



LATE TESTIMONY

Hawaii State Reapportionment Commission Oahu Apportionment Advisory Council

Michael G. Palcic, Chairman
Glenn Ida, Vice Chairman

Linda L. Smith, Secretary
Nathaniel Kinney

Senator Sam Slom
Hawaii State Senate
Hawaii State Capitol Building, Room 214
Honolulu, Hawaii 96813

February 23, 2013

Dear Senator Slom,

Thank you VERY much for following up with SB 286 regarding Hawaii residency for reapportionment. This bill gives our legislature the opportunity to do the right thing.

The wholesale exclusion of citizens of the United States from apportionment to state legislative districts is clearly wrong and is done in no other state.

By their exclusion here and since the U.S. Census attributes their residence to the state of Hawaii, these citizens are deprived of apportionment to the state legislatures of any state in the union and have thus had their citizenship arbitrarily diminished.

Hawaii's own Reapportionment Commission had agreed in open meeting, by 8-1 vote, to include these approximately 108,000 citizens in their apportionment plans. Subsequently, in secret committee, the commission proceeded to do just the opposite, in violation of their publicly proclaimed intention and duly adopted direction.

It is my fervent hope that the legislature corrects this injustice, and redresses the error by ordering legislative boundaries to be redrawn to respect the Constitution and Laws of Hawaii and to reflect the exact enumeration of its population as determined by the United States Census Bureau.

Please do not hesitate to call upon me if I can be of any help to bring this about.

Mahalo hou,

s/ Michael G. Palcic

Michael G. Palcic
Chairman, Oahu Apportionment Advisory Council

hee2 - Kathleen

LATE TESTIMONY

From: Mike Palcic [mikepalcic@gmail.com]
Sent: Friday, February 22, 2013 8:58 PM
To: Melvin Ah Ching; Sen. Sam Slom
Cc: Samuel M. Slom; Julia Allen
Subject: Re: SB 286 to be Heard Relating to Reapportionment Permanent Resident

Thank you VERY much for following up with this bill and for giving our legislature the opportunity to do the right thing.

The wholesale exclusion of citizens of the United States from apportionment to state legislative districts is clearly wrong and is done in no other state.

By their exclusion here and since the U.S. Census attributes their residence to the state of Hawaii, these citizens are deprived of apportionment to the state legislatures of any state in the union and have thus had their citizenship arbitrarily diminished.

Hawaii's own Reapportionment Commission had agreed in open meeting, by 8-1 vote, to include these approximately 108,000 citizens in their apportionment plans. Subsequently, in secret committee, the commission proceeded to do just the opposite, in violation of their publicly proclaimed intention and duly enacted direction.

It is my fervent hope that the legislature corrects this injustice, and redresses the error by ordering legislative boundaries redrawn to respect the Constitution and Laws of Hawaii and to reflect the exact enumeration of its population as determined by the United States Census Bureau.

Mahalo hou,

Michael G. Palcic
Chairman, Oahu Apportionment Advisory Council

On 2/22/13 6:42 PM, "Melvin Ah Ching" <ahching@Capitol.hawaii.gov> wrote:

Sam, your bill on PERMANENT RESIDENT is being heard in JDL next Tuesday Feb. 26. Pass it on to anyone who wants to testify in favor.

MEL

SB286

<http://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=286&year=2013>

Reapportionment; Definition of "permanent resident"
RELATING TO REAPPORTIONMENT.

Defines "permanent resident" for legislative reapportionment as any individual counted as a usual resident in the last preceding U.S. census within the State of Hawaii.

(S) 2/22/2013 - The committee(s) on JDL has scheduled a public hearing on 02-26-13 10:00AM in conference room 016.

THE SENATE

THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON JUDICIARY AND LABOR <<http://www.capitol.hawaii.gov/committeepage.aspx?comm=JDL>>
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, 26th February 2013

TIME: 10:00 a.m.

