

JAN 17 2024

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1           SECTION 1. The legislature finds that career and technical  
2 education utilizes a wide range of activities and equipment to  
3 provide students with industry-based skills and makes academic  
4 content accessible to students in a hands-on context. Examples  
5 of career and technical education equipment include anatomy  
6 tables, flight simulators, and welding simulators. These types  
7 of equipment allow for student learning simulations that can be  
8 too expensive or not pragmatic for students to perform in a  
9 regular classroom setting. While students are encouraged to  
10 explore career options and acquire the technical skills and  
11 knowledge to work towards industry-recognized certifications and  
12 high-demand careers, lack of access to these types of equipment  
13 are severely limiting students in the degree to which they can  
14 acquire these technical skills and knowledge, requiring them to  
15 wait to gain those skills upon employment or in other secondary  
16 licensure programs after high school.



1           In the department of education's State of Hawaii Public  
2 Education 2023-2029 Strategic Plan, one of the stated goals is  
3 that all students graduate high school prepared for college,  
4 career success, and community and civic engagement. One avenue  
5 to achieve this goal is through expanding work-based learning  
6 experiences that are often offered through career and technical  
7 education. As educational teaching tools have become more  
8 advanced, they have also become increasingly expensive to  
9 procure, with long lead times for delivery.

10           Despite the advantages and opportunities that these pieces  
11 of equipment can provide, the process to procure them can be  
12 lengthy, complicated, and can deter schools from purchasing  
13 them. Books and maps are exempted from the Hawaii public  
14 procurement code as it is not advantageous to the State to  
15 procure these materials by competitive means. In a similar  
16 manner, career and technical education equipment should be  
17 exempt, as procurement by competitive means is adversely  
18 affecting the opportunities for students to acquire technical  
19 skills and knowledge.

20           The purpose of this Act is to exempt from the Hawaii public  
21 procurement code educational materials and related training for



1 direct student instruction in career and technical education  
2 programs within the department of education.

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

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

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

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

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

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

20 (C) To satisfy obligations that the State is required  
21 to pay by law, including paying fees, permanent



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



1           (3) To procure goods, services, or construction from a  
2           governmental body other than the [~~University~~]  
3           university of Hawaii bookstores, from the federal  
4           government, or from another state or its political  
5           subdivision;

6           (4) To procure the following goods or services which are  
7           available from multiple sources but for which  
8           procurement by competitive means is either not  
9           practicable or not advantageous to the State:

10           (A) Services of expert witnesses for potential and  
11           actual litigation of legal matters involving the  
12           State, its agencies, and its officers and  
13           employees, including administrative quasi-  
14           judicial proceedings;

15           (B) Works of art for museum or public display;

16           (C) Research and reference materials including books,  
17           maps, periodicals, and pamphlets, which are  
18           published in print, video, audio, magnetic, or  
19           electronic form;

20           (D) Meats and foodstuffs for the Kalaupapa  
21           settlement;



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



- 1            (L) Educational materials and related training for
- 2            direct student instruction in career and
- 3            technical education programs as defined in
- 4            section 302A-101, including supplies, implements,
- 5            tools, machinery, electronic devices, or other
- 6            goods purchased by the department of education;
- 7            and
- 8            [~~(L)~~] (M) Any other goods or services which the policy
- 9            board determines by rules or the chief
- 10           procurement officer determines in writing is
- 11           available from multiple sources but for which
- 12           procurement by competitive means is either not
- 13           practicable or not advantageous to the State; and
- 14           (5) Which are specific procurements expressly exempt from
- 15           any or all of the requirements of this chapter by:
- 16           (A) References in state or federal law to provisions
- 17           of this chapter or a section of this chapter, or
- 18           references to a particular requirement of this
- 19           chapter; and
- 20           (B) Trade agreements, including the Uruguay Round
- 21           General Agreement on Tariffs and Trade (GATT)



1           which require certain non-construction and non-  
2           software development procurements by the  
3           comptroller to be conducted in accordance with  
4           its terms."

5           SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7           SECTION 4. This Act shall take effect upon its approval;  
8 provided that on July 1, 2027, this Act shall be repealed and  
9 section 103D-102, Hawaii Revised Statutes, shall be reenacted in  
10 the form in which it read on the day prior to the effective date  
11 of this Act.

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INTRODUCED BY: Michelle D. Fedani





# S.B. NO. 2070

**Report Title:**

DOE; Procurement; Exemptions; Career and Technical Education

**Description:**

Exempts career and technical education goods and services purchases by the DOE from the State Procurement Code. Repeals 7/1/2027.

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

