



Hawaii State Association of Counties

Counties of Kaua'i, Maui, Hawai'i and City and County of Honolulu



March 16, 2009

Committee on Economic Development, Business
& Military Affairs
House of Representatives
State of Hawaii

Testimony of
Nestor Garcia, President, Hawaii State Association of Counties
Senate Bill 101, SD 1
Regular Session 2009

Chair McKelvey and members of the Committee:

Thank for you this opportunity to offer comments on SB 101, SD1.

At the request of a member of the Taxi Industry two years ago, I introduced legislation at the Honolulu City Council that sought to address the need for various security measures for the safety of the driver and their passengers. Included in the bill were measures to cover the installation of security devices, revocation of licenses, and criminal background checks of drivers and driver applicants.

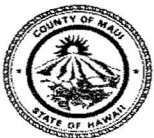
Following a thorough legal review by the Office of Council Services and the City Corporation Counsel, the Council Transportation & Public Works Committee considered the matter at its February 7, 2008 committee meeting. The resulting legislation narrowed the focus to the need for criminal background checks of taxi drivers and taxi driver applicants.

Issues and concerns expressed in committee included the legality of permanently denying and/or revoking a taxicab driver's certificate and whether the City had the authority to conduct FBI background checks on drivers. It is unclear whether the City currently has the authority to access the FBI's database for this purpose. And while the State maintains a database to conduct local criminal background checks, persons who are convicted of out-of-state, federal or international crimes would not be included in the database. Senate Bill 101 seeks to address these concerns and determine the appropriateness of enabling the counties to conduct criminal background checks on taxi drivers and taxi driver applicants.

Thank you for the opportunity to look into this matter. We look forward to the discussion and deliberation to come.

Aloha,

COUNCILMEMBER NESTOR GARCIA
President, Hawaii State Association of Counties
Vice Chair, Honolulu City Council



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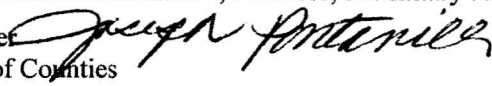


Director of Council Services
Ken Fukuoka

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March 16, 2009

TO: Honorable Angus L.K. McKelvey, Chair
House Committee on Economic Revitalization, Business, & Military Affairs

FROM: Joseph Pontanilla, Treasurer 
Hawaii State Association of Counties

SUBJECT: **HEARING OF MARCH 17, 2009; TESTIMONY ON SB 101, SD1, RELATING TO
CRIMINAL HISTORY RECORD CHECKS BY COUNTIES**

Thank you for the opportunity to testify on this important measure. The purpose of this measure is to authorize the counties to conduct criminal history record checks on taxicab drivers and applicants for taxicab driver's certificates.

I am aware that the President of the Hawaii State Association of Counties (HSAC) has submitted testimony on this measure, which is in the HSAC Legislative Package, on behalf of HSAC. As the Treasurer of HSAC, I concur with the testimony submitted by the President.

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**HOUSE COMMITTEE ON
ECONOMIC REVITALIZATION, BUSINESS, & MILITARY AFFAIRS
MARCH 17, 2009 – 7:30 A.M. HEARING**

**TESTIMONY OF
KAUA'I COUNTY COUNCILMEMBER DEREK S.K. KAWAKAMI,
HAWAII STATE ASSOCIATION OF COUNTIES VICE-PRESIDENT**

**ON SENATE BILL NO. 101, SD 1
RELATING TO CRIMINAL HISTORY RECORD CHECKS**

Dear Chair McKelvey and members of the Committee:

Thank you for the opportunity to submit testimony as an individual member of the Kaua'i County Council and as the Vice-President of the Hawai'i State Association of Counties (HSAC) in support of SB 101, SD 1 relating to criminal history record checks by counties, which is included in the HSAC Legislative Package. I understand that HSAC President Nestor Garcia has submitted testimony on behalf of HSAC in support of this measure and I concur with his testimony.

The intent of conducting criminal history record checks is to protect vulnerable members of the public, especially children and the elderly. The taxicab industry exists in all four counties and services all members of the public. This measure would authorize the counties to conduct criminal history record checks on taxicab drivers and applicants for taxicab driver's certificates, which would increase the level of protection from potential risks for the public.

In light of the above, your favorable consideration is requested.

Sincerely,

DEREK S.K. KAWAKAMI,
Hawai'i State Association of Counties Vice-President

LP