

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that although Hawaii is  
2 cited as one of the healthiest states in the country, far too  
3 many people continue to suffer needlessly from preventable  
4 health problems. Since many people develop their knowledge and  
5 practice of a healthy lifestyle in school, the department of  
6 education established the healthy Hawaii initiative program to  
7 support healthy lifestyles by implementing policies and programs  
8 to create sustainable changes in Hawaii's schools.

9           The healthy Hawaii initiative program provides standards-  
10 based professional development and technical services to schools  
11 and teachers for health and physical education content for  
12 kindergarten to twelfth grade students. Such educational  
13 content includes knowledge building, skill development, informed  
14 decision-making, and goal-oriented outcomes. Educational  
15 instruction includes promoting healthy behaviors, positive  
16 attitudes, healthy relationships, and drug-free, physically  
17 active lifestyles. The program outcomes directly impact the  
18 prevention of suicide, obesity, bullying, teen pregnancy,



1 smoking, sexually transmitted diseases, and other risky  
2 behavior. In addition to developing educational content and  
3 instruction, the healthy Hawaii initiative program also assists  
4 in the coordination of the peer education program and  
5 professional development.

6 The legislature also finds that the department of health  
7 allocates funding from the Hawaii tobacco settlement special  
8 fund to the department of education on an annual basis to  
9 implement the healthy Hawaii initiative program. The original  
10 funding received in 2001 was \$1,800,000. Since then, the  
11 department of health has been decreasing the amount allocated to  
12 the department of education yearly. For the 2012-2013 school  
13 year, the department of education received \$900,000 from the  
14 department of health through a memorandum of agreement.  
15 Unfortunately, as the department of education faces shrinking  
16 funding, it also faces increasing costs, including but not  
17 limited to inflation, increased salaries and fringe benefits  
18 costs, increased scope of services, and increased prices of  
19 instructional materials, inter-island and mainland travel,  
20 equipment, and computer hardware and software. The effect is  
21 that the \$900,000 received for this school year's program  
22 funding covers only payroll (including fringe benefits) for the



1 resource teachers located on all islands that support health and  
2 physical education teachers and programs in the schools as part  
3 of the healthy Hawaii initiative program.

4 The legislature further finds that because health and  
5 physical education are not one of the United States No Child  
6 Left Behind Act of 2001 core content areas, federal funds are  
7 not allocated to support the content areas of health and  
8 physical education.

9 The purpose of this Act is to require a percentage of  
10 Hawaii tobacco settlement special fund moneys to be appropriated  
11 to the healthy Hawaii initiative program, which supports health  
12 and physical education.

13 SECTION 2. Section 328L-2, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The fund shall be used for the purpose of receiving,  
16 allocating, and appropriating the tobacco settlement moneys as  
17 follows:

18 (1) Fifteen per cent shall be appropriated into the  
19 emergency and budget reserve fund under section  
20 328L-3; provided that for fiscal years 2012 and 2013,  
21 this percentage shall be deposited into the general  
22 fund;



- 1           (2) Twenty-five per cent shall be appropriated to the
- 2           department for purposes of section 328L-4;
- 3           (3) Six and one-half per cent shall be appropriated into
- 4           the Hawaii tobacco prevention and control trust fund
- 5           under section 328L-5; provided that for fiscal years
- 6           2012 and 2013, this percentage shall be deposited into
- 7           the general fund; [~~and~~]
- 8           (4) Twenty-eight per cent shall be appropriated into the
- 9           university revenue-undertakings fund created in
- 10          section 304A-2167.5 to be applied solely to the
- 11          payment of the principal of and interest on, and to
- 12          generate required coverage, if any, for revenue bonds
- 13          issued by the board of regents of the University of
- 14          Hawaii to finance the cost of construction of a
- 15          university health and wellness center, including a new
- 16          medical school facility, to be situated on the island
- 17          of Oahu, for the succeeding fiscal year; provided that
- 18          any moneys in excess of the amount required to pay
- 19          principal of and interest on, and to generate required
- 20          coverage, if any, for such revenue bonds in any fiscal
- 21          year, shall be transferred as follows: to the



1 emergency and budget reserve fund under section  
 2 328L-3; ~~and~~  
 3 (5) [~~Twenty-five~~] Twenty-three and one-half per cent shall  
 4 be deposited to the credit of the state general fund;  
 5 and  
 6 (6) Two per cent shall be appropriated to the department  
 7 of health for the implementation of the healthy Hawaii  
 8 initiative program;  
 9 in the succeeding fiscal year."

10 SECTION 3. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2012;  
 13 provided that the amendments made to section 328L-2(b), Hawaii  
 14 Revised Statutes, by this Act shall not be repealed when section  
 15 328L-2, Hawaii Revised Statutes, is reenacted pursuant to  
 16 section 6 of Act 119, Session Laws of Hawaii 2009.

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# S.B. NO. 2454

**Report Title:**

Healthy Hawaii Initiative Program; Department of Education;  
Hawaii Tobacco Settlement Fund; Appropriation

**Description:**

Appropriations funds from the Hawaii tobacco settlement special fund to support health and physical education.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

