

ACT 16

An Act Relating to the Reorganization of the Cafeteria System in the Department of Education.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11 of Article III of the Constitution of the

State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each House. Pursuant to said section 11 of Article III of the Constitution of the State of Hawaii, this Act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

A recent survey of the cafeteria operations of the Department of Education indicated that the system could be improved in several areas. The findings made by Donaho and Associates, who were retained by the Bureau of the Budget to make a study, indicated that the cafeteria special funds should be abolished, that a division of cafeterias should be created in the Department of Education and that the duties of the division should be defined by law.

This study and recommendations made as a result of the study should be implemented as soon as possible. The deficiencies of the cafeteria system, if any exists, should be corrected during the present session of the legislature if the public welfare is to be served.

SECTION 2. All moneys received by or for the public school cafeterias from the sale of meals, the sale of services, or from the Federal Government or from any other source shall be deposited in one special school lunch fund; and except as otherwise provided by the legislature, all expenditures for the operation of public school cafeterias shall be made from this fund.

SECTION 3. Any balance in any existing individual school cafeteria fund shall be transferred to the special school lunch fund on the effective date of this Act.

SECTION 4. It is the intent of this Act not to jeopardize the receipt of any federal aid and to the extent, and only to the extent necessary to effectuate this intent, the governor is authorized and empowered to modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the next succeeding session of the legislature for review.

SECTION 5. For the fiscal year 1960-1961, in the absence of sufficient legislative appropriations for the cafeteria special fund as provided under Section 2 of Act 320, Session Laws of Hawaii 1957, the department shall be authorized to expend so much as is deemed necessary to carry out the purposes of the cafeteria special fund as approved by the director of the Department of Budget and Review; provided, that such expenditures shall not exceed the legislative appropriations and the moneys available in the special fund.

SECTION 6. The governor may create a division within the Department of Education to carry out the cafeteria functions and programs.

SECTION 7. This Act shall take effect as of July 1, 1960.

(Approved May 10, 1960.) **S.B. 244.**