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

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



1           The purpose of this Act is to exempt from the Hawaii public  
2 procurement code educational materials and related training for  
3 direct student instruction in career and technical education  
4 programs within the department of education, subject to certain  
5 conditions.

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

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

10           (1) Solicited or entered into before July 1, 1994, unless  
11           the parties agree to its application to a contract  
12           solicited or entered into prior to July 1, 1994;

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

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



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



- 1 (H) As loans, under loan programs administered by a
- 2 governmental body; and
- 3 (I) For contracts awarded in accordance with chapter
- 4 103F;
- 5 (3) To procure goods, services, or construction from a
- 6 governmental body other than the [University]
- 7 university of Hawaii bookstores, from the federal
- 8 government, or from another state or its political
- 9 subdivision;
- 10 (4) To procure the following goods or services [~~which~~]
- 11 that are available from multiple sources but for which
- 12 procurement by competitive means is either not
- 13 practicable or not advantageous to the State:
- 14 (A) Services of expert witnesses for potential and
- 15 actual litigation of legal matters involving the
- 16 State, its agencies, and its officers and
- 17 employees, including administrative quasi-
- 18 judicial proceedings;
- 19 (B) Works of art for museum or public display;
- 20 (C) Research and reference materials including books,
- 21 maps, periodicals, and pamphlets, which are



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



1                   when substantially all legal services are  
2                   expected to be performed outside [~~this~~] the  
3                   State;  
4           (K)    Financing agreements under chapter 37D; [~~and~~]  
5           (L)    Educational materials and related training for  
6                   direct student instruction in career and  
7                   technical education programs as defined in  
8                   section 302A-101, including supplies, implements,  
9                   tools, machinery, electronic devices, or other  
10                  goods purchased by the department of education;  
11                  provided that:  
12                  (i)   The department of education shall acquire  
13                   three verbal or written quotes for purchases  
14                   of no more than \$100,000 made pursuant to  
15                   this subparagraph;  
16                  (ii)   Awards over \$2,500 shall comply with section  
17                   103D-310(c); and  
18                  (iii)  Awards over \$500,000 shall be approved by  
19                   the superintendent of education; and  
20           [~~(L)~~] (M)   Any other goods or services [~~which~~] that the  
21                  policy board determines by rules or the chief



1 procurement officer determines in writing is  
2 available from multiple sources but for which  
3 procurement by competitive means is either not  
4 practicable or not advantageous to the State; and

5 (5) [~~which~~] That are specific procurements expressly  
6 exempt from any or all of the requirements of this  
7 chapter by:

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

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

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



1 SECTION 4. This Act shall take effect on July 1, 3000;  
2 provided that on July 1, 2027, this Act shall be repealed and  
3 section 103D-102(b), Hawaii Revised Statutes, shall be reenacted  
4 in the form in which it read on the day prior to the effective  
5 date of this Act.



**Report Title:**

DOE; Procurement; Exemptions; Career and Technical Education

**Description:**

Exempts career and technical education goods and services purchases by the Department of Education from the State Procurement Code. Requires the Department of Education to acquire three verbal or written quotes for career and technical education purchases of no more than \$100,000. Requires awards of over \$2,500 for career and technical education purchases to comply with certain statutory provisions regarding offerors. Requires awards of over \$500,000 for career and technical education purchases to be approved by the Superintendent of Education. Repeals 7/1/2027. Effective 7/1/3000. (HD1)

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

