

## ACT 339

S.B. NO. 1751

A Bill for an Act Relating to a Department of Human Services.

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

SECTION 1. Findings and purpose. More and more people are recognizing the wisdom of reorganizing the current department of social services and housing to separate its social services and housing functions from its criminal justice and corrections functions. Towards this end, legislation has been proposed to establish a department of human services and a department of corrections.

This Act establishes a department of human services. In many respects, this new department is new only nominally. All of the current department of social services and housing's programs and functions which are unrelated to the criminal justice corrections systems will continue to be provided by the new department.

SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended as follows:

1. By amending section 26-4 to read as follows:

**“§26-4 Structure of government.** Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments which are hereby established:

- (1) Department of personnel services (Section 26-5)
- (2) Department of accounting and general services (Section 26-6)
- (3) Department of the attorney general (Section 26-7)
- (4) Department of budget and finance (Section 26-8)
- (5) Department of commerce and consumer affairs (Section 26-9)
- (6) Department of taxation (Section 26-10)
- (7) University of Hawaii (Section 26-11)
- (8) Department of education (Section 26-12)
- (9) Department of health (Section 26-13)
- (10) Department of [social services and housing] human services (Section 26-14)

- (11) Department of land and natural resources (Section 26-15)
- (12) Department of agriculture (Section 26-16)
- (13) Department of Hawaiian home lands (Section 26-17)
- (14) Department of planning and economic development (Section 26-18)
- (15) Department of transportation (Section 26-19)
- (16) Department of labor and industrial relations (Section 26-10<sup>1</sup>)
- (17) Department of defense (Section 26-21)"

2. By amending section 26-14 to read as follows:

**"§26-14 Department of [social services and housing] human services.**

(a) The department of [social services and housing] human services shall be headed by a single executive to be known as the director of [social] human services.

There shall be within the department of [social services and housing] human services a commission to be known as the board of [social] human services which shall sit in an advisory capacity to the director of [social] human services on matters within the jurisdiction of the department of [social services and housing.] human services. The board shall consist of ten members[.]; one person from each county, other than the county of Kalawao, and five at large, and the director of health as an ex officio nonvoting member.

There shall also be within the department a commission to be known as the board of vocational rehabilitation which shall sit in an advisory capacity to the head of that division charged with the administration of vocational rehabilitation laws and allied services. The board shall consist of eleven members, one person from each judicial circuit and four at large, with the directors of health and labor[,] and industrial relations, and the superintendent of education, as ex officio voting members.

(b) The department shall administer programs designed to improve the social well-being and productivity of the people of the State. Without limit to the generality of the foregoing, the department shall concern itself with<sup>1</sup> problems of human behavior, adjustment, and daily living through the administration of programs of family, child and adult welfare, economic assistance [(including costs of medical care)], health care assistance<sup>1</sup>, rehabilitation toward self-care and support, [delinquency prevention and control, treatment and rehabilitation of adult and juvenile offenders,] public housing, and other related programs<sup>1</sup> provided by law.

(c) The Hawaii housing authority, as now constituted by chapter 356 shall be a constituent corporate unit of the department of [social services and housing] human services with the director of [social] human services as an additional commissioner, ex officio, of the housing authority, serving for a term consistent with the director's appointment. Notwithstanding any other provisions of this chapter, but subject to the administrative control of the director of [social] human services, the functions, duties, and powers of the housing authority, as heretofore provided by law, shall be vested in the Hawaii housing authority.

[The Hawaii paroling authority is placed within the department of social services and housing for administrative purposes only.]

(d) The functions and authority heretofore exercised by the department of public welfare, the [department of institutions (except for Waimano home and the state hospital transferred to the department of health), the boards of prison inspectors, the] bureau of sight conservation and work with the blind (except for the transcription services program transferred to the department of education), the council on veterans' affairs, and any other

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agency of the state or county governments with respect to the assistance and care of the indigent and medically indigent as heretofore constituted are transferred to the department of [social services and housing] human services established by this chapter.”

