
A BILL FOR AN ACT

RELATING TO STATE FACILITIES.

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

1 SECTION 1. The legislature finds that Hawaii's economy is
2 still recovering from the great recession that struck the United
3 States in the latter half of 2008. A weak economy severely
4 reduced all forms of revenue collected by the State. Because of
5 its revenue shortfall, the State has found it difficult to
6 construct new infrastructure, including buildings and other
7 facilities. In light of these circumstances, public-private
8 partnerships have emerged as a promising, viable alternative
9 model and are predicted to gain even greater prominence and
10 popularity in the future.

11 Public-private partnerships offer a way to address the
12 State's significant backlog of deferred facility maintenance and
13 provide another tool for the department of accounting and
14 general services to undertake sorely needed repair-and-
15 maintenance work as well as new construction projects.

16 SECTION 2. The Hawaii Revised Statutes is amended by
17 adding a new chapter to be appropriately designated and to read
18 as follows:



1 "CHAPTER

2 STATE FACILITY RENOVATION PARTNERSHIP PROGRAM

3 § -1 Definitions. As used in this chapter:

4 "Building lease" means a contract between the department
5 and private investor in which the private investor conveys an
6 improved facility to the department for a specified period of
7 time.8 "Department" means the department of accounting and general
9 services.10 "Development agreement" means an agreement between the
11 State and a private investor which, at a minimum, includes:

- 12 (1) A description of the work to be done;
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- 13 (2) The sale price for the facility;
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- 14 (3) The duration of the agreement;
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- 15 (4) The roles and responsibilities of the department and
-
- 16 the private investor; and
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- 17 (5) The terms and conditions for the ground lease and
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- 18 building lease.

19 "Facility" means property under the management and control
20 of the department that may contain land, buildings, or both.21 "Ground lease" means a lease of land executed between the
22 State and private investor in which the private investor will

1 renovate the existing facility, provide improvements, or
2 construct a new building or buildings on a specified property.

3 "Private investor" means a non-governmental entity.

4 **§ -2 State facility renovation partnership program;**

5 **established.** (a) There is established the state facility

6 renovation partnership program to be administered by the

7 department. The program shall include all transactions,

8 including land, improvements, or both.

9 (b) The department shall conduct a comprehensive review of

10 all state office facilities and shall compile a list of priority

11 facilities situated on state-owned land that it deems best

12 suited for the state facility renovation partnership program.

13 (c) The department may enter into a development agreement

14 with any private investor for the sale of a priority facility

15 compiled in subsection (b) to the private investor; provided

16 that the development agreement contains the following

17 requirements:

18 (1) The State shall sell the facility to the private

19 investor, who shall:

20 (A) Renovate, improve, or construct for the State a

21 facility, pursuant to a ground lease, and may

22 maintain the facility; but



- 1 (B) Lease the facility to the State, pursuant to a
2 building lease;
- 3 (2) The land upon which the facility rests shall not be
4 sold to the private investor; provided that the land
5 may be leased at a nominal rate to the private
6 investor for a term that would, at a minimum, allow
7 the private investor to recover the capital investment
8 that has been made to the facility, including
9 depreciation; and
- 10 (3) The State shall have the option of purchasing the
11 facility from the private investor for the remaining
12 balance of the debt service costs incurred by the
13 private investor at any time; provided that the ground
14 lease shall terminate concurrently.
- 15 (d) There is established the state facility renovation
16 partnership special fund in the state treasury to be
17 administered by the department and into which all
18 funds derived from the state facility renovation
19 partnership program shall be deposited. Funds in the
20 special fund shall be used solely for the purposes of
21 the state facility renovation partnership program.



1 (e) The department shall establish rules pursuant to
2 chapter 91 to implement the purposes of this chapter.

3 (f) In the event of any conflicts between the provisions
4 of this chapter and chapter 171, this chapter shall control;
5 otherwise, the provisions of chapter 171 shall apply."

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



Report Title:

State facilities; Public-private partnership

Description:

Establishes the State Facility Renovation Partnership Program.
(HB1505 HD1)

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

