



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2613, S.D. 1, H.D. 1, RELATING TO PUBLIC SCHOOL LAND TRANSFER.

BEFORE THE:

HOUSE COMMITTEE ON WATER & LAND

DATE: Tuesday, March 24, 2026

TIME: 9:00 a.m.

LOCATION: State Capitol, Room 411

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

Chair Hashem and Members of the Committee:

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

The bill: (1) revises certain tax map key numbers and the conveyance process by which identified properties are conveyed to the Department of Education (DOE) pursuant to Act 307, Session Laws of Hawaii 2022 (Act 307); (2) directs the conveyance to the County of Kauai and Hawaii State Public Library System (HSPLS) of certain lands held by the DOE; and (3) clarifies that land dispositions of school buildings, facilities, and grounds made by the DOE shall not require approval from the Board of Land and Natural Resources when these dispositions are for periods exceeding one year.

Section 4 of the bill requires the DOE to convey certain parcels of land listed in that section to the HSPLS (page 21, line 14, through page 24, line 2). Among other things, the DOE would be required to prepare and record a quitclaim deed to convey each of the properties; however, the bill also provides that, as an alternative to conveyance instruments, the transfer of such lands shall be completed by operation of law (page 22, lines 8-16). This "operation of law" approach mirrors the process used in Act 307 to transfer certain properties from counties and the Department of Land and Natural Resources (DLNR) to the DOE.

The Department notes that while the DOE is authorized to own real property pursuant to section 302A-1506.2, Hawaii Revised Statutes (HRS), HSPLS does not

have express statutory authorization to acquire and hold real property. If HSPLS is to take fee simple title to the parcels listed in section 4, we recommend adding a new section to chapter 312, HRS, to expressly authorize HSPLS to own real property.

Furthermore, the property transfers set forth in section 4 of the bill present implementation concerns. Although Act 307 provides for transfers effective by operation of law, there are almost no deeds or other conveyance documents recorded with the Land Court or the Bureau of Conveyances evidencing transfers of the affected parcels from the counties or DLNR to the DOE. Consequently, the DOE may be unable to prepare and record conveyance instruments transferring clear record title to HSPLS without first addressing chain-of-title and recording issues for the affected parcels. To ensure the transfer can be effectuated, the bill should clarify the intended transfer mechanism and responsibility for establishing transferable record title.

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/24/2026

Time: 09:00 AM

Location: 411 VIA VIDEOCONFERENCE

Committee: WAL

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2613, HD1, RELATING TO PUBLIC SCHOOL LAND TRANSFER.

Purpose of Bill: Revises tax map key numbers and the conveyance process by which identified properties are conveyed to the Department of Education pursuant to Act 307, SLH 2022. Directs the conveyance to the County of Kauai and Hawaii State Public Library System of certain lands held by the Department of Education. Clarifies that land dispositions of school buildings, facilities, and grounds made by the DOE shall not require approval from the Board of Land and Natural Resources when these dispositions are for periods exceeding one year. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) appreciates the opportunity to provide comments to SB 2613, SD 1, HD 1, which seeks to amend Act 307, Session Laws of Hawaii 2022 (Act 307), by updating Tax Map Key numbers and clarifying the conveyance process for the identified public school properties. However, the Department strongly opposes Part III of the measure, which directs the conveyance of parcels containing 13 public and school library facilities to the Hawaii State Public Library System (HSPLS). This provision directly contradicts the intent and statutory framework established under Act 307, which sought to eliminate split ownership of school lands and consolidate fee simple title to the Department to support safe, functional, and efficiently managed public school campuses.

Act 307 was enacted to address significant delays, cost increases, and logistical complications caused by fragmented land ownership across State and County agencies. Reintroducing split ownership of school campus lands, especially where the HSPLS is physically embedded within the campus circulation, shared utilities, and shared areas, creates substantial operational, safety, legal, and capital-planning conflicts.

The Department already has adequate statutory tools to support co-located library services without the need to transfer land. Under Hawaii Revised Statutes (HRS) §302A-1148, the Department may issue rights of entry, licenses, or revocable permits for public and community uses, including longstanding HSPLS operations, while

preserving unified fee ownership. Likewise, HRS Chapter 312 authorizes the HSPLS operations but does not require fee simple ownership of the land on which a library sits. Further, re-introducing parcel splits would again trigger the public-land set-aside framework under HRS §171-11, requiring the Board of Land and Natural Resources approvals and multi-agency coordination, complicating future school improvements and undermining Act 307's consolidation intent.

The Department would also note that, according to the Department of the Attorney General's (AG) March 19, 2026, written testimony to the House Committee on Education, the HSPLS does not have the statutory authority to own land in fee simple. This poses a serious legal problem for Part III, Section 4 of this bill. To address the AG's comments in addition to the direct conflict with the original purpose of Act 307, which was to eliminate the split ownership of land, the Department recommends that the provisions of Part III, Section 4, be updated to reflect the following:

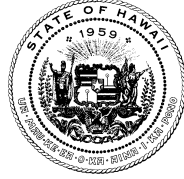
- Strike all references to the conveyance of land from the Department to the HSPLS as grantee; and
- Instead, require the Hawaii State Board of Education to mitigate operational issues between the Department and the HSPLS pursuant to Hawaii Revised Statutes (HRS) §302A-1120 and HRS §312-2.1 and Article X, Section 3 of the Hawaii State Constitution.

