STAND. COM. REP. NO. 75

Honolulu, Hawaii

, 2021 MAR 2 4

S.B. No. 808 RE:

> S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 808, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE SCHOOL FACILITIES AGENCY," begs leave to report as follows:

The purpose of this measure is to:

- (1)Clarify the powers and responsibilities of the School Facilities Agency, the Agency's Executive Director and administrative staff, and the School Facilities Board;
- (2) Clarify the membership of the School Facilities Board;
- (3) Clarify the sources of moneys to be deposited into the School Facilities Special Fund;
- (4)Change the deadline for the School Facilities Agency to submit its report to the Legislature pursuant to Act 72, Session Laws of Hawaii 2020, to twenty days prior to the convening of the Regular Session of 2022;
- (5)Amend Act 210, Session Laws of Hawaii 2018, to require the City and County of Honolulu to convey to the School Facilities Agency fee simple interest in certain

properties not previously conveyed to the Department of Education;

- (6) Authorize the School Facilities Agency to retain private attorneys to provide certain legal services;
- (7) Exempt the Executive Director of the School Facilities Agency and the agency's full-time staff from civil service requirements;
- (8) Subject to the statutory restriction on the sale or gift of lands without legislative approval lands to which the School Facilities Agency holds title;
- (9) Clarify the definition of the term "school facilities" as the term relates to school impact fees;
- (10) Transfer the total balance of the State Educational Facilities Improvement Fund to the School Facilities Special Fund; and
- (11) Appropriate monies into and out of the School Facilities Special Fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of the Attorney General, Department of Education, and State Procurement Office.

Your Committee finds that Act 72, Session Laws of Hawaii 2020, established the School Facilities Agency, to be responsible for the development, planning, and construction of public school capital improvement projects and help improve the efficiency of school construction while more directly addressing the education needs of students. Your Committee further finds that this measure will provide more clarity as to the powers and responsibilities of the School Facilities Agency, the Agency's Executive Director and administrative staff, and the School Facilities Board, which will improve the Agency's overall efficiency and effectiveness.

Your Committee has amended this measure by:

- (1) Renaming the School Facilities Agency to the School Facilities Authority;
- (2) Clarifying the definition of "project", as it relates to the School Facilities Authority, to include new capital improvement projects funded by the Legislature for completion by the School Facilities Authority;
- (3) Specifying that the School Facilities Authority may borrow money or procure loan guarantees from the federal government for or in aid of any project the Authority is authorized to undertake;
- (4) Changing its effective date to July 1, 2051; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 808, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 808, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Education,

JUSTIN H. WOODSON, Chair

State of Hawaii House of Representatives The Thirty-first Legislature HSCR 1351

Record of Votes of the Committee on Education

Bill/Resolution No.: SB808 SD2	Committee Referral: EDN , F/N		Date: 3/18/2021	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
EDN Members	Ayes	Ayes (WR)	Nays	Excused
1. WOODSON, Justin H. (C)				
2. KAPELA, Jeanne (VC)				+1080,80
3. BELATTI, Della Au				
J. DELATTI, Della Au				
4. DeCOITE, Lynn				an manama allum satusia setti selasi sensia
5. GANADEN, Sonny				
6. GATES, Cedric Asuega				
Z HACHIMOTO TN				
7. HASHIMOTO, Troy N.				
8. OHNO, Takashi				
9. QUINLAN, Sean		iii. a iiiaa aa	Shir i washi Sari Badil dakadii ii adalahii ii washir shi	
10. TAKAYAMA, Gregg				
11. YAMANE, Ryan I.				<u> </u>
12 OVIMOTO Val				
12. OKIMOTO, Val				_
				-
TOTAL (12)	10			2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				