

Honolulu, Hawaii

FEB 12 2021

RE: S.B. No. 808
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

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

"A BILL FOR AN ACT RELATING TO THE SCHOOL FACILITIES AGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Describe the powers and responsibilities of the School Facilities Agency by amending Act 72, Session Laws of Hawaii 2020; and
- (2) Transfer the total fund balance in the state educational improvement fund to the school facilities special fund by a certain date.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from the Department of Education, State Procurement Office, and Department of Budget and Finance.

Your Committee finds that currently, Act 72, Session Laws of Hawaii 2020 (Act 72), does not clearly describe the powers and responsibilities of the School Facilities Agency and its Executive Director, School Facilities Board, and administrative staff. This measure will amend some of the provisions of Act 72, which will



help provide guidance and improve the efficiency of the School Facilities Agency.


Your Committee has amended this measure by:

- (1) Amending Act 72 to specify that the School Facilities Agency may appoint or retain by contract one or more attorneys independent of the Attorney General to provide legal services solely in cases of negotiations in which the Attorney General lacks expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general assigned and make conforming amendments;
- (2) Amending Act 72 to specify that the School Facilities Agency may use the Department of Human Resources Development to recruit, hire, and retain exempt employees, architects, engineers, existing civil service positions for the development, planning, and construction related to capital improvement projects;
- (3) Specifying that there shall be transferred all rules, policies, deeds, contracts, and agreements from the Department of Education to the School Facilities Agency that are related to the school impact fees;
- (4) Specifying that a blank general fund appropriation be made to fund the special facilities special fund and an appropriation from the fund for the purposes of this Act; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 808, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.




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


MICHELLE N. KIDANI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB 808	Committee Referral: EDU, WAM/JDC	Date: 02/08/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
DELA CRUZ, Donovan M.	/			
KANUHA, Dru Mamo	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes