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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1           SECTION 1. Chapter 103, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§103-    Advisory committee that recommends or makes  
5 procurement; public meeting and records; financial disclosure.

6 An advisory committee, board, commission, or similar group, as  
7 defined in section 92-2, formed or convened by a governmental  
8 body, as defined in section 103D-104, for the purpose of making  
9 a recommendation for a procurement of goods, services, or public  
10 works, or making the decision to procure goods, services, or  
11 public works in an amount in excess of \$100,000 under this  
12 chapter shall be subject to chapters 92 and 92F. The members of  
13 an advisory committee, board, commission, or similar group  
14 subject to this section shall be subject to the financial  
15 disclosure requirements of chapter 84."



1 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§103D- Advisory committee that recommends or makes  
5 procurement; public meeting and records; financial disclosure.

6 An advisory committee, board, commission, or similar group, as  
7 defined in section 92-2, formed or convened by a governmental  
8 body for the purpose of making a recommendation for a  
9 procurement, or making the decision to procure, goods or  
10 services, in an amount in excess of \$100,000 under this chapter  
11 shall be subject to chapters 92 and 92F. The members of an  
12 advisory committee, board, commission, or similar group subject  
13 to this section shall be subject to the financial disclosure  
14 requirements of chapter 84; provided that review committees  
15 established pursuant to section 103D-304 shall not be subject to  
16 this section."

17 SECTION 3. Section 84-17, Hawaii Revised Statutes, is  
18 amended by amending subsections (c) and (d) to read as follows:

19 "(c) The following persons shall file annually with the  
20 state ethics commission a disclosure of financial interests:

21 (1) The governor, the lieutenant governor, the members of  
22 the legislature, and delegates to the constitutional



- 1 convention; provided that delegates to the  
2 constitutional convention shall only be required to  
3 file initial disclosures;
- 4 (2) The directors and their deputies, the division chiefs,  
5 the executive directors and the executive secretaries  
6 and their deputies, the purchasing agents and the  
7 fiscal officers, regardless of the titles by which the  
8 foregoing persons are designated, of every state  
9 agency and department;
- 10 (3) The permanent employees of the legislature and its  
11 service agencies, other than persons employed in  
12 clerical, secretarial, or similar positions;
- 13 (4) The administrative director of the State, and the  
14 assistants in the office of the governor and the  
15 lieutenant governor, other than persons employed in  
16 clerical, secretarial, or similar positions;
- 17 (5) The hearings officers of every state agency and  
18 department;
- 19 (6) The president, the vice presidents, assistant vice  
20 presidents, the chancellors, and the provosts of the  
21 University of Hawaii and its community colleges;



- 1           (7) The superintendent, the deputy superintendent, the  
2           assistant superintendents, the complex area  
3           superintendents, the state librarian, and the deputy  
4           state librarian of the department of education;
- 5           (8) The administrative director and the deputy director of  
6           the courts;
- 7           (9) The members of every state board or commission whose  
8           original terms of office are for periods exceeding one  
9           year and whose functions are not solely advisory;
- 10          (10) Candidates for state elective offices, including  
11          candidates for election to the constitutional  
12          convention, provided that candidates shall only be  
13          required to file initial disclosures; ~~and~~
- 14          (11) The administrator and assistant administrator of the  
15          office of Hawaiian affairs[-]; and
- 16          (12) Members of an advisory committee, board, commission,  
17          or similar group, as defined in section 92-2, formed  
18          or convened by a governmental body, as defined in  
19          section 103D-104, for the purpose of making a  
20          recommendation to a governmental body for a  
21          procurement of goods, services, public works, or  
22          construction, or making the decision for a



1           governmental body to procure goods, services, public  
2           works, or construction, in an amount in excess of  
3           \$100,000; provided that members of review committees  
4           established pursuant to section 103D-304 shall not be  
5           subject to this paragraph.

