEBT LIM,CEILNG,APPRVL PROC	1	J17	TAX&FIN	52	FILE S06
91	LOC GOVT,CHARTER PROVISION	1	J17	LOC GOVT	53	FILE S06
92	COMM COLL SYS,CONST AGENCY	1	J17	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
93	INITIATIVE,REFERENDM,PROCDR	1	J17	REV&AM	44	FILE A30
94	AGE,STATE MAJORITY,18 YRS	1	J17	REV&AM	44	FILE A30
95	DEBT LIMIT,CEILING CHANGE	1	J18	TAX&FIN	52	FILE S06
96	LEGIS,BIENNUM BUDGET ESTAB	1	J18	LEG POWRS& FUNC/TAX&FIN	46 52	FILE S03 FILE S06
97	DEBT LIMIT,BOND LAPSING	1	J18	TAX&FIN	52	FILE S06
98	BDS ELIM,ED,REGNT,NAT RESOR	1	J18	EXEC/HLTH,ED, WEL&LBR,INDUS/ AG,CONSR,LD, HAW HMS	38 35 41	FILE A28 FILE A29 FILE A30
99	VOTNG,AGE,LITRCY REQ CHANGE	1	J18	RGTS,SUFF&ELEC	23	FILE A10
100	BD OF ED,NOM BY SCH ADV CNL	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
101	HONORARY MONARCHY,CREATION	1	J18	REV&AM	44	FILE A30
102	APPORTNMT,6&7 REP DISTRICTS	1	J18	LEG APPORT& DIST	58	FILE S11
103	CON CON QUES SUBMISSN,20 YR	1	J18	REV&AM	49	FILE S05
104	DEBT LIM,CEILNG,LEG MAJORTY	1	J18	TAX&FIN	52	FILE S06

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
105	VOTING,AGE,RES REQ CHANGE	1	J18	RGTS,SUFF&ELEC	23	FILE A10
106	CNTY CHARTR,TRANSTNL PROVSN	1	J18	LOC GOVT	53	FILE S06
107	LAW ENFORCMT RTS,ELECTORATE	1	J18	RGTS,SUFF&ELEC	55	FILE S09
108	PUB SCHLS,SUPPRT,CONTRL REQ	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
109	DEBT LIMIT,CEILING CHANGE	1	J18	TAX&FIN	52	FILE S06
110	LEGISLATURE,CONTINUOUS BODY	1	J18	LEG POWRS& FUNC/EXEC	38 46	FILE A28 FILE S03
111	BOARD OF EDUCATN,APPOINTVE	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
112	BD OF REGENTS,GEOGPHIC REPR	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
113	JUDGES&JUSTICES,QUALIFICTNS	1	J18	JUD	40	FILE A30
114	PRESIDENTIAL PREF PRIMARY	1	J18	RGTS,SUFF&ELEC	23	FILE A10
115	PUB EMP,COLLECTVE BARGAINNG	1	J18	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
116	COMM COLL SYS,CONST AGENCY	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
117	DEBT LIMIT,CEILING CHANGE	1	J18	TAX&FIN	52	FILE S06
118	LEGIS,BUDGT SESSION,ELIMIN	1	J18	LEG POWRS&FUNC	46	FILE S03
119	BIENNIAL BUDGET,ESTABLISHMT	1	J18	LEG POWRS& FUNC/TAX&FIN	46 52	FILE S03 FILE S06
120	EXEC DEPT HDS,TENURE,REMOVL	1	J18	EXEC	38	FILE A28
121	DEBT LIMIT,CEILING CHANGE	1	J18	TAX&FIN	52	FILE S06
122	HIGHER EDUCATN,FREE SYSTEM	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
123	DEPT OF ED,SINGLE EXECUTIVE	1	J18	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
124	LEGISLATORS,QUALIFICATIONS	1	J19	LEG POWRS&FUNC	46	FILE S03
125	JUDICIARY,GENERAL AMENDMNTS	1	J19	JUD	40	FILE A30
126	LOCAL GOVT,REPUB,CHRTR,PROV	1	J19	LOC GOVT	53	FILE S06
127	CONSTITN,TRANSITNL PROVSNS	1	J19	REV&AM	67	FILE S16
128	ECON&COMMNTY DEV,FINANCING	1	J19	TAX&FIN	52	FILE S06
129	ATTORNEY GENERAL,ELECTION	1	J19	EXEC	38	FILE A28
130	UH,PRES,RESIDENCE REQ,ELIM	1	J19	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
131	PUB OFFCRS,RESID REQ LOWERD	1	J19	EXEC	38	FILE A28

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
132	ED,HIGHER ED,SINGLE EXECUTV	1	J19	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
133	LOCAL GOVT,SUPPLMTRY FUNDS	1	J19	LOC GOVT	53	FILE S06
134	SALARY,LEGISLTRS,GOV,LT GOV	1	J19	LEG POWRS& FUNC/EXEC	38 46	FILE A28 FILE S03
135	ED DEPT,SNGLE EXEC,ADV CNCL	1	J19	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
136	CAPITAL PUNISHMENT,ELIMINTN	1	J19	RGTS,SUFF&ELEC	55	FILE S09
137	BD OF REGENTS,STUDENT MEMBR	1	J19	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
138	PRIMARY ELECTIONS,DATE	1	J19	RGTS,SUFF&ELEC	23	FILE A10
139	STATE SEAL,ESTABLISHMENT	1	J19	REV&AM	37	FILE A30
140	VOTING,AGE,RES REQ CHANGE	1	J19	RGTS,SUFF&ELEC	23	FILE A10
141	LEGISLTRS,AGE REQ,ELIMINTN	1	J19	LEG POWRS&FUNC	46	FILE S03
142	GOV,2-TRM LIMT,AGE REQ ELIM	1	J19	EXEC	38	FILE A28
143	BOARD OF REGENTS,ELECTIVE	1	J19	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
144	ADVICE&CONSENT,BOTH HOUSES	1	J19	LEG POWRS& FUNC/EXEC/JUD/ HLTH,ED,WEL& LBR,INDUS	38 40 41 46	FILE A28 FILE A30 FILE A30 FILE S03
145	JUDGES&JUSTICES,TENURE CHGE	1	J19	JUD	40	FILE A30
146	ST PARKS,CREATN&MAINTENANCE	1	J19	AG,CONSR,LD, HAW HMS	35	FILE A29
147	DEBT CEILING,LEG APPROVL REQ	1	J19	TAX&FIN	52	FILE S06
148	TREASON,DEFINITION	1	J19	RGTS,SUFF&ELEC	55	FILE S09
149	VOT,AGE,RES,LITRCY REQ CHGE	1	J19	RGTS,SUFF&ELEC	23	FILE A10
150	ASSEMBLY RIGHT,BROADENED	1	J19	RGTS,SUFF&ELEC	55	FILE S09
151	PRVT PROPRTY,DAMGE COMPENSN	1	J19	RGTS,SUFF&ELEC	55	FILE S09
152	ACCUSATN INFO IN WRITNG,RGT	1	J19	RGTS,SUFF&ELEC	55	FILE S09
153	SPEECH&PRESS RTS,BROADENED	1	J19	RGTS,SUFF&ELEC	55	FILE S09
154	PUB EMP,COLLECTVE BARGAINNG	1	J20	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
155	NATURL RESORCES,SINGLE EXEC	1	J20	AG,CONSR,LD& HAW HMS/EXEC	38 35	FILE A28 FILE A29
156	HIGHER ED,NONRES DNT TUITION	1	J20	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
157	REAPPORT,SENATE,TIME,DIST	1	J20	LEG APPORT&	49	FILE S05

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
				DIST/REV&AM	58	FILE S11
158	JUD,APPOINT,SEN CONFRM,ELIM	1	J20	JUD	40	FILE A30
159	ETHICS COMMISN,CONST AGENCY	1	J20	REV&AM	44	FILE A30
160	VOT,LITRCY REQ PROV BROADND	1	J20	RGTS,SUFF&ELEC	23	FILE A10
161	BOR,SELECTN PROV,STATUTORY	1	J20	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
162	UH,BD OF REGENTS,ELECTIVE	1	J20	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
163	SUPT OF ED,ELECTED BD MEMBR	1	J20	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
164	APPORTNMT,6&7 REP DISTRICTS	1	J20	LEG APPORT& DIST	58	FILE S11
165	APPORTNMT,6&7 REP DISTRICTS	1	J20	LEG APPORT& DIST	58	FILE S11
166	PUB OFF&EMP,CODE OF ETHICS	1	J20	REV&AM	44	FILE A30
167	LEGISLATURE,REAPPORTIONMENT	1	J20	LEG APPORT& DIST	58	FILE S11
168	HAWN HMS COMM,CONST AGENCY	1	J20	AG,CONSR,LD& HAW HMS	27	FILE A20
169	GOV,AGE,RESID REQ,CHANGE	1	J20	EXEC	38	FILE A28
170	BONDS,UNISSUED,LAPSNG PROV	1	J20	TAX&FIN	52	FILE S06
171	RTS OF ACCUSED,SEARCH&SEIZR	1	J20	RGTS,SUFF&ELEC	55	FILE S09
172	PUB EMP,COLLECTVE BARGAINNG	1	J20	HLTH,ED,WEL& LBR,INDUS	42	FILE A30
173	VOTING,AGE,LITRCY REQ CHGE	1	J20	RGTS,SUFF&ELEC	23	FILE A10
174	LEG,CONTNUOUS BODY,HSE TERM	1	J20	LEG POWRS&FUNC	46	FILE S03
175	APPORT COMMIS,SGLE MEM DIST	1	J20	LEG APPORT& DIST	58	FILE S11
176	PROPERTY RIGHT,BROADENED	1	J20	RGTS,SUFF&ELEC	55	FILE S09
177	CNTY,PROP TAX POWER ST LAND	1	J20	LOC GOVT	53	FILE S06
178	LEG,SESS GENRLLY,PERM STAFF	1	J20	LEG POWRS&FUNC	46	FILE S03
179	RT OF ACCUSD,APPEAL,COUNSEL	1	J20	RGTS,SUFF&ELEC	55	FILE S09
180	APPORTNMT,TOTAL POP BASIS	1	J20	LEG APPORT& DIST/REV&AM	49 58	FILE S05 FILE S11
181	PRIMARY ELECTIONS,DATE	1	J20	RGTS,SUFF&ELEC	23	FILE A10
182	LEGISLTRS,RESDNCE REQ LOWRD	1	J22	LEG POWRS&FUNC	46	FILE S03
183	LOTTERY,STATE,CNTY,PROHBTN	1	J22	TAX&FIN/LOC	52	FILE S06

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

435

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
				GOVT	53	FILE S06
184	RECALL,ELECTD PUB OFFICIALS	1	J22	REV&AM	44	FILE A30
185	ED DEPT,SNGLE EXEC,ADV CNCL	1	J22	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
186	LEGIS,APPORT,PLACE SYSTEM	1	J22	LEG APPORT& DIST/LEG POWRS &FUNC/REV&AM	46 49 58	FILE S03 FILE S05 FILE S11
187	LEGISLATORS,TERM INCREASE	1	J22	LEG POWRS& FUNC/LEG APPORT&DIST	46 58	FILE S03 FILE S11
188	LEGIS,LENGTH,BUDGT SESS ELM	1	J22	LEG POWRS&FUNC	46	FILE S03
189	BILL PASSGE,PUB HEARING REQ	1	J22	LEG POWRS&FUNC	46	FILE S03
190	LEG,BUDGT SESSION,ELIMINATN	1	J22	LEG POWRS& FUNC/TAX&FIN	46 52	FILE S03 FILE S06
191	LEGISLTR,DIST RES REQ,ELIM	1	J22	LEG POWRS&FUNC	46	FILE S03
192	ED BD,TERM,STAGGERED,LIMITD	1	J22	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
193	INITIATIVE RIGHT	1	J22	REV&AM	44	FILE A30
194	RECALL,ELECTD PUB OFFICIALS	1	J22	REV&AM	44	FILE A30
195	REFERNDUM RT,STATUTORY PROV	1	J22	REV&AM	44	FILE A30
196	BAIL,DEFINITION BROADENED	1	J22	RGTS,SUFF&ELEC	55	FILE S09
197	MULTI-MEMBER DIST,PLACE SYS	1	J22	LEG POWRS&FUNC	46	FILE S03
198	LEGIS COMM,INTERIM&SPECIAL	1	J22	LEG POWRS&FUNC	46	FILE S03
199	LEGISLTR,DIST VOTER-RES REQ	1	J22	LEG POWRS&FUNC	46	FILE S03
200	BDS&COMMSN MEMBRS,COMPENSTN	1	J23	EXEC	38	FILE A28
201	LEGISLATURE,APPORTIONMENT	1	J23	LEG APPORT& DIST	58	FILE S11
202	STATE MILITIA,BEARING ARMS	1	J23	RGTS,SUFF&ELEC	55	FILE S09
203	RT TO BEAR ARMS,REGULATION	1	J23	RGTS,SUFF&ELEC	55	FILE S09
204	CONTINUOUS SESS,ETHICS CODE	1	J23	LEG POWRS& FUNC/EXEC/ REV&AM	38 44 46	FILE A28 FILE A30 FILE S03
205	PUB OFFICE,LOYLTY OATH,ELIM	1	J23	REV&AM	44	FILE A30
206	LEGISLTRE,VACANCY,RUNNER-UP	1	J23	LEG POWRS&FUNC	46	FILE S03
207	INITIATIVE,REFERENDUM,ESTAB	1	J23	REV&AM	44	FILE A30
208	LOC GOVT,SALARY,RESTRICTNS	1	J23	LOC GOVT	53	FILE S06
209	AUDITOR,DUTIES,DEFINITION	1	J23	LEG POWRS&	52	FILE S06

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
				FUNC/TAX&FIN		
210	CONSTITN,TRANSITNL PROVSNS	1	J23	REV&AM	67	FILE S16
211	JDG&JUSTICES,QUALIFICATIONS	1	J23	JUD	40	FILE A30
212	LEG,VACANCY,PARTY RUNNER-UP	1	J23	LEG POWRS&FUNC	46	FILE S03
213	JUSTICES,TEMPORARY SERVICE	1	J24	JUD	40	FILE A30
214	COMMUNCTN INTERCPTN,RIGHTS	1	J24	RGTS,SUFF&ELEC	55	FILE S09
215	LEGISLTRS,TERMS STAGGERED	1	J24	LEG APPORT& DIST	58	FILE S11
216	CON-CON POWRS,DELGT PRIVLGS	1	J24	REV&AM	49	FILE S05
217	ATTORNEY GENRL,CONST OFFICR	1	J24	EXEC	38	FILE A28
218	LEGIS,APPORT,PLACE SYSTEM	1	J24	LEG APPORT& DIST/REV&AM	49 58 67	FILE S05 FILE S11 FILE S16
219	LT.GOV,SENATE PRES,NON-VTNG	1	J24	EXEC	38	FILE A28
220	BOARD OF EDUCATN,APPOINTIVE	1	J24	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
221	BUDGT SESS ELIM,BIENN BUDGT	1	J24	LEG POWRS& FUNC/TAX&FIN	46 52	FILE S03 FILE S06
222	PUB HLTH&WEL,PROTECT,DEVLPT	1	J24	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
223	BEAUTIFICATN PROV BROADENED	1	J24	HLTH,ED,WEL& LBR,INDUS/AG, CONSR,LD,HAW HMS	30 32	FILE A26 FILE A26
224	PUB HLTH&WEL,POLUTN PROTCTN	1	J24	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
225	LEGIS,SEN&BD OF CHANCELLORS	1	J24	LEG APPORT& DIST/LEG POWRS &FUNC	46 58	FILE S03 FILE S11
226	EQL PROTEC RT,JURY SERV REQ	1	J24	RGTS,SUFF&ELEC	55	FILE S09
227	ED,4-YR&COMM COLL SYS,ESTBL	1	J25	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
228	JUDICIAL COMMISSION,CREATN	1	J25	JUD	40	FILE A30
229	JURY SERVICE,PAYMENT	1	J25	RGTS,SUFF&ELEC	55	FILE S09
230	DEPT,SNGLE EXEC HD,REMOVL	1	J25	EXEC	38	FILE A28
231	OPEN PRIMARY,OUTRGT ELECTN	1	J25	RGTS,SUFF&ELEC	23	FILE A10
232	PRVT PROPRTY,DAMGE COMPENSN	1	J25	RGTS,SUFF&ELEC	55	FILE S09
233	APPORTNMT,9&10 REP DISTRCTS	1	J25	LEG APPORT& DIST	58	FILE S11

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

437

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
234	LOC GOVT,CHARTER PROVISIONS	1	J26	LOC GOVT	53	FILE S06
235	LOC GOVT,EXPENDITRES,POWERS	1	J26	LOC GOVT	53	FILE S06
236	LOC GOVT,SPECIAL LAW PROVSN	1	J26	LEG POWRS& FUNC/LOC GOVT	46 53	FILE S03 FILE S06
237	CNTY DEBTS,GENEERL AMENDMNTS	1	J26	TAX&FIN/ LOC GOVT	52 53	FILE S06 FILE S06
238	LOC GOVT,ADDITNL,TAX POWERS	1	J26	LEG POWRS& FUNC/LOC GOVT	46 53	FILE S03 FILE S06
239	LOC GOV,CHARTR,SELF-GOV PWR	1	J26	LOC GOVT	53	FILE S06
240	LOCAL GOVT,SELF-GOVRNMT PWR	1	J26	LEG POWRS& FUNC/LOC GOVT	46 53	FILE S03 FILE S06
241	COUNTIES,SELF-GOVT,ECON PWR	1	J26	LEG POWRS& FUNC/LOC GOVT/ TAX&FIN	46 52 53	FILE S03 FILE S06 FILE S06
242	LOCAL GOVT,SELF-GOVRNMT PWR	1	J26	LEG POWRS& FUNC/LOC GOVT	46 53	FILE S03 FILE S06
243	SENATE,COMP,DIST,GEN AMENDT	1	J26	LEG APPORT& DIST/LEG POWRS &FUNC/REV&AM	46 49 58	FILE S03 FILE S05 FILE S11
244	HAWAIIAN HERITAGE,PRESERVTN	1	J26	REV&AM	44	FILE A30
245	EXEC HD,APPTMT&REMOVL,GOV	1	J26	EXEC	38	FILE A28
246	WATER ADDTVE,CONSUMR CONSNT	1	J26	RGTS,SUFF& ELEC/HLTH,ED, WEL&LBR,INDUS	30 55	FILE A26 FILE S09
247	WATER SUPPLY,SAFTY GUARNTTEE	1	J26	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
248	CONGRESSIONAL DISTRICTING	1	J27	LEG APPORT& DIST	58	FILE S11
249	CONST RTFCTN,PROPSL CONFLCT	1	J27	REV&AM	49	FILE S05
250	LOC GOVT,OAHU-4 COUNTIES	1	J27	LEG POWRS& FUNC/LOC GOVT	46 53	FILE S03 FILE S06
251	LEGIS,APPORT,GENRL AMENDMTS	1	J27	LEG APPORT& DIST/REV&AM/ LEG POWRS&FUNC	46 49 58	FILE S03 FILE S05 FILE S11
252	CRIME PREVENTN,EXEC DEPT,BD	1	J29	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
253	LEGIS COMMITTEES,INTERIM	1	J29	LEG POWRS&FUNC	46	FILE S03
254	REAPP,MOLOKAI&LANAI,REP DIS	1	J29	LEG APPORT& DIST	58	FILE S11
255	BD OF REGNTS,ELCTVE,MEMBERS	1	J29	HLTH,ED,WEL& LBR,INDUS	41	FILE A30

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
256	REFERNDUM,COUNTY,PROCEDURE	1	J29	REV&AM/LOC GOVT	44	FILE A30
257	REAPPORTMT,LEGISLTRE,DISTR	1	J29	LEG APPORT& DIST/REV&AM	49 58	FILE S05 FILE S11
258	LEGIS,VACNCY,SPECIAL ELECTN	1	J29	LEG POWRS&FUNC	46	FILE S03
259	LOC GOVT,PUB OFFICE,VACANCY	1	J29	LOC GOVT	53	FILE S06
260	STATE SONG&FLOWR,CONST PROV	1	J29	REV&AM	37	FILE A30
261	SOIL&WATER CONSRV COMM,HEAD	1	J29	AG,CONSR,LD& HAW HMS	35	FILE A29
262	REAPPORT,SENATE,TIME,DIST	1	J29	LEG APPORT& DIST/REV&AM	49 58	FILE S05 FILE S11
263	BILL PASSGE,PUB HEARING REQ	1	J29	LEG POWRS&FUNC	46	FILE S03
264	LOC GOVT,MUNIC IPL AIRPORTS	1	J29	LOC GOVT	53	FILE S06
265	LEGIS APPROP,SURPLUS FUNDS	1	J29	TAX&FIN	52	FILE S06
266	BILL PASSAGE,3RD RDG,TIME	1	J29	LEG POWRS&FUNC	46	FILE S03
267	MEDICAL CARE&TREATMENT RGT	1	J29	RGTS,SUFF& ELEC/HLTH,ED, WEL&LBR,INDUS	30 55	FILE A26 FILE S09
268	STATE CONST,GENRLY AMENDED	1	J29	RGTS,SUFF& ELEC/LEG POWRS &FUNC/LEG APPORT&DIST/ EXEC/JUD/TAX& FIN/LOC GOVT/ HLTH,ED,WEL& LBR,INDUS/AG, CONSR,LD&HAW HMS/REV&AM	23 27 30 32 38 35 37 40 41 42 44 46 49 52 53 55 58	FILE A10 FILE A20 FILE A26 FILE A26 FILE A28 FILE A29 FILE A30 FILE A30 FILE A30 FILE A30 FILE A30 FILE S03 FILE S05 FILE S06 FILE S06 FILE S09 FILE S11
269	INVESTIGATNS,JUST TREATMENT	1	J30	RGTS,SUFF&ELEC	55	FILE S09
270	CAMPAIGN EXPENSES,LIMITATNS	1	J30	REV&AM	44	FILE A30
271	LEGISLATORS,DIST RES REQ	1	J30	LEG POWRS&FUNC	46	FILE S03
272	RAINBOW ISLAND,UTILIZATION	1	J30	REV&AM	44	FILE A30
273	LEGISLTRE,SALARIES&SESSIONS	1	J30	LEG POWRS&FUNC	46	FILE S03
274	LEGISLTRE,MEMBERSHIP&APPORT	1	J30	LEG APPORT& DIST	58	FILE S11
275	ED&HIGHER ED,GENRL AMENDMTS	1	J30	HLTH,ED,WEL& LBR,INDUS	41	FILE A30

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

439

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
276	TX EXEMPTN,CERT AGED PERSON	1	J30	REV&AM	44	FILE A30
277	ED BDS,MEMBERS,SELECTN,NMBR	1	J30	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
278	APPORTMT,CONGRESSIONAL DIST	1	J30	LEG APPORT& DIST	58	FILE S11
279	VOTR&LEGISLTR QUAL,DIST RES	1	J30	RGTS,SUFF& ELEC/LEG POWRS &FUNC	23 46	FILE A10 FILE S03
280	EX DPTS,CONSRVTN,LD&NAT RES	1	J30	HLTH,ED,WEL& LBR,INDUS/AG, CONSR,LD&HAW HMS	30 32 35	FILE A26 FILE A26 FILE A29
281	LEGISLTRS,DISQUALIFICATIONS	1	J31	REV&AM	44	FILE A30
282	INDICTMENT,PRELIMNRY HEARNG	1	J31	RGTS,SUFF&ELEC	55	FILE S09
283	INITIATIVE&REFERENDUM PRODR	1	J31	REV&AM	44	FILE A30
284	LEGIS,BILL PASSAGE,TIME LIM	1	J31	LEG POWRS&FUNC	46	FILE S03
285	LEGIS,PUNISHMT FOR DISRESPT	1	J31	LEG POWRS&FUNC	46	FILE S03
286	UH,BOR,SELECTION OF MEMBERS	1	J31	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
287	EXEC DEPT,AERONTCS&AIRPORTS	1	J31	EXEC	38	FILE A28
288	LEGALIZED GAMBLING	1	A01	REV&AM	44	FILE A30
289	LEGIS,BILL PASSAGE PROCEDRE	1	A01	LEG POWRS&FUNC	46	FILE S03
290	VOTING,AGE OF MAJORITY REQ	1	A01	RGTS,SUFF&ELEC	23	FILE A10
291	HUMAN DIGNITY,PROTECTN RGTS	1	A02	RGTS,SUFF&ELEC	55	FILE S09
292	INVESTIGATNS,JUST TREATMENT	1	A02	RGTS,SUFF&ELEC	55	FILE S09
293	DISTRICT COURTS,CONST AGENCY	1	A02	JUD	40	FILE A30
294	LOTTERIES&PARI-MUTUEL RACES	1	A02	REV&AM	44	FILE A30
295	PUBLIC EMPLOYEES,RESDNC REQ	1	A02	REV&AM	44	FILE A30
296	PUB OFFCR,CANDIDACY,RESGNTN	1	A03	LEG POWRS&FUNC	46	FILE S03
297	JUDICIARY,GENERAL AMENDMNTS	1	A03	JUD	40	FILE A30
298	RT TO BEAR ARMS,REGULATION	1	A03	RGTS,SUFF&ELEC	55	FILE S09
299	STATE CONST,GENRLY AMENDED	1	A05	RGTS,SUFF& ELEC/LEG POWRS &FUNC/LEG APPORT&DIST/ EXEC/JUD/TAX& FIN/LOC GOVT/ HLTH,ED,WEL& LBR,INDUS/AG, CONSR,LD&HAW	23 27 30 32 38 35 37 40 41	FILE A10 FILE A20 FILE A26 FILE A26 FILE A28 FILE A29 FILE A30 FILE A30 FILE A30

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
					42	FILE A30
					44	FILE A30
					46	FILE S03
					49	FILE S05
					52	FILE S06
					53	FILE S06
					55	FILE S09
					58	FILE S11
300	SOVEREIGN IMMUNITY,PROHIBTN	1	A05	RGTS,SUFF& ELEC	55	FILE S09
301	PUB HLTH&WELFARE BD,CREATN	1	A05	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
302	DEBT LIMIT,CEILING CHANGE	1	A05	TAX&FIN	52	FILE S06
303	LOCAL GOVERNMENT,TAX POWERS	1	A05	TAX&FIN/LOC GOVT	52	FILE S06
304	FOOD&DRUG,ST TAX,PROHIBITED	1	A05	TAX&FIN	52	FILE S06
305	REAPPORTNMNT COMMISSN,ESTAB	1	A05	LEG APPORT& DIST/REV&AM	49 58	FILE S05 FILE S11
306	PUB EMP,RETIRMNT TRUST FUND	1	A05	REV&AM	44	FILE A30
307	LEGIS,CONT,BUDGT SESS ELIMN	1	A05	LEG POWRS&FUNC	46	FILE S03
308	JUDICIARY,GENERAL AMENDMNTS	1	A06	JUD	40	FILE A30
309	JUD COMM,ELECTV,APPNTV POWR	1	A06	JUD	40	FILE A30
310	REAPP,CNTY COMM,MEMBERSHIP	1	A06	LEG APPORT& DIST	58	FILE S11
311	SEASHORE BOUNDARIES,DEFINTN	1	A06	REV&AM	44	FILE A30
312	LEGIS,REAPPORTIONMENT,TERMS	1	A06	LEG APPORT& DIST	58	FILE S11
313	JUDICIAL COMMISSION,CREATN	1	A06	JUD	40	FILE A30
314	ST UNIV&4-YR COLL,ESTAB,LEG	1	A06	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
315	JUDICIAL COMMISSION,CREATN	1	A06	JUD	40	FILE A30
316	ST CAPITAL,CONST PROVISION	1	A06	REV&AM	37	FILE A30
317	PRESIDENTIAL PREF PRIMARY	1	A06	RGTS,SUFF&ELEC	23	FILE A10
318	MEDICAL CARE&TREATMENT RGT	1	A06	RGTS,SUFF&ELEC	55	FILE S09
319	VOT&CIVIL RTS,RESTRTN,FELNY	1	A06	RGTS,SUFF&ELEC	23	FILE A10
320	ST UNIV&4-YR COLL,ESTAB,LEG	1	A06	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
321	EMPLYMNT RTS,NON-LABR MEMBR	1	A06	HLTH,ED,WEL& LBR,INDUS		
322	CON-CON,DELEGATE QUALIFCTNS	1	A06	REV&AM	49	FILE S05

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

441

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
323	GOVT ROLE,STUDY&RESEARCH	1	A06	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
324	BD OF ED,EXECTVE APPOINTMTS	1	A06	HLTH,ED,WEL& LBR,INDUS	41	FILE A30
325	QUARTRNG SOLDIERS,PROV ELIM	1	A06	RGTS,SUFF&ELEC	55	FILE S09

COMMITTEE PROPOSALS

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
1	VOTR REQ,CHG,PRES PREF PRIM (SEE ST COMM REPT 23) (SEE MINORITY REPT) RD2 S2		A08			
		1	A10	COMM WHLE	CWR1	
		2	A21*	STYLE	43	
		3	S11* S24* S24	STYLE FINAL READING SUB & INFO	83 84	
2	EXEC,REQ,SALRY,APPOINTMENTS (SEE ST COMM REPT 38) RD2 S1		A26			
		1	A28	COMM WHLE	CWR6	
		2	S11*	STYLE	63	
		3	S14* S24 S24	STYLE FINAL READING SUB & INFO	83 84	
3	JUD,TEMP DUTY,TENURE,REMOVL (SEE ST COMM REPT 40) (SEE MINORITY REPT) S1		A28			
		1	A30	COMM WHLE	CWR9	
		2	S11	STYLE	65	
		3	S14* S24 S24	STYLE FINAL READING SUB & INFO	83 84	
4	SCH ADVSRY CNCL,CONST AGENCY (SEE ST COMM REPT 41)		A28			
		1	A30	COMM WHLE	CWR11	FILE S03
5	PUB EMP,COLLECTVE BARGAINNG (SEE ST COMM REPT 42)		A28			
		1	A30	COMM WHLE	CWR7	
		2	S11	STYLE	64	
		3	S14 S24 S24	STYLE FINAL READING SUB & INFO	83 84	
6	CODE OF ETHICS,DISLOYALTY (SEE ST COMM REPT 44) S1		A28			
		1	A30	COMM WHLE	CWR8	
		2	S11	STYLE	70	
		3	S18* S24* S24	STYLE FINAL READING SUB & INFO	83 84	
7	LEG,SALARY,SESSIONS,PROCDRE (SEE ST COMM REPT 46) (SEE MINORITY REPT) RD1 S1		A29			
		1	S03	COMM WHLE	CWR12	
		2	S11*	STYLE	68	
		3	S18* S24* S24	STYLE FINAL READING SUB & INFO	83 84	
8	CONST REV,RATIFICATN PROCDR (SEE ST COMM REPT 49) RD1 S1		S03			
		1	S05	COMM WHLE	CWR13	
		2	S13*	STYLE	71	
		3	S18* S24* S24	STYLE FINAL READING SUB & INFO	83 84	
9	DEBT LIMT,BONDS,BIENN BUDGT (SEE ST COMM REPT 52)	1	S04 S06	COMM WHLE	CWR14	

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

443

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
	RD1 S1	2	S14*	STYLE	79	
		3	S19*	STYLE	83	
			S24*	FINAL READING		
			S24	SUB & INFO	84	
10	LOCAL GOVT,CHARTER POWERS (SEE ST COMM REPT 53)	1	S04			
		2	S06	COMM WHLE	CWR10	
	S1	3	S11	STYLE	72	
			S18*	STYLE	83	
			S24	FINAL READING		
			S24	SUB & INFO	84	
11	RGHTS,PRIVACY,COUNSEL,BAIL (SEE ST COMM REPT 55)	1	S06			
	RD1 S1	2	S09	COMM WHLE	CWR15	
		3	S13*	STYLE	73	
			S18*	STYLE	83	
			S24*	FINAL READING		
			S24	SUB & INFO	84	
12	REAPP,SCHED,COMMISSN,FREQ (SEE ST COMM REPT 58 & SUP ST COMM REPT 58)	1	S07			
	RD2 S1	2	S11	COMM WHLE	CWR17	
		3	S17*	STYLE	81	
			S24*	STYLE	83	
			S24*	FINAL READING		
			S24	SUB & INFO	84	
13	TRANSITIONAL PROVISIONS (SEE ST COMM REPT 67)	1	S16	COMM WHLE	CWR16	
	RD1 S1	2	S17*	STYLE	77	
		3	S19*	STYLE	83	
			S24*	FINAL READING		
			S24	SUB & INFO	84	

