

ACT 307

S.B. NO. 2186

A Bill for an Act Relating to Public School Land Transfer.

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

SECTION 1. The legislature finds that before statehood, each county within the territory of Hawaii governed its own respective public education system. Among other matters of statewide concern, Act 97, Session Laws of Hawaii 1965 (Act 97), vested in the State the responsibility for the planning, construction, improvement, and maintenance of public school grounds and facilities. Prior to Act 97, counties issued bonds to plan, construct, improve, and maintain public school facilities and grounds.

Act 154, Session Laws of Hawaii 2003, conveyed to the State the fee simple title to certain county of Hawaii lands used by the department of education. Act 206, Session Laws of Hawaii 2017 (Act 206), directed to the department of land and natural resources the conveyance of the fee simple title to certain city and county of Honolulu lands used by the department of education. Act 272, Session Laws of Hawaii 2019, amended Act 206 by designating the transferee as the department of education instead of the department of land and natural resources. Act 210, Session Laws of Hawaii 2018, directed the conveyance to the department of education of the fee simple title to additional city and county of Honolulu lands used by the department of education.

The legislature further finds that the department of education has invested significant public funds on maintenance and capital improvement projects for new school facilities. The expenditure of these funds was done without regard to the underlying fee ownership of the real property. Act 155, Session Laws of Hawaii 2013 (Act 155), authorized the department of education to develop its assets to create twenty-first century schools. Act 155 also authorized the department of education to explore different mechanisms to redevelop its assets, including revenue generation to support investments in twenty-first century schools.

The legislature also finds that split ownership of the land under existing public schools creates problems for redevelopment, especially when private investment is involved. This has resulted in delays in the permitting and delivery of vital capital improvements throughout the public school system.

The legislature additionally finds that, to provide the department of education with flexibility to redevelop, reposition, and improve its assets in a timely and efficient manner, sole ownership of all land under existing public schools should be consolidated and held by the department of education.

Accordingly, the purpose of this Act is to:

- (1) Convey to the department of education fee simple title to the lands used by the department of education for public schools and offices that are currently held by the counties of Kauai and Maui, the State, and the department of land and natural resources;
- (2) Require legislative approval prior to the sale or gift of lands to which the department of education holds title; and
- (3) Appropriate funds to effectuate the transfer of the properties identified herein and for the department of education to effectively manage the real property it holds.

SECTION 2. (a) Notwithstanding any other law to the contrary, the fee simple interest to the parcels of land set forth in this section, together with the existing improvements thereon, but not including submerged land, accreted land, or any land makai of the legal shoreline (collectively, the properties), shall be conveyed by their respective owner or owners to the department of education

as grantee, as is, where is. The department of education shall accept the properties in their existing condition. All claims and liabilities against the grantors, if any, that the department of education 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 properties, shall be released, waived, and extinguished.

(b) The respective owner or owners of the properties shall prepare, execute, and record, in the land court or bureau of conveyances, as appropriate, a quitclaim deed to convey each of the properties together with all existing improvements. Work to initiate the conveyance of the properties shall commence no later than December 31, 2022. As an alternative to conveyance instruments for each parcel of state or county owned land, the transfer of such lands shall be completed by operation of law. Where applicable and in the discretion of the department of education, the department of education may elect to obtain all or a portion of each parcel identified by this Act. If the department of education elects to obtain a portion or portions of any parcel identified by this Act, then the parties to the conveyance shall take all actions necessary to legally effect the same.

(c) As these are conveyances in which the county and the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply.

(d) Effective on the date of transfer, every reference to the titleholder of the properties shall be construed as a reference to the department of education.

(e) Parcels to be conveyed by the county of Kauai, identified by tax map key number, are as follows:

- (1) (4)2-1-001:009 (Eleele elementary school);
- (2) (4)5-2-009:006 (Kilauea elementary school);
- (3) (4)1-6-010:010 (Waimea high school);
- (4) (4)1-6-009:023 (portion) (Waimea high school); and
- (5) (4)3-6-002:010 (Wilcox elementary school).

