

Honolulu, Hawaii

APR 23 2021

RE: S.B. No. 808
S.D. 2
H.D. 1
C.D. 1

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 808, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Rename the School Facilities Agency as the School Facilities Authority;
- (2) Describe the powers and responsibilities of the School Facilities Authority by amending chapter 302A, part VI, subpart C and Act 72, Session Laws of Hawaii 2020;
- (3) Transfer the total fund balance in the state educational improvement fund to the school facilities special fund by an unspecified date; and



(4) Appropriate funds.

Your Committee on Conference finds that Act 72, Session Laws of Hawaii 2020, established the School Facilities Agency, to be responsible for the development, planning, and construction of public school capital improvement projects and help improve the efficiency of school construction while more directly addressing the education needs of students. Your Committee on Conference further finds that this measure will provide more clarity as to the powers and responsibilities of the School Facilities Agency, the Agency's Executive Director and administrative staff, and the School Facilities Board, which will improve the Agency's overall efficiency and effectiveness.

Your Committee on Conference has amended this measure by:

- (1) Updating the purpose section;
- (2) Clarifying that the School Facilities Authority shall employ an Executive Director exempt from chapters 76 and 89, Hawaii Revised Statutes;
- (3) Removing language that provides that the establishment of the School Facilities Authority shall be for the purposes of implementing chapter 302A, part VI, subpart C, Hawaii Revised Statutes;
- (4) Clarifying that the School Facilities Authority shall comply with chapter 103D, Hawaii Revised Statutes;
- (5) Substituting the term "school facilities board" with "school facilities authority board";
- (6) Clarifying that the School Facilities Authority Board shall head and oversee the School Facilities Authority;
- (7) Removing language that the School Facilities Authority Board shall be responsible for advising the School Facilities Authority on preferred strategies to complete construction projects;
- (8) Clarifying that the School Facilities Authority Board shall be responsible for all matter related to the projects the School Facilities Authority is authorized and responsible for initiating and completing;



- (9) Substituting the term "subpart" with "chapter" in section 302A-1705, Hawaii Revised Statutes;
- (10) Amending Act 72, Session Laws of Hawaii 2020, section 5 to exclude the administrative positions for the School Facilities Authority from chapter 89, Hawaii Revised Statutes;
- (11) Amending Act 72, Session Laws of Hawaii 2020, section 10 to clarify that the School Facilities Authority shall be responsible for implementing the provisions of sections 302A-1151.1 and 302A-1151.2, Hawaii Revised Statutes, subpart B, part VI of chapter 302A, Hawaii Revised Statutes, and the development, planning, and construction of public schools facilities that the School Facilities Authority is authorized to undertake and complete;
- (12) Deleting language that required the City and County of Honolulu to convey fee simple interest in properties not previously conveyed to the Department of Education and School Facilities Authority;
- (13) Clarifying that the Executive Director and seven full-time administrative positions of the School Facilities Authority shall be exempt from section 76-16(b), Hawaii Revised Statutes, relating to civil service;
- (14) Specifying that the term "school facilities authority" shall be substituted for the word "department", "board", or "board of education" in section 302A-1151.1, Hawaii Revised Statutes;
- (15) Specifying that the Department of Education shall transfer the total fund balance in the state educational facilities improvement fund and all encumbrances against that fund to the school facilities special fund no later than one hundred eighty days of the effective date of this measure;
- (16) Specifying that every reference to the Department of Education, Board of Education, Chairperson of the Board of Education, or Superintendent of Education relating to the school impact fees is amended to refer to the School Facilities Authority, Executive Director of the School Facilities Authority, School Facilities Board, or Chairperson of the School Facilities Board;




- (17) Removing appropriation language;
- (18) Making conforming amendments; and
- (19) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 808, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 808, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

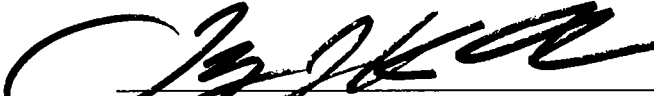
ON THE PART OF THE SENATE



 AUSTIN H. WOODSON
 Co-Chair



 MICHELLE N. KIDANI
 Chair



 TY J. R. CULLEN
 Co-Chair



 GILBERT S.C. KEITH-AGARAN
 Co-Chair



 KARL RHOADS
 Co-Chair



Hawai'i State Legislature

CCR 148

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 808, SD 2, HD 1	Date/Time: April 21, 2021 4:05 pm
--	---

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KIDANI, Michelle N., Chr.	✓				WOODSON, Justin H., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			✓	CULLEN, Ty J.K., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				YAMASHITA, Kyle T.				✓
					OKIMOTO, Val	✓			
TOTAL	2			1	TOTAL	3			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	---

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:
 Original
 Yellow
 Pink
 Goldenrod

File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency