

ACT 305

H.B. NO. 101

A Bill for an Act Relating to an Office of Community Services.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER COMMUNITY SERVICES

§ -1 Findings and purpose. The State of Hawaii has long been a leader among the states in the development of progressive and innovative undertakings in behalf of its needy people. Securing the well-being of all of the State's needy citizens continues to be a policy concern deserving of the highest priority.

Yet, even as we commit a growing share of the State's resources to programs and services to assist the poor, the disadvantaged, refugees, immigrants, and other people in need, we must also ensure that government resources are used prudently, that tax dollars are not being expended in a wasteful or extravagant manner, and that the State recognizes changes in societal attitudes, values, and emphasis which have produced new issues requiring new approaches for their resolution.

The purpose of this chapter is to establish a new office, the office of community services, within the department of labor and industrial relations for administrative purposes, to replace the office of the progressive neighborhoods program, the Hawaii office of economic opportunity, the refugee resettlement program, and the state immigrant services center. The primary purposes of the new office are to facilitate and enhance the development, delivery, and coordination of effective programs for those in need and to provide advice and assistance to the agencies of the executive branch, other private agencies in the human services field, and the legislature. The establishment of the office of community services would:

- (1) Comply with requirements of the Hawaii State Constitution;
- (2) Improve the efficiency and effectiveness of the operations of the executive branch;
- (3) Improve the delivery of services to disadvantaged persons, refugees, and immigrants;
- (4) Fix responsibility and accountability for successfully carrying out programs, policies, and priorities of the office; and
- (5) Improve responsiveness to the needs of the people of Hawaii.

§ -2 Office of community services, establishment. (a) There is established within the department of labor and industrial relations, for administrative purposes only, an office of community services. The following shall be among the programs to be under the auspices of and coordinated through the office:

- (1) Progressive neighborhoods program;
- (2) Hawaii office of economic opportunity;
- (3) Refugee resettlement program; and
- (4) State immigrant services center.

(b) The head of the office shall be known as the executive director of the office of community services, hereinafter referred to as executive director. The executive director shall have: training and experience in the field of social work, education, public health, or related fields; direct experience in programs and services related to disadvantaged persons, refugees, or immigrants; and experience in a supervisory, consultative, or administrative capacity. The executive director shall be appointed by the governor without regard to chapters 76 and 77, and shall be compensated at a salary level no less than that of a second deputy. The executive director shall be included in any benefit program generally applicable to the officers and employees of the State.

§ -3 General functions, duties, and powers of the executive director. The executive director shall:

- (1) Serve as the principal official in state government responsible for the coordination of programs for the needy, poor, and disadvantaged persons, refugees, and immigrants;
- (2) Oversee, supervise, and direct the performance by subordinates of activities in such areas as planning, evaluation, and coordination of programs for disadvantaged persons, refugees, and immigrants and development of a statewide service delivery network;
- (3) Assess the policies and practices of public and private agencies impacting on the disadvantaged and conduct advocacy efforts on behalf of the disadvantaged, refugees, and immigrants;
- (4) Devise and recommend legislative and administrative actions for the improvement of services for the disadvantaged, refugees, and immigrants;
- (5) Serve as a member of advisory boards and panels of state agencies in such areas as child development programs, elderly programs, social services programs, health and medical assistance programs, refugee assistance programs, and immigrant services programs;
- (6) Administer funds allocated for the office of community services; and apply for, receive, and disburse grants and donations from all sources for programs and services to assist the disadvantaged, refugees, and immigrants;
- (7) Adopt, amend, and repeal rules pursuant to chapter 91 for purposes of this chapter;
- (8) Retain such staff as may be necessary for the purposes of this chapter, who shall be exempt from chapters 76 and 77;
- (9) Contract for such services as may be necessary for the purposes of this chapter;
- (10) Orient members of the advisory council to the goals, functions, and programs of the office; and
- (11) Seek the input of council members on all matters pertaining to the functions of the office.

§ -4 General duties of the office of community services. The office of community services shall:

- (1) Establish statewide goals and objectives relating to disadvantaged persons, refugees, and immigrants;
- (2) Study the facts concerning the needs of disadvantaged persons, refugees, and immigrants in the State through adequate research studies, such research to be carried on whenever possible through the departments or agencies of the state and county governments responsible for providing services in the fields of health, education, social welfare, employment, and related areas. Where such research cannot be done within such established agencies, it shall be carried out by this office or contracted by this office;
- (3) Review legislation pertaining to programs within the purview of the office and appropriations made for services to the disadvantaged, refugees, and immigrants, recommend revisions and additions needed, and report to the governor regarding such legislation;
- (4) Evaluate the availability, adequacy, and accessibility of all services for the disadvantaged, refugees, and immigrants within the State;
- (5) Assist and coordinate the efforts of all public and private agencies providing services which affect the disadvantaged, refugees, and immigrants including, without limitation to the generality of the foregoing, the department of health, the department of social

services and housing, the department of labor and industrial relations, and the department of education, and report such facts and the office's recommendations to the governor and to the legislature. The executive heads of all such departments and agencies shall make available to the office of community services such information as the office deems necessary for the effective discharge of its duties under this chapter;

- (6) Maintain contacts with local, state, and federal officials and public and private agencies concerned with planning for the disadvantaged, refugees, and immigrants; and
- (7) Encourage and foster local action in behalf of the disadvantaged, refugees, and immigrants.

