
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Act 51, Session Laws of Hawaii 2004, is amended
2 by amending section 42 to read as follows:

3 "SECTION 42. (a) The department of education shall
4 convene an interagency working group to develop comprehensive
5 plans for transferring certain rights, powers, functions,
6 duties, and resources, including positions, from the departments
7 of accounting and general services, budget and finance,
8 [~~health,~~] human resources development, the attorney general, and
9 human services to the department of education. Rights, powers,
10 functions, duties, and resources including positions to be
11 transferred shall include but not be limited to:

12 (1) The expending of capital improvement funds for
13 construction of new school facilities and resources,
14 for repairs and maintenance services;

15 (2) The funding of collective bargaining agreement
16 increases;



- 1 (3) The securing, administering, use, and expending of
2 federal funds and other aid, including their custodial
3 supervision;
- 4 (4) The capital improvement project allotment process;
- 5 (5) The determination of retirement and other employee
6 benefits;
- 7 (6) The operation of a human resources system including
8 the recruitment, certification, examination,
9 management, classification, and compensation of
10 department of education employees and labor relations;
- 11 (7) Negotiating workers' compensation claims and labor-
12 management relations within the department of
13 education; and
- 14 (8) Conducting employment background checks for the after-
15 school plus program, private vendors, and other
16 employees and trainees who work with public school
17 students [~~and~~
- 18 ~~(9) School health aides~~].
- 19 (b) The comprehensive plans shall identify:
- 20 (1) Each position to be transferred by position number;
21 and



1 (2) All moneys budgeted in support of each position to be
2 transferred, including moneys for direct and indirect
3 employee benefits,

4 at the lowest level on the state program structure.

5 (c) The working group shall include the following
6 individuals or their designees:

7 (1) The superintendent of education;

8 (2) The comptroller;

9 (3) The director of human resources development;

10 (4) The director of human services;

11 ~~[(5) The director of health;~~

12 ~~+(6)]~~ (5) The director of finance;

13 ~~+(7)]~~ (6) The attorney general;

14 ~~+(8)]~~ (7) The exclusive bargaining agents of affected
15 employees; and

16 ~~+(9)]~~ (8) Any community members that may be appointed by
17 the superintendent.

18 (d) The department of education may recommend to the
19 legislature deletion or addition of rights, powers, functions,
20 duties, and resources, including positions, that are to be
21 transferred as a result of the working group's deliberations
22 which shall be included and reflected in the required plans and



1 legislation. The working group shall submit its comprehensive
2 plans, including proposed legislation, to implement the transfer
3 of rights, powers, functions, duties, and resources, including
4 positions relating to the:

5 (1) Department of accounting and general services and
6 department of human resources development not less
7 than thirty days prior to the convening of the regular
8 session of 2005; and

9 (2) Department of budget and finance, department of the
10 attorney general, [~~department of health,~~] and
11 department of human services not less than thirty days
12 prior to the convening of the regular session of
13 2006."

14 SECTION 2. Act 51, Session Laws of Hawaii 2004, as amended
15 by Act 225, Session Laws of Hawaii 2006, is amended by amending
16 sections 47 and 48 to read as follows:

17 "SECTION 47. (a) All the rights, powers, functions,
18 duties, and resources of[+

19 ~~(+)~~ ~~The]~~ the department of budget and finance relating to
20 the:

21 ~~[+A)]~~ (1) Funding of collective bargaining agreement
22 increases; and



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DOE; Transfer Duties; Interagency Working Group

Description:

Amends Act 51, Session Laws of Hawaii 2004, by removing the department of health from the comprehensive plan for transferring functions and duties to the department of education. Repeals the transfer of public health nurses and school health aides from the department of health to the department of education. (SD1)

