

ACT 146

H.B. NO. 3119

A Bill for an Act Relating to the Transfer of Public Safety Functions and Employees from Various Departments to the Department of Public Safety.

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

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1992-1993 to be exceeded by \$250,000, or 0.0080 per cent. The reasons for exceeding the general fund expenditure ceiling is that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. The purpose of Act 211, Session Laws of Hawaii 1989, was to consolidate all public safety functions and employees of state government into a department of public safety in order to ensure better organization and coordination of public safety functions, allow for standardized training, and establish a "career ladder" for public safety employees. Act 211 also required the director of public safety to report to the legislature on recommendations regarding transfer of public safety functions and employees from other departments to the department of public safety. A study was conducted to identify future candidates for transfer.

The purpose of this Act is to accomplish the transfer of those public safety functions and employees that were identified in the study.

SECTION 3. Section 26-14.6, Hawaii Revised Statutes, is amended to read as follows:

"§26-14.6 Department of public safety. (a) The department of public safety shall be headed by a single executive to be known as the director of public safety.

(b) The department of public safety shall be responsible for the formulation and implementation of state policies and objectives for correctional, security, law enforcement, and public safety programs and functions, for the administration and maintenance of all correctional facilities and services, for the service of process, and for the security of state buildings.

(c) Effective July 1, 1990, the Hawaii paroling authority and the criminal injuries compensation commission are placed within the department of public safety for administrative purposes only.

(d) Effective July 1, 1990, the functions and authority heretofore exercised by [the]:

- (1) The department of corrections relating to adult corrections and the intake service centers; [the functions and authority heretofore exercised by the]
- (2) The judiciary relating to the sheriff's office and judiciary security personnel; and [the functions and authority heretofore exercised by the]
- (3) The department of the attorney general relating to state law enforcement officers and narcotics enforcement investigators with the narcotics enforcement division,

shall be transferred to the department of public safety.

(e) Effective July 1, 1990, the functions and authority heretofore exercised by the department of health pursuant to chapters 329 and 329C, with the exception of sections 329-2, 329-3, and 329-4(3) to (8), shall be transferred to the department of public safety.

(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff[.]", "sheriffs[.]", a "sheriff's deputy[.]", "sheriff's deputies[.]", a "deputy sheriff[.]", "deputy sheriffs[.]", or a "deputy", under sections 21-8, 47-18, 88-51, 105-4, 134-11, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 325-80, 329-55, 353-11, 360-5, 360-14, 383-71, 438-5, 445-37, 482E-4, 485-6, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 653-6, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.

(g) Effective July 1, 1991, the functions and authority heretofore exercised by the director of transportation and the department of transportation related to law enforcement, including those pertaining to parking at its facilities and security, shall be transferred to the department of public safety.

(h) Effective January 1, 1993, the functions and authority heretofore exercised by the attorney general and the department of the attorney general relating to executive security officers shall be transferred to the department of public safety.

(i) Effective January 1, 1993, the functions and authority heretofore exercised by the superintendent of education and the department of education relating to after hours security contracts at its facilities, including the security functions being performed by employees of the public library system as well as the contractual security services for the libraries, shall be transferred to the department of public safety.

(j) Effective January 1, 1993, the functions and authority heretofore exercised by the director of health and the department of health relating to uniformed security employees and security contracts at various state hospitals throughout the State shall be transferred to the department of public safety.

(k) Effective January 1, 1993, the functions and authority heretofore exercised by the director of human services and the department of human services relating to contractual security guard services shall be transferred to the department of public safety."

SECTION 4. Section 28-11.5, Hawaii Revised Statutes, is repealed.

SECTION 5. The director of public safety, the superintendent of education, the director of health, the director of human services, and the attorney general shall develop appropriate transition plans and attend to other administrative details to ensure that the transfer of functions and employees required by this Act shall be implemented on the dates specified and coordinated with the department of public safety and its appointed liaison.

SECTION 6. All officers and employees of the department of education, the department of health, the department of human services, and the department of the attorney general 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 state personnel laws and this Act. Support services personnel including part-time employees shall also be transferred.

No officer or employee of the State having tenure who is transferred by this Act 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 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 transferred or appointed; and provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

In the event that an office or position held by an officer or employee having tenure is abolished and the officer, employee, or position is not transferred to the department of public safety by this Act, 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 of the State 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.

Any employee who prior to this Act was exempt from civil service and may be transferred as a consequence of this Act shall retain exempt status and shall not be appointed to a civil service position because of this Act. Employees who may be transferred by this Act and who are receiving entitlements, benefits, or privileges in accordance with chapter 77, but not chapter 76, Hawaii Revised Statutes, shall continue to receive only those entitlements, benefits, or privileges received under chapter 77 after transfer.

SECTION 7. All appropriations, records, equipment, files, supplies, contracts, books, papers, documents, maps, computer software and data, authorizations, and other property, both real and personal, heretofore made, used, acquired, or held by a department in the exercise of the functions and programs transferred by this Act shall be transferred to the department of public safety along with the functions or programs.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 1992-1993, to carry out the purposes of this Act. The sum appropriated shall be expended by the department of public safety.

SECTION 9. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

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SECTION 10. This Act shall take effect on July 1, 1992; provided that specific provisions shall take effect as otherwise specified in this Act.

(Approved June 4, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.