

STAND. COM. REP. NO.

842

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 733
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 733, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to clarify the application of school impact fees to ensure its legality and fairness.

Specifically, this measure:

- (1) Requires the Department of Education to update certain figures it uses to calculate impact fees, including:
 - (A) School site area averages;
 - (B) Facility construction costs per student in elementary, middle, and high schools; and
 - (C) The revenue credit for each residential unit developed;
- (2) Ensures that new residential developments are charged for a level of service (permanent versus portable facilities) that is equal to and not higher than the current standards of the district in which the development is situated;



- (3) Clearly sets forth the distinction between a land component impact fee and a construction cost impact fee;
- (4) Requires the Department of Education to engage in an analysis on a district basis that includes the student generation rates for single-family and multi-family developments, considering the potential for making more efficient use of existing and underutilized assets in a school district, and potential changes to statewide school site areas and design enrollment standards;
- (5) Establishes school land area averages per student for elementary, middle, and high schools;
- (6) Clarifies the formula for calculating the school construction cost per unit for single-family and multi-family developments;
- (7) Requires that the impact fees collected within a school district be used only on schools serving the same school district; and
- (8) Requires the Department of Education to return lands dedicated for school facilities or construction cost component impact fee that are not used for school facilities within twenty years of the land dedication or fee payment.

Your Committee finds that this measure will ensure the equitable administration of school impact fees. The measure will also provide that school impact fees collected for land and facility construction, whether through fees paid or in lieu contributions of land dedicated or facilities developed and dedicated, are fairly assessed and used only within the school districts that the residential developments that are assessed are situated. Your Committee believes that this will ensure that the school impact fees program will meet all legal and equitable concerns and challenges.

You Committee has made technical nonsubstantive changes to this measure for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B.



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No. 733, S.D. 1, as amended herein, and recommends that it pass
Third Reading in the form attached hereto as S.B. No. 733, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

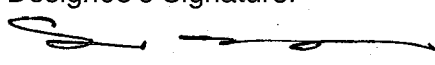


DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 733 SDI</i>	<i>EDH, WAM</i>	<i>2/25/09</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol				/
GALUTERIA, Brickwood	/			
HEE, Clayton				/
HOOSER, Gary L.	/			
KIDANI, Michelle N.				/
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred				/
TOTAL	<i>8</i>			<i>4</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes