

STAND. COM. REP. NO.

1466

Honolulu, Hawaii

April 5, 2013

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

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

Sir:

Your Committees on Water & Land, Education, and Finance, to which was referred S.B. No. 237, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to improve public school facilities and infrastructure to meet the challenges of the twenty-first century by optimizing the use of public school lands.

Specifically, this measure:

- (1) Establishes a three-year pilot program to generate revenue from use of public school lands for public purposes;
- (2) Establishes the school facilities special fund within chapter 302A, Hawaii Revised Statutes;
- (3) Requires the Lieutenant Governor to submit a report relating to the pilot program to the Legislature prior to the convening of the Regular Sessions of 2014 through 2016; and
- (4) Appropriates an unspecified sum of funds for the establishment of the pilot program.



Your Committees received testimony in support of this measure from the Governor, the Department of Education, The Pacific Resource Partnership, and the General Contractors Association of Hawaii. Numerous individuals testified in opposition to the measure. The Chamber of Commerce of Hawaii, the Hawaii Institute for Public Affairs, the Land Use Research Foundation of Hawaii, and the Building Industry Association-Hawaii submitted comments.

Your Committees find that the State's underused public school lands are an untapped resource that could generate revenue to provide infrastructure necessary to make classrooms, campuses, and communities suitable for the twenty-first century. While the pilot program established by this measure would lay the groundwork for a statewide approach and plan to optimize the use of public school lands, your Committees believe that the measure only provides a short-term solution to resolve demand for public facilities in the urban core. In light of this finding, your Committees prefer the language in House Bill No. 865, H.D. 1, which is substantively similar to this measure.

Your Committees note that, in contrast to the language contained in this measure, House Bill No. 865, H.D. 1, provides a long-term, more systemic approach for optimizing the use of public school lands, by establishing redevelopment guidance policies and enumerating the powers granted to the Department of Education in carrying out redevelopment. Your Committees also note that House Bill No. 865, H.D. 1, limits the number of redevelopment projects to five, which would allow the Legislature to evaluate the efficacy of the redevelopment efforts.

Based upon these findings, your Committees have amended this measure by deleting its contents and replacing it with the language contained in House Bill No. 865, H.D. 1, and further amending the measure by:

- (1) Requiring that any redevelopment involving nonschool purposes comply with county plans, ordinances, and zoning and development codes; acquire all required government approvals and permits; and be subject to all required real property taxes;
- (2) Providing that, during the identification and selection process, the Department of Education shall be subject to chapter 92, Hawaii Revised Statutes, and shall foster school and community participation;



- (3) Deleting duplicative language that authorizes the Department of Education to adopt rules for twenty-first century school projects;
- (4) Deleting the Department of Education's authorization to acquire, reacquire, contract to acquire or reacquire, dispose of, or encumber real, personal, or mixed property or any interest therein;
- (5) Deleting the Department of Education's authorization to provide advisory, consultative, training, and educational services, technical assistance, and advice in redeveloping public school lands;
- (6) Requiring the Department of Education to submit an annual report to the Legislature regarding the redevelopment of public school lands; and
- (7) Transferring all moneys in the school facilities special fund and the Hawaii public land development revolving fund to the twenty-first century schools revolving fund.

Your Committees believe that the amended measure will assist the Department of Education in optimizing the use of the lands and facilities under the Department's control. Your Committees further believe that annual progress reports by the Department of Education would assist the Legislature in the evaluation process. To this end, your Committees recommend that the Department of Education develop procedures to address the ongoing demands of repair and maintenance of their school facilities to meet the challenges of the twenty-first century and to improve the overall quality of education in Hawaii.

As affirmed by the records of votes of the members of your Committees on Water & Land, Education, and Finance that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 237, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 237, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.



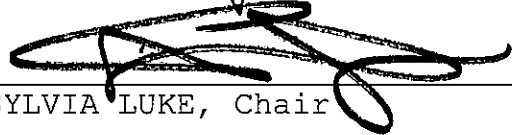
Respectfully submitted on
behalf of the members of the
Committees on Water & Land,
Education, and Finance,



ROY M. TAKUMI, Chair



CINDY EVANS, Chair



SYLVIA LUKE, Chair



HSCR1466

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 237, SD 2 (SSCR600)		Committee Referral: WAL/EDN/FIN		Date: 03/27/13
<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)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)				✓
3. COFFMAN, Denny	✓			
4. CULLEN, Ty J.K.	✓			
5. HANOHANO, Faye P.				✓
6. KAWAKAMI, Derek S.K.	✓			
7. LEE, Chris				✓
8. FALE, Richard Lee		✓		
9. THIELEN, Cynthia				✓
TOTAL (9)	4	1		4
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				

