
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

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.

Report Title:

Public School Facilities Repair and Maintenance

Description:

Repeals 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.
(SD2)