

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Act 51, Session Laws of Hawaii 2004, is amended  
2 by amending section 42 to read as follows:

3           "SECTION 42. (a) The department of education shall  
4 convene an interagency working group to develop comprehensive  
5 plans for transferring certain rights, powers, functions,  
6 duties, and resources, including positions, from the departments  
7 of accounting and general services, budget and finance,  
8 [~~health,~~] human resources development, the attorney general, and  
9 human services to the department of education. Rights, powers,  
10 functions, duties, and resources including positions to be  
11 transferred shall include but not be limited to:

12           (1) The expending of capital improvement funds for  
13           construction of new school facilities and resources,  
14           for repairs and maintenance services;

15           (2) The funding of collective bargaining agreement  
16           increases;



- 1           (3) The securing, administering, use, and expending of
- 2                   federal funds and other aid, including their custodial
- 3                   supervision;
- 4           (4) The capital improvement project allotment process;
- 5           (5) The determination of retirement and other employee
- 6                   benefits;
- 7           (6) The operation of a human resources system including
- 8                   the recruitment, certification, examination,
- 9                   management, classification, and compensation of
- 10                  department of education employees and labor relations;
- 11           (7) Negotiating workers' compensation claims and labor-
- 12                  management relations within the department of
- 13                  education; and
- 14           (8) Conducting employment background checks for the after-
- 15                  school plus program, private vendors, and other
- 16                  employees and trainees who work with public school
- 17                  students [~~and~~
- 18                  ~~(9) School health aides~~].
- 19           (b) The comprehensive plans shall identify:
- 20           (1) Each position to be transferred by position number;
- 21                  and

1           (2) All moneys budgeted in support of each position to be  
2                   transferred, including moneys for direct and indirect  
3                   employee benefits,  
4 at the lowest level on the state program structure.

5           (c) The working group shall include the following  
6 individuals or their designees:

7           (1) The superintendent of education;

8           (2) The comptroller;

9           (3) The director of human resources development;

10          (4) The director of human services;

11          ~~[(5) The director of health;~~

12          ~~-(6)]~~ (5) The director of finance;

13          ~~[(7)]~~ (6) The attorney general;

14          ~~[(8)]~~ (7) The exclusive bargaining agents of affected  
15 employees; and

16          ~~[(9)]~~ (8) Any community members that may be appointed by  
17 the superintendent.

18          (d) The department of education may recommend to the  
19 legislature deletion or addition of rights, powers, functions,  
20 duties, and resources, including positions, that are to be  
21 transferred as a result of the working group's deliberations  
22 which shall be included and reflected in the required plans and



1 legislation. The working group shall submit its comprehensive  
2 plans, including proposed legislation, to implement the transfer  
3 of rights, powers, functions, duties, and resources, including  
4 positions relating to the:

5 (1) Department of accounting and general services and  
6 department of human resources development not less  
7 than thirty days prior to the convening of the regular  
8 session of 2005; and

9 (2) Department of budget and finance, department of the  
10 attorney general, [~~department of health,~~] and  
11 department of human services not less than thirty days  
12 prior to the convening of the regular session of  
13 2006."

14 SECTION 2. Act 51, Session Laws of Hawaii 2004, as amended  
15 by section 2, Act 225, Session Laws of Hawaii 2006, is amended  
16 by amending sections 47 and 48 to read as follows:

17 "SECTION 47. (a) All the rights, powers, functions,  
18 duties, and resources of [+

19 ~~(+)~~ The] the department of budget and finance relating to  
20 the:

21 [~~(A)~~] (1) Funding of collective bargaining agreement  
22 increases; and



1        ~~[(B)]~~ (2) Securing, administering, use, and expending of  
2                                federal funds and other aid, including their  
3                                custodial supervision; ~~[and~~

4        ~~(2) The department of health relating to school health~~  
5                                ~~aides and public health nurses who supervise school~~  
6                                ~~health aides,]~~

7        are transferred to the department of education effective July 1,  
8        2007, subject to repeal by subsequent legislation.

9        (b) All moneys budgeted in support of each position to be  
10       transferred to the department of education, including moneys for  
11       direct and indirect employee benefits, are transferred to the  
12       department of education effective July 1, 2007, subject to  
13       repeal by subsequent legislation.

14       SECTION 48. All resources, appropriations, records,  
15       equipment, databases, software, programming, machines, files,  
16       supplies, contracts, books, papers, documents, maps, and other  
17       personal property heretofore made, used, acquired, or held by  
18       the department of accounting and general services ~~[,]~~ and the  
19       department of budget and finance ~~[, and the department of health]~~  
20       relating to the functions transferred to the department of  
21       education shall be transferred with the functions to which they  
22       relate."



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2 SECTION 3. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

Norman Sabens



**Report Title:**

DOE; School Health Aides; Transfer

**Description:**

Repeals the transfer of school health aides and public health nurses who supervise school health aides from the department of health to the department of education.

