

1998 Constitutional Convention

Issues that could be examined or reexamined:

Right to Privacy

--What exactly does it mean? Why has the Hawaii Supreme Court been reluctant to rule in favor of privacy claims?

Environmental Protection Provisions

--Should they be given more teeth?

--Should the judiciary be given a greater role in protecting the environment?

--Should the rights of future generations be protected?

--Should we give constitutional protection to the many species that inhabit our ecosystem? To protect biodiversity?

The Right to Bear Arms

--Does its scope and meaning require clarification?

--Should it remain in our Constitution?

1998 Constitutional Convention

Arguments in Favor

Encourage new ideas

Encourage new participation in government

Reexamine existing institutions

Arguments Against

Hawaii's Constitution is fine as it is

Hawaii's Constitution can be amended relatively easily without a Constitutional Convention

Bad ideas may be introduced

Costs money

Same old tired faces may become delegates

Hawaiian Sovereignty is a more pressing priority



1998 Constitutional Convention

The Nature of a Constitution

How detailed should it be?

How flexible should it be?

**Hawaii's Constitution is relatively easy to amend without a Constitutional Convention--
2/3 vote of each house followed by a majority vote of all who cast ballots in the general election.**

Examples of recent amendments--

**** Revising the Judicial Selection Commission**

**** Requiring Senate confirmation for District Court Judges**

**** Revising the responsibilities of the Board of Education**

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Issues that could be examined or reexamined:

Hawaiian Rights

--Should the duties and powers of the Office of Hawaiian Affairs be clarified?

--Should the manner of selecting Trustees be altered? (Current structure requires at-large elections with five of the nine Trustees required to be residents of named islands--Hawaii, Kauai, Maui, Molokai & Oahu)

--Should a new political subdivision be created for the Hawaiian people in order to give Hawaiians autonomy within the state's political operations? (State within a state model)

--Should the traditional and customary rights of the Hawaiian people be clarified, particularly with regard to their potential conflict with other property rights? (The Taking Issue)

--Should we define the terms "Native Hawaiian" and "Hawaiian," and if so, how should they be defined?

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Issues that could be examined or reexamined:

Is Our Government Too Centralized?

--Should we retain the line-item veto?

--Should the counties be given more power?

The Structure and Processes of Hawaii's Legislature

--Is a Bicameral Legislature still justified?

--Are the House and Senate too large?

--Should we return to using multi-member districts?

--Should we introduce term limits?

--Can we do better in regulating campaign spending?

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Issues that could be examined or reexamined:

Higher Education

--Should the University of Hawaii be given greater autonomy?

--Should the structure of the Board of Regents be altered? Should students and faculty have seats on the Board? Should members of the Board be paid?

Board of Education

--Elected or appointed?

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Issues that could be examined or reexamined:

The Judiciary

--Should the Circuit Courts and District Courts be combined?

--Should we retain the mandatory retirement age of 70?

--Are the present terms (ten years) appropriate?

--Does the Judicial Selection Commission have too much power over the reappointment of judges?

The Grand Jury Counsel

--Is it functioning as it was intended to?

Housekeeping and technical matters

--Should we continue to use grand juries?