

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

JARED K. REDULLA
Deputy Director
Law Enforcement

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 578, SENATE DRAFT 3, HOUSE DRAFT 1
RELATING TO GOVERNMENT

Before the House Committee on Judiciary & Hawaiian Affairs

Wednesday, March 20, 2024; 2:00 p.m.

State Capitol Conference Room 325, Via Videoconference

Testifiers: Michael Vincent

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) **supports** Senate Bill 578, Senate Draft 3, House Draft 1 and **recommends an amendment** to ensure the DLE investigators are included in this bill.

This bill allows a retirant to be employed by the Attorney General without reenrollment in the Employees' Retirement System (ERS) and without loss or interruption of benefits provided by the ERS or under chapter 88, HRS, if the position is identified by the Department of the Attorney General as a labor shortage or difficult-to-fill position, subject to certain conditions.

The DLE has the identical difficulties filling investigator positions in our Criminal Investigations, Narcotics Enforcement, and Sheriff Divisions; Office of Inspector General; and the Office of Homeland Security. All of these investigator positions are critical to the success of the DLE's responsibilities to the public and, like the Attorney General, retirees provide a valuable pool of qualified candidates willing to come to the Department. While we recognize that this is not a permanent solution to filling these positions, the DLE needs this exemption for the foreseeable future to allow capabilities and opportunities to develop within the department for others to move into these positions.

The DLE recommends that Section 1 of the bill by amending lines 8 through 10 on page 1 to read as follows:

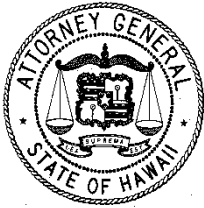
The legislature further finds that there is a labor shortage that makes it difficult to fill investigator positions in the department of the attorney general and the department of law enforcement.

The DLE further recommends that Section 2 of the bill be amended by amending the addition of subsection (6) on page 4, lines 15 through 17 to read as follows:

(6) As an investigator identified by the department of the attorney general or the department of law enforcement as a labor shortage or difficult-to-fill position; provided that:

The proposed addition of the DLE investigators to the bill will significantly help the DLE fill these investigator positions and meet the department's obligations to provide for health and safety of the public.

Thank you for the opportunity to submit testimony in support of this bill and the recommended amendments to this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 578, S.D. 3, H.D. 1, RELATING TO GOVERNMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Wednesday, March 20, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Stella M.L. Kam, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

This bill amends section 88-9, Hawaii Revised Statutes (HRS), to provide that a retirant may be employed without reenrollment in the Employees' Retirement System (ERS) and without suffering loss or interruption of benefits provided by the system or under chapter 87A, HRS, subject to certain conditions, if the retirant is employed as an investigator in a position identified by the Department as a labor shortage or difficult-to-fill position. This bill also provides remedies for ERS if the retirant is reemployed in violation of chapter 88, HRS, and the Internal Revenue Code. The bill also requires the Director of Human Resources Development to include details on the employment of retirants as investigators by the Department in the annual report to the Legislature required under section 88-9(f), HRS.

The Department has identified certain positions of "investigator" as difficult to fill positions that are critically important to the Department's law enforcement capability and objectives. This bill will allow the Department to rehire a retired law enforcement officer as an investigator without the investigator having to re-enroll in the Employees' Retirement System or suffer any loss of benefits so long as: (a) the retirant remains out of State or county employment for at least twelve consecutive calendar months prior to reemployment; (b) the Department identifies a labor shortage or difficult-to-fill position and; (c) the Department confirms that there was no agreement for the retirant to return

to work after retirement. Given the Department's long-standing need for investigators, this bill will help to expedite the process of bringing trained, experienced investigators back to the work force.

The Department respectfully asks the Committee to change the defective effective date to the original effective date of "upon its approval" and otherwise pass this bill in its current form. Thank you for considering our testimony in support of this bill.

JOSH GREEN, M.D.
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
ON
SENATE BILL NO. 578, S.D. 3, H.D. 1
March 20, 2024
2 P.M.
Conference Room 325 and VIA Videoconference

RELATING TO GOVERNMENT.

Chair Tarnas and Vice Chair Takayama, and Members of the Committee,

S.B. 578, S.D. 3, H.D. 1, proposes to amend Section 88-9 of the Hawaii Revised Statutes (HRS) to establish an additional category of retirants who may be employed without reenrollment in the Employees' Retirement System (ERS) and without the loss or interruption of benefits. The Employees' Retirement System (ERS) Board of Trustees (BOT) has not had a chance to review the bill, but the ERS staff is providing the following comments.

The ERS understands that there is a labor shortage that makes it difficult to fill positions across the state, including investigator positions in the Department of the Attorney General.

S.B. 578, S.D. 3, H.D. 1 includes the necessary department requirements for the hiring of retirants in a labor shortage or difficult to fill positions. The ERS believes those requirements, codified for labor shortage or difficult-to-fill positions by Act 179, Session Laws of Hawaii 2010, are necessary for the ERS to protect its tax-exempt status.

Thank you for the opportunity to provide testimony on S.B. 578, S.D. 3, H.D. 1.



Employees' Retirement System
of the State of Hawaii

City Financial Tower • 201 Merchant Street, Suite 1400 • Honolulu, Hawaii 96813-2980
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HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Wednesday, March 20, 2024 2:00 PM
VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

RE: SB578 SD3 RELATING TO GOVERNMENT

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 350 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **SUPPORTS Senate Bill 578 SD3.**

We believe it is in the interests of the state to allow employees of the state to re-join the workforce without any negative affects to person pensions. There is a current need for re-hire of employees that have expertise for Attorney General, Hawaii Department of Agriculture and other positions. These positions need expertise, history and background in their positions to assist in re-launching much needed programs such as Bio Security, Ag loans and Ag stats

If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 2627, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,


Eric S. Tanouye
President



Hawaii Floriculture and Nursery Association



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 20, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON SB 578, SD3, HD1
RELATING TO GOVERNMENT

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 578, SD3, HD1, with amendments, which allows a retirant to be employed without reenrollment in the Employees' Retirement System and without loss or interruption of retirement benefits if the retirant is employed as an investigator in a position identified by the Department of the Attorney General as a labor shortage or difficult-to-fill position, subject to certain conditions and requires the Director of Human Resources of the appropriate state jurisdiction or the human resources management chief executive of each county to include in their annual reports to the Legislature, details on the employment of retirants as investigators.

The Department of Agriculture continues to find hiring for key leadership positions challenging. They are finding it difficult to fill certain management positions excluded from collective bargaining. Adding authorization for HDOA to hire qualified retirants will assist the State in filling those hard-to-fill positions in HDOA with an employee with extensive experience and a specific knowledge base.

HFB requests that language be added back that will authorize the Department of Agriculture to hire retirants of the Employees' Retirement System for management positions excluded from collective bargaining under certain conditions, similar to the SD3 version.

Thank you for the opportunity to testify on this important matter.