

STAND. COM. REP. NO.

1235

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 1009
H.D. 1
S.D. 1

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

Madam:

Your Committees on Education and Judiciary and Labor, to which was referred H.B. No. 1009, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE STATE,"

beg leave to report as follows:

The purpose of this measure is to enable the State to fulfill its potential financial obligations to part-time and substitute public school teachers through the appropriation of funds for retroactive salary adjustments for part-time and substitute public school teachers in settlement of three pending class action lawsuits.

Testimony in support of this measure was submitted by the Hawaii Government Employees Association, the Hawaii Carpenters Union, and Alston Hunt Floyd & Ing. Testimony in opposition of this measure was submitted by the Department of Education and the Department of the Attorney General.

Your Committees find that there are currently three pending class action lawsuits against the Department of Education, Garner v. Department of Education, Klitternick v. Hamamoto, and Kawashima v. Department of Education. Each of these lawsuits involves disputes between the Department of Education and substitute and part-time teachers regarding unpaid wages dating back to 1996. Your Committees further find that these lawsuits have negatively affected teacher morale and relations between teachers and the Department of Education. To the extent possible, the expeditious

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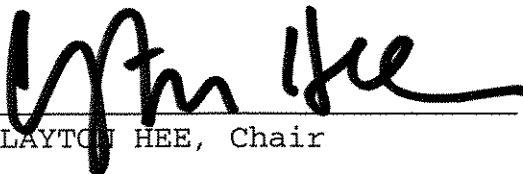


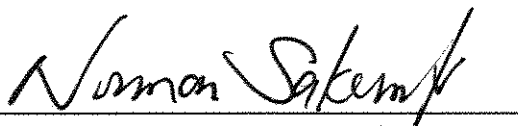
resolution of these matters will help to raise morale and restore goodwill between the parties involved, which will in turn greatly benefit public school students throughout the State. This measure appropriates funds for the settlement of the pending lawsuits with the Department of Education. Your Committees believe that this measure should continue to progress through the legislative session to provide the opportunity for evaluating and determining the most appropriate manner for obtaining resolution.

Accordingly, your Committees have amended this measure by changing its effective date to July 1, 2057, to facilitate further discussion on the matter.

As affirmed by the records of votes of the members of your Committees on Education and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1009, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1009, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Judiciary and Labor,

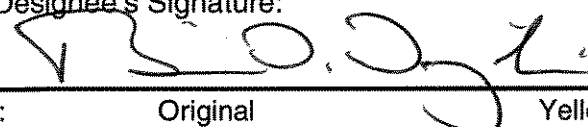

CLAYTON HEE, Chair


NORMAN SAKAMOTO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

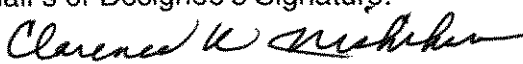
Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1009 HDI	EDU/JDL, WARR	03/21/07		
<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
SAKAMOTO, Norman (C)				✓
TOKUDA, Jill N. (VC)	✓			
CHUN OAKLAND, Suzanne				✓
HEE, Clayton	✓			
NISHIHARA, Clarence K.	✓			
TANIGUCHI, Brian T.	✓			
GABBARD, Mike	✓			
TOTAL	5	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Judiciary and Labor
 JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1009 HD1	EDWARDS, WAM	3/21/07		
<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)	✓			
KOKUBUN, Russell S. (VC)				✓
INOUE, Lorraine R.				✓
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

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