

SB 1298, SD1

**RELATING TO RESIDENCE REQUIREMENTS
FOR APPOINTED OFFICERS.**

LAB, JUD

SB1298 SD1



Submit Testimony

Measure Title: RELATING TO RESIDENCE REQUIREMENTS FOR APPOINTED OFFICERS.

Report Title: Appointed Officers; Residency Requirement; Police Departments; Police Chief

Description: Provides an exemption to the one-year residency requirement for appointment to a county chief of police position. Takes effect on 1/7/2059. (SD1)

Companion:

Package: None

Current Referral: LAB, JUD

Introducer(s): NISHIHARA, DELA CRUZ, KEITH-AGARAN, Baker, K. Kahele, K. Rhoads, Shimabukuro, Wakai

<u>Sort by Date</u>		Status Text
1/25/2017	S	Introduced.
1/27/2017	S	Passed First Reading.
1/27/2017	S	Referred to PSM, WAM.
2/2/2017	S	Re-Referred to PSM, JDL.
2/10/2017	S	The committee(s) on PSM has scheduled a public hearing on 02-14-17 2:00PM in conference room 229.
2/14/2017	S	The committee(s) on PSM recommend(s) that the measure be PASSED, UNAMENDED. The votes in PSM were as follows: 4 Aye(s): Senator(s) Nishihara, Wakai, Ihara, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Baker.
2/17/2017	S	Reported from PSM (Stand. Com. Rep. No. 439) with recommendation of passage on Second Reading and referral to JDL.
2/17/2017	S	Report adopted; Passed Second Reading and referred to JDL.

2/23/2017	S	The committee(s) on JDL will hold a public decision making on 03-01-17 9:15AM in conference room 016.
3/1/2017	S	The committee(s) on JDL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in JDL were as follows: 3 Aye(s): Senator(s) Keith-Agaran, Kim, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) K. Rhoads, Gabbard.
3/3/2017	S	Reported from JDL (Stand. Com. Rep. No. 894) with recommendation of passage on Third Reading, as amended (SD 1).
3/3/2017	S	48 Hrs. Notice 03-07-17.
3/7/2017	S	Report adopted; Passed Third Reading, as amended (SD 1). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
3/7/2017	H	Received from Senate (Sen. Com. No. 383) in amended form (SD 1).
3/9/2017	H	Pass First Reading
3/9/2017	H	Referred to LAB, JUD, referral sheet 27
3/17/2017	H	Bill scheduled to be heard by LAB on Tuesday, 03-21-17 10:00AM in House conference room 309.

A BILL FOR AN ACT

RELATING TO RESIDENCE REQUIREMENTS FOR APPOINTED OFFICERS.

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 subsection (b) to read as follows:

3 "(b) All appointive officers in the service of the
4 government of the State or any county who are employed as
5 department heads and deputies or assistants to a department head
6 shall be citizens of the United States and residents of the
7 State for at least one year immediately preceding their
8 appointment; provided that the foregoing one year residency
9 requirement may be waived by the appointing authority when the
10 appointive officer is [required]:

11 (1) Required to have highly specialized or scientific
12 knowledge and training and a qualified applicant who
13 is a resident for at least one year is not available
14 to fill the position~~[-]~~; or

15 (2) Employed as the head of a county police department.

16 All others appointed in the service of the government of the
17 State or in the service of any county or municipal subdivision



1 of the State shall be citizens, nationals, or permanent resident
2 aliens of the United States and residents of the State at the
3 time of their appointment. A national or permanent resident
4 alien appointee shall not be eligible for continued employment
5 unless such person diligently seeks citizenship upon becoming
6 eligible to apply for United States citizenship."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on January 7, 2059.

10



Report Title:

Appointed Officers; Residency Requirement; Police Departments;
Police Chief

Description:

Provides an exemption to the one-year residency requirement for appointment to a county chief of police position. Takes effect on 1/7/2059. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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TO: The Honorable Aaron Ling Johanson, Chair
House Committee on Labor and Employment

The Honorable Daniel Holt, Vice-Chair
House Committee on Labor and Employment

Members of the House Committee on Labor and
Employment

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: March 20, 2017

SUBJECT: Testimony on S.B. No. 1298 S.D.1, Relating to Residence
Requirements For Appointed Officers

HEARING: Tuesday, March 21, 2017
10:00 a.m. Conference Room 309

This bill authorizes applicants for Police Chief, of the county police departments, that have not been residents of Hawaii for at least one year immediately preceding appointment. The State of Hawaii Organization of Police Officers opposes this bill.

This bill amends Hawaii Revised Statutes section 78-1 which currently provides an exception from the one-year residency requirement for applicants who have "highly specialized or scientific knowledge" when there are no qualified applicants with a one-year residency.

As you know, the current Police Chief of the Honolulu Police Department retired on February 28, 2017. There have always been many qualified applicants for the job of Police Chief. Not only have there been qualified applicants, but the Honolulu Police Department has had excellent chiefs. To name a few, Chief Frances Keala, Chief Douglas Gibb, Chief Michael Nakamura, and Chief Lee Donohue. They all came from within the department. They have been strong leaders that were well-connected to the community.

Authorizing applicants that have not been residents for one year creates a steep learning curve of Hawaii's culture, and also of Honolulu's policing needs and strengths. It takes time to build working relationships with other departments, agencies, and to create relationships with community groups.

Further, a new hire from outside of the Honolulu Police Department will not know the strengths and weaknesses of individual personnel in the department, nor its structure and processes. A chief that has worked his or her way up from the bottom to the top over many years has a much stronger base of knowledge from which to select future top administrators in the department.

SHOPO opposes this bill and asks that you consider the Honolulu Police Department's long history of excellent police chiefs that were appointed from within the department.

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Late Testimony