3. By amending section 26-52 to read as follows:

“§26-52 **Department heads and executive officers.** The salaries of the following state officers shall be as follows:

- (1) Effective January 1, 1986, the salary of the superintendent of education shall be \$76,000 a year.
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents, but shall not exceed \$95,000 a year.
- (3) Effective January 1, 1986, the salaries of all department heads or executive officers of the department<sup>1</sup> of accounting and general services, agriculture, attorney general, budget and finance, commerce and consumer affairs, Hawaiian home lands, health, human services, labor and industrial relations, land and natural resources, personnel services, planning and economic development, [social services and housing,] taxation<sup>1</sup> and transportation shall be \$68,400 a year.
- (4) Effective January 1, 1986, the salary of the adjutant general shall be \$68,400 a year. If the salary is in conflict with the pay and allowance fixed by the tables of the regular army or air force of the United States, the latter shall prevail.”

SECTION 3. Section 346-14, Hawaii Revised Statutes, is amended to read as follows:

“§346-14 **Duties generally.** Except as otherwise provided by law, the department of [social services and housing] human services shall:

- (1) Administer, establish programs and standards, and promulgate rules as deemed necessary for all public assistance[, including payments for medical care,] programs;
- (2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- (3) Assist in preventing family breakdown;
- (4) Place, or cooperate in placing neglected children in suitable private homes or institutions, and place, or cooperate in placing, children in suitable adoptive homes;
- (5) Have authority to establish, maintain, and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child;
- (6) Administer the medical assistance programs for eligible public welfare and other medically needy individuals by establishing standards, eligibility and health care participation rules, payment methodologies, reimbursement allowances, systems to monitor recipient and provider compliance, and assuring compliance with federal requirements in order to maximize federal financial participation;
- [(6)] (7) Cooperate with the federal government in carrying out the purposes of the Social Security Act, and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of such reports,

the adoption of such methods of administration, and the making of such rules [and regulations] as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for such public welfare, assistance, and child welfare services, or as may be necessary or desirable for the receipt of financial assistance from the federal government;

- [(7)] (8) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems;
- [(8)] (9) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;
- [(9)] (10) Make such rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting, and conduct such other activities as may be necessary or proper to carry out this chapter, which rules, when approved by the governor, shall have the force and effect of law;
- [(10)] (11) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;
- [(11)] (12) Make, prescribe, and enforce such policies and rules governing the activities provided for in section 346-31 as it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where such apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds, which rules, when approved by the governor, shall have the force and effect of law;
- [(12)] (13) Determine the appropriate level for the Hawaii security net by developing a tracking and monitoring system to determine what segments of the population are not able to afford the basic necessities of life, and advise the legislature annually regarding the resources required to maintain the security net at the appropriate level.”

SECTION 4. Chapters 346, 347, 348, 349C, 350, 350C, 350E, 356, 363, 578, 587, and sections 29-14, 40-85, 65-2, 70-28, 76-16, 102-14, 206E-3, 226-53, 235-55.5, 294-2, 294-22, 301-4, 319-3, 321-122, 321-123, 325-38, 333-45, 333E-1, 348E-2, 349-4, 359A-5, 367-2, 371K-4, 373C-23, 386-1, 386-25, 392-5, 393-5, 394-2, 457B-6, 481B-3, 571-48(2), 571-48(4), 571-62, 571-63, 571D-1, 576-25, 576-30, 576D-8, 578-2, 578-8, 578-10, 581-3(5), 581-12(1), 584-6, and 831-3.1, Hawaii Revised Statutes, are amended by replacing every reference to the “director of social services” or like term with “director of human services”, or like term, and by replacing every reference to the “department of social services and housing” or like term, with “department of human services” or like term.

SECTION 5. **Federal aid, contract and bond obligations; not impaired.** It is the intent of this Act to neither jeopardize the receipt of any federal aid nor impair the obligation of the State or any agency thereof to persons with which it has existing contracts or to the holders of any bond issued by the

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State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

**SECTION 6. Conflict with provisions of this Act.** All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform to this Act. All acts passed during this Regular Session of 1987, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

**SECTION 7.** In the event that S.B. No. 5, as amended, fails to be enacted into law, all functions related to the criminal justice systems, including the Hawaii paroling authority, will remain with the newly established department of human services.

**SECTION 8.** Statutory material to be repealed is bracketed. New statutory material is underscored.

**SECTION 9.** This Act shall take effect on July 1, 1987.

(Approved June 29, 1987.)

### Note

1. So in original.