
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 221,
4 Session Laws of Hawaii 2004, as amended by Act 22, Session Laws
5 of Hawaii 2005, and as amended by Act 225, Session Laws of
6 Hawaii 2006 (Act 51, as amended), has recommended to the
7 legislature that the transfer of functions from the department
8 of budget and finance to the department of education specified
9 in Act 51, as amended, be repealed.

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

16 The department of budget and finance and the department of
17 education have signed a memorandum of understanding effective
18 June 28, 2006, that sets forth new procedures for requesting



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

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

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

21 SECTION 2. Act 51, Session Laws of Hawaii 2004, as amended
22 by Act 221, Session Laws of Hawaii 2004, as amended by Act 22,



1 Session Laws of Hawaii 2005, and as amended by Act 225, Session
2 Laws of Hawaii 2006, is amended by amending section 47 to read
3 as follows:

4 "SECTION 47. (a) All the rights, powers, functions,
5 duties, and resources of[+]

6 [~~(1) The department of budget and finance relating to the:~~

7 ~~(A) Funding of collective bargaining agreement~~
8 ~~increases; and~~

9 ~~(B) Securing, administering use, and expending of~~
10 ~~federal funds and other aid, including their~~
11 ~~custodial supervision; and~~

12 ~~(2) The] the department of health relating to school~~
13 ~~health aides and public health nurses who supervise~~
14 ~~school health aides[+]~~

15 are transferred to the department of education effective July 1,
16 2007, subject to repeal by subsequent legislation.

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



1 SECTION 3. Act 51, Session Laws of Hawaii 2004, as amended
2 by Act 221, Session Laws of Hawaii 2004, as amended by Act 22,
3 Session Laws of Hawaii 2005, and as amended by Act 225, Session
4 Laws of Hawaii 2006, is amended by amending section 48 to read
5 as follows:

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

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Department of 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. (HB14 HD1)

