
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~~]
7 that are 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 provided that, notwithstanding any other law to
8 the contrary, the department of education shall
9 acquire three verbal or written quotes for
10 purchases of not more than \$100,000 made pursuant
11 to this subparagraph; and

12 [~~(L)~~] (M) Any other goods or services [~~which~~] that the
13 policy board determines by rules or the chief
14 procurement officer determines in writing is
15 available from multiple sources but for which
16 procurement by competitive means is either not
17 practicable or not advantageous to the State; and

18 (5) [~~Which~~] That are specific procurements expressly
19 exempt from any or all of the requirements of this
20 chapter by:



1 (A) References in state or federal law to provisions
2 of this chapter or a section of this chapter, or
3 references to a particular requirement of this
4 chapter; and

5 (B) Trade agreements, including the Uruguay Round
6 General Agreement on Tariffs and Trade (GATT)
7 [~~which~~] that require certain non-construction and
8 non-software development procurements by the
9 comptroller to be conducted in accordance with
10 its terms."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval;
14 provided that on July 1, 2027, this Act shall be repealed and
15 section 103D-102, Hawaii Revised Statutes, shall be reenacted in
16 the form in which it read on the day prior to the effective date
17 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 not more than \$100,000. Repeals 7/1/2027. (SD1)

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