

JAN 22 2021

A BILL FOR AN ACT

RELATING TO PUBLIC LIBRARIES.

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

1 SECTION 1. Chapter 312, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§312- Pilot program for lease of public library land.

5 (a) There shall be established a pilot program for the lease of
6 public library land, including facilities. The state librarian,
7 in consultation with the board of education and any other
8 appropriate agency, shall serve as the facilitator of the pilot
9 program.

10 (b) Notwithstanding section 171-13, or any other law to
11 the contrary, the board of education may lease public library
12 land on terms it deems appropriate, including a leaseback of all
13 or a portion of the improvements constructed; provided that:

14 (1) The board of education may identify and select up to
15 five public library land sites as candidates for
16 participation in the pilot program; provided further
17 that:



S.B. NO. 247

1 (A) During the identification and selection process,
2 the board of education shall be subject to
3 chapter 92, shall hold at least one public
4 meeting in each affected community, and shall
5 promote library and community participation; and

6 (B) If the site is on land owned by the county, the
7 department of education shall consult with the
8 county;

9 (2) The board of education may lease no more than three
10 public library land sites identified and selected by
11 the board of education pursuant to paragraph (1) under
12 leases for a term of not more than fifty-five years
13 per lease, unless extended pursuant to section 171-36,
14 to lessees who shall be required to modify, construct,
15 or utilize facilities to meet the mission of the
16 public libraries, in accordance with specific request
17 for proposal or request for information guidelines;

18 (3) Each lease shall stipulate that the lessee may retain
19 any revenue generated from the facilities; provided
20 further that:

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S.B. NO. 247

- 1 (A) The lessee shall be obligated to maintain and
2 operate the facilities to meet the mission of the
3 public libraries for the length of the lease;
- 4 (B) The lessee shall pay all applicable property
5 taxes on the value of any improvements;
- 6 (C) A leasehold premium may be charged to the lessee
7 for the right to use the public library land
8 based on a competitive process that complies with
9 applicable sections of chapter 103D;
- 10 (D) Upon the expiration of the lease, the facilities
11 shall revert to the board of education; and
- 12 (E) All revenues and proceeds derived by the State
13 under this section shall be deposited in the
14 library facilities fund pursuant to subsection
15 (f); and
- 16 (4) Notwithstanding any law to the contrary, the board of
17 education may enter into leaseback agreements that
18 allow the board of education to lease or sublease the
19 property to a third party. The board of education may
20 lease back the property from the third-party lessee or



1 sublessee for a contractual period of time, after
2 which the department shall own any improvements.

3 (c) Any redevelopment involving nonlibrary purposes shall:

4 (1) Comply with county plans, ordinances, and zoning and
5 development codes; and

6 (2) Acquire all required government approvals and permits.

7 (d) Nothing in this section shall preclude the state
8 librarian or the board of education from working with and
9 receiving assistance from any other department or agency in
10 carrying out the purposes of this section.

11 (e) Any lease entered into by the board of education
12 pursuant to subsection (b) shall be fully executed no later than
13 July 1, 2031.

14 (f) There is established in the state treasury the library
15 facilities fund. All proceeds from the leases, permits,
16 interest income generated from public library lands, and other
17 revenue generated from the nonpermanent disposition of public
18 library lands, including facilities, pursuant to this section
19 shall be deposited into the library facilities fund. Except as
20 otherwise provided by law, all moneys in the library facilities
21 fund shall be used for state library programs."



1 SECTION 2. The board of education shall submit a report to
2 the legislature no later than twenty days prior to the convening
3 of the regular session of 2023 and each regular session
4 thereafter until the completion of each project authorized
5 pursuant to this Act. The report shall include:

6 (1) A timeline for the pilot program pursuant to this Act,
7 including:

8 (A) A timeline for the redevelopment of each selected
9 site;

10 (B) An estimated start and completion date for each
11 selected site; and

12 (C) Estimates for the time required to obtain any
13 necessary county or state approvals required to
14 complete the redevelopment of each site;

15 (2) A summary of the state librarian's and board of
16 education's activities, results, and recommendations
17 to optimize the use of public library lands as a means
18 to meet the mission of the public libraries;

19 (3) A summary of all library and community engagement
20 efforts undertaken or that will be undertaken by the



1 department of education in carrying out the pilot
2 program pursuant to this Act;

3 (4) A summary of the state librarian's and board of
4 education's current and projected budgeted expenses,
5 including the identification of any contracts with
6 third parties and the creation of temporary positions
7 within the department in carrying out the pilot
8 program pursuant to this Act;

9 (5) A summary of any capacity and funding issues or
10 challenges the state librarian or board of education
11 has encountered in carrying out the pilot program
12 pursuant to this Act; and

13 (6) Any proposed legislation.

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: *Transcribed*

S.B. NO. 247

Report Title:

Public Library Lands; Leases; BOE

Description:

Establishes a pilot program to generate revenue through the lease of public library lands to meet the mission of the public libraries. Establishes the library facilities fund. Requires the state librarian and board of education to report to the legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

