

ACT 116

H.B. NO. 1070

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),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.²

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

(Approved June 21, 2019.)

Notes

1. Act 5.

2. Edited pursuant to HRS §23G-16.5.