

Honolulu, Hawaii

FEB 19 2009

RE: S.B. No. 145
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 145 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to clarify the transfer of responsibility for repair and maintenance of equipment and fixtures in school facilities from the Department of Accounting and General Services to the Department of Education.

Prior to a hearing on this measure, your Committee circulated a Proposed S.B. No. 145, S.D. 1, on February 11, 2009. The purpose of this amended measure is to:

- (1) In part I, clarify the transfer of responsibility for repair and maintenance of equipment and fixtures in school facilities from the Department of Accounting and General Services to the Department of Education;
- (2) In part II, provide a temporary exemption from chapter 103 and 103D, Hawaii Revised Statutes, to the Department of Education in order to expedite construction projects.

Testimony in opposition to the amended measure was submitted by two private organizations. One state agency submitted comments. Copies of written testimony are available for review on the Legislature's website.



Your Committee has considered the request of the Department of Education to delete both provisions in part I, related to items donated to public schools. Your Committee believes it would be in the best interests of the Department to make it clear to donors that gifts of equipment and fixtures will be the responsibility of the Department, but acceptance is not mandatory.

Your Committee has amended part I of this measure accordingly, by:

- (1) Deleting the proposed amendments to section 302A-1501(b), Hawaii Revised Statutes, and repealing this subsection, regarding responsibility for the cost of electricity and maintenance for air conditioners not installed by the Department; and
- (2) Amending subsection 302A-1503(b), Hawaii Revised Statutes, to clarify that the Department of Education is responsible for the repair and maintenance of donated equipment or fixtures, unless the equipment or fixtures are deemed obsolete, as determined by the Department.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 145, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education and
Housing,



NORMAN SAKAMOTO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Education and Housing
EDH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 145</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">EDH, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-11-09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.				✓
HEMMINGS, Fred	✓			
TOTAL	5	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; text-align: center;">Michelle N. Kidani</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

***Only one measure per Record of Votes**