RESOLUTIONS

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
1	CON-CON 1968 RULES ADOPTION		J15			ADOPT J15
2	CON-CON,STANDING COMMITTEES		J15			ADOPT J15
3	GOVERNOR,CON-CON ADDRESS		J15			ADOPT J15
4	CON-CON RULES,CONVEN LENGTH		J16	RULES	76	FILE S17
5	CON-CON RULES,AMENDMENTS		J16	RULES	76	FILE S17
6	APPORNTMT,REGIS VOTER BASIS		J16	LEG APPORT& DIST		
7	FED-STATE REL DEPT,ESTABMNT		J16	EXEC	38	FILE A28
8	CONST,REVISN,SUBMISSN PROCD		J16	SUB&INFO	84	FILE S24
9	ST BOUNDARY,CHANL WTRS INCL		J16	REV&AM		
10	CONST,REVISN,SUBMISSN PROCD		J16	SUB&INFO	84	FILE S24
11	CON-CON EFFORTS,DEDICATION		J16	RULES	76	FILE S17
12	CONST,BEAUTFCTN PROV,RETAIN		J16	HLTH,ED,WEL& LBR,INDUS	30	FILE A26
13	CON-CON DELG,FLEXIB,REQUEST		J16	RULES	76	FILE S17
14	APPOR,11TH REPR DISTR,SUBDV		J17	LEG APPORT& DIST		
15	CON-CON RULES, AMENDMENT		J17	RULES	76	FILE S17
16	CITZN COMM,CON-CON,APPRECTN		J17	RULES	76	FILE S17
17	APPORNMT,4&5 REP DISTRICTS		J20	LEG APPORT& DIST		
18	CON-CON,STAND COMM,RL AMEND		J20	RULES	76	FILE S17
19	LEGIS REF BUREAU,CONGRATS		J20	RULES	76	FILE S17
20	REAPPOR,8TH REPRSNTVE DIST		J22	LEG APPORT& DIST		
21	LEGIS,COMM SYSTM,EFFICIENCY		J22	LEG POWRS&FUNC		
22	LEGIS,COMM PROCED,OPEN SESS		J22	LEG POWRS&FUNC		
23	BICAMERAL LEGISLTRE,RETENTN		J22	LEG APPORT& DIST/LEG POWRS &FUNC		
24	LEGISLATURE,MEMBERS,NUMBER		J22	LEG APPORT& DIST		
25	LEGIS,MAJOR COMM,STAFF		J22	LEG POWRS&FUNC		
26	APPOR,LEGIS,GENRL AMENDMT		J22	LEG APPORT& DIST		

FINAL STATUS OF PROPOSALS AND RESOLUTIONS

445

Number	Subject	Reading	Day (Amended*)	Committees	Committee Reports	Disposition
27	LEGISLATORS,ANNUAL SALARIES		J22	LEG POWRS&FUNC		
28	BIEN BUDGT SYS,TRANSTL PROV		J22	TAX&FIN/LEG POWRS&FUNC	52	FILE S06
29	APPORT,6&7 REP DIST COMBIND		J24	LEG APPORT& DIST		
30	AMEND&RATFID CONST,COVER PG		J24	REV&AM/SUB& INFO	84	FILE S24
31	CON-CON,DURATN,NO TIME LMT		J27	RULES	76	FILE S17
32	SCENIC BEAUTY,PRSRVTN REQST		J29	RULES	76	FILE S17
33	CONSTITUTN,SUBMISSN PROCDRE		J29	REV&AM/SUB& INFO	84	FILE S24
34	BICAMERAL LEGISLTRE,RETENTN (SEE ST COMM REPT 24)		A08	COMM WHLE		ADOPT A10
35	RULES,COMM WHLE,ALTERNATVES		A23	RULES	76	FILE S17
36	CONST,TECH CHANGES,REVISOR		S24			ADOPT S24
37	CONST AMENDMTS,SUBMISSION		S24			ADOPT S24
38	CITZN COMM,CON-CON,APPRETN		S24			ADOPT S24
39	LEGISLATURE,APPRECIATION		S24			ADOPT S24
40	ACCTNG&GEN SERV DEPT,THANKS		S24			ADOPT S24
41	LEGIS REF BUREAU,APPRECIATN		S24			ADOPT S24
42	ROBERT C.SCHMITT,APPRECTN		S24			ADOPT S24
43	RADIO,TV,PRESS,APPRECIATN		S24			ADOPT S24
44	KHET STATION,COMMENDATION		S24			ADOPT S24
45	LEGIS AUDITOR'S OFF,THANKS		S24			ADOPT S24
46	KAPIOLANI COMM COLL,APPREC		S24			ADOPT S24
47	MCKINLEY HIGH SCH,APPRECTN		S24			ADOPT S24
48	HON COUNCL OF CHURCHES,APPR		S24			ADOPT S24
49	CATHOLIC CHURCH,APPRECIATN		S24			ADOPT S24
50	HONPA HONGWANJI MISSN APPRE		S24			ADOPT S24
51	ATTORNY GEN DEPT,APPRECIATN		S24			ADOPT S24

3. Sections of the Constitution Affected

ARTICLE I. BILL OF RIGHTS

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
1. Political Power	59			
2. Rights of Man	59 299 318			
3. Freedom of Religion, Speech, Press, Assembly, and Petition	59 150 153			
4. Due Process and Equal Protection	59 226 246 299			
5. Searches, Seizures and Invasion of Privacy	18 34 54 59 80 171 214 299	CP 11		CWR 15, RD 1
6. Rights of Citizens	59 299			
7. Enlistment, Segregation	59 299			
8. Indictment, Double Jeopardy, Self-Incrimination	59 282 299			
9. Bail, Excessive Punishment	16 59 136 196 299	CP 11		CWR 15, RD 1
10. Trial by Jury, Civil Cases	59 299			
11. Rights of Accused	15 20 55 59 152 171 299	CP 11	SCR 55	CWR 15
12. Jury Service	59 226 229 299			
13. Habeas Corpus and Suspension of Laws	59 299			
14. Supremacy of Civil Power	59			

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	299			
15. Right to Bear Arms	59			
	202			
	203			
	298			
	299			
16. Quartering of Soldiers	59			
	202			
	299			
	325			
17. Imprisonment for Debt	59			
	299			
18. Eminent Domain	59	CP 11	SCR 55	CWR 15
	151			
	232			
	299			
19. Limitations on Special Privileges	59			
	299			
20. Construction	59			
	299			
New Section	10			
	14			
	17			
	42			
	47			
	59			
	107			
	148			
	176			
	179			
	267			
	269			
	291			
	292			
	299			
	300			
	319			

ARTICLE II. SUFFRAGE AND ELECTIONS

1. Qualifications	6	CP 1	SCR 23	CWR 1
	8			
	12			
	30			
	31			
	41			
	44			
	48			
	56			
	63			
	67			
	68			
	83			
	99			
	105			

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	140			
	149			
	160			
	173			
	279			
	290			
	299			
2. Disqualifications	9	CP 1	SCR 23	CWR 1, RD 1
	43			
	52			
	319			
3. Residence	None			
4. Registration, Voting	39			
	89			
5. General and Special Elections	89	CP 1	SCR 23	CWR 1, RD 1
	138			
	181			
New Section	25	CP 1	SCR 23	CWR 1, RD 2
	88			
	114			
	184			
	193			
	194			
	195			
	207			
	231			
	317			

ARTICLE III. THE LEGISLATURE

1. Legislative Power	38			
	78			
	81			
	225			
2. Senate; Composition	38	CP 12		CWR 17, RD 1
	78			
	157			
	167			
	175			
	180			
	186			
	201			
	218			
	225			
	243			
	251			
	257			
	262			
	268			
	274			
	299			
	305			
	312			
3. House of Representatives; Composition	38			
	78			

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	167			
	175			
	186			
	218			
	225			
	257			
	268			
	274			
	299			
	305			
4. Reapportionment Years	38	CP 12	SCR 58	CWR 17, RD 1
	78			
	157			
	175			
	180			
	186			
	218			
	225			
	251			
	254			
	257			
	262			
	268			
	274			
	299			
	305			
	312			
5. Election of Members; Term	38			
	78			
	174			
	186			
	187			
	215			
	225			
	243			
	268			
	299			
	312			
6. Vacancies	38			
	78			
	206			
	212			
	225			
	258			
	268			
7. Qualifications of Members	7	CP 7	SCR 46	CWR 12, RD 1
	38			
	66			
	71			
	78			
	124			
	141			
	182			
	186			
	191			
	199			
	225			
	251			
	268			
	271			
	279			

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
8. Privileges of Members	38			
	78			
	225			
	268			
9. Disqualification of Members	38			
	78			
	225			
	268			
	281			
10. Salary; Allowances; Commission on Legislative Salary	35	CP 7	SCR 46	CWR 12
	38			
	78			
	110			
	134			
	144			
	204			
	221			
	225			
	268			
	273			
	299			
	11. Sessions	3	CP 7	SCR 46
28				
38				
46				
75				
76				
78				
96				
110				
118				
119				
144				
174				
178				
188				
190				
204				
221				
225				
268				
273				
299				
307				
12. Adjournment	38			
	78			
	110			
	174			
	204			
	225			
268				
299				
13. Organization; Discipline; Rules; Procedure	38			
	78			
	225			
	268			
14. Quorum; Compulsory Attendance	38			
	78			
	268			
15. Bills; Enactment	38			

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	78			
	268			
16. Passage of Bills	29	CP 7	SCR 46	CWR 12
	38			
	78			
	189			
	263			
	266			
	268			
	284			
	289			
17. Approval or Veto	38	CP 7	SCR 46	CWR 12, RD 1
	76			
	78			
	110			
	204			
	268			
18. Procedures Upon Veto	38			
	78			
	268			
19. Punishment of Nonmembers	38			
	268			
	285			
	299			
20. Impeachment	38			
	144			
	268			
	299			
New Section	175			
	178			
	197			
	198			
	225			
	253			
	268			
	299			
	306			
	310			

ARTICLE IV. THE EXECUTIVE

1. Establishment of the Executive	27	CP 2	SCR 38	CWR 6, RD 1
	45			
	53			
	142			
	169			
	268			
2. Lieutenant Governor	219			
3. Compensation: Governor, Lieutenant Governor	134	CP 2	SCR 38	CWR 6, RD 1
	299			
4. Succession to Governorship; Absence or Disability of Governor	None			

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
5. Executive Powers	86			
6. Executive and Administrative Offices and Departments	38	CP 2	SCR 38	CWR 6, RD 1
	78			
	84			
	85			
	98			
	110			
	120			
	129			
	131			
	144			
	200			
	204			
New Section	230			CWR 6, RD 2
	245			
	217	CP 2	SCR 38	CWR 6, RD 1
287				

ARTICLE V. THE JUDICIARY

1. Judiciary Power	24			
	57			
	228			
2. Supreme Court	24	CP 3	SCR 40	CWR 9
	57			
	125			
	228			
	297			
	308			
	315			
3. Appointment of Justices and Judges	13	CP 3	SCR 40	CWR 9
	24			
	38			
	51			
	57			
	73			
	78			
	113			
	125			
	144			
	145			
	158			
	211			
	228			
	297			
	299			
308				
309				
313				
315				
4. Retirement for Incapacity and Removal	24	CP 3	SCR 40	CWR 9
	57			
	125			
	228			
	297			
	308			

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	315			
5. Administration	24			
	57			
	125			
	228			
	297			
	308			
	315			
6. Rules	24			
	57			
	125			
	228			
	297			
	308			
	315			
New Section	57			
	125			
	213			
	228			
	293			
	297			
	308			
	309			
	315			

ARTICLE VI. TAXATION AND FINANCE

1. Taxing Power Inalienable	None			
2. Appropriation for Private Purposes Prohibited		CP 9	SCR 52	CWR 14, RD 1
3. Bonds; Debt Limitations	5	CP 9	SCR 52	CWR 14, RD 1
	38			
	49			
	77			
	78			
	90			
	95			
	97			
	104			
	109			
	117			
	121			
	147			
	170			
	236			
	268			
	299			
	302			
4. The Budget	28	CP 9	SCR 52	CWR 14, RD 1
	96			
	119			
	190			
	221			
	299			
5. Legislative Appropriations;	28	CP 9	SCR 52	CWR 14,

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
Procedures	96 119 190 265 299			RD 1
6. Expenditure Controls	78 128			
7. Auditor	None			
8.	38 78 209			
New Section	183 304			
ARTICLE VII. LOCAL GOVERNMENT				
1. Political Subdivisions; Creation, Powers	62 79 126 133 236 241 242 250			
2. Local Self-Government; Charter	26 62 69 91 126 234 239 241	CP 10	SCR 53	CWR 10
3. Taxation and Finance	69 235 238 241 303			
4. Mandates; Accrued Claims	241 268			
5. Statewide Laws	241 268			
New Section	177 208 240 256 259 264 268	CP 10	SCR 53	CWR 10

ARTICLE VIII. PUBLIC HEALTH AND WELFARE

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
1. Public Health	None			
2. Care of Handicapped	267			
3. Public Assistance	299			
4. Slum Clearance, Rehabilitation and Housing	None			
5. Public Sightliness and Good Order	65 222 223 279			
New Section	224 247 252 301 323			

ARTICLE IX. EDUCATION

1. Public Education	19 64 108 116 122 227 275 277 314 320			
2. Board of Education	2 21 22 23 32 37 50 98 100 111 123 132 135 163 185 192 220 227 275 277 299 324			
3. Powers of the Board of Education	21 23 72			

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	98			
	111			
	132			
	163			
	185			
	227			
	275			
	277			
	324			
4. University of Hawaii	72			
	82			
	98			
	116			
	275			
	277			
	320			
5. Board of Regents; Powers	38			
	72			
	78			
	112			
	130			
	132			
	137			
	143			
	144			
	161			
	255			
	275			
	277			
	286			
New Section	2	CP 4	SCR 41	CWR 7
	4			
	72			
	87			
	92			
	116			
	156			
	162			
	314			
	320			
	324			

ARTICLE X. CONSERVATION AND DEVELOPMENT OF RESOURCES

1. Resources; Conservation, Development and Use	61
	65
	146
	280
2. Natural Resources; Management and Disposition	98
	155
	261
	280
3. Sea Fisheries	None
4. General Laws Required; Exceptions	None

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
5. Farm and Home Ownership	None			
New Section	299			

ARTICLE XI. HAWAIIAN HOME LANDS

1. Hawaiian Homes Commission Act	None			
2. Compact with the United States	None			
3. Amendment and Repeal	None			
New Section	40			
	60			
	168			

ARTICLE XII. ORGANIZATION; COLLECTIVE BARGAINING

1. Private Employees	36			
	74			
	299			
2. Public Employees	36	CP 5	SCR 42	CWR 7
	70			
	115			
	154			
	172			
	299			
New Section	299			
	321			

ARTICLE XIII. STATE BOUNDARIES, CAPITAL, FLAG

1. Boundaries	299			
2. Capital	299			
	316			
3. State Flag	299			
New Section	139			
	260			
	299			
	311			

ARTICLE XIV. GENERAL AND MISCELLANEOUS PROVISIONS

1. Civil Service	299			
------------------	-----	--	--	--

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
2. Employees' Retirement System	299 306			
3. Disqualification from Public Office or Employment	205 299	CP 6	SCR 44	CWR 8
4. Oath of Office	205 299			
5. Codes of Ethics	299			
6. Intergovernmental Relations	299			
7. Federal Lands	299			
8. Compliance with Trust	299			
9. Administration of Undisposed Lands	299			
10. Federal Property; Tax Exemption	299			
11. Hawaii National Park	299			
12. Judicial Rights	299			
13. Titles, Subtitles, Personal Pronouns; Construction	299			
14. General Power	299			
New Section	11 58 94 166 204 244 270 272 276 288 294 295 296	CP 6	SCR 44	CWR 8

ARTICLE XV. REVISION AND AMENDMENT

1. Methods of Proposal	299			
2. Constitutional Convention	1 103 157 180 186 216 218 243 249 251 257 262 299 305 312 322	CP 8	SCR 49	CWR 13

SECTIONS OF THE CONSTITUTION AFFECTED

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
3. Amendments Proposed by Legislature	38 78 299			
4. Veto	299			
New Section	299	CP 8	SCR 49	CWR 13

ARTICLE XVI. SCHEDULE

1. Districting and Apportionment	38 78 102 157 164 165 180 186 201 218 233 251 257 262 268 299 305 312	CP 13	SCR 67	CWR 16, RD 1
2. 1968 Senatorial Elections	127 299	CP 13	SCR 67	CWR 16
3. Twenty-Sixth Senator, Allocated to Kauai	299			
4. Effective Date for Apportionment and Districting	299	CP 13	SCR 67	CWR 16
5. Reapportionment Commission; Activation	127 210 299	CP 13	SCR 67	CWR 16
6. Conflicts Between Apportionment Provisions	210 299	CP 13	SCR 67	CWR 16
7. Salaries of Legislators	299			
8. Start of Biennial Budgeting and Appropriations	210 299	CP 13	SCR 67	CWR 16, RD 1
9. Effective Date and Application of Article VII, Section 2	127 299	CP 10	SCR 53	CWR 10
10. Continuity of Laws	210 299	CP 13	SCR 67	CWR 16
11. Debts	210 299	CP 13	SCR 67	CWR 16
12. Residence, Other Qualifications	210 299	CP 13	SCR 67	CWR 16
13. Condemnation of Fisheries	210 299	CP 13	SCR 67	CWR 16
14.	210	CP 13	SCR 67	CWR 16

Section No. and Title	Proposal No.	Comm. Proposal No.	Stand. Comm. Rept. No.	Comm. Whole Rept. No.
	299			
15.	186	CP 13	SCR 67	CWR 16
	187			
	201			
	210			
	215			
	218			
	243			
	251			
	257			
	268			
	299			
	312			
16.	210	CP 13	SCR 67	CWR 16
	299			
17.	3	CP 7	SCR 46	CWR 12
	28			
	33			
	38			
	46			
	78			
	96			
	110			
	118			
	119			
	134			
	178			
	188			
	190			
	204			
	221			
	273			
	299			
18.	134	CP 13	SCR 67	CWR 16
	210			
	268			
	299			
New Section	28	CP 12	SCR 58	CWR 17, RD 2
	96			
	127	CP 13	SCR 67	CWR 16, RD 1
	309			
	313			

NEW ARTICLES

84
93
101
106
159
248
278
283
287

APPENDICES

1. Act 222 of 1967

ACT 222 OF 1967

SESSION LAWS OF HAWAII

A Bill for an Act Relating to a Constitutional Convention and Making Appropriations Therefor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. **Election of delegates.** The governor shall issue a proclamation ordering an election which shall be held on June 1, 1968, for the special election of delegates to a constitutional convention.

Except as otherwise provided by this Act, the candidates for delegates shall be nominated and their filing fees paid, the special election conducted, the returns made and results ascertained, and the certificates of election issued in the same manner as prescribed by chapter 11, Revised Laws of Hawaii 1955, governing general elections except that there shall be no primary election.

Any person who is registered as a duly qualified elector shall be eligible to vote in these elections. The general county register shall be closed before the election in the manner set forth in section 11-14, Revised Laws of Hawaii 1955, for special elections.

Each candidate shall be a qualified elector of the representative district or combination of precincts of the representative district in which he is a candidate for delegate. The name of no candidate shall be printed upon any official ballot to be used at the special election unless at least thirty days prior to the special election, a nomination paper shall have been filed in his behalf as provided in section 11-93 of the Revised Laws of Hawaii 1955, as amended, signed by not less than fifteen qualified electors of the representative district or the combination of precincts in which he is a candidate. There shall be deposited with each nomination paper a fee of \$25 which shall be paid into the treasury of the State. The lieutenant governor shall provide appropriate nomination papers.

No such nomination paper shall contain any reference to or designation of any political party, and the ballots used at the special election shall be nonpartisan and shall not contain any reference to or designation of the political party or affiliation of any candidate. The names of the candidates in each representative district and of the candidates in each combination of precincts of the representative districts shall be on separate ballots.

Each voter at the special election shall be entitled to receive a ballot notwithstanding section 11-102.5, Revised Laws of Hawaii 1955.

The ballots submitted to the voters of each representative district or combination of precincts shall separately set forth the names of candidates for delegate-at-large from such representative districts or for delegate from such combination of precincts, and shall instruct the voters that the number of candidates to be voted for by such voter shall not exceed the number of delegates to which the representative district or combination of precincts is entitled. The candidates receiving the highest number of votes in the election, not to exceed the number of delegates to which the respective district or combination of precincts is entitled, shall be elected as delegates to the convention.

The governor shall fill any vacancy by appointing a qualified voter from the representative district or combination of precincts in which the vacancy occurs.

The convention shall consist of eighty-two delegates apportioned among the existing representative districts of the State as follows:

First representative district. One delegate at large;

Second representative district. Three delegates at large; and one delegate from combined precincts of 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11; and one delegate from combined precincts of 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22;

Third representative district. One delegate at large;

Fourth representative district. One delegate at large;

Fifth representative district. One delegate at large;

Sixth representative district. One delegate at large;

Seventh representative district. Three delegates at large; and one delegate from combined precincts of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; and one delegate from combined precincts of 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27;

Eighth representative district. Five delegates at

large; and one delegate from combined precincts of 1, 2 and 6; one delegate from combined precincts of 3, 4 and 15; one delegate from combined precincts of 5, 7, 14 and 16; one delegate from combined precincts 8 and 10; and one delegate from combined precincts of 9, 11, 12, 13 and 17;

Ninth representative district. One delegate at large; and one delegate from combined precincts of 1, 2, 5 and 6; and one delegate from combined precincts of 3, 4, 7 and 8;

Tenth representative district. Five delegates at large; and one delegate from combined precincts of 1, 2 and 9; one delegate from combined precincts of 3, 4, 5, 14 and 15; one delegate from combined precincts of 6, 8, 10, 11 and 16; and one delegate from combined precincts of 7, 12 and 13;

Eleventh representative district. Three delegates at large; and one delegate from combined precincts of 1, 2, 3, 4, 6 and 8; and one delegate from combined precincts of 5, 7, 9, 10, 11 and 12;

Twelfth representative district. Two delegates at large; and one delegate from combined precincts of 3, 4, 5, 9 and 10; and one delegate from combined precincts of 1, 2, 6, 7 and 8;

Thirteenth representative district. Two delegates at large;

Fourteenth representative district. Three delegates at large; and one delegate from combined precincts of 1, 3, 4, 6, 8 and 11; one delegate from combined precincts of 2, 5, 9, 15 and 16; and one delegate from combined precincts of 7, 10, 12, 13 and 14;

Fifteenth representative district. Six delegates at large; and one delegate from combined precincts of 7, 11, 22 and 23; one delegate from combined precincts of 8, 9, 10, 12, 20 and 24; one delegate from combined precincts of 2, 18, 19 and 21; one delegate from combined precincts of 4, 5, 6, 16 and 17; and one delegate from combined precincts of 1, 3, 13, 14 and 15;

Sixteenth representative district. Three delegates at large; and one delegate from combined precincts of 6, 7, 8 and 16; one delegate from combined precincts of 1, 3, 4, 5, 9 and 15; and one delegate from combined precincts of 2, 10, 11, 12, 13 and 14;

Seventeenth representative district. Four delegates at large; and one delegate from combined precincts of 1, 2, 3, 10, 11 and 13; one delegate from combined precincts of 4, 5, 6, 12 and 14; and one delegate from combined precincts of 7, 8 and 9;

Eighteenth representative district. One delegate

at large; and one delegate from combined precincts of 1, 2, 3, 4, 5, 12 and 13; one delegate from combined precincts of 8, 9, 10 and 11; and one delegate from combined precincts of 6 and 7.

SECTION 2. Convening of convention. The delegates to the convention thus elected shall meet at Honolulu on the 15th day of July, 1968, at a suitable place designated by the governor, and shall proceed with the organization of the convention. The delegate from the first representative district shall serve as temporary chairman.

SECTION 3. Powers. In addition to its inherent powers under the Constitution, the convention may exercise the powers of legislative committees as provided for by chapter 2, Revised Laws of Hawaii 1955; and may appoint staff members without regard to chapters 3 and 4, Revised Laws of Hawaii 1955, and contract for the legal and consultative services of qualified persons as it may require.

Officers and employees of the State shall have the same duty to the convention as prescribed by section 2-12, Revised Laws of Hawaii 1955, with respect to legislative committees.

SECTION 4. Salaries and allowances for delegates. Delegates to the convention shall be entitled to the same salaries as legislators who attend a general session of the legislature and shall be entitled to the same per diem and travel allowances as legislators. State and county employees who are elected and serve as delegates shall have leave, without pay, from their employment from the time the convention convenes until it adjourns, and they shall be entitled to the salaries and allowances for delegates hereunder.

SECTION 5. Ratification election. Unless the convention determines otherwise, any constitutional revision or amendment proposed by the convention shall be submitted to the electorate at the general election of 1968.

SECTION 6. Appropriations. There is hereby appropriated to the office of the governor, or to the lieutenant governor if so designated by the governor, out of the general revenues of the State the sum of \$100,000, or so much thereof as may be necessary, for the arrangement and purchase of advertising in the general media to cover, on an equal and fair basis, the issues involved or likely to be involved in the convention and in addition thereto to do such things as he may consider necessary to focus the public's attention on the importance of the constitutional convention.

There is hereby appropriated to the legislative reference bureau, out of the general revenues of the State the sum of \$20,000, or so much thereof as may be necessary, to defray the expenses of contracting for the services of qualified temporary professional and clerical assistance, who may be appointed without regard to chapters 3 and 4 of the Revised Laws of Hawaii 1955, for the purpose of up-dating the 1950 Manual on

State Constitutional Provisions and to prepare necessary reports for the convention.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other

provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. This Act shall take effect upon its approval. (Approved June 5, 1967.)

2. Rules of the Convention

OFFICERS

RULE 1. The officers of the Convention shall be a President, five Vice-Presidents (one each from the counties of Hawaii, Maui and Kauai and two from the City and County of Honolulu), a Secretary and an Assistant Secretary who shall be elected from the delegates by the vote of at least forty-two delegates and such election shall be by ballot.

EMPLOYEES

RULE 2. A Chief Clerk and an Assistant Clerk shall be elected by the vote of at least forty-two delegates and such election shall be by ballot.

All other employees shall be appointed by the President, subject to the approval of the Convention.

THE PRESIDENT AND VICE-PRESIDENT

RULE 3. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 4. The President shall possess the powers and perform the duties herein prescribed, *viz*:

(a) He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members arise at the same time, he shall name the one entitled to the floor.

(b) He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

(c) He shall appoint all committees, except where the Convention shall otherwise order.

(d) He may substitute any member to perform the duties of the chair while he is present, but for no longer period than that day, except by special consent of the Convention.

(e) When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein.

(f) When necessary or required, he shall, with

the Secretary, certify all official acts and all vouchers for payment of expenditures of the Convention.

(g) He shall designate and assign to seats or authorize the designation and seating of the persons who shall act as reporters for the public press, television and radio within the Convention Hall.

(h) He shall be a member ex-officio without vote of the several committees to which he is not specifically appointed.

(i) He shall declare the vote and announce the result according to the fact on all questions and divisions.

(j) He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first calling some delegate to occupy the chair.

RULE 5. In the event of a vacancy in the office of President, by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a President to fill such vacancy.

In case of the temporary absence of the President, his duties shall devolve from day to day upon the Vice-Presidents present in alphabetical rotation.

RULE 6. In the event of a vacancy in the office of a Vice-President by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a new Vice-President.

In the case of the temporary absence of all Vice-Presidents to discharge the duties of their offices, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence.

SECRETARY AND ASSISTANT SECRETARY

RULE 7. The Secretary shall keep a journal of the proceedings of the Convention and, under the direction of the President, shall prepare and place on the desk of the President each day a calendar of the business of the Convention, as provided by these rules.

RULE 8. The Secretary shall prepare for printing all proposals and other documents which are required to be printed under these rules under the direction of the

Committee on Accounts and Printing and shall see to it that they are properly and correctly printed.

RULE 9. The Secretary shall number consecutively each proposal of subject matter to be incorporated into the Constitution when introduced. When a proposal is introduced by a committee, the Secretary shall number such proposal consecutively in a separate series.

RULE 10. The Secretary shall preserve all proposals, reports of committees and all other records, books, documents and papers of the Convention and after the adjournment of the Convention shall deliver them to the Archives Division, Department of Accounting and General Services, State of Hawaii, or shall make such other disposal of them as the Convention shall direct.

RULE 11. When necessary or required, the Secretary shall, with the President, certify all official acts and all vouchers for payment of expenditures of the Convention, and he shall perform such other duties as are required of him by these rules and as from time to time shall be required of him by the Convention.

RULE 12. One copy of the final draft of any proposal or committee report presented to or prepared by the Convention shall be delivered by the Secretary to the Archives of the State of Hawaii.

RULE 13. He may delegate his duties to the Assistant Secretary, and other than certification of official acts, documents and vouchers by the Secretary, he may also delegate his duties to the Chief Clerk.

In the event of a vacancy in the office of Secretary by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a new Secretary.

In the case of the temporary absence of the Secretary to discharge the duties of his office, the Assistant Secretary shall discharge the duties of the office during such temporary absence.

In the case of the temporary absence of the Secretary and Assistant Secretary to discharge the duties of the office, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence.

QUORUM AND MAJORITY

RULE 14. The presence of at least forty-two delegates shall be necessary to constitute a quorum of the Convention but a lesser number may meet and adjourn the Convention from day to day when necessary and may require the attendance of absent members.

RULE 15. A quorum being present, a majority of delegates present shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by these rules.

STANDING COMMITTEES

RULE 16. The standing committees of the Convention shall be appointed by the President unless the Convention shall otherwise order.

The person first named shall be the chairman, and the person next named shall be the vice-chairman of the committee.

RULE 17. The standing committees of the Convention and the number of members thereof, respectively, shall be as follows:

General Standing Committees

1. Committee on Bill of Rights, Suffrage and Elections. Twenty-three members.
2. Committee on Legislative Powers and Functions. Twenty-three members.
3. Committee on Legislative Apportionment and Districting. Twenty-three members.
4. Committee on Executive. Twenty-three members.
5. Committee on Judiciary. Twenty-three members.
6. Committee on Taxation and Finance. Twenty-three members.
7. Committee on Local Government. Twenty-three members.
8. Committee on Public Health, Education and Welfare; Labor and Industry. Twenty-three members.
9. Committee on Agriculture, Conservation, Land and Hawaiian Homes. Twenty-three members.
10. Committee on Revision, Amendment and Other Provisions. Twenty-three members.
11. Committee on Style. Seventeen members.
12. Committee on Submission and Information. Sixteen members, and in addition, the Vice-Presidents, Secretary, Assistant Secretary and the chairmen of the standing committees shall be members ex-officio.

Administrative Standing Committees

1. Committee on Accounts and Printing. Fifteen members.
2. Committee on Rules. Fifteen members.

RULE 18. Functions of standing committees:

(a) It shall be the duty of the standing committees to consider all matters which may be referred to them.

Each standing committee shall submit to the Convention a report or reports, in writing, setting forth the results of its deliberations and its recommendations on all matters referred to it, in the same number and form as prescribed in these rules for proposals.

(b) The Committee on Style shall examine and correct the proposals which are referred to it for the purpose of avoiding inaccuracies, repetitions and inconsistencies and shall arrange the same in the proper order in the Constitution and shall report thereon to the Convention.

The committee shall have the authority to rephrase but shall have no authority to change the sense or purpose of any proposal referred to it.

Where a proposal referred to the committee appears inconsistent or in conflict with a proposal already acted on favorably by the Convention at Second Reading, the committee shall so notify the Convention and wait upon its instructions.

(c) The Committee on Submission and Information shall consider and report to the Convention the method and manner of submitting the Revised Constitution or proposed amendments to the Constitution to the people; shall prepare and present to the Convention for its approval the plan or method of informing the people of the changes in the Constitution or the proposed amendments to the Constitution; shall prepare and present to the Convention for its approval a report to the people outlining the results of the Convention's work, and shall make such other reports as may be required by law and by the instructions of the Convention.

(d) The Committee on Rules shall consider and report upon such changes in the rules of the Convention and changes in its organization as shall be referred to it by the Convention from time to time.

(e) The Committee on Accounts and Printing shall be in charge of the business affairs of the Convention and shall supervise all printing for the Convention.

(f) No public hearing shall be had by any standing committee except after reasonable notice is given to the Secretary, in writing, who shall give public notice thereof.

(g) All committee meetings shall be open to the public.

RULE 19. All resolutions for the printing of an extra

number of documents shall be referred, as of course, to the Committee on Accounts and Printing for its report thereon before final action by the Convention.

RULE 20. All resolutions authorizing or contemplating the expenditure of money shall be referred, as of course, to the Committee on Accounts and Printing for its report thereon before final action by the Convention.

RULE 21. No committee shall sit during the sessions of the Convention without special leave.

COMMITTEE OF THE WHOLE

RULE 22. The Convention may upon motion resolve itself into a Committee of the Whole for the consideration of any matter. In forming the Committee of the Whole, the President of the Convention shall appoint a chairman to preside.

RULE 23. Upon consideration of the report or proposal of any standing committee by the Committee of the Whole, consideration of all matters on the same subject shall be in order. All amendments made to proposals, reports, resolutions and other matters submitted to the Committee of the Whole shall be noted and reported.

RULE 24. The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that the Committee of the Whole cannot adjourn the Convention; no question may be laid on the table; the previous question shall not be ordered; and the motion to postpone indefinitely shall not be in order.

RULE 25. Forty-two delegates shall be a quorum for the Committee of the Whole to do business.

RULE 26. A motion for the rising of the Committee of the Whole shall always be in order unless a member of the committee is speaking or a vote is being taken, and shall be decided without debate.

ORDER OF BUSINESS, MOTIONS, DECORUM AND DEBATE

RULE 27. At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders):

1. Calling Convention to order.
2. Invocation.
3. Determination of quorum.
4. Reading of journal.
5. Presentation of petitions, memorials and communications.
6. Reports of standing committees.

