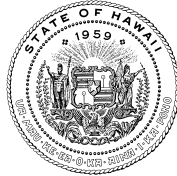


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE

COMMITTEE ON GOVERNMENT OPERATIONS

FEBRUARY 3, 2026, 3:00 P.M.
CONFERENCE ROOM 225 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 2064

RELATING TO STATE CONSTRUCTION PROJECTS

Chair McKelvey, Vice Chair Gabbard, and members of the Committee, thank you for the opportunity to submit testimony on S.B. 2064.

The Department of Accounting and General Services (DAGS) **opposes** S.B. 2064 which establishes a new Office of the State Architect. As drafted this bill would create a new layer of bureaucracy which may not effectively address the issues encountered by State projects. It may be more effective to examine the staffing needs of the CIP agencies, with a view to strengthening the agencies' internal abilities to address the concerns this draft bill seeks to address.

The CIP agencies currently have internal design review processes similar to those addressed in this measure, and it is likely that those internal reviews would be required to continue to be conducted prior to submitting for the Architect's review.

The Architect's review process will probably result in comments / questions / concerns communicated from the Architect to the agency responsible. It cannot be expected that the Architect will be conversant in all aspects of every project undertaken by the State and, therefore, it must be assumed that many of the Architect's comments / questions / concerns will be the products of a lack of familiarity with the details underlying each project. Nevertheless, staff of the agency responsible will have to respond to those comments / questions / concerns, requiring more staff time, adding time to each project schedule, and slowing the delivery of projects. As it is, it can be difficult for agencies to complete the design of projects within the time allowed by the statutory provisions governing the lapsing of CIP funds: adding time to the design process cannot be expected to ease that difficulty and should be expected to cause more project appropriations to lapse.

The department believes aspects of the draft bill may be overly broad. For example, the draft bill would require the Architect to approve design documents is not in the best interests of the state, as such approval may be construed as relieving the designer of liability for the errors and omissions or acts of gross negligence incorporated into the approved design documents.

The scope and volume of work assigned to the Architect would require the creation of a significant organization, with staffing of perhaps 100 or more people, including both technical staff and administrative/clerical/accounting support staff.

The draft bill provides funding for the Architect through both appropriations and assessments of fees against projects. Until FY2019 PWD was similarly funded, with technical staff costs paid through the "Public works project assessment fund"

established under HRS 107-1.5 and overhead staff costs paid through annual operating appropriations. In FY2019, apparently in response to concerns regarding the use of GO bond proceeds to fund the operating costs represented by staff salaries, funding for all staff costs was converted to annual general fund appropriations. It may be somewhat curious, therefore, that a similar mix of GO and GF funding is proposed for the Architect.

Section 2 (starting on page 4) of the draft bill amends HRS 26-6(b) by addition of a new paragraph “(14) Provide exclusive centralized design review services for state construction projects and issue design approvals through the state architect.” This may conflict with existing paragraph (6) (“Undertake the program of centralized engineering and office leasing services, including operation and maintenance and lease buyback processing pursuant to subsection (d) of public buildings, for departments of the State;”). We note that, over the decades, the “centralized” aspect of paragraph (6) has eroded, with several departments and agencies establishing stand-alone engineering functions intended to be more directly responsive to the specialized requirements of those agencies, i.e., more responsive than may be possible through a centralized agency. It would seem likely that a similar erosion would occur to the Architect’s centralized functions; and it would seem prudent for this bill to anticipate that erosion now rather than requiring that erosion be accommodated over an extended period.

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



DISABILITY AND COMMUNICATION ACCESS BOARD

Ka 'Oihana Ho'oka'a'ike no ka Po'e Kīnānā

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 3, 2026

TESTIMONY TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Senate Bill 2064 – Relating to State Construction Projects

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 2064 – Relating to State Construction Projects. This bill establishes within the Department of Accounting and General Services the Office of the State Architect, directed by a State Architect appointed by the Governor. It requires the State Architect to organize, manage, and oversee the design review of all state construction projects and issue design approvals for traditional design-bid-build state construction projects. It requires an annual report to the Governor and Legislature. Authorizes the Department of Accounting and General Services to oversee design review services for state construction projects and issue certain design approvals through the State Architect. And appropriates moneys.

Prior versions of the Hawaii State Building Code as adopted by the State Building Code Council included the following exemption: Chapter 11 Accessibility. Chapter 11 is deleted in its entirety and replaced to read as follows: "1101 Scope. Buildings or portions of buildings shall be accessible to persons with disabilities in accordance with the following regulations: 1. For construction of buildings or facilities of the state and county governments, compliance with Section 103-50 HRS, administered by the Disability and Communication Access Board, State of Hawaii."

