
A BILL FOR AN ACT

RELATING TO THE PROCUREMENT CODE.

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

1 SECTION 1. The legislature finds that on March 10, 2008,
2 the governor approved a comprehensive set of administrative
3 rules purporting to implement the procurement code. The
4 legislature further finds that many of the rules actually are
5 contrary to or exceed the scope of authority established in the
6 statutes.

7 The purpose of this Act is to override the current set of
8 administrative rules relating to the procurement code and to
9 reinstate on July 1, 2011, the authority of the procurement
10 policy office to adopt rules to properly implement the
11 procurement code.

12 SECTION 2. Section 103D-211, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The procurement policy board shall adopt all rules
15 necessary to carry out the purposes of this chapter and to
16 implement its provisions in accordance with chapter 91[-];
17 provided that the rules were adopted prior to January 1, 2003.

18 No rules adopted or amended on or after January 1, 2003,



1 pertaining to this chapter shall have the force and effect of
2 law. The policy board shall not delegate its power to adopt
3 rules."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval
10 and shall be repealed on July 1, 2011; provided that section
11 103D-211(a), Hawaii Revised Statutes, shall be reenacted in the
12 form in which it read on the day before the effective date of
13 this Act.

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INTRODUCED BY: *Hilda T. P. Cutchin*
[Signature]

JAN 28 2009



Report Title:

Procurement Code

Description:

Overrides the rulemaking authority of the procurement policy office for administrative rules adopted since 1/1/03.
Reinstates the office's rulemaking authority on 1/1/11.

