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## A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 302A-1151, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "~~§302A-1151~~ ~~[Sale of school]~~ School lands unnecessary for  
4 school purposes~~[-]~~; transfer to the department of land and  
5 natural resources; alternative use. (a) The chairperson of the  
6 board of land and natural resources [~~is hereby requested~~], upon  
7 the recommendation and approval of the superintendent, [~~to sell~~]  
8 shall transfer from the department of education to the  
9 department of land and natural resources, any state [~~lands,~~  
10 land under the jurisdiction of the department of education,  
11 including the buildings thereon~~[-, once used but no longer~~  
12 necessary;] that have not been used for school purposes for  
13 twenty consecutive years; provided that [~~no~~] the land, school  
14 facility or portion of a school facility [~~shall be sold before~~  
15 ~~that facility or portion of the facility is made available for~~  
16 ~~use by the department or charter~~] is considered for the  
17 following alternative uses subject to the following preferences  
18 in order of priority:



- 1        (1) Charter schools or other education programs pursuant
- 2            to section 302A-1151.5 and 302B-3.6[-]; or
- 3        (2) The county where the land or building is located;
- 4            provided that the county is willing to accept the land
- 5            and the land was previously under the jurisdiction of
- 6            the county."

7            SECTION 2. Section 171-19, Hawaii Revised Statutes, is

8 amended to read as follows:

9            "**§171-19 Special land and development fund.** (a) There is

10 created in the department a special fund to be designated as the

11 "special land and development fund". Subject to the Hawaiian

12 Homes Commission Act of 1920, as amended, and section 5(f) of

13 the Admission Act of 1959, all proceeds of sale of public lands,

14 including interest on deferred payments; all moneys collected

15 under section 171-58 for mineral and water rights; all rents

16 from leases, licenses, and permits derived from public lands;

17 all moneys collected from lessees of public lands within

18 industrial parks; all fees, fines, and other administrative

19 charges collected under this chapter and chapter 183C; a portion

20 of the highway fuel tax collected under chapter 243; all moneys

21 collected by the department for the commercial use of public

22 trails and trail accesses under the jurisdiction of the



1 department; transient accommodations tax revenues collected  
2 pursuant to section 237D-6.5(b)(2); and private contributions  
3 for the management, maintenance, and development of trails and  
4 accesses shall be set apart in the fund and shall be used only  
5 as authorized by the legislature for the following purposes:

6 (1) To reimburse the general fund of the State for  
7 advances made that are required to be reimbursed from  
8 the proceeds derived from sales, leases, licenses, or  
9 permits of public lands;

10 (2) For the planning, development, management, operations,  
11 or maintenance of all lands and improvements under the  
12 control and management of the board, including but not  
13 limited to permanent or temporary staff positions who  
14 may be appointed without regard to chapter 76;

15 (3) To repurchase any land, including improvements, in the  
16 exercise by the board of any right of repurchase  
17 specifically reserved in any patent, deed, lease, or  
18 other documents or as provided by law;

19 (4) For the payment of all appraisal fees; provided that  
20 all fees reimbursed to the board shall be deposited in  
21 the fund;



- 1 (5) For the payment of publication notices as required  
2 under this chapter; provided that all or a portion of  
3 the expenditures may be charged to the purchaser or  
4 lessee of public lands or any interest therein under  
5 rules adopted by the board;
- 6 (6) For the management, maintenance, and development of  
7 trails and trail accesses under the jurisdiction of  
8 the department;
- 9 (7) For the payment to private land developers who have  
10 contracted with the board for development of public  
11 lands under section 171-60;
- 12 (8) For the payment of debt service on revenue bonds  
13 issued by the department, and the establishment of  
14 debt service and other reserves deemed necessary by  
15 the board;
- 16 (9) To reimburse the general fund for debt service on  
17 general obligation bonds issued to finance  
18 departmental projects, where the bonds are designated  
19 to be reimbursed from the special land and development  
20 fund;
- 21 (10) For the protection, planning, management, and  
22 regulation of water resources under chapter 174C; and



1 (11) For other purposes of this chapter.

