

STATE GOVERNMENT

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The Hawaiian Islands were discovered by ancient Polynesians more than fourteen centuries ago, and by the first European, Captain James Cook, in 1778. The islands were divided and ruled by various chiefs until they were united at the end of the 18th century by Kamehameha the Great who established the kingdom of Hawaii. The kingdom was an absolute monarchy until 1840 when King Kamehameha III signed the first written constitution, changing the government of Hawaii to a constitutional monarchy. With successive constitutions, the last monarch, Queen Liliuokalani, had limited political powers. Hawaii became a republic on July 4, 1894, a territory of the United States on June 14, 1900, and the 50th state on August 21, 1959.

The annexation, or transfer of sovereignty, of Hawaii to the United States took place on August 12, 1898, when Harold M. Sewell, Minister of the United States to the Republic of Hawaii, presented Sanford B. Dole, President of the Republic of Hawaii, a certified copy of a Joint Resolution of the United States Congress (Public Resolution No. 51, 55th Congress, 2nd Session), entitled “Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States.” The Joint Resolution had been approved by President William McKinley on July 7, 1898. Hawaii became a territory under the Organic Act, “An Act to Provide a Government for the Territory of Hawaii” (chapter 339, 31 Stat. 141), which was approved on April 30, 1900, and took effect June 14, 1900. Statehood was attained in 1959 when Congress passed Senate Bill 50 on March 12, 1959. President Eisenhower signed the Admission Act, Public Law 86-3, on March 18, 1959. The official proclamation of admission was issued by the President on August 21, 1959.

The Constitution of the State of Hawaii was formulated by the 1950 Constitutional Convention, ratified by voters of the Territory on November 7, 1950, and amended on June 27, 1959, at the time of the plebiscite on the admission of Hawaii to the Union. Since 1950, there have been two Constitutional Conventions, in 1968 and 1978. In addition to constitutional revision and amendments proposed by a constitutional convention and approved by voters, pursuant to the State Constitution, Article XVII, section 2, the Constitution also provides, under Article XVII, section 3, for the Legislature to propose constitutional amendments to be approved or rejected by the electorate at the next general election. Thus the State Constitution has been amended numerous times.

THE LEGISLATURE

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The legislative power of the State, under the State Constitution, Article III, section 1, is vested in a Legislature that consists of two houses, a Senate and a House of Representatives. The Legislature's power extends to all rightful subjects of legislation not inconsistent with the State Constitution or the Constitution of the United States.

Annually, on the third Wednesday in January, the Hawaii State Legislature convenes in Regular Session to consider all proper subjects for legislation. In addition to its lawmaking functions, the Legislature performs functions that include fact-finding and similar investigations, receiving and considering requests or petitions from groups and individuals, confirming certain officers appointed by the Governor (a function that is the prerogative of the Senate under Article V, section 6, of the State Constitution), participating in amending the Constitution, and exercising quasi-judicial authority to punish in cases of certain offenses against the Legislature or its members.

The Senate consists of twenty-five members elected from twenty-five senatorial districts for staggered four-year terms. The House of Representatives consists of fifty-one members elected from fifty-one representative districts for two-year terms.

Each house adopts its own rules, establishes standing committees, maintains its own records, and elects its own officers. The presiding officer of the Senate is the President of the Senate. The presiding officer of the House is the Speaker of the House of Representatives.

Qualifications of Legislators

Pursuant to the State Constitution, Article III, section 6, to be eligible to serve as a member of the Legislature, a person must have attained the age of majority, be a resident of the State for not less than three years, and be a qualified voter of the district from which election is sought.

Officers

President of the Senate and Speaker of the House of Representatives. The presiding officers of the respective houses have virtually identical duties as prescribed in the rules of their respective bodies. Their functions include:

- (1) Chairing the meetings of their respective houses;
- (2) Maintaining order in the chamber;
- (3) Controlling and routing the flow of business and communications in their respective houses;
- (4) Clarifying rules and deciding on questions of order; and
- (5) Other duties required by law or by the rules of their respective houses.

Vice President and Vice Speaker. The Vice President and the Vice Speaker, in the absence of their respective presiding officers, assume the powers and duties of the presiding officer.

Clerk and Assistant Clerks. The clerks of both houses are the custodians of the records of the respective houses. In addition, the clerks and their assistants perform various supportive and fiscal responsibilities, such as routing communications and resolutions and paying approved bills and accounts.

Sergeant-at-Arms. The Sergeant-at-Arms of each house and their staffs maintain order at the daily sessions, supervise the distribution of incidental supplies, supervise messengers, and perform other duties as requested by the presiding officers.

Committees

Legislative standing committees are named for the program area or areas over which they have responsibility. Standing committees vary in size and number from session to session. Their names may also change periodically to note their change in subject matter jurisdiction. Committees review programs, proposed legislation, financial plans, and other matters within the scope of their responsibility. Generally speaking, legislation and other matters that a standing committee recommends for consideration by the entire house are memorialized in its findings and recommendations and reported to the whole house via a standing committee report.

Other types of legislative committees include: special committees, which are temporarily appointed to consider and report on special matters referred to them; conference committees, which are appointed to reconcile the differences of each house on legislative measures requiring the approval of both houses; interim committees, which function between regular sessions; investigating committees; and the committee of the whole.

Reapportionment Commission

Under the State Constitution, Article IV, section 1, the years 1973 and 1981, and every tenth year thereafter, are reapportionment years.

Under the State Constitution, Article IV, section 2, and section 25-1, Hawaii Revised Statutes (hereafter "HRS"), a nine-member Reapportionment Commission is constituted on or before May 1 of each reapportionment year and whenever reapportionment is required by court order. The Senate President and House Speaker each select two members. Members of each house belonging to the party or parties different from that of the President or Speaker designate one of their number for each house and the two so designated each select two members. The eight members so selected then select, by a vote of six members, the ninth member who serves as Chairperson of the Commission.

The Commission acts by majority vote of its membership and establishes its own operating procedures, except where provided for by law.

The Constitution prescribes guidelines for the formulation of a reapportionment plan:

- (1) No district shall extend beyond the boundaries of any basic island unit (county) [not followed due to a court-prescribed reapportionment plan in 1982 and the 1984 Reapportionment Commission plan];
- (2) No district shall be so drawn as to unduly favor a person or political faction;
- (3) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (4) Insofar as practicable, districts shall be compact;
- (5) Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries;
- (6) Where practicable, representative districts shall be wholly included within senatorial districts;
- (7) Not more than four members shall be elected from any single district;
- (8) Where practicable, submergence of an area in a larger district wherein substantially different socioeconomic interests predominate shall be avoided.

Not more than one hundred days after its members are certified, the Commission publishes a proposed reapportionment plan for the State Legislature and a proposed reapportionment plan for the United States congressional districts and holds at least one public hearing on the proposed plans in each basic island unit. Not more than one hundred fifty days after its members are certified, the Commission makes any corrections or modifications to the plans and files with the Chief Election Officer the final legislative and congressional reapportionment plans.

Apportionment Advisory Councils. Under the State Constitution, Article IV, section 2, and section 25-7, HRS, each of the four officials designated as selecting authorities for the Reapportionment Commission also select one person from each basic island unit to serve on an Apportionment Advisory Council for that island unit. Each Council serves in an advisory capacity to the Commission on matters relating to its island unit. The Councils remain in existence during the life of the Commission.