

## ACT 233

S.B. NO. 2542

A Bill for an Act Relating to Repair and Maintenance.

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

SECTION 1. The purpose of this Act is to address the routine repair and maintenance of state-owned buildings, facilities, and other improvements.

More specifically, this Act establishes a policy regarding full funding for routine repair and maintenance of state-owned buildings, facilities, and other improvements. The legislature finds that this Act is necessary to:

- (1) Preserve the condition of state-owned buildings, facilities, and other improvements for public use or benefit, for the present and the future;
- (2) Prevent further additions to the State's deferred maintenance backlog;
- (3) Preserve public moneys by making near-term investments for routine repair and maintenance instead of incurring more expensive capital replacement or renewal costs in the future; and
- (4) Promote transparency by making information about the State's liabilities available to the public.

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

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

**“PART . ROUTINE REPAIR AND MAINTENANCE**

**§37- Routine repair and maintenance; definitions.** As used in this part: “Routine repair and maintenance” means repair and maintenance performed on a scheduled repair and maintenance cycle.

“State-owned building, facility, or other improvement” means a building, facility, or other improvement owned and managed by a state executive agency. The term shall not include a state-owned building, facility, or other improvement that is leased by a state executive agency to a person.

**§37- Routine repair and maintenance funding needs; report to legislature.** (a) Each state executive agency that manages a state-owned building, facility, or other improvement shall submit to the legislature an annual report on the funds and positions deemed necessary by the agency to perform routine repair and maintenance on the state-owned building, facility, or other improvement during the fiscal year covered by the report. The annual report shall cover the fiscal year that commences following the submittal of the report and break down the funds and positions deemed necessary for routine repair and maintenance by means of financing and cost element.

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

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

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

(d) The governor shall identify the state executive agencies that are responsible for managing a state-owned building, facility, or other improvement and, consequently, required to submit the annual report to the legislature. The governor shall require the identified state agencies to submit the reports to the department of budget and finance:

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

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

SECTION 3. Section 601-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chief justice shall be the administrative head of the judiciary. The chief justice shall make a report to the legislature, at each regular session thereof, of the business of the judiciary and of the administration of justice throughout the State. The chief justice shall present to the legislature a unified budget, six-year program and financial plan, and variance report for all of the programs of the judiciary. The chief justice shall also submit to the legislature annual routine repair and maintenance reports for judiciary-owned buildings, facilities, and other improvements that substantially comply with chapter 37, part . The chief justice shall direct the administration of the judiciary, with responsibility for the efficient operation of all of the courts and for the expeditious dispatch of all judicial business.”

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Became law on July 11, 2016, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)