

JAN 20 2023

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding three new sections to part VI, subpart C, to
3 be appropriately designated and to read as follows:

4 "§302A- Acquisition of real property from a county.

5 Notwithstanding the provision of any law or charter to the
6 contrary, any county, by resolution of its local governing body,
7 without public auction, sealed bids, or public notice, may sell,
8 lease for a term not exceeding sixty-five years, grant or convey
9 to the authority any real property owned by it that the
10 authority certifies to be necessary for its purposes. The sale,
11 lease, grant, or conveyance shall be made with or without
12 consideration and upon terms and conditions as may be agreed
13 upon by the county and the authority. Certification shall be
14 evidenced by a formal request from the authority. Before the
15 sale, lease, grant, or conveyance may be made to the authority,
16 a public hearing shall be held by the local governing body to
17 consider the same. Notice of the hearing shall be published at



1 least ten days before the date set for the hearing in a
2 publication and in a manner as may be designated by the local
3 governing body.

4 §302A- Exemption from taxation. The authority shall
5 not be required to pay assessments levied by any county, nor
6 shall the authority be required to pay state taxes of any kind.

7 §302A- Assistance by state and county agencies. Any
8 state or county agency may render services upon request of the
9 authority."

10 SECTION 2. Section 302A-1703, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Except as otherwise limited by this chapter, the
14 authority shall be responsible for [~~all~~] public school
15 development, planning, and construction related to capital
16 improvement projects assigned by the legislature, governor, or
17 board of education."

18 2. By amending subsection (c) to read:

19 "(c) Except as otherwise limited by this chapter, the
20 authority may also:

21 (1) Have a seal and alter the same at its pleasure;



- 1 (2) Subject to subsection (b), make and execute contracts
2 and all other instruments necessary or convenient for
3 the exercise of its powers and functions under this
4 subpart;
- 5 (3) Make and alter bylaws for its organization and
6 internal management;
- 7 (4) Adopt rules pursuant to chapter 91 with respect to its
8 projects, operations, properties, and facilities,
9 including qualifications for persons and entities
10 wishing to enter into a public-private partnership
11 with the authority, as permitted in paragraph [~~(7)~~]
12 (8);
- 13 (5) Acquire or contract to acquire by grant or purchase
14 real, personal, or mixed property or any interest
15 therein; to clear, improve, and rehabilitate and to
16 sell, assign, exchange, transfer, convey, lease,
17 subdivide, or otherwise dispose of or encumber the
18 same;
- 19 (6) Acquire property by condemnation pursuant to
20 chapter 101;



1 (7) Adopt rules pursuant to chapter 91 that shall
2 supersede all other inconsistent ordinances and rules
3 relating to the zoning of land and construction
4 thereon for the purposes of implementing this subpart;
5 provided that the rules adopted pursuant to this
6 paragraph shall follow existing laws, rules,
7 ordinances, and regulations as closely as is
8 consistent with standards meeting minimum requirements
9 of good design, pleasant amenities, health, safety,
10 and coordinated development;

11 [~~7~~] (8) Enter into partnerships with qualified persons,
12 including public-private partnerships, as defined in
13 the authority's rules, to acquire, construct,
14 reconstruct, rehabilitate, improve, alter, or provide
15 for the construction, reconstruction, improvement, or
16 alteration of any project; and sell, assign, transfer,
17 convey, exchange, lease, or otherwise dispose of or
18 encumber any project; and in the case of the sale of
19 any project, accept a purchase money mortgage in
20 connection therewith;



1 [~~+8~~] (9) Grant options to purchase any project or to renew
2 any lease entered into by it in connection with any of
3 its projects, on terms and conditions as it deems
4 advisable;

5 [~~+9~~] (10) Prepare or cause to be prepared plans,
6 specifications, designs, and estimates of costs for
7 the construction, reconstruction, rehabilitation,
8 improvement, or alteration of any project, and from
9 time to time to modify the plans, specifications,
10 designs, or estimates;