PLACE: Conference Room 016 State Capitol 415 South Beretania Street

A G E N D A

SB 504, SD1 <[http://www.capitol.hawaii.gov/session2013/Bills/SB504_SD1 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB504_SD1.pdf)> (SSCR240)

<[http://www.capitol.hawaii.gov/session2013/CommReports/SB504_SD1_SSCR240 .pdf](http://www.capitol.hawaii.gov/session2013/CommReports/SB504_SD1_SSCR240.pdf)> Status & Testimony

<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=504&year=2013> RELATING TO PROCUREMENT. Prohibits governmental procurement contracts of any amount that are exclusively for the services of engineers, architects, surveyors, or landscape architects, from requiring the contractor to defend the governmental body against liability not arising from the contractor's own negligence or fault. (SD1) EGH/CPN, JDL

SB 635 <[http://www.capitol.hawaii.gov/session2013/Bills/SB635 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB635.pdf)> Status & Testimony

<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=635&year=2013> RELATING TO ANIMAL CRUELTY. Establishes the offenses of cruelty to a law enforcement animal in the first and second degrees. Adds a definition for "law enforcement animal". JDL

SB 532 <[http://www.capitol.hawaii.gov/session2013/Bills/SB532 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB532.pdf)> Status & Testimony

<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=532&year=2013> RELATING TO BREASTFEEDING IN THE WORKPLACE. Requires certain employers to provide reasonable time and a clean location for breastfeeding employees to express breast milk in privacy. Requires covered employers to post a notice. Establishes a civil fine. JDL

SB 286 <[http://www.capitol.hawaii.gov/session2013/Bills/SB286 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB286.pdf)> Status & Testimony

<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=286&year=2013> RELATING TO REAPPORTIONMENT. Defines "permanent resident" for legislative reapportionment as any individual counted as a usual resident in the last preceding U.S. census within the State of Hawaii. JDL

SB 225 <[http://www.capitol.hawaii.gov/session2013/Bills/SB225 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB225.pdf)> Status & Testimony

<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=225&year=2013> RELATING TO ELECTIONS. Adds a definition of "residency" to rules for determining residency. JDL

SB 478 <[http://www.capitol.hawaii.gov/session2013/Bills/SB478 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB478.pdf)> **Status & Testimony**
<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=478&year=2013> PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RESIDENCY REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE. Proposes to amend the state constitution to require candidates for the state senate or house of representatives to be a resident of the State for not less than five years and a resident of the legislative district from which the person seeks to be elected for not less than twelve consecutive months prior to the next general election. JDL

SB 848 <[http://www.capitol.hawaii.gov/session2013/Bills/SB848 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB848.pdf)> **Status & Testimony**
<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=848&year=2013> RELATING TO FINANCIAL DISCLOSURE. Requires a legislator to disclose income from sources that have an interest in legislative outcomes, if a single source is \$25,000 or more, or represents an amount equal to 25% or more of the legislator's total annual income from all sources, excluding legislative salary. JDL

SB 472 <[http://www.capitol.hawaii.gov/session2013/Bills/SB472 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB472.pdf)> **Status & Testimony**
<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=472&year=2013> RELATING TO MARIJUANA. Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100. JDL

SB 1127 <[http://www.capitol.hawaii.gov/session2013/Bills/SB1127 .pdf](http://www.capitol.hawaii.gov/session2013/Bills/SB1127.pdf)> (SSCR308)
<[http://www.capitol.hawaii.gov/session2013/CommReports/SB1127_SSCR308 .pdf](http://www.capitol.hawaii.gov/session2013/CommReports/SB1127_SSCR308.pdf)> **Status & Testimony**
<http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1127&year=2013> RELATING TO SALES OF ELECTRONIC SMOKING DEVICES TO PERSONS UNDER 18 YEARS OF AGE. Adds electronic smoking devices to tobacco as products that are unlawful to sell to or be purchased by persons under eighteen years of age; and requires the additional listing of electronic smoking devices to sales prohibition signage. HTH, JDL

Decision Making to follow, if time permits.

Click here <<http://www.capitol.hawaii.gov/senate.aspx?testimonypanel=on#panel>> to submit testimony to the Senate Committee on Judiciary and Labor.

Testimony may be submitted up to 24 hours prior to the start of the hearing.

