



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 531, S.D. 1, RELATING TO EDUCATION.

BEFORE THE:

SENATE COMMITTEE ON EDUCATION

DATE: Monday, February 13, 2023 **TIME:** 3:10 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Kidani and Members of the Committee:

The Department of the Attorney General provides the following comments.

The bill authorizes the School Facilities Authority (SFA) to appoint an Executive Director and evaluate the Executive Director's performance annually.

The bill amends section 302A-1702, Hawaii Revised Statutes (HRS), to state that the "authority" shall appoint the Executive Director of the SFA. The reference to the "authority," however, may be confusing, because it is a reference to an entity. To provide clarity, we recommend that the first sentence of section 302A-1702(b), HRS, be revised to state: "(b) The authority board shall [~~employ~~] appoint an executive director exempt from chapters 76 and 89" (page 2, lines 10-11). In the alternative, the responsibility to appoint an executive director could be added to the other responsibilities of the school facilities authority board in section 302A-1704(c)(2), HRS.

The bill also amends section 302A-1702(b), HRS, by adding a sentence: "The authority shall evaluate the executive director on an annual basis" (page 2, line 21, to page 3, line 1). We recommend that this new sentence be removed, because the responsibility for the annual evaluation of the Executive Director by the SFA board is already set forth in section 302A-1704(c)(2), HRS.

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