

JAN 18 2013

A BILL FOR AN ACT

RELATING TO REAPPORTIONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 25-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A reapportionment commission shall be constituted
4 before May 1 of each reapportionment year, and the members shall
5 be appointed and certified to hold office until a general
6 election is held under a reapportionment plan of the commission,
7 or of a court of competent jurisdiction, or a new commission is
8 constituted under article IV, section 2 of the state
9 constitution, whichever event shall occur first. Each member of
10 the commission shall receive training regarding the provisions
11 contained in chapter 92."

12 SECTION 2. Section 25-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§25-2 Duties.** (a) Legislative reapportionment. The
15 commission shall reapportion the members of each house of the
16 legislature on the basis, method, and criteria prescribed by the
17 Constitution of the United States and article IV of the Hawaii
18 Constitution. Pursuant thereto, the commission shall conduct



1 public hearings and consult with the apportionment advisory
2 council of each basic island unit. Not more than one hundred
3 days from the date on which all members are certified, the
4 commission shall cause to be given in each basic island unit,
5 public notice of a legislative reapportionment plan prepared and
6 proposed by the commission. At least one public hearing on the
7 proposed reapportionment plan shall be held in each basic island
8 unit after initial public notice of the plan. Each public
9 hearing shall be broadcast live and archived on the Internet for
10 public access. At least twenty days' notice shall be given of
11 the public hearing. The notice shall include a statement of the
12 substance of the proposed reapportionment plan, and of the date,
13 time, and place where interested persons may be heard thereon.
14 The notice shall be given at least once in the basic island unit
15 where the hearing will be held. All interested persons shall be
16 afforded an opportunity to submit data, views, or arguments,
17 orally or in writing, for consideration by the commission.
18 After the last of the public hearings, but in no event later
19 than one hundred fifty days from the date on which all members
20 of the commission are certified, the commission shall determine
21 whether or not the plan is in need of correction or
22 modification, make the correction or modification, if any, and



1 file with the chief election officer, a final legislative
2 reapportionment plan. Within fourteen days after the filing of
3 the final reapportionment plan, the chief election officer shall
4 cause public notice to be given of the final legislative
5 reapportionment plan which, upon public notice, shall become
6 effective as of the date of filing and govern the election of
7 members of the next five succeeding legislatures.

8 (b) Congressional reapportionment. At times that may be
9 required by the Constitution and that may be required by law of
10 the United States, the commission shall redraw congressional
11 district lines for the districts from which the members of the
12 United States House of Representatives allocated to this State
13 shall be elected. The commission shall first determine the
14 total number of members to which the State is entitled and shall
15 then apportion those members among single member districts so
16 that the average number of persons in the total population
17 counted in the last preceding United States census per member in
18 each district shall be as nearly equal as practicable. In
19 effecting the reapportionment and districting, the commission
20 shall be guided by the following criteria:

21 (1) No district shall be drawn so as to unduly favor a
22 person or political party;



- 1 (2) Except in the case of districts encompassing more than
2 one island, districts shall be contiguous;
- 3 (3) Insofar as practicable, districts shall be compact;
- 4 (4) Where possible, district lines shall follow permanent
5 and easily recognized features such as streets,
6 streams, and clear geographical features, and when
7 practicable, shall coincide with census tract
8 boundaries;
- 9 (5) Where practicable, state legislative districts shall
10 be wholly included within congressional districts; and
- 11 (6) Where practicable, submergence of an area in a larger
12 district wherein substantially different socio-
13 economic interests predominate shall be avoided.

14 Not more than one hundred days from the date on which all
15 members are certified, the commission shall cause public notice
16 to be given of a congressional reapportionment plan prepared and
17 proposed by the commission. The commission shall conduct public
18 hearings on the proposed plan in the manner prescribed under
19 subsection (a). At least one public hearing shall be held in
20 each basic island unit after initial public notice of the plan.
21 Each public hearing shall be broadcast live and archived on the
22 Internet for public access. After the last of the public



1 hearings, but in no event later than one hundred fifty days from
2 the date on which all members of the commission are certified,
3 the commission shall determine whether or not the plan is in
4 need of correction or modification, make the correction or
5 modification, if any, and file with the chief election officer,
6 a final congressional reapportionment plan. Within fourteen
7 days after filing of the final reapportionment plan, the chief
8 election officer shall cause public notice to be given of the
9 final congressional reapportionment plan which, upon public
10 notice, shall become effective as of the date of filing and
11 govern the election of members of the United States House of
12 Representatives allocated to this State for the next five
13 succeeding congresses."

14 SECTION 3. Section 25-7, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§25-7 Apportionment advisory councils.** The apportionment
17 advisory councils for the respective basic island units shall be
18 constituted at the same time as the reapportionment commission
19 and the members shall be appointed to hold their offices for
20 such term in the manner prescribed in Article IV of the
21 Constitution. Each advisory council shall serve in an advisory
22 capacity to the reapportionment commission as to matters



1 affecting its basic island unit. Each member shall be a
2 registered voter of the member's basic island unit[-] and
3 receive training regarding the provisions contained in chapter
4 92. A member of a council shall, for the period the member
5 holds the member's office, receive compensation of \$50 per
6 meeting but not to exceed \$500 per month and shall be allowed
7 actual and necessary expenses incurred in the performance of the
8 member's duties. Payments for compensation and expenses shall
9 be made by warrants signed by the comptroller on vouchers
10 properly endorsed by the chairperson of the appropriate advisory
11 council. The members of the council shall be exempt from the
12 provisions of chapter 76. Each council shall elect its own
13 chairperson and may elect other officers as may be necessary to
14 carry out its functions. Meetings shall be called and held at
15 the call of the chairperson or by a quorum which shall be a
16 majority of the members."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Clarene v. Michikan

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S.B. NO. 864

Report Title:

Reapportionment Commission; Reapportionment Hearings; Sunshine Law; Public Internet Access

Description:

Requires members of the reapportionment commission and apportionment advisory councils to receive training on chapter 92. Requires reapportionment public hearings to be broadcast live and archived on the Internet.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

