
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The interagency working group established
2 pursuant to part VIII of Act 51, Session Laws of Hawaii 2004,
3 the "Reinventing Education Act of 2004", as amended by Act 225,
4 Session Laws of Hawaii 2006 (Act 51, as amended), has
5 recommended to the legislature that the transfer of functions
6 from the department of budget and finance to the department of
7 education specified in Act 51, as amended, be repealed.

8 The interagency working group report to the 2007 regular
9 session of the legislature recommended that fiscal functions
10 should remain with the department of budget and finance. The
11 interagency working group reported that the departments of
12 education and budget and finance have improved the fiscal
13 processes between the two departments.

14 The department of budget and finance and the department of
15 education have signed a memorandum of understanding effective
16 June 28, 2006, that sets forth new procedures for requesting
17 allotments for capital improvement projects and the deposit of
18 funds into the state educational facilities improvement special



1 fund. Other terms of the memorandum of understanding set forth
2 requirements relating to the sharing of information for other
3 fiscal issues, including debt service calculation, employee
4 benefit calculations, and the funding of collective bargaining
5 increases. The memorandum of understanding also sets forth new
6 procedures for increasing the expenditure ceiling for federal
7 funds for the department of education.

8 The recommendations to repeal statutory provisions were
9 mutual decisions of the departments reached after extensive
10 discussion and further review by the interagency working group.
11 The function of Act 51, as amended, as a critical catalyst for
12 analysis and discussion of issues and problems has been
13 fulfilled.

14 Therefore, based upon the interagency working group's
15 recommendations contained in its report to the 2007 legislature,
16 the purpose of this Act is to repeal the transfer of functions
17 from the department of budget and finance to the department of
18 education as specified in Act 51, Session Laws of Hawaii 2004,
19 as amended by Act 225, Session Laws of Hawaii 2006.

20 SECTION 2. Act 51, Session Laws of Hawaii 2004, as amended
21 by Act 225, Session Laws of Hawaii 2006, is amended by amending
22 section 47 to read as follows:



1 "SECTION 47. (a) All the rights, powers, functions,
2 duties, and resources of[+]
3 [~~(1) The department of budget and finance relating to the:~~
4 ~~(A) Funding of collective bargaining agreement~~
5 ~~increases; and~~
6 ~~(B) Securing, administering use, and expending of~~
7 ~~federal funds and other aid, including their~~
8 ~~custodial supervision; and~~
9 ~~(2) The] the department of health relating to school~~

10 health aides and public health nurses who supervise
11 school health aides[+]
12 are transferred to the department of education effective July 1,
13 2007, subject to repeal by subsequent legislation.

14 (b) All moneys budgeted in support of each position to be
15 transferred to the department of education, including moneys for
16 direct and indirect employee benefits, are transferred to the
17 department of education effective July 1, 2007, subject to
18 repeal by subsequent legislation."

19 SECTION 3. Act 51, Session Laws of Hawaii 2004, as amended
20 by Act 225, Session Laws of Hawaii 2006, is amended by amending
21 section 48 to read as follows:



1 "SECTION 48. All resources, appropriations, records,
2 equipment, databases, software, programming, machines, files,
3 supplies, contracts, books, papers, documents, maps, and other
4 personal property heretofore made, used, acquired, or held by
5 the department of accounting and general services [~~department~~
6 ~~of budget and finance,~~] and the department of health relating to
7 the functions transferred to the department of education shall
8 be transferred with the functions to which they relate."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on June 29, 2007.

12

INTRODUCED BY:

T. E. Fisher

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JAN 17 2007



Report Title:

Education; Transfer of Functions; Repeal

Description:

Repeals provisions that transfer functions from the department of budget and finance to the department of education as specified in the Reinventing Education Act of 2004.

