



**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:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Friday, February 12, 2021 **TIME:** 10:05 a.m.

LOCATION: State Capitol, Via Videoconference Conference Room 211

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

Chair Dela Cruz and Members of the Committee:

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 has filed a Complaint for Condemnation in Eminent Domain for the subject parcels. The Department has granted the Miliani Town Association an extension to file its answer and we are simultaneously negotiating a settlement.

We respectfully ask the Committee to hold this bill.

LATE

DAVID Y. IGE
GOVERNOR



DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

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

Date: 02/12/2021
Time: 10:05 AM
Location: CR211 & Videoconference
Committee: Senate Ways and Means

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.