(f) Parcels to be conveyed by the county of Maui, identified by tax map key number, are as follows:

- (1) (4)4-8-005:001 (Anahola school);
- (2) (2)3-8-007:004 (Baldwin high school);
- (3) (2)3-8-007:080 (Baldwin high school);
- (4) (2)3-8-007:047 (Baldwin high school);
- (5) (2)2-7-008:097 (Haiku elementary school);
- (6) (2)2-7-004:029 (Haiku elementary school);
- (7) (2)2-7-004:004 (Haiku elementary school);
- (8) (2)1-3-006:007 (Hana high school);
- (9) (2)3-4-009:003 (Iao intermediate school);
- (10) (2)3-8-007:041 (Kahului elementary school);
- (11) (2)4-6-002:013 (Kamehameha III elementary school);
- (12) (2)5-3-002:052 (Kaunakakai elementary school);
- (13) (2)5-2-013:027 (Kualapuu elementary school - public charter school);
- (14) (2)2-2-014:002 (Kula elementary school);
- (15) (2)3-8-030:009 (Lihikai elementary school);
- (16) (2)2-3-009:035 (portion) (Pukalani elementary school);
- (17) (2)3-8-006:008 (Puunene school);
- (18) (1)3-2-006:028 (school food services);
- (19) (2)3-4-007:049 (Wailuku elementary school); and
- (20) (2)3-4-007:003 (Wailuku elementary school).

(g) Parcels to be conveyed by the department of land and natural resources or the State, as the case may be, identified by tax map key number, are as follows:

- (1) (1)4-7-060:030 (Ahuimanu elementary school);
- (2) (1)9-9-005:004 (Aiea elementary school);
- (3) (1)9-9-005:001 (portion) (Aiea intermediate school);
- (4) (1)2-7-036:007 (Ala Wai elementary school);
- (5) (1)1-1-010:041 (Aliamanu elementary school);
- (6) (1)3-3-003:019 (Aliiolani elementary school);
- (7) (1)3-4-004:049 (portion) (Anuenue school);
- (8) (1)3-4-004:049 (portion) (Anuenue school);
- (9) (1)3-4-004:002 (Anuenue school);
- (10) (1)9-4-059:072 (August Ahrens elementary school);
- (11) (1)9-4-059:074 (August Ahrens elementary school);
- (12) (1)9-1-013:003 (Barbers Point elementary school);
- (13) (1)7-4-017:002; (1)7-4-022:050; and (1)7-4-002:049 (central district office Wahiawa);
- (14) (2)2-2-002:081 (Kihei high school);
- (15) (1)2-1-009:001 (Keelikolani middle school);
- (16) (1)2-1-005:002 (Keelikolani middle school);
- (17) (3)2-5-008:013 (DeSilva elementary school);
- (18) (4)2-1-001:006 (Eleele elementary school);
- (19) (1)9-1-163:010 (Ewa elementary school);
- (20) (1)9-1-069:027 (Ewa Makai middle school);
- (21) (1)1-6-003:083 (Farrington high school);
- (22) (1)1-6-003:047 (Farrington high school);
- (23) (1)1-3-001:058 (Fern elementary school);
- (24) (3)2-6-020:038 (Haaheo elementary school);
- (25) (2)2-7-008:098 (Haiku elementary school);
- (26) (3)2-9-002:005 (Hakalau school);
- (27) (1)6-6-013:012 (Haleiwa elementary school);
- (28) (2)1-3-006:008 (Hana high and elementary school);
- (29) (4)5-5-006:038 (Hanalei elementary school);
- (30) (4)5-5-006:018 (Hanalei elementary school);
- (31) (1)5-4-008:026 (Hauula elementary school);
- (32) (1)5-4-009:004 (Hauula elementary school);
- (33) (1)3-1-023:054 (Hawaii school for the deaf and the blind);
- (34) (3)2-3-015:001 (Hilo high school);
- (35) (3)2-3-015:026 (Hilo high school);
- (36) (3)2-3-021:058 (Hilo intermediate school);
- (37) (3)2-3-016:037 (Hilo union elementary school);
- (38) (1)9-1-102:028 (Holomua elementary school);
- (39) (3)7-6-004:002 (Holualoa elementary school);
- (40) (3)8-3-013:021 (Honaunau elementary school);
- (41) (3)4-5-005:001 (Honokaa elementary school);
- (42) (3)4-5-005:002 (portion) (Honokaa elementary school);
- (43) (3)4-5-010:076 (portion) (Honokaa elementary school);
- (44) (3)4-5-010:076 (portion) (Honokaa high and intermediate school);
- (45) (3)4-5-012:021 (Honokaa high and intermediate school);
- (46) (3)4-5-012:025 (Honokaa high and intermediate school);
- (47) (3)4-5-003:020 (Honokaa high and intermediate school);
- (48) (3)4-5-005:002 (Honokaa high and intermediate school);
- (49) (1)9-1-017:160 (Honouliuli middle school);
- (50) (1)9-4-053:117 (Honowai elementary school);

