

STAND. COM. REP. NO. **321** -22

Honolulu, Hawaii

FEB 15 , 2022

RE: H.B. No. 1848  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Education and Higher Education & Technology, to which was referred H.B. No. 1848 entitled:

"A BILL FOR AN ACT RELATING TO STUDENT JOURNALISM,"

beg leave to report as follows:

The purpose of this measure is to establish the Hawaii Student Journalism Protection Act, which:

- (1) Allows student journalists at public schools and colleges to exercise freedom of speech and freedom of the press in school-sponsored media; and
- (2) Protects advisors from retaliation for refusing to infringe upon student press freedom.

Your Committees received testimony in support of this measure from the Student Press Law Center, Hawaii Publishers Association, Hawaii Professional Chapter of the Society of Professional Journalists Hawaii Chapter, Big Island Press Club, Hawaii State Teachers Association, All Hawaii News, and eighteen individuals. Your Committees received comments on this measure from the Department of Education, Department of the Attorney General, and one individual.

2022-1084 HB1848 HD1 HSCR HMSO



Your Committees find that states may enhance the protections guaranteed by the First Amendment of the United States Constitution through state laws, rules, and regulations. Your Committees further find that student journalists attending Hawaii public schools and the University of Hawaii need additional protection against censorship, and that advisors need additional protections against retaliation for refusing to illegally censor student journalists. This measure will establish those protections and clarify the responsibilities of those involved in journalism in Hawaii's public schools and the University of Hawaii.

Your Committees have amended this measure by:


- (1) Clarifying that this measure applies to students of the University of Hawaii;
- (2) Specifying that allowing student journalists at the University of Hawaii to exercise freedom of speech and freedom of the press in school-sponsored media and protecting their advisors from retaliation for refusing to censor their students is a matter of statewide concern;
- (3) Clarifying that the freedom of press provisions established by this measure are not to be construed to authorize or protect student expression that incites students to violate lawful school, Board of Education, or University of Hawaii policies;
- (4) Changing its effective date to July 1, 2050; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education & Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1848, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1848, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committees on Education and  
Higher Education & Technology,

  
\_\_\_\_\_  
GREGG TAKAYAMA, Chair

  
\_\_\_\_\_  
JUSTIN H. WOODSON, Chair





**Record of Votes of the Committee on Higher Education & Technology**

<b>Bill/Resolution No.:</b> <i>H.B.1848</i>	<b>Committee Referral:</b> <i>EDN/HET, JITA</i>	<b>Date:</b> <i>Feb 3, 2022</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. CLARK, Linda (VC)	✓			
3. BELATTI, Della Au	✓			
4. GANADEN, Sonny	✓			✗
5. GATES, Cedric Asuega	✓			✗
6. HASHIMOTO, Troy N.	✓			
7. KAPELA, Jeanne	✓			
8. OHNO, Takashi				✓
9. QUINLAN, Sean	✓			
10. WOODSON, Justin H.	✓			
11. YAMANE, Ryan I.	✓			
12. OKIMOTO, Val	✓			
<b>TOTAL (12)</b>	<i>11</i>	<i>0</i>	<i>0</i>	<i>1</i>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Linda A Clark</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				