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# A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION.

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

1           SECTION 1. Section 304A-3152, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§304A-3152~~ **Commission's powers and authority.** (a)

4 The commission may cooperate with the federal government to  
5 qualify the State to receive funds made available under the  
6 Higher Education Act of 1965, Public Law 89-329, as amended from  
7 time to time, and in addition may serve as the state agency for  
8 the receipt of federal funds when federal legislation dealing  
9 with higher education or post-secondary education requires, as a  
10 condition of state receipt of such funds, the designation of a  
11 state agency that is broadly representative of the general  
12 public and of post-secondary education in the State and when  
13 agencies other than the commission created by this subpart may  
14 not qualify. The commission shall adopt appropriate rules not  
15 inconsistent with this subpart as may be required to administer  
16 this subpart. The rules shall be adopted in accordance with  
17 chapter 91.



1 (b) No funds appropriated by the legislature may be used  
2 to aid a person attending an institution not owned or  
3 exclusively controlled by the State or a department of the State  
4 or to pay for any staff work distributing federal or private  
5 funds to students attending such schools. The maximum amount of  
6 any grant awarded under the Hawaii state incentive grant program  
7 shall be equal to the maximum allowed by federal law.

8 (c) The commission shall adopt licensing standards to  
9 regulate unaccredited degree granting institutions consistent  
10 with the minimum educational standards used by the Western  
11 Association of Schools and Colleges."

12 SECTION 2. Chapter 446E, Hawaii Revised Statutes, is  
13 repealed.

14 SECTION 3. All rights, powers, functions, and duties of  
15 the department of commerce and consumer affairs are transferred  
16 to the state post-secondary education commission.

17 All officers and employees whose functions are transferred  
18 by this Act shall be transferred with their functions and shall  
19 continue to perform their regular duties upon their transfer,  
20 subject to the state personnel laws and this Act.

21 No officer or employee of the State having tenure shall  
22 suffer any loss of salary, seniority, prior service credit,



1 vacation, sick leave, or other employee benefit or privilege as  
2 a consequence of this Act, and such officer or employee may be  
3 transferred or appointed to a civil service position without the  
4 necessity of examination; provided that the officer or employee  
5 possesses the minimum qualifications for the position to which  
6 transferred or appointed; and provided that subsequent changes  
7 in status may be made pursuant to applicable civil service and  
8 compensation laws.

9 An officer or employee of the State who does not have  
10 tenure and who may be transferred or appointed to a civil  
11 service position as a consequence of this Act shall become a  
12 civil service employee without the loss of salary, seniority,  
13 prior service credit, vacation, sick leave, or other employee  
14 benefits or privileges and without the necessity of examination;  
15 provided that such officer or employee possesses the minimum  
16 qualifications for the position to which transferred or  
17 appointed.

18 If an office or position held by an officer or employee  
19 having tenure is abolished, the officer or employee shall not  
20 thereby be separated from public employment, but shall remain in  
21 the employment of the State with the same pay and classification  
22 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel  
2 laws of the State as determined by the head of the department or  
3 the governor.

4 SECTION 4. All appropriations, records, equipment,  
5 machines, files, supplies, contracts, books, papers, documents,  
6 maps, and other personal property heretofore made, used,  
7 acquired, or held by the department of commerce and consumer  
8 affairs relating to the functions transferred to the state post-  
9 secondary education commission shall be transferred with the  
10 functions to which they relate.

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon approval.  
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INTRODUCED BY:

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**Report Title:**

Degree Granting Institutions

**Description:**

Requires the state post-secondary education commission to adopt licensing standards to govern unaccredited degree granting institutions consistent with the minimum educational standards used by the Western Association of Schools and Colleges.  
Repeals chapter 446E.

