
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, under certain conditions;

15 (C) Construction projects on other state or county
16 property, as authorized by the legislature; and



1 (D) Any public school development, planning, and
2 construction assigned by the legislature,
3 governor, or board of education; and

4 (2) Authorize the school facilities authority to partner
5 with public and private development agencies to
6 develop 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; provided that
19 workforce housing may be constructed on school
20 property or other property;



1 (3) Construction projects on other state or county
2 property as authorized by the legislature; and
3 (4) Any public school development, planning, and
4 construction assigned by the legislature, governor, or
5 board of education[-];
6 provided that the authority shall not be responsible for the
7 repair or maintenance of any department of education
8 facilities."

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

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

- 12 (1) Have a seal and alter the same at its pleasure;
- 13 (2) Subject to subsection (b), make and execute contracts
14 and all other instruments necessary or convenient for
15 the exercise of its powers and functions under this
16 subpart;
- 17 (3) Make and alter bylaws for its organization and
18 internal management;
- 19 (4) Adopt rules pursuant to chapter 91 with respect to its
20 projects, operations, properties, and facilities,
21 including qualifications for persons and entities



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



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



1 chapter. Additionally, in connection with borrowing
2 or procurement of loan guarantees, the authority:

3 (A) Shall comply with conditions required by the
4 federal government pursuant to applicable
5 regulation or required in any contract for
6 federal assistance;

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

9 (C) May execute loan and security agreements and
10 related contracts with the federal government;

11 (D) May issue bonds pledging revenues, assessments,
12 or other taxes as security for indebtedness
13 incurred pursuant to this section; and

14 (E) May enter into financing agreements as that term
15 is defined in section 37D-1;

16 (13) Appoint or retain by contract one or more attorneys
17 who are independent of the attorney general to provide
18 legal services solely in cases of negotiations in
19 which the attorney general lacks the sufficient
20 expertise; provided that the independent attorney



1 shall consult and work in conjunction with the
2 designated deputy attorney general;

3 (14) Use the department of human resources development to
4 recruit, hire, and retain exempt employees,
5 architects, engineers, existing civil service
6 positions, and other technical positions for the
7 development, planning, and construction related to
8 capital improvement projects;

9 (15) Partner with public and private development agencies
10 to develop:
11 (A) Housing on or off campus; [~~and~~]
12 (B) Classrooms; and
13 (C) Prekindergarten facilities;

14 (16) Request any state or county agency to render services
15 to the authority;

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

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



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$100,000,000 or so
3 much thereof as may be necessary for fiscal year 2025-2026 for
4 the 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 \$30,000,000 or so
10 much thereof as may be necessary for fiscal year 2025-2026 for
11 the planning and construction of a new elementary school in
12 Lahaina.

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

15 SECTION 5. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$50,000,000 or so
17 much thereof as may be necessary for fiscal year 2025-2026 for
18 the planning and construction of a teacher housing project in
19 Mililani.

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



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

SFA; Department of Education; Public Schools; Early Learning Facilities; Workforce Housing; Appropriations

Description:

Clarifies that the School Facilities Authority is responsible for projects for facilities for prekindergarten, preschool, child care, and early learning programs; workforce housing; construction projects on other state or county property as authorized by the Legislature; and any public school development, planning, and construction assigned by the Legislature, Governor, or Board of Education, under certain conditions. Authorizes the School Facilities Authority to partner with public and private development agencies to develop prekindergarten facilities. Appropriates funds. Takes effect 7/1/3000. (SD2)

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

