

STAND. COM. REP. NO.

3392

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2849
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2849, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT STANDARDS BOARD,"

begs leave to report as follows:

The purpose and intent of this measure is to assist the Law Enforcement Standards Board in fulfilling its duties.

Specifically, the measure:

- (1) Authorizes designees to serve in place of certain ex officio members of the board;
- (2) Increases the number of non-ex officio law enforcement members of the board from two to five;
- (3) Exempts the appointment of non-ex officio members of the board from Senate confirmation;
- (4) Increases the length of the term served by non-ex officio members of the board from three years to four years;
- (5) Requires the board to consider studies relevant to the board's objectives;



- (6) Requires the board to conduct its own study on how the board may fulfill its duties;
- (7) Retroactively changes the effective date of certain statutory sections relating to the certification, appointment, and employment of law enforcement officers; and
- (8) Appropriates \$483,000 to the board for two employee positions and administrative expenses.

Your Committee received written comments in support of this measure from the Department of the Attorney General; Department of Land and Natural Resources; Department of Public Safety; Department of Transportation; Hawaii Police Department; and Kauai Police Department.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee recognizes that the Law Enforcement Standards Board's duties include the establishment and enforcement of minimum employment standards for and certification of law enforcement officers throughout the State. Your Committee believes that these employment and certification standards are necessary for public health, safety, and welfare. Your Committee finds that in order to establish appropriate standards, the board needs to consult with various stakeholders, consider reputable studies, and hire appropriate staff. Your Committee also finds that all of the foregoing steps will require time, monetary resources, and the active participation of board members.

Your Committee has amended this measure by:

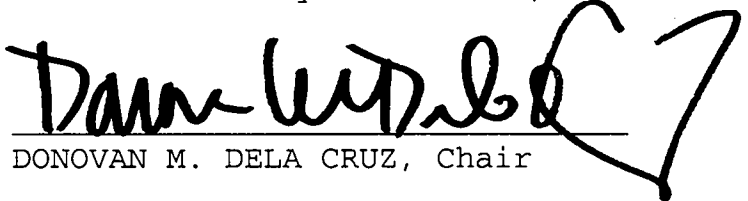
- (1) Clarifying how the non-ex officio law enforcement members of the board shall be representative of the State and counties;
- (2) Clarifying that certain members of the board are exempt from the "advice and consent of the senate" normally required by section 26-34, Hawaii Revised Statutes;



- (3) Removing language intended to retroactively change the effective date of sections 139-6 and 139-7, Hawaii Revised Statutes, and instead amending sections 139-6 and 139-7, Hawaii Revised Statutes, to establish deadlines relating to the issuance of certifications for, and appointment and employment of, law enforcement officers;
- (4) Establishing that a law enforcement officer who entered into employment with an applicable county or state law enforcement agency before July 1, 2023, shall not be terminated for failure to possess a valid law enforcement certification if the termination would violate a valid collective bargaining agreement;
- (5) Changing the appropriations to unspecified amounts;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2849, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2849, S.D. 2.

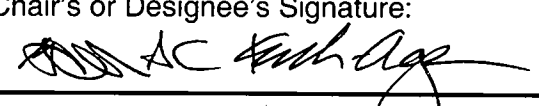
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB 2849, SDI</i>	Committee Referral: <i>PSM/JDC, WAM</i>	Date: <i>2/20/20</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene	X			
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil				X
SHIMABUKURO, Maile S.L.				X
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt	X			
TOTAL	11			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes