

ACT 134

S.B. NO. 1274

A Bill for an Act Relating to Public Safety.

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

PART I.

SECTION 1. Section 26-14.6, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Effective [January 1, 1993] July 1, 1999, the functions and authority heretofore exercised by the [superintendent of education] director of public safety and the department of [education] public safety relating to after hours security contracts at [its] department of education facilities, [including] except for 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.] education.”

SECTION 2. All rights, powers, functions, and duties of the department of public safety relating to the after hour security contracts at department of education facilities shall be transferred to the department of education.

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

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 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 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 any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which 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.

SECTION 3. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of public safety relating to the functions transferred to the department of education by this Act shall be transferred with the functions to which they relate.

PART II.

SECTION 4. Section 353-16.37, Hawaii Revised Statutes, is amended to read as follows:

“**[[§353-16.37]] Community partnering.** Regardless of the method for funding new prison facilities, the department of public safety shall develop and implement a community partnering process to be incorporated into the request for proposal; [provided further that a] this partnering process shall include a community hearing for the purpose of soliciting community input. Further, a community benefit and enhancement package shall be developed by the department and the affected community to mitigate the negative aspects of building a [prison] correctional facility in the community[; provided further that the]. The benefit and enhancement package may include[,] but is not limited to[, infrastructure];

- (1) Infrastructure improvements[, job];¹
- (2) Job training programs or improvements to schools and health care facilities[, social];
- (3) Social programs[,]; and [other]
- (4)² Other government functions.”

SECTION 5. 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 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 25, 1999.)

Notes

1. So in original.
2. “(4)” should be underscored.