

JAN 22 2016

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



1 develop or expand a forensic facility without necessity of
2 compliance with the procurement code.

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

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

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

18 "§334- Development or expansion of a forensic facility
19 of the department of health. (a) Notwithstanding any other law
20 to the contrary, the governor, with the assistance of the
21 director, may negotiate with any person for the development or



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

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

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



S.B. NO. 2540

Report Title:

Department of Health Forensic Facility; Governor's Negotiation

Description:

Authorizes the governor to negotiate with any person for the development or expansion of a forensic facility of the department of health.

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