

STAND. COM. REP. NO.

1476

Honolulu, Hawaii

MAR 25 , 2021

RE: S.B. No. 1350
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1350, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Permit public notice in a short form for proposed, revised, and final reapportionment plans, subject to specific requirements;
- (2) Temporarily amend the start date for the availability of nomination papers for the 2022 primary election;
- (3) Define "permanent resident" for reapportionment purposes; and
- (4) Authorize and appropriate funds for the Reapportionment Commission to retain outside legal counsel.

Your Committee received comments on this measure from the Department of the Attorney General, Office of Elections, Common Cause Hawaii, and one individual. Your Committee received testimony in opposition to this measure from one individual.

2021-2468 SB1350 HD1 HSCR HMSO



Your Committee finds that in February 2021, the United States Census Bureau announced that it will likely delay delivery of the 2020 Census results to the fifty states by as much six months or more. Your Committee further finds that this delay will in turn significantly delay the reapportionment of districts for elective office and make it harder for prospective candidates to run for office in 2022. Your Committee also finds that the Hawaii 2011 Reapportionment Commission's final report and reapportionment plan recommended improvements to the reapportionment process that are in the public interest to implement. This measure will implement important recommendations from that report.

Your Committee notes the concerns raised by the Department of the Attorney General regarding the potential conflict between the definition of "permanent resident" as used in this measure and article IV, sections 4 and 6, of the Hawaii State Constitution.

Your Committee has amended this measure by:

- (1) Amending the definition of "permanent resident" for legislative reapportionment to be as defined by *Solomon v. Abercrombie*, 126 Haw. 283 (2012);
- (2) Requiring the public notice of a legislative reapportionment plan prepared and proposed by the Reapportionment Commission to be subject to notice publication requirements;
- (3) Requiring that the law providing for when nomination papers shall be made available be reenacted in the form in which it read on the day before the effective date of this measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1350, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1350, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARR M. NAKASHIMA, Chair



