

A Bill for an Act Relating to the Hawaii Commission for National and Community Service.

*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  
HAWAII COMMISSION FOR NATIONAL AND COMMUNITY  
SERVICE**

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Commission” means the Hawaii commission for national and community service.

§ -2 **Hawaii commission for national and community service; establishment.** There is established within the University of Hawaii, for administrative purposes only, the Hawaii commission for national and community service to:

- (1) Encourage community service and volunteer participation as a means of community and state problem-solving;
- (2) Promote and support voluntary citizen involvement in government and private programs throughout the State;
- (3) Develop a long-term, comprehensive vision and plan for action for community service initiatives in Hawaii; and
- (4) Serve as the State’s liaison to national and state organizations that support its mission.

The establishment of this commission replaces the commission created by Executive Order 94-01.

§ -3 **Commission; membership; vacancies.** (a) Members of the commission shall be appointed by the governor on a bipartisan basis subject to section 26-34. The commission shall consist of not fewer than fifteen and not more than twenty-five members. Not more than fifty per cent of the commission plus one member may be from the same political party. To the extent possible, the commission shall be balanced according to race, ethnicity, age, disability, and gender characteristics. All appointments shall be for four-year terms. Members shall not serve more than two consecutive terms. The commission shall include:

- (1) An individual with expertise in the educational, training, and developmental needs of youths, particularly disadvantaged youths;
- (2) An individual with experience in promoting the involvement of older adults in service and volunteerism;
- (3) A representative of community-based agencies or community-based organizations within the State;
- (4) The superintendent of education, or a designee;
- (5) A representative of county governments;
- (6) A representative of local labor organizations in the State;
- (7) A representative of business;
- (8) An individual between the ages of sixteen and twenty-five who is a participant or supervisor in a volunteer or service program; and

(9) A representative of a national service program described in title 42 United States Code section 12572(a), as amended, as a nonvoting, ex officio member.

(b) The commission may include:

(1) Members selected from among local educators;

(2) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons;

(3) Members selected from among out-of-school youths or other at-risk youths; and

(4) Representatives of entities that receive assistance under the federal Domestic Volunteer Service Act of 1973.

(c) Not more than twenty-five per cent of commission members may be employees of state government, though additional state agency representatives may sit on the commission as nonvoting, ex officio members.

(d) Vacancies among the members, filled by the governor, shall serve for the remainder of the term.

(e) The members shall serve without compensation, but shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties, including travel expenses.

(f) Members currently serving under Executive Order 94-01 may be reappointed to a new four-year term and may serve two consecutive terms.

**§ -4 Officers.** (a) The officers of the commission shall be the chair and vice chair. All officers shall be elected by the voting commission members from among their ranks and shall serve for a term of one year. Vacancies in any offices shall be filled with an election by the commission for the remainder of the unexpired term.

(b) The chair shall:

(1) Preside at all meetings of the commission;

(2) Appoint all committee chairs;

(3) Assist all chairs in the planning of committee activities;

(4) Supervise all chairs as to the management of committee plans;

(5) Authorize and execute the wishes of the commission; and

(6) Be an ex officio member of all committees.

(c) The vice chair shall assist the chair, and, in the absence of the chair, perform the duties of the chair. The vice chair shall accept special assignments from the chair and perform other duties as delegated by the commission.

**§ -5 Meetings.** The commission shall meet at least quarterly. Failure to attend at least seventy-five per cent of called meetings in any calendar year shall result in removal from the commission. A quorum shall consist of a simple majority of voting members. All meetings of the commission shall be conducted subject to chapter 92.