7. Reports of select committees.
8. Introduction and first readings of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special orders of the day.
13. General orders of the day.

RULE 28. Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole.
2. Reports of the Committee of the Whole.
3. Committee reports and proposals reported from committees.
4. Second Reading.
5. Action on reports of the Committee on Style, as to arrangement and phraseology only.
6. Third Reading and agreement.

If the matter is not considered in its order, it shall lose its precedence for the day, but shall appear on the calendar on the following day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present.

RULE 29. Any subject matter having been made the special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

RULE 30. Upon calls of the Convention, the names of the delegates shall be called alphabetically.

In case of the absence of delegates, the delegates present shall take such measures as they shall deem necessary to secure the presence of absentees.

RULE 31. After a question has been stated by the President, and the calling of the roll has begun, the President shall not recognize a delegate for any purpose whatever until the call is completed; but nothing in this rule shall abridge the right of any delegate to change or record his vote on any question previous to the announcement of the result.

RULE 32. The vote upon any question shall be taken by the ayes and noes and entered on the journal, on motion made and seconded before the question is put and upon the request of at least ten delegates.

A delegate may pass the first time his name is called by the clerk on any vote, but if he remains silent on the next call of his name, his vote shall be recorded as voting in the affirmative.

RULE 33. The rules of parliamentary practice comprised in *Robert's Rules of Order, Revised*, shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Convention.

RULE 34. Any rule of the Convention may be suspended by a vote of at least two-thirds of the delegates present or repealed or amended by a vote of at least forty-two delegates and any repeal or amendment offered shall lie on the table one day before being voted upon.

RULE 35. When a motion is made it shall be stated by the President, or being in writing, it shall be read aloud before being debated.

RULE 36. A motion may be withdrawn at any time before decision or amendment.

RULE 37. When a question is under consideration by the Convention only the following motions shall be received; which motions shall have precedence in the order stated, *viz*:

Motions to, or for:

- | | | |
|---|---|--|
| <ol style="list-style-type: none"> 1. Adjourn. 2. Recess. 3. Call of the Convention. 4. Lay on the table. 5. Previous question. | } | Not amendable or debatable except as hereinafter provided. |
| <ol style="list-style-type: none"> 6. Postpone indefinitely. Not amendable, but debatable. 7. Postpone to a certain time. Debatable and amendable. 8. Go into Committee of the Whole. Debatable and amendable. 9. Commit (or recommit) to Committee of the Whole. Debatable and amendable. 10. Commit (or recommit) to a standing committee. Debatable and amendable. 11. Commit (or recommit) to a select committee. Debatable and amendable. 12. Close debate at a specified time. Not debatable but amendable. 13. Amend. Debatable and amendable. | | |

(Numbers 7 to 12, both inclusive, preclude

debate on main question.)

The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order, and the last motion shall be amendable and debatable.

Calls for information, for reading a paper, for division of a divisible question, for division of the house, for the ayes and noes, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable.

An appeal from the decision of the chair may be taken at any stage of the proceedings.

RULE 38. The previous question shall be put in this form, "Shall the main question be now put?" It shall be admitted when demanded by a two-third vote of the delegates present, and its effect shall be, if decided affirmatively to end debate and bring the Convention to a vote upon pending amendments, if any, to the main question, and then upon the main question. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided whether on appeal or otherwise, without debate.

RULE 39. A motion to reconsider any vote must be made before the end of the second Convention day after the day on which the vote proposed to be reconsidered was taken, and by a delegate who voted in the majority and the same majority shall be required to adopt a motion to reconsider as was required to take the action to be reconsidered. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

To adjourn.

To lay on the table.

To take from the table; or

For the previous question.

RULE 40. Any delegate may call for the division of a question which is in its nature divisible. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

RULE 41. No delegate shall speak more than twice on one question, or longer than ten minutes the first, or longer than five minutes the second time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on Third Reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote

on the question.

RULE 42. No delegate rising to speak shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

RULE 43. While the President is putting a question or a count is being had no delegate shall speak or leave his place, and while a member is speaking no delegate shall engage in any private discourse or pass between him and the chair.

RULE 44. When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

RULE 45. A proposal may be recalled from a committee by the affirmative vote of twenty-five delegates, provided that the committee has reported on the subject matter of such proposal for passage on Second Reading.

RULE 46. Any delegate may at any time rise and speak to a question of personal privilege.

PROPOSALS, SUBMISSION AND INFORMATION

RULE 47. Each proposal shall receive three separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day or be considered on Third Reading until after at least forty-eight hours notice of the day upon which it is to be so considered has been given by announcement made in open session.

All proposals may be read by their titles but on Third Reading all proposals shall be read throughout. No amendment shall be received to any proposal on its third reading unless by unanimous consent of the delegates present.

All proposals shall, after the first reading, be printed for the use of the members. Printed copies of proposals shall be used on their second and third readings.

RULE 48. The regular order to be taken by proposals shall be as follows:

(a) Introduction, First Reading, and printing of sufficient copies of each proposal.

(b) Reference to a general standing committee by the President.

(c) Report by committee and printing of sufficient copies thereof.

Four Convention days after the printing of said report it shall be placed on the general orders.

(d) Second Reading: Consideration by the Committee of the Whole and by the Convention and action on amendments offered by delegates.

(e) Reference to the Committee on Style for report within five Convention days.

(f) Report of the Committee on Style and printing of sufficient copies, if necessary.

(g) Action on report of Committee on Style: Consideration and action on amendments as to phraseology only; action on the report as amended and printing of sufficient copies, if necessary.

(h) Third Reading and agreement.

(i) Reference to the Committee on Style for arrangement of sections and article or articles and for form.

(j) Report of Committee on Style as to arrangement of sections and article or articles and printing of sufficient copies, if necessary.

RULE 49. Any subject matter to be incorporated in the Constitution shall be by proposal. A proposal shall be introduced by one or more delegates or by a committee.

RULE 50. Each proposal shall be typewritten on white paper which is 8½" wide and 11" long with one original copy and seven copies thereof, and shall be dated and signed by the introducer or by the chairman of the committee introducing it.

RULE 51. The caption of each proposal shall be:

Constitutional Convention of Hawaii
of 1968
PROPOSAL

Introduced by _____
(Name of delegate or chairman of committee)

RULE 52. Each proposal shall contain a short title stating concisely the general nature of its subject matter.

RULE 53. Each proposal shall be in the form of a resolution as follows:

Resolved, That the following be agreed upon as (amending Article(s) _____ of) (adding a new article to) the State Constitution.

RULE 54. Each proposal shall be delivered to the Secretary for introduction. The Secretary shall number and list all proposals as presented. At each session of the Convention the Secretary shall read the number and title of each proposal so delivered to him for introduction, which shall be taken as the first reading of the proposal and as the ordering thereof to a second reading, and the President shall thereupon refer it to a general standing committee.

RULE 55. The President shall refer each proposal

introduced to the appropriate committee. Where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees; but if it is not subject to such division, the President shall refer it to an appropriate committee with instructions to consult with other committees on related matters.

Any proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate committee as a petition.

RULE 56. A copy of each proposal introduced shall be delivered by the Secretary to the Committee on Accounts and Printing. The original shall be retained by the Secretary and one copy shall be delivered to the chairman of the committee to which the proposal has been referred.

Each successive reprint of a proposal differing from the previous print or reprint of the same proposal, which is presented to the Convention for consideration, shall bear a consecutive redraft number on the top of the first or title page thereof, as follows:

"Redraft No. 1," or "RD. 1"

"Redraft No. 2," or "RD. 2," etc.

RULE 57. The Convention may set a date after which no proposal shall be introduced, except by a committee.

RULE 58. Each general standing committee may originate and report without specific reference, any committee proposal, the subject matter of which properly falls within the consideration of such committee under these rules.

RULE 59. Each committee report recommending any matter for incorporation in the Constitution shall be accompanied by a committee proposal containing a complete article or other appropriate subdivision or group of articles or subdivisions of the Constitution. Such committee proposal need not be referred to the committee introducing the same.

RULE 60. Each amendment offered to a proposal shall be in writing and delivered to the Secretary and shall be entered on the journal. A copy of such amendment shall be delivered by the Secretary to the Committee on Accounts and Printing. The original shall be retained by the Secretary. One copy shall be delivered to the chairman of the committee to which the proposal concerned has been referred.

RULE 61. Any proposal which has passed its second reading shall be referred to the Committee on Style for consideration as provided by these rules and when reported by said committee shall be subject to consideration and amendment as to arrangement and phraseology only, and, if any such amendment be adopted, shall be again referred to the Committee on Style for similar consideration and report thereof, and if

said committee's report shall be adopted, it shall be ordered to be printed and to Third Reading.

RULE 62. Proposals which have passed two readings shall be prepared by the Secretary in proper form for printing for Third Reading and when the Secretary receives from the Committee on Accounts and Printing any proposal ordered to a third reading and the same shall be found correct, he shall affix his signature to each page of the copy to be used as the official copy.

RULE 63. On the question of the agreement upon any proposal on Third Reading, the vote shall be taken by ayes and noes and entered on the journal, and no proposal shall be declared adopted unless at least forty-two delegates to the Convention shall have voted in favor of the adoption of the same.

RULE 64. After the Revised Constitution or proposed amendments to the Constitution have been framed and before final agreement thereon, the Convention shall refer the same to the Committee on Style for proper form and, if necessary, for arrangement in proper order in the Constitution and report thereon, and, upon receipt of the report, the Convention shall by the affirmative vote of at least forty-two delegates agree upon the final form of the Constitution or proposed amendments to the Constitution.

RULE 65. The final form of the Revised Constitution or proposed amendments to the Constitution as agreed upon by the Convention shall be referred to the Committee on Submission and Information. Such committee shall consider and report to the Convention recommending the method and manner of submitting them to the people in accordance with law, and shall give such notices and make such reports as may be required by law and the instructions of the Convention. The manner of submission to the people of the final form of the Revised Constitution or proposed amendments to the Constitution shall be agreed upon by resolution of the Convention by the affirmative vote of at least forty-two delegates.

RULE 66. When the Convention shall have agreed upon the final form of the Revised Constitution or proposed amendments to the Constitution and the manner of submission to the people according to law, the original thereof shall be prepared and signed by the President and Secretary and by the concurring delegates desiring to do so. Photostatic copies thereof (white prints) shall be prepared and then be certified by the President and Secretary of the Convention and delivered to the Governor, each delegate, each house of the legislature and to any other officers designated by law or the instructions of the Convention.

3. State Constitution

As Amended by the Constitutional Convention of 1968 and Adopted by the Electorate on November 5, 1968; and Including Additional Amendments Ratified in 1972, Updating Annotations and an Index.

PREAMBLE

We, the people of the State of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage, reaffirm our belief in a government of the people, by the people, and for the people, and with an understanding heart toward all the peoples of the earth do hereby ordain and establish this constitution for the State of Hawaii.

FEDERAL CONSTITUTION ADOPTED

The Constitution of the United States of America is adopted on behalf of the people of the State of Hawaii.

ARTICLE I BILL OF RIGHTS

POLITICAL POWER

SECTION 1. All political power of this State is inherent in the people; and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

RIGHTS OF MAN

SECTION 2. All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLY AND PETITION

SECTION 3. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

DUE PROCESS AND EQUAL PROTECTION

SECTION 4. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

SEARCHES, SEIZURES AND INVASION OF PRIVACY

SECTION 5. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures, and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

Amended 1968.

RIGHTS OF CITIZENS

SECTION 6. No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

ENLISTMENT, SEGREGATION

SECTION 7. No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

INDICTMENT, DOUBLE JEOPARDY, SELF-INCRIMINATION

SECTION 8. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against himself.

BAIL, EXCESSIVE PUNISHMENT

SECTION 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.

Amended 1968.

TRIAL BY JURY, CIVIL CASES

SECTION 10. In suits at common law where the value in controversy shall exceed one hundred dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

RIGHTS OF ACCUSED

SECTION 11. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an

impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment for more than sixty days.

Amended 1968.

JURY SERVICE

SECTION 12. No person shall be disqualified to serve as a juror because of sex.

HABEAS CORPUS AND SUSPENSION OF LAWS

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

SUPREMACY OF CIVIL POWER

SECTION 14. The military shall be held in strict subordination to the civil power.

RIGHT TO BEAR ARMS

SECTION 15. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

QUARTERING OF SOLDIERS

SECTION 16. No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

IMPRISONMENT FOR DEBT

SECTION 17. There shall be no imprisonment for debt.

EMINENT DOMAIN

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

Amended 1968.

LIMITATIONS ON SPECIAL PRIVILEGES

SECTION 19. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

CONSTRUCTION

SECTION 20. The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

EQUALITY OF RIGHTS

SECTION ____. Equality of rights under the law shall not be

denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section.

Added 1972.

ARTICLE II SUFFRAGE AND ELECTIONS

QUALIFICATIONS

SECTION 1. Every citizen of the United States who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.

Amended 1968, 1972.

DISQUALIFICATIONS

SECTION 2. No person who is non compos mentis shall be qualified to vote. No person convicted of a felony shall be qualified to vote except upon his final discharge or earlier as provided by law.

Amended 1968.

RESIDENCE

SECTION 3. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

REGISTRATION, VOTING

SECTION 4. The legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

GENERAL AND SPECIAL ELECTIONS

SECTION 5. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law.

Amended 1968.

PRESIDENTIAL PREFERENCE PRIMARY

SECTION 6. A presidential preference primary may be held in accordance with law.

Added 1968.

CONTESTED ELECTIONS

SECTION 7. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

Renumbered 1968; formerly part of Sec. 5.

ARTICLE III THE LEGISLATURE

LEGISLATIVE POWER

SECTION 1. 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. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

SENATE; COMPOSITION

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.

Amended 1968.

HOUSE OF REPRESENTATIVES; COMPOSITION

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

REAPPORTIONMENT; REAPPORTIONMENT YEARS

SECTION 4. The year 1973 and every eighth year thereafter shall be reapportionment years.

REAPPORTIONMENT COMMISSION

A legislative reapportionment commission shall be constituted on or before March 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 shall each select two 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 shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to 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 twenty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the 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 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.

CHIEF ELECTION OFFICER

The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

APPORTIONMENT AMONG BASIC ISLAND UNITS

The commission shall allocate the total number of members of each house 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, on the basis of the number of voters registered in the last preceding general election 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.

MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS

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 this article 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.

Declared unconstitutional by U.S. District Court, July 8, 1970.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Upon the determination of the total number of members of each house 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 registered voters 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. Not more than four members shall be elected from any district.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

MANDAMUS AND JUDICIAL REVIEW

Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

Amended 1968.

ELECTION OF MEMBERS; TERM

SECTION 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

VACANCIES

SECTION 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

QUALIFICATIONS OF MEMBERS

SECTION 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected.

Amended 1968.

PRIVILEGES OF MEMBERS

SECTION 8. 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 his 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 houses, and in going to and returning from the same.

DISQUALIFICATIONS OF MEMBERS

SECTION 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he 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 office," 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.

SALARY; ALLOWANCES; COMMISSION ON LEGISLATIVE SALARY

SECTION 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

Amended 1968.

SESSIONS

SECTION 11. 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. The governor may convene both houses or the senate alone 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 at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays 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.

Amended 1968.

ADJOURNMENT

SECTION 12. 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 13. Each house 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 is entitled, by suspension or expulsion of such member. Each house 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, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

QUORUM; COMPULSORY ATTENDANCE

SECTION 14. A majority of the number of members to which each house 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 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 may provide.

BILLS; ENACTMENT

SECTION 15. 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 16. No bill shall become law unless it shall pass three readings in each house 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 for at least twenty-four 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.

Amended 1968.

APPROVAL OR VETO

SECTION 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him 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 he 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 him 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 he plans to return such bill with his 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 for such passage, it shall be presented again to the governor, but shall become law only if he 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 11.

Amended 1968.

PROCEDURES UPON VETO

SECTION 18. Upon the receipt of a veto message from the governor, each house 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 is entitled, the same shall become law.

PUNISHMENT OF NONMEMBERS

SECTION 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house 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;

or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

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

IMPEACHMENT

SECTION 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives 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. When sitting for that purpose, the members of the senate 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 according to law.

ARTICLE IV THE EXECUTIVE

ESTABLISHMENT OF THE EXECUTIVE

SECTION 1. The executive power of the State shall be vested in a governor.

The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this State for five years immediately preceding his election.

The governor shall not hold any other office or employment of profit under the State or the United States during his term of office.

Amended 1968.

LIEUTENANT GOVERNOR

SECTION 2. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor; provided that the votes cast in the general election for the nominee

for governor shall be deemed cast for the nominee for lieutenant governor of the same political party. He shall perform such duties as may be prescribed by law.

Amended 1964.

COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR

SECTION 3. The compensation of the governor and of the lieutenant governor shall be prescribed by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

Amended 1968.

SUCCESSION TO GOVERNORSHIP; ABSENCE OR DISABILITY OF GOVERNOR

SECTION 4. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

EXECUTIVE POWERS

SECTION 5. The governor shall be responsible for the faithful execution of the laws. He shall be commander in chief of the armed forces of the State and may call out such forces to execute the laws, suppress or prevent insurrection or lawless violence or repel invasion. He shall, at the beginning of each session, and may, at other times, give to the legislature information concerning the affairs of the State and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this State.

The governor shall appoint an administrative director to serve at his pleasure.

EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS

SECTION 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective functions, powers and duties shall be allocated by law among and within not

more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. 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, appointed by the governor and he 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.

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, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a 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, appoint all officers for whose election or appointment provision is not otherwise made by this constitution or by law. If the manner of removal of an officer is not prescribed in this constitution, his removal shall be in a manner prescribed by law.

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

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate 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 his appointment; except that this residence requirement shall not apply to the president of the University of Hawaii.

Amended 1968.

ARTICLE V THE JUDICIARY

JUDICIARY POWER

SECTION 1. The judicial power of the State shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and

appellate jurisdiction as provided by law.

SUPREME COURT

SECTION 2. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. As prescribed by law, retired justices of the supreme court also may serve temporarily on the supreme court at the request of the chief justice. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his place.

Amended 1968.

APPOINTMENT OF JUSTICES AND JUDGES

SECTION 3. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

QUALIFICATIONS

No justice or judge shall hold any other office or position of profit under the State or the United States. No person shall be eligible for the office of justice or judge unless he shall have been admitted to practice law before the supreme court of this State for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

TENURE; COMPENSATION; RETIREMENT

The term of office of a justice of the supreme court and of a judge of a circuit court shall be ten years. They shall receive for their services such compensation as may be prescribed by law, but no less than twenty-eight thousand dollars for the chief justice, twenty-seven thousand dollars for associate justices and twenty-five thousand dollars for circuit court judges, a year. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State.

Amended 1968.

RETIREMENT FOR INCAPACITY AND REMOVAL

SECTION 4. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties or has acted in a manner that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, the governor shall appoint a board of three persons, as provided by law, to inquire into the circumstances. If the board recommends that the justice or judge should not remain in office, the governor shall remove or retire him from

office.

Amended 1968.

ADMINISTRATION

SECTION 5. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

RULES

SECTION 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

ARTICLE VI TAXATION AND FINANCE

TAXING POWER INALIENABLE

SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away.

APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED

SECTION 2. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 3 of Article I of this constitution.

Renumbered; formerly Sec. 6.

BONDS; DEBT LIMITATIONS

SECTION 3. For the purposes of this section, the term "bonds" shall include bonds, notes and other instruments of indebtedness; 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 the term "revenue bonds" means all bonds payable solely from and secured solely by the revenues, or user taxes, or any combination of both, of a public undertaking, improvement or system.

All bonds issued by or on behalf of the State or a political subdivision must be authorized by the legislature, and bonds of a political subdivision must also be authorized by its governing body.

Bonds may be issued by the State when authorized by a two-thirds vote of the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance. For the purpose of this paragraph, general fund revenues of the State shall not include monies received as grants from the federal government and receipts in reimbursement of any indebtedness that is excluded in computing the total indebtedness of the State.

By majority vote of the members to which each house of the legislature is entitled and without regard to any debt limit, there may be issued by or on behalf of

the State: bonds 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; bonds to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God; and revenue bonds.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in any 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.

Bonds 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, may be issued by any political subdivision under authorization of law and of its governing body without regard to any debt limit.

All general obligation bonds for a term exceeding one year shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installment of both principal and interest, the first installment of principal to mature not later than five years from the date of the issue of such series, and the last installment 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 total indebtedness of the State or funded debt of any political subdivision, the following shall be excluded:

(a) 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, and for the full payment of which monies have been irrevocably set aside.

(b) Revenue bonds, authorized or issued, if the issuer thereof is obligated by law to impose rates and charges for the use and services of the public undertaking, improvement or system, or to impose a user tax, or to impose a combination of rates and charges and user tax, as the case may be, sufficient to pay the cost 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 for the public undertaking, improvement or system, 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. For the purposes of this section a user tax shall mean 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 the public undertaking, improvement or system.

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

(d) General obligation bonds authorized or 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.

(e) General obligation bonds issued for a public undertaking, improvement or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, but only to the extent that reimbursements to the general fund are in fact made from the net revenue, net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year. For the purposes of this section, net revenue or net user tax receipts shall be the revenue or receipts remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued therefor have been made.

(f) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that produces revenues, or user tax receipts, or a combination of both, but only if in the fiscal year immediately preceding the authorization, the public undertaking, improvement or system produced a net revenue, net user taxes or a combination of both, that was sufficient to pay into the general fund the full amount of the principal and interest then due for all general obligation bonds then outstanding for such public undertaking, improvement or system.

(g) General obligation bonds of the State, authorized but unissued, for an existing public undertaking, improvement or system that has not been self-sustaining as determined for the immediately preceding fiscal year, and that produces revenues, or user tax receipts, or a combination of both, but only if the rates or charges for the use and services of the undertaking have been, or the rate of such user tax has been, increased by law or by the issuing body as authorized by law, in an amount that is determined will produce sufficient net revenue or net user taxes, or any combination thereof, for reimbursement to the general fund for the payment of principal and interest on all general obligation bonds then outstanding and authorized for such public undertaking, improvement or system.

(h) 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 authorized or issued after the effective date of this amendment, 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 from total indebtedness of the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

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

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

Amended 1968.

THE BUDGET

SECTION 4. Within such time prior to the opening of each regular session in an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. The budget shall be submitted in a form prescribed by law. The governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each such session.

Amended 1968.

LEGISLATIVE APPROPRIATIONS; PROCEDURES

SECTION 5. 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 prescribed 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 he 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.

Amended 1968, 1972.

EXPENDITURE CONTROLS

SECTION 6. Provision for the control of the rate of expenditures of appropriated state monies, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

Renumbered; formerly Sec. 7.

AUDITOR

SECTION 7. The legislature, by a majority vote of each house in joint session, 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 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 all transactions and of all accounts kept by or for 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 his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

Renumbered; formerly Sec. 8.

**ARTICLE VII
LOCAL GOVERNMENT**

POLITICAL SUBDIVISIONS; CREATION, POWERS

SECTION 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

LOCAL SELF-GOVERNMENT; CHARTER

SECTION 2. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section.

Amended 1968.

TAXATION AND FINANCE

SECTION 3. The taxing power shall be reserved to the State except so much thereof as may be delegated by the legislature to the political subdivisions, and the legislature shall have the power to apportion state revenues among the several political subdivisions.

MANDATES; ACCRUED CLAIMS

SECTION 4. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

STATE-WIDE LAWS

SECTION 5. This article shall not limit the power of the legislature to enact laws of state-wide concern.

**ARTICLE VIII
PUBLIC HEALTH AND WELFARE**

PUBLIC HEALTH

SECTION 1. The State shall provide for the protection and promotion of the public health.

CARE OF HANDICAPPED

SECTION 2. The State shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

PUBLIC ASSISTANCE

SECTION 3. The State shall have power to provide assistance for persons unable to maintain a standard of living compatible with decency and health.

SLUM CLEARANCE, REHABILITATION AND HOUSING

SECTION 4. The State shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of substandard areas, including housing for persons of low income.

PUBLIC SIGHTLINESS AND GOOD ORDER

SECTION 5. The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

**ARTICLE IX
EDUCATION**

PUBLIC EDUCATION

SECTION 1. The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

BOARD OF EDUCATION

SECTION 2. There shall be a board of education composed of members who shall be elected by qualified voters in accordance with law. At least part of the membership of the board shall represent geographic subdivisions of the State.

Amended 1964.

POWER OF THE BOARD OF EDUCATION

SECTION 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of education, who shall be appointed by the board and shall serve as secretary to the board.

Amended 1964.

UNIVERSITY OF HAWAII

SECTION 4. The University of Hawaii is hereby

established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

BOARD OF REGENTS; POWERS

SECTION 5. 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, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, 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.

Amended 1964.

ARTICLE X CONSERVATION AND DEVELOPMENT OF RESOURCES

RESOURCES; CONSERVATION, DEVELOPMENT AND USE

SECTION 1. The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

NATURAL RESOURCES; MANAGEMENT AND DISPOSITION

SECTION 2. The legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the State, and such powers of disposition thereof as may be authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

SEA FISHERIES

SECTION 3. All fisheries in the sea waters of the State not included in any fish pond or artificial inclosure shall be free to the public, subject to vested rights and the right of the State to regulate the same.

GENERAL LAWS REQUIRED; EXCEPTIONS

SECTION 4. The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, a political subdivision, or any department or agency thereof.

FARM AND HOME OWNERSHIP

SECTION 5. The public lands shall be used for the development of farm and home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.

ARTICLE XI HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION ACT

SECTION 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, is hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided, that, if and to the extent that the United States shall so require, said law shall be subject to amendment or repeal only with the consent of the United States and in no other manner, provided, further, that, if the United States shall have been provided or shall provide that particular provisions or types of provisions of said Act may be amended in the manner required for ordinary state legislation, such provisions or types of provisions may be so amended. The proceeds and income from Hawaiian home lands shall be used only in accordance with the terms of said Act, and the legislature may, from time to time, make additional sums available for the purposes of said Act by appropriating the same in the manner provided by law.

COMPACT WITH THE UNITED STATES

SECTION 2. The State and its people do hereby accept, as a compact with the United States, or as conditions or trust provisions imposed by the United States, relating to the management and disposition of the Hawaiian home lands, the requirement that Section 1 hereof be included in this constitution, in whole or in part, it being intended that the Act or Acts of the Congress pertaining thereto shall be definitive of the extent and nature of such compact, conditions or trust provisions, as the case may be. The State and its people do further agree and declare that the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.

AMENDMENT AND REPEAL

SECTION 3. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in Section 7, subsection (b) of the Admission Act, subject to amendment or repeal only with the consent of the United States, and in no other manner. Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for state legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for state legislation, and the encumbrances authorized to be

placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for state legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands," as defined by said Act, shall be used only in carrying out the provisions of said Act.

Added by Congress 1959.

ARTICLE XII ORGANIZATION; COLLECTIVE BARGAINING

PRIVATE EMPLOYEES

SECTION 1. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

PUBLIC EMPLOYEES

SECTION 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as prescribed by law.

Amended 1968.

ARTICLE XIII STATE BOUNDARIES, CAPITAL, FLAG

BOUNDARIES

SECTION 1. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act; except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Amended by Congress 1959.

CAPITAL

SECTION 2. Honolulu, on the Island of Oahu, shall be the capital of the State.

STATE FLAG

SECTION 3. The Hawaiian flag shall be the flag of the State.

ARTICLE XIV GENERAL AND MISCELLANEOUS PROVISIONS

CIVIL SERVICE

SECTION 1. The employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle.

EMPLOYEES' RETIREMENT SYSTEM

SECTION 2. Membership in any employees' retirement

system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

DISQUALIFICATIONS FROM PUBLIC OFFICE OR EMPLOYMENT

SECTION 3. No person shall hold any public office or employment who, knowingly and intentionally, does any act to overthrow, or attempts to overthrow, or conspires with any person to overthrow the government of this State or of the United States by force or violence.

Amended 1968.

OATH OF OFFICE

SECTION 4. All 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." The legislature may prescribe further oaths or affirmations.

CODES OF ETHICS

SECTION 5. The legislature and each political subdivision shall adopt a code of ethics, which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of boards, commissions and other bodies.

Added 1968.

INTERGOVERNMENTAL RELATIONS

SECTION 6. The legislature may provide for cooperation on the part of this State and its political subdivisions with the United States, or other states and territories, or their political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

Renumbered; formerly Sec. 5.

FEDERAL LANDS

SECTION 7. The United States shall be vested with or retain title to or an interest in or shall hold the property in the Territory of Hawaii set aside for the use of the United States and remaining so set aside immediately prior to the admission of this State, in all respects as and to the extent set forth in the act or resolution providing for the admission of this State to the Union.

Renumbered; formerly Sec. 6.

COMPLIANCE WITH TRUST

SECTION 8. Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation.

Renumbered; formerly Sec. 7.

ADMINISTRATION OF UNDISPOSED LANDS

SECTION 9. All provisions of the Act of Congress approved March 18, 1959 reserving rights or powers to

the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.

Amended by Congress 1959; renumbered, formerly Sec. 8.

FEDERAL PROPERTY; TAX EXEMPTION

SECTION 10. No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or by reason of the consent of the United States to such taxation.

Renumbered; formerly Sec. 9.

HAWAII NATIONAL PARK

SECTION 11. All provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within Hawaii National Park, are consented to fully by the State and its people.

Renumbered; formerly Sec. 10.

JUDICIAL RIGHTS

SECTION 12. All those provisions of the act or resolution admitting this State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people; and those provisions of said act or resolution which preserve for the State judicial rights and powers are hereby accepted and adopted, and such rights and powers are hereby assumed, to be exercised and discharged pursuant to this constitution and the laws of the State.

Renumbered; formerly Sec. 11.

TITLES, SUBTITLES, PERSONAL PRONOUNS; CONSTRUCTION

SECTION 13. Titles and subtitles shall not be used for purposes of construing this constitution.

Whenever any personal pronoun appears in this constitution, it shall be construed to mean either sex.

Renumbered; formerly Sec. 12.

GENERAL POWER

SECTION 14. The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

Renumbered; formerly Sec. 13.

PROVISIONS SELF-EXECUTING

SECTION 15. The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.

Renumbered; formerly Sec. 14.

ARTICLE XV REVISION AND AMENDMENT

METHODS OF PROPOSAL

SECTION 1. Revisions of or amendments to this constitution may be proposed by constitutional

convention or by the legislature.

CONSTITUTIONAL CONVENTION

SECTION 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any ten-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

ELECTION OF DELEGATES

If a majority of the ballots cast upon such question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XIV, any qualified voter of the district concerned shall be eligible to membership in the convention.

Unless the legislature shall otherwise provide, there shall be the same number of delegates to the convention, who shall be elected from the same areas, and the convention shall be convened in the same manner and have the same powers and privileges, as nearly as practicable, as provided for the convention of 1968.

ORGANIZATION; PROCEDURE

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

RATIFICATION; APPROPRIATIONS

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least thirty-five percent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty percent of the total number of registered voters.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.

Amended 1968.

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 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 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.

VETO

SECTION 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor.

CONFLICTING REVISIONS OR AMENDMENTS

SECTION 5. If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail.

Added 1968.

ARTICLE XVI SCHEDULE

DISTRICTING AND APPORTIONMENT

SECTION 1. A. Senatorial Districts; Number of Senators. As provided in Section 2 of Article III, until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as follows:

FIRST SENATORIAL DISTRICT: The Island of Hawaii, consisting of the first through fifth representative districts—three senators.

SECOND SENATORIAL DISTRICT: The Islands of Maui, Molokai, Lanai and Kahoolawe, consisting of the sixth and seventh representative districts—two senators.

THIRD SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twenty-third and twenty-fourth representative districts—three senators.

FOURTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the nineteenth, twentieth, twenty-first and twenty-second representative districts—four senators.

FIFTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the fifteenth, sixteenth, seventeenth and eighteenth representative

districts—four senators.

SIXTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the twelfth, thirteenth and fourteenth representative districts—four senators.

SEVENTH SENATORIAL DISTRICT: That portion of the Island of Oahu, consisting of the eighth, ninth, tenth and eleventh representative districts—four senators.

EIGHTH SENATORIAL DISTRICT: The Islands of Kauai and Niihau, consisting of the twenty-fifth representative district—one senator.

B. Representative Districts; Number of Representatives. As provided in Section 3 of Article III, until the next reapportionment the representative districts and the number of representatives to be elected from each shall be as follows:

FIRST REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as Puna and Kau and that portion of South Hilo, more particularly described as follows: Beginning at the junction of Haihai Street and Ainaola Drive and running (1) easterly along Haihai Street extended to Kanoelehua Avenue; (2) southerly along Kanoelehua Avenue for about 100 feet to the boundary between the Panaewa Farm Lots and the Hawaiian Home Land of Panaewa; (3) easterly along the north boundary of the Panaewa Farm Lots to the old Puna Railroad; (4) easterly along a line that is parallel to Haihai Street and extends to the South Hilo-Puna Boundary; (5) southwesterly along said South Hilo-Puna Boundary to a point where the prolongation of the southwest end of Waikahe Street intersects the South Hilo-Puna Boundary; (6) northerly along the said prolongation and along Waikahe Street to the intersection of Waikahe Street and Ainaola Drive; (7) northerly and northeasterly along Ainaola Drive to the point of beginning—one representative.

