

ACT 361

S.B. NO. 1670

A Bill for an Act Relating to Literacy and Lifelong Learning Program.

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

SECTION 1. Chapter 312, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§312- Literacy and lifelong learning program. (a) In addition to its other duties, the board of education, through the state librarian, shall:

- (1) Provide for the establishment and ongoing operation of a literacy and lifelong learning program, including but not limited to the planning, programming, and budgeting of operating, research and development, and capital investment programs;
- (2) Coordinate and facilitate the activities of literacy service providers and literacy programs in the public, private, and volunteer sectors;
- (3) Serve as a clearinghouse for information relating to grants and other moneys available for literacy providers and programs, literacy services available in the State, the measurable results of various literacy programs, and statistics and demographics concerning those individuals receiving and in need of literacy services;
- (4) Develop public-private sector literacy partnerships with the assistance of the governor’s council for literacy and lifelong learning; and
- (5) Act as the oversight state agency in the public-private partners for literacy trust fund for the purpose of section 312- (d).

(b) The objectives of the literacy and lifelong learning program shall be to provide programmatic activities that promote intergenerational learning and well-being by improving parents’ skills and attitudes toward education; increasing children’s learning skills; enhancing parenting skills; and uniting adults and children in positive educational experiences.

(c) The literacy and lifelong learning program shall not affect existing department of education programs relating to adult education as provided under part I of chapter 301.

§312- Public-private partners for literacy trust fund. (a) There is established as a separate fund of the Hawaii Community Foundation, a Hawaii nonprofit corporation, by that certain instrument of gift dated May 2, 1991, a fund known as the public-private partners for literacy trust fund. Income and capital gains from the fund shall be used exclusively for family literacy programs, as defined in the instrument of gift. The fund shall consist of private contributions and the income and capital gains earned by the fund. The fund shall be subject to the following restrictions:

- (1) Only the income and capital gains earned by investment of the fund’s moneys may be expended; and
- (2) Income and capital gains earned by investment of the fund’s moneys may not be used during any period when the value of the fund is less than the aggregate principal sum contributed to the fund.

(b) The aggregate principal sum deposited in the fund and any income and capital gains earned by the fund but not used for family literacy programs shall be invested, in accordance with the provisions of the instrument of gift, in a manner intended to maximize the rate of return on investment of the fund consistent with the objective of preserving the principal amounts contributed to the fund.

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(c) If the fund is terminated or the Hawaii Community Foundation is dissolved, the principal amount of all contributions and any other amounts remaining in the fund shall be distributed in accordance with the provisions of the instrument of gift.

(d) The results of the annual audit of the Hawaii Community Foundation shall be submitted to the board of education, through the state librarian, not more than thirty days after the Hawaii Community Foundation receives the audit results. The Hawaii Community Foundation shall retain for a period of three years, and permit the department of education and the state librarian, or their duly authorized representatives, to inspect and have access to, all documents, papers, books, records, and other evidence that are pertinent to the fund.

(e) The purpose of this section is to create, by statute, a private charitable trust to ensure its perpetual existence. This is not a fund to be placed in the state treasury, and the State shall not administer the fund nor be liable for its operation or solvency. The fund shall be a private charitable trust to be administered by a private trust company as the trustee.

§312- Advisory council for literacy and lifelong learning. There is established within the office of the state librarian an advisory council to be known as the governor's council for literacy and lifelong learning. The council shall consist of eighteen members. All members shall be appointed by the governor in accordance with section 26-34. The composition of the council shall reflect the distribution of the State's population, with consideration being given to varied community needs and interests in literacy; provided that there shall be at least one member from each of the counties of the State. The council shall advise the board of education on matters relating to literacy and lifelong learning programs. The members of the council shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties."

SECTION 2. Section 581-5, Hawaii Revised Statutes, is repealed.

SECTION 3. All rights, powers, functions, and duties of the office of children and youth under chapter 581, Hawaii Revised Statutes, relating to literacy and lifelong learning programs, are transferred to the office of the state librarian.

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 that officer or employee is transferred or appointed; and provided further 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 that officer or employee is transferred or appointed.

If 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.

SECTION 4. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of children and youth relating to the functions transferred to the office of the state librarian shall be transferred with the functions to which they relate.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved July 1, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.