

STAND. COM. REP. NO.

1351

Honolulu, Hawaii

MAR 24 , 2021

RE: S.B. No. 808
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