FOR AMENDED NOTICES: Measures that have been deleted are stricken through and measures that have been added are underscored. If a measure is both underscored and stricken through, that measure has been deleted from the agenda.

If you require auxiliary aids or services to participate in the public hearing process (i.e. ASL or foreign language interpreter, or wheelchair accessibility), please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT (808)586-7330

Senator Clayton HeeChair

SENATE COMMITTEE ON JUDICIARY AND LABOR

SB 286, RELATING TO REAPPORTIONMENT

Tuesday, February 26, 2013, 10:00 a.m., Conference Room 016

TESTIMONY

Chair Hee, Vice-Chair Shimabukuro and Committee Members,

I am Janet Mason, and I am testifying today on my own behalf. I strongly support SB 286 that defines "permanent resident" for legislative reapportionment as any individual counted as a usual resident in the last preceding U.S. census.

The situation that makes this bill necessary is clear. Currently there is a case pending before the U. S. District Court, *Kostick v. Nago*, which challenges the State's 2012 Reapportionment Plan, so the ultimate outcome of this measure is tied to this case. Should the Court find on behalf of the plaintiff, it's likely that Hawaii would be required to amend our Constitution, Article IV, Sections 4 and 6, that provides for legislative apportionment based on "permanent resident" population. Though a constitutional amendment is apparently required, the bill does not propose one, and I hope this can be remedied somehow during this session.

The facts that led to SB 286 are well known. The April 2010 U.S. Population census found there were 1,360,301 people living in Hawaii. The 2012 State reapportionment exercise "extracted" 108,767 people from this resident count for reapportionment purposes. So there are more people living in Hawaii than there are people represented in our reapportionment plan. The residents of Hawaii "extracted" from our apportionment base weren't assigned to a district anywhere in the United States for purposes of representation at the State level, because all the other States are relying on the census count to determine representation and these 108 thousand people weren't included in the census count for any state except Hawaii. This isn't fair to these citizens.

Furthermore, those excluded from the reapportionment plan are not evenly distributed throughout our State. This means representation in our State legislature is unequal. Legislative districts need to be divided according to population, so that the "equal protection" clause in the 14th Amendment to the Constitution is achieved. Equal protection is already guaranteed for Hawaii's Federal House districts because those districts use total census population as an apportionment base. But similar protection is not afforded for Hawaii's state legislative representation because of the apportionment base we have persisted in using.

Hopefully, the state will be granted sufficient leeway by the court to make the effective date of a proposed Constitutional Amendment prospective, because it is unfair and impractical to residents and last year's candidates alike to "redo" the 2012 elections.

Let's do what's right and let's do what's good for Hawaii and pass this measure. Thank you for the opportunity to submit testimony.

SENATE JUDICIARY COMMITTEE

Sen. Clayton Hee, Chair

Sen. Maile Shimabukuro, Vice Chair

Bart Dame

710 West Hind Drive

Honolulu, HI 96821

Date: Tuesday, February 26, 2013

Time: 10:00 a.m.

Place: Conference room 016

SB 286 RELATING TO REAPPORTIONMENT, in STRONG OPPOSITION

Good morning Chair Hee, Vice-Chair Shimabukuro and members of the committee:

My name is Bart Dame. I am testifying today as an individual in strong opposition to this bill. While I am in some sympathy with what I believe may be some of the motives behind the bill, I am opposed to the aim of the bill to change the population base to be used for reapportionment and strongly opposed to what amounts to an attempt to amend the state constitution through legislation rather than taking the issue to the voters and allowing us a forthright public debate on what is clearly a constitutional question.

In January 2012, the Hawaii State Supreme Court struck down the first Redistricting Plan of the 2011 Hawaii Reapportionment Commission because it did not exclude non-permanent residents. The Court's ruling did not depend upon coming up with its own definition of "permanent resident." It found the term was defined in the legislative history of the 1992 Constitutional Amendment, which inserted the requirement into the Constitution.

