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S.B. NO. 1350

A Bill for an Act Relating to State Government.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. Act 2, Session Laws of Hawaii 2020, is amended by amending section 2 to read as follows:

“SECTION 2. (a) Notwithstanding any law to the contrary and notwithstanding the legislature not disapproving the commission on salaries’ recommendation for salary increases by adoption of a concurrent resolution in 2019, beginning on July 1, 2020, and continuing through ~~[June 30, 2021,]~~ December 31, 2022, the annual salaries of the governor, lieutenant governor, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads or executive officers of the departments of:

- (1) Accounting and general services;
- (2) Agriculture;
- (3) The attorney general;
- (4) Budget and finance;
- (5) Business, economic development, and tourism;
- (6) Commerce and consumer affairs;
- (7) Defense;

- (8) Hawaiian home lands;
- (9) Health;
- (10) Human resources development;
- (11) Human services;
- (12) Labor and industrial relations;
- (13) Land and natural resources;
- (14) Public safety;
- (15) Taxation; and
- (16) Transportation,

shall remain at the salary rate as of June 30, 2020; provided that on ~~[July 1, 2021,]~~ January 1, 2023, the salaries of these positions shall be adjusted pursuant to the salary recommendations of the commission on salaries to the level they would have been on July 1, ~~[2021,]~~ 2022, without the delay under this Act; provided further that the salary recommendations of the commission on salaries for these positions effective July 1, ~~[2022,]~~ 2023, and ~~[each year thereafter through]~~ July 1, 2024, shall become effective on that date in accordance with the recommendations.

(b) Notwithstanding any law to the contrary and notwithstanding the legislature not disapproving the commission on salaries' recommendation for salary increases by adoption of a concurrent resolution in 2019, beginning on January 1, 2021, and continuing through ~~[June 30, 2021,]~~ December 31, 2022, the annual salaries of members of the legislature shall remain at the salary rate as of June 30, 2020; provided that on ~~[July 1, 2021,]~~ January 1, 2023, the salaries of the legislators shall be adjusted pursuant to the salary recommendations of the commission on salaries to the level they would have been on January 1, ~~[2021,]~~ 2023, without the delay under this Act; provided further that the salary recommendations of the commission on salaries for legislators effective ~~[January 1, 2022, and each year thereafter through]~~ January 1, 2024, shall become effective on that date in accordance with the recommendations.

(c) This section shall not be enforced to the extent that it is preempted by federal law.”

PART II

SECTION 2. The purpose of this part 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 to the reapportionment commission.

SECTION 3. Section 1-28.5, Hawaii Revised Statutes, is amended to read as follows:

“**§1-28.5 Publication of notice.** (a) Notwithstanding any other statute, law, charter provision, ordinance, or rule to the contrary, whenever a government agency is required to give public notice or to publish notice, the notice shall be given only as follows:

- (1) For statewide publication:
 - (A) In a daily or weekly publication of statewide circulation; or
 - (B) By publication in separate daily or weekly publications whose combined circulation is statewide; and
- (2) For county-wide publication, by publication in a daily or weekly publication in the affected county.

Additional supplemental notice may also be given through Hawaii FYI, the State's interactive computer system.

(b) For purposes of this section, the comptroller pursuant to chapter 103D shall determine a publication for all government agencies to enable the public to go to one source of publication for published public notice on each island.

(c) Whenever a public notice is published in a newspaper or other publication described in subsection (a), proof of the publication shall be the affidavit of the printer, publisher, principal clerk, or business manager of the newspaper or other publication or of the designated agent of the group that published the notice.

(d) This section shall not apply to notices required by chapters 103D, 103F, 127A, and 523A.

(e) For purposes of publishing a proposed, revised, or final reapportionment plan pursuant to section 25-2, public notice shall be permitted in a short form; provided that each short form public notice shall include the following information:

- (1) Whether the reapportionment plan has been either proposed, revised, or adopted;
- (2) The online location to view the reapportionment plan;
- (3) A list of the location of each public office where the hard copies of the reapportionment plan and maps are available; and
- (4) The public hearing dates.

[~~(e)~~] (f) For purposes of this section, "government agency" means each department, board, commission, or officer of the State or any of its political subdivisions."

SECTION 4. Section 12-2.5, Hawaii Revised Statutes, is amended to read as follows:

"§12-2.5 Nomination papers; when available. Nomination papers shall be made available from the first working day of [~~February~~] March in every even-numbered year; provided that in the case of a special primary or special election, nomination papers shall be made available at least ten days [~~prior to~~] before the close of filing."

SECTION 5. Section 25-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Legislative reapportionment. The commission shall reapportion the members of each house of the legislature on the basis, method, and criteria prescribed by the Constitution of the United States and article IV of the Hawaii State Constitution. [~~Pursuant thereto, the~~] For purposes of legislative reapportionment, a "permanent resident" means a person having the person's domiciliary in the State. In determining the total number of permanent residents for purposes of apportionment among the four basic island units, the commission shall only extract non-permanent residents from the total population of the State counted by the United States Census Bureau for the respective reapportionment year. The commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. [~~Not~~] No more than one hundred days from the date on which all members are certified, the commission shall cause to be given in each basic island unit, public notice subject to section 1-28.5 of a legislative reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial public notice of the plan. At

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least twenty days' notice shall be given of the public hearing. The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time, and place where interested persons may be heard thereon. The notice shall be given at least once in the basic island unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. After the last of the public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether ~~or not~~ the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan. Within fourteen days after the filing of the final reapportionment plan, the chief election officer shall cause public notice subject to section 1-28.5 to be given of the final legislative reapportionment plan which, upon public notice, shall become effective as of the date of filing and govern the election of members of the next five succeeding legislatures."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$287,200 or so much thereof as may be necessary for fiscal year 2021-2022 for the reapportionment commission to support its expenses.

The sum appropriated shall be expended by the office of elections for the purposes of this Act.

PART III

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on upon its approval; provided that:

- (1) Part I of this Act shall take effect on June 29, 2021;
- (2) Section 4 of this Act shall be repealed on November 9, 2022; provided further that section 12-2.5, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act; and
- (3) Section 6 of this Act shall take effect on July 1, 2021.

(Approved May 17, 2021.)