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## A BILL FOR AN ACT

RELATING TO USE OF PUBLIC SCHOOL FACILITIES.

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

1           SECTION 1. The legislature finds that department of  
2 education public school buildings, facilities, and grounds are  
3 vital community gathering places. The legislature also finds  
4 that many nonprofit organizations with limited financial  
5 resources are nonetheless an integral part of our communities  
6 and often contribute valuable charitable donations and in-kind  
7 services to their community schools. Accordingly, the purpose  
8 of this Act is to provide a mechanism for crediting nonprofit  
9 organizations who have contributed charitable donations or in-  
10 kind services to schools, in lieu of charging the nonprofit  
11 organization a facility use fee to use school buildings,  
12 facilities, or grounds.

13           SECTION 2. Section 302A-1148, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "**§302A-1148 Use of school facilities and grounds.** (a)  
16 All public school buildings, facilities, and grounds shall be  
17 available for general recreational purposes, and for public and  
18 community use, whenever these activities do not interfere with



1 the normal and usual activities of the school and its pupils.  
2 Any other law to the contrary notwithstanding, the department  
3 shall adopt rules under chapter 91 as are deemed necessary to  
4 carry out the purposes of this section and may issue licenses,  
5 revocable permits, concessions, or rights of entry to school  
6 buildings and grounds for such periods of use as deemed  
7 appropriate by the department. All such dispositions, including  
8 those in excess of fourteen days, need not be approved by the  
9 board of land and natural resources; provided that approval by  
10 the board of land and natural resources shall be required when  
11 the dispositions are for periods in excess of a year. The  
12 department may assess and collect fees and charges from the  
13 users of school buildings, facilities, grounds, and equipment,  
14 which include fees and charges assessed and collected by the  
15 department for parking on roadways and in parking areas under  
16 the jurisdiction of the department, pursuant to section 302A-  
17 1151.6. The fees and charges shall be deposited into a separate  
18 fund and expended by the department under rules as may be  
19 adopted by the board; provided that any parking fees assessed  
20 and collected by a school shall be deposited to the credit of  
21 that school's nonappropriated local school fund account.



1 (b) A separate subaccount of the fund established pursuant  
2 to subsection (a), to be known as the school facilities  
3 subaccount, shall be established for all proceeds from the  
4 leases, permits, interest income generated from public school  
5 lands, and other revenue generated from the nonpermanent  
6 disposition of public school lands, including facilities,  
7 pursuant to section 302A-1151.1. The subaccount shall be  
8 governed by section 302A-1151.2.

9 (c) Notwithstanding subsection (a), the principal of a  
10 school may waive fees and charges from a user of the school  
11 buildings, facilities, grounds, or equipment, provided that the  
12 user:

- 13 (1) Is a non-profit organization who is exempt from  
14 federal taxation under section 501(c)(3) of the  
15 Internal Revenue Code;
- 16 (2) Makes community use of school buildings, facilities,  
17 grounds, or equipment; and
- 18 (3) Has made charitable donations or provided in-kind  
19 services to the school whose buildings, facilities,  
20 grounds, or equipment is being used and the value of  
21 the donations or services is sufficiently comparable



1 to the fees and charges the user would have to pay  
2 under this section."

3 SECTION 3. New statutory material is underscored.

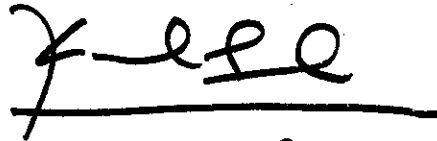
4 SECTION 4. This Act shall take effect on July 1, 2014.

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INTRODUCED BY: 










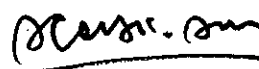














# H.B. NO. 2495

**Report Title:**

DOE; Facility Use Fee; Waiver

**Description:**

Authorizes school principals to waive any facility use fee imposed by the DOE upon entities for community use of school facilities if the entity is a 501(c)(3) organization who makes a charitable contribution or provides in-kind services to the school.

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

