
A BILL FOR AN ACT

RELATING TO REPAIR AND MAINTENANCE.

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

- 1 SECTION 1. The purpose of this Act is to address the
2 routine repair and maintenance of state-owned buildings,
3 facilities, and other improvements.
- 4 More specifically, this Act establishes a policy regarding
5 full funding for routine repair and maintenance of state-owned
6 buildings, facilities, and other improvements. The legislature
7 finds that this Act is necessary to:
- 8 (1) Preserve the condition of state-owned buildings,
9 facilities, and other improvements for public use or
10 benefit, for the present and the future;
- 11 (2) Prevent further additions to the State's deferred
12 maintenance backlog;
- 13 (3) Preserve public moneys by making near-term investments
14 for routine repair and maintenance instead of
15 incurring much more expensive capital replacement or
16 renewal costs in the future; and
- 17 (4) Promote transparency by making information about the
18 State's liabilities available to the public.



1 The legislature intends that this Act shall apply to the
2 judiciary by operation of section 601-2, Hawaii Revised
3 Statutes.

4 SECTION 2. Chapter 37, Hawaii Revised Statutes, is amended
5 by adding a new part to be appropriately designated and to read
6 as follows:

7 "PART . ROUTINE REPAIR AND MAINTENANCE

8 §37-A Routine repair and maintenance; definitions. As
9 used in this part:

10 "Routine repair and maintenance" means repair and
11 maintenance performed on a scheduled repair and maintenance
12 cycle.

13 "State-owned building, facility, or other improvement"
14 means a building, facility, or other improvement owned and
15 managed by a state executive agency. The term shall not include
16 a state-owned building, facility, or other improvement that is
17 leased by a state executive agency to a person.

18 §37-B Routine repair and maintenance funding needs; report
19 to legislature. (a) Each state executive agency that manages a
20 state-owned building, facility, or other improvement shall
21 submit to the legislature an annual report on the funds and



1 positions deemed necessary by the agency to perform routine
2 repair and maintenance on the state-owned building, facility, or
3 other improvement during the fiscal year covered by the report.
4 The annual report shall cover the fiscal year that commences
5 following the submittal of the report and break down the funds
6 and positions deemed necessary for routine repair and
7 maintenance by means of financing and cost element.

8 (b) The annual report shall also include a comparison, for
9 each of the prior two fiscal years, of the:

- 10 (1) Routine repair and maintenance funds and positions
11 deemed necessary by the state executive agency, as
12 identified in the relevant prior reports;
- 13 (2) Actual appropriations and positions authorized for
14 routine repair and maintenance; and
- 15 (3) Actual expenditures and positions filled for the
16 routine repair and maintenance.

17 (c) The annual reports shall be submitted to the
18 legislature through the department of budget and finance with
19 each executive budget or supplemental budget, as applicable.

20 (d) The governor shall identify the state executive
21 agencies that are responsible for managing a state-owned



1 building, facility, or other improvement and, consequently,
2 required to submit the annual report to the legislature. The
3 governor shall require the identified state agencies to submit
4 the reports to the department of budget and finance:

- 5 (1) In a uniform format; and
- 6 (2) By a deadline intended to give the department of
7 budget and finance sufficient time to compile the
8 reports to the legislature pursuant to subsection (c).

9 The department of budget and finance shall not be required to
10 ensure the accuracy of the information in the reports."

11 SECTION 3. Chapter 37, Hawaii Revised Statutes, is amended
12 by adding a new section to part IV to be appropriately
13 designated and to read as follows:

14 "§37-C Extended lapse date for appropriation for routine
15 repair and maintenance. An executive budget act or supplemental
16 budget act may provide that the unexpended or unencumbered
17 balance of an appropriation for routine repair and maintenance
18 for a fiscal year shall not lapse at the end of that fiscal
19 year, but shall lapse on a subsequent date that does not violate
20 article VII, section 11, of the Constitution of the State of
21 Hawaii."



1 SECTION 4. Chapter 103, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§103- Routine repair and maintenance plan as part of
5 capital improvement project. (a) As used in this section,
6 "state-owned building, facility, or other improvement" and
7 "routine repair and maintenance" shall be as defined in section
8 37-A.

9 (b) Every capital improvement project for the construction
10 of a new state-owned building, facility, or other improvement
11 shall include a recommended plan for the routine repair and
12 maintenance of the building, facility, or other improvement
13 prepared by the project contractor.

14 (c) The requirement for the plan shall be included in the
15 contract for construction of the new state-owned building,
16 facility, or other improvement.

17 (d) This section shall not apply to any project for which
18 the request for proposals or other solicitation was issued
19 before the effective date of this section."

20 SECTION 5. Section 37-41, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§37-41 Appropriations to revert to state treasury;
2 exceptions. Unless otherwise provided by [~~section~~] sections 37-
3 41.5 or 37-C, or any other law, every appropriation or part
4 thereof of any kind made subject to sections 37-31 to 37-40,
5 remaining unexpended and unencumbered at the close of any fiscal
6 year shall lapse and be returned to the general or other fund
7 from which the appropriation was made, in the manner prescribed
8 in section 40-66."

9 SECTION 6. Section 601-2, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The chief justice shall be the administrative head of
12 the judiciary. The chief justice shall make a report to the
13 legislature, at each regular session thereof, of the business of
14 the judiciary and of the administration of justice throughout
15 the State. The chief justice shall present to the legislature a
16 unified budget, six-year program and financial plan, and
17 variance report for all of the programs of the judiciary. The
18 chief justice also shall submit to the legislature annual
19 routine repair and maintenance reports for judiciary-owned
20 buildings, facilities, and other improvements that substantially
21 comply with chapter 37, part . The chief justice shall direct



1 the administration of the judiciary, with responsibility for the
2 efficient operation of all of the courts and for the expeditious
3 dispatch of all judicial business."

4 SECTION 7. In codifying the new sections added by sections
5 2 and 3, and referenced by sections 4 and 5, of this Act, the
6 revisor of statutes shall substitute appropriate section numbers
7 for the letters used in designating the new sections in this
8 Act.

9 SECTION 8. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 9. This Act shall take effect on July 1, 2016.

12



Report Title:

State Facilities; Routine Repair and Maintenance; Funding Policy

Description:

Establishes a full funding policy and budgetary procedures for routine repair and maintenance of state facilities, including judiciary-owned facilities. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