11 [~~+10~~] (11) Procure insurance against any loss in connection
12 with its property and other assets and operations in
13 amounts and from insurers as it deems desirable;

14 [~~+11~~] (12) Apply for and accept gifts or grants in any form
15 from any public agency or from any other source,
16 including gifts or grants from private individuals and
17 private entities;

18 [~~+12~~] (13) Borrow money or procure loan guarantees from the
19 federal government for or in aid of any project the
20 authority is authorized to undertake pursuant to this



1 chapter. Additionally, in connection with borrowing
2 or procurement of loan guarantees, the authority:

3 (A) Shall comply with conditions required by the
4 federal government pursuant to applicable
5 regulation or required in any contract for
6 federal assistance;

7 (B) Shall repay indebtedness incurred pursuant to
8 this section, including any interest thereon;

9 (C) May execute loan and security agreements and
10 related contracts with the federal government;

11 (D) May issue bonds pledging revenues, assessments,
12 or other taxes as security for indebtedness
13 incurred pursuant to this section; and

14 (E) May enter into financing agreements as that term
15 is defined in section 37D-1;

16 [~~13~~] (14) Appoint or retain by contract one or more
17 attorneys who are independent of the attorney general
18 to provide legal services solely in cases of
19 negotiations in which the attorney general lacks the
20 sufficient expertise; provided that the independent



1 attorney shall consult and work in conjunction with
 2 the designated deputy attorney general;
 3 [~~(14)~~] (15) Use the department of human resources
 4 development to recruit, hire, and retain exempt
 5 employees, architects, engineers, existing civil
 6 service positions, and other technical positions for
 7 the development, planning, and construction related to
 8 capital improvement projects; and
 9 [~~(15)~~] (16) Do any and all things necessary to carry out its
 10 purposes and exercise the powers given and granted in
 11 this subpart."

12 SECTION 3. Act 206, Session Laws of Hawaii 2017,
 13 section 2, as amended by Act 272, Session laws of Hawaii 2019,
 14 section 4, is amended by amending subsection (a) to read as
 15 follows:

16 "(a) Notwithstanding any other law to the contrary, no
 17 later than _____, the fee simple interest to the
 18 following parcels of land with the existing improvements thereon
 19 (hereinafter "the properties") (but not including submerged
 20 land, accreted land, or any land makai of the shoreline), shall



1 be conveyed by the city and county of Honolulu to the department
2 of education as grantee, as is, where is:

- 3 (1) TMK 1-4-5-34-14 (Castle high school);
- 4 (2) TMKs 1-5-6-6-9, 1-5-6-6-10, and 1-5-6-6-25 (Kahuku
5 high and intermediate school);
- 6 (3) TMK 1-4-4-34-24 (Kalaheo high school);
- 7 (4) TMK 1-9-1-1-2 (portion) (Campbell high school);
- 8 (5) TMK 1-8-5-15-1 (Waianae high school);
- 9 (6) TMK 1-9-4-8-20 (Waipahu high school);
- 10 (7) TMK 1-9-8-31-17 (Aiea high school);
- 11 (8) TMK 1-7-4-18-1 (Leilehua high school);
- 12 (9) TMK 1-9-9-2-23 (Radford high school);
- 13 (10) TMK 1-6-7-2-10 (Waialua high and intermediate school);
- 14 (11) TMKs 1-6-003-048, 1-6-021-005 (Farrington high
15 school);
- 16 (12) TMK 2-7-024-001 (Kaimuki high school);
- 17 (13) TMK 3-9-005-027 (Kaiser high school); and
- 18 (14) TMK 3-5-020-004 (Kalani high school)."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

David L. ...



S.B. NO. 832

Report Title:

DOE; School Facilities Authority; Land Transfer; City and County of Honolulu

Description:

Authorizes the counties to transfer land to the School Facilities Authority. Exempts the School Facilities Authority from taxes. Authorizes state and county agencies to render services to the School Facilities Authority upon request. Establishes a deadline for the transfer of properties to the Department of Education from the City and County of Honolulu required by Act 272, Session Laws of Hawaii 2019.

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

