

ACT 39

A Bill for an Act Relating to Establishing a System of Community Colleges, and Amending Chapter 44 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency :

Increases both in the number of students graduating from high schools in Hawaii as well as in the proportion of graduates desiring to continue their education indicate the need for an expansion of higher education facilities in the State. Recent statistics reveal that about one-third of seniors in the upper two-fifths of their graduating classes did not go on to college and some did not undertake any kind of educational program beyond high school. Technological changes affecting commerce and industry require facilities for the retraining of adults. It is imperative, therefore, that legislation be enacted to establish a statewide higher education system which provides for the creation of community colleges, offering college parallel, technical, and vocational education, in different parts of the State so as to make higher education facilities more readily available to a greater number of high school graduates as well as to the community in general. The needs and demands for such facilities are pressing.

Federal funds to aid in the establishment of community colleges and post-high school vocational education facilities in the various states are now available through the Higher Education Facilities Act of 1963 (P.L. 88-204) and the Vocational Education Act of 1963 (P.L. 88-210). In order to make prudent use of such funds, determination should now be made as to the nature, scope, and organization of Hawaii's post-high school and higher education facilities. Effective planning for the establishment of such a system requires time, and such planning must commence immediately.

SECTION 2. Purpose. The purpose of this Act is to authorize the board of regents of the University of Hawaii to create community colleges (except on the island of Hawaii), and to provide for the inclusion of the technical schools of the department of education in such community colleges as they are planned and established.

SECTION 3. Chapter 44 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new part, to be numbered by the Revisor of Statutes, and to read as follows :

"PART COMMUNITY COLLEGES

Sec. 44-.. System of community colleges. The board of regents of the University of Hawaii shall develop and administer a system of community colleges.

The purposes of community colleges shall be to provide two-year college transfer and general education programs, semi-professional, technical, vocational, and continuing education programs, and such other educational programs and services as are appropriate to such institutions.

Sec. 44-.. Powers of board. The board shall have authority to establish and govern community colleges. It shall have the same powers with respect to the community colleges that it has as to the University of Hawaii in general.

Sec. 44-.. Exclusion of island of Hawaii. No community college shall be established on the island of Hawaii nor shall the University of Hawaii assume responsibility for public technical education programs now conducted by the department of education on the island of Hawaii."

SECTION 4. The transfer of the public technical education programs beyond the twelfth grade level from the department of education to the University of Hawaii shall be accomplished in accordance with plans to be prepared by the board of regents and approved by the governor. Transfers of programs, which may be in part or in whole, shall be by executive order of the governor.

The board of regents of the University of Hawaii shall be responsible for determining the officers and employees, facilities, improvements, records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations and other property to be transferred from the department of education to the University of Hawaii upon the transfer of programs provided for in this Act.

SECTION 5. All officers and employees whose programs are transferred by this Act shall be transferred with their programs to the University of Hawaii and shall continue to perform their regular duties upon their transfer.

No employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege as a consequence of this Act; provided that subsequent changes in status may be made pursuant to the laws of the State and the provisions of this Act.

SECTION 6. Upon the transfer of programs as provided by this Act, all facilities, improvements, records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations and other property theretofore made, used, acquired or held by the department of education and designated by the University of Hawaii as provided in section 4 of this Act shall be transferred to the University of Hawaii.

SECTION 7. All laws or parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith.

SECTION 8. This Act shall be liberally construed in order to accomplish the purposes of this Act. Any portion of this Act judicially declared to be invalid shall not affect the remaining portions.

SECTION 9. This Act shall take effect upon its approval.

(Approved April 23, 1964.) **H.B. 257.**