

ACT 203

H. B. 705.

A Bill for an Act Relating to State-County Relations and Making an Appropriation for the Assignment of Certain Governmental Functions and Responsibilities.

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

SECTION 1. Purpose. Act 97, Session Laws of Hawaii 1965, declared certain governmental functions to be of state-wide concern and fixed responsibility therefor in the State government. The purpose of this Act is to provide means by which the State government shall meet its fiscal and administrative responsibilities with respect to these functions.

PART I

SECTION 2. Planning, construction and improvements of public school facilities and grounds; custodial and janitorial services for public schools; transportation of school children. The following functions and services, heretofore performed by the several counties under contractual arrangements with the State, shall hereafter be directly administered and performed by the department or departments, or divisions of government designated by the governor:

- (1) planning, construction and improvements of public school facilities and grounds;
- (2) repair, maintenance, custodial and janitorial services for public school facilities; and
- (3) transportation of school children.

SECTION 3. Transfer of personnel. Within sixty days of the effective date of this Act, the department shall effect the transfer to the State of all employees of the several counties, the major portion of whose duties are in the functional areas covered under section 2 of this Part; provided that the governor may postpone such transfer, or any portion thereof, if he determines that such postponement is advisable to avoid interruption of services. All questions as to whether a major portion of an employee's duties are related to the functions transferred to the State shall be determined by the department to which the function has been assigned.

No employee transferred under this Act shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges as a consequence of this Act.

The counties shall not be required to transfer funds to cover the vacation credits earned or accumulated by employees transferred under this Act.

SECTION 4. Transfer of personal property. Within sixty days of the effective date of this Act all records, equipment, machinery, motor vehicles, files, supplies, contracts, books, papers, documents, maps, and other personal property of every kind and description of the several counties in the functional areas covered by this Part shall be transferred to the appropriate department without cost to the State or reimbursement to such county, and without compliance with disposal procedures or requirements, any law to the contrary notwithstanding. The county shall prepare inventory lists and receipts to account properly for such transfer.

During said sixty-day period, none of said personal property shall be removed, substituted or transferred from the premises without the prior written approval of the appropriate department.

Any dispute as to whether particular personal property should be transferred to the State under this Act shall be determined by the director of the appropriate department.

If the department determines that any of the personal property so transferred or to be transferred is not needed by it, such property shall be returned to, or retained by, the county.

SECTION 5. Transfer of real property. No real property or improvements thereon belonging to the several counties and used in the performance of the functions and services covered in this Part shall be required to be conveyed to the State; provided that any real property and improvements related and necessary to the performance of the duties covered in section 2 of this Part shall be reported to the next succeeding legislature by the appropriate department who shall include in the report thereof recommendations for the disposition of such real property and improvements.

SECTION 6. Temporary use of county facilities. If any room, building, structure or other place which is owned or under the control of a county, is temporarily occupied or used by personnel or property which are related to the performance of duties in any of the functional areas covered by this Act, and it is impractical or disruptive to the efficient and orderly transition under this Act to relocate or move such personnel or property, then such room, building, structure or place shall continue to be so occupied and used without the payment of any rental or other charges; provided, that such occupancy shall not continue beyond one year after the effective date of this Act. The State department to which the function has been transferred shall effect the physical transfer and relocation of all personnel and property at the earliest possible date.

PART II

SECTION 7. Operation and maintenance of county hospitals and related public health and medical facilities. All matters pertaining to the operation and maintenance of county hospitals and related public health and medical facilities are state responsibilities, provided that each county shall, on behalf of the State, operate and maintain public hospitals and other public health and medical facilities therein, provided that the cost of operating and maintaining such hospitals and facilities shall be borne by the State and paid to the several counties by quarterly allotments, and provided further, that each county shall prepare and submit budget estimates as provided by chapter 35.

SECTION 8. County hospital advisory councils. There shall be for each county an advisory council to be known as the County Hospital Advisory Council of said county. Each advisory council shall be under the general supervision of and organized by the director of health, and shall consist of ten members, as follows: four members one of whom shall be the district health officer, to be appointed by the governor in accordance with section 14A-3, Revised Laws of Hawaii 1955, as amended, but who need not be confirmed by the Senate; three members to be appointed by the chairman of the board of supervisors or city council; the president of the county medical society or his authorized representative; the president of the county dental society or his authorized representative; and one member of the board of supervisors or the city council designated by the chairman thereof. Each advisory council shall select its own chairman and vice chairman. Each advisory council shall meet at least once every three months.

