
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 by amending subsection (b) to read as follows:

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."

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

3 "(b) In the case of equipment or fixtures that are to be
4 installed in existing or new school facilities, the department
5 [~~of accounting and general services~~] shall [~~thereafter~~] be
6 responsible for the repair and maintenance of the donated
7 equipment or fixtures. [~~In the case of equipment that supports~~
8 ~~the school's curriculum and programs, the department of~~
9 ~~education shall thereafter be responsible for the repair and~~
10 ~~maintenance of the donated equipment.~~]"

11 **PART II**

12 SECTION 4. The purpose of this part is to provide a
13 temporary exemption from chapter 103 and 103D, Hawaii Revised
14 Statutes, to the department of education in order to expedite
15 repair and maintenance capital improvement projects.

16 SECTION 5. (a) Chapter 302A, Hawaii Revised Statutes,
17 notwithstanding, the department of education shall not be
18 subject to chapter 103 and 103D, Hawaii Revised Statutes, and
19 any and all other requirements of law for competitive bidding
20 for contracts related to repair and maintenance capital
21 improvement projects; provided that the department shall develop
22 internal policies and procedures for the procurement of goods,

1 services, and construction, consistent with the goals of public
2 accountability and public procurement practices.

3 (b) The department shall submit annual reports to the
4 legislature no later than twenty days prior to the convening of
5 the regular sessions of 2010 through 2013 on the status of the
6 repair and maintenance capital improvement projects, pursuant to
7 subsection (a).

8 **PART III**

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2009, and
12 the exemption granted in section 5 of this Act shall be repealed
13 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; provides a temporary exemption from chapter 103 and 103D, Hawaii Revised Statutes, to the department of education in order to expedite repair and maintenance capital improvement projects. (SD1)