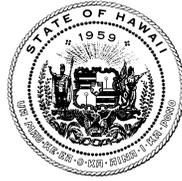


JOSH B. GREEN, M.D.
GOVERNOR

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
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813
(808) 586-3704

Senate Committee on Ways and Means
March 3, 2026, 10:17 a.m.
State Capitol, Room 211

SB 2613 SD1 – Relating to Public School Land Transfer

To: Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Miyawaki, Vice Chair
Members of the Senate Committee on Ways and Means

The Hawai'i State Public Library System (HSPLS) **supports** SB2613 SD1 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.

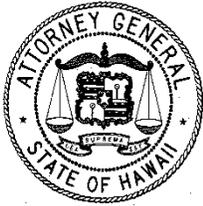
Prior to 1981, the Department of Education Superintendent was responsible for the Hawaii State Public Library System. In 1981, legislation was adopted to transfer responsibility for the public libraries to the Board of Education and the State Librarian. Although operations of the public libraries were transferred in 1981, control over the properties which the public libraries were located was not completed or clarified.

Since the separation of the public library system from the DOE, the HSPLS has been solely responsible for the development, use, support and improvements and maintenance of all public library buildings statewide, including public and school libraries which are located 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 SD1 language which would fulfill the legislative intent to separate the public library system from the DOE and clarify that lands beneath public libraries shall remain with the Department of Land and Natural Resources (DLNR).

The HSPLS requests that new subsection (i) be further amended to clarify that the land be designated for public library use to ensure that HSPLS can continue to effectively and efficiently manage, maintain, renovate and improve public libraries unincumbered.

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



**WRITTEN 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, RELATING TO PUBLIC SCHOOL LAND TRANSFER.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Tuesday, March 3, 2026

TIME: 10:17 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Anne T. Horiuchi,
Deputy Attorney General, at 808-586-1255)

Chair Dela Cruz 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: 03/03/2026

Time: 10:17 AM

Location: CR 211 & Videoconference

Committee: WAM

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2613, SD1, 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. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) appreciates the opportunity to provide comments to SB 2613, SD 1, which seeks to amend Act 307, Session Laws of Hawaii 2022, by updating Tax Map Key (TMK) 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 12 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, Session Laws of Hawaii 2022 (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. Re-introducing split ownership of school campus lands, especially where the HSPLS is physically embedded within the campus circulation, 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 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.

For these reasons, the Department respectfully requests the complete deletion of Part III and the insertion of clarifying language prohibiting the subdivision or transfer of any portion of active school campuses to HSPLS. Co-located library functions should continue through the Department's existing statutory authority.

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