
HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY TO DETERMINE ISSUES AND POSSIBLE COURSES OF ACTION REGARDING HOW TO FAIRLY AND EQUITABLY INCLUDE MILITARY PERSONNEL AND DEPENDENTS IN REAPPORTIONMENT CALCULATIONS.

1 WHEREAS, pursuant to article IV, section 1, of the Hawaii
2 Constitution, 2011 was designated a reapportionment year for
3 purposes of apportioning members of the Legislature among and
4 within basic island units based on the most recent United States
5 census; and

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7 WHEREAS, the Hawaii Constitution, article IV, section 4,
8 expressly mandates that only permanent residents be counted in
9 the population base for the purpose of reapportionment; and

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11 WHEREAS, a duly constituted Reapportionment Commission
12 adopted a redistricting plan on September 26, 2011, that was
13 challenged on the grounds that it included in the population
14 base significant numbers of nonpermanent residents identified as
15 members of the military, their dependents, and students; and

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17 WHEREAS, on January 4, 2011, the Hawaii Supreme Court ruled
18 that the Hawaii Reapportionment Commission erred by including
19 nonpermanent residents in the population base counted to
20 allocate the members of the State Legislature among and within
21 the basic island units; and

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23 WHEREAS, it appears that Kansas and Hawaii are the only two
24 states to use a method to calculate its population base that has
25 the effect of excluding military personnel; and

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27 WHEREAS, further, Hawaii appears to be the only state whose
28 method to calculate its population base has the effect of also
29 excluding military dependents; and

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1 WHEREAS, the term "permanent resident" is not defined in
2 the Hawaii Constitution or the Hawaii Revised Statutes, which
3 has resulted in military personnel being excluded from the
4 population base for the past two reapportionments; and

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6 WHEREAS, the Legislature recognizes the sacrifices made
7 daily by members of the United States military and their
8 families and appreciates all that the military does for our
9 country and for Hawaii; and

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11 WHEREAS, a 2011 report by the RAND Corporation determined
12 that the United States military accounted for more than eighteen
13 percent of all spending in Hawaii in 2009, or \$12,220,000,000;
14 and

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16 WHEREAS, the RAND report found that military expenditures
17 in Hawaii during fiscal years 2007 to 2009 averaged
18 \$6,527,000,000 per year in 2009 dollars - more than
19 \$4,000,000,000 for personnel and over \$2,000,000,000 for the
20 procurement of goods and services; and

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22 WHEREAS, the RAND report found that the military, as the
23 largest employer in Hawaii, provided 101,533 jobs during 2007 to
24 2009, or stated another way, the military provides jobs for 16.5
25 percent of the State's total work force; and

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27 WHEREAS, the military's vital role in the State's economy
28 rivals tourism as our most important industry; and

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30 WHEREAS, above and beyond the many benefits provided by the
31 military as a whole, the Legislature is grateful for the many
32 and varied contributions to the community made by the individual
33 members of the military, who give selflessly of their time to
34 enhance the quality of life for all residents of Hawaii; and

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36 WHEREAS, military members and their families are an
37 integral part of the larger community; their contributions are
38 visible in Hawaii's work places, schools, churches, and
39 community organizations; they are family members, friends, and
40 co-workers; and

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42 WHEREAS, the Hawaii Joint Venture Education Forum reports
43 that over fifteen thousand military students attend Hawaii's



1 public schools, making up approximately fourteen per cent of the
2 overall student population in the current school year; and

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4 WHEREAS, the significant military student population makes
5 Hawaii eligible for federal impact aid pursuant to Title VIII of
6 the Elementary and Secondary Education Act; and

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8 WHEREAS, according to the Hawaii Department of Education,
9 \$622,305,089.16 in federal impact aid funds was received between
10 fiscal years 2001-2010; and

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12 WHEREAS, this federal money has a significant impact on the
13 Department of Education's budget; and

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15 WHEREAS, for example, the Hawaii Department of Education
16 reported that federal impact aid of \$38,057,475.95 received in
17 fiscal year 2009-2010 was used to help maintain a balanced
18 general fund budget, assist in meeting the Department's fiscal
19 year 2009-2010 shortfall, and support charter schools, in
20 addition to funding ongoing programs such as the Department's
21 military liaison; and

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23 WHEREAS, while the terms "resident" or "permanent" resident
24 are terms that are commonly used, their intended meaning may be
25 different depending upon the context, such as in the area of
26 taxation or to determine in-state tuition for higher education;
27 and

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29 WHEREAS, the 2001 and 2011 Reapportionment Commissions
30 recommended that the Legislature initiate changes to clarify the
31 permanent resident population base or that the Hawaii
32 Constitution be amended to designate the United States Census
33 population as the population base for legislative
34 reapportionment; and

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36 WHEREAS, clarification is needed to define the term
37 "permanent resident" for purposes of reapportionment of state
38 electoral districts; now, therefore,

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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-sixth Legislature of the State of Hawaii, Regular Session
42 of 2012, the Senate concurring, that the Legislative Reference
43 Bureau is requested to study the issues and propose legislation
44 to amend the state constitution or the Hawaii Revised Statutes,



1 as appropriate, regarding how to fairly and equitably include
2 military personnel and dependents in reapportionment
3 calculations; and

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5 BE IT FURTHER RESOLVED that, in addition to other relevant
6 issues, the Legislative Reference Bureau is requested to
7 consider the following potential courses of action:

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9 (1) Defining the term "permanent resident" to include
10 military personnel stationed in the State and their
11 dependents;

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13 (2) Specifically including all residents of the State in
14 the population base for the purpose of
15 reapportionment; and

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17 (3) Including persons reported by the United States census
18 in the population base for the purpose of
19 reapportionment, regardless of residency status; and

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21 BE IT FURTHER RESOLVED that the Chief Election Officer and
22 the Elections Commission are requested to provide the
23 Legislative Reference Bureau with any information and assistance
24 it may require; and

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26 BE IT FURTHER RESOLVED that the Legislative Reference
27 Bureau is requested to submit a report of its findings and
28 recommendations, including any proposed legislation, to the
29 Legislature no later than twenty days prior to the convening of
30 the Regular Session of 2013; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Director of the
34 Legislative Reference Bureau, the Commander of the United States
35 Pacific Command, the Commander of the Pacific Air Force, the
36 Commanding General of the United States Army, Pacific, the
37 Commander of the United States Pacific Fleet, the Commander of
38 the United States Marine Corps, Marine Forces Pacific, and the
39 Chief Election Officer and the Chair of the Elections Commission
40 of the State of Hawaii.

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OFFERED BY:

Calvin K. King
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