

Honolulu, Hawaii
March 12, 2010

RE: S.B. No. 2828
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 2828, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to more effectively implement a method of financing in part, new or the expansion of existing Department of Education (DOE) educational facilities in partnership with developers of new residential development by clarifying the statutory provisions for school impact fees.

The Land Use Research Foundation of Hawaii testified in support of this bill. The Hawaii Developers' Council and Building Industry Association of Hawaii opposed this measure. DOE and the Charter School Administrative Office offered comments.

Due to the lack of, and need for, charter school facilities around the state, your Committee believes that charter schools should also be involved in discussions regarding school impact fees.

Your Committee has amended this bill by, among other things:

- (1) Replacing the definition of "recent school construction and site area averages" with the definition of "recent school site area averages", and within the new



definition, specifying initial site area averages based on historic school construction data, rather than specifying historical average design standards based on existing school construction data;

- (2) Clarifying that "student generation rate" refers to public school students;
- (3) Removing the requirement that an analysis of proposed redistricting, and an analysis of appropriate school land area, other state lands, and enrollment capacity, be included in the impact fee analysis required of DOE upon the designation of a school impact district; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2828, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2828, S.D. 1, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

Respectfully submitted on
behalf of the members of the
Committee on Education,

for Roy Takumi

ROY TAKUMI, Chair



