

---

---

## A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 78-1, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:  
3           "(c) All persons seeking employment with the government of  
4 the State or in the service of any county shall be citizens,  
5 nationals, or permanent resident aliens of the United States, or  
6 eligible under federal law for unrestricted employment in the  
7 United States, and ~~[residents of]~~ shall establish residency in  
8 the State ~~[at the time of]~~ within thirty days after their  
9 ~~[application for]~~ employment and as a condition of eligibility  
10 for continued employment.

11           "Resident" means a person who is physically present in the  
12 State at the time the person claims to have established the  
13 person's domicile in the State and shows the person's intent is  
14 to make Hawaii the person's ~~[permanent]~~ primary residence. ~~[In~~  
15 ~~determining this intent, the following factors shall be~~  
16 ~~considered:~~

17           ~~(1) Maintenance of a domicile or permanent place of~~  
18           ~~residence in the State;~~



1 ~~(2) Absence of residency in another state; and~~

2 ~~(3) Former residency in the State.~~

3 ~~This subsection's requirement for state residency shall not~~  
4 ~~apply to applicants for police officer positions; provided that~~  
5 ~~upon employment, the police officer shall establish residency as~~  
6 ~~a condition of continued employment as a police officer.]~~

7 (d) The ~~[appointing authority]~~ director, as defined in  
8 section 76-11, may approve the appointment of persons within the  
9 respective director's jurisdiction, without consideration of the  
10 ~~[requirements]~~ residency requirement under subsection (c) when  
11 ~~[services]~~ the appointment is essential to the public interest  
12 ~~[require]~~, such as when the person possesses highly specialized  
13 technical and scientific skills or knowledge or when the  
14 appointment is for critical-to-fill and labor shortage  
15 positions."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 2007.

19

*Colleen Murphy*  
*Overman Subute*

INTRODUCED BY:

*ACONS C. Am*

*F. J. Blah*  
*dyg 113*

*Della C. Pelatti*

*[Signature]*

*Bush*  
*Kirk Caldwell*

**Report Title:**

Public Employment; Residency Requirements

**Description:**

Removes the requirement that applicants for state or county public employment must be a resident of Hawaii at the time of application. Allows the director of a jurisdiction to waive the "residency during employment" requirements for positions within that jurisdiction.

