

STAND. COM. REP. NO. 762

Honolulu, Hawaii

MAR 05 2021

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Government Operations, Ways and Means, and Judiciary, to which was referred S.B. No. 1350 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Office of Public Accountability to assume oversight and administrative responsibility for the Office of the Auditor, Office of the Ombudsman, Office of Information Practices, Hawaii State Ethics Commission, and Campaign Spending Commission; and
- (2) Appropriate an unspecified amount of funds for the operating expenses of the Office of Public Accountability.

Your Committees received comments on this measure from the Office of Information Practices.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and inserting language to:

- (1) Define "permanent resident" for reapportionment purposes;



- (2) Permit public notice in a short form for reapportionment plans, maps, and relevant documents, subject to specific requirements; and
- (3) Appropriate funds for the Reapportionment Commission to allow it to retain outside legal counsel.

Your Committees received testimony in support of the proposed S.D. 1 from one individual. Your Committees received testimony in opposition to the proposed S.D. 1 from one individual. Your Committees received comments on the proposed S.D. 1 from the Office of Elections, Common Cause Hawaii, and one individual.

Your Committees find that the Reapportionment Commission, in determining reapportionment, must first determine the total number of members to which the State is entitled then apportion those members among districts so that the average number of persons in the total population counted in the last preceding United States Census per member in each district shall be nearly equal as practicable. In February 2011, the U.S. Census Bureau announced it will likely delay delivery of the 2020 census results to the fifty states by as much as six months or more. This will significantly delay the reapportionment of federal, state, and county districts. Your Committees further find that after experiencing delays in preparing the reapportionment plan following the 2010 census, the State of Hawaii 2011 Reapportionment Commission Final Report and Reapportionment Plan made recommendations to improve the reapportionment process for the future. The Hawaii Revised Statutes requires the Reapportionment Commission to act by majority vote of its membership and establish its own procedures except as provided by law. This measure therefore implements a recommendation of the 2011 Reapportionment Commission Final Report and Reapportionment Plan by clarifying that the definition of a "permanent resident", for purposes to legislative reapportionment, is the same as defined by the U.S. Census Bureau, thereby assisting the Reapportionment Commission to determine an accurate count of the permanent resident population of the State.

Your Committees also find that the streamlined form of notice required for reapportionment plans as proposed by this measure is projected to result in significant cost savings, while also



providing adequate notice to the public of the Reapportionment Commission's actions and the availability of the Reapportionment Plan, related maps, and other documents.

Your Committees further recognize that reapportionment should occur before a candidate for the 2022 election is issued a nomination paper to ensure that the candidate not only meets the residency requirements, but also collects signatures from voters in the correct district. Your Committees note that any timing issues regarding the constitution of the reapportionment commission, the certification of its members, and the filing of any reapportionment plan under article VI, section 2, of the Hawaii State Constitution may be addressed through a court order.

Your Committees further note that existing law is unclear as to whether a state Senate election held to fill a vacancy created upon the resignation of an incumbent is considered a regular election for the purposes of computing Senate staggered terms. Your Committees find that amendments to the Hawaii State Constitution would be needed to clarify this issue and that such amendments merit further discussion as this measure proceeds.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Allowing public notice in a short form for proposed, revised, and final versions of the reapportionment plan and reapportionment maps;
- (2) Clarifying that reapportionment maps shall be available for viewing at certain public offices;
- (3) Clarifying the definition of permanent resident for purposes of legislative apportionment to be consistent with the U.S. Census Bureau's definition of permanent resident;
- (4) Specifying that nomination papers for the 2022 primary election shall be made available from the first working day of an unspecified month;
- (5) Specifying that the Reapportionment Commission may retain outside legal counsel under section 28-8.3,




Hawaii Revised Statutes, relating to the state's employment of attorneys;


- (6) Clarifying that the appropriation is intended for the expenditures of the Reapportionment Commission, including the retention of private counsel; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations, Ways and Means, and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1350, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1350, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Government Operations, Ways and Means, and Judiciary,


DONOVAN M. DELA CRUZ, Chair

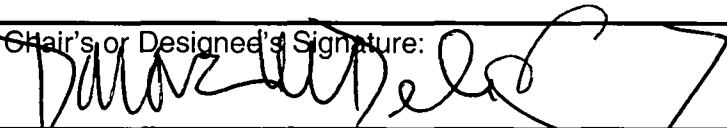

SHARON MORIWAKI, Chair


KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

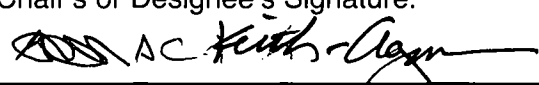
Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* SB 1350	Committee Referral: GVO/WAM/JDC	Date: 3/4/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley	/			
GABBARD, Mike	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB1350	Committee Referral: GVO/WAM/JDC	Date: 3/64/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani				X
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	10			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1350	GVO / WAM / JDC	03/04 / 2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)				✓
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes