



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 806, RELATING TO PUBLIC SCHOOL LANDS.

BEFORE THE:

HOUSE COMMITTEES ON EDUCATION AND ON WATER AND LAND

DATE: Thursday, March 11, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Via Videoconference, Rooms 309 and 430

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Melissa J. Kolonie,
Deputy Attorney General, at 586-1255)

Chairs Woodson and Tarnas, and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to require the Department to acquire two parcels of land on behalf of the Department of Education.

The Department submits that this bill is not necessary because the Department filed a Complaint for Condemnation in Eminent Domain for the subject parcels. The parties have reached a settlement, which, once reduced to writing, will require final Court approval and the issuance of a Judgment.

The Department respectfully asks the Committee to hold this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/11/2021
Time: 02:00 PM
Location: 309 & 430 Via
Videoconference
Committee: House Education
House Water & Land

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 0806 RELATING TO PUBLIC SCHOOL LANDS.

Purpose of Bill: Requires the attorney general of the State of Hawaii, on behalf of the Department of Education, to institute proceedings to acquire certain land owned by the Mililani Town Association by voluntary action or condemnation.

Department's Position:

The Hawaii State Department of Education (Department) supports SB 806, which requires the Department of the Attorney General to institute condemnation proceedings to acquire land owned by the Mililani Town Association by voluntary action or condemnation.

The Department of the Attorney General filed a complaint for eminent domain on behalf of the Department in the First Circuit Court of Hawaii on November 30, 2020. Since the initial filing, the Court has granted an Order of Possession in favor of the Department on December 21, 2020.

This bill also provides for the indemnification of the Mililani Town Association for all claims and liabilities against it that may arise from the effective date of this Act until the voluntary action or the condemnation process is complete. This indemnification will ensure the Department's use and improvement of the subject land throughout the condemnation proceedings.

We acknowledge and appreciate the legislature's continued commitment to improving State public school facilities and thank you for this opportunity to provide testimony on SB 806.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in

every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.