
A BILL FOR AN ACT

RELATING TO UNIVERSITY OF HAWAII ATHLETICS.

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

1 SECTION 1. 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;



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



- 1 (I) For contracts awarded in accordance with chapter
- 2 103F;
- 3 (3) To procure goods, services, or construction from a
- 4 governmental body other than the University of Hawaii
- 5 bookstores, from the federal government, or from
- 6 another state or its political subdivision;
- 7 (4) To procure goods or services for the office of
- 8 intercollegiate athletics of the University of Hawaii
- 9 at Manoa with moneys from the University of Hawaii at
- 10 Manoa intercollegiate athletics special fund
- 11 established under section 304A-2176;
- 12 [~~4~~] (5) To procure the following goods or services which
- 13 are available from multiple sources but for which
- 14 procurement by competitive means is either not
- 15 practicable or not advantageous to the State:
- 16 (A) Services of expert witnesses for potential and
- 17 actual litigation of legal matters involving the
- 18 State, its agencies, and its officers and
- 19 employees, including administrative quasi-
- 20 judicial proceedings;
- 21 (B) Works of art for museum or public display;



- 1 (C) Research and reference materials including books,
2 maps, periodicals, and pamphlets, which are
3 published in print, video, audio, magnetic, or
4 electronic form;
- 5 (D) Meats and foodstuffs for the Kalaupapa
6 settlement;
- 7 (E) Opponents for athletic contests;
- 8 (F) Utility services whose rates or prices are fixed
9 by regulatory processes or agencies;
- 10 (G) Performances, including entertainment, speeches,
11 and cultural and artistic presentations;
- 12 (H) Goods and services for commercial resale by the
13 State;
- 14 (I) Services of printers, rating agencies, support
15 facilities, fiscal and paying agents, and
16 registrars for the issuance and sale of the
17 State's or counties' bonds;
- 18 (J) Services of attorneys employed or retained to
19 advise, represent, or provide any other legal
20 service to the State or any of its agencies, on
21 matters arising under laws of another state or



1 foreign country, or in an action brought in
2 another state, federal, or foreign jurisdiction,
3 when substantially all legal services are
4 expected to be performed outside this State;

5 (K) Financing agreements under chapter 37D; and

6 (L) Any other goods or services which the policy
7 board determines by rules or the chief
8 procurement officer determines in writing is
9 available from multiple sources but for which
10 procurement by competitive means is either not
11 practicable or not advantageous to the State; and

12 [~~5~~] (6) Which are specific procurements expressly exempt
13 from any or all of the requirements of this chapter
14 by:

15 (A) References in state or federal law to provisions
16 of this chapter or a section of this chapter, or
17 references to a particular requirement of this
18 chapter; and

19 (B) Trade agreements, including the Uruguay Round
20 General Agreement on Tariffs and Trade (GATT)
21 which require certain non-construction and non-



H.B. NO. 520

1 software development procurements by the
 2 comptroller to be conducted in accordance with
 3 its terms."

4 SECTION 2. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 520

Report Title:

University of Hawaii Athletics; Procurement Exemption

Description:

Exempts from the Hawaii Public Procurement Code contracts by governmental bodies to procure goods or services for the Office of Intercollegiate Athletics of the University of Hawaii at Manoa with moneys from the University of Hawaii at Manoa Intercollegiate Athletics Special Fund.

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