



GOV. MSG. NO 900

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 6, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 6, 2007, the following bill was signed into law:

SB1929 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO PUBLIC
PROCUREMENT.
(ACT 142)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO PUBLIC PROCUREMENT.

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

1 SECTION 1. Section 103D-106, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§103D-106[+]~~ **Penalties.** (a) Any person who
4 intentionally violates this chapter or any rules adopted
5 pursuant to this chapter shall be guilty of a misdemeanor~~[, and~~
6 ~~in addition to the applicable criminal penalty, shall be subject~~
7 ~~to removal from office]~~ and shall be [liable]:

8 (1) Subject to removal from office;

9 (2) Liable to the State or the appropriate county for any
10 sum paid by it in connection with the violation, and
11 that sum, together with interest and costs, shall be
12 recoverable by the State or county[+]; and

13 (3) Subject to imposition of an administrative fine under
14 subsection (b).

15 (b) After reasonable notice and reasonable opportunity to
16 be heard, the chief procurement officer, after consultation with
17 the using agency and the attorney general or corporation



1 counsel, as applicable, may render a written decision or issue a
2 written order providing for the assessment of an administrative
3 fine against a person found to have violated this chapter;
4 provided that:

5 (1) The amount of the fine shall be set out in rules
6 adopted by the policy board pursuant to section 103D-
7 202; and

8 (2) The written decision or order shall be final and
9 conclusive, subject to an administrative review under
10 section 103D-709."

11 SECTION 2. Section 103D-709, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The several hearings officers appointed by the
14 director of the department of commerce and consumer affairs
15 pursuant to section 26-9(f) shall have jurisdiction to review
16 and determine de novo, any request from any bidder, offeror,
17 contractor, person aggrieved under section 103D-106, or
18 governmental body aggrieved by a determination of the chief
19 procurement officer, head of a purchasing agency, or a designee
20 of either officer under [~~sections~~] section 103D-310, 103D-701,
21 or 103D-702."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 6 2007

