
A BILL FOR AN ACT

RELATING TO THE SCHOOL FACILITIES AUTHORITY.

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

1 SECTION 1. The legislature finds that the school
2 facilities authority is entrusted with responsibilities relating
3 to the development, planning, and construction of public school
4 projects. The legislature further finds that the school
5 facilities authority could carry out these responsibilities with
6 greater efficiency if certain changes were made to statutes
7 governing the authority.

8 Accordingly, the purpose of this Act is to:

9 (1) Clarify that the school facilities authority is
10 responsible for projects related to:

11 (A) Certain facilities for prekindergarten,
12 preschool, child care, and early learning
13 programs;

14 (B) Workforce housing; and

15 (C) Any public school development, planning, and
16 construction assigned by the legislature,
17 governor, or board of education;



1 (2) Allow the school facilities authority to use the
2 department of education for certain recruitment and
3 hiring responsibilities; and

4 (3) Allow the school facilities authority to partner with
5 public and private development agencies to develop
6 prekindergarten facilities.

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

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

10 "(a) Except as otherwise limited by this chapter, the
11 authority shall be responsible for all public school
12 [~~development, planning, and construction~~] projects related to
13 [~~capital improvement projects~~]:

14 (1) New or renovated facilities for prekindergarten,
15 preschool, child care, or early learning programs;

16 (2) Workforce housing for educators and other education
17 workers in schools serving prekindergarten,
18 elementary, and secondary grades; and

19 (3) Any public school development, planning, and
20 construction assigned by the legislature, governor, or
21 board of education."



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

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

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

5 (2) Subject to subsection (b), make and execute contracts
6 and all other instruments necessary or convenient for
7 the exercise of its powers and functions under this
8 subpart;

9 (3) Make and alter bylaws for its organization and
10 internal management;

11 (4) Adopt rules pursuant to chapter 91 with respect to its
12 projects, operations, properties, and facilities,
13 including qualifications for persons and entities
14 wishing to enter into a public-private partnership
15 with the authority, as permitted in paragraph (7);

16 (5) Acquire or contract to acquire by grant or purchase
17 real, personal, or mixed property or any interest
18 therein; to clear, improve, and rehabilitate and to
19 sell, assign, exchange, transfer, convey, lease,
20 subdivide, or otherwise dispose of or encumber the
21 same;



- 1 (6) Acquire property by condemnation pursuant to chapter
2 101;
- 3 (7) Enter into partnerships with qualified persons,
4 including public-private partnerships, as defined in
5 the authority's rules, to acquire, construct,
6 reconstruct, rehabilitate, improve, alter, or provide
7 for the construction, reconstruction, improvement, or
8 alteration of any project, including prekindergarten
9 facilities; and sell, assign, transfer, convey,
10 exchange, lease, or otherwise dispose of or encumber
11 any project; and in the case of the sale of any
12 project, accept a purchase money mortgage in
13 connection therewith;
- 14 (8) Grant options to purchase any project or to renew any
15 lease entered into by it in connection with any of its
16 projects, on terms and conditions as it deems
17 advisable;
- 18 (9) Prepare or cause to be prepared plans, specifications,
19 designs, and estimates of costs for the construction,
20 reconstruction, rehabilitation, improvement, or
21 alteration of any project, and from time to time to



1 modify the plans, specifications, designs, or
2 estimates;

3 (10) Procure insurance against any loss in connection with
4 its property and other assets and operations in
5 amounts and from insurers as it deems desirable;

6 (11) Apply for and accept gifts or grants in any form from
7 any public agency or from any other source, including
8 gifts or grants from private individuals and private
9 entities;

10 (12) Borrow money or procure loan guarantees from the
11 federal government for or in aid of any project the
12 authority is authorized to undertake pursuant to this
13 chapter. Additionally, in connection with borrowing
14 or procurement of loan guarantees, the authority:

15 (A) Shall comply with conditions required by the
16 federal government pursuant to applicable
17 regulation or required in any contract for
18 federal assistance;

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



- 1 (C) May execute loan and security agreements and
2 related contracts with the federal government;
- 3 (D) May issue bonds pledging revenues, assessments,
4 or other taxes as security for indebtedness
5 incurred pursuant to this section; and
- 6 (E) May enter into financing agreements as that term
7 is defined in section 37D-1;
- 8 (13) Appoint or retain by contract one or more attorneys
9 who are independent of the attorney general to provide
10 legal services solely in cases of negotiations in
11 which the attorney general lacks the sufficient
12 expertise; provided that the independent attorney
13 shall consult and work in conjunction with the
14 designated deputy attorney general;
- 15 (14) Use the department of human resources development or
16 the department of education to recruit, hire, and
17 retain exempt employees, architects, engineers,
18 existing civil service positions, and other technical
19 positions for the development, planning, and
20 construction related to capital improvement projects;



1 (15) Partner with public and private development agencies
2 to develop:

3 (A) Housing on or off campus; [~~and~~]

4 (B) Classrooms; and

5 (C) Prekindergarten facilities;

6 (16) Request any state or county agency to render services
7 to the authority;

8 (17) Transfer the property to another public agency or
9 contract to manage the leasing and property management
10 of housing projects; and

11 (18) Do any and all things necessary to carry out its
12 purposes and exercise the powers given and granted in
13 this subpart."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

School Facilities Authority; School Facilities Authority Board;
Public Schools; Early Learning Facilities; Workforce Housing;
Recruitment

Description:

Clarifies that the School Facilities Authority is responsible for projects for facilities for prekindergarten, preschool, child care, and early learning programs; workforce housing; and any public school development, planning, and construction assigned by the Legislature, Governor, or Board of Education. Allows the School Facilities Authority to use the Department of Education for certain recruitment and hiring responsibilities. Allows the School Facilities Authority to partner with public and private development agencies to develop prekindergarten facilities. Effective 7/1/3000. (HD2)

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