
A BILL FOR AN ACT

RELATING TO STATE GOVERNMENT.

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

1 SECTION 1. The legislature finds that in February 2021,
2 the United States Census Bureau announced that it will likely
3 delay delivery of the 2020 census results to the fifty states by
4 as much as six months or more. This will significantly delay
5 the reapportionment of federal, state, and county districts for
6 elective office and make it harder for prospective candidates of
7 all parties to run for office and ensure voters' proper
8 representation in 2022. The legislature further finds that
9 after experiencing delays in preparing the reapportionment plan
10 following the 2010 census, the State of Hawaii 2011
11 reapportionment commission final report and reapportionment plan
12 made recommendations to improve the reapportionment process for
13 the future. These recommendations include:

14 (1) That the legislature initiate changes in law to
15 clarify the term "permanent residents" for
16 reapportionment;



- 1 (2) That future reapportionment commissions obtain private
2 outside counsel to be funded by the legislature;
- 3 (3) That the legislature initiate changes in law to
4 clarify whether a state senate election held to fill a
5 vacancy created when an incumbent resigns is a
6 "regular election" for the purpose of computing senate
7 staggered terms; and
- 8 (4) That the legislature and chief election officer
9 consider methods to streamline public notice of the
10 proposed and final plans to utilize advances in
11 technology for viewing plans online and at public
12 offices around the State in conjunction with
13 publication of notice.

14 The legislature also finds that to best address the
15 unprecedented delays at the United States Census Bureau, to
16 ensure adequate time for candidates to run for office, and
17 ensure voters' proper representation, it is in the public
18 interest to implement the most important recommendations made in
19 the 2011 reapportionment commission final report.

20 Accordingly, the purpose of this Act is to:



- 1 (1) Temporarily amend the start date for the availability
- 2 of nomination papers for the 2022 primary election;
- 3 (2) Define "permanent resident" for reapportionment
- 4 purposes;
- 5 (3) Permit public notice in a short form for proposed,
- 6 revised, and final reapportionment plans, maps, and
- 7 relevant documents, subject to specific requirements;
- 8 and
- 9 (4) Appropriate funds for the reapportionment commission
- 10 to allow it to retain outside legal counsel.

11 SECTION 2. Section 1-28.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§1-28.5 Publication of notice. (a) Notwithstanding any
14 other statute, law, charter provision, ordinance, or rule to the
15 contrary, whenever a government agency is required to give
16 public notice or to publish notice, the notice shall be given
17 only as follows:

- 18 (1) For statewide publication:
 - 19 (A) In a daily or weekly publication of statewide
 - 20 circulation; or



1 (B) By publication in separate daily or weekly
2 publications whose combined circulation is
3 statewide; and

4 (2) For county-wide publication, by publication in a daily
5 or weekly publication in the affected county.

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

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

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

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

20 (e) For purposes of publishing a proposed, revised, or
21 final reapportionment plan pursuant to section 25-2, public



1 notice is permitted in a short form; provided that each short
2 form public notice shall include the following information:

3 (1) Whether the plan has been either proposed or adopted;

4 (2) The online location to view the plan, maps, and other
5 relevant information;

6 (3) A list of the location of each public office where the
7 hard copies of the reapportionment plan, maps, and
8 other relevant documents are available; and

9 (4) The public hearing dates and other necessary
10 information.

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

14 SECTION 3. Section 12-2.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§12-2.5 Nomination papers; when available.** Nomination
17 papers shall be made available from the first working day of
18 [~~February~~] _____ in every even-numbered year; provided that
19 in the case of a special primary or special election, nomination
20 papers shall be made available at least ten days prior to the
21 close of filing."



