
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Selection committees; public meeting and records;
5 financial disclosure. A selection committee or similar group,
6 but not including a board or commission and not including a
7 procurement selection, evaluation, or review committee under
8 chapter 103D, formed or convened by a county department, agency,
9 commission, council, or the county executive for the purpose of
10 making a recommendation on an ad hoc procurement of goods,
11 services, or public works or construction, or making the actual
12 decision on an ad hoc procurement of goods, services, or public
13 works or construction in an amount in excess of \$100,000 as
14 authorized by county ordinance shall be subject to the county's
15 ethics laws."



1 SECTION 2. 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- Selection committees; public meeting and records;
5 financial disclosure. A selection committee or similar group,
6 but not including a board or commission and not including a
7 procurement selection, evaluation, or review committee under
8 chapter 103D, formed or convened by a state or county
9 department, agency, commission, council, or the state or county
10 executive for the purpose of making a recommendation on an ad
11 hoc procurement of goods, services, or public works or
12 construction, or making the actual decision on an ad hoc
13 procurement of goods, services, or public works or construction
14 in an amount in excess of \$100,000 under this chapter shall be
15 subject to chapters 84, 92, and 92F, as provided by law."

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

19 "§103D- A selection committee; public meeting and
20 records; financial disclosure. A selection committee or similar
21 group, but not including a board or commission and not including
22 a procurement selection, evaluation, or review committee under



1 this chapter, formed or convened by a state or county
2 department, agency, commission, council, or the state or county
3 executive for the purpose of making a recommendation on an ad
4 hoc procurement of goods, services, or public works or
5 construction, or making the actual decision on an ad hoc
6 procurement of goods, services, or public works or construction
7 in an amount in excess of \$100,000 under this chapter shall be
8 subject to chapters 84, 92, and 92F, as provided by law."

9 SECTION 4. Section 84-17, Hawaii Revised Statutes, is
10 amended by amending subsections (c) and (d) to read as follows:

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

13 (1) The governor, the lieutenant governor, the members of
14 the legislature, and delegates to the constitutional
15 convention; provided that delegates to the
16 constitutional convention shall only be required to
17 file initial disclosures;

18 (2) The directors and their deputies, the division chiefs,
19 the executive directors and the executive secretaries
20 and their deputies, the purchasing agents and the
21 fiscal officers, regardless of the titles by which the



- 1 foregoing persons are designated, of every state
2 agency and department;
- 3 (3) The permanent employees of the legislature and its
4 service agencies, other than persons employed in
5 clerical, secretarial, or similar positions;
- 6 (4) The administrative director of the State, and the
7 assistants in the office of the governor and the
8 lieutenant governor, other than persons employed in
9 clerical, secretarial, or similar positions;
- 10 (5) The hearings officers of every state agency and
11 department;
- 12 (6) The president, the vice presidents, assistant vice
13 presidents, the chancellors, and the provosts of the
14 University of Hawaii and its community colleges;
- 15 (7) The superintendent, the deputy superintendent, the
16 assistant superintendents, the complex area
17 superintendents, the state librarian, and the deputy
18 state librarian of the department of education;
- 19 (8) The administrative director and the deputy director of
20 the courts;



- 1 (9) The members of every state board or commission whose
2 original terms of office are for periods exceeding one
3 year and whose functions are not solely advisory;
- 4 (10) Candidates for state elective offices, including
5 candidates for election to the constitutional
6 convention, provided that candidates shall only be
7 required to file initial disclosures; ~~and~~
- 8 (11) The administrator and assistant administrator of the
9 office of Hawaiian affairs~~[-]~~; and
- 10 Members of a selection committee or similar group, but
11 not including a board or commission and not including
12 a procurement selection, evaluation, or review
13 committee under chapter 103D, formed or convened by a
14 state department, agency, commission, council, or the
15 state executive for the purpose of making a
16 recommendation on an ad hoc procurement of goods,
17 services, or public works or construction, or making
18 the actual decision on an ad hoc procurement of
19 goods, services, or public works or construction in an
20 amount in excess of \$100,000 under chapter 103 or
21 103D.



