
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 **PART I**

2 SECTION 1. The purpose of this part is to reflect the
3 transfer of responsibility for school facilities, including the
4 repair and maintenance of donated equipment and fixtures, from
5 the department of accounting and general services to the
6 department of education as provided for in Act 51, Session Laws
7 of Hawaii 2004.

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

10 "[+]§302A-1501[+] **Noise and climate control at school**
11 facilities. [~~a~~] The department shall plan for, and request
12 appropriations necessary to implement, acoustic noise control
13 and air conditioning of existing and new school facilities in
14 areas that are susceptible to extremes of temperature or
15 affected by aircraft, traffic, and other noise. The department
16 shall develop appropriate standards and consider local
17 conditions for deciding whether acoustic noise control and air

1 conditioning of existing and new school facilities are required
2 for effective classroom instruction. In all cases where
3 acoustic treatment of school facilities is planned, the
4 department shall utilize the services of individuals qualified
5 by training and experience to recommend appropriate noise
6 control procedures and components. Acoustic noise control and
7 air conditioning shall be given equal weight as all other
8 factors in the criteria used by the department in setting
9 priorities for school construction and renovations.

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

17 SECTION 3. Section 302A-1503, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) In the case of equipment or fixtures that are to be
20 installed in existing or new school facilities, the department
21 ~~[of accounting and general services]~~ shall ~~[thereafter]~~ be
22 responsible for the repair and maintenance of the donated

1 equipment or fixtures [~~In the case of equipment that supports~~
2 ~~the school's curriculum and programs, the department of~~
3 ~~education shall thereafter be responsible for the repair and~~
4 ~~maintenance of the donated equipment.~~], unless the equipment or
5 fixtures are deemed obsolete, as determined by the department."

6 **PART II**

7 SECTION 4. The purpose of this part is to provide a
8 temporary exemption from chapter 103 and 103D, Hawaii Revised
9 Statutes, to the department of education in order to expedite
10 construction projects.

11 SECTION 5. (a) Chapter 302A, Hawaii Revised Statutes,
12 notwithstanding, the department of education shall not be
13 subject to chapter 103 and 103D, Hawaii Revised Statutes, and
14 any and all other requirements of law for competitive bidding
15 for contracts related to construction projects; provided that
16 the department shall develop internal policies and procedures
17 for the procurement of goods, services, and construction,
18 consistent with the goals of public accountability and public
19 procurement practices.

20 (b) The department shall submit annual reports to the
21 legislature no later than twenty days prior to the convening of
22 the regular sessions of 2010 through 2013 on the status of the

1 construction projects utilizing the exemptions established in
2 subsection (a).

3 **PART III**

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon approval, and
7 the exemption granted in section 5 of this Act shall be repealed
8 on June 30, 2012.

Report Title:

Department of Education; School Facilities; Repair and Maintenance; CIP: Procurement Exemption

Description:

Clarifies the transfer of responsibility for repair and maintenance of equipment and fixtures in school facilities from the department of accounting and general services to the department of education (part I); provides a temporary procurement code exemption (chapter 103 and 103D, Hawaii Revised Statutes), to the department of education in order to expedite construction projects (part II). (SD1)