

## ACT 203

S. B. NO. 898

A Bill for an Act Relating to Public Welfare.

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

SECTION 1. Section 346-71, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 346-71 General assistance.** The department of social services and housing shall administer public assistance to those needy persons not otherwise provided for under this chapter, who for reasons satisfactory to the department are unable to provide sufficient support for themselves or those dependent upon them; provided that such persons shall have resided in the State for a period of at least one year immediately preceding their application for assistance under this section. The department shall require all physically fit persons, as a condition of receiving general assistance, to actively and diligently seek gainful employment, to take whatever steps may be reasonably necessary in order to obtain such employment, and to accept such employment when offered. The department shall, by rules and regulations adopted pursuant to chapter 91, establish criteria and standards by which it shall be determined whether an applicant has met the foregoing conditions and requirements. The department may further require all physically fit persons, as a condition to receiving general assistance, to register for work on public work projects and to accept such employment as may be offered to them. The term ‘public work projects’ includes any kind of labor under the department of accounting and general services of the State or the department of public works of any county, or under any other department, board, commission, or agency of the State or any county. All such agencies may employ persons registering under this section. The persons shall be employed on a per diem or hourly basis

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at reasonable rates of compensation without regard to chapter 77, but such work shall not be required beyond eight hours a day or five days a week, nor shall the earnings of any such person for any month exceed the amount determined by the department as the proper amount of general assistance. The earnings shall not be deemed compensation within the meaning of any state law, nor be subject to execution, garnishment, attachment, or any other process whatsoever, nor shall they be assignable. Except for the purposes of the workmen's compensation law, such persons shall not be deemed to be employees of the State or any county, nor shall the laws relating to civil service, classification, retirement, vacation, sick leave, and other matters relating to regular public employees be deemed to apply to such persons. Payment for the work shall not be made from the funds of the agency employing such persons but shall be made from the funds of the department. The department shall promulgate such rules and regulations as it deems necessary to enforce and carry out this section."

**SECTION 2. Severability.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are severable.

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

**SECTION 4.** This Act shall take effect upon its approval.

(Approved June 21, 1971.)

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\* Edited accordingly.