
A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1 SECTION 1. The legislature finds that Hawaii's largest
2 source of renewable methane emissions is the waste stream.
3 Currently, these emissions are not serving any beneficial uses.
4 However, the legislature finds that current technology may allow
5 for enhanced elimination of contaminants through techniques such
6 as gas spiking. This opens the door for a cleaner and more
7 renewable energy source that will also assist in reducing the
8 State's reliance on imported oil. Moreover, monetization of
9 this waste stream could establish new revenue streams for the
10 State that may be deployed as capital to accelerate development
11 of other renewable resources.

12 In an effort to streamline the process to initiate programs
13 that convert methane at Hawaii landfills and wastewater
14 treatment facilities, the purpose of this Act is to create a
15 temporary exemption from the procurement process to accelerate
16 the development of this needed renewable fuel source.



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

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

5 (1) Solicited or entered into before July 1, 1994, unless
6 the parties agree to its application to a contract
7 solicited or entered into prior to July 1, 1994;

8 (2) To disburse funds, irrespective of their source:

9 (A) For grants as defined in section 42F-101, made by
10 the State in accordance with standards provided
11 by law as required by article VII, section 4, of
12 the state constitution; or by the counties
13 pursuant to their respective charters or
14 ordinances;

15 (B) To make payments to or on behalf of public
16 officers and employees for salaries, fringe
17 benefits, professional fees, or reimbursements;

18 (C) To satisfy obligations that the State is required
19 to pay by law, including paying fees, permanent
20 settlements, subsidies, or other claims, making



- 1 refunds, and returning funds held by the State as
- 2 trustee, custodian, or bailee;
- 3 (D) For entitlement programs, including public
- 4 assistance, unemployment, and workers'
- 5 compensation programs, established by state or
- 6 federal law;
- 7 (E) For dues and fees of organizations of which the
- 8 State or its officers and employees are members,
- 9 including the National Association of Governors,
- 10 the National Association of State and County
- 11 Governments, and the Multi-State Tax Commission;
- 12 (F) For deposit, investment, or safekeeping,
- 13 including expenses related to their deposit,
- 14 investment, or safekeeping;
- 15 (G) To governmental bodies of the State;
- 16 (H) As loans, under loan programs administered by a
- 17 governmental body; and
- 18 (I) For contracts awarded in accordance with chapter
- 19 103F;
- 20 (3) To procure goods, services, or construction from a
- 21 governmental body other than the University of Hawaii



- 1 bookstores, from the federal government, or from
2 another state or its political subdivision;
- 3 (4) To procure the following goods or services which are
4 available from multiple sources but for which
5 procurement by competitive means is either not
6 practicable or not advantageous to the State:
- 7 (A) Services of expert witnesses for potential and
8 actual litigation of legal matters involving the
9 State, its agencies, and its officers and
10 employees, including administrative quasi-
11 judicial proceedings;
- 12 (B) Works of art for museum or public display;
- 13 (C) Research and reference materials including books,
14 maps, periodicals, and pamphlets, which are
15 published in print, video, audio, magnetic, or
16 electronic form;
- 17 (D) Meats and foodstuffs for the Kalaupapa
18 settlement;
- 19 (E) Opponents for athletic contests;
- 20 (F) Utility services whose rates or prices are fixed
21 by regulatory processes or agencies;



- 1 (G) Performances, including entertainment, speeches,
2 and cultural and artistic presentations;
- 3 (H) Goods and services for commercial resale by the
4 State;
- 5 (I) Services of printers, rating agencies, support
6 facilities, fiscal and paying agents, and
7 registrars for the issuance and sale of the
8 State's or counties' bonds;
- 9 (J) Services of attorneys employed or retained to
10 advise, represent, or provide any other legal
11 service to the State or any of its agencies, on
12 matters arising under laws of another state or
13 foreign country, or in an action brought in
14 another state, federal, or foreign jurisdiction,
15 when substantially all legal services are
16 expected to be performed outside this State;
- 17 (K) Financing agreements under chapter 37D; and
- 18 (L) Any other goods or services which the policy
19 board determines by rules or the chief
20 procurement officer determines in writing is
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 [~~and~~]

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

6 (A) References in state or federal law to provisions
7 of this chapter or a section of this chapter, or
8 references to a particular requirement of this
9 chapter; and

10 (B) Trade agreements, including the Uruguay Round
11 General Agreement on Tariffs and Trade (GATT)
12 which require certain non-construction and non-
13 software development procurements by the
14 comptroller to be conducted in accordance with
15 its terms[~~-~~]; and

16 (6) Which are for the extraction and capture of methane
17 from a municipal waste stream for the purpose of
18 conversion into natural gas by a gas utility."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval,
2 and shall be repealed on July 1, 2017.



Report Title:

Solid Waste

Description:

Exempts contracts for the extraction and capture of methane generated from municipal waste from the procurement code.

(SB703 HD1 PROPOSED)

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