However, due to the Building Code Council's inability to adopt a revised Hawaii State Building Code following Governor Green's Emergency Proclamation on Housing, the current Hawaii State Building Code defaults to the 2021 International Building Code (IBC). The IBC includes Chapter 11 Accessibility. Section 103-50, Hawaii Revised Statutes requires all state and county projects to submit plans to DCAB for a compliance review with the Americans with Disabilities Act Accessibility Guidelines, Title 36 Code of Federal Regulations Part 1191, and of the Federal Fair Housing Amendments Act of 1988 as applicable.

Since the IBC differs from the various federal regulations, a bifurcated review process may cause projects to be delayed from entering their construction phase. Therefore, DCAB recommends establishing the Office of the State Architect after the Hawaii State Building Code Council adopts a new Hawaii State Building Code.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Kristine Pagano

KRISTINE PAGANO
Acting Executive Director



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Government Operations

Testimony by
Hawaii Government Employees Association

February 3, 2026

S.B. 2064 – RELATING TO STATE CONSTRUCTION PROJECTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes **S.B. 2064, specifically page 3 lines 13 to 16**, which allows the state architect to employ or contract with qualified architect and engineers without regard to Hawaii Revised Statutes Chapter 76.

While we have no objections to the creation of the Office of the State Architect, we do have concerns about the need to grant the State Architect the authority to unilaterally hire architects and engineers without regard to civil service law – effectively opening the door to create exempt positions within this proposed office, and generally, more exempt positions within state government. Over these past few years, we have seen an increase in the use of exempt positions, which in large part, is due to our lethargic civil service hiring process, our states inability to increase civil service pay to a competitive rate, and frankly, some managers just looking to assert more control over their employees by making them ‘at-will’.

Across of all jurisdictions, architects’ and engineers’ duties have been historically provided by civil serve employees. Exempt employees do not have the same rights compared to civil service employees as they are considered “at-will” by the employer. Furthermore, exempt employees do not go through any merit-based hiring which opens to door for managers to hire unqualified individuals. Given to what we are witnessing with the current federal administration, where they have been mass firings and controversial appointments to positions without regard to proper process, and seeing how that has embolden other employers to think the same, we find this proposal even more concerning.

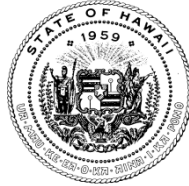
Thank you for the opportunity to testify and to oppose S.B. 2064.

Respectfully submitted,

Randy Perreira
Executive Director

LATE

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
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DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

Tuesday, February 3, 2026
3:00 p.m.
State Capitol, 225

SB2064
RELATING TO STATE CONSTRUCTION PROJECTS

Senate Committee on Government Operations

The Department of Transportation (DOT) submits testimony in opposition to Senate Bill 2064, which establishes the Office of the State Architect within the Department of Accounting and General Services.

While the DOT recognizes the potential benefits of centralizing design review and approval processes for state construction projects, we would like to offer several considerations regarding the implementation of this bill and its potential impact on transportation infrastructure projects.

The DOT acknowledges that the creation of an Office of the State Architect could streamline the design review process and potentially improve the consistency and quality of state construction projects. However, we want to ensure that this new structure does not inadvertently create additional bureaucratic layers or delays for critical transportation infrastructure projects.

Transportation projects often have unique requirements and specifications that necessitate specialized knowledge and expertise. The DOT recommends that the bill include provisions for close collaboration between the Office of the State Architect and the DOT's engineering and design teams to ensure that transportation-specific needs are adequately addressed in the design review process.

Furthermore, we suggest that the bill clarify the scope of the State Architect's authority with respect to federally funded transportation projects, which may have specific design requirements and approval processes mandated by federal agencies.

The DOT also recommends that the bill include language to ensure that the establishment of the Office of the State Architect does not conflict with or duplicate

existing procurement methods that have proven effective for transportation projects, such as the Construction Manager/General Contractor (CM/GC) method, which the DOT has been exploring as an innovative project delivery approach.

Lastly, we suggest that the annual report to the Governor and Legislature include specific metrics on the impact of the Office of the State Architect on project timelines, costs, and quality, with particular attention to different categories of state construction projects, including transportation infrastructure.

The DOT is committed to working collaboratively with the Department of Accounting and General Services and the proposed Office of the State Architect to ensure that this new structure enhances rather than hinders the efficient delivery of high-quality transportation projects for the people of Hawaii.

Thank you for the opportunity to submit comments on this bill.