

ACT 265

H. B. NO. 740

A Bill for an Act Relating to State-County Relations in the Area of Public Hospitals and Other Public Health and Medical Facilities.

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

SECTION 1. Operation and maintenance of public hospitals and related public health and medical facilities.

Except as otherwise provided in section 6 of this Act, all functions pertaining to the operation and maintenance of public hospitals and other public health and medical facilities heretofore performed by the several counties on

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behalf of the State pursuant to Act 203, Session Laws of Hawaii 1967, shall hereafter be directly administered and performed by the State department or departments designated by the governor.

**SECTION 2.** Transfer of personnel. All employees of the several counties, the major portion of whose duties is in a functional area covered by section 1 of this Act, shall be transferred to the department to which the function has been assigned.

No employee transferred by this Act shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges as a consequence of this Act.

The counties shall not be required to transfer funds to cover the vacation credits earned or accumulated by employees transferred under this Act.

**SECTION 3.** Transfer of personal property. All records, equipment, machinery, motor vehicles, files, supplies, contracts, books, papers, documents, maps, and other personal property of every kind and description of the several counties used in the functional areas covered by section 1 of this Act shall be transferred to the appropriate department without cost to the State or reimbursement to such county, and without compliance with disposal procedures or requirements, any law to the contrary notwithstanding. The county shall prepare inventory lists and receipts to account properly for such transfer.

Any dispute as to whether particular personal property should be transferred to the State under this Act shall be determined by the director of the appropriate department.

If the department determines that any of the personal property so transferred or to be transferred is not needed by it, such property shall be returned to, or retained by, the county.

**SECTION 4.** Transfer of real property. The several counties shall convey to the State all of their respective interests in and to any real property and the improvements used in the functional areas covered by section 1 of this Act and which are directly related to and necessary for the operation and maintenance thereof. The conveyances shall be without cost to the State or reimbursement to the county, and without compliance with disposal procedures or requirements, any law to the contrary notwithstanding.

If within a period of 10 years after the effective date of this Act, any of the real property so transferred is abandoned or ceases to be used for purpose stated in the preceding paragraph, the Board of Land and Natural Resources shall by resolution declaring such abandonment or cessation as to any of the real property conveyed hereunder or any portion thereof, reconvey such realty or portion to the county from which it had originally been transferred. The provisions of this paragraph shall not apply to State lands that had been set aside for use by the county, or to real property where the major portion of the cost of the land or improvements was financed by State funds.

**SECTION 5.** Temporary use of county facilities. If any room, building, structure or other place which is owned or under the control of a county, is temporarily occupied or used by personnel or property which are related to the

performance of duties in any of the functional areas covered by section 1 of this Act, and it is impractical or disruptive to the efficient and orderly transition under this Act to relocate or move such personnel or property, then such room, building, structure or place shall continue to be so occupied and used without the payment of any rental or other charges; provided that such occupancy shall not continue beyond one year after the effective date of this Act. The State department to which the function has been transferred shall effect the physical transfer and relocation of all personnel and property at the earliest possible date.

**SECTION 6.** Functions reassigned to the counties. The following functions are hereby reassigned to the several counties:

- (1) ambulance and first aid services, if the county has a population of 200,000 or more;
- (2) the medical care of inmates of county jails;
- (3) the rendering of medical investigatory services requested by the police;
- (4) physical examinations of employees to the extent that such functions had been performed immediately prior to the adoption of Act 97, Session Laws of Hawaii 1965; and
- (5) the care and treatment of county workmen's compensation cases to the extent that such functions has been performed immediately prior to the adoption of Act 97, Session Laws of Hawaii 1965.

**SECTION 7.** County hospital managing committees. The first paragraph of Section 8 of Act 203, Session Laws of Hawaii 1967, is amended to read as follows:

"There shall be for each county general hospital a management advisory committee to consist of seven members to be appointed as hereinafter provided.

(a) Powers and duties of management advisory committee: The Committee shall be responsible to and under the director of health for advising and assisting in the carrying out of all policies of the department of health. The committee shall select its own chairman and vice chairman and may adopt such rules and regulations as it may consider necessary for the conduct of its business. As soon as practicable and not later than three months after notification by the governor, the committee shall nominate a hospital administrator. The appointment of the hospital administrator shall be made by the governor. If the committee does not nominate a hospital administrator within three months after notification, the governor shall appoint the hospital administrator.

(b) Appointment and tenure: The members of the management advisory committee shall be appointed by the governor. The members shall serve for a term of four years; provided, however, that upon the initial appointment of the members, one shall be appointed for a term of one year, two for a term of two years, two for a term of three years and two for a term of four years."

**SECTION 8.** Notwithstanding the adoption of Act 16, Session Laws of

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Hawaii 1968, this Act shall have full force according to its intent. Upon the taking effect of this Act or the Hawaii Revised Statutes, whichever occurs later, this Act shall be construed to be in amendment of or in addition to the Hawaii Revised Statutes, all references in this Act being construed to refer to the applicable or corresponding provisions of the Hawaii Revised Statutes.

The revisor of statutes may reword and renumber the references in this Act and make such other formal or verbal changes as may be necessary to conform with the Hawaii Revised Statutes.

**SECTION 9. Effective date.** This Act shall take effect on January 1, 1970.

(Approved July 16, 1969.)