

NEIL ABERCROMBIE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

April 1, 2014  
2:00 p.m.  
State Capitol, Room 308

**S.B. 2589, S.D. 2, H.D. 1**  
**RELATING TO LAW ENFORCEMENT**

House Committee on Finance

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The Department of Transportation (DOT) **supports** the intent of this bill, which proposes to establish a Hawaii State sheriff, Harbors Division, and to transfer functions and authority exercised by the Department of Transportation relating to harbors law enforcement to the Department of Public Safety, effective July 1, 2016.

The intent of the bill is to further the discussions regarding the transfer of law enforcement functions to the Department of Public Safety. Concurrent to the discussion on this bill, there are on-going discussions and future negotiations of the newly formed Bargaining Unit 14. The effective date of July 1, 2016 provides the Union the opportunity to elect its leadership and provide the State and Union the opportunity to present testimony before the Legislature. The proposed date also permits the parties to negotiate the impact of the transfer to the employee's wages, hours, and working conditions.

Thank you for the opportunity to provide testimony.

Testimony of  
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
RANDY GRUNE  
AUDREY HIDANO  
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DIRECTOR

Martha Torney  
Deputy Director  
Administration

Max Otani  
Deputy Director  
Corrections

Shawn Tsuha  
Deputy Director  
Law Enforcement

**LATE**

STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

TESTIMONY ON SENATE BILL (SB) 2589, SENATE DRAFT (SD) 2, HOUSE DRAFT (HD) 1  
RELATING TO LAW ENFORCEMENT

by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair

Tuesday, April 1, 2014; 2:00 p.m.  
State Capitol, Conference Room 308

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

The Department of Public Safety (PSD) **supports** SB 2589, SD 2, HD 1, which transfers the law enforcement functions of the Harbors Division of the Department of Transportation to PSD. The current employees of the Harbors Division would be able to take advantage of the training and support from the Sheriff Division, a significantly larger organization. This transfer would improve the level of effectiveness of law enforcement at the harbors.

Thank you for the opportunity to present this testimony.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

**ON THE FOLLOWING MEASURE:**  
S.B. NO. 2589, S.D. 2, H.D. 1, RELATING TO LAW ENFORCEMENT.

**LATE**

**BEFORE THE:**  
HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, April 1, 2014 **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Renee R. Sonobe Hong, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill transfers the law enforcement functions of the Department of Transportation (DOT), Harbors Division, to the Department of Public Safety (PSD).

First, we understand that the intent of this measure is that, upon the effective date, the harbor police officers transferred to PSD shall meet the qualifications of deputy sheriffs. We suggest the following wording to clarify section 3 on page 7, lines 1-9:

“; provided further that all officers assigned to carry out law enforcement functions at state harbors shall meet the [minimum] qualifications established for [deputy] sheriffs of the department.”

Adding the word “minimum” will make clear that all harbors police officers shall be required to qualify as deputy sheriffs.

Second, we further understand that the intent of this bill is to transfer the law enforcement functions of the DOT’s state harbors civil violations system, including the authority to issue citations or notices of infractions, to PSD. The intent, however, is to preserve in the DOT, the responsibility of administering its civil violations system in all other respects. If this understanding is correct, we suggest the following be added as a new section to the bill.

SECTION \_\_\_\_\_. Section 266-29, Hawaii Revised Statutes, is amended to read as follows:

**“[~~§~~266-29] State harbors civil violations system; authorization. (a)**  
There is established, within the department of transportation, a state harbors civil violations system, whose purpose shall be to process violations of department

regulations for which administrative penalties have been authorized by law or ruled adopted thereunder.

- (b) The department shall adopt, amend, and repeal rules, subject to chapter 91, for the purposes of this section.
- (c) Rules adopted pursuant to subsection (b) may include, but are not limited to, the following:
  - (1) Requirements for notice of state harbors infraction;
  - (2) A form of the answer that shall be made pursuant to a notice of state harbors infraction, which answer may be an admission of the infraction a denial of the infraction, or an admission of the infraction with mitigating circumstances;
  - (3) The action to be taken after an answer is received or when a person fails to answer the notice of state harbors infraction;
  - (4) Procedures for administrative hearings under this section;
  - (5) The imposition and enforcement of monetary assessments made pursuant to this section; ~~and~~ or
  - (6) Means of assuring that the alleged violator who answers the notice of state harbors infraction by an admission of the infraction or an admission of the infraction with mitigation circumstances has knowingly and voluntarily elected to use the state harbors civil violations systems and waive the appeal provided for in section 91-14.
- (d) Notwithstanding any other provision of law to the contrary, all state harbors infractions that the department of transportation identifies as subject to administrative penalties may be adjudicated pursuant to this section.
- (e) Effective July 1, 2016, the issuance of citations or notices of infractions of the state harbors civil violations system shall be under the jurisdiction of the department of public safety. All other functions and responsibilities shall remain with the department of transportation.

Third, because PSD will be responsible for issuing notices of violations under the state harbors civil violations system, we suggest that the wording “except those of the state harbors civil violations system,” be deleted from section 4, page 7, lines 12-13.

We respectfully request that, if this measure is passed, it be passed with amendments as suggested.