§ -5 Advisory council for community services; composition and compensation. (a) There is established within the office of community services, the advisory council for community services, herein referred to as council, except as otherwise indicated. The council shall be composed of twelve members appointed by the governor subject to section 26-34, except as provided in this section. Members shall have had training, experience, or special knowledge concerning human services programs. Of the twelve members:

- (1) Four members shall be representatives of client groups served by the office of community services which shall include: one member from the client group previously served by the progressive neighborhood program; one member from the client group previously served by the Hawaii office of economic opportunity; one member from the client group previously served by the refugee resettlement program; and one member from the client group previously served by the state immigrant services center;
- (2) Two members shall be representatives of private organizations which are engaged in the planning or delivery of human services; and
- (3) Six members shall be from the general public, at least one representative from each county, provided that not more than three shall be from Oahu.

(b) Members of the council shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for performance of their duties.

§ -6 Council, duties. The council shall:

- (1) Advise the executive director, the governor, and the legislature on matters relating to programs and services for the disadvantaged, refugees, and immigrants;
- (2) Assist the executive director in determining program and policy needs and priorities for the State in establishing and implementing a comprehensive program for the disadvantaged, refugees, and immigrants in accordance with the goals and objectives expressed in this chapter;
- (3) Assist the executive director in formulating short-term and long-range goals for programs and services for the disadvantaged, refugees, and immigrants;
- (4) Assist the executive director in consulting with and seeking the opinion of the general public in relation to a comprehensive system of programs and services for the disadvantaged, refugees, and immigrants;

- (5) Assist the executive director in the evaluation of general and specific policies relating to the needs of the disadvantaged, refugees, and immigrants; and
- (6) Assist the executive director in encouraging both public and private agencies and programs to work toward the development and maintenance of a comprehensive and coordinated system for human services.

§ -7 Relationships with other departments and agencies and cooperation with office of community services. Every state department, county agency, or other public or private agencies providing programs and services to the disadvantaged, refugees, and immigrants shall be encouraged to actively work toward the goals and objectives established by the office of community services and to coordinate with the office of community services the development of its program plans. The executive heads of all such departments and agencies shall cooperate with the office of community services in providing information as the office deems necessary for the effective discharge of its duties. However, nothing contained in this chapter shall be deemed to delegate or detract in any way from the functions, powers, and duties prescribed by law for any other department or agency of this State or county, nor to terminate any existing contracts between such department or agency and any private organizations for the development or administration of programs or services to the disadvantaged, refugees, and immigrants. Notwithstanding that each county shall maintain maximum control over the development and administration of human service programs tailored to meet county needs, each department, agency, officer, and employee of the State and of the counties shall cooperate with and assist the office of community services in the performance of the functions, powers, and duties of the office."

SECTION 2. All functions and programs of the office of the progressive neighborhoods program, the Hawaii office of economic opportunity, the refugee resettlement program, and the state immigrant services center, are transferred to the office of community services.

All officers and employees who are exempt from chapters 76 and 77, Hawaii Revised Statutes, whose functions are transferred by this Act, shall be transferred to the office of community services and shall perform such duties as designated by the executive director of the office of community services upon their transfer, without any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, subject to the state personnel laws and this Act.

Any employee who, prior to this Act, was exempted from civil service and who may be transferred as a consequence of this Act, shall continue to retain the employee's exempt status and shall not be appointed to a civil service position because of this Act.

SECTION 3. Transfer of records, equipment, appropriations, authorizations, and other property. All records, equipment, machines, files, supplies, contracts, books, papers, appropriations, authorizations, documents, maps, and other property heretofore made, used, acquired, or held by the progressive neighborhoods program, the Hawaii office of economic opportunity, the refugee resettlement program, and the state immigrant services center shall be transferred with the present functions to which they relate to the office of community services.

SECTION 4. Chapter 362, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 202-9, Hawaii Revised Statutes, is repealed.

SECTION 6. If any provisions of this Act shall conflict with a provision of the Executive Order dated January 2, 1965, as amended by Executive Order 74-1, this Act shall control.

SECTION 8.¹ 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 this Regular Session of 1985, 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 relating to "Office of Community Services" is being amended.

SECTION 9.¹ This Act shall be liberally construed in order to accomplish the purposes set forth in Section 1. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10.¹ Statutory material to be repealed is bracketed.²

SECTION 11.¹ This Act shall take effect upon its approval.

(Approved June 25, 1985.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5