H.B. NO. ¹⁶⁵⁹ H.D. 2 S.D. 1

A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

SECTION 1. Section 103D-102, Hawaii Revised Statutes, is
 amended to read as follows:

"§103D-102 Application of this chapter. (a) This chapter 3 shall apply to all procurement contracts made by governmental 4 5 bodies whether the consideration for the contract is cash, revenues, realizations, receipts, or earnings, any of which the 6 State receives or is owed; in-kind benefits; or forbearance; 7 provided that nothing in this chapter or rules adopted hereunder 8 shall prevent any governmental body from complying with the 9 terms and conditions of any other grant, gift, bequest, or 10 11 cooperative agreement.

12 (b) Notwithstanding any provision of this chapter to the 13 contrary, any moneys received by, on behalf of, or for the 14 benefit of a government body pursuant to a solicitation of funds 15 by the government body to cover the costs and expenses of state-16 sponsored trips and other state-sponsored endeavors to generate 17 business opportunities and goodwill for the State, shall be

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1	deposited :	into	the general fund and disbursed pursuant to
2	legislativ	e apj	propriation.
3	[-(b)]	<u>(c)</u>	Notwithstanding subsection (a), this chapter
4	shall not a	apply	y to contracts by governmental bodies:
5	(1) 8	Solid	cited or entered into before July 1, 1994, unless
6	t	the p	parties agree to its application to a contract
7	٤	solid	cited or entered into prior to July 1, 1994;
8	(2)	ro di	isburse funds, irrespective of their source:
9	1	(A)	For grants or subsidies as those terms are
10			defined in section 42F-101, made by the State in
11			accordance with standards provided by law as
12			required by article VII, section 4, of the State
13			Constitution; or by the counties pursuant to
14			their respective charters or ordinances;
15	. ((B)	To make payments to or on behalf of public
16			officers and employees for salaries, fringe
17			benefits, professional fees, or reimbursements;
18	((C)	To satisfy obligations that the State is required
19			to pay by law, including paying fees, permanent
20			settlements, subsidies, or other claims, making
21			refunds, and returning funds held by the State as
22			trustee, custodian, or bailee;



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1		(D)	For entitlement programs, including public
2			assistance, unemployment, and workers'
3			compensation programs, established by state or
4			federal law;
5		(E)	For dues and fees of organizations of which the
6			State or its officers and employees are members,
7			including the National Association of Governors,
8			the National Association of State and County
9			Governments, and the Multi-State Tax Commission;
10		(F)	For deposit, investment, or safekeeping,
11			including expenses related to their deposit,
12			investment, or safekeeping;
13		(G)	To governmental bodies of the State;
14		(H)	As loans, under loan programs administered by a
15			governmental body; and
16		(I)	For contracts awarded in accordance with chapter
17			103F;
18	(3)	To p:	rocure goods, services, or construction from a
19		gove:	rnmental body other than the University of Hawaii
20		book	stores, from the federal government, or from
21		anotl	ner state or its political subdivision;

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1	(H)	Goods and services for commercial resale by the
2		State;
3	(I)	Services of printers, rating agencies, support
4		facilities, fiscal and paying agents, and
5		registrars for the issuance and sale of the
6		State's or counties' bonds;
7	(J)	Services of attorneys employed or retained to
8		advise, represent, or provide any other legal
9		service to the State or any of its agencies, on
10		matters arising under laws of another state or
11		foreign country, or in an action brought in
12		another state, federal, or foreign jurisdiction,
13		when substantially all legal services are
14		expected to be performed outside this State;
15	(K)	Financing agreements under chapter 37D; and
16	(L)	Any other goods or services [which] that the
17		policy board determines by rules or the chief
18		procurement officer determines in writing is
19		available from multiple sources but for which
20		procurement by competitive means is either not
21		practicable or not advantageous to the State; and



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1	(5) [Which] That are specific procurements expressly		
2	exempt from any or all of the requirements of this		
3	chapter by:		
4	(A) References in state or federal law to provisions		
5	of this chapter or a section of this chapter, or		
6	references to a particular requirement of this		
7	chapter; and		
8	(B) Trade agreements, including the Uruguay Round		
9	General Agreement on Tariffs and Trade (GATT)		
10	[which] that require certain non-construction and		
11	non-software development procurements by the		
12	comptroller to be conducted in accordance with		
13	its terms.		
14	[(c)] <u>(d)</u> Governmental bodies making procurements [which]		
15	that are exempt from this chapter are nevertheless encouraged to		
16	adopt and use provisions of this chapter and its implementing		
17	rules as appropriate; provided that the use of one or more		
18	provisions shall not constitute a waiver of the exemption		
19	conferred and subject the procurement or the governmental body		
20	to any other provision of this chapter."		
21	SECTION 2. There is appropriated out of the general		

22 revenues of the State of Hawaii the sum of \$1 or so much thereof



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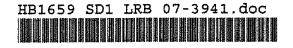
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as may be necessary for fiscal year 2007-2008 to cover the costs
 and expenses of state-sponsored trips and other state-sponsored
 endeavors to generate business opportunities and goodwill for
 the State.

5 The sum appropriated shall be expended by the department of 6 business, economic development, and tourism for the purposes of 7 this Act.

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2020.



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Report Title: Solicitation of Funds; Disposition

Description:

Requires any moneys received for the benefit of a government body pursuant to a solicitation of funds by the government body to cover the costs and expenses of state-sponsored trips and other state-sponsored endeavors to generate business opportunities and goodwill for the State to be deposited into the general fund and disbursed pursuant to legislative appropriation. Appropriates funds. (SD1)