- (51) (1)9-1-160:024 (Hookele elementary school);
- (52) (1)9-1-158:062 (Hookele elementary school);
- (53) (3)8-6-010:009 (portion) (Hookena elementary school);
- (54) (2)3-4-009:004 (Iao intermediate school);
- (55) (1)7-7-001:003 (Inouye elementary school);
- (56) (1)3-4-007:009 (Jarrett middle school);
- (57) (1)2-6-029:002 (Jefferson elementary school);
- (58) (1)2-6-028:005 (Jefferson elementary school);
- (59) (1)5-1-002:018 (Kaaawa elementary school);
- (60) (1)2-4-012:001 (Kaahumanu elementary school);
- (61) (1)4-2-090:074 (Kaelepulu elementary school);
- (62) (3)7-5-020:077 (Kahakai elementary school);
- (63) (3)7-5-020:079 (Kahakai elementary school);
- (64) (1)5-6-006:024 (Kahuku elementary school);
- (65) (1)5-6-006:003 (Kahuku high and intermediate school);
- (66) (1)4-3-056:003 (Kailua elementary school);
- (67) (1)4-2-003:022 (Kailua high school);
- (68) (1)9-1-001:022 (Kaimiloa elementary school);
- (69) (1)2-7-024:001 (Kaimuki high school);
- (70) (1)2-7-024:003 (Kaimuki high school);
- (71) (1)1-5-005:016 (Kaiulani elementary school);
- (72) (4)2-3-002:005 (Kalaheo elementary school);
- (73) (1)4-4-034:029 (Kalaheo high school);
- (74) (1)4-4-034:028 (Kalaheo high school);
- (75) (1)1-5-025:001 (Kalakaua middle school);
- (76) (1)1-5-024:029 (Kalakaua middle school);
- (77) (2)2-4-032:109 (Kalama intermediate school);
- (78) (2)2-4-032:110 (Kalama intermediate school);
- (79) (3)2-7-022:003 (Kalaniana'ole elementary and intermediate);
- (80) (3)2-7-022:002 (Kalaniana'ole elementary and intermediate);
- (81) (3)2-7-025:004 (Kalaniana'ole elementary and intermediate);
- (82) (1)9-4-107:098 (Kaleiopuu elementary school);
- (83) (1)1-5-028:075 (Kalihi-Kai elementary school);
- (84) (1)1-3-036:015 (Kalihi-Uka elementary school);
- (85) (1)1-3-008:004 (Kalihi-Waena elementary school);
- (86) (1)8-5-002:037 (Kamaile Academy - public charter school);
- (87) (4)3-3-003:042 (Kamakahelei middle school);
- (88) (2)3-9-019:009 (Kamalii elementary school);
- (89) (2)4-6-002:014 (Kamehameha III elementary school);
- (90) (1)9-4-115:023 (Kanoelani elementary school);
- (91) (4)4-6-014:031 (portion) (Kapaa elementary school);
- (92) (4)4-6-014:031 (portion) (Kapaa high school);
- (93) (4)4-3-003:020 (Kapaa middle school);
- (94) (3)2-2-020:001 (Kapiolani elementary school);
- (95) (1)9-1-016:040 (Kapolei elementary school);
- (96) (1)9-1-016:074 (Kapolei high school);
- (97) (1)9-1-016:082 (Kapolei middle school);
- (98) (3)9-6-005:039 (Kau high and Pahala elementary school);
- (99) (3)9-6-005:008 (Kau high and Pahala elementary school);
- (100) (4)3-2-005:010 (Kauai high school);
- (101) (4)3-3-003:009 (Kauai high school);
- (102) (4)3-2-005:011 (Kauai high school);
- (103) (4)3-3-003:015 (Kauai high school);
- (104) (4)3-3-003:007 (Kauai high school);

