

Honolulu, Hawaii

APR 26 2013

RE: S.B. No. 237
S.D. 2
H.D. 1
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 237, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to authorize the Board of Education (Board) and Department of Education to facilitate the redevelopment of public school lands by cooperating with private enterprises, the various components of federal, state, and county governments, and the public in order to generate income to improve existing facilities and build schools to twenty-first century standards.

Your Committee on Conference finds that many school facilities are in dire need of repair, maintenance, and improvement of systems and infrastructure to meet twenty-first century challenges in technology and education. Looking at ways to responsibly utilize



our existing lands and facilities to generate alternative sources of revenue to repair, maintain, and build twenty-first century schools is not a new concept in other states and jurisdictions, but one that must be explored cautiously through a well defined "proof of concept" here in Hawaii.

As such, your Committee on Conference has provided a well-defined framework within which the Department of Education can assess the merits and benefits of such a concept, while developing a process for community engagement and the potential for long-term viability.

Your Committee on Conference further finds that a community-based policy and planning approach will be critical to the success of the pilot program. Your Committee on Conference believes that a pilot project will serve as "proof in concept" to test and evaluate development, design, and financial models, while giving communities the opportunity to provide input and to better understand the concept of community-centered twenty-first century schools.

Your Committee on Conference has amended this measure by adopting the S.B.237, S.D. 2 version of this measure, which establishes a pilot project for the development of public school lands.

Your Committee on Conference further amended this measure by:

- (1) Placing the pilot program under the Department of Education rather than the Office of the Lieutenant Governor;
- (2) Specifying that the Board may identify and select up to five public school land sites as candidates for participation in the pilot program;
- (3) Requiring the Board to hold at least one public meeting in each affected community;
- (4) Requiring the Board to consult with the county if the site identified and selected by the Board is on county land;
- (5) Specifying that the Department of Education may lease public school land for no more than three public school land sites identified and selected by the Board;



- (6) Clarifying that leases entered into under the pilot program may be extended under section 171-36, Hawaii Revised Statutes (HRS);
- (7) Requiring that if any redevelopment involves any nonschool purposes, the redevelopment shall:
 - (A) Comply with county plans, ordinances, and zoning and development codes; and
 - (B) Acquire all required government approvals and permits;
- (8) Specifying that the Department of Education may work with and receive assistance from any other department or agency in carrying out the pilot program;
- (9) Specifying that any lease entered into by the Department of Education pursuant to this measure shall be fully executed no later than five years from the effective date of this measure;
- (10) Establishing the school facilities subaccount under section 304A-1148, HRS, rather than the school facilities special fund, into which all proceeds generated from the lease of public school lands shall be deposited;
- (11) Requiring that the Department of Education report to the Legislature no later than twenty days prior to each regular session until the completion of each project;
- (12) Adding additional reporting requirements for the Department of Education;
- (13) Inserting an appropriation amount of \$100,000 to the Department of Education to carry out the purposes of this measure;
- (14) Inserting an effective date of July 1, 2013, and deleting the sunset date for the pilot program; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your



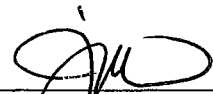
Committee on Conference is in accord with the intent and purpose of S.B. No. 237, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 237, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

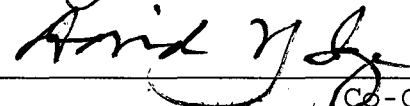
ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


CINDY EVANS, Co-Chair


JILL N. TOKUDA, Chair


ROY M. TAKUMI, Co-Chair


DAVID Y. IGE, Co-Chair


SYLVIA LUKE, Co-Chair



