

ACT 204

S.B. NO. 639

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 302A, Hawaii Revised Statutes, part III, is amended by adding a new subpart to be appropriately designated and to read as follows:

“ . TEACHERS’ HOUSING

§302A-A Purpose. The purpose of this subpart is to transfer the administration of the teachers’ housing program from the housing and community development corporation of Hawaii to the department of education. This subpart also establishes a revolving fund for the accounting and control of receipts and disbursements in connection with the department of education’s functions of planning, constructing, repairing, maintaining, and operating housing programs for teachers employed and assigned by the department of education.

§302A-B Teachers’ housing program; administration. (a) The department shall administer the teachers’ housing program under this subpart. The department shall:

- (1) Administer the teachers’ housing revolving fund under section 302A-C;
- (2) Provide annual statements under section 302A-D;
- (3) Conduct annual reviews of units under section 302A-E; and
- (4) Perform any other duty necessary to effectuate this subpart.

(b) The department may adopt rules pursuant to chapter 91 to effectuate this subpart.

§302A-C Teachers’ housing revolving fund. (a) There is established in the state treasury a revolving fund to be known as the teachers’ housing revolving fund to be administered by the department of education. The director of finance shall transfer any moneys appropriated for the purposes of teacher housing to the teachers’ housing revolving fund. All unexpended balances of appropriations, allocations, allotments, special revolving funds, or other funds heretofore created and made available for the purposes of developing or administering teachers’ housing projects shall be transferred to the teachers’ housing revolving fund. Notwithstanding any law to the contrary, all moneys, including refunds, reimburse-

ments, and rentals, for housing from teacher tenants shall be deposited in the revolving fund.

(b) The revolving fund may be used by the department of education for any and all of the purposes of teachers' housing, including the planning, construction, maintenance, and operation of teachers' housing, as well as for the salaries of the necessary personnel in charge thereof.

(c) Whenever the governor determines that the amount in the teachers' housing revolving fund exceeds the requirements of the teacher housing program, the department shall transfer the excess to the state general fund.

§302A-D Annual statements. The department of education shall annually prepare for the director of human services and the director of finance a full, detailed description and financial statement of the planning, construction, repair, maintenance, and operation of teachers' housing.

§302A-E Annual review; disposal of units. The department of education shall annually review the status of and necessity for subsidized teachers' housing throughout the State and, upon determination that any particular housing unit is no longer necessary, shall dispose of that unit by sale, demolition, or otherwise. Any net proceeds from the disposal of a unit shall be paid to the governmental entity vested with fee title to the unit at the time of disposition, and any deficit incurred in the disposal shall be paid by the State."

SECTION 2. The department of education shall meet with the housing and community development corporation of Hawaii to discuss the transfer of management of the teacher housing program to the department of education. The department of education shall prepare a report detailing the feasibility of the transfer and the department of education's capacity to assume the corporation's responsibilities.

The department of education shall submit its findings to the legislature no later than twenty days prior to the convening of the regular session of 2007.

SECTION 3. Chapter 201G, part II, subpart G, Hawaii Revised Statutes, is repealed.

SECTION 4. All rights, powers, functions, and duties with respect to the administration of teachers' housing is transferred from the housing and community development corporation of Hawaii to the department of education.

All rules, policies, procedures, guidelines, and other material adopted or developed by the corporation with respect to teachers' housing shall remain in full force and effect until amended or repealed by the department of education. In the interim, every reference to the corporation or chair of the board of directors of the corporation in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of education, or the superintendent, or the chair of the board of education, as the case may be.

All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the corporation pursuant to the Hawaii Revised Statutes that are reenacted or made applicable to the department of education by this Act shall remain in full force and effect. Effective July 1, 2008, every reference to the housing and community development corporation of Hawaii or the chair of the board of directors of the corporation, with respect to teachers' housing, shall be construed as a reference to the department of education, or the superintendent, or the chair of the board of education, as the case may be.

All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property made, used, acquired,

or held by the corporation, with respect to teachers' housing that relate to the functions transferred to the department of education, shall be transferred with the functions to which they relate.

SECTION 5. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. This Act shall take effect upon approval; provided that sections 1, 3, 4, and 5 shall take effect on July 1, 2008.

(Approved July 7, 2005.)