(105)	(1)1-7-023:041	(Kauluwela elementary school);
(106)	(3)2-5-005:084	(Kaumana elementary school);
(107)	(4)3-7-003:006	(Kaumualii elementary school);
(108)	(1)2-2-009:013	(Kawananakoa middle school);
(109)	(3)1-6-003:102	(Keaau elementary school);
(110)	(3)1-6-003:110	(Keaau high school);
(111)	(3)1-6-003:111	(Keaau high school);
(112)	(3)1-6-003:112	(Keaau high school);
(113)	(3)1-6-003:059	(Keaau middle school);
(114)	(3)1-6-002:001	(Keaau middle school);
(115)	(3)7-4-019:044	(portion) (Kealakehe elementary school);
(116)	(3)7-4-021:004	(Kealakehe high school);
(117)	(3)7-4-019:044	(portion) (Kealakehe intermediate school);
(118)	(2)1-1-008:020	(Keanae elementary);
(119)	(4)1-3-002:001	(Kekaha elementary school);
(120)	(2)2-3-007:032	(Kekaulike high school);
(121)	(3)1-5-009:059	(Keonepoko elementary school);
(122)	(1)9-1-012:060	(Keoneula elementary school);
(123)	(2)2-2-002:043	(portion) (Kihei elementary school);
(124)	(4)5-2-009:048	(Kilauea elementary school);
(125)	(2)5-6-002:008	(Kilohana elementary school);
(126)	(1)9-5-021:001	(Kipapa elementary school);
(127)	(3)5-5-008:024	(portion) (Kohala elementary school);
(128)	(3)5-4-007:014	(portion) (Kohala elementary school);
(129)	(3)5-4-007:008	(Kohala high school);
(130)	(3)5-4-008:021	(Kohala high school);
(131)	(3)5-5-008:024	(Kohala high school);
(132)	(3)5-4-007:014	(portion) (Kohala high school);
(133)	(3)5-3-010:056	(Kohala middle school);
(134)	(4)2-8-010:011	(Koloa elementary school);
(135)	(3)8-1-004:058	(Konawaena elementary school);
(136)	(3)8-1-005:011	(Konawaena high school);
(137)	(3)8-1-005:013	(Konawaena high school);
(138)	(3)8-1-002:038	(portion) (Konawaena high school);
(139)	(3)8-1-002:038	(portion) (Konawaena middle school);
(140)	(1)2-7-017:029	(Kuhio elementary school);
(141)	(1)2-7-027:022	(Kuhio elementary school);
(142)	(2)4-6-018:013	(portion) (Lahaina intermediate school);
(143)	(2)4-5-034:035	(Lahaina intermediate school);
(144)	(2)4-6-018:005	(Lahainaluna high school);
(145)	(2)4-6-018:007	(Lahainaluna high school);
(146)	(2)4-6-018:012	(Lahainaluna high school);
(147)	(1)5-5-015:033	(Laie elementary school);
(148)	(2)4-9-014:003	(Lanai high and elementary school);
(149)	(2)4-9-014:004	(Lanai high and elementary school);
(150)	(1)1-7-042:001	(Lanakila elementary school);
(151)	(3)3-5-005:001	(Laupahoehoe community - public charter school);
(152)	(3)3-5-004:059	(Laupahoehoe community - public charter school);
(153)	(3)3-5-004:026	(Laupahoehoe community - public charter school);
(154)	(1)8-6-001:054	(Leihoku elementary school);
(155)	(1)1-6-008:021	(Likelike elementary school);
(156)	(1)1-6-008:023	(Likelike elementary school);
(157)	(1)9-1-017:108	(department of education);
(158)	(1)2-4-033:013	(Lincoln elementary school);

