



GOV. MSG. NO. 680

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 18, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 18, 2009, the following bill was signed into law:

HB179 SD2

A BILL FOR AN ACT  
RELATING TO SCHOOL FACILITIES.  
**ACT 063 (09)**

Sincerely,



LINDA LINGLE

Approved by the Governor  
on     MAY 18 2009    

**ACT 063**

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**H.B. NO.** 179  
S.D. 2

---

---

## A BILL FOR AN ACT

RELATING TO SCHOOL FACILITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to repeal two  
2 subsections of the Hawaii Revised Statutes regarding the cost of  
3 electricity and maintenance for air conditioners not installed  
4 by the department of accounting and general services and repair  
5 and maintenance for donated fixtures and equipment.

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

8           "~~§~~302A-1501~~§~~ **Noise and climate control at school**  
9 **facilities.** ~~(a)~~ The department shall plan for, and request  
10 appropriations necessary to implement, acoustic noise control  
11 and air conditioning of existing and new school facilities in  
12 areas that are susceptible to extremes of temperature or  
13 affected by aircraft, traffic, and other noise. The department  
14 shall develop appropriate standards and consider local  
15 conditions for deciding whether acoustic noise control and air  
16 conditioning of existing and new school facilities are required  
17 for effective classroom instruction. In all cases where  
18 acoustic treatment of school facilities is planned, the

HB179 SD2.DOC  
\*HB179 SD2.DOC\*  
\*HB179 SD2.DOC\*

1 department shall utilize the services of individuals qualified  
2 by training and experience to recommend appropriate noise  
3 control procedures and components. Acoustic noise control and  
4 air conditioning shall be given equal weight as all other  
5 factors in the criteria used by the department in setting  
6 priorities for school construction and renovations.

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

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

16 "**[+]§302A-1503[+] Donated school equipment and fixtures;  
17 repair and maintenance responsibility.** (a) The department may  
18 accept donations of school equipment or fixtures on behalf of  
19 the department, individual schools, or school complexes.  
20 Donations that meet current educational specifications or exceed  
21 existing educational specifications shall be deemed acceptable  
22 in instances where the donations enhance the school environment

1 or improve the administration of school programs in accordance  
2 with criteria established by the department pursuant to chapter  
3 91.

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

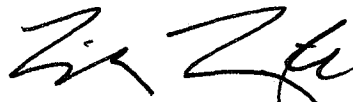
11 ~~[(e)]~~ (b) The department may accept a donation only if the  
12 equipment or fixture is useful to enhance the physical  
13 environment or safety of a school, or is a benefit to learning.

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

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

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

APPROVED this 18 day of MAY, 2009



GOVERNOR OF THE STATE OF HAWAII