From the Hawaii Supreme Court January 2012 ruling, *Matsukawa v. Hawaii*:

"The 1991 Reapportionment Commission's final reapportionment plan was the basis, in the 1992 legislative session, for House Bill 2327 to amend article IV of the Hawai'i Constitution to change the state legislature apportionment base from registered voters to permanent resident population "based on the 1991 Reapportionment Commission's Final Reapportionment Plan" and "the reasons set forth in [the] Plan." House Bill 2327 was enacted by the 1992 legislature and article IV of the Hawai'i Constitution was amended by Hawai'i voters in 1992 to its present form."

As the 1991 Reapportionment Commission was finishing its work, it worked closely with the Senate Judiciary Committee chair of the time, Senator Russell Blair. Senator Blair attended many of the later meetings of the Commission, helped draft a proposed constitutional amendment which was included as an appendix to the official report as a recommendation of the

Commission. In the 1992, that proposed amendment was approved by legislature and, in the fall, adopted by the voters.

Attached is a photocopy of Chapter III of the 1991 Reapportionment Commission's Final Report. It contains the reasoning for adopting the "permanent resident" population base for Hawaii reapportionment and was the rationale for the constitutional amendment.

Should the current legislature want to switch to a different population base and overrule the 1991 legislature or the constitutional amendment passed by the voters in 1992, the proper way to do this is transparently, openly and properly, through a proposed constitutional amendment. Not through an attempt to impose a different meaning upon the phrase "permanent resident" from that used by the 1992 legislature, the 1992 voters and every Reapportionment Commission since then.

Thank you for this opportunity to testify.

ATTACHED: CHAPTER III, 1991 REAPPORTIONMENT COMMISSION REPORT

STATE OF HAWAII
1991 REAPPORTIONMENT COMMISSION

FINAL REPORT AND REAPPORTIONMENT PLAN



Submitted to
The Sixteenth Legislature
Regular Session of 1992

CHAPTER III

THE LEGISLATIVE APPORTIONMENT BASE: PERMANENT RESIDENTS

A. DESCRIPTION OF THE BASE

The Commission decided upon a final legislative plan which was based upon a permanent resident population base. The population base was derived by using the April 1, 1991 census figures (from the 1990 census), with an adjustment to subtract the number of nonresident military personnel and dependents. The number of nonresident military personnel and their dependents was supplied by the Social Science Research Institute (SSRI) of the University of Hawaii. The Institute researched military personnel and financial records and conducted surveys, where necessary, to determine the residency of military personnel. Because the definition of "residency" varied from one military service to another, the Institute separated the residents from the nonresidents by determining in which state the military personnel paid state taxes. Dependents were assumed to claim the same residency as the military member of the family, based upon information supplied by military officials that this was the case in 98% of the families. The SSRI report submitted to the Commission is hereby incorporated in this report by reference.

See Chapter VI for a discussion on the congressional apportionment base and districting plan.

B. REASONS FOR CHOOSING PERMANENT RESIDENTS AS A POPULATION BASE

1. The Decision to Change Population Bases. The initial legislative district plan was based upon a population base of adult permanent residents, derived by subtracting minors and nonresident military and their dependents from the total population figures provided in the 1990 Census.

After hearing the oral testimony and reviewing the multitude of written testimony against the exclusion of minors from the population base, the Commission voted on July 3, 1991 to redraft the legislative plan to include minors. With Richard Clifton and Dr. Philip Hellreich dissenting, the Commission voted to redraw the maps based upon a permanent resident population base. The rationale for this change is discussed in detail below.

2. Final Population Base: Permanent Residents. There were several reasons that the Commission chose this population base for legislative reapportionment. The Commission considered three possible bases: Total population, based upon census figures; total population less transients (i.e., permanent residents) and total population less transients and minors (i.e., permanent residents less minors). The initial plan was based upon permanent residents less minors. However, the majority of the public testimony was against the exclusion of minors. Persuasive reasons given by the public for inclusion of minors in the population base included the fact a great part of the state government budget involves education so youth should be represented in government. In addition, several young persons testified against the exclusion of minors, arguing that it relegated minors to "second class" citizenship status, while other adults encouraged youth to participate in the political process and become actively involved in the community.

