

ACT 206

H.B. NO. 116

A Bill for an Act Relating to Public Schools.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that Act 97, Session Laws of Hawaii 1965, transferred the responsibility for functions that were deemed to be of state-wide concern from the counties to the State. Among these functions were the planning, construction, improvement, and maintenance of public school facilities and grounds. Since public school facilities and grounds are the responsibility of the State, it is reasonable to continue transferring remaining county lands to the State; provided that the transfer of those lands does not include any property designated as a public park.

The purpose of this Act is to:

- (1) Transfer parcels of property containing schools operated by the department of education that are currently owned by the city and county of Honolulu to the State; and
- (2) Extend the twenty-first century schools pilot program established by Act 155, Session Laws of Hawaii 2013, for an additional five years.

PART II

SECTION 2. (a) Notwithstanding any other law to the contrary, the fee simple interest to the following parcels of land with the existing improvements thereon (hereinafter "the properties") (but not including submerged land, accreted land, or any land makai of the shoreline), shall be conveyed by the city and county of Honolulu to the department of land and natural resources as grantee, as is, where is:

- (1) TMK 1-4-5-34-14 (Castle High);
- (2) TMKs 1-5-6-6-9, 1-5-6-6-10, and 1-5-6-6-25 (Kahuku High and Elementary);
- (3) TMK 1-4-4-34-24 (Kalaheo High);
- (4) TMK 1-9-1-1-2 (portion) (Campbell High);
- (5) TMK 1-8-5-15-1 (Waianae High);
- (6) TMK 1-9-4-8-20 (Waipahu High);
- (7) TMK 1-9-8-31-17 (Aiea High);
- (8) TMK 1-7-4-18-1 (Leilehua High);
- (9) TMK 1-9-9-2-23 (Radford High);
- (10) TMK 1-6-7-2-10 (Waialua High and Intermediate);
- (11) TMKs 1-6-003-048, 1-6-021-005 (Farrington High);
- (12) TMK 2-7-024-001 (Kaimuki High);
- (13) TMK 3-9-005-027 (Kaiser High); and
- (14) TMK 3-5-020-004 (Kalani High).

(b) The city and county of Honolulu shall prepare, execute, and record, in the land court or bureau of conveyances, as appropriate, a quitclaim deed to convey each above-listed parcel with all existing improvements, subject to the property boundaries determined pursuant to subsection (d), to the department of land and natural resources, as grantee. As these are conveyances in which the city and county of Honolulu and the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply to them. Effective on the date of transfer pursuant to subsection (e), every refer-

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ence to the present titleholder or the head of the department or agency in each instrument, if the titleholder is a department or an agency, shall be construed as a reference to the department of land and natural resources.

(c) The department of land and natural resources shall accept the properties in their existing condition. All claims and liabilities against the city and county of Honolulu, if any, which the department of land and natural resources has, may have had, or may have in the future, regarding any injury, loss, cost, damage, or liability, including reasonable attorney's fees, concerning the physical, environmental, soil, economic, and legal conditions of the conveyed properties, are released, waived, and extinguished.

(d) Transfer of parcels shall be effective December 31, 2018.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2017-2018 and the same sum or so much thereof as may be necessary for fiscal year 2018-2019 as a grant-in-aid to the city and county of Honolulu to prepare, execute, and record the quitclaim deeds required under this Act, including costs outside of normal business.

The sums appropriated shall be expended by the city and county of Honolulu for the purposes of this Act.

PART III

SECTION 4. Section 302A-1151.1, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Any lease entered into by the department pursuant to subsection (b) shall be fully executed no later than [~~five~~] ten years from July 1, 2013.”

PART IV

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2017.

(Became law on July 11, 2017, without the governor's signature, pursuant to Art. III, §16, State Constitution.)