**§ -6 Powers, duties, and functions.** The commission shall:

(1) Ensure that its funding decisions meet all federal and state statutory requirements;

(2) Recommend innovative, creative, statewide service programs to increase volunteer participation in all age groups and community-based problem-solving among diverse participants;

(3) Prepare a national three-year service plan for the State, which follows state and federal guidelines;

- (4) Develop and implement a centralized, organized system of obtaining information and technical support concerning volunteerism and community service recruitment, projects, training methods, materials, and activities throughout Hawaii and share the information and support upon request;
- (5) Promote strong interagency collaboration as an avenue for maximizing resources and provide that model on the state level;
- (6) Provide public recognition and support of individual volunteer efforts and successful or promising private sector initiatives and public-private partnerships that address community needs;
- (7) Stimulate increased community awareness of the impact of volunteer services in Hawaii;
- (8) Use local, state, and federal resources to reinforce, expand, and initiate quality service programs;
- (9) Serve as the State's liaison and voice to appropriate national and state organizations that support its mission;
- (10) Prepare the State's applications under title 42 United States Code sections 12543 and 12582, as amended;
- (11) Assist in the preparation of the department of education's application for assistance under title 42 United States Code section 12525;
- (12) Prepare the State's application under title 42 United States Code section 12582, as amended, for approved national service positions;
- (13) Make technical assistance available to enable applicants for assistance under title 42 United States Code section 12571, as amended, to plan and implement service programs and to apply for assistance under the federal service laws such as the federal National Services Trust Program;
- (14) Assist in the provision of health care and child care benefits under title 42 United States Code section 12594, as amended, to participants in national service programs that receive assistance under title 42 United States Code section 12571, as amended;
- (15) Develop a state system for the recruitment and placement of participants in programs that receive assistance under the national service laws and disseminate information concerning national service programs that receive the assistance of approved national service positions;
- (16) Administer the State's grant program in support of national service programs (using assistance provided to the State under title 42 United States Code section 12571, as amended) including selection, oversight, and evaluation of grant recipients;
- (17) Coordinate its functions (including recruitment, public awareness, and training activities) with any division of the federal ACTION program or the Corporation for National and Community Services that carries out volunteer service programs in the State; and
- (18) Comply with the requirements and duties of the commission as provided by title 42 United States Code section 12638, as amended.

§ -7 **Expenses.** The commission may accept funds and in-kind services from other state and federal entities, as authorized by state law.

§ -8 **Staff.** The commission may establish and fill the following positions:

- (1) One executive director;
- (2) One senior program officer;
- (3) Two program officers;

- (4) One accountant; and
- (5) One secretary.

The commission may hire additional staff to assist in the performance of its duties and responsibilities. The staff of the commission shall be hired without regard to chapter 76; provided that staff shall be eligible for participation in state employee benefit plans.

§ -9 Rules. The commission may adopt rules under chapter 91 to implement this chapter.”

SECTION 2. All functions and programs of the Hawaii commission for national and community service established by Executive Order 94-01 are transferred to the Hawaii commission for national and community service created by this Act.

The incumbent executive director of the commission, who is exempt from chapter 76, Hawaii Revised Statutes, whose functions are transferred by this Act, shall be transferred and placed in a like position at the University of Hawaii for the Hawaii commission for national and community service and shall perform such duties as designated by the chairperson of the commission upon 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 state personnel laws and this Act. There shall be no loss of any position by the department of labor and industrial relations as a result of 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. All records, equipment, machines, files, supplies, contracts, books, papers, authorizations, documents, and other property heretofore made, or acquired, by the Hawaii commission for national and community service shall be transferred to the Hawaii commission for national and community service created by this Act with the functions to which they relate.

SECTION 4. If any provision of this Act conflicts with a provision of the Executive Order dated January 28, 1994, this Act shall control.

SECTION 5. All Acts passed by the legislature during this regular session of 2002, whether enacted before or after the effective date of this Act, shall be amended to conform to this Act unless such Acts specifically provide that this Act is being amended.

SECTION 6. This Act shall be liberally construed to accomplish the purposes set forth in section 1. 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 7. Any federal funds received for the Hawaii commission for national and community service established by Executive Order 94-01 shall be transferred to the University of Hawaii for the purposes of this Act.

**ACT 88**

SECTION 8. This Act shall take effect upon its approval.

(Approved May 31, 2002.)