

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO PUBLIC CONTRACTS.

**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-    Public works contracts; required public  
5 disclosures; duty of contractor. Any public works contract  
6 under this chapter shall contain a provision to require the  
7 contractor to make the required disclosures as specified under  
8 section 92F-12."

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

12           "§103D-   Contracts; required public disclosures; duty of  
13 contractor. Any contract under this chapter shall contain a  
14 provision to require the contractor to make the required  
15 disclosures as specified under section 92F-12."

16           SECTION 3. Section 92F-12, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           **"§92F-12 Disclosure required.** (a) Any other provision in  
2 this chapter to the contrary notwithstanding, each agency shall  
3 make available for public inspection and duplication during  
4 regular business hours:

5           (1) Rules of procedure, substantive rules of general  
6 applicability, statements of general policy, and  
7 interpretations of general applicability adopted by  
8 the agency;

9           (2) Final opinions, including concurring and dissenting  
10 opinions, as well as orders made in the adjudication  
11 of cases, except to the extent protected by section  
12 92F-13(1);

13           (3) Government purchasing information, including all bid  
14 results, except to the extent prohibited by section  
15 92F-13;

16           (4) Pardons and commutations, as well as directory  
17 information concerning an individual's presence at any  
18 correctional facility;

19           (5) Land ownership, transfer, and lien records, including  
20 real property tax information and leases of state  
21 land;

22           (6) Results of environmental tests;



- 1 (7) Minutes of all agency meetings required by law to be
- 2 public;
- 3 (8) Name, address, and occupation of any person borrowing
- 4 funds from a state or county loan program, and the
- 5 amount, purpose, and current status of the loan;
- 6 (9) Certified payroll records on public works contracts
- 7 except social security numbers and home addresses;
- 8 (10) Regarding contract hires and consultants employed by
- 9 agencies:
  - 10 (A) The contract itself, the amount of compensation;
  - 11 (B) The duration of the contract; and
  - 12 (C) The objectives of the contract,
  - 13 except social security numbers and home addresses;
- 14 (11) Building permit information within the control of the
- 15 agency;
- 16 (12) Water service consumption data maintained by the
- 17 boards of water supply;
- 18 (13) Rosters of persons holding licenses or permits granted
- 19 by an agency that may include name, business address,
- 20 type of license held, and status of the license;
- 21 (14) The name, compensation (but only the salary range for
- 22 employees covered by or included in chapter 76, and



1 sections 302A-602 to 302A-640, and 302A-701, or  
2 bargaining unit (8)), job title, business address,  
3 business telephone number, job description, education  
4 and training background, previous work experience,  
5 dates of first and last employment, position number,  
6 type of appointment, service computation date,  
7 occupational group or class code, bargaining unit  
8 code, employing agency name and code, department,  
9 division, branch, office, section, unit, and island of  
10 employment, of present or former officers or employees  
11 of the agency; provided that this paragraph shall not  
12 require the creation of a roster of employees; and  
13 provided further that this paragraph shall not apply  
14 to information regarding present or former employees  
15 involved in an undercover capacity in a law  
16 enforcement agency;

17 (15) Information collected and maintained for the purpose  
18 of making information available to the general public;  
19 and

20 (16) Information contained in or compiled from a  
21 transcript, minutes, report, or summary of a  
22 proceeding open to the public.



1 (b) Any provision to the contrary notwithstanding, each  
2 agency shall also disclose:

3 (1) Any government record, if the requesting person has  
4 the prior written consent of all individuals to whom  
5 the record refers;

6 (2) Government records which, pursuant to federal law or a  
7 statute of this State, are expressly authorized to be  
8 disclosed to the person requesting access;

9 (3) Government records pursuant to a showing of compelling  
10 circumstances affecting the health or safety of any  
11 individual;

12 (4) Government records requested pursuant to an order of a  
13 court;

14 (5) Government records pursuant to a subpoena from either  
15 house of the state legislature; and

16 (6) Information from the motor vehicle registration files,  
17 provided that the person requesting such files shall  
18 have a legitimate reason as determined by rules.

19 (c) Upon request, any contractor subject to chapter 103 or  
20 103D shall make available for inspection the following  
21 information in the possession of the contractor:



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- 1        (1) Certified payroll records on public works contracts,
- 2                except social security numbers and home addresses; and
- 3        (2) A copy of any executed public works contract,
- 4                including the amount, duration, and objectives of the
- 5                contract, subject to the execution under section
- 6                92F-13."

7        SECTION 4.    New statutory material is underscored.

8        SECTION 5.    This Act shall take effect upon its approval.

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INTRODUCED BY: *Joe DeWitt Jr.*



# S.B. NO. 2567

**Report Title:**

Public Information Practices; Government Contractors; UIPA

**Description:**

Requires government contractors to disclose to the public certain specified information concerning the contract upon request pursuant to the uniform information practices act.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

