June 21, 2019

GOV. MSG. NO. 1218

The Honorable Ronald D. Kouchi, 
President 
and Members of the Senate 
Thirtieth State Legislature 
State Capitol, Room 409 
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, 
Speaker and Members of the 
House of Representatives 
Thirtieth State Legislature 
State Capitol, Room 431 
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 21, 2019, the following bill was signed into law:

HB1070 HD1 SD1 CD1 RELATING TO EDUCATION. 
ACT 116 (19)

Sincerely,

[Signature]

DAVID Y. IGE
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

PART I

SECTION 1. The legislature finds that certain public schools have geographical features, such as streams or rough terrain, on or adjacent to their property and have been required to expend their own school funds to maintain these features. There are currently twenty-four public schools with streams and one hundred thirteen schools with other types of terrain, which these schools need to pay to maintain. The legislature further finds that these schools' financial resources could and should be better spent on actual education-related needs. In addition, because not all public schools have streams or rough terrain on or adjacent to their property, schools that do should not be unfairly disadvantaged.

The purpose of this part is to prohibit public schools from being required by the department of education to expend any school funds to maintain any geographically disadvantageous land, including streams and rough terrain.
SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Maintenance of geographically disadvantageous land; expenditure of school funds; prohibited.  (a)

Notwithstanding any law to the contrary, a public school shall not be required by the department of education to expend any school funds to maintain any geographically disadvantageous land on or adjacent to its property.

(b) As used in this section:

"Geographically disadvantageous land" includes rough terrain and streams.

"Rough terrain" means land that is uncultivated, undeveloped, and unsuitable for educational purposes and that may be covered by scrub or boulders.

"Stream" means natural, altered, or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. Streams include channels, streambeds, stream banks, drainage ways, and stream mouths."
PART II

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,268,154 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for six permanent full-time equivalent (6.0 FTE) positions and funding for the Hawaii teacher standards board as follows:

1. $50,304 for one permanent full-time equivalent (1.0 FTE) secretary IV position;
2. $60,480 for two permanent full-time equivalent (2.0 FTE) office assistant III positions;
3. $183,818 for two permanent full-time equivalent (2.0 FTE) teacher licensing specialist II positions;
4. $129,252 for one permanent full-time equivalent (1.0 FTE) Hawaii teacher standards board executive officer position;
5. $5,200 for substitute teachers; and
6. $839,100 for other operation costs.

The sums appropriated shall be expended by the department of education for the purposes of this part.
PART III

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $600,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for teacher stipends for the grow our own teachers initiative.

The sums appropriated shall be expended by the department of education for the purposes of this Act.

PART IV

SECTION 5. Provided that, notwithstanding any provision contained in the General Appropriations Act of 2019 that appropriates funds and establishes position ceilings, the positions authorized in section 3 shall be in addition to the positions authorized for that program under the General Appropriations Act of 2019; provided further that any incumbent employee shall retain the employee's:

(1) Civil service status, whether permanent or temporary;

and

(2) Salary, seniority (except as may be prescribed by applicable collective bargaining agreement), retention
points, prior service credit, any vacation and sick
leave credits previously earned, and other rights,
benefits, and privileges, in accordance with state
personnel laws.

SECTION 6. Notwithstanding any law to the contrary,
provided that the funds appropriated in this Act may be
transferred with the approval of the governor to the General
Appropriations Act of 2019 (House Bill No. 2, H.D. 1, S.D. 1,
C.D. 1), for program execution and expenditure.

SECTION 7. If any portion of this Act or its application
to any person, entity, or circumstance, is held to be invalid
for any reason, then the legislature declares that the remainder
of the Act and each and every other provision thereof shall not
be affected thereby. If any portion of a specific appropriation
is held to be invalid for any reason, the remaining portion
shall be expended to fulfill the objective of such appropriation
to the extent possible.

SECTION 8. If manifest clerical, typographical, or other
mechanical errors are found in this Act, the governor may
correct the errors.
SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 10. New statutory material is underscored.

SECTION 11. This Act shall take effect on June 28, 2019.

APPROVED this 21 day of JUN, 2019

GOVERNOR OF THE STATE OF HAWAII
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.

President of the Senate

Clerk of the Senate