With the response of the public in favor of a permanent resident base which included minors, the Commission reconsidered its choice of population bases on July 3, 1991 and the majority voted to add resident minors to the permanent resident base and redraw the legislative district maps. Other reasons given by the Commissioners in favor of the new base include:

a. Permanent residents is the base used in the last legislative reapportionment so there is historical support for the base and the public is comfortable with it.

b. The concept of family, "ohana", is very important in Hawaii. Exclusion of children from the population base is contrary to Hawaiian tradition.

c. The legislative base first chosen reduced the number of canoe districts. The Commissioners were optimistic that the permanent resident base could result in even fewer canoe districts, or canoe districts which better met some of the other criteria, such as preservation of communities and linking areas with similar socio-economic interests.

d. The Proceedings of the Constitutional Convention of Hawaii of 1968, Vol. I, p. 241, indicate that the drafters of Hawaii's constitution found resident population to be an acceptable base.

e. The focus of reapportionment is representation. Voting is merely one of a number of ways in which a person's right to be represented is manifested. The right to representation is a broader right of effective participation in, and relation to, the legislative process, including the right to petition the legislature, the right to bring one's needs to the attention of a particular legislator who has been elected in that district, and the right to be weighed in the composition of the legislature.

Those entitled to vote and those entitled to representation are not necessarily the same. The law recognizes both rights in examining the constitutionality of reapportionment plans. Thus, the Commission determined that there are groups of residents who should be counted, even though they cannot vote. Minors fall within this category.

f. Aliens cannot be excluded from the census block figures at this time so they must remain counted. OmniTrak Group Inc. analyzed the available data and determined that it would not be possible to determine the number of nonresident aliens in specific census voter blocks. In addition to the fact the data is not available, it would be illogical and unfair to count aliens, yet not count minors, when both groups of permanent residents need representation.

g. Legal counsel advised the Commission that there was no precedent holding that a permanent resident base could not be used for legislative reapportionment.

h. Some organizations testified that the exclusion of minors tended to underrepresent rural areas and certain ethnic groups, such as native Hawaiians. It was stated in testimony that certain ethnic groups and rural families tend to have more children and that

the use of a base which excluded children would be unfair to those areas and groups. Although the Commission did not have the data available to verify these observations, the Commission did not wish to submerge any ethnic lifestyle groups in choosing a particular base.

i. The permanent resident base was the best alternative available. In choosing the permanent resident base, the Commission made the decision to not use a total population base and to exclude transients. The decision to subtract the number of nonresidents from the legislative population base remained unchanged from the time the first proposal was drafted until the final plan was submitted to the Lieutenant Governor. The Commission finds that exclusion of transients is desirable, for the following reasons:

(I) The 1968 Constitutional Convention reasoned that total population as a legislative apportionment base is disfavored in Hawaii because it is a distorted reflection of Hawaii's residents, citizens, or eligible voters. Those same considerations still apply: The presence of large numbers of transients, primarily nonresident military, presents special population problems for legislative apportionment in Hawaii.

(II) If nonresidents are included, voters in certain districts which have a large transient population would have their votes "overweighed" beyond fairness and beyond the "one person, one vote" principle. It is not clear that the use of total population, while normally a favored base by federal courts, is legal in Hawaii where such large numbers of nonvoters are concentrated in certain areas.

(III) A large number of transients were counted in the census (estimated at at least 16%) and this large number could distort the size of certain districts, where the framers of our constitution desired a resident or citizen population base.

3. Computation of the permanent resident base: Exclusion of the large nonresident military population.

Having decided to eliminate transients from the legislative population base, experts were hired to determine which transients were counted in the census, how many there were and whether or not they could be located in specific census blocks.

OmniTrak Group Inc., a research firm, was consulted. It reported that the nonresident military is the only large, census-block-identifiable group of nonresidents included in the census. Other groups, such as nonresident students, are statistically insignificant and cannot be easily placed in specific census blocks. Therefore, the Commission decided to eliminate those transients which could be identified to a particular census block and which constituted the vast majority of transients included in the census counts: nonresident military.