Each County Hospital Advisory Council shall sit in an advisory capacity to the director of health on matters concerning the planning, construction, improvement, maintenance and operation of public hospitals and other public health and medical facilities within their respective jurisdictions; but nothing herein shall be construed as precluding or preventing the councils from coordinating their efforts and activities with the hospital administrators within their counties.

The members of the County Hospital Advisory Councils shall serve without compensation, but shall be reimbursed for travelling expenses incurred in the performance of their duties. The Department of Health shall provide for the necessary expenses of the councils; provided that no expenses may be incurred without prior authorization by the director of health.

PART III

SECTION 9. Junior police officer training programs. The State may appropriate funds to facilitate the training programs of the several junior police organizations, and may make adequate provision, either by procuring insurance therefor or by assuming liability on the part of the State therefor, for children who may be injured and for the defrayment of funeral expenses of children dying from injuries received, while performing duty as junior police officers and in all other activities certified as proper junior police functions by the police departments of the several counties, so that the cost of medical care and hospitalization of any such child so injured will be met in a sum not to exceed \$20,000 and the funeral expenses of any such child dying from injuries received while performing such duty will be met in a sum not to exceed \$1,500. The right of any such child or of any other person lawfully claiming damages by reason of injuries to, or death to such child, shall in nowise be affected by the provision of this section.

PART IV

SECTION 10. Maintenance of state highways. Notwithstanding any law to the contrary, the governor may enter into contracts with the several counties for their services in the repair and maintenance of State highways, which may include roadway maintenance, structures maintenance, street lights, street sweeping, landscaping and cantoneering. In addition thereto, the governor may transfer functions covered herein, or any portion thereof, to the several counties; provided that any transfer of functions made under this authorization shall be temporary and shall be subject to the express approval of the next succeeding legislature.

SECTION 11. Maintenance of state parks. Notwithstanding any law to the contrary, the governor may enter into contracts with the several counties for their services in the repair, maintenance, and operation of the buildings and grounds of State parks and historical sites. In addition thereto, the governor may transfer functions covered herein, or any portion thereof, to the several counties; provided, that any transfer of functions made under this authorization shall be temporary and shall be subject to the express approval of the next succeeding legislature.

SECTION 12. Contractual arrangements, generally. The contracts entered into by the State with the several counties for the performance of services covered in this Part shall specify, but shall not be limited to, the nature and extent of the services to be provided by the counties for the fiscal year beginning July 1, 1967 and ending June 30, 1968; the powers, duties and responsibilities of the contracting parties; the total amount of the payments to be made by the State for such services; and other matters necessary to perform the said functions efficiently and effectively.

PART V

SECTION 13. Amendment and repeal of conflicting laws. (a) All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during the general session of 1967, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

(b) In addition to the foregoing, the following laws and parts of laws are hereby expressly repealed:

(1) Section 39-2, Revised Laws of Hawaii 1955, as amended, relating to preparation of school budgets by counties.

(2) Sections 138-23 and 138-24, Revised Laws of Hawaii 1955, relating to junior police officer training programs.

(3) Section 146-5, Revised Laws of Hawaii 1955, relating to transportation of school children (Hawaii County).

(4) Section 147-6, Revised Laws of Hawaii 1955, as amended, relating to transportation of school children (Kauai County).

(5) Section 149-86(42), Revised Laws of Hawaii 1955, as amended, relating to transportation of school children (City and County of Honolulu).

SECTION 14. Construction; severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 15. Appropriation. Funds appropriated out of the general revenues of the State for the functional areas covered by this Act and included in the operating budget of the State government for the fiscal year beginning July 1, 1967 and ending June 30, 1968 shall be used for the purposes of this Act; provided that all funds appropriated to the various departments for the operation and maintenance of county hospitals and other health facilities are hereby transferred to the several counties; provided further that the state director of finance shall determine the actual amounts to be apportioned to each county and shall transfer these funds to the respective counties upon their request and as provided by Part II of this Act.

SECTION 16. Review and report by legislative auditor. All programs, functions and agencies affected by this Act shall be subject to the

review of the legislative auditor. Twenty days before the convening of each regular session, the legislative auditor shall submit a written report or reports to the Legislature as to the status of progress achieved and problems encountered in the implementation of this Act.

SECTION 17. Effective date. This Act shall take effect on July 1, 1967.

(Approved June 4, 1967.)