

Honolulu, Hawaii

FEB 06 2025

RE: S.B. No. 124
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 124 entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE IV, SECTIONS 4 AND 6, OF THE HAWAII STATE CONSTITUTION REGARDING REAPPORTIONMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to propose amendments to article IV, sections 4 and 6, of the Hawaii State Constitution to specify that reapportionment shall be based on the resident population, as counted in the most recent decennial United States census for the respective reapportionment year.

Your Committee received testimony in support of this measure from three individuals.

Your Committee received testimony in opposition to this measure from one member of the Hawai'i County Council and seven individuals.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Hawaii State Constitution requires that reapportionment for state senators and representatives be based on the average number of "permanent



residents" in each district, which may exclude "usual residents" of the State, despite "usual residents" being included in the decennial United States census. Your Committee also finds that forty-seven states base their reapportionment process on the United States census data and the concept of "usual residents". The practical effect of the State's existing reapportionment method is that thousands of military members, their dependents, and college students who reside in the State but are not permanent residents are excluded from reapportionment. This measure will conform the State's reapportionment process with the majority of other states in the nation and ensure that seats for elected officials more accurately reflect an area's resident population by using the "usual resident" standard of the decennial United States census count rather than the "permanent resident" population.

Your Committee acknowledges the concerns raised by the testimony of the Department of the Attorney General that if the Reapportionment Commission is required to use the "most recent" decennial census, should there be a delay in the reporting of the census data the term "most recent" could be interpreted to mean the previous census from ten years earlier. Therefore, your Committee finds that amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that reapportionment shall be based on the resident population, as counted in the decennial United States census for the respective reapportionment year, instead of census data from the most recent decennial census of the United States;
- (2) Clarifying legislative findings to include that forty-seven states base their reapportionment process on the United States census data and the concept of "usual residents";
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your



Committee is in accord with the intent and purpose of S.B. No. 124, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 124, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



