

JAN 24 2019

A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

1 SECTION 1. The legislature finds that Act 245, Session
2 Laws of Hawaii 2007, established the law regarding school impact
3 fees. Act 245 implemented a new method for financing, in part,
4 new or expanding existing department of education educational
5 facilities in partnership with developers of new residential
6 developments. The legislature further finds, however, that land
7 use planning, development patterns, and preferences have changed
8 since 2007. Kakaako, for example, has many existing and
9 proposed high-density residential projects that will require at
10 least one new school in that area. Further, a rail transit
11 system may require attention if resultant population shifts
12 require schools to be located near rail stations. The
13 legislature further finds that while Act 188, Session Laws of
14 Hawaii 2010, made helpful clarifying amendments to the school
15 impact fees law, more substantive amendments to the law may be
16 necessary.



1 The purpose of this Act is to establish a school impact fee
2 review task force to review the law regarding school impact
3 fees, as codified in chapter 302A, part VI, subpart B of the
4 Hawaii Revised Statutes.

5 SECTION 2. (a) There is established a school impact fee
6 review task force within the department of education for
7 administrative purposes.

8 (b) The school impact fee review task force shall consist
9 of eleven members as follows:

- 10 (1) The superintendent of education, or the
11 superintendent's designee;
- 12 (2) The comptroller, or the comptroller's designee;
- 13 (3) The chairperson of the board of land and natural
14 resources, or the chairperson's designee;
- 15 (4) The director of the office of planning, or the
16 director's designee;
- 17 (5) The executive director of the Hawaii community
18 development authority, or the executive director's
19 designee;
- 20 (6) Two members appointed by the board of education who
21 have experience in the development of real property



1 for residential purposes; provided that the members
 2 shall neither be developers of real property located
 3 within the State, nor individuals with direct
 4 financial interests in developers of real property
 5 located within the State;

6 (7) The mayor of the city and county of Honolulu, or the
 7 mayor's designee; provided that the designee is an
 8 officer of the city and county of Honolulu;

9 (8) The mayor of the county of Maui, or the mayor's
 10 designee; provided that the designee is an officer of
 11 the county of Maui;

12 (9) The mayor of the county of Hawaii, or the mayor's
 13 designee; provided that the designee is an officer of
 14 the county of Hawaii; and

15 (10) The mayor of the county of Kauai, or the mayor's
 16 designee; provided that the designee is an officer of
 17 the county of Kauai.

18 The task force shall select a chairperson from among its
 19 membership.

20 (c) The school impact fee review task force shall:



S.B. NO. 1392

- 1 (1) Review the school impact fees law, as codified in
2 chapter 302A, part VI, subpart B of the Hawaii Revised
3 Statutes;
- 4 (2) Recommend any amendments deemed necessary to update
5 the law to address current and future needs for the
6 development of new schools to accommodate projected
7 population growth; and
- 8 (3) Review and recommend appropriate measures to enforce
9 compliance with the school impact fee requirement.
- 10 (d) The task force shall consider the following issues as
11 well as any other issues deemed necessary by the task force:
 - 12 (1) The adequacy of the current school impact fees law to
13 generate funding for schools in high-density urban
14 areas and lower-density suburban areas;
 - 15 (2) The projected costs of developing new schools in areas
16 of different permitted densities;
 - 17 (3) Appropriate impact fees for the development of
18 vertical schools on smaller parcels of land in areas
19 that permit high-density residential structures;
 - 20 (4) Standards for the minimum floor area for vertical
21 schools;



1 (5) The effects of county land use planning and zoning on
2 development patterns and population shifts;

3 (6) Strategies to develop more schools where they are
4 needed, as a result of projected development patterns
5 and population shifts; and

6 (7) The effect of any rail transit system on the projected
7 need for schools near rail stations.

8 (e) For the purposes of this section:

9 "Developer" has the same meaning as in section 302A-1602,
10 Hawaii Revised Statutes.

11 "Vertical school" means a school in which all or most
12 classrooms are located within a single multi-story structure.

13 SECTION 3. (a) Members of the task force shall serve
14 without compensation but shall be reimbursed for expenses,
15 including travel expenses, necessary for the performance of
16 their duties.

17 (b) The department of education shall provide
18 administrative support to the task force and assist the task
19 force in the preparation of the reports and proposed legislation
20 required pursuant to section 4.



1 SECTION 4. (a) The school impact fee review task force
2 shall submit interim reports on its actions to the legislature
3 no later than twenty days before the convening of each of the
4 regular sessions of 2020 and 2021.

5 (b) The task force shall submit a final report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature and the governor no later than
8 twenty days before the convening of the regular session of 2022.

9 SECTION 5. (a) The school impact fee review task force
10 shall cease to exist on December 31, 2021.

11 (b) After December 31, 2021, members of the task force may
12 represent themselves as such before the legislature when
13 testifying about or discussing the task force's findings,
14 recommendations, and proposed legislation.

15 SECTION 6. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$100,000 or so much
17 thereof as may be necessary for fiscal year 2019-2020 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2020-2021 for the administrative and operating expenses of the
20 school impact fee review task force.



1 The sums appropriated shall be expended by the department
2 of education for the purposes of this Act.

3 SECTION 7. This Act shall take effect on July 1, 2019.
4

INTRODUCED BY: Breene Hunt
Lorraine L. Mowse

D. K. [Signature]
S. P. [Signature]
Alonso Mendoza Kim
SC. Keith-Argue
[Signature]

[Signature]
Barbara de Boh
[Signature]
Clarence [Signature]
Mike [Signature]
Michelle [Signature]
[Signature]
[Signature]
[Signature]

S.B. NO. 1392

Report Title:

School Impact Fee Review; Task Force; Appropriation

Description:

Establishes a task force to review the school impact fees law, the enforcement of the law, and recommend any necessary amendments. Appropriates funds for the administrative and operating expenses of the task force.

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

