

ACT 296

H.B. NO. 3493

A Bill for an Act Making an Appropriation for Repair and Maintenance of Schools.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 298, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§298- School-level minor repairs and maintenance accounts. (a)**

The department of education shall establish school level minor repairs and maintenance accounts for the use of each public school which shall not exceed \$8,000 per school. The accounts shall be comprised of funds appropriated to the department for school-level minor repairs and maintenance and shall not be used for any other purpose, nor shall any other funds be deposited into such accounts.

(b) Funds in this account shall be expended at the direction of the school principal to contract for minor repairs and maintenance. Any funds appropriated for this purpose which are unencumbered at the close of each fiscal year shall lapse into the general fund.

(c) Each school principal through the Superintendent shall submit a report annually to the department of accounting and general services on expenditures made from this account."

SECTION 2. Section 103-23, Hawaii Revised Statutes, is amended as follows:

**"§103-23 Additional exceptions.** (a) Expenditures in excess of such sum without so contracting may be made, with the approval of the legislative body, in the case of a county, or of the governor, in the case of the State, or of the board of regents, in the case of the University of Hawaii, or of the board of education, in the case of the department of education, or of its board or other governing authority in the case of any independent board or agency, when the expenditures are for repairs of roads, waterworks, and buildings, or, with such approval, expenditures not in excess of \$15,000 for alterations of buildings, or when the work to be done is of such a nature that its extent and character cannot be known or specified beforehand with reasonable certainty, or when no tender is received in response to an advertisement, or, with such approval, expenditures not in excess of \$15,000 for new roads, waterworks, and buildings, either on behalf of the expending division of government or for the federal or state government or any department thereof may be made, without contract, advertisement, or sealed tenders; and, in the case of such new roads, waterworks, and buildings, expenditures in excess of \$15,000 may be made, with the same approval; provided that the expending division of government shall first advertise for sealed tenders and shall keep a full and true account of the cost of the work, if done by itself, without awarding a contract therefor, and shall, upon the completion of the work, publish a full and true statement of its cost and of the amounts of rejected tenders, if any; and provided further that any governmental agency actually performing the work shall in no case receive more than the actual cost thereof.

(b) Nothing provided in section 103-22 shall prevent the department of health, if, after publication of a call for tenders, it receives no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats, on the hoof or otherwise, and foodstuffs, as may from time to time be required for the Kalaupapa settlement.

(c) Special contracts or subcontracts by any governmental agency for materials or supplies or purchases of materials or supplies made in furtherance of the contract referred to in this section shall be subject to the requirement of public advertisement for sealed tenders in the manner provided by law.

(d) Nothing provided in paragraph (a) above or in section 103-22 shall prevent the department of education from expending funds from school-level minor repairs and maintenance accounts as established by section 298- , for the purpose of acquiring repair and maintenance services to address immediate needs of the public schools."

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1992-1993 to be exceeded by \$1,888,000, or 0.06065 per cent. The reasons for exceed-

ing the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and meets the need provided for by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,888,000, or so much thereof as may be necessary for the fiscal year 1992-1993, to distribute the sum of \$8,000 to each of the 236 public schools for minor repairs and maintenance; provided that the repairs shall be exempt from chapter 103, Hawaii Revised Statutes.

SECTION 5. The department of education shall report to the legislature no later than twenty days prior to the convening of the 1993 Regular Session on the establishment of the school accounts and any repairs made from these accounts.

SECTION 6. The sum appropriated shall be expended by the department of education for the purposes of this Act.<sup>1</sup>

SECTION 7. This Act shall take effect on July 1, 1992.

(Approved June 29, 1992.)

**Note**

1. No ramseyer section. Edited pursuant to HRS §23G-16.5.