
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



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

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

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

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



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

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 Statutory material to be repealed is bracketed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

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

16



Report Title:

DOE; SFA; Public Lands Transfer

Description:

Requires the School Facilities Authority to consult with the Department of Education and other impacted departments or agencies before the conveyance of ownership rights or lease of lands to the School Facilities Authority. (SD1)

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