SECOND REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii being the southern portion of South Hilo, more particularly described as follows: Beginning at the seashore at the mouth of Wailuku River and running (1) southeasterly along the seashore to the South Hilo-Puna Boundary; (2) southwesterly along the South Hilo-Puna Boundary to a line that is parallel to Haihai Street and extends from the intersection of the north boundary of Panaewa Farm Lots and the old Puna Railroad to the South Hilo-Puna Boundary; (3) westerly along said line to the old Puna Railroad; (4) westerly along the north boundary of the Panaewa Farm Lots to Kanoelehua Avenue; (5) northerly along Kanoelehua Avenue for about 100 feet to a point where the prolongation of Haihai Street would meet said avenue; (6) westerly along said prolongation along Haihai Street to Ainaola Drive; (7) southwesterly and southerly along Ainaola Drive to the intersection of Ainaola Drive and Waikahe Street; (8) southerly along Waikahe Street and the prolongation of Waikahe Street to the South Hilo-Puna Boundary; (9) southwesterly, northwesterly and southwesterly along the South Hilo-Puna Boundary to the Kau Boundary; (10) northwesterly along the South

Hilo-Kau Boundary; (11) northwesterly and northeasterly along the South Hilo-North Hilo Boundary to a point where the Paukaa-Piihonua Boundary intersects said South Hilo-North Hilo Boundary; (12) southeasterly along the Paukaa-Piihonua Boundary to Honolii Stream; (13) southerly along the upper boundaries of Kaiwiki and Alae to Awehi Stream; (14) southeasterly along Awehi Stream on into Waiau Stream to its junction with Alae Stream; (15) westerly along said Alae Stream to the Hilo-Forest Reserve Boundary; (16) southwestly along the lower boundary of the Hilo Forest Reserve for a distance of 6780 feet; (17) southeasterly along Hookelekele Stream for a distance of 7157 feet, to its junction with Wailuku River; (18) southerly along Wailuku River and Kahoama Stream to the Hilo Forest Reserve Boundary; (19) southeasterly about 0.2 miles to an angle in the Hilo Forest Reserve; (20) southwestly along the Hilo Forest Reserve to the Punahoa 1 and Ponahawai Boundary; (21) easterly along said boundary and along Waipahoe Stream to Akolea Road; (22) northerly along Akolea Road to the Punahoa 1 and 2 Boundary; (23) easterly along Punahoa 1 and 2 Boundary to Ainako Avenue; (24) northerly along Ainako Avenue to the old Piihonua Road; (25) southeasterly along the old Piihonua Road to the Piihonua and Punahoa 2 Boundary; (26) easterly along the Piihonua and Punahoa 2 Boundary to the Hilo Watershed Reservation (Executive Order 1418); (27) southerly and easterly along the northerly side of said reservation to the southeast corner of said Hilo Watershed Reservation; (28) southerly along the west side of Block "S" which fronts on the west side of Ekaha Street; (29) southeasterly across Kaumana Road to a point where the Kaumana Road intersects the Hilo Boarding School Ditch; (30) easterly along the Hilo Boarding School Ditch to Hoomana Street; (31) northwesterly along Hoomana Street to Punahale Street; (32) northeasterly along Punahale Street to Punawai Street; (33) northerly along Punawai Street and the prolongation of Punawai Street to Wailuku River; (34) easterly along Wailuku River to the point of beginning—two representatives.

THIRD REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii being the northern portion of South Hilo, more particularly described as follows: Beginning at the seashore on the North Hilo-South Hilo Boundary and running (1) southeasterly and southerly along the seashore to the mouth of Wailuku River; (2) westerly along Wailuku River to the prolongation of Punawai Street; (3) southerly along said prolongation and along Punawai Street to Punahale Street; (4) southwestly along Punahale Street to Hoomana Street; (5) southeasterly along Hoomana Street to its junction with the Hilo Boarding School Ditch; (6) westerly along Hilo Boarding School Ditch to its junction with Kaumana Road; (7) northwesterly across Kaumana Road to the west boundary of Block "S" which fronts on the west side of Ekaha Street; (8) northerly along the west side of said block to the southeast corner of the Hilo Watershed Reservation (Executive Order 1418); (9) westerly along the southerly side of said reservation to the common boundary between the lands of Piihonua and Punahoa 2; (10) westerly along said boundary to the old Piihonua Road; (11) southwestly along the old

Piihonua Road to Ainako Avenue; (12) southerly along Ainako Avenue to the common boundary between the lands of Punahoa 1 and 2; (13) westerly along said boundary to Akolea Road; (14) southerly along Akolea Road to Waipahoe Stream; (15) westerly along Waipahoe Stream and the common boundary between Punahoa 1 and Ponahawai for a distance of approximately 2.2 miles to the Hilo Forest Reserve; (16) northeasterly along the Hilo Forest Reserve for a distance of approximately 1.5 miles to angle in same; (17) northwesterly approximately 0.2 miles to Kahoama Stream; (18) northerly along Kahoama Stream and Wailuku River to the junction of Hookelekele Stream; (19) northwesterly along Hookelekele Stream for a distance of 7157 feet; (20) northeasterly along the lower boundary of Hilo Forest Reserve for a distance of 6780 feet to Aale Stream; (21) easterly along said Aale Stream to its junction with Waiau Stream; (22) northwesterly along Waiau Stream on into Awehi Stream to the upper boundary of Alae; (23) northerly along the upper boundaries of Alae and Kaiwiki to Honolii Stream; (24) northwesterly along the Paukaa-Piihonua Boundary to the North Hilo-South Hilo Boundary; (25) northeasterly along the North Hilo-South Hilo Boundary to the point of beginning—one representative.

FOURTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as North Kohala, Hamakua and North Hilo—one representative.

FIFTH REPRESENTATIVE DISTRICT: That portion of the Island of Hawaii known as South Kona, North Kona and South Kohala—one representative.

SIXTH REPRESENTATIVE DISTRICT: The Islands of Molokai and Lanai and that portion of the Island of Maui that includes Lahaina and the portion of Wailuku that lies west of the following described line: Beginning at the seashore near Kahului Beach Road at the end of the west breakwater of Kahului Harbor and running (1) southwestly in a straight line to the intersection of Kaahumanu Avenue and South Papa Avenue; (2) southwestly along South Papa Avenue to the northeast corner of Lot 7-1 of Kahului Town Development, Seventh Increment (File Plan 766); (3) westerly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) southerly along the westerly boundaries of Kahului Town Development, Seventh Increment (File Plan 766) and Eighth Increment (File Plan 906) to the south corner of Lot 8-149 of said File Plan 906; (5) southwestly in a straight line to the intersection of Honoapiilani Highway and Kihai Road; (6) southeasterly in a straight line to the seashore which is approximately 3500 feet east from the southeast corner of Maalaea Beach Lots—two representatives.

SEVENTH REPRESENTATIVE DISTRICT: The Island of Kahoolawe and that portion of the Island of Maui that includes Makawao, Hana and the portion of Wailuku that lies east of the following described line: Beginning at a point on the seashore that is approximately 3500 feet east of the southeast corner of Maalaea Beach Lots and running (1) northwesterly in a

straight line to the intersection of Honoapiilani Highway and Kihei Road; (2) northeasterly in a straight line to the south corner of Lot 8-149 of Kahului Town Development, Eighth Increment (File Plan 906); (3) northerly along the westerly boundaries of Kahului Town Development, Eighth Increment (File Plan 906) and Seventh Increment (File Plan 766) to the west corner of Lot 7-12 of said File Plan 766; (4) easterly along the north boundaries of Kahului Town Development, Seventh Increment (File Plan 766) to the northeast corner of Lot 7-1 of said File Plan 766; (5) northeasterly along South Papa Avenue to the intersection of South Papa and Kaahumanu Avenues; (6) northeasterly in a straight line to the seashore near the Kahului Beach Road at the end of the west breakwater of Kahului Harbor—two representatives.

EIGHTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waialae-Nui, Aima Haina, Niu, Kuliouou and Hawaii Kai and lying east of the Waialae-Nui Gulch and south of the top of Koolau Range to the ocean and more particularly described as follows: Beginning at the seashore at the east corner of Waialae Beach Park and running (1) northerly along the northeast boundary of Waialae Beach Park to Kahala Avenue; (2) northeasterly along Kahala Avenue to the Waialae Golf Course boundary; (3) northerly along the southwest boundary of Waialae Golf Course to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (4) northerly along Kapakahi Stream to its junction with Waialae-Nui Stream; (5) northerly along Waialae-Nui Stream crossing Kalaniana'ole Highway and continuing northeasterly along Waialae-Nui Stream and Waialae-Nui Gulch to a place called "Puu Lanipo" at the top of Koolau Range; (6) easterly along the top of Koolau Range to Makapuu Point; (7) southwesterly along the seashore to the point of beginning. This district includes the Northwestern Hawaiian Islands from Nihoa Island to Kure Atoll excluding the Midway Islands—two representatives.

NINTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Diamond Head and Waialae-Kahala, more particularly described as follows: Beginning at the seashore at the southeast corner of Diamond Head Lighthouse and running (1) northerly along the east boundary of Diamond Head Lighthouse to Diamond Head Road; (2) westerly along Diamond Head Road, and along the westerly boundary of Diamond Head State Monument (Executive Order 2000); (3) continuing northeasterly along the northwesterly boundary of Diamond Head State Monument (Executive Order 2000) to Campbell Avenue; (4) northeasterly across Campbell Avenue along the northwest boundaries of the Reservoir Lot and Fort Ruger Military Reservation to Monsarrat Avenue; (5) across Monsarrat Avenue and continuing easterly along the northerly boundary of the Board of Water Supply Lot (Executive Order 1800); (6) easterly along Fort Ruger Military Reservation to Makapuu Avenue; (7) northerly along Makapuu Avenue to Kilauea Avenue; (8) easterly along Kilauea Avenue to 22nd Avenue; (9) northerly along 22nd Avenue to Harding Avenue; (10) westerly along Harding Avenue to 21st Avenue; (11)

northerly along 21st Avenue to Lunalilo Freeway; (12) southwesterly along Lunalilo Freeway to Koko Head Avenue; (13) northerly along Koko Head Avenue to Waialae Avenue; (14) westerly along Waialae Avenue to Sierra Drive; (15) northerly along Sierra Drive to the southwest corner of Land Court Application 704; (16) northerly along Land Court Application 704 to the east corner of Lot 14 of Land Court Application 704; (17) westerly along Lot 14; (18) northerly along Lot 21; (19) easterly along Lot 11, all of Land Court Application 704; (20) northerly along the easterly boundary of Land Court Application 704 to the south corner of Lot 6 of Land Court Application 704; (21) northerly along the easterly side of Lots 6-A-2, 5-A, 4-A-2, 3-A-1, 2-A-1 and 1-A, all of Land Court Application 704; (22) easterly along Pakui Street; (23) northerly along the end of Pakui Street and the westerly boundary of Palolo Hill Tract (File Plans 46 and 48) to the south corner of Lani Hale Tract; (24) westerly along Lani Hale Tract to the east boundary of Palolo Hillside Lots (File Plan 50); (25) northerly along the easterly boundary of Palolo Hillside Lots (File Plan 50) and Land Court Application 610 to the boundary of Waiomao; (26) easterly along the boundary of Waiomao to the west corner of Land Court Application 859; (27) easterly along the north boundary of Land Court Application 859 and the land of Waiomao to "Kalepeamo" Triangulation Station; (28) northeasterly in a direct line to Waialae-Nui Stream; (29) southerly along Waialae-Nui Stream crossing Kalaniana'ole Highway to its junction with Kapakahi Stream; (30) southerly along Kapakahi Stream to the west corner of Lot 49 as shown on Map 17 of Land Court Application 828; (31) southerly along the southwest boundary of Waialae Golf Course to Kahala Avenue; (32) southwesterly along Kahala Avenue to the northeast corner of Waialae Beach Park; (33) southerly along the northeast boundary of Waialae Beach Park to the seashore; (34) southwesterly along the seashore to the point of beginning—two representatives.

TENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Palolo, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Koko Head Avenue and running (1) westerly along Lunalilo Freeway to the Manoa-Palolo Drainage Canal; (2) northerly along the Manoa-Palolo Drainage Canal to Dole Street; (3) easterly along Dole Street to the east boundary of Waahila Faculty Housing; (4) northerly along the east boundary of Waahila Faculty Housing to "Waahila" Triangulation Station; (5) northeasterly along the Manoa-Palolo Boundary to a place called "Mt. Olympus" at the top of Koolau Range; (6) easterly along the top of said range to a place called "Puu Lanipo"; (7) southerly along Waialae-Nui Gulch for a distance of approximately 14,000 feet; (8) southwesterly in a direct line to "Kalepeamo" Triangulation Station; (9) westerly along the land of Waiomao and the north boundary of Land Court Application 859 to the west corner of Land Court Application 859; (10) westerly along the land of Waiomao to the east corner of Land Court Application 610; (11) southerly along the easterly boundary of Land Court Application 610 and Palolo Hillside Lots (File

Plan 50) to the west corner of Lani Hale Tract; (12) easterly along Lani Hale Tract to the westerly boundary of Palolo Hill Tract (File Plan 48); (13) southerly along the westerly boundary of Palolo Hill Tract (File Plans 48 and 46) to the southeast corner of Pakui Street; (14) westerly along Pakui Street to the north corner of Lot 1-B of Land Court Application 704; (15) southerly along Lots 1-B, 2-B, 3-B, 3-C, 4-D, 4-C, 5-B, 6-B, all of Land Court Application 704 and along Palolo Hill Tract (File Plan 46) to the east corner of Lot 12-B of Land Court Application 704; (16) westerly along Lot 12-B; (17) southerly along Lots 12-B and 13-B; (18) easterly along Lot 13-B, all of Land Court Application 704; (19) southerly along Palolo Hill Tract (File Plan 46) to Sierra Drive; (20) southerly along Sierra Drive to Waialae Avenue; (21) easterly along Waialae Avenue to Koko Head Avenue; (22) southerly along Koko Head Avenue to the point of beginning—two representatives.

ELEVENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kaimuki and Kapahulu, more particularly described as follows: Beginning at the intersection of Kapahulu Avenue and Lunalilo Freeway and running (1) southeasterly along Lunalilo Freeway to 21st Avenue; (2) southwesterly along 21st Avenue to Harding Avenue; (3) southeasterly along Harding Avenue to 22nd Avenue; (4) southwesterly along 22nd Avenue to Kilauea Avenue; (5) northwesterly along Kilauea Avenue to Makapuu Avenue; (6) southwesterly along Makapuu Avenue to Aloha Avenue; (7) southwesterly along Fort Ruger Military Reservation and along Board of Water Supply Lot (Executive Order 1800) to Trousseau Street; (8) southwesterly along Monsarrat Avenue to Leahi Avenue; (9) northwesterly along Leahi Avenue to Kapahulu Avenue; (10) northerly along Kapahulu Avenue to the point of beginning—two representatives.

TWELFTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Waikiki, Moiliili and McCully, more particularly described as follows: Beginning at the outer edge of the reef at the entrance to Ala Wai Yacht Harbor and running (1) northeasterly along the east boundary of Magic Island to the extension of the centerline of the Ala Wai Canal; (2) northeasterly along the extended line and along the center of Ala Wai Canal to McCully Bridge; (3) northeasterly along McCully Street to South King Street; (4) southeasterly along South King Street to Isenberg Street; (5) northeasterly along Isenberg Street to Lunalilo Freeway; (6) southeasterly along Lunalilo Freeway to Kapahulu Avenue; (7) southerly along Kapahulu Avenue to Leahi Avenue; (8) southeasterly along Leahi Avenue to Monsarrat Avenue; (9) easterly along Monsarrat Avenue to Trousseau Street; (10) southeasterly, thence southwesterly along the northwest boundary of Fort Ruger Military Reservation to the southwest side of Campbell Avenue; (11) southwesterly thence easterly along the northwesterly and westerly boundary of Diamond Head State Monument (Executive Order 2000) to Diamond Head Road; (12) easterly along Diamond Head Road to the east boundary of Diamond Head Lighthouse; (13) southerly along the east boundary of Diamond Head Lighthouse to the seashore; (14) westerly

along seashore to a point where Kapahulu Avenue extended meets the seashore; (15) westerly along the extension of Kapahulu Avenue to the outer edge of the reef; (16) westerly along the outer edge of the reef to the point of beginning—three representatives.

THIRTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Makiki and Manoa, more particularly described as follows: Beginning at the intersection of the Manoa-Palolo Drainage Canal and Lunalilo Freeway and running (1) westerly along Lunalilo Freeway to Pensacola Street; (2) northeasterly along Pensacola Street to Nehoa Street; (3) easterly along Nehoa Street to a point opposite Lewalani Drive; (4) northeasterly along the top of ridge of the lands of Makiki and Kalawahine to a mountain peak called "Puu Ohia" or "Tantalus"; (5) northeasterly along the top of the ridge between the lands of Pauoa, Manoa and Nuuanu to a point on the Koolau Range called "Puu Konahuanui"; (6) southeasterly along the top of said range to a place called "Mt. Olympus"; (7) southwesterly along the Manoa-Palolo Boundary to "Waahila" Triangulation Station; (8) southerly along the east boundary of Waahila Faculty Housing to Dole Street; (9) westerly along Dole Street to Manoa Stream; (10) southerly along Manoa Stream and along Manoa-Palolo Drainage Canal to the point of beginning—three representatives.

FOURTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ala Moana and Lower Makiki, more particularly described as follows: Beginning at the junction of the Honolulu Harbor Channel and the outer edge of the reef and running (1) northeasterly along the middle of Honolulu Harbor Channel and Honolulu Harbor to the intersection of Nimitz Highway and Nuuanu Avenue; (2) northeasterly along Nuuanu Avenue to Lunalilo Freeway; (3) easterly along Lunalilo Freeway to Isenberg Street; (4) southerly along Isenberg Street to South King Street; (5) westerly along South King Street to McCully Street; (6) southerly along McCully Street to Ala Wai Canal; (7) southwesterly along Ala Wai Canal along the center of Ala Wai Canal extended to the east boundary of Magic Island; (8) southerly along the east boundary of Magic Island to the outer edge of the reef; (9) westerly along the outer edge of the reef to the point of beginning—two representatives.

FIFTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Pauoa, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Nuuanu Avenue and running (1) northeasterly along Nuuanu Avenue to the intersection of Wyllie Street and Pali Highway; (2) northerly along Pali Highway to Nuuanu Pali Drive near Kepola Place; (3) northeasterly along Nuuanu Pali Drive to top of Koolau Range at the Pali Lookout; (4) southeasterly along the top of Koolau Range to a point called "Puu Konahuanui"; (5) southwesterly along top of ridge between the lands of Manoa, Pauoa and Makiki to a mountain peak called "Puu Ohia" or "Tantalus"; (6) southwesterly along the top of the ridge between the

lands of Makiki and Kalawahine to the intersection of Nehoa Street and Lewalani Drive; (7) southwesterly on Nehoa Street to Pensacola Street; (8) southerly along Pensacola Street to Lunalilo Freeway; (9) westerly along Lunalilo Freeway to the point of beginning—two representatives.

SIXTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Nuuanu and Alewa Heights, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) northwesterly along Lunalilo Freeway to the intersection of Liliha Street, School Street and Lunalilo Freeway; (2) northwesterly along North School Street to Likelike Highway; (3) northerly along Likelike Highway to Kalihi Street; (4) northeasterly along Kalihi Street to Akahi Street; (5) southeasterly along Akahi Street to the top of the ridge between the lands of Kamanaiiki and Kapalama; (6) northeasterly along the top of said ridge to a point on the Koolau Range called "Puu Lanihuli"; (7) easterly along the top of Koolau Range to Pali Lookout; (8) southwesterly along Nuuanu Pali Drive to Pali Highway near Kepola Place; (9) southerly along Pali Highway to the intersection of Wyllie Street and Nuuanu Avenue; (10) southwesterly along Nuuanu Avenue to the point of beginning—two representatives.

SEVENTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kapalama, more particularly described as follows: Beginning at the intersection of Nuuanu Avenue and Lunalilo Freeway and running (1) southwesterly along Nuuanu Avenue to the sea at Honolulu Harbor; (2) southwesterly along the middle of Honolulu Harbor and Honolulu Harbor Channel to the outer edge of the reef; (3) westerly along the outer edge of the reef to a point where Mokauea Street extended meets the outer edge of the reef; (4) northeasterly along said Mokauea Street extended to its intersection with the middle of Kalihi Channel; (5) northerly along Kalihi Channel to the middle of Kalihi Stream at Nimitz Highway; (6) northwesterly along Nimitz Highway to Middle Street; (7) northeasterly along Middle Street to Lunalilo Freeway; (8) southeasterly along Lunalilo Freeway to the point of beginning—two representatives.

EIGHTEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Kalihi, more particularly described as follows: Beginning at the intersection of Lunalilo Freeway and Middle Street and running (1) northeasterly along Middle Street to where the Fort Shafter Military Reservation boundary runs westerly from Middle Street; (2) westerly then northeasterly along Fort Shafter Military Reservation boundary and continuing along Kahauiki Ridge to a point on the top of Koolau Range called "Puu Kahuauli"; (3) southeasterly along the top of Koolau Range to a point on Koolau Range called "Puu Lanihuli"; (4) southwesterly along the top of the ridge between the lands of Kamanaiiki and Kapalama to Akahi Street; (5) northwesterly along Akahi Street to Kalihi Street; (6)

southwesterly along Kalihi Street to Likelike Highway; (7) southwesterly along Likelike Highway to School Street; (8) southeasterly along School Street to the intersection of School Street, Liliha Street and Lunalilo Freeway; (9) northwesterly along Lunalilo Freeway to the point of beginning—two representatives.

NINETEENTH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Moanalua, Halawa and Aiea, more particularly described as follows: Beginning at the point where Mokauea Street extended meets the outer edge of the reef and running (1) southwesterly along the outer edge of the reef to a point on the Moanalua-Halawa boundary; (2) northerly along the Moanalua-Halawa boundary to the seashore; (3) westerly along the seashore and along the seashore extended to the center of Pearl Harbor Entrance Channel; (4) northerly along the center of Pearl Harbor Entrance Channel; (5) northeasterly along the center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the boundary between the lands of Waimalu and Kalauao at East Loch, Pearl Harbor; (6) northeasterly along the Waimalu-Kalauao boundary to Kamehameha Highway; (7) southeasterly along Kamehameha Highway to the intersection of Kamehameha Highway and Moanalua Road; (8) northwesterly along Moanalua Road to the Waimalu-Kalauao boundary; (9) northeasterly along the Waimalu-Kalauao boundary to the top of Koolau Range; (10) southeasterly along the top of Koolau Range being the Ewa-Koolaupoko boundary to a point on the top of Koolau Range called "Puu Kahuauli"; (11) southwesterly along the top of Kahauiki Ridge along the southeast boundary of Fort Shafter Military Reservation to a point where the Fort Shafter boundary meets Middle Street; (12) southwesterly along Middle Street to Nimitz Highway; (13) easterly along Nimitz Highway to Kalihi Stream; (14) southerly along Kalihi Stream to the seashore and continuing along Kalihi Channel to a point where the middle of Kalihi Channel meets Mokauea Street extended; (15) southwesterly along Mokauea Street extended to the point of beginning—two representatives.

TWENTIETH REPRESENTATIVE DISTRICT: That portion of the Island of Oahu for convenience herein referred to as Ewa, more particularly described as follows: Beginning at the seashore at the seaward end of Waimanalo Gulch located about 2300 feet south of "Kahe Point" Triangulation Station and running (1) northeasterly along Waimanalo Gulch to its beginning; (2) northeasterly on a straight line to a point called "Puu Manawahua"; (3) northeasterly along the top of Waianae Range being the Waianae-Ewa boundary to a point called "Puu Palikea"; (4) southeasterly on a straight line to Reservoir 31 of the Oahu Sugar Company; (5) northeasterly along Waiahole Ditch to Waikele Stream; (6) southerly along Waikele Stream to the intersection of Waikele and Kipapa Streams; (7) northeasterly along Kipapa Stream to Kamehameha Highway; (8) southeasterly along Kamehameha Highway to the roadway leading to Mililani Memorial Park; (9) northeasterly along said roadway leading to Mililani Memorial Park to the middle of Panakauahi Gulch; (10) northerly along the middle of Panakauahi Gulch to the

siphon at the Waiahole Ditch; (11) northwesterly along Waiahole Ditch to Kipapa Stream; (12) northeasterly along Kipapa Stream to the top of Koolau Range; (13) southeasterly along top of Koolau Range being the Ewa-Koolaupoko boundary to the Waimalu-Kalauao boundary; (14) southwesterly along the Waimalu-Kalauao boundary to Moanalua Road; (15) southeasterly along Moanalua Road to the intersection of Moanalua Road and Kamehameha Highway; (16) northwesterly along Kamehameha Highway to the Waimalu-Kalauao boundary; (17) southwesterly along the Waimalu-Kalauao boundary to East Loch, Pearl Harbor; (18) southwesterly along center of the channel between Ford Island and Southeast Loch, Pearl Harbor to the center of Pearl Harbor Entrance Channel; (19) southerly along the center of the Pearl Harbor Entrance Channel to a point that meets the seashore extended; (20) southwesterly along the seashore extended and continuing southwesterly and northwesterly along the seashore to the point of beginning—three representatives.

TWENTY-FIRST REPRESENTATIVE DISTRICT:

That portion of the Island of Oahu for convenience herein referred to as Waianae and a portion of Honouliuli, more particularly described as follows: Beginning at the seashore at Kaena Point on the Waialua-Waianae boundary and running (1) southeasterly along the crest of the Waianae Mountains being the boundary between Waianae and Waialua, Wahiawa and Ewa to a point called "Puu Manawahua"; (2) southwesterly on a straight line to the beginning of Waimanalo Gulch; (3) southwesterly along Waimanalo Gulch to the seashore located about 2300 feet south of Kahe Point; (4) northwesterly along the seashore to the point of beginning—one representative.

TWENTY-SECOND REPRESENTATIVE DISTRICT:

That portion of the Island of Oahu for convenience herein referred to as Waialua and Wahiawa, more particularly described as follows: Beginning at the seashore on the Waialua and Koolauloa boundaries and running (1) easterly and southeasterly along the top of Koolau Range being the Waialua-Koolauloa boundary to the intersection of Kipapa Stream and the top of Koolau Range; (2) southwesterly along Kipapa Stream to Waiahole Ditch; (3) southeasterly along Waiahole Ditch to the siphon located at the center of Panakauahi Gulch; (4) southerly along the middle of Panakauahi Gulch to the roadway leading to the Mililani Memorial Park; (5) southwesterly along the roadway that leads out of Mililani Memorial Park to Kamehameha Highway; (6) northwesterly along Kamehameha Highway to Kipapa Stream; (7) southwesterly along Kipapa Stream to its junction with Waikele Stream; (8) northwesterly along Waikele Stream to Waiahole Ditch; (9) southwesterly along Waiahole Ditch to Reservoir 31; (10) northwesterly on a direct line from Reservoir 31 to a point on the top of Waianae Range called "Puu Palikea"; (11) northwesterly along top of Waianae Range along the boundary between Waianae and Ewa, Wahiawa and Waialua to Kaena Point at seashore; (12) northeasterly along the seashore to the point of beginning—two representatives.

TWENTY-THIRD REPRESENTATIVE DISTRICT:

That portion of the Island of Oahu for convenience herein referred to as Koolauloa and the northwestern portion of Koolaupoko, more particularly described as follows: Beginning at the seashore on the Waialua-Koolauloa boundary and running (1) northeasterly and southeasterly along the seashore to the southeast corner of Kaneohe Marine Corps Air Station; (2) southwesterly along the south boundary of the Kaneohe Marine Corps Air Station to Kaneohe Bay Drive; (3) southwesterly on a straight line to "Puu Papaa" Triangulation Station; (4) southwesterly along the top of the ridge to the Kailua-Kaneohe boundary; (5) southwesterly along the Kailua-Kaneohe boundary to a point where the Kailua-Kaneohe boundary intersects Kamehameha Highway; (6) southeasterly along Kamehameha Highway to its junction with Kalaniana'ole Highway and Pali Highway; (7) southerly and continuing along Pali Highway to a point opposite the Pali Lookout; (8) northwesterly along the top of the Koolau Range being the boundary between Koolaupoko and Honolulu, Ewa and Wahiawa and Koolauloa and Wahiawa and Waialua to the point of beginning, and the Island of Moku O Loe (Coconut Island)—three representatives.

TWENTY-FOURTH REPRESENTATIVE DISTRICT:

That portion of the Island of Oahu for convenience herein referred to as the southeastern portion of Koolaupoko, more particularly described as follows: Beginning at the seashore at Makapuu Point and running (1) westerly along the top of Koolau Range being the Honolulu-Koolaupoko boundary to the Pali Lookout; (2) northeasterly along Pali Highway to its junction with Kamehameha Highway and Kalaniana'ole Highway; (3) northwesterly on Kamehameha Highway to the boundary between Kaneohe and Kailua; (4) northeasterly along the Kailua-Kaneohe boundary to the point where the Kailua-Kaneohe boundary angles off the top of the ridge towards Kailua Bay; (5) northeasterly along the top of the ridge to "Puu Papaa" Triangulation Station; (6) northeasterly on a straight line to a point where the south boundary of the Kaneohe Marine Corps Air Station intersects Kaneohe Bay Drive; (7) easterly along the south boundary of Kaneohe Marine Corps Air Station to the seashore; (8) southeasterly along the seashore to the point of beginning—three representatives.

TWENTY-FIFTH REPRESENTATIVE DISTRICT:

The Islands of Kauai and Niihau—three representatives.

Amended 1968.

1968 SENATORIAL ELECTIONS

SECTION 2. Senators elected in the 1968 general election shall serve for two-year terms.

Added 1968.

TWENTY-SIXTH SENATOR, ALLOCATED TO KAUAI

SECTION 3. Effective for the first general election following ratification of the twelfth paragraph of Section 4 of Article III and until the next reapportionment, one senator shall be added to the twenty-five members of the senate as provided and with the effect set out in the twelfth paragraph of Section 4 of Article III and such senator shall be allocated to the basic island unit of Kauai.

Added 1968. Declared unconstitutional by U.S. District Court, July 8, 1970.

**EFFECTIVE DATE FOR APPORTIONMENT
AND DISTRICTING**

SECTION 4. The senatorial and representative districts and the numbers to be elected from each as set forth in Sections 1A and 1B of this article shall become effective for the first general election following ratification of the amendment to Section 2 of Article III and of Sections 1A and 1B of this article.

Added 1968.

REAPPORTIONMENT COMMISSION; ACTIVATION

SECTION 5. Anything in this constitution to the contrary notwithstanding, if Sections 1A and 1B of this article are not ratified, the reapportionment commission shall be constituted on or before March 1, 1969.

Added 1968.

CONFLICTS BETWEEN APPORTIONMENT PROVISIONS

SECTION 6. Sections 2 and 4 of Article III and Sections 1A, 2, 3, 4 and 5 of Article XVI, as amended and added by the constitutional convention of 1968, upon ratification, shall supersede Senate Bill No. 1102 of the Regular Session of 1967 even if the latter shall also be ratified. If less than all of the above sections are ratified, then those ratified shall supersede Senate Bill No. 1102 to the extent they are in conflict therewith, even if the latter should be ratified.

Added 1968.

SALARIES OF LEGISLATORS

SECTION 7. Until otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year.

Amended and renumbered, 1968; formerly Sec. 17.

START OF BIENNIAL BUDGETING AND APPROPRIATIONS

SECTION 8. Anything in this constitution to the contrary notwithstanding, the provisions relating to biennial budgeting and appropriations in Article VI shall take effect for the biennial period beginning July 1, 1971.

Added 1968.

**EFFECTIVE DATE AND APPLICATION
OF ARTICLE VII, SECTION 2**

SECTION 9. The amendments to Section 2 of Article VII shall take effect on the first day of January after three full calendar years have elapsed following their ratification. When the amendments take effect, Article VII shall apply to all county charters, whether adopted before or after the admission of Hawaii into the Union as a state.

Added 1968.

CONTINUITY OF LAWS

SECTION 10. All laws in force at the time amendments

to this constitution take effect that are not inconsistent with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments.

Amended and renumbered, 1968; formerly Sec. 2.

DEBTS

SECTION 11. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State.

Renumbered; formerly Sec. 3.

RESIDENCE, OTHER QUALIFICATIONS

SECTION 12. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory.

Renumbered; formerly Sec. 7.

CONDEMNATION OF FISHERIES

SECTION 13. All vested rights in fisheries in the sea waters not included in any fish pond or artificial inclosure shall be condemned to the use of the public upon payment of just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the State not otherwise appropriated.

Renumbered; formerly Sec. 9.

EFFECTIVE DATE

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State.

Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty and of the Independence of the United States of America the one hundred and seventy-fifth.

The amendments to this Constitution made by the Constitutional Convention of 1968 became effective upon acceptance by the electorate on November 5, 1968. Amendments made in 1972 became effective upon ratification by the electorate on November 7, 1972.

