
A BILL FOR AN ACT

RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

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

1 SECTION 1. The legislature finds that Act 179, Session
2 Laws of Hawaii 2019, established the Hawaii correctional system
3 oversight commission as an agency attached to the department of
4 the attorney general for administrative purposes only. Although
5 the Hawaii correctional system oversight commission has been in
6 existence for only one year, it has already had at least one
7 conflict with the department of the attorney general. The
8 possibility of future conflicts with that department may
9 interfere with the commission's ability to fulfill its critical
10 responsibilities.

11 The legislature further finds that the correctional system,
12 at its core, is as much a matter of health and human services as
13 it is law enforcement. Accordingly, the legislature believes
14 that it would be appropriate to transfer the Hawaii correctional
15 system oversight commission to the department of human services
16 for administrative purposes.



1 The purpose of this Act is to transfer the administrative
2 attachment of the Hawaii correctional system oversight
3 commission from the department of the attorney general to the
4 department of human services.

5 SECTION 2. Section 353L-1, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established within the department of [~~the~~
8 ~~attorney general~~] human services for administrative purposes
9 only a Hawaii correctional system oversight commission
10 consisting of five members who shall be residents of this State
11 and appointed as follows:

- 12 (1) One member shall be appointed by the governor;
13 (2) One member shall be appointed by the president of the
14 senate;
15 (3) One member shall be appointed by the speaker of the
16 house of representatives;
17 (4) One member shall be appointed by the chief justice;
18 and
19 (5) One member shall be appointed by the chairperson of
20 the board of trustees of the Office of Hawaiian
21 Affairs.



1 The commission members shall annually elect one of the
2 members to serve as chairperson of the commission."

3 SECTION 3. All rights, powers, functions, and duties of
4 the department of the attorney general relating to the Hawaii
5 correctional system oversight commission are transferred to the
6 department of human services.

7 SECTION 4. All appropriations, records, equipment,
8 machines, files, supplies, contracts, books, papers, documents,
9 maps, and other personal property heretofore made, used,
10 acquired, or held by the department of the attorney general
11 relating to the functions transferred to the department of human
12 services shall be transferred with the functions to which they
13 relate.

14 SECTION 5. All employees who occupy civil service
15 positions and whose functions are transferred to the department
16 of human services by this Act shall retain their civil service
17 status, whether permanent or temporary. Employees shall be
18 transferred without loss of salary, seniority (except as
19 prescribed by applicable collective bargaining agreements),
20 retention points, prior service credit, any vacation and sick
21 leave credits previously earned, and other rights, benefits, and



1 privileges, in accordance with state personnel laws and this
2 Act; provided that the employees possess the minimum
3 qualifications and public employment requirements for the class
4 or position to which transferred or appointed, as applicable;
5 provided further that subsequent changes in status may be made
6 pursuant to applicable civil service and compensation laws.

7 Any employee who, prior to this Act, is exempt from civil
8 service and is transferred as a consequence of this Act may
9 retain the employee's exempt status, but shall not be appointed
10 to a civil service position as a consequence of this Act. An
11 exempt employee who is transferred by this Act shall not suffer
12 any loss of prior service credit, vacation or sick leave credits
13 previously earned, or other employee benefits or privileges as a
14 consequence of this Act; provided that the employees possess
15 legal and public employment requirements for the position to
16 which transferred or appointed, as applicable; provided further
17 that subsequent changes in status may be made pursuant to
18 applicable employment and compensation laws. The director of
19 human services may prescribe the duties and qualifications of
20 these employees and fix their salaries without regard to chapter
21 76, Hawaii Revised Statutes.



1 SECTION 6. All rules, policies, procedures, guidelines,
2 and other material adopted or developed by the department of the
3 attorney general to implement provisions of the Hawaii Revised
4 Statutes that are reenacted or made applicable to the department
5 of human services by this Act shall remain in full force and
6 effect until amended or repealed by the department of human
7 services pursuant to chapter 91, Hawaii Revised Statutes. In
8 the interim, every reference to the department of the attorney
9 general or attorney general in those rules, policies,
10 procedures, guidelines, and other material is amended to refer
11 to the department of human services or director of human
12 services, as appropriate.

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.

16

INTRODUCED BY: *Jon F. Garud*

JAN 27 2021



H.B. NO. 1389

Report Title:

AG; DHS; Hawaii Correctional System Oversight Commission;
Transfer

Description:

Transfers the administrative attachment of the Hawaii
correctional system oversight commission from the department of
the attorney general to the department of human services.

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not legislation or evidence of legislative intent.*