2 (b) Notwithstanding the [above] provisions[7] of  
3 subsection (a), but subject to the restrictions contained in  
4 section 5(f) of the Admission Act, whenever the board sells  
5 remnants to abutting owners, the proceeds therefrom including  
6 interest on deferred payments, shall be deposited into the  
7 general fund; provided that [such] those proceeds shall be set  
8 apart to the appropriate fund where mandatory federal  
9 requirements affecting federal funds so require.

10 ~~[(c) Notwithstanding the above limitations on use of the~~  
11 ~~proceeds of sale, where the board sells public lands including~~  
12 ~~the buildings thereon once used but no longer necessary for~~  
13 ~~school purposes at the recommendation and request of the board~~  
14 ~~of education, all net proceeds derived from the sales shall be~~  
15 ~~used for the acquisition of land or for the erection of~~  
16 ~~buildings for school purposes to the extent of an approved~~  
17 ~~building plan in the departmental school district wherein the~~  
18 ~~sales occur. In the absence of any school building program in~~  
19 ~~the district or in the event of any surplus remaining after the~~  
20 ~~completion of buildings constructed pursuant to the approved~~  
21 ~~plan then the proceeds or surplus shall be used in other~~



1 ~~departmental school districts in the county wherein the sales~~  
2 ~~occur.]~~

3       ~~[(d)]~~ (c) When use of the fund is authorized by the  
4 legislature for the development of public lands for a particular  
5 project, to be disposed of by sale, lease, license, or permit,  
6 the board may pay from the fund the costs of the development,  
7 including the costs of surveys, construction of roads, water  
8 lines, sewer lines, and such other improvements as may be  
9 necessary for the development of the lands; provided that ~~[the]~~:

10       (1) The project shall meet with the zoning and subdivision  
11 requirements of the appropriate county government in  
12 which the lands are located, except that plans and  
13 specifications for recreational projects, including  
14 access roads therefor, shall not be required to meet  
15 with such approval; and ~~[provided further that no]~~

16       (2) No such development of public lands for disposal by  
17 sale, lease, license, or permit shall be made unless  
18 appropriate roads, water lines, and other improvements  
19 are installed which will make the land usable for the  
20 purpose for which it is being disposed at the time of  
21 disposition.



1           ~~[(e)]~~ (d) All unexpended and unencumbered moneys remaining  
2 on balance with the fund at the close of each fiscal year which  
3 are deemed, by the director of finance, to be in excess of the  
4 moneys necessary to carry out the purposes of this section over  
5 the next following fiscal year shall lapse to the credit of the  
6 state general fund."

7           SECTION 3. Section 302A-1151.5, Hawaii Revised Statutes,  
8 is amended by amending subsection (e) to read as follows:

9           "(e) After receipt by the charter school review panel of a  
10 notice pursuant to subsection (b), if the charter school review  
11 panel does not provide a prioritized list of charter schools  
12 because no charter school has requested to use the facilities of  
13 the public school, or if the department receives the prioritized  
14 list but determines that no charter school on the list is an  
15 appropriate candidate to occupy and use the facilities, the  
16 department shall [give]:

17           (1) Give reasonable consideration to making all or  
18 portions of the facilities of the public school, if  
19 closed, available for occupancy and use for other  
20 educational purposes~~[-]~~; or

21           (2) Dispose of the facilities pursuant to section 302A-  
22           1151."

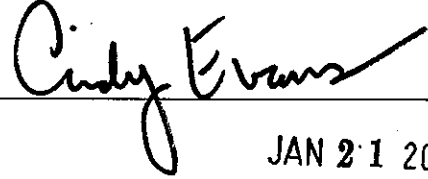


1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:



JAN 21 2011





**Report Title:**

Education; Charter Schools; Counties; DLNR

**Description:**

Requires land and facilities under the jurisdiction of the DOE not being used to be transferred to the DLNR; provided that the land or facilities is first offered to, or used for charter schools, other educational purposes, or to an eligible county where the land or facility is situated.

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

