
A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE.

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

1 SECTION 1. Chapter 440G, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§440G- Procurement exemption. Contracts by
5 governmental bodies for any service procured from any public,
6 educational, or governmental access facility shall be exempt
7 from the procurement code under chapter 103D."

8 SECTION 2. Section 103D-102, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Notwithstanding subsection (a), this chapter shall
11 not apply to contracts by governmental bodies:

12 (1) Solicited or entered into before July 1, 1994, unless
13 the parties agree to its application to a contract
14 solicited or entered into prior to July 1, 1994;

15 (2) To disburse funds, irrespective of their source:

16 (A) For grants or subsidies as those terms are
17 defined in section 42F-101, made by the State in
18 accordance with standards provided by law as



- 1 required by article VII, section 4, of the State
2 Constitution; or by the counties pursuant to
3 their respective charters or ordinances;
- 4 (B) To make payments to or on behalf of public
5 officers and employees for salaries, fringe
6 benefits, professional fees, or reimbursements;
- 7 (C) To satisfy obligations that the State is required
8 to pay by law, including paying fees, permanent
9 settlements, subsidies, or other claims, making
10 refunds, and returning funds held by the State as
11 trustee, custodian, or bailee;
- 12 (D) For entitlement programs, including public
13 assistance, unemployment, and workers'
14 compensation programs, established by state or
15 federal law;
- 16 (E) For dues and fees of organizations of which the
17 State or its officers and employees are members,
18 including the National Association of Governors,
19 the National Association of State and County
20 Governments, and the Multi-State Tax Commission;



- 1 (F) For deposit, investment, or safekeeping,
- 2 including expenses related to their deposit,
- 3 investment, or safekeeping;
- 4 (G) To governmental bodies of the State;
- 5 (H) As loans, under loan programs administered by a
- 6 governmental body; and
- 7 (I) For contracts awarded in accordance with chapter
- 8 103F.

9 (3) To procure goods, services, or construction from a
10 governmental body other than the University of Hawaii
11 bookstores, from the federal government, or from
12 another state or its political subdivision;

13 (4) To procure the following goods or services [~~which~~
14 that are available from multiple sources but for which
15 procurement by competitive means is either not
16 practicable or not advantageous to the State:

17 (A) Services of expert witnesses for potential and
18 actual litigation of legal matters involving the
19 State, its agencies, and its officers and
20 employees, including administrative quasi-
21 judicial proceedings;

22 (B) Works of art for museum or public display;



- 1 (C) Research and reference materials, including
2 books, maps, periodicals, and pamphlets, [which]
3 that are published in print, video, audio,
4 magnetic, or electronic form;
- 5 (D) Meats and foodstuffs for the Kalaupapa
6 settlement;
- 7 (E) Opponents for athletic contests;
- 8 (F) Utility services whose rates or prices are fixed
9 by regulatory processes or agencies;
- 10 (G) Performances, including entertainment, speeches,
11 and cultural and artistic presentations;
- 12 (H) Goods and services for commercial resale by the
13 State;
- 14 (I) Services of printers, rating agencies, support
15 facilities, fiscal and paying agents, and
16 registrars for the issuance and sale of the
17 State's or counties' bonds;
- 18 (J) Services of attorneys employed or retained to
19 advise, represent, or provide any other legal
20 service to the State or any of its agencies, on
21 matters arising under laws of another state or
22 foreign country, or in an action brought in



1 another state, federal, or foreign jurisdiction,
2 when substantially all legal services are
3 expected to be performed outside this State;
4 (K) Financing agreements under chapter 37D; ~~[and]~~
5 (L) Public, educational, and governmental cable
6 access services; and
7 ~~[(L)]~~ (M) Any other goods or services ~~[which]~~ that the
8 policy board determines by rules or the chief
9 procurement officer determines in writing is
10 available from multiple sources but for which
11 procurement by competitive means is either not
12 practicable or not advantageous to the State; and
13 (5) ~~[which]~~ That are specific procurements expressly
14 exempt from any or all of the requirements of this
15 chapter by:
16 (A) References in state or federal law to provisions
17 of this chapter or a section of this chapter, or
18 references to a particular requirement of this
19 chapter; and
20 (B) Trade agreements, including the Uruguay Round
21 General Agreement on Tariffs and Trade (GATT)
22 ~~[which]~~, that require certain non-construction



1 and non-software development procurements by the
2 comptroller to be conducted in accordance with
3 its terms."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY:

Page Sanchez
~~*[Signature]*~~
Michelle Carver

JAN 23 2008



Report Title:

Procurement Exemption; Cable TV; PEG Services

Description:

Exempts contracts to provide public, educational, or governmental cable access services from the Hawaii public procurement code.

