

SB 2452, SD1

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**SENATE COMMITTEE ON WAYS & MEANS
TESTIMONY REGARDING SB 2452 SD 1
RELATING TO TRANSPORTATION OF SCHOOL CHILDREN**

TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)

DATE: FEBRUARY 24, 2010

TIME: 10AM

ROOM: 211

This measure, among other things, increases the fuel tax, the proceeds of which will be used to fund the transportation of school children.

The Department of Taxation (Department) **opposes the tax provision in this legislation as a substantial tax increase.**

THIS BILL REPRESENTS A TAX INCREASE—This legislation represents a potentially large tax increase that will impact all Hawaii residents. The Department is also strongly concerned with the timing of this legislation, because the state and nation are in a recession where taxpayers are worried about their finances. This tax is highly regressive and will impact the poor the most. Notwithstanding the merit of this measure, the Department cannot support the tax provisions in this measure.

REVENUE IMPACTS—This measure will result in an indeterminate revenue impact because the tax amounts are blank.



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February 22, 2010

Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair
Committee on Ways & Means
Hawaii State Capitol, Room 211
Honolulu, HI 96813

RE: SB2452, SD1 Relating to Transportation of School Children

Dear Chair Kim, Vice Chair Tsutsui and Members of the Committee:

The issue of whether or not the school bus is the safest, most efficient, most environmentally friendly way to transport children to and from school is not in doubt. It is.

That there is a need to transport children to and from school is not at issue either. The need clearly exists.

The law, however, now states that the Department of Education *may* provide suitable transportation to and from school and for educational field trips for all children in the public schools.

The law further states that the department has the authority to adopt such policies and etc., as it deems necessary to provide suitable transportation.

Because the law is discretionary, because of that three letter permissive word "m a y," the Department of Education can do away with school bus service whenever it chooses, and it has clearly and unequivocally, set in motion plans to do so. In fact, over the past year, the Board of Education has devoted dozens of policy making hours to the question of whether or not to do away with the school bus service on Oahu and statewide. The Department of Education staff has been tasked with writing many recommendations on the issue. The issue is still up in the air.

The legislature has to make itself understood on what in fact is the policy for our state on this issue. Because the Board of Education and the Department of Education have both clearly indicated that they will sacrifice the safety of the children to save money, and that they are doing it, not because it is good policy, they know that it is bad policy, but because the law says that by the use of the word "may," that they can.

Senator Donna Mercado Kim, Chair
Senator Shan S. Tsutsui, Vice Chair
Committee on Ways & Means
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I hasten to point out that it only dire circumstance which drives them to these decisions. They didn't want to have the shortest school year in the United States, or in any developed or developing country. They don't want to have one of the shortest school days in the United States or in any developed or developing country. They don't want to have one of the most unsafe, unsuitable transportation systems for our school children the United States, or in any developed or developing country—but they feel that they have no choice, because the money isn't there to adequately operate our public schools safely and well.

And because they feel that they have to do what they are doing, they do it. Even though they know that it s bad policy and that other laws and policies are diametrically opposed to what they are feeling forced to do.

It is incumbent on the Legislature of the State of Hawaii to not pass this buck and to make the policy clear and unambiguous. We will have a school system that works and the department ***“shall”*** provide suitable transportation to and from school.

Thank you for the opportunity to testify.

Sincerely,

John H. Radcliffe
Vice President

Testimony Before
The Senate of the State of Hawaii's

Wednesday, February 24, 2010

Submitted by: Lee Gomes

SB2452 SD1, Relating to Transportation of School Children

Good Afternoon Senators:

My name is Lee Gomes and I represent Gomes School Bus Service, Ltd. and the Hawaii School Bus Association. I would like to say that I strongly support the proposed amendment to Section 302A-406 of the Hawaii Revised Statutes as noted in Senate Bill 2452 SD 1.

Having school buses service school aged children is the safest and most suitable transportation that can be provided to our children. School buses have a long-standing record of being the safest vehicles on our nation's highways. Upgrades to the construction of these buses are mandated regularly by the Federal Government to assure school buses maintain their integrity as the safest vehicles on our nations roadways.

Regulations governing the school bus driver are far and beyond those of any other passenger vehicle driver. School bus drivers are required to have special endorsements to their CDL license that is specifically geared for school bus driving. After acquiring their CDL license the applicant must pass a drug-screening test approved by the Federal Department of Transportation, a fingerprinting process, a criminal abstract clearance, driving history clearance, a physical exam, and TB screening clearance before they are allowed to transport our children. These clearances must be repeated on a regularly scheduled basis for the duration of employment. In addition, the DOT as well as the DOE mandates annual and bi-annual driver-training courses for all school bus drivers.

Hawaii's school bus system, consisting of over 800 buses, is a form of mass transit currently servicing the entire State. Each bus eliminates approximately 35 private vehicles traveling our roadways twice daily, whenever school is in session, easing traffic congestion on our already overburdened roads.

School buses are an integral part of the educational system. These buses afford many children their only way of getting to school on a safe and timely basis. Availability of these buses also give students the opportunity to educational experiences outside the classroom as well as participating in many school sponsored sports events.

Our children deserve access to equal educational opportunities without undue transportation hardships. I urge you to pass Senate Bill 2452 SD 1 for the safety and welfare of the children of Hawaii.

Thank you,

Lee Gomes
Gomes School Bus Service, Ltd.
Hawaii School Bus Association