



**GOV. MSG. NO. 1191**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 21, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

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

This is to inform you that on June 21, 2016, the following bill was signed into law:

SB2540 HD1 CD1

RELATING TO THE DEPARTMENT OF HEALTH  
**ACT 090 (16)**

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HEALTH.

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

1 SECTION 1. The purpose of this Act is to address the  
2 development or expansion of a forensic facility of the  
3 department of health.

4 The legislature finds that the department of health is  
5 proposing to undertake the construction of a new building at the  
6 Hawaii state hospital. The new building is of high priority  
7 because of census and health and safety issues at the hospital.  
8 To expedite the development, the department of health and  
9 department of accounting and general services intend to use the  
10 design-build process. However, the legislature finds that the  
11 department of health and department of accounting and general  
12 services may need more flexibility to move quickly.

13 Thus, the legislature authorizes the governor, through this  
14 Act, to negotiate directly with a person to develop or expand a  
15 forensic facility of the department of health. The legislature  
16 intends that the governor may negotiate and award a contract to  
17 develop or expand a forensic facility without necessity of  
18 compliance with the procurement code.



1           This Act is based on section 353-16.35, Hawaii Revised  
2 Statutes, under which the governor is authorized to negotiate  
3 the development or expansion of a correctional facility.  
4 Although that statute has never been used, it serves as a model  
5 for further expediting the construction of a new forensic  
6 facility for the department of health.

7           The legislature notes that this Act provides an extended  
8 review and comment period for an environmental assessment or  
9 environmental impact statement. The legislature has included  
10 this provision to balance the expedited development or expansion  
11 process by providing the opportunity for more public scrutiny of  
12 a proposed forensic facility.

13           SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
14 amended by adding a new section to part I to be appropriately  
15 designated and to read as follows:

16           "§334-    Development or expansion of a forensic facility  
17 of the department of health. (a) Notwithstanding any other law  
18 to the contrary, the governor, with the assistance of the  
19 director, may negotiate with any person for the development or  
20 expansion of a forensic facility of the department; provided  
21 that if an environmental assessment or environmental impact

1 statement is required for a proposed site or for the expansion  
2 of the forensic facility under section 343-5, then  
3 notwithstanding the time periods specified for public review and  
4 comments under section 343-5, the governor shall accept public  
5 comments for a period of sixty days following public  
6 notification of either an environmental assessment or an  
7 environmental impact statement.

8 (b) Any development or expansion proposal shall address  
9 the construction of the forensic facility separate from the  
10 operation of the facility and shall consider and include:

- 11 (1) The percentages of low, medium, and high risk  
12 patients;
- 13 (2) The impact of the facility on existing infrastructure  
14 and an assessment of improvements and additions that  
15 will be necessary;
- 16 (3) The impact of the facility on available modes of  
17 transportation, including airports, roads, and  
18 highways; and
- 19 (4) A useful life costs analysis.
- 20 (c) For the purposes of this section:



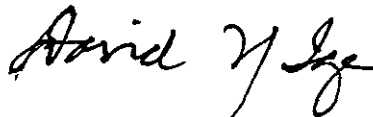
1        "Forensic facility" means a facility that assesses and  
2 treats forensically committed persons.

3        "Useful life costs" means an economic evaluation that  
4 compares alternate building and operating methods and provides  
5 information on the design, construction methods, and materials  
6 to be used with respect to efficiency in building maintenance  
7 and facility operation."

8        SECTION 3. New statutory material is underscored.

9        SECTION 4. This Act shall take effect upon its approval.

APPROVED this 21 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII