

Honolulu, Hawaii

March 19, 2010

RE: S.B. No. 2828  
S.D. 1  
H.D. 2

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

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred S.B. No. 2828, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to facilitate the provision of land and collection of fees for new or expanded school facilities in areas expecting a large amount of residential growth, by clarifying the law pertaining to school impact fees.

The Department of Education (DOE) and Charter Schools Administrative Office provided comments.

Your Committee has amended this bill by:

- (1) Providing that DOE is required to update the statewide level of services, instead of percentages of students enrolled at each school level in permanent or portable classrooms;
- (2) Clarifying that the initial school site area averages are based on historic schools construction data from 1997 to 2007;
- (3) Clarifying that the "student generation rate" for a school impact district is to be based on analysis of the



existing number of residential units and public school students in an area, and the student generation rates of comparable projects and areas;

- (4) Clarifying that the provision requiring certain new residential developments to fulfill the land dedication or fee in lieu requirement and construction cost component impact fee requirement applies to government housing projects;
- (5) Regarding the impact fee analysis that is required of DOE upon designation of a school impact district:
  - (A) Removing the analysis of the percentages of existing statewide student enrollment at each school level that are located in permanent structures, as opposed to portable buildings;
  - (B) Reinstating the analysis of appropriate school land area and enrollment capacity, and including other appropriate state lands in the analysis; and
  - (C) Inserting a statewide classroom utilization report;
- (6) Changing the effective date to upon its approval; and
- (7) Making other technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2828, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2828, S.D. 1, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,



---

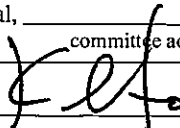
KEN ITO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 905-10

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 2828, SDI, HD	Committee Referral: EDN, WLO, FIN	Date: 3/18/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.	✓			
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	12			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				