1 SECTION 4. Section 25-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Legislative reapportionment. The commission shall
4 reapportion the members of each house of the legislature on the
5 basis, method, and criteria prescribed by the Constitution of
6 the United States and article IV of the Hawaii Constitution.
7 For purposes of legislative reapportionment, in determining the
8 permanent resident population, a "permanent resident" is as
9 defined by the United States Census Bureau. Pursuant thereto,
10 the commission shall conduct public hearings and consult with
11 the apportionment advisory council of each basic island unit.
12 Not more than one hundred days from the date on which all
13 members are certified, the commission shall cause to be given in
14 each basic island unit, public notice of a legislative
15 reapportionment plan prepared and proposed by the commission.
16 At least one public hearing on the proposed reapportionment plan
17 shall be held in each basic island unit after initial public
18 notice of the plan. At least twenty days' notice shall be given
19 of the public hearing. The notice shall include a statement of
20 the substance of the proposed reapportionment plan, and of the
21 date, time, and place where interested persons may be heard



1 thereon. The notice shall be given at least once in the basic
2 island unit where the hearing will be held. All interested
3 persons shall be afforded an opportunity to submit data, views,
4 or arguments, orally or in writing, for consideration by the
5 commission. After the last of the public hearings, but in no
6 event later than one hundred fifty days from the date on which
7 all members of the commission are certified, the commission
8 shall determine whether or not the plan is in need of correction
9 or modification, make the correction or modification, if any,
10 and file with the chief election officer, a final legislative
11 reapportionment plan. Within fourteen days after the filing of
12 the final reapportionment plan, the chief election officer shall
13 cause public notice subject to section 1-28.5(e) to be given of
14 the final legislative reapportionment plan which, upon public
15 notice, shall become effective as of the date of filing and
16 govern the election of members of the next five succeeding
17 legislatures."

18 SECTION 5. Section 28-8.3, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) No department of the State other than the attorney
21 general may employ or retain any attorney, by contract or



1 otherwise, for the purpose of representing the State or the
2 department in any litigation, rendering legal counsel to the
3 department, or drafting legal documents for the department;
4 provided that the foregoing provision shall not apply to the
5 employment or retention of attorneys:

6 (1) By the public utilities commission, the labor and
7 industrial relations appeals board, and the Hawaii
8 labor relations board;

9 (2) By any court or judicial or legislative office of the
10 State; provided that if the attorney general is
11 requested to provide representation to a court or
12 judicial office by the chief justice or the chief
13 justice's designee, or to a legislative office by the
14 speaker of the house of representatives and the
15 president of the senate jointly, and the attorney
16 general declines to provide such representation on the
17 grounds of conflict of interest, the attorney general
18 shall retain an attorney for the court, judicial, or
19 legislative office, subject to approval by the court,
20 judicial, or legislative office;

21 (3) By the legislative reference bureau;



- 1 (4) By any compilation commission that may be constituted
- 2 from time to time;
- 3 (5) By the real estate commission for any action involving
- 4 the real estate recovery fund;
- 5 (6) By the contractors license board for any action
- 6 involving the contractors recovery fund;
- 7 (7) By the office of Hawaiian affairs;
- 8 (8) By the department of commerce and consumer affairs for
- 9 the enforcement of violations of chapters 480 and
- 10 485A;
- 11 (9) As grand jury counsel;
- 12 (10) By the Hawaii health systems corporation, or its
- 13 regional system boards, or any of their facilities;
- 14 (11) By the auditor;
- 15 (12) By the office of ombudsman;
- 16 (13) By the insurance division;
- 17 (14) By the University of Hawaii;
- 18 (15) By the Kahoolawe island reserve commission;
- 19 (16) By the division of consumer advocacy;
- 20 (17) By the office of elections;
- 21 (18) By the campaign spending commission;



1 SECTION 8. This Act shall take effect on July 1, 2021;
2 provided that section 3 of this measure shall be repealed on
3 November 9, 2022.



Report Title:

Legislative Reapportionment; Permanent Residents; Short Form
Public Notice Requirements; Appropriation

Description:

Temporarily amends the start of filing nomination papers for the 2022 Election. Defines "permanent resident" for legislative reapportionment purposes, to be consistent with the U.S. Census Bureau's definition of permanent resident. Establishes public notice requirements for short form public notices of reapportionment plans. Appropriates an unspecified amount to the Reapportionment Commission for its expenses, which include obtaining outside legal counsel. (SD1)

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