INDEX TO THE STATE CONSTITUTION

(Reference is to article: section.)

ACTION OR SUIT

Criminal prosecutions, requirements relating to, I: 11
Jury trial, when preserved, I: 10
Statehood, effect of, XVI: 10
Verdict of jury, number concurring in, I: 10

ADJOURNMENT

Legislature, III: 12, 14

ADMINISTRATIVE DIRECTOR OF THE COURTS

Appointment, V: 5

ADMINISTRATIVE DIRECTOR TO GOVERNOR

Appointment, IV: 5

AGE

Governor, IV: 1
Justices and judges, retirement, V: 3
Legislators, III: 7
Voters, II: 1

AGRICULTURE

Agricultural resources, conservation and development of, X: 1
Farms, development of public lands for, X: 5

ALLOWANCES

Legislators, III: 10
Wages and Salaries (this index)

AMENDMENT

Constitution, XV: 1-4
Hawaiian Homes Commission Act, XI: 1, 3
Ratification by electorate, XV: 2, 3

ANCESTRY

Discrimination or segregation because of, prohibited, I: 4, 7; IX: 1

APPOINTMENT

Administrative director
courts, V: 5
governor's office, IV: 5
Auditor, legislative, VI: 7
Board of inquiry on judge's incapacity, V: 4
Boards and commissions, executive departments, IV: 6
Constitutional convention, vacancy, XV: 2
Education, superintendent of, IX: 3
Executive and administrative officers, IV: 6
Judges, V: 3
Public officers, generally, IV: 6
Superintendent of education, IX: 3
University regents, IX: 5

Vacancy

constitutional convention, XV: 2
executive and administrative offices and departments, IV: 6

APPROPRIATIONS OF PUBLIC MONEY

Appropriation bills, passage of, VI: 5
Budget, VI: 4; XVI: 8
Constitutional conventions, XV: 2
General appropriations bill, VI: 5
Intergovernmental cooperation, to effect, XIV: 6
Post-audit, VI: 7
Public purposes, limited to, VI: 2
Rate of expenditure, control of, VI: 6
Sectarian or private educational institutions, support of, prohibited, IX: 1

ARMED FORCES

Military (this index)

ARMS

Right to bear, I: 15

ARREST

Legislators privileged from, III: 8

ASSEMBLY

Right of, I: 3

ATTORNEY

Assistance of, criminal cases, I: 11

AUDITOR

Legislative auditor, VI: 7

BAIL

Court may dispense with, I: 9
Excessive, forbidden, I: 9

BILL OF RIGHTS

Generally, I: 1-20

BILLS

Legislature (this index)

BOARDS AND COMMISSIONS

Generally, IV: 6
Allocation among principal departments, IV: 6
Education, board of, IX: 2, 3
Natural resources management, X: 2
Temporary agencies, IV: 6
University, board of regents, IX: 5

BONDS, PUBLIC

Authorization and terms, VI: 3

- Debt limitations, VI: 3
- Maturity, VI: 3
- Refunding bonds, VI: 3
- Revenue bonds, VI: 3
- Special improvement statutes, issued under, VI: 3
- BOUNDARIES
 - Representative districts, XVI: 1
 - Senatorial districts, XVI: 1
 - State, XIII: 1
- BUDGET
 - Formulation and submission, VI: 4; XVI: 8
- CAPITAL
 - Legislature to convene at, III: 11
 - State, XIII: 2
- CAPITAL CRIME
 - Presentment or indictment by grand jury required, exception, I: 8
- CIRCUIT COURTS
 - Judges
 - age of retirement, V: 3
 - appointment, V: 3
 - candidacy for election, effect of, V: 3
 - compensation, V: 3
 - holding other positions, V: 3
 - incapacity, retirement for, V: 4
 - qualifications, V: 3
 - removal, V: 4
 - retirement, V: 3
 - retirement for incapacity, V: 4
 - temporary service
 - other circuits, V: 5
 - supreme court, V: 2
 - term of office, V: 3
 - Judicial power, V: 1
 - Jurisdiction, V: 1
- CITIZENS AND CITIZENSHIP
 - Military service, discrimination respecting, I: 7
 - Privileges, denial of, I: 6
 - State citizenship requirement satisfied by corresponding territorial citizenship, XVI: 12
 - State officers, appointive, IV: 6
 - Voters, II: 1
- CIVIL POWER
 - Supremacy over the military, I: 14
- CIVIL RIGHTS
 - Denial of or discrimination concerning, I: 4
 - Enumeration, I: 1-20
 - Restoration by governor, legislature may authorize, IV: 5
- CIVIL SERVICE
 - Merit principle to govern, XIV: 1
- CODE OF ETHICS
 - Public officers and employees, XIV: 5
- COLLECTIVE BARGAINING
 - Private employees right of, XII: 1
 - Public employees, right of, XII: 2
- COMMUTATIONS
 - Pardons, Reprieves and Commutations* (this index)
- COMPENSATION
 - Wages and Salaries* (this index)
- CONDEMNATION
 - Fisheries, sea, XVI: 13
 - Just compensation, no taking without, I: 18
- CONGRESS
 - United States* (this index)
- CONSERVATION
 - Historical and cultural objects, VIII: 5
 - Natural resources, generally, X: 1-5
- CONSTITUTION, STATE
 - Amendments
 - generally, XV: 1-4
 - not subject to executive veto, XV: 4
 - proposals by
 - constitutional convention, XV: 1, 2
 - legislature, XV: 1, 3
 - Conflicting revisions or amendments, XV: 5
 - Construction, I: 20; XIV: 13-15
 - Effective date. After XVI: 13
 - Oath to support and defend, XIV: 4
 - Provisions, self-executing, XIV: 15
- CONSTITUTION, UNITED STATES
 - Adopted. Before Art. I
 - Oath to support and defend, XIV: 4
- CONSTITUTIONAL CONVENTION
 - Constitutional amendments, to propose, XV: 1
 - Organization, powers, etc., XV: 2
- CONVICTS (see also *Criminal Law*)
 - Civil rights, restoration of, IV: 5
 - Cruel or unusual punishment prohibited, I: 9
 - Felons, conditions for voting, II: 2
 - Pardons, reprieves, commutations, IV: 5
- CORPORATIONS
 - Public, issuance of revenue bonds, VI: 3
- COUNSEL
 - Assistance of, criminal cases, I: 11
 - State to provide indigents, I: 11
- COUNTIES
 - Bonds, authorization and indebtedness, VI: 3
 - Charter, VII: 2; XVI: 9
 - Claims accrued, mandated payment prohibited, VII: 4
 - Creation, VII: 1
 - Intergovernmental relations, XIV: 6
 - Natural resources controlled by counties, management of, X: 2
 - Taxing power, VII: 3

COURTS

Generally, V: 1-6
 Administrative director, V: 5
 Administrative head, V: 5
Circuit Courts (this index)
District Courts (this index)
 Establishment by legislature, V: 1
 Judicial power, vesting of, V: 1
 Jurisdiction as provided by law, V: 1
 Rules and regulations, V: 6
Supreme Court (this index)

CRIMINAL LAW

Accusation, informing the accused, I: 11
 Bail may be dispensed with, I: 9
 Civil rights, restoration of, IV: 5
 Compulsory process for obtaining witnesses, I: 11
 Confrontation of witnesses, I: 11
 Counsel, accused's right to assistance of, I: 11
 Double jeopardy, I: 8
 Excessive bail, fines, forbidden, I: 9
 Felons, conditions for voting, II: 2
 Impartial jury of the district, I: 11
 Legislators, privileged from arrest, III: 8
 Pardons, reprieves, commutations, IV: 5
 Presentment or indictment of grand jury, when required, I: 8
 Process, practice and procedure, rules relating to, V: 6
 Rights of accused, generally, I: 8, 11
 Self-incrimination, I: 8
 Speedy and public trial, I: 11
 Unusual or cruel punishment forbidden, I: 9

DEBT

Imprisonment for, prohibited, I: 17

DEBT LIMITATION

State and county, VI: 3

DEBTS AND LIABILITIES

Territory to State, XVI: 11

DEPARTMENTS, STATE

Allocation, IV: 6
 Heads of departments, appointment, term, removal, IV: 6
 Principal departments, limited to twenty, IV: 6

DISCRIMINATION

Ancestry, on account of, I: 4, 7; IX: 1
 Civil rights, I: 4
 Jury service, because of sex, I: 12
 Military service, I: 7
 Race, on account of, I: 4, 7; IX: 1
 Religion, on account of, I: 4, 7; IX: 1
 Segregation in public educational institutions, IX: 1
 Sex, on account of, I: 4, 12, new section

DISQUALIFICATION

Appointment, interim, IV: 6
 Governor, IV: 1
 Impeachment, as result of, III: 20
 Judges, V: 3
 Legislators, III: 9

Public officer or employee, XIV: 3
 Voters, II: 2

DISTRICT COURTS

Inferior courts, establishment, V: 1
 Jurisdiction, V: 1
 Legislature to establish, V: 1

DISTRICTS

Representative, III: 3, 4; XVI: 1
 Senatorial, III: 2, 4; XVI: 1

DOUBLE JEOPARDY

Protection from, I: 8

DUE PROCESS OF LAW

Deprivation of life, liberty or property without, forbidden, I: 4

EDUCATION

Generally, IX: 1-5
 Board of
 election, IX: 2
 geographic representation, IX: 2
 powers, IX: 3
 Private institutions, public support prohibited, IX: 1
 Public education system to be provided, IX: 1
 Public libraries, IX: 1
 Sectarian institution, public support prohibited, IX: 1
 Segregation prohibited, IX: 1
 Superintendent, IX: 3
University of Hawaii (this index)

ELECTIONS

Absentee voting, II: 4
 Age qualification for voting, II: 1
 Chief election officer, III: 4
 Citizenship qualifications for voting, II: 1
 Constitutional amendment, XV: 2, 3
 Constitutional convention delegates, XV: 2
 Contested, II: 7
 Disfranchisement, I: 6
 Districts, XVI: 1
 Education, board of, IX: 2
 Felons, conditions for voting, II: 2
 General, date of, II: 5
 Governor, IV: 1
 Legislature, members of, III: 5
 Lieutenant governor, IV: 2
 Method of voting, II: 4
 Non compos mentis disqualified from voting, II: 2
 Presidential preference primary, II: 6
 Reapportionment, III: 3, 4
 Registration of voters, II: 4
 Residence qualifications for voting, II: 1
 Secrecy of voting preserved, II: 4
 Special, II: 5
 Voting qualifications, II: 1, 2

EMINENT DOMAIN

Just compensation required, I: 18
 Sea fisheries, XVI: 13

EQUAL PROTECTION OF LAWS

Denial forbidden, I: 4

EXECUTIVE

- Agencies
 - allocation of, IV: 6
 - temporary, IV: 6
- Departments, principal, IV: 6
- Governor (this index)
- Powers, IV: 1, 5
- Public Officers and Employees (this index)

FARMS

- Development of public lands for, X: 5

FINES

- Excessive, forbidden, I: 9
- Imposition by legislature, as punishment of nonmembers, III: 19

FISHERIES

- Condemnation, XVI: 13
- Conservation and development, X: 1
- Sea, public rights to, X: 3

FLAG

- State, XIII: 3

FOREST RESOURCES

- Conservation and development, X: 1

FORMER JEOPARDY

- Right not to be in jeopardy twice for same offense, I: 8

FREEDOM

- Religion, speech, press, assembly, petition, I: 3

GAME

- Resources, conservation and development, X: 1

GOVERNOR

- Absence or disability, IV: 4
- Administrative director, appointment, IV: 5
- Appointment and removal power, IV: 6
- Armed forces, commander in chief of, IV: 5
- Budget, formulation and submission, VI: 4
- Circuit court judges, appointment, V: 3
- Civil rights, restoration, IV: 5
- Compensation, IV: 3
- Constitutional convention, filling vacancy in, XV: 2
- Election, IV: 1, 2
- Eligibility to hold other positions, IV: 1
- Executive powers, IV: 1, 5
- Heads of principal departments, appointment, removal, IV: 6
- Impeachment, III: 20; IV: 4
- Interim appointment of officers, IV: 6
- Invasion, repelling, IV: 5
- Judges
 - appointment, V: 3
 - retirement for incapacity, V: 4
- Lawless violence, prevention of, IV: 5
- Laws, execution of, IV: 5
- Legislature
 - bills
 - approval or veto, III: 17
 - submission of, IV: 5; VI: 4, 5

message to, IV: 5

sessions

- extension of, III: 11
- special, convening of, III: 11
- vacancy, filling of, III: 6
- Officers generally, appointment, removal, IV: 6
- Pardons, reprieves, commutations, IV: 5
- Qualifications, IV: 1
- Removal, III: 20
- Supreme court justices, appointment, V: 3
- Term of office, IV: 1
- University of Hawaii, board of regents, appointment, IX: 5
- Vacancy in office, IV: 4

GRAND JURY

- Indictment necessary, exceptions, I: 8

HABEAS CORPUS

- Suspension of writ, I: 13

HAWAIIAN FLAG

- State flag, designated as, XIII: 3

HAWAIIAN HOME LANDS

- Management and disposition, XI: 1, 2

HAWAIIAN HOMES COMMISSION ACT

- Amendment of, XI: 1, 2
- Compact with United States, subject of, XI: 1, 2
- Part of Constitution, XI: 1, 2

HEALTH AND WELFARE

- Generally, VIII: 1-5
- Housing, VIII: 4
- Intergovernmental cooperation on, XIV: 6
- Mentally handicapped, care, VIII: 2
- Physically handicapped, care, VIII: 2
- Public assistance, VIII: 3
- Sightliness and physical good order, VIII: 5
- Slum clearance, VIII: 4

HISTORICAL SITES

- Conservation and development, VIII: 5

HOLIDAYS

- Bill signing period, excluded from, III: 17
- Days of session, excluded in computing, III: 11

HOME OWNERSHIP

- Development of public lands for, X: 5

HONOLULU

- Capital of State, XIII: 2

HOUSING

- Low income, VIII: 4

IMMUNITIES

- Legislature, members of, III: 8
- Special, limitations on, I: 19

IMPEACHMENT

- Conviction, effect of, III: 20
- Governor, III: 20; IV: 4

- Lieutenant governor, III: 20; IV: 4
- Officers, appointive, III: 20
- Procedure, III: 20
- IMPRISONMENT
 - Debt, imprisonment for, prohibited, I: 17
 - Legislature may punish nonmembers by, III: 19
- INDICTMENT
 - When necessary, I: 8
- INFAMOUS CRIME
 - Presentment or indictment by grand jury, required, exception, I: 8
- INSANE AND INCOMPETENT PERSONS
 - Non compos mentis, disqualified to vote, II: 2
- INSURRECTION
 - Debts to suppress, VI: 3
 - Suppression, IV: 5
- INTERGOVERNMENTAL RELATIONS
 - Cooperation on public health, safety and general welfare, XIV: 6
- INVASION
 - Armed forces to repel, IV: 5
 - Debts to repel, VI: 3
 - Suspension of writ of habeas corpus in case of, I: 13
- JEOPARDY
 - Double, I: 8
- JOHNSTON ISLAND
 - Not within State, XIII: 1
- JUDICIARY
 - Generally, V: 1-6
 - Administrative director, appointment, V: 5
 - Chief justice, administrative head of courts, V: 5
 - Circuit Courts* (this index)
 - Courts* (this index)
 - District Courts* (this index)
 - Judicial power, vesting of, V: 1
 - Supreme Court* (this index)
- JURY
 - Criminal cases, I: 11
 - Disqualification of juror because of sex prohibited, I: 12
 - Grand jury, requirement of presentment or indictment by, I: 8
 - Suits at common law, when trial by jury preserved, I: 10
 - Verdict in civil cases, by less than twelve, I: 10
- KINGMAN REEF
 - Not within State, XIII: 1
- LABOR RELATIONS
 - Collective bargaining, XII: 1, 2
 - Right to organize, XII: 1, 2

LANDS

- Conditions of grants upon statehood, consented to by State, XIV: 9
- Federal, taxation of, XIV: 10
- Hawaii National Park, under United States jurisdiction, XIV: 11
- Public Lands* (this index)
- Resources, conservation and development, X: 1
- Title to territorial lands set aside for use of United States, XIV: 7
- Trust provisions imposed by Congress, XIV: 8

LAWS

- Bills. *Legislature* (this index)
- Continuity of, XVI: 10
- Due process of, I: 4
- Equal protection, I: 4
- Respecting freedom of religion, speech, press, assembly, petition, I: 3
- Suspension of, I: 13

LEGISLATURE

- Generally, III: 1-20
- Absentee voting, providing for, II: 4
- Adjournment, III: 12, 14
- Appointive officers, impeachment of, III: 20
- Appropriations
 - controls over, VI: 6
 - passage of measures relating to, VI: 5
- Auditor, appointment, removal, duties, VI: 7
- Ayes and noes, when entered in journal, III: 11, 13, 14, 18; XV: 3
- Bills
 - amendment, III: 16
 - amendment after veto, III: 17
 - appropriation
 - items subject to veto and reduction, III: 17
 - procedure, VI: 5
 - supplemental, VI: 5
 - carried over between sessions, III: 16
 - certification, III: 16, 17
 - enacting clause, III: 15
 - enactment of laws, only by bill, III: 15
 - final passage, vote required for, III: 14
 - final reading, III: 16
 - governor
 - approval or veto, III: 17, 18
 - submission by, IV: 5; VI: 4
 - readings, III: 16
 - recall from committee of, III: 13
 - subject, restricted to one, III: 15
 - title, III: 15
 - transmittal to governor, III: 17
 - veto
 - procedures upon, III: 17, 18
 - reconsideration by legislature after adjournment, III: 17
- Bonds exceeding debt limit, authorization, VI: 3
- Budget, governor to prepare and submit, VI: 4
- Compensation, III: 10; XVI: 7
- Constitution, amendments to, XV: 1-3
- Contempt of, III: 19
- Counties, creation of, VII: 1
- Courts, establishment, V: 1
- General appropriations bill, passage of, VI: 5

- Governor
 impeachment of, III: 20
 message of, IV: 5
 recommendations of, IV: 5
 submission of bills by, IV: 5; VI: 4, 5
- House of Representatives
 apportionment, XVI: 1
 members
 number, III: 3; XVI: 1
 qualifications, III: 7
 terms, III: 5
 reapportionment, III: 4
 representative districts, XVI: 1
 representative districts, redistricting, III: 4
- Impeachment of officers, III: 20
- Intergovernmental relations, providing for, XIV: 6
- Journal
 entry of votes in, III: 11, 13, 14, 18; XV: 3
 keeping of, III: 13
- Legislative apportionment advisory councils, III: 4
- Legislative power, general, III: 1
- Legislative reapportionment commission, III: 4; XVI: 5
- Legislative salary commission, III: 10
- Lieutenant governor, impeachment of, III: 20
- Members in general
 compensation, III: 10; XVI: 7
 compulsory attendance, III: 14
 disqualifications, III: 9
 election of, III: 5
 holding other positions, III: 9
 privileges of, III: 8
 punishment of, III: 13
 qualifications, each house judge of, III: 13
- Minimum representation, III: 4
- Nonmembers, punishment of, III: 19
- Officers, choosing, III: 13
- Organization, III: 13
- Political subdivisions, creation of, VII: 1
- Quorum, III: 14
- Registration of voter, providing for, II: 4
- Rules of procedure, III: 13
- Senate
 appointment of officers, advice and consent, IV: 6
 apportionment, XVI: 1
 board of regents, confirming appointment of, IX: 5
 districts, XVI: 1
 districts, redistricting, III: 4
 judges, confirmation of appointments, V: 3
 members
 number, III: 2; XVI: 1, 3-4
 qualifications, III: 7
 terms, III: 5; XVI: 2
 reapportionment, III: 4
 removal of chief legal officer, advice and consent, IV: 6
- Sessions
 compensation, III: 10; XVI: 7
 extension, III: 11
 length, III: 11
 number of days, computing, III: 11, 17
 recess, III: 11
 reconsideration of bills returned after adjournment, III: 17
- regular, III: 11
 senate alone, III: 11
 special, III: 11
 time and place, III: 11
- Suspension of writ of habeas corpus and laws, I: 13
- Vacancy, III: 6
- Verdict in civil cases, may provide for, I: 10
- Vote, ordinary business, III: 14
- Voting methods, prescribing, II: 4
- LIBERTY
 Deprivation without due process of law forbidden, I: 4
- LIBRARIES
 Public, establishment, IX: 1
- LIEUTENANT GOVERNOR
 Absence or disability, IV: 4
 Compensation, IV: 3
 Constitutional convention, convening of, XV: 2
 Duties, to be prescribed by law, IV: 2
 Election, IV: 2
 Impeachment, III: 20; IV: 4
 Qualifications, IV: 2
 Removal, III: 20
 Succession to governor's office, IV: 3, 4
 Term of office, IV: 2
 Vacancy in office, IV: 4
- LIFE
 Deprivation without due process of law forbidden, I: 4
- LOYALTY
 Oath, public officers, XIV: 4
 Requirements for public employment, XIV: 3
- MANDAMUS
 Reapportionment of legislature, to compel, III: 4
- MENTALLY HANDICAPPED
 State care, VIII: 2
- MIDWAY ISLANDS
 Not within State, XIII: 1
- MILITARY
 Capital crimes arising in armed forces, I: 8
 Discrimination in denial of enlistment, prohibited, I: 7
 Execution of laws, IV: 5
 Governor, commander in chief, IV: 5
 Insurrection, invasion, violence, suppression of, IV: 5
 Power subordinate to civil power, I: 14
 Segregation prohibited, I: 7
 Soldiers, quartering of, I: 16
- MINERAL RESOURCES
 Conservation and development, X: 1
- NATURAL RESOURCES
 Conservation and development, X: 1-5
- NOTARY PUBLIC
 Qualification of legislator for office of, III: 9

OATH AND AFFIRMATION

- Public officers, oath of office, XIV: 4
- Warrants, searches and seizures, supported by, I: 5

OFFICERS

- Public Officers and Employees* (this index)

PALMYRA

- Excluded from state boundaries, XIII: 1

PARDONS, REPRIEVES AND COMMUTATIONS

- Conviction
 - by other states, restoration of civil rights lost by, IV: 5
 - pardons before, IV: 5
- Governor's power, IV: 5
- Impeachment, pardons for, IV: 5
- Regulation by law, IV: 5

PARKS

- Generally, VIII: 5
- National, jurisdiction and control, XIV: 11

PEOPLE

- Bill of rights, generally, I: 1-20
- Enumeration of rights, not to impair others retained, I: 20
- Political power inherent in, I: 1

PETITION

- Right of, I: 3

PHYSICALLY HANDICAPPED

- State care, VIII: 2

POLICE

- Reserve, appointment of legislator in, III: 9

POLITICAL POWER

- Inherent in people, I: 1
- Responsibility for exercise of, I: 1

POWER

- Civil over military, I: 14
- Political, inherent in people, I: 1
- State
 - enumeration not to limit, XIV: 14
 - impairment by grant of special privileges prohibited, I: 19

PRESENTMENT

- When necessary, I: 8

PRESIDENTIAL PRIMARY

- May be held, II: 6

PRESS

- Freedom of, I: 3

PRISONS

- Imprisonment for debt, prohibited, I: 17

PRIVACY

- Right to, I: 5

PRIVILEGES AND IMMUNITIES

- Legislature, members of, III: 8
- Special, irrevocable, prohibited, I: 19

PROPERTY

- Deprivation without due process of law forbidden, I: 4
- Eminent domain, I: 18
- Federal, taxation of, XIV: 10
- Private
 - damaging for public use, I: 18
 - right to acquire and possess, I: 2
 - subject to regulation for public sightliness, VIII: 5
 - taking for public use, I: 18

PUBLIC ASSISTANCE

- Health and Welfare* (this index)

PUBLIC CREDIT

- Public purposes, limited to, VI: 2

PUBLIC FUNDS

- Expenditures
 - control of, VI: 6
 - limited to public purposes, VI: 2
- Post audit, VI: 7
- Sectarian or private educational institutions, support of, prohibited, IX: 1

PUBLIC LANDS

- Farm and home ownership, development for, X: 5
- Laws respecting, required to be general, exceptions, X: 4
- Management and disposition of, X: 2, 4, 5

PUBLIC OFFICE

- Definition, III: 9

PUBLIC OFFICERS AND EMPLOYEES

- Appointive officers generally, IV: 6
- Civil service, XIV: 1
- Code of ethics, XIV: 5
- Disqualification for employment, XIV: 3
- Head of principal department
 - appointment, IV: 6
 - removal, IV: 6
 - term, IV: 6
- Impeachment, III: 11, 20
- Interim appointments, IV: 6
- Legislator, disqualifications of, III: 9
- Merit principle, XIV: 1
- Oath of office, XIV: 4
- Organize for collective bargaining, right to, XII: 2
- Principal executive officer of board or commission, appointment, IV: 6
- Removal, III: 20
- Retirement system, XIV: 2

PUNISHMENT

- Unusual or cruel, forbidden, I: 9

QUORUM

- Legislature, III: 14

RACE

- Discrimination, prohibited, I: 4, 7; IX: 1

REAL PROPERTY

Lands (this index)

REBELLION

Armed forces to suppress, use of, IV: 5
Debts to suppress, VI: 3
Suspension of writ of habeas corpus in case of, I: 13

REFERENDUM

Constitutional amendments, XV: 2, 3
Constitutional conventions, convening, XV: 2

REGISTRATION

Voters, II: 4

RELIGION

Discrimination, prohibited, I: 4, 7; IX: 1
Freedom of, I: 3
Public grants respecting, VI: 2
Sectarian educational institutions, public support prohibited, IX: 1

REMOVAL FROM OFFICE

Appointive officers, generally, IV: 6
Auditor, legislative, VI: 7
Chief legal officer, IV: 6
Governor, III: 20
Heads of principal departments, IV: 6
Impeachment, on conviction of, III: 20
Judges, V: 4
Legislator, III: 13
Lieutenant governor, III: 20
Principal executive officer, IV: 6

REPRIEVES

Pardons, Reprieves and Commutations (this index)

RESIDENCE

Appointive officers, IV: 6
Governor, IV: 1
Persons engaged in navigation, II: 3
Persons in employ of United States, II: 3
Representatives, III: 7
Senators, III: 7
State, meeting requirements of, XVI: 12
Students, II: 3
Voters, II: 1

RETIREMENT

Employees' Retirement System, XIV: 2
Judges, V: 3, 4

REVENUE BONDS

Debt limitation, when not subject to, VI: 3

RIGHTS OF MAN

Bill of rights, generally, I: 1-20
Civil Rights (this index)

RULES

Constitutional convention, XV: 2
Legislature, for proceedings of, III: 13
Supreme court, V: 6

SALARIES

Wages and Salaries (this index)

SAND ISLAND

Not within State, XIII: 1

SCHOOLS

Education (this index)
University of Hawaii (this index)

SEARCHES AND SEIZURES

Unreasonable, prohibited, I: 5
Warrants, restrictions, I: 5

SEGREGATION

Military organizations, prohibited, I: 7
Public education institutions, prohibited, IX: 1

SELF-INCRIMINATION

Criminal cases, I: 8

SEX

Discrimination on account of, forbidden, I: 4
Disqualification for services as juror, forbidden, I: 12
Equality of rights, I: new section

SLUM CLEARANCE

Power in State, VIII: 4

SOLDIERS

Quartering of, I: 16

SPEECH

Freedom of, I: 3
Legislators, privilege of, III: 8

STATE OF HAWAII

Boundaries, XIII: 1
Capital, XIII: 2
Debt limitations, VI: 3
Flag, XIII: 3
Intergovernmental cooperation, XIV: 6
Judicial rights
 preserved for State, accepted, XIV: 12
 reserved to United States, consented to, XIV: 12
Political power inherent in people, I: 1
Representative districts, III: 4; XVI: 1
Residence, citizenship, other qualifications, satisfaction of, XVI: 12
Senatorial districts, III: 2; XVI: 1
Special privileges, limitation on granting of, I: 19
Trust provisions concerning lands, compliance with, XIV: 8

SUFFRAGE

Elections (this index)

SUITS

Action or Suit (this index)

SUNDAYS

Legislature
 bills, excluded from signing period, III: 17
 days of session, excluded from, III: 11

SUPERINTENDENT OF EDUCATION

Appointment and duties, IX: 3

SUPREME COURT

Administrative director, approval of appointment, V: 5

Administrative head, chief justice as, V: 5

Chief justice

administrative director, appointment, V: 3

administrative head of Judiciary Department, V: 5
appointment, V: 3

circuit court judges, temporary assignment of, V: 2, 5

impeachment of governor and lieutenant governor, presiding at, III: 20

vacancy or absence, V: 2

Circuit court judges, temporary service by, V: 2

Constituted how, V: 2

Judicial power vested in, V: 1

Jurisdiction, V: 1

Justices

age of retirement, V: 3

appointment, V: 3

candidacy for election, forfeiture of office for, V: 3

compensation, V: 3

eligibility to hold other positions, V: 3

incapacity, retirement for, V: 4

qualifications, V: 3

removal, V: 4

retirement, V: 3

retirement for incapacity, V: 4

term, V: 3

Reapportionment of legislature, jurisdiction concerning, III: 4

Rules and regulations for courts, V: 6

TAXATION

Federal lands and property, XIV: 10

Public purposes, limited to, VI: 2

Taxing power

inalienable, VI: 1

reserved to State, exception, VII: 3

TERRITORY OF HAWAII

Debts and liabilities assumed, XVI: 11

UNITED STATES

Constitution, adopted. Before Art. I

Hawaii National Park, jurisdiction and control, XIV: 11

Hawaiian Homes Commission Act, compact with State respecting, XI: 1, 2

Laws relating to lands, continued, XVI: 10

Property, taxation by State, XIV: 10

Reservation of judicial rights, consented to by State, XIV: 12

Rights reserved to United States, consented to by State, XIV: 9

Title to territorial lands set aside for use of, XIV: 7

Trust provisions concerning land, State to comply, XIV: 8

UNITED STATES CONSTITUTION

Adopted. Before Art. I

UNIVERSITY OF HAWAII

Board of regents, appointment, powers, IX: 5

Established, IX: 4

President, IV: 6; IX: 5

VACANCIES

Appointive officers, generally, IV: 6

Chief justice, V: 2

Constitutional convention, XV: 2

Governor, IV: 4

Interim appointment to fill, IV: 6

Legislature, III: 6

Lieutenant governor, IV: 4

Supreme court, V: 2

VERDICT

Civil cases, may be by less than twelve, I: 10

VETO

Appropriation bills, item veto, III: 17

Bills, generally, III: 17, 18

Overriding, III: 17, 18

Proposed constitutional amendment, not subject to veto, XV: 4

VOTING

Elections (this index)

WAGES AND SALARIES

Governor, IV: 3

Judges, V: 3

Legislators, III: 10; XVI: 7

Lieutenant governor, IV: 3

WAR

Bonds to defend State, VI: 3

Crimes in time of, trial for, I: 8

WARRANTS

Searches and seizures, I: 5

WATER

Resources, conservation and development, X: 1

WELFARE

Grant of special privileges not to impair, I: 19

Health and Welfare (this index)

WITNESSES

Confrontation, criminal cases, I: 11

Process for obtaining, criminal cases, I: 11

Self-incrimination, I: 8

WOMEN

Jury service, I: 12

EXPENSES OF THE CONVENTION

Delegates' Salary	\$ 205,000.00
Delegates' Per Diem	224,235.00
Employees' Salary	339,876.04
Other Services	6,000.00
Employees' Per Diem	370.00

Other Expenditures:

Stationery & Office Supplies	15,788.44
Other Supplies	396.50
Postage	923.88
Telephone & Telegram	12,814.51
Delegates' Mileage	1,441.24
Travel	5,024.00
Employees' Auto Allowance	825.00
Transportation Service—Freight	21.02
Printing—Service	6,364.64
Printing & Binding—Journal	79,227.73
Advertising	20,071.90
Rental—Office Equipment	9,004.88
Repair—Office Equipment	209.00
Repair & Maintenance—Building	16,348.82
Office Equipment	175.66
Miscellaneous	5,195.95
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Total Expenditures	\$ 949,314.21
Balance	255,685.79
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Appropriation — Act 3, SLH 1968	\$ 1,205,000.00