1 (d) The financial disclosure statements of the following
2 persons shall be public records and available for inspection and
3 duplication:

4 (1) The governor, the lieutenant governor, the members of
5 the legislature, candidates for and delegates to the
6 constitutional convention, the members of the board of
7 education, the trustees of the office of Hawaiian
8 affairs, and candidates for state elective offices;

9 (2) The directors of the state departments and their
10 deputies, regardless of the titles by which the
11 foregoing persons are designated; provided that with
12 respect to the department of the attorney general, the
13 foregoing shall apply only to the attorney general and
14 the first deputy attorney general;

15 (3) The administrative director of the State;

16 (4) The president, the vice presidents, the assistant vice
17 presidents, the chancellors, and the provosts of the
18 University of Hawaii;

19 (5) The superintendent, the deputy superintendent, the
20 state librarian, and the deputy state librarian of the
21 department of education;



- 1 (6) The administrative director and the deputy director of
2 the courts; [~~and~~]
- 3 (7) The administrator and the assistant administrator of
4 the office of Hawaiian affairs[~~-~~]; and
- 5 (8) Members of a selection committee or similar group, but
6 not including a board or commission and not including
7 a procurement selection, evaluation, or review
8 committee under chapter 103D, formed or convened by a
9 state department, agency, commission, council, or the
10 state executive for the purpose of making a
11 recommendation on an ad hoc procurement of goods,
12 services, or public works or construction, or making
13 the actual decision on an ad hoc procurement of goods,
14 services, or public works or construction in an amount
15 in excess of \$100,000 under chapter 103 or 103D."

16 SECTION 5. Section 92-3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§92-3 **Open meetings.** (a) Every meeting of all boards
19 shall be open to the public and all persons shall be permitted
20 to attend any meeting unless otherwise provided in the
21 constitution or as closed pursuant to sections 92-4 and 92-5;
22 provided that the removal of any person or persons who wilfully



1 disrupts a meeting to prevent and compromise the conduct of the
2 meeting shall not be prohibited. The boards shall afford all
3 interested persons an opportunity to submit data, views, or
4 arguments, in writing, on any agenda item. The boards shall
5 also afford all interested persons an opportunity to present
6 oral testimony on any agenda item. The boards may provide for
7 reasonable administration of oral testimony by rule.

8 (b) Members of an a selection committee or similar group,
9 but not including a board or commission and not including a
10 procurement selection, evaluation, or review committee under
11 chapter 103D, formed or convened by a state or county
12 department, agency, commission, council, or the state or county
13 executive for the purpose of making a recommendation on an ad
14 hoc procurement of goods, services, or public works or
15 construction, or making the actual decision on an ad hoc
16 procurement of goods, services, or public works or construction
17 in an amount in excess of \$100,000 under chapter 103 or 103D,
18 shall be subject to this section; provided that an ad hoc
19 purchase committee or similar group under this subsection shall
20 give written public notice of any meeting; provided further that
21 the notice shall include an agenda, and the date, time, and
22 place of the meeting; and provided further that the notice shall



1 be filed in the office of the lieutenant governor or the
2 appropriate county clerk's office for public inspection at least
3 six calendar days before the meeting."

4 SECTION 6. Section 92F-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 " ~~[§]~~92F-11 ~~[§]~~ **Affirmative agency disclosure**

7 **responsibilities.** (a) All government records are open to
8 public inspection unless access is restricted or closed by law.

9 (b) Except as provided in section 92F-13, each agency upon
10 request by any person shall make government records available
11 for inspection and copying during regular business hours.

12 (c) Unless the information is readily retrievable by the
13 agency in the form in which it is requested, an agency shall not
14 be required to prepare a compilation or summary of its records.

15 (d) Each agency shall assure reasonable access to
16 facilities for duplicating records and for making memoranda or
17 abstracts.

18 (e) Each agency may adopt rules, pursuant to chapter 91,
19 to protect its records from theft, loss, defacement, alteration,
20 or deterioration and to prevent manifestly excessive
21 interference with the discharge of its other lawful
22 responsibilities and functions.



1 (f) Members of a selection committee or similar group, but
2 not including a board or commission and not including a
3 procurement selection, evaluation, or review committee under
4 chapter 103D, formed or convened by a state or county
5 department, agency, commission, council, or the state or county
6 executive for the purpose of making a recommendation on an ad
7 hoc procurement of goods, services, or public works or
8 construction, or making the actual decision on an ad hoc
9 procurement of goods, services, or public works or construction
10 in an amount in excess of \$100,000 under chapter 103 or 103D,
11 shall be subject to subsections (a), (b), (c), and (d)."

12 SECTION 7. This Act, upon its approval, shall apply
13 retroactively to any selection committee or similar group
14 covered by this Act that is in existence at the date of the
15 approval of this Act.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Procurement; Sunshine Law; Ethics; Selection Committees

Description:

Requires selection committees that make decisions or recommendations to expend public moneys on the ad hoc procurement of goods, services, or capital projects to be subject to the sunshine, public records, and financial disclosure laws. (SD2)

