

STAND. COM. REP. NO.

969

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 808
S.D. 2

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

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred S.B. No. 808, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to clarify the powers and responsibilities of the School Facilities Agency.

More specifically, this measure:

- (1) Clarifies the powers and responsibilities of the School Facilities Agency, the agency's director and administrative staff, and the School Facilities Board;
- (2) Clarifies the membership of the School Facilities Board;
- (3) Clarifies the sources of moneys to be deposited into the School Facilities Special Fund;
- (4) Changes the deadline for the School Facilities Agency to submit its report to the Legislature pursuant to Act 72, Session Laws of Hawaii 2020, to twenty days prior to the convening of the Regular Session of 2022;
- (5) Amends Act 210, Session Laws of Hawaii 2018, to require the City and County of Honolulu to convey to the School



Facilities Agency fee simple interest in certain properties not previously conveyed to the Department of Education;

- (6) Authorizes the School Facilities Agency to retain private attorneys to provide certain legal services;
- (7) Exempts the Director of the School Facilities Agency and the agency's full-time staff from civil service requirements;
- (8) Subjects to the statutory restriction on the sale or gift of lands without legislative approval lands to which the School Facilities Agency holds title;
- (9) Clarifies the definition of the term "school facilities," as the term relates to school impact fees;
- (10) Transfers the total balance of the State Educational Facilities Improvement Fund to the School Facilities Special Fund; and
- (11) Appropriates moneys into and out of the School Facilities Special Fund.

Your Committees received written comments in support of this measure from the Department of Transportation and one individual.

Your Committees received written comments in opposition to this measure from the Department of the Attorney General and Hawaii Government Employees Association.

Your Committees received written comments on this measure from the Department of Budget and Finance and Department of Education.

Your Committees find that the clarifications to the powers and responsibilities of the School Facilities Agency, the agency's director and administrative staff, and the School Facilities Board made by this measure will provide additional guidance to the agency and improve the agency's overall efficiency and effectiveness.



Your Committees have amended this measure by:

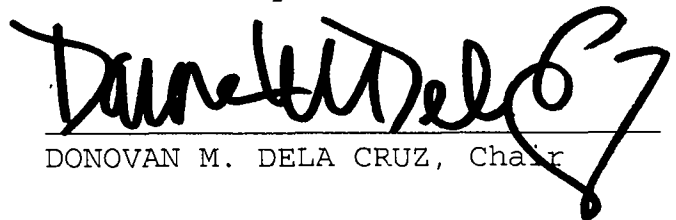
- (1) Amending Part VI, Subpart C of Chapter 302A, Hawaii Revised Statutes, instead of Section 1 of Act 72, Session Laws of Hawaii 2020;
- (2) Clarifying that moneys received by the School Facilities Agency for deposit into a trust account shall not be deposited into the school facilities special fund;
- (3) Expanding the scope of public lands to include lands to which the school facilities agency holds title;
- (4) Inserting a definition of the term "agency" into section 302A-1602, Hawaii Revised Statutes;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 808, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 808, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 808, SD1	EDU, WAM/JDC	2/23/21


The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.		X		
WAKAI, Glenn				X
FEVELLA, Kurt	X			
TOTAL	9	1		1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* 58808, SD1	Committee Referral: EDU, WAM JDC	Date: 2/23/21
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	6	1	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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