

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 79
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 Tourism and Government Operations, to which was referred S.B. No. 79 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose of this measure is to repeal the transfer of duties and functions from the Department of Budget and Finance to the Department of Education pursuant to Act 51, Session Laws of Hawaii 2004, as amended (Act 51, as amended).

Testimony in support of this measure was submitted by the Department of Education, the Department of Budget and Finance, the Hawaii Government Employees Association, and one individual.

Your Committees find that pursuant to Act 51, as amended, the Department of Education was established as a separate jurisdiction of the State. As a result, the transfer of certain duties and functions from different departments to the Department of Education became necessary. Act 51, as amended, also established the Interagency Working Group, which was tasked with the responsibility of overseeing the transfers to the Department of Education. Your Committees further find that since the enactment of Act 51, as amended, the Interagency Working Group has been working towards the efficient transfer of duties and functions and recommended to the Legislature in its report that the transfer to the Department of Budget and Finance be repealed. In 2006, the effective date of the transfer of duties, functions, and personnel was extended to July 1, 2007.



In addition, the Interagency Working Group has facilitated the execution of a Memorandum of Understanding (MOU), effective June 28, 2006, between the Department of Education and the Department of Budget and Finance. The MOU allows the responsibility for funding of collective bargaining and the administration of federal funds to remain with the Department of Budget of Finance, but also provides for an improved capitol improvement projects allotment process and for the deposit of funds into the State Educational Facilities Improvement Special Fund. Your Committees appreciate the work that has been done by the Interagency Working Group and believes that it should honor the agreement forged between the departments by repealing the transfer of duties and functions from the Department of Budget and Finance. However, as no transfer has yet occurred under the law, it is currently unnecessary to require the return of transferred materials.

Accordingly, your Committees have amended this measure by:

- (1) Deleting Section 3 of the measure requiring the return of any materials transferred by the Department of Budget and Finance to the Department of Education under Act 51, as amended; and
- (2) Making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Education and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 79, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 79, 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
Tourism and Government
Operations,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair


Norman Sakamoto

NORMAN SAKAMOTO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Tourism and Government Operations
TSG

Bill / Resolution No.:*	Committee Referral:	Date:		
SB79	EDU/TSG, WAM	2-13-07		
<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
NISHIHARA, Clarence K. (C)	/			
KIM, Donna Mercado (VC)	/			
TSUTSUI, Shan S.	/			
TRIMBLE, Gordon	/			
TOTAL	4			
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