6           (d) The financial disclosure statements of the following  
7 persons shall be public records and available for inspection and  
8 duplication:

9           (1) The governor, the lieutenant governor, the members of  
10 the legislature, candidates for and delegates to the  
11 constitutional convention, the members of the board of  
12 education, the trustees of the office of Hawaiian  
13 affairs, and candidates for state elective offices;

14           (2) The directors of the state departments and their  
15 deputies, regardless of the titles by which the  
16 foregoing persons are designated; provided that with  
17 respect to the department of the attorney general, the  
18 foregoing shall apply only to the attorney general and  
19 the first deputy attorney general;

20           (3) The administrative director of the State;



- 1 (4) The president, the vice presidents, the assistant vice  
2 presidents, the chancellors, and the provosts of the  
3 University of Hawaii;
- 4 (5) The superintendent, the deputy superintendent, the  
5 state librarian, and the deputy state librarian of the  
6 department of education;
- 7 (6) The administrative director and the deputy director of  
8 the courts; [~~and~~]
- 9 (7) The administrator and the assistant administrator of  
10 the office of Hawaiian affairs[~~-~~]; and
- 11 (8) Members of an advisory committee, board, commission,  
12 or similar group, as defined in section 92-2, formed  
13 or convened by a governmental body, as defined in  
14 section 103D-104, for the purpose of making a  
15 recommendation to a governmental body for a  
16 procurement of goods, services, public works, or  
17 construction, or making the decision for a  
18 governmental body to procure goods, services, public  
19 works, or construction, in an amount in excess of  
20 \$100,000; provided that members of review committees  
21 established pursuant to section 103D-304 shall not be  
22 subject to this paragraph."



1 SECTION 4. Section 92-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§92-2 Definitions.** As used in this part:

4 [~~1~~] "Board" means any agency, board, commission,  
5 authority, or committee of the State or its political  
6 subdivisions which is created by constitution, statute, rule, or  
7 executive order, to have supervision, control, jurisdiction or  
8 advisory power over specific matters and which is required to  
9 conduct meetings and to take official actions. The term "board"  
10 also includes, as appropriate, an advisory committee, advisory  
11 board, advisory commission, or similar group formed or convened  
12 by a governmental body, as defined in section 103D-104, for the  
13 purpose of making recommendations for the procurement, or making  
14 the decision to procure, goods, services, public works, or  
15 construction, in an amount in excess of \$100,000; provided that  
16 review committees established pursuant to section 103D-304 shall  
17 not be subject to this definition.

18 [~~2~~] "Chance meeting" means a social or informal  
19 assemblage of two or more members at which matters relating to  
20 official business are not discussed.

21 [~~3~~] "Meeting" means the convening of a board for which a  
22 quorum is required in order to make a decision or to deliberate



1 toward a decision upon a matter over which the board has  
2 supervision, control, jurisdiction, or advisory power."

3 SECTION 5. Section 92F-3, Hawaii Revised Statutes, is  
4 amended by amending the definition of "agency" to read as  
5 follows:

6 "Agency" means any unit of government in this State, any  
7 county, or any combination of counties; department; institution;  
8 board; commission; district; council; bureau; office; governing  
9 authority; other instrumentality of state or county government;  
10 or corporation or other establishment owned, operated, or  
11 managed by or on behalf of this State or any county, but does  
12 not include the nonadministrative functions of the courts of  
13 this State. The term "agency" includes, as appropriate, an  
14 advisory committee, advisory board, advisory commission, or  
15 similar group formed or convened by a governmental body, as  
16 defined in section 103D-104, for the purpose of making  
17 recommendations for the procurement, or making the decision to  
18 procure, goods, services, public works, or construction, in an  
19 amount in excess of \$100,000; provided that review committees  
20 established pursuant to section 103D-304 shall not be subject to  
21 this definition."





- 1 SECTION 6. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 7. This Act shall take effect upon its approval.



**PROPOSED**

**Report Title:**

Procurement; Sunshine Law; Ethics; Advisory Committees

**Description:**

Requires advisory committees that make recommendations to expend public moneys on the procurement of goods, services, or capital projects to be subject to the sunshine, public records, and financial disclosure laws. (SD1)

