

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 95
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Education, to which was referred S.B.
No. 95 entitled:

"A BILL FOR AN ACT RELATING TO VACANT POSITIONS IN THE
DEPARTMENT OF EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to repeal the section of the law that provides for the reallocation of vacant positions in the Department of Education; provided that the reallocations are made to redirect resources from the state and district offices to the individual schools and learning support centers.

Testimony in support of this measure was submitted by the Department of Education (DOE). Comments on the measure were submitted by the Hawaii Government Employees Association (HGEA).

Your Committee finds that pursuant to Act 51, Session Laws of Hawaii 2004, as amended (Act 51), the DOE was established as a separate jurisdiction of the State and was also thereby granted the authority to transfer positions within the DOE, obviating the need for section 302A-1115, Hawaii Revised Statutes. In addition, with the advent of the weighted student formula, the schools are now allowed to determine the number and type of positions required by the schools. However, your Committee is mindful of the concerns expressed by the HGEA regarding the repeal of the reporting requirement by the DOE to the Department of Budget and Finance on personnel reallocations. Your Committee understands that there is a continuing need for the DOE to be accountable for




its personnel actions; however, your Committee determines that the DOE is already required to report such actions to the Department of Budget and Finance under Act 51.

Your Committee has amended this measure by making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 95, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 95, S.D. 1, and be placed on the calendar for Third Reading.

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




NORMAN SAKAMOTO, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 95</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">EDU</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1/29/07</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)	X			
TOKUDA, Jill N. (VC)	X			
CHUN OAKLAND, Suzanne	X			
HEE, Clayton				X
NISHIHARA, Clarence K.	X			
TANIGUCHI, Brian T.	X			
GABBARD, Mike	Y			
TOTAL	6			1
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="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> </div>				

*Only one measure per Record of Votes