

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 212
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 212 entitled:

"A BILL FOR AN ACT RELATING TO LEGISLATIVE REAPPORTIONMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require the apportioning of the state House of Representatives among multi-member house districts of not more than three members that conform to the state Senate district boundaries, where practicable.

Prior to the hearing on this measure, your Committee posted a proposed S.D. 1 for review and comments. This proposed measure:

- (1) Defines "permanent resident" for purposes of legislative reapportionment as any individual counted as a usual resident of the State in the last preceding United States census; and
- (2) Requires reapportionment of each house of the Legislature to be done using data on the total number of permanent residents in the State.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii State Chapter of the Military Officers Association of America, and two private individuals. Testimony in opposition to the proposed S.D. 1 was submitted by one private individual. Common Cause Hawaii and the League of Women Voters of Hawaii submitted comments.



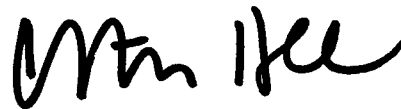
Your Committee finds that the Constitution of the State of Hawaii requires the Hawaii Reapportionment Commission to allocate the total number of members of each house of the state Legislature being reapportioned among the four basic island units by using the total number of permanent residents in each of the basic island units. However, "permanent resident" is not defined and has caused the Commission difficulty in achieving an acceptable reapportionment plan. By defining this term, this measure ensures the accuracy of the enumeration excluding nonresidents.

However, your Committee has concerns regarding the use of federal population data in drafting a reapportionment plan, particularly whether the definition of permanent resident may conflict with or affect the use of the term in the State Constitution and the various provisions of the Hawaii Revised Statutes. Your Committee encourages further discussion and research on this issue and a determination of the appropriateness of using federal census data for reapportionment purposes.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending this measure by inserting an effective date of July 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 212, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 212, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



