
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
9 convey to the authority any real property owned by the county
10 that the authority certifies to be necessary for the authority's
11 purposes. The sale, lease, grant, or conveyance shall be made
12 with or without consideration and upon terms and conditions as
13 may be agreed upon by the county and the authority.
14 Certification shall be evidenced by a formal request from the
15 authority. Before the sale, lease, grant, or conveyance may be
16 made to the authority, a public hearing shall be held by the
17 local governing body to consider the sale, lease, grant, or



1 conveyance. Notice of the hearing shall be published at least
2 ten days before the date set for the hearing in a publication
3 and in a manner as may be designated by the local governing
4 body.

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

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

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

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

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

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

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



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

5 (16) Contract to manage the leasing and property management
 6 of housing projects;

7 ~~[(14)]~~ (17) Use the department of human resources
 8 development to recruit, hire, and retain exempt
 9 employees, architects, engineers, existing civil
 10 service positions, and other technical positions for
 11 the development, planning, and construction related to
 12 capital improvement projects; and

13 ~~[(15)]~~ (18) Do any and all things necessary to carry out its
 14 purposes and exercise the powers given and granted in
 15 this subpart."

16 SECTION 3. Act 206, Session Laws of Hawaii 2017,
 17 section 2, as amended by Act 272, Session Laws of Hawaii 2019,
 18 section 4, is amended by amending subsection (a) to read as
 19 follows:

20 "(a) Notwithstanding any other law to the contrary, no
 21 later than _____, the fee simple interest to the



1 following parcels of land with the existing improvements thereon
2 (hereinafter "the properties") (but not including submerged
3 land, accreted land, or any land makai of the shoreline), shall
4 be conveyed by the city and county of Honolulu to the department
5 of education as grantee, as is, where is:

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

DOE; School Facilities Authority; Powers; 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. Authorizes the School Facilities Authority to engage in commercial enterprise activities for the purpose of revenue generation. Authorizes the School Facilities Authority to contract to manage leasing and management of housing projects. Establishes a deadline for the transfer of properties to the Department of Education from the City and County of Honolulu required by Act 206, SLH 2017, as amended by Act 272, SLH 2019. (SD2)

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

