

ACT 79

H. B. NO. 7

A Bill for an Act Relating to Legislative Reapportionment.

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

SECTION 1. Reapportionment commission. A legislative reapportionment commission shall be constituted after the third Wednesday of January but before March 1 of each reapportionment year, and the members shall be appointed and certified to hold their offices for such term in the manner prescribed in section 4, Article III, of the Constitution.

SECTION 2. Duties. The commission shall reapportion the members of each house among the basic island units and among the districts therein, redistricting where necessary, on the basis, method and criteria prescribed in section 4, Article III, of the Constitution. Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. Not more than sixty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in each basic island unit a reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan so published shall be held in each basic island unit within forty days after the initial publication. At least twenty days' notice shall be given of such 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 published at least once in a newspaper of general circulation in the basic island unit where the hearing will be held. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. Within twenty days after the last of such public hearings, but in no event later than one hundred and twenty 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 the final reapportionment plan. Within ten days after filing of the final reapportionment plan with the chief election officer, he shall cause to be published in a newspaper of general circulation in the State the final reapportionment plan which shall, upon publication, become effective as of the date of filing and govern the election of members of the next four succeeding legislatures.

SECTION 3. Powers. The commission may require all such persons as it deems necessary to appear personally and testify before it and to produce to it all books, records, files, papers, maps and documents as shall appear to be necessary for the purpose of formulating a reapportionment plan. The chairman

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of the commission or any member thereof acting on behalf of the chairman shall have power to administer oaths to persons summoned to appear before the commission and such persons may be questioned, under oath, concerning all matters necessary for the due execution of the duties vested in the commission by the Constitution and by this Act. All hearings and proceedings shall be governed by this Act and by rules of practice and procedure established by the commission. A majority of its membership shall constitute a quorum to do business, and the concurrence of a majority of its membership shall be necessary to make any action of the commission valid. Meetings shall be called and held at the call of the chairman or by a quorum.

SECTION 4. Penalty for violation and false evidence. Any person who, having been summoned under section 3 to give testimony or to produce any books, records, files, papers, maps and documents, wilfully makes default, or who, having appeared, refuses to answer any questions or wilfully gives false evidence shall be fined not more than \$1,000, or imprisoned not more than twelve months, or both.

SECTION 5. Compensation. Each of the members of the reapportionment commission selected and certified shall, for the period he holds his office, receive compensation of \$50 per meeting but not to exceed \$1,000 per month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for compensation and expenses shall be paid by warrants signed by the chairman of the commission. The members of the commission shall be exempt from the provisions of chapters 76 and 77 of the Hawaii Revised Statutes.

SECTION 6. Cooperation. The commission may request and shall receive from every department, division, board, bureau, commission or other agency of the State cooperation and assistance in the performance of its duties.

SECTION 7. Apportionment advisory councils. The apportionment advisory councils for the respective basic island units shall be constituted at the same time as the reapportionment commission and the members selected to hold their offices for such terms in the manner prescribed in section 4, Article III, of the Constitution. Each advisory council shall serve in an advisory capacity to the reapportionment commission as to matters affecting its basic island unit. Each member shall be a registered voter of his basic island unit. A member of a council shall, for the period he holds his office, receive compensation of \$50 per meeting but not to exceed \$500 per month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for expenses shall be made by warrants signed by the chairman of the appropriate advisory council. The members of the council shall be exempt from the provisions of chapters 76 and 77 of the Hawaii Revised Statutes. Each council shall elect its own chairman and may elect other officers that may be necessary to carry out its functions. Meetings shall be called and held at the call of the chairman or by a quorum which shall be a majority of the members.

SECTION 8. The commission and each council shall keep a written record of its meetings and hearings and shall submit a written report to the Legis-

lature next convening.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 23, 1969.)