- (159) (2)2-2-002:043 (portion) (Lokelani intermediate school);
- (160) (1)2-3-030:052 (Lunalilo elementary school);
- (161) (1)1-8-005:008 (Maemae elementary school);
- (162) (1)1-8-005:012 (Maemae elementary school);
- (163) (1)9-2-009:082 (Makakilo elementary school);
- (164) (1)9-9-075:028 (Makalapa elementary school);
- (165) (2)2-4-005:010 (Makawao elementary school);
- (166) (1)9-7-068:005 (Manana elementary school);
- (167) (2)3-8-007:098 (Maui high school);
- (168) (2)3-8-007:002 (Maui Waena intermediate school);
- (169) (1)9-2-019:022 (Mauka Lani elementary school);
- (170) (1)4-2-043:001 (Maunawili elementary school);
- (171) (1)2-3-009:001 (McKinley high school);
- (172) (reserved);
- (173) (reserved);
- (174) (1)9-5-001:054 (Mililani high school);
- (175) (1)9-5-001:055 (Mililani high school);
- (176) (1)9-5-002:046 (Mililani Ike elementary school);
- (177) (1)9-5-049:006 (Mililani Mauka elementary school);
- (178) (1)9-5-002:040 (Mililani middle school);
- (179) (reserved);
- (180) (1)9-4-005:047 (Mililani Uka elementary school);
- (181) (1)9-5-001:039 (Mililani Waena elementary school);
- (182) (1)1-1-063:011 (Moanalua high school);
- (183) (2)5-2-015:001 (portion) (Molokai high school);
- (184) (2)5-2-007:001 (Molokai high school);
- (185) (2)5-2-015:001 (portion) (Molokai middle school);
- (186) (1)9-7-025:004 (portion) (Momilani elementary school);
- (187) (3)1-8-001:007 (Mountain View elementary school);
- (188) (3)9-5-009:006 (Naalehu elementary school);
- (189) (2)4-6-018:013 (portion) (Nahienaena elementary school);
- (190) (1)8-9-002:065 (Nanaikapono elementary school);
- (191) (1)8-9-007:009 (portion) (Nanakuli elementary school);
- (192) (1)8-9-007:009 (portion) (Nanakuli high and intermediate school);
- (193) (4)4-2-006:002 (portion) (Olomana school);
- (194) (3)4-3-003:032 (Paauilo elementary and intermediate school);
- (195) (3)4-3-003:024 (Paauilo elementary and intermediate school);
- (196) (3)1-5-114:025 (Pahoa elementary school);
- (197) (3)1-5-114:002 (Pahoa elementary school);
- (198) (3)1-5-114:026 (Pahoa high and intermediate school);
- (199) (3)1-5-003:038 (Pahoa high and intermediate school);
- (200) (2)2-5-005:004 (Paia elementary school);
- (201) (1)3-4-002:002 (Palolo elementary school);
- (202) (1)4-5-017:001 (Parker elementary school);
- (203) (1)9-7-025:004 (portion) (Pearl City high school);
- (204) (reserved);
- (205) (1)9-9-001:012 (Pearl Harbor Kai elementary school);
- (206) (1)9-8-013:028 (Pearl Ridge elementary school);
- (207) (2)3-8-007:156 (Pomaikai elementary school);
- (208) (1)4-1-031:041 (Pope elementary school);
- (209) (1)4-1-031:040 (Pope elementary school);
- (210) (2)3-5-001:103 (Puu Kukui elementary school);
- (211) (2)3-8-006:008 (Puunene school);
- (212) (1)9-9-071:053 (Radford high school);

