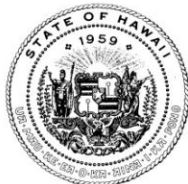


NEIL ABERCROMBIE  
GOVERNOR



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

March 17, 2014  
10:45 a.m.  
State Capitol, Room 309

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

House Committee(s) on Transportation & Public Safety

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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  
JADINE URASAKI

IN REPLY REFER TO:  
(808) 587-2165



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2589, S.D. 2, RELATING TO LAW ENFORCEMENT.

**BEFORE THE:**

HOUSE COMMITTEES ON TRANSPORTATION AND ON PUBLIC SAFETY

**DATE:** Monday, March 17, 2014

**TIME:** 10:45 a.m.

**LOCATION:** State Capitol, Room 309

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

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Chairs Yamane and Har and Members of the Committees:

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, section 3 on page 7, lines 5-21, through page 9, lines 1-3, provides for an amendment to section 266-29, Hawaii Revised Statutes, which is the authorizing and enabling statute for the state harbors civil violation system. The new subsection (e) being added to section 266-29, on page 9, lines 1-3, provides that “[e]ffective July 1, 2016, the enforcement of this section shall be under the jurisdiction of the department of public safety.” This wording should be clarified. It is not clear whether the PSD will be responsible solely for the “law enforcement” functions such as the power to issue citations, and the DOT will remain responsible for the “administrative” functions that includes such responsibilities as adopting, amending, and repealing the applicable rules as well as processing the citations through administrative hearings. If this is the intent, wording should be added to more specifically identify the duties being transferred to PSD.

Second, as written, the wording on page 5, lines 6-7, and page 10, lines 17-18 specifically requires that “[t]here shall be established a harbors division within the department of public safety.” We suggest deleting this wording to allow the PSD flexibility to effectively and efficiently integrate the functions of the transferred harbors division personnel into the Law Enforcement Division of the PSD.

For these reasons, we respectfully request that, if this measure is passed, it be passed with clarification as suggested.



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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

**TED SAKAI**  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Shawn Tsuha**  
Deputy Director  
Law Enforcement

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

by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Transportation  
Representative Ryan I. Yamane, Chair  
Representative Gregg Takayama, Vice Chair

House Committee on Public Safety  
Representative Henry J.C. Aquino, Chair  
Representative Kaniela Ing, Vice Chair

Monday, March 17, 2014; 10:45 a.m.  
State Capitol, Conference Room 309

Chairs Yamane and Aquino, Vice Chairs Takayama and Ing, and Members of the Committees:

The Department of Public Safety (PSD) **supports** this bill, 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.

As this bill is written, it would require PSD to establish a Harbors Division within the PSD. This requirement is found in Section 1, on page 5, lines 6 and 7; and on Section 4, on page 10, lines 17 and 18. We request that this requirement be

deleted so that we may be allowed to best integrate the function of the Harbors  
Division into the Law Enforcement Division of PSD.

Thank you for the opportunity to present this testimony.

**takayama2 -Brandon**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 15, 2014 10:26 AM  
**To:** TRNtestimony  
**Cc:** aurasaki@hawaiiantel.net  
**Subject:** Submitted testimony for SB2589 on Mar 17, 2014 10:45AM

**SB2589**

Submitted on: 3/15/2014

Testimony for TRN/PBS on Mar 17, 2014 10:45AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Support	No

Comments: I support the passage of this bill. It will strengthen the law enforcement presence and professionalism in our state harbors, as well as surrounding areas. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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