

ACT 166

S.B. NO. 1038

A Bill for an Act Relating to the Hawaii Procurement Institute.

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

SECTION 1. The legislature finds that government procurement is becoming a distinct field of procedures, laws, regulations, and processes. Government procurement in Hawaii is a powerful economic force in view of the relatively small scale of Hawaii business. The William S. Richardson School of Law at the University of Hawaii is particularly well-equipped and capable to furnish the expertise needed in procurement to ensure that government procurement functions are fair, just, equitable, and efficient. In this manner, businesses of all sizes in this State can benefit from procuring government contracts.

The purpose of this Act is to remove the state procurement institute from the oversight of the state procurement office and establish the institute at the University of Hawaii's William S. Richardson School of Law. The legislature finds that the establishment of a procurement institute under the University of Hawaii is a matter of statewide concern, and does not constitute an intrusion into the exclusive jurisdiction of the board of regents of the University of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

“§ - **Procurement institute; established.** There is established the procurement institute at the William S. Richardson School of Law, University of Hawaii, to be under the direction of a director who shall be appointed by the dean of the school of law, with the approval of the board of regents. Subject to the availability of funds, faculty, and facilities, the institute shall offer such courses of study as may be deemed appropriate and authorized by the board of regents. The institute shall cooperate with other public and private entities and persons to promote and develop a professional acquisition workforce and to improve and enhance the State's contractor industrial base through education and training. The procurement institute may:

- (1) Conduct and participate in procurement education and training for entry-level and higher-qualified state employees and others, including persons not employed by the State;
- (2) Conduct and promote research, conferences, and studies to improve the procurement process, laws, policies, methods, rules, procedures, and forms relating to state and local government procurement;
- (3) Report on and make recommendations regarding goals, guidelines, innovations, and evaluation of state and local government procurement initiatives; and
- (4) Establish and maintain a procurement library within the State.”

SECTION 3. Section 103D-206, Hawaii Revised Statutes, is amended to read as follows:

“§103D-206 Additional duties of the administrator of the procurement office. In addition to the duties referred to in section 103D-205, the administrator shall:

- (1) Perform periodic review of the procurement practices of all governmental bodies;
- (2) Assist, advise, and guide governmental bodies in matters relating to procurement;
- (3) Develop and administer a statewide procurement orientation and training program;
- (4) Develop, distribute, and maintain a procurement manual for all state procurement officials; and
- (5) Develop, distribute, and maintain a procurement guide for vendors wishing to do business with the State and its counties[; and
- (6) ~~Establish and maintain a procurement institute, in cooperation with the University of Hawaii William S. Richardson school of law and other public and private entities and/or persons, to promote and develop a professional acquisition workforce and to improve and enhance the State's contractor industrial base through education and training. The procurement institute may:~~
 - ~~(A) Conduct and participate in procurement education and training for entry level and higher qualified state employees and others, including persons not employed by the State;~~
 - ~~(B) Conduct and promote research, conferences, and studies to improve the procurement process, laws, policies, methods, regulations, procedures, and forms relating to state and local government procurement;~~
 - ~~(C) Report on and make recommendations regarding goals, guidelines, innovations, and evaluation of state and local government procurement initiatives; and~~
 - ~~(D) Establish and maintain a procurement library within the State].”~~

SECTION 4. All rights, powers, functions, and duties of the state procurement office regarding the procurement institute are transferred to the William S. Richardson School of Law, University of Hawaii.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the

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officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 5. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the state procurement office relating to the functions transferred to the University of Hawaii shall be transferred with the functions to which they relate.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved June 28, 2005.)

Note

1. Edited pursuant to HRS §23G-16.5.