

JAN 26 2009

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. Section 304A-105, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The board of regents shall develop internal policies
4 and procedures for the procurement of goods, services, and
5 construction, consistent with the goals of public accountability
6 and public procurement practices, but without being subject to
7 chapter 103D. Notwithstanding any other law to the contrary,
8 chapter 103D shall not be applicable to any actions or
9 activities undertaken, conducted, or performed under authority
10 of the board of regents or the university. Where possible,
11 however, the board is encouraged to use the provisions of
12 chapter 103D as guidelines; provided that in using one or more
13 provisions of chapter 103D as guidelines, neither the board nor
14 the university shall be:

15 (1) Deemed to have waived in any way the exemption from
16 the requirements and applicability of chapter 103D
17 granted herein to the board and the university or

S.B. NO. 990

1 (2) Subject to any of the provisions or requirements of
2 chapter 103D."

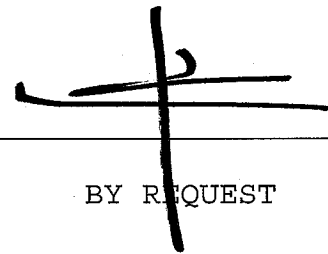
3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

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6

INTRODUCED BY: _____

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7

BY REQUEST

Report Title:

University of Hawaii; Procurement

Description:

Exempts the University of Hawaii from Hawaii public procurement code requirements.

JUSTIFICATION SHEET

DEPARTMENT: University of Hawaii

TITLE: A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.

PURPOSE: To exempt the University of Hawaii (University) from the requirements and provisions of chapter 103D, Hawaii Revised Statutes.

MEANS: Amend section 304A-105, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill would reinstate the authority of the University to develop procurement policies and procedures not subject to chapter 103D, as had been previously conferred upon the University by Act 115, Session Laws of Hawaii 1998 (Act 115). Act 115 amended various statutes pertaining to the University for the purpose of granting increased authority to the University over the management of the University's real and personal property.

Act 115 largely resulted from the evaluation and recommendations of an economic revitalization task force convened by the then Governor, President of the Senate, and Speaker of the House. The task force concluded that the University should be provided greater autonomy over its affairs, including the delegation of increased decision-making authority and responsibility to the University.

The chapter 103D exemption that was granted thereafter to the University was consistent with the findings and recommendations of the task force.

Act 216, Session Laws of Hawaii 2004, effective on January 1, 2005 (Act 216), repealed various statutory exemptions to the

Hawaii Public Procurement Code, including the University's exemption from chapter 103D. (See HRS section 304-4, as recodified in 2006 to HRS section 304A-105). The proposed bill would restore to the University this statutory exemption from chapter 103D that had been eliminated by Act 216. Under the proposed bill, the University would again be afforded the managerial flexibility to develop procurement policies and procedures, not subject to chapter 103D, to meet the specific needs and operational requirements of the University.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: 07 03 06
UOH-900

OTHER AFFECTED
AGENCIES: Department of Accounting and General
Services, Department of Commerce and
Consumer Affairs

EFFECTIVE DATE: Upon approval.