DELEGATES' SALARY

	Amount
Peter A. Aduja	\$ 2,500.00
Ralph K. Ajifu	2,500.00
Clarence Y. Akizaki	2,500.00
Emilio S. Alcon	2,500.00
Sakae Amano	2,500.00
Alvin Amaral	2,500.00
Richard E. Ando	2,500.00
Ethel K. C. Andrade	2,500.00
Toshio Ansai	2,500.00
George R. Ariyoshi	2,500.00
James K. Bacon	2,500.00
Tadao Beppu	2,500.00
Ed C. Bryan	2,500.00
Hayden F. Burgess	2,500.00
Robert D. Y. Chang	2,500.00
Donald D. H. Ching	2,500.00
Hung Wo Ching	2,500.00
Dorothy L. Devereux	2,500.00
Robert G. Dodge	2,500.00
Nelson K. Doi	2,500.00
John F. Dyer	2,500.00
Frank F. Fasi	2,500.00
William E. Fernandes	2,500.00
John W. Goemans	2,500.00
Diana C. Hansen	2,500.00
Stanley I. Hara	2,500.00
William Harper	2,500.00
Yoshio Hasegawa	2,500.00
Mario A. Hidalgo	2,500.00
Thomas K. Hitch	2,500.00
Stuart Ho	2,500.00
John J. Jaquette	2,500.00
Kekoa D. Kaapu	2,500.00
Kazuo Kage	2,500.00
Richard M. Kageyama	2,500.00
Hiram K. Kamaka	2,500.00
Hiroshi Kato	2,500.00
Charles E. Kauhane	2,500.00
Richard A. Kawakami	2,500.00
Duke T. Kawasaki	2,500.00
Takeshi Kudo	2,500.00
Tony T. Kunimura	2,500.00
Thomas K. Lalakea	2,500.00
Leland E. G. Larson	2,500.00
Peter C. Lewis	2,500.00
Rhoda V. Lewis	2,500.00
Frank W. C. Loo	2,500.00
George W. T. Loo	2,500.00
Tennyson Lum	2,500.00
Toraki Matsumoto	2,500.00
John J. Medeiros	2,500.00
Barney B. Menor	2,500.00
Momi T. Minn	2,500.00
Howard Y. Miyake	2,500.00
Jack H. Mizuha	2,500.00
Ted T. Morioka	2,500.00
Keo Nakama	2,500.00
Shigeyuki Nakatani	2,500.00
George K. Noguchi	2,500.00
Dennis E. W. O'Connor	2,500.00
Howard K. Oda	2,500.00
Hiroshi Ozaki	2,500.00
Hebden Porteus	2,500.00

DELEGATES' SALARY (continued)

	Amount
Jacob Y. Pyo	2,500.00
Patricia F. Saiki	2,500.00
Richard P. Schulze, Jr.	2,500.00
Edna C. Shiigi	2,500.00
Alfred O. Souza	2,500.00
Keith J. Steiner	2,500.00
Richard C. Sutton	2,500.00
Jack K. Suwa	2,500.00
Robert S. Taira	2,500.00
Sakae Takahashi	2,500.00
Yoshito Takamine	2,500.00
Mitsuo Uechi	2,500.00
Meyer M. Ueoka	2,500.00
John T. Ushijima	2,500.00
Robert M. Wright	2,500.00
James K. Yamamoto	2,500.00
T. C. Yim	2,500.00
Nadao Yoshinaga	2,500.00
Patsy K. Young	2,500.00
	<u>\$205,000.00</u>

DELEGATES' PER DIEM

	Days	Rate	Amount
Peter A. Aduja	77	\$32.50	\$2,502.50
Ralph K. Ajifu	77	32.50	2,502.50
Clarence Y. Akizaki	77	32.50	2,502.50
Emilio S. Alcon	77	32.50	2,502.50
Sakae Amano	84	32.50	2,730.00
Alvin Amaral	1	32.50	
	76	45.00	3,452.50
Richard E. Ando	78	32.50	2,535.00
Ethel K. C. Andrade	2	32.50	
	76	45.00	3,485.00
Toshio Ansai	1	32.50	
	77	45.00	3,497.50
George R. Ariyoshi	77	32.50	2,502.50
James K. Bacon	77	32.50	2,502.50
Tadao Beppu	72	32.50	2,340.00
Ed C. Bryan	6	45.00	
	73	32.50	2,642.50
Hayden F. Burgess	66	32.50	2,145.00
Robert D. Y. Chang	5	45.00	
	72	32.50	2,565.00
Donald D. H. Ching	76	32.50	2,470.00
Hung Wo Ching	77	32.50	2,502.50
Dorothy L. Devereux	79	32.50	2,567.50
Robert G. Dodge	3	45.00	
	75	32.50	2,572.50
Nelson K. Doi	2	32.50	
	77	45.00	3,530.00
John F. Dyer	78	32.50	2,535.00
Frank F. Fasi	77	32.50	2,502.50
William E. Fernandes	1	32.50	
	77	45.00	3,497.50
John W. Goemans	77	32.50	2,502.50
Diana C. Hansen	80	32.50	2,600.00
Stanley I. Hara	2	32.50	
	74	45.00	3,395.00
William Harper	77	32.50	2,502.50
Yoshio Hasegawa	78	32.50	2,535.00
Mario A. Hidalgo	77	32.50	2,502.50

DELEGATES' PER DIEM (continued)

	Days	Rate	Amount
Thomas K. Hitch	77	32.50	2,502.50
Stuart Ho	77	32.50	2,502.50
John J. Jaquette	1	45.00	
	78	32.50	2,580.00
Kekoa D. Kaapu	77	32.50	2,502.50
Kazuo Kage	1	32.50	
	78	45.00	3,542.50
Richard M. Kageyama	77	32.50	2,502.50
Hiram K. Kamaka	6	45.00	
	72	32.50	2,610.00
Hiroshi Kato	77	32.50	2,502.50
Charles E. Kauhane	77	32.50	2,502.50
Richard A. Kawakami	1	32.50	
	76	45.00	3,452.50
Duke T. Kawasaki	77	32.50	2,502.50
Takeshi Kudo	2	32.50	
	74	45.00	3,395.00
Tony T. Kunimura	1	32.50	
	76	45.00	3,452.50
Thomas K. Lalakea	76	32.50	2,470.00
Leland E. G. Larson	78	32.50	2,535.00
Peter C. Lewis	6	45.00	
	75	32.50	2,707.50
Rhoda V. Lewis	78	32.50	2,535.00
Frank W. C. Loo	76	32.50	2,470.00
George W. T. Loo	76	32.50	2,470.00
Tennyson Lum	76	32.50	2,470.00
Toraki Matsumoto	77	32.50	2,502.50
John J. Medeiros	77	32.50	2,502.50
Barney B. Menor	76	32.50	2,470.00
Momi T. Minn	68	32.50	2,210.00
Howard Y. Miyake	77	32.50	2,502.50
Jack H. Mizuha	1	32.50	
	78	45.00	3,542.50
Ted T. Morioka	72	32.50	2,340.00
Keo Nakama	77	32.50	2,502.50
Shigeyuki Nakatani	2	32.50	
	75	45.00	3,440.00
George K. Noguchi	77	32.50	2,502.50
Dennis E. W. O'Connor	78	32.50	2,535.00
Howard K. Oda	77	32.50	2,502.50
Hiroshi Ozaki	77	45.00	3,465.00
Hebden Porteus	6	45.00	
	76	32.50	2,740.00
Jacob Y. Pyo	77	32.50	2,502.50
Patricia F. Saiki	75	32.50	2,437.50
Richard P. Shulze, Jr.	7	45.00	
	73	32.50	2,687.50
Edna C. Shiigi	77	32.50	2,502.50
Alfred O. Souza	1	32.50	
	76	45.00	3,452.50
Keith J. Steiner	78	32.50	2,535.00
Richard C. Sutton	77	32.50	2,502.50
Jack K. Suwa	2	32.50	
	79	45.00	3,620.00
Robert S. Taira	79	32.50	2,567.50
Sakae Takahashi	77	32.50	2,502.50
Yoshito Takamine	2	32.50	
	75	45.00	3,440.00
Mitsuo Uechi	76	32.50	2,470.00
Meyer M. Ueoka	1	32.50	
	77	45.00	3,497.50
John T. Ushijima	2	32.50	

DELEGATES' PER DIEM (continued)

	Days	Rate	Amount
	73	45.00	3,350.00
Robert M. Wright	77	32.50	2,502.50
James K. Yamamoto	2	32.50	
	75	45.00	3,440.00
T. C. Yim	78	32.50	2,535.00
Nadao Yoshinaga	77	32.50	2,502.50
Patsy K. Young	80	32.50	2,600.00
			<u>\$224,235.00</u>

EMPLOYEES' SALARY

Seichi Hirai – Administrator	\$	10,555.54
Shigeto Kanemoto – Clerk		11,250.00
George M. Takane – Assistant Clerk		6,000.00
James T. Funaki – Attorney		7,150.00
George P. Holt – Attorney		5,500.00
Harold Y. Shintaku – Attorney		8,250.00

	Days	Rate	Amount
Marguerite V. Widemann – Secretary, President	70	\$ 38.00	\$2,660.00
Harvey H. Kimura – Sergeant-At-Arms	78	42.00	3,701.00
Stephen C. Lee – Sergeant-At-Arms	78	42.00	3,701.00
Frederick K. McWayne – Sergeant-At-Arms ..	78	42.00	3,701.00
Irene A. Sakamoto – Secretary, Clerk	80	31.00	
		650.00	3,130.00
Edward H. Horiuchi – Accountant	78	40.00	
		500.00	3,620.00
Ruth E. Kushimaejo – Journal Clerk	80	38.00	
		1,162.50	4,202.50
L. Lounelle Medeiros – Journal Clerk	80	38.00	3,040.00
Joyce K. Kanemura – Engrosser	80	32.50	
		975.00	3,575.00
Leatrice G. Paik – Records Clerk	74	32.50	2,405.00
Laraine L. Tanabe – Sound Technician	75	28.50	2,137.50
Joseph K. Shikata – Property & Supply Clerk .	78	30.00	
		1,200.00	3,540.00
Geraldine B. Kauai – Legal Stenographer	65	31.00	2,015.00
Evelyn K. Kawakami – Legal Stenographer ...	66	31.00	2,046.00
Jean A. Patterson – Legal Stenographer	66	31.00	2,046.00
Karen K. Tamura – Secretary, Administrator .	43	31.00	1,333.00
Colleen K. Hirai – Secretary, Administrator ..	8	31.00	248.00
Alice K. Kashinoki – Chief Messenger	50	27.50	1,375.00
Henry K. Ho – Messenger	57	20.00	1,140.00
Steven Iwanaga – Messenger	44	20.00	880.00
Howard M. Fukushima – Messenger	47	20.00	940.00
Odetta Oliver – Messenger	59	20.00	1,180.00
Elizabeth J. Ignacio – Messenger	59	20.00	1,180.00
Jadelyn Andrade – Messenger	38	20.00	760.00
Norma Doctor – Messenger	37	20.00	740.00
Haruo Morita – Messenger	59	20.00	1,180.00
Joan Y. Nosse – Messenger	41	20.00	820.00
Diane M. Kahanu – Messenger	54	20.00	1,080.00
Marvis Quirit – Messenger	55	20.00	1,100.00
Jed Sueoka – Messenger	52	20.00	1,040.00
Clyde M. Hamai – Chief Custodian	53	22.00	1,166.00
Beatrice C. C. Hano – Custodian	50	18.00	900.00
Teri Nakama – Custodian	38	18.00	684.00
Melcolm K. Brumaghim – Custodian	17	18.00	306.00
Michael L. Standley – Custodian	32	18.00	576.00
Davideen Meyers – Custodian	18	18.00	324.00
Leslie S. Kiyabu – Custodian	52	18.00	

EMPLOYEES' SALARY (continued)

	Days	Rate	Amount
	4	22.00	1,024.00
Albert Akima – Custodian	58	18.00	1,044.00
Gerald Y. Ching – Custodian	42	18.00	756.00
Dennis M. Ginden – Custodian	44	18.00	792.00
Christopher B. Duque – Custodian	2	18.00	
	42	9.00	414.00
Christine K. Higa – Custodian	14	18.00	252.00
Susan L. Reeves – Custodian	42	18.00	756.00
Rinda J. Sabas – Custodian	41	18.00	738.00
Edith B. Fellezs – Custodian	33	9.00	
	24	18.00	729.00
Agnes K. Fernandez – Custodian	57	18.00	1,026.00
Eliza K. Miguel – Custodian	59	18.00	1,062.00
Timothy Oshiro – Custodian	20	9.00	
	28	18.00	684.00
Elizabeth W. Puha – Custodian	59	18.00	1,062.00
Maybelle K. Namba – Parking Attendant	57	20.00	1,140.00
Deborah M. Shimooka – Parking Attendant ..	58	20.00	1,160.00
Alexander P. Almeida – Parking Attendant ...	12	20.00	240.00
Melvin M. Endo – Parking Attendant	53	20.00	1,060.00
Daniel Kealoha – Parking Attendant	11	20.00	220.00
Eric D. Lee – Parking Attendant	12	20.00	240.00
James B. Awana – Parking Attendant	12	20.00	240.00
Stephen A. Hidalgo – Watchman	55	10.00	550.00
James K. Pokipala – Watchman	3	18.00	
	55	20.00	1,154.00
Midori Morita – Watchman	52	20.00	1,040.00
Christopher S. Sakai – Watchman	55	10.00	550.00
Nora N. Ogawa – Printshop Manager	5	27.50	
	75	37.00	2,912.50
Mary S. Gregory – Machine Operator	71	27.50	1,952.50
Mona D. Hao – Machine Operator	65	27.50	1,787.50
Alma M. Kato – Machine Operator	58	27.50	1,595.00
Joseph L. Sylva – File Clerk	54	20.00	1,080.00
Dallas K. Jensen – File Clerk	51	20.00	1,020.00
Dorothy K. Horie – File Clerk	59	20.00	1,180.00
Patricia N. Onaga – File Clerk	58	20.00	1,160.00
Eleanor A. Pelekane – File Clerk	56	20.00	1,120.00
Melodie C. Aduja – Secretary, Aduja	51	31.00	1,581.00
Toyoko Ajifu – Secretary, Ajifu	8	31.00	248.00
Laura M. Ajifu – Secretary, Ajifu	44	31.00	1,364.00
Isabelle M. Kimura – Secretary, Akizaki	52	31.00	1,612.00
Sharron L. Aana – Secretary, Alcon	51	20.00	1,020.00
Leopoldo Ancheta – Secretary, Alcon	51	5.50	280.50
Adolfo T. Mina – Secretary, Alcon	51	5.50	280.50
Virginia M. Nakamura – Secretary, Amano ...	52	31.00	1,612.00
Sandra S. Nakamura – Secretary, Amaral	52	31.00	1,612.00
Paul W. Lovinger – Research Asst., Ando	50	40.00	2,000.00
Jean K. Matsuda – Secretary, Ando	62	31.00	1,922.00
Larry T. Takumi – Clerk, Committee On Style	49	31.00	1,519.00
Marion T. Uyeno – Clerk, Legislative Powers ..	47	31.00	1,457.00
Julie A. Rocha – Secretary, Andrade	44	31.00	1,364.00
Hazel M. Yamauchi – Secretary, Ansai	56	31.00	1,736.00
Evelyn Teramae – Clerk, Rules Committee ...	48	31.00	1,488.00
Sachiko K. Miki – Clerk, Rules Committee ...	48	31.00	1,488.00
William L. McWayne, Sr., – Clerk, Ansai	2	31.00	62.00
Cynthia Y. Ikeda – Secretary, Ariyoshi	51	31.00	1,581.00
Sylvia A. Costa – Secretary, Bacon	52	31.00	1,612.00
Marie Gillespie – Admn. Asst., Beppu	65	40.00	2,600.00
Juliette B. Sagum – Secretary, Beppu	52	31.00	1,612.00
Masae Yamane – Secretary, Bryan	64	31.00	1,984.00
Patricia S. Inake – Clerk, V.P., Bryan	1	31.00	31.00
Alice Y. Inake – Clerk, V.P., Bryan	49	31.00	1,519.00

EMPLOYEES' SALARY (continued)

	Days	Rate	Amount
Christabelle Sonoda — Secretary, Burgess ...	50	31.00	1,550.00
Andrew L. Temple — Clerk, V.P., Chang ...	26	28.00	
	16	31.00	1,224.00
Kathryn Suderman — Clerk, V.P., Chang ...	28	20.00	
	24	31.00	1,304.00
Diana N. Kearns — Secretary, Chang	9	31.00	
	23	14.00	601.00
Arlene E. Kuniyoshi — Secretary, Ching ...	43	31.00	1,333.00
Donna R. Ching — Secretary, Ching	9	31.00	279.00
Elsie T. Honda — Secretary, Hung Wo Ching ..	52	31.00	1,612.00
Raymond Cheong — Researcher, Hung Wo Ching	48	40.00	1,920.00
Susan M. Baraty — Secretary, Devereux	51	31.00	1,581.00
Billie P. Warinner — Secretary, Dodge	51	31.00	1,581.00
Nancy A. Corpuz — Secretary, Doi	50	31.00	1,550.00
Stephen G. Bess — Research Asst., Doi	49	40.00	1,960.00
Gary Okabayashi — Exec. Comm., Clerk, Doi ..	42	31.00	1,302.00
Erna V. Roberts — Secretary, Dyer	38	31.00	1,178.00
Lorraine S. Mackay — Secretary, Fasi	52	31.00	1,612.00
Rosita Villanueva — Secretary, Fernandes	65	31.00	2,015.00
W. L. Fernandes — Clerk, V.P., Fernandes	44	31.00	1,364.00
Deborah N. Fernandes — Clerk, V.P., Fernandes	6	31.00	186.00
Molly C. Soranaka — Secretary, Goemans	52	31.00	1,612.00
Barbara L. Burns — Secretary, Hansen	52	31.00	1,612.00
Salome K. Meagher — Secretary, Harper	51	31.00	1,581.00
Charlotte R. Nomura — Secretary, Hasegawa ..	19	31.00	589.00
Elinor Y. Yasui — Secretary, Hasegawa	32	31.00	992.00
Cynthia A. Hidalgo — Secretary, Hidalgo	52	31.00	1,612.00
Masako M. Okuhira — Secretary, Hitch	44	15.50	682.00
Helen L. Bevens — Secretary, Hitch	49	15.50	759.50
Joan Ann Boileau — Clerk, Hitch	50	31.00	1,550.00
Lewis P. Freitas — Researcher, Hitch	53	40.00	2,120.00
Mary E. Miller — Secretary, Ho	51	31.00	1,581.00
Justin Gallagher — Public Relation, Jaquette ..	42	40.00	1,680.00
Joanne R. Tice — Researcher, Jaquette	2	6.00	
	38	24.00	924.00
Aubrey N. Price — Researcher, Jaquette	25	7.00	175.00
Edna L. Wong — Secretary, Jaquette	2	25.00	
	12	31.00	422.00
Pauline A. Iverson — Clerk, Jaquette	62	31.00	
		916.64	2,838.64
Piliialoha Lee Loy — Secretary, Kaapu	7	13.00	
	37	10.00	461.00
Stephanie E. Sue — Secretary, Kaapu	42	15.00	
	8	18.00	
	2	19.00	812.00
Robert Ing — Secretary, Kaapu	42	6.00	
	2	12.00	276.00
Samuel L. Lee Loy — Clerk, Kaapu	5	10.00	
	1	13.00	63.00
Mildred I. Shigemura — Secretary, Kage	65	31.00	2,015.00
William Chillingworth — Clerk, V.P., Kage	50	31.00	1,550.00
Carol L. Takenaka — Secretary, Kageyama ...	8	31.00	248.00
Howard L. Takenaka — Secretary, Kageyama ..	44	31.00	1,364.00
Edward K. Honda — Secretary, Kamaka	52	31.00	1,612.00
Yoshimitsu D. Iha — Consultant, Kamaka	52	40.00	2,080.00
Joyce T. Omine — Clerk, Kamaka	52	31.00	1,612.00
Dora M. Yamada — Secretary, Kato	59	31.00	1,829.00
Harvey T. Kodama — Clerk, Kato	50	18.00	900.00
Jules I. Kusunoki — Clerk, Kato	50	18.00	900.00
Sidney K. Ayabe — Researcher, Kato	50	35.00	1,750.00
Florence M. Ricci — Secretary, Kauhane	50	16.00	
	2	31.00	862.00
Erlene K. Cabrinha — Secretary, Kauhane	8	15.00	120.00

EMPLOYEES' SALARY (continued)

	Days	Rate	Amount
Kerry J. Kiyabu – Secretary, Kauhane	42	15.00	630.00
Susanne M. Nakata – Secretary, Kawakami . . .	49	31.00	1,519.00
Jean R. Kawasaki – Secretary, Kawasaki	51	31.00	1,581.00
Paul M. Sakamoto – Secretary, Kudo	51	31.00	1,581.00
Jessica T. Kunimura – Secretary, Kunimura . .	52	31.00	1,612.00
Janos Gereben – Secretary, Lalakea	51	16.00	816.00
Maureen J. Flanagan – Secretary, Lalakea	51	15.00	765.00
George F. Little – Secretary, Larson	52	31.00	1,612.00
Karen I. Sakihama – Secretary, P. Lewis	71	31.00	2,201.00
Claire C. Wright – Secretary, R. Lewis	51	31.00	1,581.00
Kay P. Hudson – Secretary, F. Loo	37	9.00	333.00
Joann M. Nakasone – Secretary, F. Loo	14	9.00	126.00
Francis J. Asato – Secretary, F. Loo	51	22.00	1,122.00
Goldie Y. Asuncion – Secretary, G. Loo	41	10.00	410.00
Paulene A. Kau – Secretary, G. Loo	33	21.00	693.00
Alice N. Ushijima – Secretary, G. Loo	8	21.00	168.00
Henry W. C. Loo – Secretary, G. Loo	10	31.00	310.00
Charlene L. Suzuki – Secretary, Lum	42	25.00	
	9	31.00	1,329.00
Sandra M. Morita – Secretary, Lum	38	6.00	228.00
Edward M. Tonaki – Secretary, Matsumoto . .	51	18.00	918.00
Paul K. Matsui – Secretary, Matsumoto	51	13.00	663.00
Jody L. Fleming – Secretary, Medeiros	7	31.00	217.00
Lerae Britain – Secretary, Medeiros	44	31.00	1,364.00
Jacob M. Manegdeg – Secretary, Menor	49	15.00	
	2	31.00	797.00
Karen C. Miguel – Secretary, Menor	49	16.00	784.00
Laura M. Honda – Secretary, Minn	56	31.00	1,736.00
Linda Wong – Secretary, Miyake	8	31.00	248.00
Linda T. Ikehara – Secretary, Miyake	12	31.00	372.00
Frances K. Miyake – Secretary, Miyake	32	31.00	992.00
Janice F. Murakami – Secretary, Mizuha	52	31.00	1,612.00
Harold W. Fong – Researcher, Mizuha	50	40.00	2,000.00
Sue J. Hashiguchi – Clerk, Mizuha	18	31.00	558.00
Martha C. Schwiebert – Clerk, Mizuha	51	31.00	1,581.00
Rosemae K. Yamaura – Clerk, Mizuha	24	31.00	744.00
Ellen L. Choy – Secretary, Morioka	38	12.00	
	6	16.00	
	8	31.00	800.00
Lyla K. Morioka – Secretary, Morioka	38	7.00	
	6	15.00	356.00
Jane M. Hirata – Secretary, Morioka	38	12.00	456.00
Grace O. Miji – Secretary, Nakama	9	31.00	279.00
Lillian T. Higa – Secretary, Nakama	34	31.00	1,054.00
Kenneth Kobatake – Secretary, Nakama	9	31.00	279.00
Diane K. Mitsunaga – Secretary, Nakatani . . .	49	15.50	
	3	31.00	852.50
Faith K. Matsuyama – Secretary, Nakatani . . .	49	15.50	
	3	31.00	852.50
Sanday J. Arakaki – Secretary, Noguchi	47	26.00	1,222.00
Charlene Bess – Secretary, Noguchi	5	26.00	130.00
Susan L. Inoue – Secretary, Noguchi	52	5.00	260.00
Anita M. Mathews – Secretary, O'Connor	1	11.00	
	20	20.00	
	36	31.00	1,527.00
Margaret A. Stake – Secretary, O'Connor	19	11.00	209.00
Ruth L. Mack – Secretary, Oda	51	31.00	1,581.00
Henriann L. Kikuta – Secretary, Ozaki	50	19.00	
	2	31.00	1,012.00
Abegale K. Apana – Secretary, Ozaki	50	12.00	600.00
Naomi K. Hong – Secretary, Pyo	44	31.00	1,364.00
Alan Pyo – Secretary, Pyo	8	31.00	248.00
Chong S. Smith – Secretary, Saiki	51	31.00	1,581.00

EMPLOYEES' SALARY (continued)

	Days	Rate	Amount
Annie M. Walker — Secretary, Schulze, Jr.	41	31.00	
		650.00	1,921.00
Sondra Bernhardt — Researcher, Schulze, Jr. ..	64	40.00	2,560.00
Irene L. Lawson — Clerk, Schulze, Jr.	61	31.00	1,891.00
Roxann D. Mehrer — Secretary, Schulze, Jr. ..	3	31.00	93.00
Lucille B. Nevin — Secretary, Schulze, Jr.	17	31.00	527.00
Gail S. Asato — Secretary, Shiigi	51	31.00	1,581.00
Barbara Y. Jitchaku — Secretary, Souza	56	31.00	1,736.00
Jill E. Owens — Secretary, Steiner	50	31.00	1,550.00
Bernice T. Harakawa — Secretary, Sutton	51	31.00	1,581.00
Evelyn T. Shiraki — Secretary, Suwa	44	25.00	
	6	31.00	1,286.00
Shizuko E. Hanagami — Secretary, Suwa	4	11.00	
	40	25.00	
	21	31.00	1,695.00
Janet S. Shirasaki — Secretary, Suwa	4	6.00	
	40	12.00	504.00
Hazel K. Ogawa — Secretary, Taira	51	18.00	
	4	31.00	1,042.00
Roberta K. Hashimoto — Secretary, Taira	49	13.00	637.00
Edwin K. Hayashi — Researcher, Taira	49	35.50	1,739.50
Thomas K. Shibuya — Researcher, Taira	50	35.50	1,775.00
Jean R. Fukumitsu — Secretary, Takahashi ...	51	31.00	1,581.00
Jane S. Akahiji — Secretary, Takamine	51	31.00	1,581.00
Penelope F. Fukumitsu — Secretary, Uechi ...	31	31.00	961.00
Myra C. Ishimoto — Secretary, Uechi	20	31.00	620.00
Melvin T. Yoshii — Researcher, Uechi	67	40.00	2,680.00
Merle M. Kuwae — Clerk, Uechi	52	31.00	1,612.00
Wayne Nishiyama — Clerk, Uechi	49	31.00	1,519.00
Hannah B. Harris — Secretary, Ushijima	63	31.00	1,953.00
Donald S. Nishimura — Researcher, Ushijima ..	51	40.00	2,040.00
Charlene O. Goo — Clerk, Ushijima	48	20.00	960.00
Martin R. Titcomb — Clerk, Ushijima	48	11.00	528.00
June T. Uesato — Secretary, Wright	51	31.00	1,581.00
Carolyn K. Harrison — Secretary, Yamamoto ...	51	31.00	1,581.00
Nancy F. Gilcrest — Secretary, Yim	50	18.00	900.00
Melvin K. Goto — Secretary, Yim	51	13.00	663.00
Gayla N. Tarumoto — Secretary, Yoshinaga ...	51	31.00	1,581.00
Shirley K. Kawamoto — Secretary, Young	51	31.00	1,581.00
Ralph E. Vaughn — Research Statistician			1,100.00
Gerald K. K. Lai — Research Statistician			916.66
Gayle R. Hunt — Research Statistician Typist ...			749.70
			<hr/>
			\$339,876.04

Other Services

Edward H. Joesting	\$ 6,000.00
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EMPLOYEES' PER DIEM

	Days	Rate	Amount
Sondra L. Bernhardt	1	\$25.00	\$ 25.00
James T. Funaki	1	25.00	25.00
George Holt	1	25.00	25.00
Edward H. Joesting	1	45.00	45.00
Geraldine B. Kauai	1	25.00	25.00
Evelyn K. Kawakami	2	25.00	50.00
Harvey H. Kimura	1	25.00	25.00
Stephen C. Lee	1	25.00	25.00
Frederick K. McWayne	2	25.00	50.00
Jean A. Patterson	1	25.00	25.00
Harold Y. Shintaku	2	25.00	50.00
			<hr/>
			\$370.00

OTHER EXPENDITURES

Stationery & Office Supplies:

Anderson's Camera House, Inc.	\$ 140.40	
Fisher Hawaii	4,542.14	
Fisher Printing Co., Inc.	3,288.55	
Gerald K. K. Kai	1.95	
Hawaii Blueprint & Supply	78.75	
Hawaii Stationery Co., Ltd.	205.03	
Hawaiian Pacific Paper Corp.	419.02	
Honolulu Paper Co.	6,737.75	
IBM Corporation	48.36	
Office Appliance Co., Ltd.	62.04	
Office Supply & Equipment Co.	17.26	
Quality Graphic Service	9.26	
Royal Typewriter Co., Inc.	77.60	
The Blue Print Co., Inc.	34.40	
The Rubber Stamp House Ltd.	46.44	
The Typewriter Shop, Inc.	17.39	
University of Hawaii	62.10	\$15,788.44

Other Supplies:

Fisher Printing Co., Inc.	84.86	
Honolulu Paper Co.	163.43	
Modern Key Shop	11.50	
Territorial Distributors	136.71	396.50

Postage:

House of Representatives	44.08	
State Senate	29.80	
U.S. Postmaster	850.00	923.88

Telephone & Telegram:

Hawaiian Telephone Co.	12,626.03	
RCA Global Communications	188.48	12,814.51

Delegates' Mileage:

Peter A. Aduja	8.80
Ralph K. Ajifu	5.20
Alvin Amaral	44.40
Richard E. Ando80
Ethel K. C. Andrade	75.60
Toshio Ansai	44.40
George R. Ariyoshi	1.60
James K. Bacon	6.00
Tadao Beppu	1.92
Ed C. Bryan	8.00
Hayden F. Burgess	15.00
Robert D. Y. Chang	6.40
Donald D. H. Ching	4.80
Nelson K. Doi	90.40
William E. Fernandes	49.40
John W. Goemans	6.60
Diana C. Hansen	6.40
Stanley I. Hara	90.40
William Harper	4.80
Yoshio Hasegawa	1.36
Mario A. Hidalgo	4.80
Stuart Ho	1.20
John J. Jaquette	1.20
Kekoa D. Kaapu	10.00

Kazuo Kage	45.60	
Richard M. Kageyama	2.24	
Hiram K. Kamaka	10.00	
Hiroshi Kato	1.60	
Charles E. Kauhane	2.40	
Richard A. Kawakami	52.80	
Duke T. Kawasaki	2.40	
Takeshi Kudo	76.80	
Tony T. Kunimura	49.20	
Leland E. G. Larson40	
Frank W. C. Loo	1.60	
George W. T. Loo	2.00	
Tennyson Lum	2.80	
Toraki Matsumoto	9.20	
John J. Medeiros	6.00	
Barney B. Menor	1.04	
Momi T. Minn	13.24	
Howard Y. Miyake	2.40	
Jack H. Mizuha	49.60	
Ted T. Morioka	2.00	
Keo Nakama	1.60	
Shigeyuki Nakatani	94.40	
George K. Noguchi	1.60	
Howard K. Oda	28.00	
Richard P. Schulze, Jr.	6.00	
Edna C. Shiigi	4.60	
Alfred O. Souza	44.40	
Keith J. Steiner	2.00	
Richard C. Sutton	1.60	
Jack K. Suwa	93.60	
Robert S. Taira	1.44	
Sakae Takahashi	2.00	
Yoshito Takamine	82.40	
Mitsuo Uechi	2.80	
Meyer M. Ueoka	45.60	
John T. Ushijima	90.00	
Robert M. Wright	2.80	
James K. Yamamoto	90.80	
Nadao Yoshinaga	6.40	
Patsy K. Young	6.80	
		1,441.24

Travel:

Intra-State Travel:

Aloha Airlines	52.00
Central Pacific Travel Service	2,206.90
Alvin T. Amaral	109.20
Ethel K. C. Andrade	210.00
Toshio Ansai	136.50
Nelson K. Doi	252.00
William E. Fernandes	109.20
Stanley I. Hara	126.00
John J. Jaquette	12.00
Kazuo Kage	163.80
Richard A. Kawakami	109.20
Takeshi Kudo	121.80
Tony T. Kunimura	81.90
Jack H. Mizuha	163.80
Shigeyuki Nakatani	168.00
Hiroshi Ozaki	84.00
Alfred Souza	109.20
Jack K. Suwa	252.00
Yoshito Takamine	168.00
Meyer M. Ueoka	136.50

John T. Ushijima	84.00	
James Yamamoto	168.00	5,024.00
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Employees' Auto Allowance:		
Elaine F. Allen	275.00	
Edward H. Horiuchi	100.00	
Harvey H. Kimura	100.00	
Stephen C. Lee	100.00	
Frederick K. McWayne	100.00	
Joseph K. Shikata	150.00	825.00
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Transportation Service – Freight:		
Young Brothers, Ltd.		21.02
Printing – Service:		
Fisher Printing Co., Ltd.	949.57	
Tongg Publishing Co., Ltd.	5,415.07	6,364.64
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Printing & Binding – Journal:		
Tongg Publishing Co., Ltd.	23,373.68	
Seichi Hirai	8,500.00	
Shigeto Kanemoto	8,500.00	
Elaine F. Allen	17,711.00	
Susan K. Claveria	6,163.05	
Ruth E. Kushimaejo	9,000.00	
L. Lounelle Medeiros	980.00	
Edward H. Horiuchi	5,000.00	79,227.73
	<hr/>	
Advertising:		
Dick Cook	115.00	
Friendly Broadcasting Co., Inc.	299.52	
Gerry Keir	225.00	
Graphic Pictures Hawaii, Inc.	56.16	
Hawaii Hochi, Ltd.	1,784.64	
Hawaii Newspaper Agency, Inc.	3,412.27	
Hawaii Press Newspaper, Inc.	1,091.17	
Hawaii Times, Ltd.	1,744.08	
Hawaii Tribune-Herald	1,179.36	
Hawaiian Paradise Park Corp.	104.00	
Hercules Broadcasting Co. of Hawaii Ltd.	301.60	
John Hutton Corp.	149.76	
KAIM	49.92	
Kauai Publishing Co.	1,048.32	
KGMB-Radio	549.00	
KGMB-TV	1,156.00	
KHON-TV	2,178.80	
KHVH Television & Radio	2,630.16	
KIKI, Ltd.	108.16	
KNUI Broadcasting Co.	228.08	
K-POI Broadcasting Co., Inc.	314.50	
Maui Publishing Co., Ltd.	791.90	
Pacific Publishing Corp.	55.30	
Radio Hawaii, Inc.	119.60	
Radio KAHU	93.60	
Tom Lee Design, Inc.	78.00	
Tomeczak Advertising	208.00	20,071.90
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Rental – Office Equipment:

