

ACT 168

H.B. NO. 639-76

A Bill for an Act Relating to the Hilo Day Activity Center for the Adult Retarded.

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

**SECTION 1. Findings and purpose.** The legislature finds that there is urgent need for facilities and programs dedicated to providing diagnostic, treatment, and training services to moderately and severely retarded adults. The Hilo Day Activity Center for the Adult Retarded, established and operated by the Hilo Association to Help Retarded Children, provides such services at Hilo, Hawaii. In recent years, the center has faced operational deficits and during the past several years, has required increasing annual financial assistance from the State as a result of diminishing federal grants. For fiscal years 1974–75, the legislature has appropriated \$59,178 (excluding transporta-

tion costs), for the projected total budget for the center. The board of directors of the Hilo Association to Help Retarded Children has expressed its desire that the State assume ownership, without compensation therefor, administration and operation of the Hilo Day Activity Center for the Adult Retarded, the center's level III program. The Hilo Association for Retarded Children is not requesting at this time that the center's level I and level II programs be assumed by the State. The purpose of this Act is for the State to ensure the continuing availability of the services currently rendered by the Hilo Day Activity Center for the Adult Retarded, by assuming its ownership and incorporating its administration and operation into the state department of health's community programs, and by converting its employees into employees of the State.

**SECTION 2. Definitions.** As used in this Act, unless the context clearly indicates otherwise:

"Department" means the state department of health.

"Center" means the Hilo Day Activity Center for the Adult Retarded.

**SECTION 3. Transfer.** The Hilo Day Activity Center for the Adult Retarded is to be a state center. The department shall assume responsibility for all matters pertaining to the planning, construction, and improvement of the center and shall operate and manage the center and perform all acts necessary or convenient to such management and control.

The employees of the center on July 1, 1976 shall be transferred to the department and shall thereafter be state employees and enjoy all of the rights, privileges, and benefits of employees of the State, subject, however, to the following conditions:

- (1) The director of personnel services shall determine the applicability of chapters 76 and 77, Hawaii Revised Statutes, to the transferred employees;
- (2) Employees employed by the center at least one full year immediately preceding the date of transfer shall be given status as regular employees of the state civil service without competitive examination; and
- (3) Employees employed less than one full year shall be given initial probationary appointment without competitive examination.

**SECTION 4. Civil service compensation.** Positions held by transferred employees shall be assigned by the director of personnel services to the appropriate class in the position classification plan and the employees shall be paid in accordance with the salary range to which the class is assigned; provided that employees receiving a salary above the minimum rate at the time of their transfer may be paid at a rate higher than the minimum but not exceeding the highest pay rate in the appropriate salary range.

**SECTION 5. Vacation; sick leave.** Upon certification by the center of accumulated and earned vacation and sick leave, the transferred employees shall be credited under chapter 79, Hawaii Revised Statutes, with their accumulated and earned vacation and sick leave to the extent that public employees are allowed to earn and accumulate these credits.

**SECTION 6. Retirement system.** Upon the transfer, the employees shall be admitted to membership in the state pension and retirement systems provided for in chapter 88, Hawaii Revised Statutes. Upon certification of years of service by the department, a transferred employee shall be given prior service credits under chapter 88, Hawaii Revised Statutes. Service credits shall be allowed for the transferred employee's years of service at the center or for other programs sponsored or administered directly by the Hilo Association to Help Retarded Children, the parent agency, for which the employee agrees to have additional deductions made from his compensation or to make a lump sum payment therefor.

**SECTION 7. Citizenship; residency.** The requirements as to citizenship and residency in section 78-1, Hawaii Revised Statutes, shall not apply to employees transferred from the center to the department.

**SECTION 8. Transfer of property.** (a) All records, equipment, machinery, motor vehicles, files, supplies, contracts, books, papers, documents, maps, and all other personal property of every kind and description belonging to the center shall be transferred to the department without reimbursement to the center. The center 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 department under this Act shall be determined by the director of health.

(b) The center shall transfer to the State all of its respective interest in and to any real property and the improvements thereto. The conveyances shall be without reimbursement to the center.

**SECTION 9. Budgeting and fiscal procedures.** Beginning with the fiscal period July 1, 1976 through June 30, 1977, and thereafter, the center shall be subject to such budgeting and fiscal procedures as may be required by the department.

**SECTION 10. Appropriation.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$39,959 or so much thereof as may be necessary, for continuing the operation of the Hilo Day Activity Center for the Adult Retarded.

**SECTION 11. Severability.** If any provision of this Act or the application thereof to any person or circumstances 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 12. Effective date.** This Act shall take effect on July 1, 1976.

(Approved June 1, 1976.)