

STAND. COM. REP. NO.

2629

Honolulu, Hawaii

FEB 23 2010

RE: S.B. No. 2571
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2571, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to implement statutory changes that, upon ratification of an appropriate constitutional amendment:

- (1) Change the method of selection of Board of Education members from election to appointment by the Governor, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by a newly established Board of Education Candidate Nomination Commission; and
- (2) Authorize the Board of Education student member to vote on all matters before the board, except for those matters relating to fiscal and personnel issues.

Written comments in support of the measure were submitted by four private organizations. Written comments in opposition to the measure were submitted by one state agency, one private organization, and one individual. Written comments presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the provisions within the measure, are intended to implement, in the alternative, two constitutional



amendments regarding the method of selection of the Board of Education members and the ability of the student member to vote on certain subjects before the Board. Your Committee finds that, in these difficult economic times during which fiscal decisions have so directly and severely impacted our children, issues of accountability and responsiveness must be balanced with direct citizen control over who makes the decisions affecting our public schools. Your Committee believes that discussion regarding these critical issues must take place in order to assure that our public school system is in the best hands.

Your Committee notes that the constitutional amendments at issue are contained in S.B. No. 2350, S.D. 1, and S.B. No. 2570 S.D. 1. Your Committee observes that, although S.B. No. 2571, S.D. 1 is intended to provide and amend the statutory provisions that would implement these two constitutional amendments in the alternative, the measure as received does not address the election of the student member of the Board, nor does it address what will occur if the student member provisions are ratified, but the change to the method of selection of the other Board members is not.

Accordingly, your Committee has amended this measure by making technical, nonsubstantive changes for the purposes of style, clarity, and internal conformity and consistency with other statutory sections, in order to effectuate the intent of the measure.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2571, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2571, S.D. 2.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2571, SD 1	EDH, JGO	2/23/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
		<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes