



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

H.B. NO. 1534, H.D. 1, S.D. 1, RELATING TO RESIDENCE REQUIREMENTS FOR APPOINTED OFFICERS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, April 7, 2017

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Charleen Aina,
Deputy Attorney General, at 586-1292)

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General submits this written testimony to propose that section 78-1, Hawaii Revised Statutes, also be amended to clarify that residents of the State who are eligible for unrestricted employment in the United States under federal law at the time of their appointment, may be appointed to serve as state and county appointive officers, other than as the head, or deputy or assistant to the head of a state or county department.

We make this proposal after recently being made aware of a need to clarify that Hawaii residents who are eligible under federal law for unrestricted employment in the United States qualify to serve in certain appointive offices. Proposed language to revise H.B. No. 1534, H.D. 1, S.D. 1 to include this further amendment is attached.

Thank you for considering this further amendment to this measure.

"(b) All appointive officers in the service of the government of the State or any county who are employed as department heads and deputies or assistants to a department head shall be citizens of the United States and residents of the State for at least one year immediately preceding their appointment; provided that the foregoing one year residency requirement may be waived by the appointing authority when the appointive officer is [~~required~~]:

- (1) Required to have highly specialized or scientific knowledge and training and a qualified applicant who is a resident for at least one year is not available to fill the position[.]; or
- (2) Employed as the head of a county police department.

All others appointed in the service of the government of the State or in the service of any county or municipal subdivision of the State shall be residents of the State at the time of their appointment, and citizens, nationals, [~~or~~] permanent resident aliens of the United States, [~~and residents of the State at the time of their appointment.~~] or eligible under federal law for unrestricted employment in the United States. A national or permanent resident alien appointee shall not be eligible for continued employment unless such person diligently

seeks citizenship upon becoming eligible to apply for United States citizenship."

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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April 6, 2017

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair,
Senate Committee on Judiciary and Labor

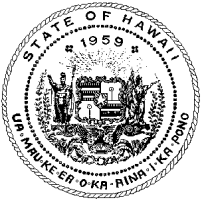
FROM: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

SUBJECT HB1534 HD1SD1 RELATING TO RESIDENCE REQUIREMENTS FOR
APPOINTED OFFICERS

Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee:

Thank you for your willingness to hear this measure and keep it moving through the legislative process. The Department is in strong support of this measure as well as the Attorney General's requested amendment to clarify that residents of the State who are eligible for unrestricted employment in the United States under federal law at the time of their appointment, may be appointed to serve as state and county appointive officers, other than as the head, or deputy or assistant to the head of a state or county department.

Thank you for your consideration.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 7, 2017
Rm. 016, 9:30 a.m.

To: The Honorable Gilbert Keith-Agaran, Chair
Members of the Senate Committee on Judiciary and Labor

From: William D. Hoshijo, Executive Director
Hawai‘i Civil Rights Commission

Re: H.B. No. 1534, H.D.1, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports the proposed amendment to HRS § 78-1 offered by the Department of the Attorney General, which would clarify that residents of the State who are eligible for unrestricted employment in the United States under federal law, may be appointed to serve as state or county appointive officers, other than as the head, or deputy or assistant to the head of a state or county department.

The HCRC would support an H.B. No. 1534, H.D.1, S.D.2, incorporating the Attorney General’s proposed amendment.

Thank you for your consideration.

SHOPO



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VICE PRESIDENT

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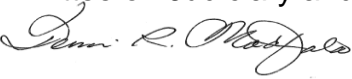
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TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

The Honorable Karl Rhoads, Vice-Chair
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: April 5, 2017

SUBJECT: Testimony on H.B. No. 1534 HD1 SD1, Relating to
Residence Requirements For Appointed Officers

DECISION: Friday, April 7, 2017

MAKING: 9:30 a.m. Conference Room 016

Thank you for the opportunity to provide testimony on this bill. This bill repeals the one-year residency requirement for applicants for Police Chief of the county police departments. The State of Hawaii Organization of Police Officers opposes this bill.

This bill amends Hawaii Revised Statutes section 78-1 which currently provides an exception from the one-year residency requirement for applicants who have "highly specialized or scientific knowledge" when there are no qualified applicants with a one-year residency.

As you know, the current Police Chief of the Honolulu Police Department retired on February 28, 2017. There have always been many qualified applicants for the job of Police Chief. Not only have there been qualified applicants, but the Honolulu Police Department has had excellent chiefs. To name a few, Chief Frances Keala, Chief Douglas Gibb, Chief Michael Nakamura, and Chief Lee Donohue. They all came from within the department. They have been strong leaders that were well-connected to the community.

Authorizing applicants that have not been residents for one year creates a steep learning curve of Hawaii's culture, and also of Honolulu's policing needs and strengths. It takes time to build working relationships with other departments, agencies, and to create relationships with community groups.

Further, a new hire from outside of the Honolulu Police Department will not know the strengths and weaknesses of individual personnel in the department, nor its structure and processes. A chief that has worked his or her way up from the bottom to the top over many years not only has a much stronger base of knowledge from which to select future top administrators in the department, but also has a strong investment in and commitment to the department.

SHOPO opposes this bill and asks that you consider the Honolulu Police Department's long history of excellent police chiefs that were appointed from within the department.



THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON JUDICIARY & LABOR
Senator Gilbert S C Keith-Agaran, Chair

4/7/2017
Rm. 016, 9:30 AM

HB 1534 HD 1 SD 1
Relating to Residence Requirement for Appointed Officers

Chair Keith-Agaran, and Members of this Committee, my name is Max Sword, Chair of the Honolulu Police Commission (Commission), here on behalf of the Commission in support of SB 1298.

With the retirement of Chief Louis Kealoha, we are into our search for a new Chief for the Honolulu Police Department (HPD) with the passing of the application deadline this past Monday the 3rd.

In our search for a new Chief, we would like to accept and review applications from within the State, as well as those applicants from beyond the State in search of the best candidate that we can find.

If we do not look for the best candidate, we would be doing the citizens of the City & County Of Honolulu a disservice, as well as not doing one of the most important jobs the Commission have to do, which is to hire the Police Chief of HPD.

Finally, we would like to request an amendment that the effective date of the bill, be upon its approval.

We urge your passage of this bill and thank you for the opportunity to submit this testimony.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB1534 on Apr 7, 2017 09:30AM*
Date: Tuesday, April 4, 2017 8:16:08 PM

HB1534

Submitted on: 4/4/2017

Testimony for JDL on Apr 7, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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