

S.B. NO. 1393

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE USE OF PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that requiring the school
2 facilities authority to consult with the department of education
3 ensures that any decision to transfer or lease state lands to
4 the school facilities authority reflects a collaborative process
5 with the overseeing department. This consultation requirement
6 further ensures that any transfer or lease agreement aligns with
7 the department of education's operational goals and long-term
8 strategic planning. Incorporating this consultation requirement
9 further ensures a more transparent and balanced approach to land
10 management for public benefit.

11 The legislature further finds that, by requiring the school
12 facilities authority to consult with the department of education
13 and other impacted departments or agencies prior to initiating
14 or requesting any land transfers, the department of education or
15 other impacted department or agency, as the entity most familiar
16 with the land use and requirements under its jurisdiction, will
17 have the opportunity to fully assess the impacts of transferring
18 control and ownership. The department of education's or other

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1 impacted department's or agency's assessment can then be shared
2 with the school facilities authority for consideration. The
3 requirement for the school facilities authority to consult with
4 the department of education will prevent any unintentional
5 disruption of the department of education's exclusive and
6 primary mission to provide student learning and achievement.

7 The purpose of this Act is to promote a practical,
8 balanced, and cooperative approach to state land management by
9 requiring consultation with the department of education or other
10 impacted department or agency before any transfer or lease of
11 land or property owned or occupied by the department of
12 education or other impacted department or agency to the school
13 facilities authority. This amendment ensures that the school
14 facilities authority's land use decisions align with the
15 department of education's operational and strategic goals.

16 SECTION 2. Section 302A-1705, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) If state lands, other than public lands, under the
19 control and management of another department or agency, are
20 ~~[required]~~ identified by the authority for purposes of this
21 chapter, the authority shall consult with the department or
22 agency having control and management of the ~~[required]~~

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1 identified lands, [~~upon a request by the authority~~] and, with
2 the approval of the governor, the impacted department or agency
3 shall convey title or lease those identified lands, or an agreed
4 upon portion thereof, to the authority upon terms and conditions
5 as may be agreed to by the [~~parties,~~] impacted department or
6 agency; provided that at the request of the authority, and upon
7 consultation with the department of education, the department of of
8 education shall transfer any identified land or an agreed upon
9 portion thereof, to which it holds [~~title~~] ownership rights to
10 the authority[-] upon terms and conditions as may be agreed to
11 by the parties for the purposes of this chapter."

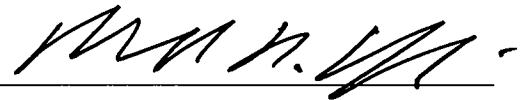
12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



17

BY REQUEST

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Report Title:

SFA; DOE; Public Lands Transfer

Description:

Requires the School Facilities Authority to consult with the Department of Education and other impacted departments or agencies prior to the conveyance of ownership rights or lease of lands to the School Facilities Authority.

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

JUSTIFICATION SHEET

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DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO THE USE OF PUBLIC LANDS.

PURPOSE: To require consultation with the Department or other impacted department or agency prior to the transfer of land to the School Facilities Authority (SFA).

MEANS: Amend section 302A-1705(a), Hawaii Revised Statutes.

JUSTIFICATION: The Department believes it is important for the SFA to consult with the Department or other impacted department or agency regarding the transfer of land, whether the land is owned by the Department or another state agency. However, current statutes do not provide explicit guidance requiring the SFA to seek the Department's or other state agency's input in such cases. This lack of clarity could result in development projects on or near school campuses being planned and executed without the knowledge of Department leadership.

Establishing a statutory requirement for SFA's consultation with the Department on land transfers can ensure a consistent and transparent process. This bill would align decisions with the Department's long-term strategic plans and prevent potential disruptions to educational priorities while ensuring that projects are executed with the needs of students, staff, and school communities in mind.

Impact on the public: Allowing for Department consultation will facilitate a more transparent and balanced approach to land management.

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Impact on the department and other agencies:
This would ensure conversations are conducted between the SFA and the department or agency having control of the land before any major land transfer takes place and will ensure alignment with Department and Board of Education decisions and priorities.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	EDN 450.
OTHER AFFECTED AGENCIES:	School Facilities Authority.
EFFECTIVE DATE:	Upon approval.