

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The convenience of modern society has provided
2 people with a variety of inexpensive food choices, but it has
3 eliminated our connection to and understanding of where food
4 comes from, resulting in less healthful eating and a distancing
5 from natural food sources.

6 A report made to the twenty-sixth legislature in response
7 to S.C.R. No. 121, S.D. 1, H.D. 1, regular session of 2009,
8 through the collaboration of private, public, and nonprofit
9 entities, pointed to the problems of food insecurity and growing
10 obesity rates that the State of Hawaii is facing. One in every
11 three children born in the year 2000 is expected to develop
12 diabetes, and the 2003 food security task force report found
13 that over 19 per cent of Hawaii residents live in food-insecure
14 households. Food insecurity is defined in that report as
15 "whenever the availability of nutritionally adequate and safe
16 foods or the ability to acquire acceptable foods in socially
17 acceptable ways is limited or uncertain". Supporting local



1 agriculture through initiatives like a farm-to-school program
2 can serve to combat both of these problems.

3 Increasing the consumption of locally grown foods will
4 ensure that fresh, high-quality produce is available for healthy
5 meals in schools, hospitals, and correctional facilities
6 throughout Hawaii. The increased revenue for local farmers will
7 reverse the trend of farmers struggling to break even and will
8 place agriculture at the forefront as a driving economic force
9 providing job creation and food security for our State.

10 Furthermore, the availability of local produce will ensure our
11 children eat the highest-quality food that will nourish their
12 bodies, enhance their educational experience, and cultivate
13 long-term healthy habits.

14 The purpose of this Act is to ease the process required for
15 governmental bodies to acquire local agricultural products.

16 SECTION 2. Section 103D-102, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Notwithstanding subsection (a), this chapter shall
19 not apply to contracts by governmental bodies:



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- 1 (1) Solicited or entered into before July 1, 1994, unless
2 the parties agree to its application to a contract
3 solicited or entered into prior to July 1, 1994;
- 4 (2) To disburse funds, irrespective of their source:
- 5 (A) For grants as defined in section 42F-101, made by
6 the State in accordance with standards provided
7 by law as required by article VII, section 4, of
8 the state constitution; or by the counties
9 pursuant to their respective charters or
10 ordinances;
- 11 (B) To make payments to or on behalf of public
12 officers and employees for salaries, fringe
13 benefits, professional fees, or reimbursements;
- 14 (C) To satisfy obligations that the State is required
15 to pay by law, including paying fees, permanent
16 settlements, subsidies, or other claims, making
17 refunds, and returning funds held by the State as
18 trustee, custodian, or bailee;
- 19 (D) For entitlement programs, including public
20 assistance, unemployment, and workers'



- 1 compensation programs, established by state or
- 2 federal law;
- 3 (E) For dues and fees of organizations of which the
- 4 State or its officers and employees are members,
- 5 including the National Association of Governors,
- 6 the National Association of State and County
- 7 Governments, and the Multi-State Tax Commission;
- 8 (F) For deposit, investment, or safekeeping,
- 9 including expenses related to their deposit,
- 10 investment, or safekeeping;
- 11 (G) To governmental bodies of the State;
- 12 (H) As loans, under loan programs administered by a
- 13 governmental body; and
- 14 (I) For contracts awarded in accordance with chapter
- 15 103F;
- 16 (3) To procure goods, services, or construction from a
- 17 governmental body other than the University of Hawaii
- 18 bookstores, from the federal government, or from
- 19 another state or its political subdivision;
- 20 (4) To procure the following goods or services which are
- 21 available from multiple sources but for which



- 1 procurement by competitive means is either not
2 practicable or not advantageous to the State:
- 3 (A) Services of expert witnesses for potential and
4 actual litigation of legal matters involving the
5 State, its agencies, and its officers and
6 employees, including administrative quasi-
7 judicial proceedings;
 - 8 (B) Works of art for museum or public display;
 - 9 (C) Research and reference materials including books,
10 maps, periodicals, and pamphlets, which are
11 published in print, video, audio, magnetic, or
12 electronic form;
 - 13 (D) Meats and foodstuffs for the Kalaupapa
14 settlement [7], and fresh meat and produce, and
15 animals and plants for use by any governmental
16 body;
 - 17 (E) Opponents for athletic contests;
 - 18 (F) Utility services whose rates or prices are fixed
19 by regulatory processes or agencies;
 - 20 (G) Performances, including entertainment, speeches,
21 and cultural and artistic presentations;



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- 1 (H) Goods and services for commercial resale by the
2 State;
- 3 (I) Services of printers, rating agencies, support
4 facilities, fiscal and paying agents, and
5 registrars for the issuance and sale of the
6 State's or counties' bonds;
- 7 (J) Services of attorneys employed or retained to
8 advise, represent, or provide any other legal
9 service to the State or any of its agencies, on
10 matters arising under laws of another state or
11 foreign country, or in an action brought in
12 another state, federal, or foreign jurisdiction,
13 when substantially all legal services are
14 expected to be performed outside this State;
- 15 (K) Financing agreements under chapter 37D; and
- 16 (L) Any other goods or services which the policy
17 board determines by rules or the chief
18 procurement officer determines in writing is
19 available from multiple sources but for which
20 procurement by competitive means is either not
21 practicable or not advantageous to the State; and



1 (5) Which are specific procurements expressly exempt from
2 any or all of the requirements of this chapter by:

3 (A) References in state or federal law to provisions
4 of this chapter or a section of this chapter, or
5 references to a particular requirement of this
6 chapter; and

7 (B) Trade agreements, including the Uruguay Round
8 General Agreement on Tariffs and Trade (GATT)
9 which require certain non-construction and non-
10 software development procurements by the
11 comptroller to be conducted in accordance with
12 its terms."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2015.

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Report Title:

Procurement Code; Exemptions; Food

Description:

Exempts the purchase of fresh meats, produce, animals, and plants by any governmental body from the Hawaii public procurement code.

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

