

ACT 90

S.B. NO. 2540

A Bill for an Act Relating to the Department of Health.

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

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

The legislature finds that the department of health is proposing to undertake the construction of a new building at the Hawaii state hospital. The new building is of high priority because of census and health and safety issues at the hospital. To expedite the development, the department of health and department of accounting and general services intend to use the design-build process.

ACT 90

However, the legislature finds that the department of health and department of accounting and general services may need more flexibility to move quickly.

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

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

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

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

“§334- Development or expansion of a forensic facility of the department of health. (a) Notwithstanding any other law to the contrary, the governor, with the assistance of the director, may negotiate with any person for the development or expansion of a forensic facility of the department; provided that if an environmental assessment or environmental impact statement is required for a proposed site or for the expansion of the forensic facility under section 343-5, then notwithstanding the time periods specified for public review and comments under section 343-5, the governor shall accept public comments for a period of sixty days following public notification of either an environmental assessment or an environmental impact statement.

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

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

(c) For the purposes of this section:

“Forensic facility” means a facility that assesses and treats forensically committed persons.

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

SECTION 3. New statutory material is underscored.¹

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

(Approved June 21, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.