The Commission finds that there are persuasive reasons to exclude nonresident military, as transients, from the population base for purposes of legislative reapportionment, in addition to the reasons already stated. Nonresident military constitute about 14% of the population of Hawaii. About 114,000 nonresident military and their families reside in this state, primarily on the Island of Oahu.

Military personnel have the choice of becoming Hawaii residents. H.R.S. 11-13 sets forth the law governing residency in this State for purposes of voting. The mere presence or absence of a serviceman in this State does not establish residency so the military are given the same opportunity to register to vote as any other person living in this State. Registration is simple and is accomplished by filling out a form stating one's permanent address is in Hawaii. Yet, historically, the overwhelming majority of the military population in Hawaii has demonstrated that they have no intention of becoming residents of this state. Only about 3% of the military stationed here choose to become Hawaii citizens. Some of the remaining military personnel are stationed onboard ships which happen to be in port on the census date, or live on base. While the military is an important and welcomed part of the Hawaiian community, most consider Hawaii a temporary home.

These factors, as well as the information gained from experts, leads the Commission to conclude that exclusion of nonresident military from the census data will come as close as possible to the desired permanent resident base for legislative reapportionment.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 8:00 AM
To: JDLTestimony
Cc: matt_lopresti@yahoo.com
Subject: Submitted testimony for SB286 on Feb 26, 2013 10:00AM

LATE TESTIMONY

Categories: Red Category

SB286

Submitted on: 2/26/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew LoPresti	Individual	Comments Only	No

Comments: I strongly believe that all residents should be represented in reapportionment, though I must admit I am uncertain what effect this bill would have towards this end. Regardless of whether a person has lived here for a year or for generations, a citizen is a citizen and requires government services and demands upon an elected representative. It is fundamentally unfair to discriminate against people who may have only recently moved here. I moved here in Dec. 1999 but only now, for the first time am counted as a "permanent resident" despite the fact that I have intended to live here permanently for a long long while, have stood for several elected offices and served as a member of my neighborhood board. The reason I was never counted among the list of permanent residents is because when I first came here I was enrolled as a graduate student at UH-Manoa. This should have had zero effect on whether or not I "count" as a citizen. I now teach at HPU and encourage all of my students to register to vote here. Most all of them do, but despite this they are not even included in reapportionment numbers and are treated as second class citizens just because they are students. Military families are treated as mere chattel by the current law that removes them from reapportionment numbers even though many vote, have children in public schools, pay local taxes and contribute to civic life in our community. It is unconscionable to not regard these men and women as citizens deserving basic recognition that they exist as such when determining the population of districts. Even prisoners I understand are not counted, regardless of whether they face a 6month or life sentence they too are still living breathing human beings who receive government services (whether they or we like it or not). Any person who is a citizen of this country counts. It is very upsetting to see students and military service members and their families treated as if they don't even exist by the current practice. There is no moral or good legal reason for this and justice demands that we all be recognized as equals.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testimony in Support of SB 286

I fully support SB 286 in defining a permanent resident for legislative reapportionment as any individual counted as a usual resident in the last preceding U.S. census within the State of Hawaii.

The definition of a permanent resident is critical to providing the thousands of our U.S. Military who reside in Hawaii proper representation. The U.S. military regardless of their voting status contribute thousands of dollars individually into the Hawaii State economy. Officially the U.S. Military contributes millions of dollars in education supplemental funding for Hawaii State public schools where the majority of the dependents of our U.S. military attend elementary and high school. A great many of our Hawaii military buy property and pay state taxes in addition to sending their children to Hawaii public schools and use other Hawaii public resources. Many of our U.S. military up retiring here in Hawaii continuing to contribute both financially and in other ways to improve our state.

Omitting the military from proper representation because they may or may not be registered voters in Hawaii creates a perception of prejudice and a disservice to those that sacrifice so much for our country and whose collective and individual contributions toward Hawaii's economy has done so much for the great state of Hawaii. Providing and ensuring our U.S. military have the proper representation is an inalienable right by the United States Constitution.

Very Respectfully

David P. Brostrom Colonel USA (Retired)

Father of 1LT Jonathan Brostrom

KIA Afghanistan 13 July 2008

99-405 Aiealani Place

Aiea Hawaii 96701