



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 46 AND H.R. NO. 39, REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE AVAILABLE RECREATIONAL FACILITIES TO THE PUBLIC DURING NON-PEAK HOURS AND NON-SCHOOL DAYS.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Thursday, March 20, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) respectfully opposes these resolutions.

These resolutions request that the Department of Education (DOE) open public school recreational facilities for public use during non-peak hours and non-school use days.

The Department is concerned that opening public school recreational facilities for "unrestricted" public use, without legal safeguards, may expose the DOE to substantial liability for injuries or worse. Moreover, the resolutions do not identify who will be responsible for the increased costs of maintaining school grounds and facilities and providing safety personnel, or who may be liable if school playing fields, gymnasiums, or other school properties are damaged. Without legal safeguards, these liability and cost issues may make the actions called for by the resolutions a significant risk for legal and financial liability accruing to the State.

We respectfully request that these resolutions be held. Thank you for the opportunity to provide testimony on these measures.

HR-39

Submitted on: 3/19/2025 7:05:22 AM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candace Vizcarra	Individual	Support	Written Testimony Only

Comments:

I support this resolution!!

HR-39

Submitted on: 3/19/2025 1:50:10 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Education:

I strongly support this resolution; it makes common sense.

Mahalo,

Daniel C. Smith

Pearl City

LATE

HR-39

Submitted on: 3/19/2025 2:25:22 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Ebert	Individual	Support	Written Testimony Only

Comments:

This is great for keiki and families!

LATE

HR-39

Submitted on: 3/19/2025 8:41:32 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Meehan	Individual	Support	Written Testimony Only

Comments:

I support HR 39.

Public school facilities offer a wide variety of activities for Hawaii residents. These facilities should be available to residents during non-peak hours and on non-school days. Residents support public schools and facilities thru their tax dollar and it seems appropriate these facilities be available as set forth in HB 39.

I urge you to support HB 39. Thank you.

Ted Meehan

LATE

HR-39

Submitted on: 3/19/2025 10:07:19 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken MacDowell	Individual	Oppose	Written Testimony Only

Comments:

I am oppoed to HR39. Many school facilities are already in need of deferred routine maintenance or repairs due to purposely deferred maintenance or budget and funding shortfalls. Opening school facilities as proposed by HR39 will only make matters worse. Schools are places of learning which doesn't end at the final bell of the day, there are many school activities after classes end. Would those be considered non-peak times as proposed n HR39? If so, then mon-school related acitives should not be allowed during those times. If a school is made available to the public as proposed in HR 39 who will pay for school staff required to be on scene? Who will be responsible for cleaning up after the school is used? Language in HR39 states, in part, "...residents of Hawaii face similar challenges accessing public recreational facilities including pools, gyms, and fields; and WHEREAS, the lack of access to public recreational facilities directly mirrors income inequality, with rural and low-income communities within the State facing the greatest barriers to participating in physical activities;..." Rather than using schools to meet those challenges and access issues as a taxpayer I would prefer that the State and C&C allocate more funds to build new parks and recreational facilities as well as take necessary steps to improve on existing facilities some of which haven't been improved in many years.