STAND. COM. REP. NO. **2100** -22

Honolulu, Hawaii

APR 19 ' 2022

RE: S.C.R. Nc. 168

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Education, to which was referred S.C.R. No. 168 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE SCHOOL FACILITIES AUTHORITY TO ADOPT AND PUBLISH ADMINISTRATIVE RULES NECESSARY TO IMPLEMENT ACT 72, SESSION LAWS OF HAWAII 2020, AS AMENDED, BY NO LATER THAN JULY 1, 2023, AND THE GOVERNOR TO SUBMIT A RELATED REPORT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Request the School Facilities Authority to adopt and publish administrative rules in accordance with chapter 91, Hawaii Revised Statutes, as necessary to implement Act 72, Session Laws of Hawaii 2020, as amended, by no later than July 1, 2023; and
- (2) Request the Governor to submit a report to the Legislature prior to the 2023 Regular Session documenting the process by which the School Facilities Authority purchases real property and executes capital improvement project contracts.

Your Committee received comments on this measure from the School Facilities Authority.

2022-3135 SCR168 HD1 HSCR HMSO

Your Committee finds that Act 72, Session Laws of Hawaii 2020 (Act 72), established the School Facilities Agency to be a body corporate and a public instrumentality of the State for the purposes of being responsible for public school capital improvement projects assigned to the Legislature, Governor, or Board of Education. Act 217, Session Laws of Hawaii 2021, subsequently renamed the School Facilities Agency as the School Facilities Authority. Your Committee notes that there are currently no administrative rules to implement Act 72, as amended, and that there is a lack of clarity regarding the process by which the School Facilities Authority purchases real property and executes capital improvement project contracts. Your Committee believes that encouraging the adoption of administrative rules to implement Act 72, as amended, will improve the School Facilities Authority's overall efficiency and effectiveness. In addition, the reporting requirement in this measure will provide greater transparency on issues surrounding real property purchases and capital improvement contracts.

Your Committee has amended this measure by:

- (1) Requesting the School Facilities Authority, rather than the Governor, to submit a report to the Legislature documenting the process by which the Authority purchases real property and executes capital improvement project contracts;
- (2) Removing the Governor from the list of entities receiving certified copies of this measure;
- (3) Amending its title in accordance with its amended purpose; and
- (4) 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 concurs with the intent and purpose of S.C.R. No. 168, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.C.R. No. 168, H.D. 1.

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

JUSTEN H. WOODSON, Chair

State of Hawaii

Record of Votes of the Committee on Education

Bill/Resolution No.:	Committee Referral:	Date:	4/14/	22
SCR168	EON FIN		HI H	
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)				
3. BELATTI, Della Au				
4. CLARK, Linda				
5. COSTALES, Luella				
6. GANADEN, Sonny			`	
7. GATES, Cedric Asuega				
8. HASHIMOTO, Troy N.				
9. OHNO, Takashi				
10. QUINLAN, Sean				
11. TAKAYAMA, Gregg				
12. YAMANE, Ryan I.				
13. OKIMOTO, Val				
TOTAL (13)	8	0	0	
The recommendation is: Adopted If joint referral, did not support recommendation. mmittee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				