
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 department 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 department of education may lease public
12 library land on terms it deems appropriate, including a
13 leaseback of all or a portion of the improvements constructed;
14 provided that:

15 (1) The department of education may identify and select up
16 to five public library land sites as candidates for



1 participation in the pilot program; provided further
2 that:

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

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

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



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



1 or sublease the property to a third party. The
2 department of education may lease back the property
3 from the third-party lessee or sublessee for a
4 contractual period of time, after which the department
5 shall own any improvements.

6 (c) Any redevelopment involving nonlibrary purposes shall:

7 (1) Comply with county plans, ordinances, and zoning and
8 development codes; and

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

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

14 (e) Any lease entered into by the department of education
15 pursuant to subsection (b) shall be fully executed no later than
16 July 1, 2031.

17 (f) There is established in the state treasury the library
18 facilities fund. All proceeds from the leases, permits,
19 interest income generated from public library lands, and other
20 revenue generated from the nonpermanent disposition of public
21 library lands, including facilities, pursuant to this section



1 shall be deposited into the library facilities fund. Except as
2 otherwise provided by law, all moneys in the library facilities
3 fund shall be used for state library programs."

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

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

11 (A) A timeline for the redevelopment of each selected
12 site;

13 (B) An estimated start and completion date for each
14 selected site; and

15 (C) Estimates for the time required to obtain any
16 necessary county or state approvals required to
17 complete the redevelopment of each site;

18 (2) A summary of the state librarian's and department of
19 education's activities, results, and recommendations
20 to optimize the use of public library lands as a means
21 to meet the mission of the public libraries;



- 1 (3) A summary of all library and community engagement
- 2 efforts undertaken or that will be undertaken by the
- 3 department of education in carrying out the pilot
- 4 program pursuant to this Act;
- 5 (4) A summary of the state librarian's and department of
- 6 education's current and projected budgeted expenses,
- 7 including the identification of any contracts with
- 8 third parties and the creation of temporary positions
- 9 within the department of education in carrying out the
- 10 pilot program pursuant to this Act;
- 11 (5) A summary of any capacity and funding issues or
- 12 challenges the state librarian or department of
- 13 education has encountered in carrying out the pilot
- 14 program pursuant to this Act; and
- 15 (6) Any proposed legislation.

16 SECTION 3. New statutory material is underscored.

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

S.B. NO. 247 S.D. 1

Report Title:

Public Library Lands; Leases; DOE

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 department of education to report to the legislature. (SD1)

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

