

# Price Tag of the Hawaii Legislature: Putting the Cost of a Constitutional Convention in Perspective

By Justin Rouzaud and Jamie Story

This November, Hawaii's citizens will be asked to vote on whether to authorize a new constitutional convention ("Con-Con") which could lead to changes to some or all of the existing 1978 State Constitution. While it certainly comes with risk, the Con-Con would provide a rare opportunity for citizens to inject transparency and accountability into Hawaii state government. Hawaii's voters must decide if the benefits of a Con-Con outweigh the costs, and if they want to take advantage of this opportunity.

## Why Call for a Constitutional Convention Now?

Under Article XVII section II of the existing Hawaii Constitution, voters must have the opportunity every ten years to decide whether to convene a Con-Con. The General Assembly can decide, by majority vote, to put the question to voters even earlier. The constitution serves as a framework for our government, and a constitutional convention would provide Hawaii voters with the means to elect representatives for the task of revising our existing state constitution. Rarely does such an opportunity arise for the public to directly engage in its own affairs; the last constitutional convention was held in 1978.

In May of this year, the Hawaii State Legislature passed a resolution requesting the Legislative Reference Bureau (LRB), an arm of the Legislature, to estimate the projected cost of convening a constitutional convention.

While the monetary cost of a Con-Con may be significant and should be revealed to potential voters, the price should also be placed in the context of the entire cost of Hawaii state government, as well as potential savings from constitutional reforms.

## Cost of a Con-Con

Several entities have estimated the cost of a Con-Con, with a wide range of results. Amounts depend greatly on various factors, including how long the Con-Con lasts, what existing facilities and staffing are already available, and how many delegates will be elected. Recently, the Legislative Reference Bureau estimated the cost between \$6.4 million and all the way up to more than \$42 million. This high-end estimate is based on a Con-Con with taxpayer-financed delegate campaigns, high delegate compensation, and luxury facilities.

The Constitutional Cost Task Force, led by Lt. Governor Duke Aiona, has pegged the costs to be between \$2.3 and \$11.1 million. The assumptions underlying the Task Force's considerations included: a likelihood of 25, 51, 75, or 102 elected delegates; paid delegate and convention staff; and convention duration of 90 to 120 days. Similar to the LRB, this report looks at a range of delegate options, alternative facility arrangements, and multiple election formats.

It is informative to note that the 1978 Con-Con cost less than the \$2.5 million budgeted for it. At \$8.4 million in 2008 dollars, this cost is between the lowest and the highest cost estimate projected by the Con-Con Task Force, and at the low end of the LRB estimate.

Like any other political issue, understanding the cost to taxpayers should undoubtedly be part of the debate in evaluating the Con-Con, and it is wise for legislators to present these costs. However, it begs the question: if legislators are so concerned about the cost of the people's Con-Con, why are they such free-spenders when it comes to the legislative session?

## Cost of the Hawaii State Legislature

Since Hawaii legislators are concerned about Con-Con costs for citizens, citizens might be c to know what each legislative session costs them. (Essentially, the Con-Con is a much less frequent legislative session of the people, with a focus on constitutional changes rather than lawmaking.)

**In the 2008 regular legislative session, which spanned four months from mid-January to mid-May, administrative costs of the legislature totaled nearly \$37 million.** This does not include the fiscal and regulatory costs of the bills that were passed, but simply the overhead costs of administering the legislative session.

The bulk of this spending, approximately \$19 million, was in House and Senate expenses, which include office and committee budgets. These and other expenses are detailed below:

### 2008 Legislative Session Cost

Senate expenses	\$7,694,360
House expenses	11,670,163
Office of the Auditor	9,546,415
Legislative Reference Bureau	3,449,623
Office of the Ombudsman	1,060,728
Information systems	1,800,000
Legislative broadcast program	175,000
Environmental review study	300,000
Per diem and subsistence	384,962
Utilities and maintenance	666,000
<b>2008 Session Cost</b>	<b>\$36,747,251</b>

In review, the cost of a Con-Con will likely fall in the \$2.3 to \$11.2 million range—a fraction of the cost of the

annual legislative regular session. Even the highest Con-Con cost projection from the LRB is matched by the cost of *every* legislative session.

Furthermore, it should be noted that legislative regular sessions occur every year; no vote of the people is required to authorize them. Since the people’s last Con-Con in 1978, more than **\$750 million** in taxpayer money has been spent merely holding regular legislative sessions—and this does not include special sessions, nor the costs of maintenance, capital improvement projects, and energy usage.

### Conclusion

Each session, Hawaii’s state legislators vote thousands of times on bills for which they don’t know—or sometimes even question—the cost to taxpayers. Yet on the one occasion every ten years when their power might be temporarily superseded by the people, they suddenly concern themselves with costs. It is no surprise that the cost estimate commissioned by the legislature and released by the Legislative Reference Bureau is the highest estimate of all.

Similarly, Con-Con opponents argue that we “can’t afford a constitutional convention”. However, these critics fail to express the same position regarding the recurring costs of their state legislature, much less the tax and regulatory costs of the hundreds of bills their legislators pass every year.

While the costs of a Con-Con should be a factor in deciding whether to vote for or against a Con-Con, voters must also consider the potential benefits—including cost savings—that can result from a Con-Con. If convention delegates place an emphasis on increasing transparency and accountability of our state government, the Constitutional Convention could pay for itself many times over—and set a good example for legislators to follow at the same time.

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#### Sources:

Legislative Reference Bureau, “Cost Estimates for a Constitutional Convention,” Report No. 1, 2008.

Constitutional Convention Cost Task Force, “Projecting the Cost of a Constitutional Convention in Hawaii,” August 1, 2008.

H.B. 2688 H.D. 1 from the 2008 Legislative Session.

Information requested from the Department of Accounting and General Services.