

ACT 136

H.B. NO. 1627

A Bill for an Act Relating to Elderly Affairs.

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

SECTION 1. Chapter 349, Hawaii Revised Statutes, is amended as follows:

1. By amending section 349-4 to read:

“Sec. 349-4 Policy advisory board for elderly affairs. There shall be a policy advisory board for elderly affairs, appointed by the governor under section 26-34. The board shall advise the director in, but not limited to, the following areas:

- (1) The identification of issues and alternative approaches to solutions;
- (2) The development of position statements and papers;
- (3) Advocacy and legislative actions; and
- (4) Program development and operations.

The board shall consist of not less than twenty-one nor more than twenty-nine members, a majority of whom are over sixty years of age and who shall be selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems relating to aging, and shall include at least one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, and one member from the city and county of Honolulu. There shall be nine members who shall serve as ex officio members and shall be chosen from among the heads of the following state agencies which provide services or programs affecting the elderly: health, social services and housing, education, labor and industrial relations, University of Hawaii, transportation, the state retirement system, the office of consumer protection, and, by invitation, the Hawaii representative of the United States Department of Health, Education and Welfare. Of the non ex officio members, one-third of the members shall be appointed for the term of four years, one-third for the term of three years, and one-third for the term of two years; and thereafter the terms of office of each member shall be four years. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings and carrying out the responsibilities of the board. The chairman shall be elected annually from the nongovernmental members of the board. There shall be not less than twelve meetings of the board each year.”

2. By amending section 349-9 to read:

“Sec. 349-9 County functions. Each county may establish a county office on aging and a county council on aging pursuant to the Older Americans Act of 1965, as amended.”

3. By amending section 349-10 to read:

“Sec. 349-10 Annual senior citizen’s fair. Each county may hold an annual senior citizen’s fair in its respective county. The county shall be responsible for the planning, organizing, and coordinating of the fair in every respect. The state policy advisory board for elderly affairs may assist the county in any aspect upon request. Proceeds earned from this fair are deemed to be proceeds earned from casual sales as defined in chapter 237. The county shall distribute such proceeds to the various senior citizen organizations and individuals who participate in the fair in accordance with appropriate methods of distribution as determined by the county.”

SECTION 2. Act 217, Session Laws of Hawaii 1976, is amended as follows:

1. By amending Section 3 to read:

“SECTION 3. All functions and programs of the state commission on aging are transferred to the executive office on aging created by this Act. All functions and programs of the county committees on aging are transferred to the counties.

All state officers, employees, and the present state commission on aging shall serve until the appointment of the director of the executive office on aging and a majority of the members of the state policy advisory board. All officers, employees, and the county committees on aging shall serve until the counties implement this Act.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or 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, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.”

2. By amending Section 4 to read:

“SECTION 4. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the state or county commission relating to the functions transferred to the executive office on aging, or to the counties shall be transferred with the functions to which they relate.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 26, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.