The HSPLS is primarily governed by the Hawaii State Board of Education (BOE) through HRS §302A-1120. This statute explicitly grants the BOE "direct control of the public library system" (excluding school libraries) through the State Librarian. HRS Chapter 312 is dedicated to "Libraries" and defines the BOE's specific duties and powers regarding the library system. As the committee would also acknowledge, the BOE also provides policy oversight to the Department.

Thank you for the opportunity to provide comments on SB 2613, SD 1, HD 1.

JOSH B. GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



STACEY A. ALDRICH
STATE LIBRARIAN
Ke Po'o Hale Waihona Puke Moku'āina

STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAII
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House Committee on Water & Land
March 24, 2026, 9:00 a.m.
State Capitol, Room 411

SB 2613 SD1 HD1 – Relating to Public School Land Transfer

To: Rep. Mark J. Hashem, Chair
Rep. Dee Morikawa, Vice Chair
Members of the House Committee on Water & Land

The Hawai'i State Public Library System (HSPLS) **supports** SB2613 SD1 HD1 which revises tax map key numbers and the conveyance process by which identified properties are conveyed to the Department of Education pursuant to Act 307, Session Laws of Hawai'i 2022; and clarifies that land dispositions of school buildings, facilities, and grounds made by the DOE shall not require approval from the Board of Land and Natural Resources when these dispositions are for periods exceeding one year.

In 1981, or about 45 years ago, the State Legislature transferred oversight of the public library system to the Board of Education (BOE) and the State Librarian. Under Section 312-1 of the Hawaii Revised Statutes (HRS), it is established that the BOE "...shall care for, manage, and control all property set apart, donated, loaned to, or in any manner acquired for the use of libraries; receive, care for, expend, and account for any money which may be received for the purpose of erecting buildings for libraries or for any other purposes of the libraries," while the State Librarian "...shall be responsible for the operation, planning, programming, and budgeting of all community/school and public libraries within the State..."

Although operations of the public libraries were transferred in 1981, control over the properties that the public libraries are located on was not completed nor clarified. Since 1981, the HSPLS has taken on sole responsibility for all operational issues related to the development, use, support, and improvements and maintenance of all public library buildings statewide, including public and school libraries, which are on or adjacent to school

campuses. During this time, the HSPLS has expended significant resources for continued maintenance, renovations, and improvements at all public libraries.

The HSPLS supports the language which adds new Part III, with the intention of fulfilling the legislative intent to separate the public library system from the Department of Education (DOE), including all public and school libraries. This measure will ensure that HSPLS will be able to effectively and efficiently manage, operate, improve and expend legislative appropriations designated for public libraries unencumbered.

Clarifying control over the property would be especially helpful with respect to HSPLS' management of twelve public and school libraries which are located on or adjacent to school campuses. Except for the Hana Public and School Library, which was built in 1984, all of the public and school libraries were built between 1963 – 1978 when the State Librarian was a deputy to the DOE Superintendent. These joint public and school libraries were built in growing communities (6 of 12 were built on Hawaii Island) and considered a cost-efficient way to provide library services to both the students and communities since both the school and public libraries are statewide systems.

At that time, both the DOE and the HSPLS had staff who worked in the joint-use library. Today, there are only two school library staff remaining at the 12 public and school libraries – one each at the 'Ewa Beach and Kahuku libraries. Over time, as the DOE has failed to replace school library staff, and the resources of HSPLS (including our staff) have attempted to fill the void created to support these students.

In 2000, the DOE distributed operational guidelines and procedures for public and school libraries to its staff, but few current DOE staff recall or implement them. Consequently, DOE staff continue to mistakenly believe that public and school library buildings belong to the DOE school and that HSPLS is on “their property”. As a result, it has been increasingly difficult for the HSPLS to enforce the management and control over public and school libraries with DOE staff who do not recognize the HSPLS as a separate independent entity. This mindset exists despite existing law that delegates oversight and control over library properties with the BOE and HSPLS.

HSPLS acknowledges that shared use would best be handled by internally generated agreements; however, we have found that due to the size and complexity of the DOE, this type of less formal documentation is highly reliant on individuals willing to implement an agreement. Recent experience is that despite working out issues with DOE staff as recently as

a few years ago, there is no assurance that current or future DOE staff will abide by an informal agreement. Unless there is a more formalized separation of the library property, the DOE staff will continue to believe they “own” the public and school library campuses exclusively to the detriment of the HSPLS.

Here are some typical examples of situations that have occurred:

- One principal has repeatedly supported legislation that attempted to transfer the public and school library on his campus to his control;
- On other campuses, the school principal has denied public library staff access to the campus to access the public and school library;
- During a DOE construction project, the branch manager showed up to work and found that 1/3 of her parking lot was taken over by the DOE construction project without any prior notice or approval;
- A DOE school parking lot repaving project that re-designed the parking lot to create a new pickup and drop off area utilizing the front entry area of the library was set to start construction without any prior notice or approval by HSPLS; and
- Recently, DOE staff delayed the start of a HSPLS construction project by two months claiming that they were unaware of the project despite documented emails and correspondence which included former and current DOE staff.

The examples above are just a few of the situations we hope to alleviate by providing more clarity for both DOE and HSPLS. This measure is needed to ensure that going forward, future HSPLS staff will be able to meet its mission without having to revisit similar types of issues.

Thank you for the opportunity to provide comments on SB 2613 SD1 HD1 and your continued support of our communities and the Hawai'i State Public Library System.