

ACT 298

S.B. NO. 2856

A Bill for an Act Relating to the Office of Children and Youth.

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

SECTION 1. The purpose of this Act is to recognize the need to reorganize the office of the governor for greater efficiency and to create a better focus on important policies by repealing the statute that created the office of children and youth; transferring direct service programs and personnel to other government agencies; and transferring policy, planning, and evaluation activities and personnel directly to the governor's office.

In a time of fiscal constraint throughout state government, the office of the governor must take the lead in operating with the greatest effectiveness possible, given the resources available. Further, Attorney General Opinion 96-1 indicates that offices attached to the office of the governor, unless clearly temporary or special in nature, do not meet constitutional requirements.

SECTION 2. Section 296-83, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The department of education shall work cooperatively with the department of human services, the department of health, college level education programs, [the office of children and youth,] early education organizations, parents of young children, and other appropriate organizations in developing a quality early education plan. The plan shall include but not be limited to the following:

- (1) Standards for curriculum, activities, facilities, and teacher training for early childhood education;
- (2) Methods and materials designed to involve and educate parents and guardians in the education and development of their young children;
- (3) A timetable and implementation schedule, approved by the board of education, to be submitted to the governor and the legislature;
- (4) Costs for delivery of early childhood services, including how costs can be shared between the public and private sectors; and
- (5) Assessment of training and certification capacity of teachers including assurances by teacher training institutions to recruit and graduate qualified staff for early childhood education.”

SECTION 3. Section 321-353, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established within the department for administrative purposes the Hawaii early intervention coordinating council. Members shall be appointed for three-year terms by the governor without the necessity of the advice and consent of the senate. The membership of the council shall consist of fifteen members selected from the following:

- (1) At least three parents of infants, toddlers, or children under the age of seven with special needs;
- (2) At least three public or private providers of early intervention services;
- (3) At least one representative from the legislature;
- (4) At least one person involved in personnel preparation;
- (5) At least one member representing the department of education;
- (6) At least one member representing the department of human services;

- (7) At least one member representing the [office of children and youth;] office of the governor; and
- (8) Other members representing private or public agencies involved in or interested in the payment for or provision of services to infants and toddlers with special needs and their families.

Any vacancy on the council shall be filled in the same manner in which the original position was filled.”

SECTION 4. Section 321D-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established a statewide interdepartmental cluster for services to children within the department of health which shall be comprised of representatives of major child-serving agencies with statewide authority and responsibility. The cluster shall include the department of education, the department of health, the department of human services, the judiciary, the [office of children and youth.] office of the governor, and the office of youth services as regular members. The department of health shall staff the cluster and provide an identified place where development and coordination of service plans and programs for the multisystem children having severe emotional and developmental problems may be done on a systematic basis.”

SECTION 5. Section 350B-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The advisory committee shall include private and public members. Public sector representation shall include the department of health, department of human services, department of education, [office of children and youth,] office of youth services, and the judiciary. The coalition shall elect the private sector representatives, whose membership shall equal one more than the number of public sector representatives.”

SECTION 6. Section 367-4, Hawaii Revised Statutes, is amended to read as follows:

“§367-4 County committees on status of women, membership, organization, etc. The mayor of each county shall appoint a county committee on the status of women charged with the duty and responsibility of developing information as the state commission on the status of women requires or as the committee deems advisable concerning the status of women within the respective counties; and other appropriate duties and responsibilities as may be deemed necessary by each county. The committees shall submit to the state commission, plans and proposals affecting the status of women in the several counties. Each county committee shall endeavor to secure the widest possible citizen participation in its efforts and, for this purpose, may utilize existing public or private organizations. The membership of each county committee shall include, ex officio, the county attorney or corporation counsel[; the senior county representative of the office of children and youth;] and the county representative of the commission on the status of women. The other members shall be selected on the basis of their interest and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women within the county and their knowledge of local conditions. The chairperson shall be elected annually from the nongovernmental members of the committee. The terms of office of each member shall be four years. Each county committee shall meet at least four times a year. The members of the county committees shall receive no compensation

for their services. The respective county legislative bodies are authorized to make appropriations to meet the necessary expenses of the committees.”

SECTION 7. Chapter 581, Hawaii Revised Statutes, is repealed.

SECTION 8. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held relating to the functions transferred by this Act shall be transferred with the functions to which they relate.

SECTION 9. In order to effectuate this Act, three positions shall be transferred from the office of children and youth to programs funded by budget program identification number HMS 302 and four positions shall be transferred to programs funded by budget program identification number HMS 501. The remaining two positions shall remain in the office of the governor.

Tenured employees transferred to the department of human services and the office of youth services pursuant to this Act shall not suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit as a consequence of this Act; provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State and shall be transferred to some other office or position for which the officer or employee is qualified and eligible under the personnel laws of the State as determined by the director of the department of human resources development. Such individual shall not suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit as a consequence of this Act; provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Employees who, prior to this Act were exempt from civil service, and who are transferred by this Act to the department of human services and the office of youth services, shall continue to retain their exempt status after the transfer and shall not suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit as a consequence of this Act; provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws. In order to facilitate a smooth transition of activities, temporary positions which are currently exempt from civil service may be temporarily continued as exempt from civil service. Any exemption under this provision shall cease at such time as the current employee terminates, or the position is converted to permanent status, or expires.

SECTION 10. A special assistant for children and youth shall be designated in the office of the governor.

SECTION 11. All funds appropriated for fiscal year 1996-1997 directly or indirectly relating to the activities transferred under this Act shall be appropriately transferred to the appropriate department with the activities to which they relate.

SECTION 12. It is the intent of this Act to neither jeopardize the receipt of any federal aid nor impair the obligation of the state or agency thereof to persons with which it has existing contracts or to the holders of any bond issued by the 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

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shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 13. All acts passed during this regular session of 1996, 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 14. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.

(Approved July 1, 1996.)