

STAND. COM. REP. NO.

370

Honolulu, Hawaii

FEB 15 2007

RE: S.B. No. 610

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 S.B. No. 610 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 possible financial obligations with regard to three class action lawsuits.

Specifically, this measure makes an appropriation of an unspecified amount for each year of the 2007-2009 fiscal biennium for retroactive salary adjustments for part-time and substitute teachers of the public schools for the purpose of settling three pending class action lawsuits, namely Garner v. Department of Education, Klitternick v. Hamamoto, and Kawashima v. Department of Education.

Testimony in support of this measure was submitted by the Hawaii Carpenters Union, Local 745, the Hawaii State Teachers Association, Alston Hunt Floyd & Ing, the attorneys for the substitute teachers in Garner v. Department of Education and Klitternick v. Hamamoto, and four individuals. Testimony in opposition to this measure was submitted by the Department of the Attorney General and the Department of Education.

Your Committees find that the declining teacher morale, distrust, and attrition of needed employees call for prompt action to resolve the conflict that has become the subject of these



pending class action lawsuits. Substitute and part-time teachers are vital to the functioning of our public education system.

Your Committees note that several teachers testified with the suggestion of amending the measure to provide for health care benefits for substitute teachers. While your Committees believe this suggestion should be considered further, the Committees are not convinced the measure should be amended at this time. Moreover, S. B. No. 943, Relating to Health Insurance, provides a vehicle to address this concern.

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 S.B. No. 610 and recommend that it pass Second Reading 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.:* <i>SB 610</i>	Committee Referral: <i>EDU/JDL, WANA</i>	Date: <i>02/09/07</i>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	<i>X</i>			
TOKUDA, Jill N. (VC)	<i>X</i>			
CHUN OAKLAND, Suzanne				<i>X</i>
HEE, Clayton				<i>X</i>
NISHIHARA, Clarence K.	<i>X</i>			
TANIGUCHI, Brian T.				<i>X</i>
GABBARD, Mike	<i>X</i>			
TOTAL	<i>4</i>			<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;"><i>Jill N. Tokuda</i></div>				
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:		
SB 610	EDU / JDL, WAM	2/9/07		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Runees. Kohl</div>				
Distribution: Original Yellow Pink				
File with Committee Report		Clerk's Office		Drafting Agency

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