Fisher Hawaii	240.00	
Hawaii Leasing	102.58	
IBM Corporation	2,891.20	
John J. Harding Co., Ltd.	3,926.00	
Koss-Sherry, Ltd.	414.44	
Molokai Island U-Drive	43.16	
Royal Office Typewriter Co.	1,205.50	
The Typewriter Shop, Inc.	182.00	9,004.88

Repair – Office Equipment:

Fisher Hawaii	80.46	
Honolulu Pen Shop	128.54	209.00

Repair & Maintenance – Building:

Hattori Construction Co., Ltd.	16,324.32	
Modern Key Shop	24.50	16,348.82

Office Equipment:

Wong's Drapery Shoppe, Ltd.	141.44	
Hopaco	34.22	175.66

Miscellaneous:

Camera Hawaii	2.08	
George-Dean Studio, Inc.	615.00	
Honolulu Janitorial Service	1,040.00	
John J. Harding Co., Ltd.	3,120.00	
Momi's Florist	10.40	
Polynesian Exotics Florist	5.72	
Sam Kim	400.00	
State of Hawaii	2.75	5,195.95

INDEX

Note: This is an index to the materials contained in the Journal and Documents sections of this volume. The indexing is according to general subject matter; references to individual delegates of the Convention have been minimized. Numbers preceding colons indicate Convention days. Frequent references are made to committee reports, communications and other documents because much of the substantive discussion of important issues before the Convention is to be found in these materials. The following abbreviations are used in the index:

CP	Committee Proposal
CWR	Committee of the Whole Report
DC	Departmental Communication
GM	Governor's Message
MCR	Minority Committee Report
Misc.	Miscellaneous Communication
P	Proposal
Pet.	Petition
R	Resolution
SCR	Standing Committee Report
SpCR	Special Committee Report
SupSCR	Supplemental Standing Committee Report

Accounting and general services department, public works division, appreciation: (R 40) 57:153, 175

Accounts and Printing Committee reports: (SCR 1) 2:13, 179; (SCR 2) 3:17, 179; (SCR 3) 4:22, 179; (SCR 4) 5:25, 179; (SCR 5) 6:28, 179; (SCR 6) 7:31, 179; (SCR 9) 8:35, 180; (SCR 10) 9:37, 180; (SCR 11) 10:39, 180; (SCR 12) 11:41, 180; (SCR 13) 12:43, 180; (SCR 14) 13:45, 180; (SCR 15) 14:47, 180; (SCR 16) 15:49, 180; (SCR 17) 16:51, 180; (SCR 18) 17:52, 180; (SCR 19) 18:53, 180; (SCR 20) 19:54, 180-181; (SCR 21) 20:56, 181; (SCR 22) 21:58, 181; (SCR 25) 23:61, 184; (SCR 26) 27:67, 184; (SCR 28) 28:68, 185; (SCR 29) 29:69, 185; (SCR 31) 33:73, 187; (SCR 33) 34:91, 189; (SCR 34) 35:92, 189; (SCR 36) 36:93, 191; (SCR 39) 37:94, 196; (SCR 45) 39:98, 40:99, 211; (SCR 47) 40:100, 218; (SCR 48) 41:101, 218; (SCR 50) 42:105, 219; (SCR 51) 43:106, 219; (SCR 54) 43:107, 232; (SCR 56) 45:113, 237; (SCR 57) 45:113, 237; (SCR 59) 46:114, 273; (SCR 60) 48:117, 273; (SCR 61) 49:119, 273; (SCR 62) 50:121, 273; (SCR 66) 50:122, 278; (SCR 69) 52:125, 283; (SCR 74) 53:128, 287; (SCR 75) 54:130, 287; (SCR 78) 54:130, 288; (SCR 80) 55:143, 293; (SCR 82) 55:143, 302; (SCR 85) 57:152, 331

Accounts of the Convention (see Constitutional Convention; appropriations for)

Ad Hoc Committee for the eighteen-year-old vote: (Misc. 6) 10:39, 379-380

Addresses to the Convention

Burns, John A., governor of Hawaii: (R 3) 1:10, 164; (GM 1) 1:10-11, 372-373; (GM 3) 58:160, 373-374

Suwa, Jack K., temporary chairman of Convention: 1:1-2

Age of majority, lowering of: (P 94) 3:18, 4:24; (SCR 44) 209

Aged persons, state tax exemption: (P 276) 14:47, 15:49; (SCR 44) 209-210

Appropriations

 budget, biennial: (R 28) 7:33, 8:36, 171; (SCR 52) 223-224

 expenditure controls: (SCR 52) 224

 private purposes: (SCR 52) 224

Attorney general

 appointive or elective office: (SCR 38) 195

 cooperation rendered, appreciation: (R 51) 57:153, 177-178

Auditor, legislative

 constitutional provision for: (SCR 52) 224

 services rendered, appreciation: (R 45) 57:153, 176

Bicameral v. unicameral legislature: (R 23) 7:32, 8:36, 170; (R 34; SCR 24) 22:60, 24:62, 25:64-65, 173, 184; (SCR 46) 211-213

Bill of rights

 accused, rights of: (P 15) 2:14, 3:19; (P 55) 2:15, 3:19; (P 152) 5:26, 6:30; (P 171) 6:29, 7:33; (P 179) 6:29, 7:33; (SCR 55) 232-237

 arms, right to bear: (P 203) 8:35, 9:38; (P 298) 18:53, 19:55; (SCR 55) 232-237

 arraignment, prompt: (P 20) 2:14, 3:19; (SCR 55) 232-237

 capital punishment: (P 136) 5:26, 6:29; (SCR 55) 232-237

 constitutional provisions for: (SCR 55; CP 11) 44:112, 48:117, 232-237; (CWR 15; CP 11, RD 1) 50:121, 51:123-124, 356-358; (SCR 73; CP 11, RD 1, S 1) 53:128, 286-287; (3rd reading) 55:146

 due process and equal protection: (P 226) 9:37, 10:40; (SCR 55) 232-237

 economic security: (P 10) 2:13, 3:18; (SCR 55) 232-237

 eminent domain: (P 151) 5:26, 6:30; (P 232) 10:39, 11:42; (SCR 55) 232-237

 health, person's right to: (P 267) 13:45, 14:48; (SCR 30) 185-187; (SCR 55) 232-237

 immunity from punishment and civil disability: (P 47) 2:14, 3:19; (SCR 55) 232-237

 indigent defendants, state counsel: (P 55) 2:15, 3:19; (SCR 55) 232-237; 51:123-124

 investigations, fair and just treatment: (P 291) 17:52, 18:53; (P 292) 17:52, 18:53; (SCR 55) 232-237

 judicial redress: (P 14) 2:13, 3:18; (P 42) 2:14, 3:19; (P 107) 4:22, 5:26; (SCR 55) 232-237

 jury service: (P 226) 9:37, 10:40; (P 229) 10:39, 11:42; (SCR 55) 232-237

 land ownership: (P 176) 6:29, 7:33; (SCR 55)

- 232-237
- religion, speech, press, assembly and petition; freedom of: (P 150) 5:26, 6:30; (P 153) 5:26, 6:30; (SCR 55) 232-237
- searches and seizures: (P 18) (P 34) 2:14, 3:19; (P 54) 2:15, 3:19; (P 80) 3:17, 4:23; (P 171) 6:29, 7:33; (P 214) 9:37, 10:39; (SCR 55) 232-237
- soldiers, quartering of: (P 202) 8:35, 9:38; (P 325) 20:56, 21:58; (SCR 55) 232-237
- sovereign immunity: (P 300) 19:54, 20:57; (SCR 55) 232-237
- treason: (P 148) 5:26, 6:30; (SCR 55) 232-237
- water, pure: (P 246) 11:41, 12:44; (SCR 30) 185-187; (SCR 55) 232-237
- Bonds (see Taxation and finance)
- Boundaries, state
- inclusion of channel waters: (R 9) 2:16, 3:20, 36:93, 166
- "mean high water" mark; definition: (P 311) 20:56, 21:58, 25:65; (SCR 44) 208-211
- Capital punishment (see Bill of rights)
- Capital site, state: (P 316) 20:56, 21:58; (SCR 37) 191
- Catholic church, appreciation: (R 49) 57:153, 177
- Chamber of Commerce of Hawaii; convention issues: (Misc. 5) 2:13, 377-379
- Citizen's Administration of Justice Foundation, proposed amendments to judiciary article: (Pet. 1) 5:25, 385-386
- Citizen's Committee on the Constitutional Convention, appreciation: (R 16) 3:18, 4:24, 168; (R 38) 174-175
- Collective bargaining (see Public officers and employees)
- Committees, standing
- abbreviations, standardized: 179-180
- deadline for reports: 32:72
- meetings and reports; procedures: 25:64
- membership assignments: 1:7-10, 6:30; (R 2) 1:10, 162-164
- Communications, interception of (see Bill of rights, searches and seizures)
- Communications media, appreciation: (R 43) 57:153, 176
- Congressional delegation of Hawaii, best wishes to Convention: (Misc. 1-4) 1:11-12, 377
- Conservation; natural resources
- constitutional provisions for: (SCR 35) 35:92, 36:93, 37:95, 40:99, 189-191; (CWR 4) 44:108, 339
- land and natural resources department, single executive head: (P 98) 4:22, 5:26; (P 155) 6:28, 7:33; (SCR 35) 189-190; (SCR 38) 191-196
- management powers: (P 155) 6:28, 7:33; (P 261) 13:45, 14:48; (P 280) 14:47, 15:50; (SCR 35) 189-190
- mineral rights: (P 61) 2:15, 3:20; (SCR 35) 189-190
- recreational facilities, statewide system: (P 299) 19:54, 20:57; (SCR 35) 189-190
- Constitution, State
- cover page, special: (R 30) 9:38, 10:40, 172
- final draft: (SCR 83) 57:150, 302-325
- signing of: 58:160; (GM 3) 373-374
- style committee report: (SCR 83) 57:150, 302-325; (final adoption) 57:153-159
- submission to electorate for adoption or rejection: (R 8) (R 10) 2:16, 3:20, 165-166; (R 33) 13:46, 14:48, 173; (R 37; SCR 84) 57:153, 154-159, 174, 325-331; (DC 3) 376
- technical changes by Revisor of Statutes: (R 36) 57:150, 57:159, 174
- Constitutional Convention
- adjournment: (R 4) 2:15, 164-165; (R 31) 12:43, 13:46, 172-173
- appropriations for: (GM 2) 7:31, 373
- Citizen's Committee on the Constitutional Convention, appreciation: (R 16) 3:18, 4:24, 168; (R 38) 174-175
- committee assignments: (R 2) 1:10, 162-164
- constitutional provisions for: (SCR 49; CP 8) 42:103, 44:108, 46:14, 49:120, 218-219; (CWR 13) 348-350; (SCR 71) 284-285
- dedication of Convention: (R 11) 2:16, 3:20, 166-167
- delegates
- credentials: (SpCR 1) 1:2-3, 371
- oath of office: 1:3
- information program during and after Convention: (SCR 84) 325-331
- officers and employees
- clerk, assistant: 1:7
- clerk, chief: 1:7
- pay schedule: 25:65
- president, election of: 1:3-5
- secretary: 1:5, 7
- secretary, assistant: 1:5-6, 7
- vice-presidents: 1:5, 6
- rules
- adoption of: (R 1) 1:3, 162
- amendments proposed: (R 4) 2:15, 164-165; (R 5) 2:15, 165; (R 11) 2:16, 3:20, 166-167; (R 13) 2:16, 3:20, 167; (R 15) 3:18, 4:24, 168; (R 18) 6:29, 7:34, 168; (R 35) 35:92, 173-174; (SCR 76) 54:130, 54:142, 287
- Consumer protection and education: (P 58) 2:15, 3:20, 21:58; (SCR 44) 208-211
- Counties (see Local government)
- Debt limitations (see Taxation and finance, bonds)
- Disabled persons, state tax exemption: (P 276) 14:47, 15:49; (SCR 44) 209-210
- Economic security (see Bill of rights)
- Education
- board of: (P 2) 2:13, 3:18; (P 21) (P 22) (P 23) (P 32) (P 37) 2:14, 3:19; (P 50) 2:15, 3:19; (P 72) 3:17, 4:23; (P 100) (P 111) 4:22, 5:26; (P 123) 4:23, 5:27; (P 132) (P 135) 5:25, 6:29; (P 163) 6:28, 7:33; (P 185) (P 192) 7:32, 8:36; (P 220) 9:37, 10:39; (P 227) 10:39, 11:41; (P 275) 14:47, 15:49; (P 277) 14:47, 15:50; (P 324) 20:56, 21:58; (SCR 41) 203-206; (Misc. 9) 24:62, 381
- constitutional provisions for: (SCR 41; CP 4) 39:97, 40:100, 41:101, 42:103, 203-206; (CWR 11) 49:119, 345-346
- free public education: (SCR 41) 204

- proposals on: (P 19) 2:14, 3:19; (P 64) 2:15, 3:20; (P 108) 4:22, 5:26; (P 116) (P 122) 4:23, 5:27; (P 227) 10:39, 11:41; (P 275) 14:14, 15:49; (P 277) 14:47, 15:50; (SCR 41) 203-206
- school advisory councils: (P 2) (P 4) 2:13, 3:18; (P 87) 3:17, 4:23; (SCR 41) 203-206
- Elections
- campaign expenditures, limitation: (P 270) 14:47, 15:49; (SCR 44) 208-211
- constitutional provisions for: (SCR 23; CP 1) 22:60, 23:61, 24:62, 26:66, 27:67, 28:68, 29:69, 31:71, 181-183; (CWR 1; CP 1, RD 1) 32:72, 33:73-90, 338-339; (SCR 43; CP 1, RD 2, S 1) 39:97, 43:106, 207-208; (CP 1, RD 2, S 2) 44:108-112; (3rd reading) 49:119, 183; (MCR 1) 332-333
- contested elections: 33:78-79, 84-90, 208
- date of elections: (P 138) 5:26, 6:30; (SCR 23) 181-183
- League of Women Voters, urging the lowering of voting age to eighteen and residency requirement to six months: (Misc. 8) 21:58, 381
- presidential preference primary: 33:76-77, 79, 80-84; (P 25) 2:14, 3:19; (P 88) (P 89) 3:17, 4:23; (P 114) 4:23, 5:27; (P 317) 20:56, 21:58; (SCR 23) 181-183, 208
- primary elections: (P 118) 4:23, 5:27; (P 231) 10:39, 11:42; (SCR 23) 181-183
- registration and voting: (P 39) 2:14, 3:19; (P 89) 3:17, 4:23; (SCR 23) 181-183
- registration of voters, base for apportionment: 24:62-63
- secrecy of voting: 33:73-76, 79
- voter qualifications
- age requirement, lowering of: (SCR 23; CP 1) 26:66, 27:67, 28:68, 29:69, 31:71, 181-182, 183; (MCR 1) 332-333
- disqualification: (SCR 23) 183
- literacy requirement: (SCR 23) 182-183
- proposals on: (P 6) (P 8) (P 9) (P 12) 2:13, 3:18; (P 30) (P 31) (P 41) (P 44) (P 48) 2:14, 3:19; (P 56) (P 63) (P 67) (P 68) 2:15, 3:20; (P 83) 3:17, 4:23; (P 99) (P 105) 4:22, 5:26; (P 140) (P 149) 5:26, 6:30; (P 160) 6:28, 7:33; (P 173) 6:29, 7:33; (P 279) 14:47, 15:50; (P 290) 16:51, 17:52; (SCR 23) 181-183
- residency requirement, lowering of: (SCR 23) 182, 183
- Eminent domain: (P 151) 5:26, 6:30; (P 232) 10:39, 11:42; (SCR 55) 232-237
- Ethics, code of (see Public officers and employees)
- Executive
- constitutional provisions for: (SCR 38; CP 2) 37:94, 37:95, 39:97, 40:99, 40:100, 191-196; (CWR 6; CP 2, RD 1) 44:112, 339-342; (CP 2, RD 2) 49:118; (SCR 63; CP 2, RD 2, S 1) 50:121, 51:123, 273-276; (3rd reading) 52:125-126
- department heads and officers, gubernatorial appointment and removal: (P 85) 3:17, 4:23; (P 98) 4:22, 5:26; (SCR 35) 189-190; (P 110) 4:22, 5:26; (P 120) 4:23, 5:27; (P 131) 5:25, 6:29; (P 144) 5:26, 6:30; (P 155) 6:28, 7:33; (P 204) 8:35, 9:38; (P 230) 10:39, 11:42; (P 245) 11:41, 12:44; (SCR 38) 191-196
- governor
- compensation: (P 134) 5:25, 6:29; (P 299) 19:54, 20:57; (SCR 38) 193, 196
- qualifications: (P 142) 5:26, 6:30; (P 169) 6:28, 7:33; (P 268) 13:46, 14:48; (SCR 38) 192, 196
- term of office: (P 27) 2:14, 3:19; (P 53) 2:15, 3:19; (P 142) 5:26, 6:30; (P 169) 6:28, 7:33; (SCR 38) 191-196
- lieutenant governor
- compensation: (P 134) 5:25, 6:29; (SCR 38) 191-196
- duties: (P 219) 9:37, 10:39; (SCR 38) 191-196
- Federal-state relations department, establishment: (R 7) 2:16, 3:20, 165
- Fleming, James F., Dr., request for consideration of gubernatorial appointment of members of the board of education: (Misc. 9) 24:62, 381
- Gambling, legalization: (P 288) 16:51, 17:52; (P 294) 17:52, 18:53; (SCR 44) 210
- General and miscellaneous provisions, constitutional provisions for: (SCR 44; CP 6) 39:97-98, 40:100, 41:101, 42:105, 208-211; (CWR 8) 46:114, 49:118-119; (SCR 70; CP 6, S 1) 53:128, 283-284; (3rd reading) 55:145
- Governor (see Executive)
- Hawaiian culture and heritage: (P 244) 11:41, 12:44; (SCR 44) 208-211
- Hawaiian home lands
- constitutional provisions for: (SCR 27) 27:67, 28:68, 29:69, 32:72, 184-185; (CWR 2) 34:91, 35:92, 339
- proposals on: (P 40) 2:14, 3:19; (P 60) 2:15, 3:20; (P 168) 6:28, 7:33; (P 268) 13:46, 14:48; (P 299) 19:54, 20:57, 27:67, 32:72; (SCR 27) 184-185
- Hawaiian Trail and Mountain Club, proposed amendments to Constitution: (Pet. 2) 13:45, 14:48, 386
- Health, person's right to: (P 267) 13:45, 14:47; (SCR 30) 185-187
- Honolulu Council of Churches, appreciation: (R 48) 57:153, 177
- Honpa Hongwanji Mission, appreciation: (R 50) 57:153, 177
- Indigent defendants, state counsel: (P 55) 2:15, 3:19; (SCR 55) 232-237, 51:123-124
- Initiative and referendum: (P 93) 3:18, 4:24; (P 193) (P 195) 7:32, 8:36; (P 207) 8:35, 9:38; (P 256) 13:45, 14:47; (P 283) 15:49, 16:51; (SCR 44) 208-211
- Judicial redress (see Bill of rights)
- Judiciary
- Citizen's Administration of Justice Foundation, proposed amendments to judiciary article: (Pet. 1) 5:25, 385-386

- constitutional provisions for: (SCR 40; CP 3) 39:97, 40:99, 40:100, 41:101, 42:105, 43:106, 49:118, 196-203; (CWR 9) 343-345; (SCR 65; CP 3, S 1) 50:122, 51:123, 276-278; (3rd reading) 52:126; (MCR 2) 333-336
- district courts: (P 24) 2:14, 3:19; (P 293) 17:52, 18:53; (SCR 40) 197
- justices and judges
- appointment: (P 51) 2:15, 3:19; (P 57) 2:15, 3:20; (P 125) 5:25, 6:29; (P 228) 10:39, 11:41; (P 308) (P 309) (P 313) (P 315) 20:56, 21:58; (SCR 40) 198-199, 202-203
 - compensation: (P 57) 2:15, 3:20; (SCR 40) 200, 203
 - qualifications: (P 51) 2:15, 3:19; (P 57) 2:15, 3:20; (P 73) 3:17, 4:23; (P 113) 4:23, 5:26; (P 125) 5:25, 6:29; (P 211) 8:35, 9:38; (P 297) 18:53, 19:54; (P 308) 20:56, 21:58; (SCR 40) 199-200, 203
 - retired justices, recall for temporary service: (P 213) 9:37, 10:39; (SCR 40) 197-198, 203
 - retirement and removal: (P 13) 2:13, 3:18; (P 51) 2:15, 3:19; (P 57) 2:15, 3:20; (P 73) 3:17, 4:23; (P 125) 5:25, 6:29; (P 145) 5:26, 6:30; (SCR 40) 200-202, 203
 - tenure: (SCR 40) 200, 203
- Jury service (*see* Bill of rights)
- Kaneohe Jaycees, reminder to Convention of its responsibilities: (Misc. 7) 19:54, 380-381
- Kapiolani Community College, appreciation for cooperation and services rendered: (R 46) 57:153, 176
- KHET station, commendation for convention coverage: (R 44) 57:153, 176
- Land and natural resources department, single executive head: (P 98) 4:22, 5:26; (P 155) 6:28, 7:33; (SCR 35) 190; (SCR 38) 194
- League of Women Voters, position on election laws: (Misc. 8) 21:58, 381
- Legislative auditor (*see* Auditor, legislative)
- Legislative reference bureau, appreciation for services rendered: (R 19) 6:29, 7:34, 168-169; (R 41) 57:153, 175
- Legislature
- bills
 - carry-over provision: (P 28) 2:14, 3:19; (P 96) (P 110) 4:22, 5:26; (P 178) 6:29, 7:33; (P 188) 7:32, 8:36; (P 204) 8:35, 9:38; (SCR 46) 215-217
 - passage of: (P 29) 2:14, 3:19; (P 263) (P 266) 13:45, 14:48; (P 284) 15:49, 16:51; (P 289) 16:51, 17:52; (SCR 46) 215-217
 - committee hearings, open procedures: (R 22) 7:32, 8:36, 169-170
 - constitutional provisions for: (SCR 46; CP 7) 40:99, 42:103, 45:113, 211-218; (CWR 12; CP 7, RD 1) 49:119, 346-348; (SCR 68; CP 7, RD 1, S 1) 52:125, 53:128, 280-283; (3rd reading) 55:145; (MCR 3) 336-337
 - cooperation rendered, appreciation: (R 39) 57:153, 175
 - 175
 - joint activities to promote efficiency: (R 21) 7:32, 8:36, 169
 - legislators
 - qualifications: (P 7) 2:13, 3:18; (P 66) 2:15, 3:20; (P 71) 3:17, 4:23; (P 124) 5:25, 6:29; (P 141) 5:26, 6:30; (P 182) 7:31, 8:36; (P 191) (P 199) 7:32, 8:36; (P 271) 14:47, 15:49; (P 279) 14:47, 15:50; (P 281) 15:49, 16:51; (SCR 46) 211-218
 - salaries and allowances (P 33) (P 35) 2:14, 3:19; (P 110) 4:22, 5:26; (P 118) 4:23, 5:27; (P 178) 6:29, 7:33; (P 188) 7:32, 8:36; (P 273) 14:47, 15:49; (SCR 46) 211-218; (R 27) 7:33, 8:36, 171
 - term of office: (P 174) 6:29, 7:33; (P 187) 7:32, 8:36; (P 215) 9:37, 10:39; (SCR 46) 211-218
 - vacancies: (P 206) (P 212) 8:35, 9:38; (P 258) 13:45, 14:47; (SCR 46) 211-218
 - maximum size: (R 24) 7:32, 8:36, 170
 - power: (SCR 46) 211-213
 - professional staffing, permanent: (R 25) 7:32, 8:36, 170
 - sessions: (P 3) 2:13, 3:18; (P 28) (P 46) 2:14, 3:19; (P 75) (P 76) 3:17, 4:23; (P 96) (P 110) 4:22, 5:26; (P 118) 4:23, 5:27; (P 174) (P 178) 6:29, 7:33; (P 188) 7:32, 8:36; (P 204) 8:35, 9:38; (P 221) 9:37, 10:39; (P 273) 14:47, 15:49; (P 307) 19:54, 20:57; (SCR 46) 211-218
 - unicameralism v. bicameralism: (R 23) 7:32, 8:36, 170; (R 34; SCR 24) 22:60, 24:62, 25:64-65, 173, 184; (SCR 46) 211-213
- Lieutenant governor (*see* Executive)
- Local government
- charters: (P 26) 2:14, 3:19; (P 234) (P 239) 11:41, 12:43; (SCR 53) 228-232
 - constitutional provisions for: (SCR 53; CP 10) 43:107, 45:113, 47:115, 228-232; (CWR 10) 49:119, 345; (SCR 72; CP 10, S 1) 53:128, 285-286; (3rd reading) 55:145-146
 - education, county powers: (P 133) 5:25, 6:29; (SCR 53) 228-232
 - legislative bodies, salaries and allowances: (P 208) 8:35, 9:38; (SCR 53) 228-232
 - municipal airports: (P 264) 13:45, 14:48; (SCR 53) 228-232
 - Oahu, creation of political subdivisions: (P 250) 12:43, 13:46; (SCR 53) 228-232
 - powers: (P 69) 2:15, 3:20; (P 79) 3:17, 4:23; (P 91) 3:17, 4:24; (P 242) 11:41, 12:43; (SCR 53) 228-232
 - taxation: (P 177) 6:29, 7:33; (P 183) 7:31, 8:36; (P 237) (P 238) 11:41, 12:43; (P 303) 19:54, 20:57; (SCR 53) 228-232
- McKinley High School, appreciation for cooperation and services rendered: (R 47) 57:153, 176-177
- Monarchy, honorary, creation of: (P 101) 4:22, 5:26; (SCR 44) 208-211
- Natural resources, constitutional provisions for: (SCR 35) 35:92, 36:93, 37:95, 40:99, 189-191; (CWR 4) 44:108, 339

O'Sullivan, Keala, 1968 U.S. diving champion, recognition by Convention: 38:96

Proposals

deadline for introduction: 180

digests of: 387-409

index and status table of: 411-441

introduction and action taken

1. Senate reapportionment; ratification: 2:13, 3:18; (SCR 49) 218-219
2. Board of education; district school advisory councils: 2:13, 3:18; (SCR 41) 203-206
3. Legislative sessions: 2:13, 3:18; (SCR 46) 211-218
4. School advisory councils: 2:13, 3:18; (SCR 41) 203-206
5. Debt limitations: 2:13, 3:18; (SCR 52) 220-228
6. Voter qualifications: 2:13, 3:18; (SCR 23) 181-183
7. Legislators, qualifications: 2:13, 3:18; (SCR 46) 211-218
8. Voter qualifications: 2:13, 3:18; (SCR 23) 181-183
9. Voter disqualifications: 2:13, 3:18; (SCR 23) 181-183
10. Economic security: 2:13, 3:18; (SCR 55) 232-237
11. Ethics: 2:13, 3:18; (SCR 44) 208-211
12. Voter qualifications: 2:13, 3:18; (SCR 23) 181-183
13. Justices and judges: 2:13, 3:18; (SCR 40) 196-203
14. Judicial redress: 2:13, 3:18; (SCR 55) 232-237
15. Indigents, right to counsel: 2:14, 3:19, 51:123-124; (SCR 55) 232-237
16. Bail: 2:14, 3:19; (SCR 55) 232-237
17. Consumer protection: 2:14, 3:19; (SCR 44) 208-211
18. Interception of communications: 2:14, 3:19; (SCR 55) 232-237
19. Free education: 2:14, 3:19; (SCR 41) 203-206
20. Right of arraignment: 2:14, 3:19; (SCR 55) 232-237
21. Board of education: 2:14, 3:19; (SCR 41) 203-206
22. Board of education: 2:14, 3:19; (SCR 41) 203-206
23. Superintendent of education: 2:14, 3:19; (SCR 41) 203-206
24. Magistrates: 2:14, 3:19; (SCR 40) 196-203
25. Presidential preference primary: 2:14, 3:19; (SCR 23) 181-183
26. Local government charters: 2:14, 3:19; (SCR 53) 228-232
27. Governor's term of office: 2:14, 3:19; (SCR 38) 191-196
28. Legislative sessions: 2:14, 3:19; (SCR 46) 211-218
29. Passage of bills: 2:14, 3:19; (SCR 46) 211-218

30. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
31. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
32. Board of education: 2:14, 3:19; (SCR 41) 203-206
33. Legislators, salaries: 2:14, 3:19; (SCR 46) 211-218
34. Right of privacy: 2:14, 3:19; (SCR 55) 232-237
35. Legislators, salaries: 2:14, 3:19; (SCR 46) 211-218
36. Collective bargaining: 2:14, 3:19; (SCR 42) 206-207
37. Board of education: 2:14, 3:19; (SCR 41) 203-206
38. Unicameral legislature: 2:14, 3:19; (SCR 40) 196-203; (SCR 46) 211-218
39. Voting and registration: 2:14, 3:19; (SCR 23) 181-183; (SCR 49) 218-219
40. Hawaiian Homes Commission: 2:14, 3:19; (SCR 27) 184-185
41. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
42. Right to redress: 2:14, 3:19; (SCR 55) 232-237
43. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
44. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
45. Governor's term of office: 2:14, 3:19; (SCR 38) 191-196
46. Legislative sessions: 2:14, 3:19; (SCR 46) 211-218
47. Bill of rights: 2:14, 3:19; (SCR 55) 232-237
48. Voter qualifications: 2:14, 3:19; (SCR 23) 181-183
49. Debt limitations: 2:14, 3:19; (SCR 52) 220-223
50. Board of education: 2:15, 3:19; (SCR 41) 203-206
51. Judicial selection: 2:15, 3:19; (SCR 40) 196-203
52. Voter qualifications: 2:15, 3:19; (SCR 23) 181-183
53. Governor's term of office: 2:15, 3:19; (SCR 38) 191-196
54. Interception of communications: 2:15, 3:19; (SCR 55) 232-237
55. Indigents, right to counsel: 2:15, 3:19; (SCR 55) 232-237
56. Voter qualifications: 2:15, 3:20; (SCR 23) 181-183
57. Judiciary: 2:15, 3:20; (SCR 40) 196-203
58. Consumer protection: 2:15, 3:20, 21:58; (SCR 44) 208-211
59. Bill of rights: 2:15, 3:20; (SCR 55) 232-237
60. Hawaiian Homes Commission Act: 2:15, 3:20; (SCR 27) 184-185
61. Mineral rights: 2:15, 3:20; (SCR 35) 189-190
62. Local government: 2:15, 3:20; (SCR 53)

