

Honolulu, Hawaii

Feb 10, 2006

RE: H.B. No. 315

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. 315 entitled:

"A BILL FOR AN ACT RELATING TO SUBPOENAS,"

begs leave to report as follows:

The purpose of this bill is to assist police officers in recovering costs incurred when appearing in court as a state witness. Specifically, this measure:

- (1) Entitles a police officer who testifies or is compelled to be available as a state witness under a subpoena when off-duty to overtime compensation; and
- (2) Requires the State to reimburse the counties for 50 percent of the overtime compensation paid.

The Honolulu Police Department testified in support of this measure. The Department of Civil Service of the County of Hawaii and Department of Personnel Services of the County of Maui opposed this measure. The Department of Budget and Finance offered comments.

Testimony at a trial is an integral part of the judicial system that oftentimes requires police officers to appear in court during off-duty hours. Many of these appearances are in an official capacity and occur when the police officer is serving as a witness for the State. Your Committee finds that this often



places a financial burden, not only on the police officer, but also on the overtime budget of each county police department.

However, your Committee understands the concerns raised by public employers that this measure may have an adverse impact upon the collective bargaining process. Accordingly, your Committee has amended this measure by:

- (1) Clarifying that overtime pay for a police officer who testifies or is compelled to be available as a state witness under a subpoena when off-duty shall only apply if:
 - (A) Overtime compensation for such purpose is allowed by a collective bargaining agreement; and
 - (B) The police officer appears in court in an official capacity as a police officer;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, 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. 315, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 315, 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



