

ACT 63

H.B. NO. 179

A Bill for an Act Relating to School Facilities.

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

SECTION 1. The purpose of this Act is to repeal two subsections of the Hawaii Revised Statutes regarding the cost of electricity and maintenance for air

conditioners not installed by the department of accounting and general services and repair and maintenance for donated fixtures and equipment.

SECTION 2. Section 302A-1501, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§302A-1501~~]]~~ Noise and climate control at school facilities. ~~[(a)]~~ The department shall plan for, and request appropriations necessary to implement, acoustic noise control and air conditioning of existing and new school facilities in areas that are susceptible to extremes of temperature or affected by aircraft, traffic, and other noise. The department shall develop appropriate standards and consider local conditions for deciding whether acoustic noise control and air conditioning of existing and new school facilities are required for effective classroom instruction. In all cases where acoustic treatment of school facilities is planned, the department shall utilize the services of individuals qualified by training and experience to recommend appropriate noise control procedures and components. Acoustic noise control and air conditioning shall be given equal weight as all other factors in the criteria used by the department in setting priorities for school construction and renovations.

~~[(b)] In any case where air conditioners are installed in a particular school, the department may require that the approximate cost of electricity and maintenance for air conditioners not installed by the department of accounting and general services be paid by a private entity until the department establishes temperature and noise standards and a policy relating to air conditioning.]”~~

SECTION 3. Section 302A-1503, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§302A-1503~~]]~~ Donated school equipment and fixtures; repair and maintenance responsibility. (a) The department may accept donations of school equipment or fixtures on behalf of the department, individual schools, or school complexes. Donations that meet current educational specifications or exceed existing educational specifications shall be deemed acceptable in instances where the donations enhance the school environment or improve the administration of school programs in accordance with criteria established by the department pursuant to chapter 91.

~~[(b)] In the case of fixtures that are to be installed in existing or new school facilities, the department of accounting and general services shall thereafter be responsible for the repair and maintenance of the donated fixtures. In the case of equipment that supports the school’s curriculum and programs, the department of education shall thereafter be responsible for the repair and maintenance of the donated equipment.]~~

~~[(e)] (b)~~ The department may accept a donation only if the equipment or fixture is useful to enhance the physical environment or safety of a school, or is a benefit to learning.

~~[(d)] (c)~~ The private source making a donation shall not be liable upon any claim for injury arising from the donated equipment or fixture; provided that this provision shall not affect the responsibility or liability of manufacturers of defective products nor shall it ~~[reflect]~~ affect the responsibilities of negligent persons who cause dangerous conditions that result in injury.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2009.

(Approved May 18, 2009.)