

STAND. COM. REP. NO.

2788

Honolulu, Hawaii

MAR 19 2010

RE: H.B. No. 2441
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Transportation, International and Intergovernmental Affairs and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 2441, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT,"

beg leave to report as follows:

The purpose of this measure is to establish a thirty-day deadline under the Hawaii Public Procurement Code to award contracts for projects of the Department of Hawaiian Home Lands, Department of Transportation, county boards of water supply, and county departments of housing, planning and permitting, and transportation.

Your Committees received testimony in support of this measure from the Hawaii Building and Trades Council, AFL-CIO; The Pacific Resource Partnership; General Contractors Association of Hawaii; Hawaii Laborers' Union; and the Land Use Research Foundation of Hawaii. Testimony in opposition was received from the State Procurement Office, the County of Hawaii and the County of Maui. Written testimony presented to the Committees may be reviewed on the Legislature's website.

This measure is recommended by the Task Force established pursuant to Senate Concurrent Resolution No. 132, S.D. 1, 2009, to determine the economic contributions of the construction industry in Hawaii, and to develop, propose, and recommend any state

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actions to preserve and create new jobs in the construction industry. Your Committees defer to the Committee on Judiciary and Government Operations, having jurisdiction over procurement matters, to consider the Task Force's recommendation.

Your Committees have amended this measure by deleting its contents and inserting a provision to exempt gifts to the State from the Hawaii Public Procurement Code, to take effect upon the measure's approval.

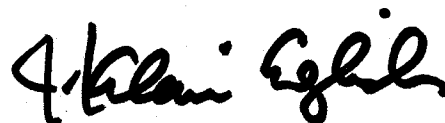
Your Committees find that in this period of economic downturn, the State is best served by allowing donations of material, labor, equipment, or other appropriate objects of donations to be made to the State without going through the procurement process. Your Committees further find that maintenance of donated equipment is distinct from the obtaining of the equipment in the first instance. Your Committees believe that any intangible "payment" realized by the donor, such as in the form of publicity, is too amorphous to be calculated with any certainty. Furthermore, any publicity would inspire other potential donors to do likewise. Your Committees note that a state department or agency is not required to accept a gift under this measure.

As affirmed by the records of votes of the members of your Committees on Transportation, International and Intergovernmental Affairs and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2441, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2441, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Transportation,
International and
Intergovernmental Affairs and
Water, Land, Agriculture, and
Hawaiian Affairs,



CLAYTON HEE, Chair

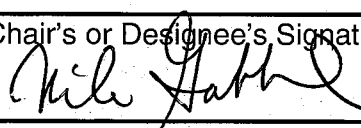


J. KALANI ENGLISH, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2441, HD2	TIA/WTL, JBO	3-17-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312				
<input checked="" type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	4	-	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

