

ACT 193

H.B. NO. 3458

A Bill for an Act Relating to Procurement by the Community Hospitals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the pilot autonomy project, as set forth in Act 223, Session Laws of Hawaii 1990, as amended by Act 187, Session Laws of Hawaii 1992, and Act 211, Session Laws of Hawaii 1993, has contributed effectively to expediting and improving the delivery of health care services by Hawaii's public hospital system. The pilot autonomy project includes exemption for eight of the community hospitals from sections 103-22 and 103-41 through 103-48, Hawaii Revised Statutes, competitive bidding requirements, until June 30, 1996, in order to expedite and improve the delivery of health care services. However, Act 8, Special Session Laws of Hawaii 1993, renumbered these sections dealing with competitive bidding requirements.

The purpose of this Act is to resolve the technical conflicts between Act 211, Session Laws of Hawaii 1993, which extended the autonomy pilot project for the community hospitals, and Act 8, Special Session Laws of Hawaii 1993, which established a new procurement law.

SECTION 2. Act 8, Special Session Laws of Hawaii 1993, is amended by amending section -203 of section 2 to read as follows:

"§ -203 **Chief procurement officers.** The chief procurement officer for each of the following state entities and the several counties shall be:

- (1) The judiciary—the administrative director of the courts;
- (2) The senate—the president of the senate;
- (3) The house of representatives—the speaker of the house of representatives;
- (4) The office of Hawaiian affairs—its board of trustees;
- (5) The several counties—the respective finance directors of the several counties;
- (6) The University of Hawaii—the president of the University of Hawaii;
- (7) The department of education—the superintendent of education; [and]
- (8) The division of community hospitals within the department of health—the deputy director for community hospitals; and
- [(8)] (9) The remaining departments of the executive branch of the State and all governmental bodies administratively attached to them—the administrator of the procurement office of the department of accounting and general services.

For purposes of applying this chapter to the judiciary, houses of the legislature, office of Hawaiian affairs, department of education, division of community hospitals within the department of health, University of Hawaii, and the several counties, unless otherwise expressly provided, "State" shall mean "judiciary," "state senate," "state house of representatives," "office of Hawaiian affairs," "department of education," "division of community hospitals within the department of health," "University of Hawaii," and "county," respectively."

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SECTION 3. Act 211, Session Laws of Hawaii 1993, is amended by amending section 6 to read as follows:

“SECTION 6. In order to achieve the benefits of a decentralized and relatively unencumbered autonomous operation, the hospitals specified in section 2 shall be granted flexibility in the hiring of personnel and the collection and disbursement of funds by being exempt from sections [103-22 and 103-41 through] 103-42 to 103-48, Hawaii Revised Statutes, relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended for the duration of the pilot project.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that section 2 shall be repealed on June 30, 1996, and section 103D-203 shall be reenacted in the form in which it existed on the day before the effective date of this Act.

(Approved June 21, 1994.)