- 228-232
63. Voter qualifications: 2:15, 3:20; (SCR 23) 181-183
64. Discrimination in public schools: 2:15, 3:20; (SCR 41) 203-206
65. Esthetics and conservation: 2:15, 3:20; (SCR 30) 185-187; (SCR 32) 187-188; (SCR 35) 189-190
66. Legislators, qualifications: 2:15, 3:20; (SCR 46) 211-218
67. Voter qualifications: 2:15, 3:20; (SCR 23) 181-183
68. Voter qualifications: 2:15, 3:20; (SCR 23) 181-183
69. Local government: 2:15, 3:20; (SCR 53) 228-232
70. Collective bargaining: 2:15, 3:20; (SCR 42) 206-207
71. Legislators, qualifications: 3:17, 4:23; (SCR 46) 211-218
72. School advisory councils: 3:17, 4:23; (SCR 41) 203-206
73. Justices and judges: 3:17, 4:23; (SCR 40) 196-203
74. Collective bargaining: 3:17, 4:23; (SCR 42) 206-207
75. Legislative sessions: 3:17, 4:23; (SCR 46) 211-218
76. Legislative sessions: 3:17, 4:23; (SCR 46) 211-218
77. Debt limitations: 3:17, 4:23; (SCR 52) 220-223
78. Unicameral legislature: 3:17, 4:23; (SCR 38) 191-196; (SCR 40) 196-203; (SCR 46) 211-218; (SCR 49) 218-219
79. Local government: 3:17, 4:23; (SCR 53) 228-232
80. Interception of communications: 3:17, 4:23; (SCR 55) 232-237
81. Legislative powers: 3:17, 4:23; (SCR 46) 211-218
82. Higher education: 3:17, 4:23; (SCR 41) 203-206
83. Voter qualifications: 3:17, 4:23; (SCR 23) 181-183
84. Attorney general: 3:17, 4:23; (SCR 38) 191-196
85. Executive departments: 3:17, 4:23; (SCR 38) 191-196
86. Executive power: 3:17, 4:23; (SCR 38) 191-196
87. School advisory councils: 3:17, 4:23; (SCR 41) 203-206
88. Presidential preference primary: 3:17, 4:23; (SCR 23) 181-183
89. Presidential preference primary: 3:17, 4:23; (SCR 23) 181-183
90. Debt limitations: 3:17, 4:24; (SCR 52) 220-223
91. County powers: 3:17, 4:24; (SCR 53) 228-232
92. Community college system: 3:18, 4:24; (SCR 41) 203-206
93. Initiative and referendum: 3:18, 4:24; (SCR 44) 208-211
94. Age of majority: 3:18, 4:24; (SCR 44) 209
95. Debt limitations: 4:22, 5:26; (SCR 52) 220-223
96. Legislative sessions: 4:22, 5:26; (SCR 46) 211-218
97. Debt limitations: 4:22, 5:26; (SCR 52) 220-223
98. Executive department heads: 4:22, 5:26; (SCR 35) 189-190; (SCR 38) 191-196
99. Voter qualifications: 4:22, 5:26; (SCR 23) 181-183
100. Board of education: 4:22, 5:26; (SCR 41) 203-206
101. Honorary monarchy: 4:22, 5:26; (SCR 44) 208-211
102. Representative districts: 4:22, 5:26; (SupSCR 58) 239-273
103. Constitutional Conventions: 4:22, 5:26; (SCR 49) 218-219
104. Debt limitations: 4:22, 5:26; (SCR 52) 220-223
105. Voter qualifications: 4:22, 5:26; (SCR 23) 181-183
106. Transitional provisions: 4:22, 5:26; (SCR 67) 278-280
107. Bill of rights: 4:22, 5:26; (SCR 55) 232-237
108. Education: 4:22, 5:26; (SCR 41) 203-206
109. Debt limitations: 4:22, 5:26; (SCR 52) 220-223
110. Legislative sessions: 4:22, 5:26; (SCR 38) 191-196; (SCR 46) 211-218
111. Board of education: 4:22, 5:26; (SCR 41) 203-206
112. Board of regents: 4:23, 5:26; (SCR 41) 203-206
113. Judicial qualifications: 4:23, 5:26; (SCR 40) 196-203
114. Presidential preference primary: 4:23, 5:27; (SCR 23) 181-183
115. Public employment: 4:23, 5:27; (SCR 42) 206-207
116. Community college system: 4:23, 5:27; (SCR 41) 203-206
117. Debt limitations: 4:23, 5:27; (SCR 52) 220-223
118. Legislative sessions: 4:23, 5:27; (SCR 46) 211-218
119. Biennial budgets: 4:23, 5:27; (SCR 46) 211-218
120. Gubernatorial appointment and removals: 4:23, 5:27; (SCR 38) 191-196
121. Debt limitations: 4:23, 5:27; (SCR 52) 220-223
122. Higher education: 4:23, 5:27; (SCR 41) 203-206
123. Education; executive department head: 4:23, 5:27; (SCR 41) 203-206
124. Legislators, qualifications: 5:25, 6:29; (SCR 46) 211-218
125. Judicial selection: 5:25, 6:29; (SCR 40) 196-203
126. Local government: 5:25, 6:29; (SCR

- 53) 228-232
127. Continuity of laws: 5:25, 6:29; (SCR 41) 203-206
128. Finance: 5:25, 6:29; (SCR 52) 220-228
129. Attorney general: 5:25, 6:29; (SCR 38) 191-196
130. Residency requirement, UH president: 5:25, 6:29; (SCR 41) 203-206
131. Residency requirement, public officers: 5:25, 6:29; (SCR 38) 191-196
132. Education; executive department head: 5:25, 6:29; (SCR 41) 203-206
133. County powers; education: 5:25, 6:29; (SCR 53) 228-232
134. State officers, compensation: 5:25, 6:29; (SCR 38) 191-196; (SCR 46) 211-218
135. Education; executive department head: 5:25, 6:29; (SCR 41) 203-206
136. Capital punishment: 5:26, 6:29; (SCR 55) 232-237
137. Board of regents: 5:26, 6:29; (SCR 41) 203-206
138. Election dates: 5:26, 6:30; (SCR 23) 181-183
139. State seal: 5:26, 6:30; (SCR 37) 191
140. Voter qualifications: 5:26, 6:30; (SCR 23) 181-183
141. Legislators, qualifications: 5:26, 6:30; (SCR 46) 211-218
142. Governor's term of office: 5:26, 6:30; (SCR 38) 191-196
143. Board of regents: 5:26, 6:30; (SCR 41) 203-206
144. Gubernatorial appointments: 5:26, 6:30; (SCR 38) 191-196; (SCR 40) 196-203; (SCR 41) 203-206; (SCR 46) 211-218
145. Justices and judges: 5:26, 6:30; (SCR 40) 196-203
146. State parks: 5:26, 6:30; (SCR 35) 189-190
147. Debt limitations: 5:26, 6:30; (SCR 52) 220-223
148. Treason: 5:26, 6:30; (SCR 55) 232-237
149. Voter qualifications: 5:26, 6:30; (SCR 23) 181-183
150. Bill of rights: 5:26, 6:30; (SCR 55) 232-237
151. Eminent domain: 5:26, 6:30; (SCR 55) 232-237
152. Rights of the accused: 5:26, 6:30; (SCR 55) 232-237
153. Bill of rights: 5:26, 6:30; (SCR 55) 232-237
154. Collective bargaining: 6:28, 7:33; (SCR 42) 206-207
155. Management of natural resources: 6:28, 7:33; (SCR 35) 189-190; (SCR 38) 191-196
156. Out-of-state tuition: 6:28, 7:33; (SCR 41) 203-206
157. Reapportionment: 6:28, 7:33; (SCR 49) 218-219; (SupSCR 58) 239-273
158. Judicial selection: 6:28, 7:33; (SCR 40) 196-203
159. Ethics: 6:28, 7:33; (SCR 44) 208-211
160. Voter qualifications: 6:28, 7:33; (SCR 23) 181-183
161. Board of regents: 6:28, 7:33; (SCR 41) 203-206
162. Board of regents: 6:28, 7:33; (SCR 41) 203-206
163. Board of education: 6:28, 7:33; (SCR 41) 203-206
164. Representative districts: 6:28, 7:33; (SupSCR 58) 239-273
165. Representative districts: 6:28, 7:33; (SupSCR 58) 239-273
166. Ethics: 6:28, 7:33; (SCR 44) 208-211
167. Reapportionment: 6:28, 7:33; (SupSCR 58) 239-273
168. Hawaiian Homes Commission: 6:28, 7:33; (SCR 27) 184-185
169. Governor's term of office: 6:28, 7:33; (SCR 38) 191-196
170. Debt limitations: 6:28, 7:33; (SCR 52) 220-223
171. Citizens' rights: 6:29, 7:33; (SCR 55) 232-237
172. Public employment: 6:29, 7:33; (SCR 42) 206-207
173. Voter qualifications: 6:29, 7:33; (SCR 23) 181-183
174. Legislature; year-round: 6:29, 7:33; (SCR 46) 211-218
175. Reapportionment: 6:29, 7:33; (SupSCR 58) 239-273
176. Land ownership: 6:29, 7:33; (SCR 55) 232-237
177. State lands, taxation: 6:29, 7:33; (SCR 53) 228-232
178. Legislative sessions: 6:29, 7:33; (SCR 46) 211-218
179. Rights of the accused: 6:29, 7:33; (SCR 55) 232-237
180. Senate reapportionment; ratification: 6:29, 7:33; (SCR 49) 218-219
181. Primary elections: 6:29, 7:33; (SCR 23) 181-183
182. Legislators, qualifications: 7:31, 8:36; (SCR 46) 211-218
183. Lotteries: 7:31, 8:36; (SCR 53) 228-232
184. Recall: 7:31, 8:36; (SCR 44) 208-211
185. Education; executive department head: 7:32, 8:36; (SCR 41) 203-206
186. Reapportionment: 7:32, 8:36; (SCR 46) 211-218; (SCR 49) 218-219; (SupSCR 58) 239-273
187. Legislators; term of office: 7:32, 8:36; (SCR 46) 211-218
188. Legislative sessions: 7:32, 8:36; (SCR 46) 211-218
189. Passage of bills: 7:32, 8:36; (SCR 46) 211-218
190. Budget restrictions: 7:32, 8:36; (SCR 46) 211-218
191. Legislators; residency requirements:

- 7:32, 8:36; (SCR 46) 211–218
192. Board of education: 7:32, 8:36; (SCR 41) 203–206
193. Legislative initiative: 7:32, 8:36; (SCR 44) 208–211
194. Recall of public officials: 7:32, 8:36; (SCR 44) 208–211
195. Legislative referendum: 7:32, 8:36; (SCR 44) 208–211
196. Bail: 7:32, 8:36; (SCR 55) 232–237
197. Multi-member districts: 7:32, 8:36; (SCR 46) 211–218
198. Legislative committees: 7:32, 8:36; (SCR 46) 211–218
199. Legislative qualifications: 7:32, 8:36; (SCR 46) 211–218
200. Board and commission members; compensation: 8:35, 9:38; (SCR 38) 191–196
201. Legislators; term of office: 8:35, 9:38; (SCR 46) 211–218
202. State militia: 8:35, 9:38; (SCR 55) 232–237
203. Right to bear arms: 8:35, 9:38; (SCR 55) 232–237
204. Legislative sessions; ethics: 8:35, 9:38; (SCR 38) 191–196; (SCR 44) 208–211; (SCR 46) 211–218
205. Loyalty oaths: 8:35, 9:38; (SCR 44) 208–211
206. Legislative vacancies: 8:35, 9:38; (SCR 46) 211–218
207. Initiative and referendum: 8:35, 9:38; (SCR 44) 208–211
208. County legislative bodies; salaries: 8:35, 9:38; (SCR 53) 228–232
209. Auditor: 8:35, 9:38; (SCR 52) 224
210. Transitional provisions: 8:35, 9:38; (SCR 67) 278–280
211. Judicial qualifications: 8:35, 9:38; (SCR 40) 196–203
212. Legislative vacancies: 8:35, 9:38; (SCR 46) 211–218
213. Temporary service; former justices: 9:37, 10:39; (SCR 40) 196–203
214. Interception of communications: 9:37, 10:39; (SCR 55) 232–237
215. Legislators; term of office: 9:37, 10:39; (SCR 46) 211–218
216. Constitutional Convention powers: 9:37, 10:39; (SCR 49) 218–219
217. Attorney general: 9:37, 10:39; (SCR 38) 191–196
218. Reapportionment: 9:37, 10:39; (SCR 49) 218–219
219. Lieutenant governor: 9:37, 10:39; (SCR 38) 191–196
220. Board of education: 9:37, 10:39; (SCR 41) 203–206
221. Legislative sessions: 9:37, 10:39; (SCR 46) 211–218
222. Public health and welfare: 9:37, 10:40; (SCR 30) 185–187
223. Public health and welfare: 9:37, 10:40; (SCR 30) 185–187; (SCR 32) 187–188
224. Public health and welfare: 9:37, 10:40; (SCR 30) 185–187
225. Unicameral legislature: 9:37, 10:40; (SCR 46) 211–218
226. Bill of rights: 9:37, 10:40; (SCR 55) 232–237
227. Education; executive department head: 10:39, 11:41; (SCR 41) 203–206
228. Judicial selection: 10:39, 11:41; (SCR 40) 196–203
229. Jury service: 10:39, 11:42; (SCR 55) 232–237
230. Gubernatorial appointment and removal: 10:39, 11:42; (SCR 38) 191–196
231. Open primary elections: 10:39, 11:42; (SCR 23) 181–183
232. Eminent domain: 10:39, 11:42; (SCR 55) 232–237
233. Representative districts: 10:39, 11:42; (SupSCR 58) 239–273
234. Local government charters: 11:41, 12:43; (SCR 53) 228–232
235. Political subdivisions: 11:41, 12:43; (SCR 53) 228–232
236. Local government: 11:41, 12:43; (SCR 53) 228–232
237. Debt limitations: 11:41, 12:43; (SCR 53) 228–232
238. Local government taxation: 11:41, 12:43; (SCR 46) 211–218; (SCR 53) 228–232
239. Local government charters: 11:41, 12:43; (SCR 53) 228–232
240. Local government: 11:41, 12:43; (SCR 46) 211–218; (SCR 53) 228–232
241. Local government: 11:41, 12:43; (SCR 46) 211–218; (SCR 53) 228–232
242. Local government powers: 11:41, 12:43; (SCR 46) 211–218; (SCR 53) 228–232
243. Reapportionment: 11:41, 12:44; (SCR 46) 211–218; (SCR 49) 218–219; (SupSCR 58) 239–273
244. Hawaiian heritage: 11:41, 12:44; (SCR 44) 208–211
245. Gubernatorial appointments: 11:41, 12:44; (SCR 38) 191–196
246. Bill of rights: 11:41, 12:44; (SCR 30) 185–187; (SCR 55) 232–237
247. Public health and welfare: 11:41, 12:44; (SCR 30) 185–187
248. Congressional districts: 12:43, 13:46; (SupSCR 58) 239–273
249. Revision and amendment: 12:43, 13:46, 14:48; (SCR 49) 218–219
250. Political subdivisions on Oahu: 12:43, 13:46; (SCR 53) 228–232
251. Senate reapportionment: 12:43, 13:46; (SCR 46) 211–218; (SCR 49) 218–219; (SupSCR 58) 239–273
252. Crime prevention department: 13:45, 14:47; (SCR 30) 185–187
253. Legislative committees: 13:45, 14:47; (SCR 46) 211–218
254. Reapportionment: 13:45, 14:47; (SupSCR 58) 239–273

255. Board of regents: 13:45, 14:47; (SCR 41) 203-206
256. Referendum: 13:45, 14:47; (SCR 44) 208-211
257. Reapportionment: 13:45, 14:47; (SupSCR 58) 239-273
258. Legislative vacancies: 13:45, 14:47; (SCR 46) 211-218
259. Local government: 13:45, 14:48; (SCR 53) 228-232
260. State song and flower: 13:45, 14:48; (SCR 37) 191
261. Soil and water conservation: 13:45, 14:48; (SCR 35) 189-190
262. Reapportionment: 13:45, 14:48; (SCR 49) 218-219; (SupSCR 58) 239-273
263. Passage of bills: 13:45, 14:48; (SCR 46) 211-218
264. Municipal airports: 13:45, 14:48; (SCR 53) 228-232
265. Use of surplus funds: 13:45, 14:48; (SCR 52) 220-223
266. Passage of bills: 13:45, 14:48; (SCR 46) 211-218
267. Right to health: 13:45, 14:48; (SCR 30) 185-187
268. State Constitution: 13:46, 14:48; (SCR 23) 181-183; (SCR 27) 184-185; (SCR 30) 185-187; (SCR 35) 189-190; (SCR 37) 191; (SCR 38) 191-196; (SCR 40) 196-203; (SCR 42) 206-207; (SCR 44) 208-211; (SCR 46) 211-218; (SCR 49) 218-219
269. Investigations and proceedings: 14:47, 15:49; (SCR 55) 232-237
270. Campaign expenses: 14:47, 15:49; (SCR 44) 208-211
271. Legislators, qualifications: 14:47, 15:49; (SCR 46) 211-218
272. Rainbow Island: 14:47, 15:49; (SCR 44) 208-211
273. Legislative sessions: 14:47, 15:49; (SCR 46) 211-218
274. Reapportionment: 14:47, 15:49; (SupSCR 58) 239-273
275. Education: 14:47, 15:49; (SCR 41) 203-206
276. Tax exemptions: 14:47, 15:49; (SCR 44) 209-210
277. Education: 14:47, 15:50; (SCR 41) 203-206
278. Congressional districts: 14:47, 15:50; (SupSCR 58) 239-273
279. Voter and legislative qualifications: 14:47, 15:50; (SCR 23) 181-183; (SCR 46) 211-218
280. Conservation: 14:47, 15:50; (SCR 30) 185-187; (SCR 32) 187-188; (SCR 35) 189-190
281. Legislators, qualifications: 15:49, 16:51; (SCR 46) 211-218
282. Grand jury: 15:49, 16:51; (SCR 55) 232-237
283. Initiative and referendum: 15:49, 16:51; (SCR 44) 208-211
284. Passage of bills: 15:49, 16:51; (SCR 46) 211-218
285. Punishment for disrespect: 15:49, 16:51; (SCR 46) 211-218
286. Board of regents: 15:49, 16:51; (SCR 41) 203-206
287. Aeronautics and airports department: 15:49, 16:51; (SCR 38) 191-196
288. Legalized gambling: 16:51, 17:52; (SCR 44) 208-211
289. Passage of bills: 16:51, 17:52; (SCR 46) 211-218
290. Voter qualifications: 16:51, 17:52; (SCR 23) 181-183
291. Bill of rights: 17:52, 18:53; (SCR 55) 232-237
292. Investigations, fair and just treatment: 17:52, 18:53; (SCR 55) 232-237
293. District courts: 17:52, 18:53; (SCR 40) 196-203
294. Lotteries and pari-mutuel races: 17:52, 18:53; (SCR 44) 208-211
295. Public employees, residency requirement: 17:52, 18:53; (SCR 44) 208-211
296. Public officers, other elective office: 18:53, 19:54; (SCR 46) 211-218
297. Judicial selection: 18:53, 19:54; (SCR 40) 196-203
298. Weapons: 18:53, 19:55; (SCR 55) 232-237
299. State Constitution: 19:54, 20:57; (SCR 23) 181-183; (SCR 27) 184-185; (SCR 30) 185-187; (SCR 32) 187-188; (SCR 35) 189-190; (SCR 37) 191; (SCR 38) 191-196; (SCR 40) 196-203; (SCR 42) 206-207; (SCR 44) 208-211; (SCR 46) 211-218; (SCR 49) 218-219
300. Bill of rights: 19:54, 20:57; (SCR 55) 232-237
301. Public health and welfare: 19:54, 20:57; (SCR 30) 185-187
302. Debt limitations: 19:54, 20:57; (SCR 52) 220-223
303. Local government, taxation and finance: 19:54, 20:57; (SCR 53) 228-232
304. Food tax: 19:54, 20:57; (SCR 52) 220-223
305. Reapportionment: 19:54, 20:57; (SCR 49) 218-219; (SupSCR 58) 239-273
306. Retirement trust fund: 19:54, 20:57, 32:72; (SCR 44) 208-211
307. Legislative sessions: 19:54, 20:57; (SCR 46) 211-218
308. Judicial selection: 20:56, 21:58; (SCR 40) 196-203
309. Judicial selection: 20:56, 21:58; (SCR 40) 196-203
310. Reapportionment: 20:56, 21:58; (SupSCR 58) 239-273
311. Seashore boundaries: 20:56, 21:58, 25:65; (SCR 44) 208-211
312. Reapportionment and legislative terms: 20:56, 21:58; (SupSCR 58) 239-273
313. Judicial selection: 20:56, 21:58; (SCR 40) 196-203

314. State universities and four-year colleges: 20:56, 21:58; (SCR 41) 203-206
315. Judiciary: 20:56, 21:58; (SCR 40) 196-203
316. State capital: 20:56, 21:58; (SCR 37) 191
317. Presidential preference primary: 20:56, 21:58; (SCR 23) 181-183
318. Rights of man: 20:56, 21:58; (SCR 55) 232-237
319. Voting and civil rights: 20:56, 21:58; (SCR 23) 181-183
320. State universities and four-year colleges: 20:56, 21:58; (SCR 41) 203-206
321. Labor and industry: 20:56, 21:58; (SCR 42) 206-207
322. Revision and amendment: 20:56, 21:58; (SCR 49) 218-219
323. Role of government, study: 20:56, 21:58; (SCR 30) 185-187
324. Department of education: 20:56, 21:58; (SCR 41) 203-206
325. Quartering of soldiers: 20:56, 21:58; (SCR 55) 232-237
- Public health and welfare**
- constitutional provisions for: (SCR 30) 32:72, 33:73, 34:91, 37:94, 185-187; (CWR 3) 44:108, 339
- proposals on: (P 224) 9:37, 10:40; (P 246) 11:41, 12:44; (P 267) 13:45, 14:48; (P 301) 19:54, 20:57; (P 323) 20:56, 21:58
- Public officers and employees**
- appointment and removal, certain officers: (P 85) 3:17, 4:23; (P 98) 4:22, 5:26; (SCR 35) 189-190; (P 110) 4:22, 5:26; (P 120) 4:23, 5:27; (P 131) 5:25, 6:29; (P 144) 5:26, 6:30; (P 155) 6:28, 7:33; (P 204) 8:35, 9:38; (P 230) 10:39, 11:42; (P 245) 11:41, 12:44; (SCR 38) 191-196
- collective bargaining
- constitutional provisions for: (SCR 42; CP 5) 39:97, 40:100, 41:101, 42:105, 206-207; (CWR 7) 46:114, 49:118, 342; (SCR 64) 50:122, 51:123, 276
- legal opinion by attorney general: (DC 2) 42:103-105, 375-376
- proposals on: (P 36) 2:14, 3:19; (P 70) 2:15, 3:20; (P 74) 3:17, 4:23; (P 154) 6:28, 7:33; (SCR 42) 206-207
- disloyalty: (P 205) 8:35, 9:38; (SCR 44) 208-211
- ethics, code of: (P 11) 2:13, 3:18; (P 159) (P 166) 6:28, 7:33; (P 204) 8:35, 9:38; (P 281) 15:49, 16:51; (SCR 44; CP 6) 208-211; (CWR 8) 342-343
- recall: (P 184) 7:31, 8:36; (P 194) 7:32, 8:36; (SCR 44) 208-211
- residency requirement: (P 295) 17:52, 18:53; (SCR 44) 208-211
- retirement trust fund: (P 306) 19:54, 20:57, 32:72; (SCR 44) 208-211
- Public sightliness and good order**
- conservation and beautification provision, retention of: (R 12) 2:16, 3:20, 167; (R 32) 13:46, 14:48, 173
- constitutional provisions for: (SCR 32) 33:73, 34:91, 37:94, 187-188; (CWR 3) 44:108, 339
- pollution of air and water, abatement of: (SCR 32) 188
- proposals on: (P 65) 2:15, 3:20; (P 222) (P 223) 9:37, 10:40; (P 280) 14:47, 15:50; (SCR 30) 185-187; (SCR 32) 187-188
- Reapportionment and redistricting, legislative**
- bases for apportionment
- citizen population: (SupSCR 58) 242
- civilian population: (SupSCR 58) 242
- eligible voter population: (SupSCR 58) 242-244
- permanent population: (SupSCR 58) 242
- registered voter population: (R 26) 7:33, 8:36, 24:62-63, 170-171; (SupSCR 58) 241, 243-244; (R 6) 2:15-16, 3:20, 165
- total population: (SupSCR 58) 241-242
- basic island units**
- apportionment among: (SupSCR 58) 260-261
- apportionment within: (SupSCR 58) 264-265
- minimum representation; fractional voting: (SupSCR 58) 261-264
- chief elections officer: (SupSCR 58) 260
- commission: (SupSCR 58) 258-260
- constitutional provisions for: (SCR 58; CP 12) 46:114, 47:115, 49:118, 50:121, 51:124, 52:125, 237-239; (SupSCR 58) 239-273; (CWR 17; CP 12, RD 1) 54:130, 359-370; (CP 12, RD 2, S 1) 55:143, 56:147, 56:148-149, 293-302; (3rd reading) 57:151-152
- definition of apportionment and districting: (SupSCR 58) 241
- deviations of districts from number of registered voters per legislator: (SupSCR 58) 252-257, 258
- district boundaries, certain legal descriptions: 54:131, 56:147
- effective date: (SupSCR 58) 257-258
- eighth representative district, Koolaupoko and Koolauloa: (R 20) 7:32, 8:36, 169
- eleventh representative district, Kalihi: (R 14) 3:18, 4:24, 167-168
- fractional voting: (SupSCR 58) 263-264
- future reapportionment: (SupSCR 58) 258-266
- Hawaii county: (Misc. 10) 381-384; (Misc. 11) 51:123, 384; (SupSCR 58) 251-252; (R 17) 6:29, 7:34, 168
- house of representatives
- general description of districts: (SupSCR 58) 240-241
- legal description of districts: (SupSCR 58) 267-272
- Kauai county: (SupSCR 58) 250, 264
- mandamus and judicial review: (SupSCR 58) 266
- Maui county: (R 29) 9:37, 10:40, 171-172; (SupSCR 58) 251
- Moilili and McCully: 54:132-138
- Oahu districts: (SupSCR 58) 250-251
- procedures and criteria used by convention committee: (SupSCR 58) 245-258
- proposals on: (P 38) 2:14, 3:19; (P 78) 3:17, 4:23; (P 102) 4:22, 5:26; (P 157) (P 164) (P

- 165) (P 167) 6:28, 7:33; (P 175) (P 180) 6:29, 7:33; (P 186) (P 187) 7:32, 8:36; (P 201) 8:35, 9:38; (P 215) (P 218) 9:37, 10:39; (P 225) 9:37, 10:40; (P 233) 10:39, 11:42; (P 243) 11:41, 12:44; (P 248) (P 251) 12:43, 13:46; (P 254) (P 257) 13:45, 14:47; (P 262) 13:45, 14:48; (P 268) 13:46, 14:48; (P 274) 14:47, 15:49; (P 278) 14:47, 15:50; (P 299) (P 305) 19:54, 20:57; (P 310) (P 312) 20:56, 21:58
- ratification
 conflicting provisions: 54:131; (SupSCR 58) 266
 invalid provisions: 54:138-140
- resolutions on: (R 24) 7:32, 8:36, 170; (R 26) 7:33, 8:36, 170-171
- senate
 apportionment and districting: (SupSCR 58) 239-241
 members, continuance in office: (SupSCR 58) 265-266
 representation, constitutional amendments on, ratification by counties: (P 1) 2:13, 3:18; (P 157) 6:28, 7:33; (P 180) 6:29, 7:33; (P 186) 7:32, 8:36; (P 218) 9:37, 10:39; (P 243) 11:41, 12:44; (P 249) (P 251) 12:43, 13:46; (P 257) 13:45, 14:47; (P 262) 13:45, 14:48; (P 305) 19:54, 20:57; (SCR 49) 218-219
- single-member v. multi-member districts: (SupSCR 58) 247-249
- summary of committee's findings: (SupSCR 58) 266
- Recall of public officials: (P 184) 7:31, 8:36; (P 194) 7:32, 8:36; (SCR 44) 208-211
- Resolutions
1. Convention rules: 1:3, 162
 2. Standing committee assignments: 1:10, 162-164
 3. Invitation to governor: 1:10, 164
 4. Convention termination date: 2:15, 164-165
 5. Convention rules: 2:15, 165
 6. Reapportionment: 2:15-16, 3:20, 165
 7. Federal-state relations department: 2:16, 3:20, 165
 8. Constitutional amendments, submission to electorate: 2:16, 3:20, 165-166
 9. State boundaries: 2:16, 3:20, 36:93, 166
 10. Constitutional amendments, submission to electorate: 2:16, 3:20, 166
 11. Dedication of Convention: 2:16, 3:20, 166-167
 12. Conservation and beautification: 2:16, 3:20, 167
 13. Constitutional revision, flexibility: 2:16, 3:20, 167
 14. Reapportionment of eleventh district: 3:18, 4:24, 167-168
 15. Convention rules: 3:18, 4:24, 168
 16. Citizens' Committee on the Constitutional Convention: 3:18, 4:24, 168
 17. Reapportionment: 6:29, 7:34, 168
 18. Convention rules: 6:29, 7:34, 168
 19. Legislative Reference Bureau: 6:29, 7:34, 168-169
 20. Reapportionment of eighth representative district: 7:32, 8:36, 169
 21. Legislative efficiency: 7:32, 8:36, 169
 22. Committee procedure: 7:32, 8:36, 169-170
 23. Bicameral legislature: 7:32, 8:36, 170
 24. Legislative size: 7:32, 8:36, 170
 25. Professional legislative staffing: 7:32, 8:36, 170
 26. Reapportionment: 7:33, 8:36, 170-171
 27. Legislative salaries: 7:33, 8:36, 171
 28. Biennial budgets: 7:33, 8:36, 171
 29. Maui and sixth representative district: 9:37, 10:40, 171-172
 30. New Constitution, special cover page: 9:38, 10:40, 172
 31. Convention, termination date: 12:43, 13:46, 172-173
 32. Preservation of Hawaii's beauty: 13:46, 14:48, 173
 33. Constitutional amendments, submission to electorate: 13:46, 14:48, 173
 34. Bicameral legislature: (SCR 24) 22:60, 24:62, 25:64-65, 173, 184
 35. Convention rules, amendment: 35:92, 173-174
 36. Revisor of Statutes, technical changes to Constitution: 57:150, 57:159, 174
 37. Submission of amendments to electorate: 57:152, 174
 38. Citizens' Committee on the Constitutional Convention, appreciation: 57:153, 174-175
 39. State legislature, appreciation: 57:153, 175
 40. Public works division, department of accounting and general services, appreciation: 57:153, 175
 41. Legislative Reference Bureau, appreciation: 57:153, 175
 42. Robert C. Schmitt and staff, appreciation: 57:153, 175-176
 43. Communications media, appreciation: 57:153, 176
 44. KHET, convention coverage, commendation: 57:153, 176
 45. Legislative auditor's office, appreciation: 57:153, 176
 46. Kapiolani Community College, appreciation: 57:153, 176
 47. McKinley High School, appreciation: 57:153, 176-177
 48. Honolulu Council of Churches, appreciation: 57:153, 177
 49. Catholic church, appreciation: 57:153, 177
 50. Honpa Hongwanji Mission, appreciation: 57:153, 177
 51. Attorney general's office, appreciation: 57:153, 177-178
- Revision and amendment
 constitutional provisions for: (SCR 49; CP 8) 42:103, 44:108, 46:114, 49:120, 218-219; (CWR 13; CP 8, RD 1) 50:121, 51:123; (SCR 71; CP 8, RD 1, S 1) 53:128; (3rd reading) 55:145
- Revisor of Statutes, technical changes to Constitution (see Constitution, State)

- Sand Island (Rainbow Island), use: (P 272) 14:47, 15:49; (SCR 44) 208-211
- Schmitt, Robert C. and staff, appreciation: (R 42) 57:153, 175-176
- Soldiers, quartering of (*see* Bill of rights)
- Sovereign immunity (*see* Bill of rights)
- State capital and symbols: (SCR 37) 37:94, 38:96, 41:101-102, 191; (CWR 5) 44:108, 339
- Taxation and finance
- bonds
 - debt limitations: (SCR 52) 220-223
 - issuance, authorization: 55:143-145; (SCR 52) 226-228
 - constitutional provisions for: (SCR 52; CP 9) 43:106-107, 45:113, 47:115, 220-228; (CWR 14; CP 9, RD 1) 50:121, 51:123, 52:125, 350-356; (SCR 79; CP 9, RD 1, S 1) 54:130, 55:143-145, 288-293; (3rd reading) 56:148
 - non-resident citizens, taxation of: (SCR 52) 220, 225-226
 - power of taxation: (SCR 52) 220, 224-225
 - proposals on: (P 5) 2:13, 3:18; (P 28) (P 49) 2:14, 3:19; (P 77) (P 78) 3:17, 4:23; (P 90) 3:17, 4:24; (P 95) (P 96) (P 97) (P 104) (P 109) 4:22, 5:26; (P 117) (P 119) (P 121) 4:23, 5:27; (P 128) 5:25, 6:29; (P 147) 5:26, 6:30; (P 170) 6:28, 7:33; (P 183) 7:31, 8:36; (P 190) 7:32, 8:36; (P 209) 8:35, 9:38; (P 221) 9:37, 10:39; (P 237) (P 241) 11:41, 12:43; (P 265) 13:45, 14:48; (P 268) 13:46, 14:48; (P 299) (P 302) (P 303) (P 304) 19:54, 20:57
 - Transitional provisions
 - constitutional provisions for: (SCR 67; CP 13) 52:125, 53:127, 278-280; (CWR 16; CP 13, RD 1) 53:128, 54:130, 358-359; (SCR 77; CP 13, RD 1, S 1) 54:130, 54:142, 287-288; (3rd reading) 56:147
 - proposals on: (P 127) 5:25, 6:29; (P 210) 8:35, 9:38; (P 218) 9:37, 10:39
 - Treason (*see* Bill of rights)
 - Unicameral v. bicameral legislature: (R 23) 7:32, 8:36, 170; (SCR 24; R 34) 22:60, 24:62, 25:64-65, 173, 184; (SCR 46) 211-213
 - University of Hawaii
 - board of regents
 - selection of members: (SCR 41) 205
 - student and faculty members: (SCR 41) 205
 - executive head: (SCR 38) 194-195
 - president, residency requirement: (SCR 38) 195
 - tuition differential: (SCR 41) 204-205
 - Voting (*see* Elections)
 - Water, pure: (P 246) 11:41, 12:44; (SCR 30) 185-187; (SCR 55) 232-237
 - Weapons (*see* Bill of rights; arms)