



GOV. MSG. NO. 1161

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 5, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 5, 2023, the following bill was signed into law:

SB531 SD2 HD1 CD1

RELATING TO EDUCATION.
ACT 061

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 5 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 531
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the school
2 facilities authority is tasked with an important mission to
3 ensure the development, planning, and construction of all public
4 schools in the State. By ensuring that each public school's
5 facilities provide students, educators, and communities with
6 high quality and healthy learning environments, the school
7 facilities authority actively supports public education.

8 However, for the school facilities authority to fulfill its
9 mission to support public education in the State, the school
10 facilities authority requires effective leadership.

11 The legislature further finds that other agencies
12 administratively attached to the department of education, such
13 as the executive office on early learning, the state public
14 charter school commission, and the state library system, require
15 their respective boards to appoint their executive director.

16 However, the school facilities authority executive director is
17 appointed by the governor, with the advice and consent of the
18 senate. As a result, the selection of the executive director of



1 the school facilities authority is not consistent with other
2 similar agencies. To promote uniformity, the school facilities
3 authority executive director should be appointed by the
4 authority's board members.

5 Therefore, the purpose of this Act is to authorize the
6 school facilities authority board, rather than the governor, to
7 appoint the executive director of the school facility authority.

8 SECTION 2. Section 302A-1702, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§302A-1702 School facilities authority; established. (a)

11 There is established the school facilities authority, which
12 shall be a body corporate and a public instrumentality of the
13 State. The authority shall be placed within the department for
14 administrative purposes only.

15 ~~[(b) The authority shall employ an executive director~~
16 ~~exempt from chapters 76 and 89. The governor shall appoint the~~
17 ~~executive director in the manner prescribed in section 26-34;~~
18 ~~provided that the executive director's term shall be for six~~
19 ~~years, which shall commence on the day the senate advises and~~
20 ~~consents to the executive director's nomination and the~~
21 ~~executive director shall not be limited in the number of terms~~



1 ~~served. If a vacancy occurs during a term, the governor shall~~
2 ~~appoint an interim executive director whose appointment shall~~
3 ~~expire if the senate does not advise and consent to the~~
4 ~~nomination of an executive director at the next regular session~~
5 ~~of the legislature after the vacancy occurs. The salary of the~~
6 ~~executive director shall be set by the school facilities board~~
7 ~~and the executive director shall be included in any benefit~~
8 ~~program generally applicable to the officers and employees of~~
9 ~~the State.~~

10 ~~(e)]~~ (b) The executive director appointed pursuant to
11 section 302A-1704(f) shall:

- 12 (1) Serve as the authority's chief executive officer and
13 chief procurement officer;
14 (2) Be responsible for carrying out the purposes of the
15 authority; and
16 (3) Serve on a full-time basis."

17 SECTION 3. Section 302A-1704, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§302A-1704 School facilities authority board. (a) There
20 is established the school facilities authority board, which
21 shall head and oversee the authority.



1 (b) The board shall consist of five voting members. The
2 members shall:

3 (1) Be appointed by the governor pursuant to section 26-
4 34;

5 (2) Have an interest in public school facilities;

6 (3) Include one member actively or previously engaged in
7 the construction industry for at least five years; and

8 (4) Serve without compensation but may be reimbursed for
9 expenses, including travel expenses, necessary for the
10 performance of their duties.

11 (c) The board shall be responsible for:

12 (1) All matters related to the projects the authority is
13 authorized and responsible for initiating and
14 completing under this subpart, including preferred
15 strategies to complete those projects; and

16 (2) Evaluating the performance of the authority's
17 executive director on an annual basis.

18 (d) The board shall select a chairperson by a majority
19 vote of its voting members. A majority of the voting members
20 serving on the board shall constitute a quorum to conduct
21 business. The concurrence of the majority of the voting members



1 serving on the board shall be necessary to make any action of
2 the board valid.

3 (e) The board may form workgroups and subcommittees that
4 include individuals who are not board members, to:

5 (1) Obtain resource information from construction and
6 education professionals and other individuals as
7 deemed necessary by the board;

8 (2) Make recommendations to the board; and

9 (3) Perform other functions as deemed necessary by the
10 board to fulfill its duties and responsibilities.

11 Two or more board members, but less than a quorum, may
12 discuss matters relating to official board business in the
13 course of their participation in a workgroup or subcommittee,
14 and these discussions shall be a permitted interaction as
15 provided for in section 92-2.5; provided that all other
16 provisions of chapter 92 shall apply.

17 (f) The board shall appoint an executive director of the
18 school facilities authority who shall be exempt from chapters 76
19 and 89. The salary of the executive director shall be set by
20 the board and the executive director shall be included in any



1 benefit program generally applicable to the officers and
2 employees of the State."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 5th day of June, 2023



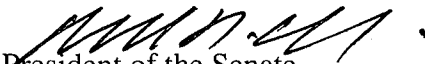
GOVERNOR OF THE STATE OF HAWAII

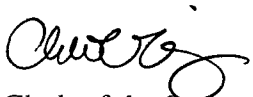


THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 531, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives