
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;

4 (3) Allow the school facilities authority to partner with
5 public and private development agencies to develop
6 prekindergarten, preschool, child care, and early
7 learning program facilities; and

8 (4) Appropriates funds for:

9 (A) A new middle school in central Maui; and

10 (B) A workforce housing project in Mililani.

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~~] projects related to
17 [~~capital improvement projects~~]:

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



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

4 (3) Any public school development, planning, and
5 construction assigned by the legislature, governor, or
6 board of education."

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

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

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

11 (2) Subject to subsection (b), make and execute contracts
12 and all other instruments necessary or convenient for
13 the exercise of its powers and functions under this
14 subpart;

15 (3) Make and alter bylaws for its organization and
16 internal management;

17 (4) Adopt rules pursuant to chapter 91 with respect to its
18 projects, operations, properties, and facilities,
19 including qualifications for persons and entities
20 wishing to enter into a public-private partnership
21 with the authority, as permitted in paragraph (7);



- 1 (5) Acquire or contract to acquire by grant or purchase
2 real, personal, or mixed property or any interest
3 therein; to clear, improve, and rehabilitate and to
4 sell, assign, exchange, transfer, convey, lease,
5 subdivide, or otherwise dispose of or encumber the
6 same;
- 7 (6) Acquire property by condemnation pursuant to
8 chapter 101;
- 9 (7) Enter into partnerships with qualified persons,
10 including public-private partnerships, as defined in
11 the authority's rules, to acquire, construct,
12 reconstruct, rehabilitate, improve, alter, or provide
13 for the construction, reconstruction, improvement, or
14 alteration of any project, including prekindergarten
15 facilities; and sell, assign, transfer, convey,
16 exchange, lease, or otherwise dispose of or encumber
17 any project; and in the case of the sale of any
18 project, accept a purchase money mortgage in
19 connection therewith;
- 20 (8) Grant options to purchase any project or to renew any
21 lease entered into by it in connection with any of its



- 1 projects, on terms and conditions as it deems
2 advisable;
- 3 (9) Prepare or cause to be prepared plans, specifications,
4 designs, and estimates of costs for the construction,
5 reconstruction, rehabilitation, improvement, or
6 alteration of any project, and from time to time to
7 modify the plans, specifications, designs, or
8 estimates;
- 9 (10) Procure insurance against any loss in connection with
10 its property and other assets and operations in
11 amounts and from insurers as it deems desirable;
- 12 (11) Apply for and accept gifts or grants in any form from
13 any public agency or from any other source, including
14 gifts or grants from private individuals and private
15 entities;
- 16 (12) Borrow money or procure loan guarantees from the
17 federal government for or in aid of any project the
18 authority is authorized to undertake pursuant to this
19 chapter. Additionally, in connection with borrowing
20 or procurement of loan guarantees, the authority:



- 1 (A) Shall comply with conditions required by the
- 2 federal government pursuant to applicable
- 3 regulation or required in any contract for
- 4 federal assistance;
- 5 (B) Shall repay indebtedness incurred pursuant to
- 6 this section, including any interest thereon;
- 7 (C) May execute loan and security agreements and
- 8 related contracts with the federal government;
- 9 (D) May issue bonds pledging revenues, assessments,
- 10 or other taxes as security for indebtedness
- 11 incurred pursuant to this section; and
- 12 (E) May enter into financing agreements as that term
- 13 is defined in section 37D-1;
- 14 (13) Appoint or retain by contract one or more attorneys
- 15 who are independent of the attorney general to provide
- 16 legal services solely in cases of negotiations in
- 17 which the attorney general lacks the sufficient
- 18 expertise; provided that the independent attorney
- 19 shall consult and work in conjunction with the
- 20 designated deputy attorney general;



- 1 (14) Use the department of human resources development or
2 the department of education to recruit, hire, and
3 retain exempt employees, architects, engineers,
4 existing civil service positions, and other technical
5 positions for the development, planning, and
6 construction related to capital improvement projects;
- 7 (15) Partner with public and private development agencies
8 to develop:
- 9 (A) Housing on or off campus; [~~and~~]
10 (B) Classrooms; and
11 (C) Prekindergarten, preschool, child care, and early
12 learning program facilities;
- 13 (16) Request any state or county agency to render services
14 to the authority;
- 15 (17) Transfer the property to another public agency or
16 contract to manage the leasing and property management
17 of housing projects; and
- 18 (18) Do any and all things necessary to carry out its
19 purposes and exercise the powers given and granted in
20 this subpart."



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$2,000,000 or so much
3 thereof as may be necessary for fiscal year 2025-2026 for the
4 planning and construction of a new middle school in central
5 Maui.

6 The sum appropriated shall be expended by the school
7 facilities authority for the purposes of this Act.

8 SECTION 4. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$2,000,000 or so much
10 thereof as may be necessary for fiscal year 2025-2026 for the
11 planning and construction of a workforce housing project in
12 Mililani.

13 The sum appropriated shall be expended by the school
14 facilities authority for the purposes of this Act.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2025.



Report Title:

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

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, preschool, child care, and early learning program facilities. Appropriates funds. (CD1)

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