- (213) (1)1-1-012:028 (Red Hill elementary school);
- (214) (1)2-4-032:001 (Roosevelt high school);
- (215) (1)2-1-020:001 (Royal elementary school);
- (216) (1)1-1-063:013 (Salt Lake elementary school);
- (217) (1)1-1-008:008 (Shafter elementary school);
- (218) (1)2-4-033:013 (Stevenson middle school);
- (219) (1)5-9-005:018 (Sunset Beach elementary school);
- (220) (3)1-9-004:019 (Volcano school of arts and sciences);
- (221) (1)7-6-001:003 (Wahiawa middle school);
- (222) (1)7-6-001:004 (Wahiawa middle school);
- (223) (1)4-8-009:010 (Waihole elementary school);
- (224) (3)2-4-001:015 (portion) (Waiakea elementary school);
- (225) (3)2-4-001:015 (portion) (Waiakea high school);
- (226) (3)2-4-001:015 (portion) (Waiakea intermediate school);
- (227) (3)2-2-042:017 (Waiakeawaena elementary school);
- (228) (3)2-2-042:007 (Waiakeawaena elementary school);
- (229) (1)6-7-002:009 (Waialua high and intermediate school);
- (230) (1)6-7-002:030 (Waialua high and intermediate school);
- (231) (1)6-7-002:029 (Waialua high and intermediate school);
- (232) (1)8-5-009:018 (Waianae elementary school);
- (233) (1)8-5-002:018 (Waianae high school);
- (234) (1)8-5-028:042 (Waianae intermediate school);
- (235) (1)9-8-050:071 (Waiau elementary school);
- (236) (2)3-2-007:021 (Waihee elementary school);
- (237) (1)9-4-007:069 (Waikele elementary school);
- (238) (1)9-4-007:068 (Waikele elementary school);
- (239) (3)6-8-002:038 (Waikoloa school);
- (240) (2)3-4-007:001 (Wailuku elementary school);
- (241) (2)3-4-007:020 (Wailuku elementary school);
- (242) (reserved);
- (243) (1)4-1-009:012 (portion) (Waimanalo elementary and intermediate school);
- (244) (4)1-2-006:033 (Waimea Canyon school);
- (245) (3)6-7-002:015 (portion) (Waimea elementary school);
- (246) (4)1-6-010:004 (Waimea high school);
- (247) (3)6-7-002:015 (portion) (Waimea middle school - public charter school);
- (248) (1)9-4-010:040 (Waipahu elementary school);
- (249) (1)9-4-008-025 (Waipahu high school);
- (250) (1)9-4-001:030 (Waipahu intermediate school);
- (251) (1)9-9-005:001 (portion) (Webbing elementary school);
- (252) (1)7-7-001:002 (Wheeler elementary school);
- (253) (1)7-7-001:002 (Wheeler middle school);
- (254) (4)3-6-002:021 (Wilcox elementary school); and
- (255) (4)3-6-002:022 (Wilcox elementary school).

SECTION 3. Legislative approval shall be obtained prior to the sale or gift of, or alienation of the fee simple title to, any land held by the department of education, including the properties upon transfer pursuant to this Act. Any sale or gift of, or alienation of the fee simple title to, any land held by the department of education, including the properties upon transfer pursuant to this Act, shall be void unless approved by the legislature.

ACT 307

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of this Act.

The sum appropriated shall be expended by the department of education for the purposes of this Act

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)