



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1596, RELATING TO SCHOOL CAMPUSES.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Tuesday, February 28, 2023      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Anne T. Horiuchi,  
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Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill establishes and appropriates moneys for a Maui campus housing pilot program (Pilot Program), to be administered by the School Facilities Authority (SFA), which shall make on-campus housing available to employees at Lahainaluna and Kulanihako'i High Schools on the island of Maui. The bill also requires the SFA and Department of Education to submit joint reports to the Legislature. The Pilot Program shall commence on July 1, 2023, and end six years later, on June 30, 2029.

The Department wishes to propose one modification to address an issue concerning SFA's powers. As noted in the bill (page 1, lines 13-17), section 302A-1703(a), Hawaii Revised Statutes, requires that the SFA "be responsible for all public school development, planning, and construction related to capital improvement projects assigned by the legislature, governor, or board of education." The bill, however, requires the Pilot Program to be "administered" by the SFA (page 2, line 12). The SFA has no express power and authority under current law to administer teacher housing programs. Thus, once the development, planning, and construction of the on-campus housing is complete, continued administration of the Pilot Program, as it may relate to charging or collecting rent, managing the properties, or other administrative duties, would need to be handled by a different entity.

The Department respectfully recommends the following amendments:

1. Revise section 2(a) (page 2, lines 11-16) as follows:
  - (a) There is established a Maui campus housing pilot program, to be administered by the school facilities authority[-] during the planning, design, and construction of the on-campus housing. The program shall make on-campus housing available to teachers, staff, and administrators employed at Lahainaluna and Kulanihako'i high schools on the island of Maui. The program shall commence on July 1, 2023, and end on June 30, 2029[-]; provided that after construction of the on-campus housing is completed, [entity] will administer the program.
2. Add the following statement to section 2(b), after paragraph (3):  
The school facilities authority shall not be required to participate in submitting the joint report to the legislature the year after the completion of the construction of the on-campus housing, if submission of the joint report is still required at that time.

Thank you for the opportunity to provide comments on this measure.