

Honolulu, Hawaii

FEB 17, 2006

RE: H.B. No. 2372
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2372 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,"

begs leave to report as follows:

The purpose of this bill is to increase the number of individuals eligible for state and county employment by:

- (1) Requiring that applicants for state and county positions reside in the state at the beginning of appointment, instead of at the time of application; and
- (2) Authorizing all personnel department heads to waive the residency requirement for essential, critical-to-fill, and labor-shortage positions.

The Department of Human Resources Development testified in support of this bill. The Department of Education supported the intent of this measure. The Hawaii Government Employees Association opposed this measure. The Department of the Attorney General offered comments.



Your Committee finds that the current law, which requires applicants to reside in the state at the time they apply for government positions, limits the number of potentially qualified applicants, especially as many baby-boomer employees anticipate retiring within the next five years. To offset the potential loss of qualified employees, legislation that expands the pool of future government employees is critical.

However, your Committee does have concerns as to whether discretion to waive the requirement that an applicant for employment acquire residency after being employed by the State or county should be given to the director of personnel of the applicable jurisdictions. Moreover, your Committee also has concerns regarding what encompasses a "highly specialized technical and scientific skills or knowledge" and "critical-to-fill and labor shortage" position and whether this language is overly broad. As such, your Committee on Labor and Public Employment respectfully requests the Committee on Judiciary to review these matters.

Your Committee has amended this bill by:

- (1) Restoring the original definition of "resident" in section 78-1(c), Hawaii Revised Statutes, which provides clearer and more objective measurements of intent to make Hawaii a permanent residence;
- (2) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2372, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2372, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,


KIRK CALDWELL, Chair



