

STAND. COM. REP. NO. 2575

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2763
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2763, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Board of Education to hold no less than six community meetings each year; provided that at least one meeting shall be held in each county;
- (2) Require the Board of Education to allow an open forum for public testimony on items not on a public meeting agenda if certain requirements are met;
- (3) Sunset the open forum requirement on June 30, 2019; and
- (4) Require the Board of Education to report to the Legislature prior to the convening of the Regular Session of 2015 on its efforts to amend its policies to include an open forum at the end of its meeting agenda.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Community Children's Council of Hawaii; Special Education Advisory Council; and six individuals. Your Committee received comments on this measure from the Office of Information Practices.

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Your Committee finds that this measure increases the opportunities for all stakeholders to effectively communicate with the Board of Education. However, your Committee notes the concerns raised by the Office of Information Practices regarding the open forum requirement that allows the Board of Education to allow public testimony on items that are not on a public meeting agenda under certain conditions. The Office of Information Practices testified that these open forum opportunities could be used to intentionally subvert the spirit of the Sunshine Law and may cause delays and difficulties for the Board of Education to conduct its necessary business.

Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2763, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2763, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor




CLAYTON HEE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2763, SD1	Committee Referral: EDU, JDL	Date: 2/20/14		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood				✓
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes