

STAND. COM. REP. NO.

2770

Honolulu, Hawaii

MAR 18 2010

RE: H.B. No. 1853
S.D. 1

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

Madam:

Your Committee on Education and Housing, to which was referred H.B. No. 1853 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS,"

begs leave to report as follows:

The purpose of this measure is to disallow the sale of ice cream and candy by public schools to conform to the State of Hawaii Wellness Guidelines.

Testimony in support of this measure was submitted by one state agency and two private organizations. Testimony in opposition to this measure was submitted by two private organizations. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure encourages the health and well-being of Hawaii's children and attempts to correct the inconsistency between the sale of ice cream and candy in public schools and the intent of the State of Hawaii Wellness Guidelines.

Your Committee learned through testimony that the problems intended to be addressed by this measure occur on school campuses and relate to the sale of ice cream and candy not only by public schools but also by other parties. Accordingly, your Committee has amended this measure as follows:

- (1) By adding language to make it unlawful for a public school to permit the sale of certain merchandise,



including ice cream and candy, on a school campus, without written permission from the Department of Education, regardless of whether the seller is a public school or not;

- (2) By removing the language that requires the Department of Education to adopt rules for the purposes of section 302A-1146, Hawaii Revised Statutes, relating to the sale of merchandise by public schools; and
- (3) By making technical, nonsubstantive changes for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1853, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1853, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Education and
Housing,



NORMAN SAKAMOTO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Education and Housing
EDH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB1853</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">EDH</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3-15-10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne				✓
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.	WATKINS ✓			
HEMMINGS, Fred				✓
TOTAL	3	1		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes