

FIFTY-FOURTH DAY

Monday, April 23, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Mele Carroll, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Nishimoto, Takamine and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Third Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 346 through 351) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 346, dated April 20, 2007, transmitting the Department of Land and Natural Resources' report relating to the Division of Conservation and Resources Enforcement's monthly enforcement activities for March 2007.

Gov. Msg. No. 347, informing the House that on April 20, 2007, the following bill was signed into law:

H.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS." (ACT 027)

Gov. Msg. No. 348, informing the House that on April 20, 2007, the following bill was signed into law:

H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS." (ACT 028)

Gov. Msg. No. 349, informing the House that on April 20, 2007, the following bill was signed into law:

H.B. No. 1287, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY." (ACT 029)

Gov. Msg. No. 350, informing the House that on April 20, 2007, the following bill was signed into law:

H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SELF-SUFFICIENCY." (ACT 030)

Gov. Msg. No. 351, informing the House that on April 20, 2007, the following bill was signed into law:

S.B. No. 1968, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD." (ACT 031)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 839 and 840) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 839, dated April 20, 2007, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bill:

870, SD1, HD2 Fukunaga, Chair; Espero, Slom

Sen. Com. No. 840, dated April 20, 2007, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:

S.B. No. 992, Senators Baker, Fukunaga added as Co-Chairs.
SD 1, HD 2

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 2092) recommending that H.R. No. 274, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 274, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY TO EVALUATE PLANS BY YOUNG BROTHERS, LTD., TO DISCONTINUE ITS LESS-THAN-CONTAINER-LOAD INTERISLAND CARGO SERVICE," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 2093) recommending that S.C.R. No. 30, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO COOPERATE AND COORDINATE EFFORTS TO HARMONIZE PEDESTRIAN WALK SIGNAL LIGHTS WITH THE PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK LAW," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 2094) recommending that S.C.R. No. 138, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT XERISCAPING TO DECORATE ROADWAYS, MEDIAL STRIPS, ROUNDABOUTS AND OTHER AREAS UNDER ITS JURISDICTION," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Chang and Sonson, for the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 2095) recommending that S.C.R. No. 73, SD 1, as amended in HD 1, be adopted.

Representative Caldwell moved that the report of the Committees be adopted, and that S.C.R. No. 73, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 73, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SUBMIT A REPORT WITH INFORMATION REGARDING THE SALARIES OF UNIVERSITY OF HAWAII AT MANOA FACULTY AND ADMINISTRATORS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 2096) recommending that S.C.R. No. 79, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON THE LINKING OF FUNDING FOR INDIVIDUAL CAMPUSES WITH PERFORMANCE GOALS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Chang and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 2097) recommending that S.C.R. No. 67, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 67, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE P-20 COUNCIL AND THE UNIVERSITY OF HAWAII TO REPORT ON EARLY COLLEGE AWARENESS PROGRAMS FOR ELEMENTARY, MIDDLE AND HIGH SCHOOL STUDENTS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 2098) recommending that S.C.R. No. 3, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 3, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE RATE STRUCTURES OF PRIVATE ENTITIES THAT FURNISH WATER USED FOR AGRICULTURAL PURPOSES," was adopted, with Representatives Cabanilla and Takamine being excused.

At 12:11 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 2099) recommending that S.C.R. No. 57, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 57, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"I rise with reservations. Mr. Speaker, when I took a look at the voting record, I noticed that there was a mistake. It does show me as a yes vote on this particular Resolution, but I was with reservations.

"Taking a look at this Resolution, I think that there's a lot of merit to what it has to say in regards to making amendments to the No Child Left Behind Act of 2001. The main problem that I have with this particular Resolution is the title which says, Requesting the United States Congress to Propose Amendments to the No Child Left Behind Act of 2001. But in the Be it Resolved clause, it basically says, 'Be it resolved', and dot dot dot. And then it says, 'Congress is strongly urged to propose specific amendments to or recommend the repeal of the federal No Child Left Behind Act of 2001.'

"There are several things that I'd like to comment on. One is although I agree with a lot that's being said in this particular Resolution, the No Child Left Behind Act of 2001 actually served some good. And it's recognized, from what I spoke to one of the teachers during their union conference a couple weeks ago, that there was actually a resolution that the union was presented with, and it was to repeal the NCLB of 2001. And it was voted down. They did not want the repeal of this Act.

"The other thing is some of it is confusing to me. Whether or not it is the implementation of the Act, because they do give the State authority on a lot of items. For instance, meeting standards. Yes, you need to make these standards and the schools will be basically judged by meeting or not meeting those standards. But where the standards are, are determined upon each state. So that's something often that we talk about standards either being too high or not being able to meet them. But that is the implementation of the Act that the state has control over.

"There are other things that represent that as well. There's some flexibility from what I'm told on the federal level, but yet when it comes to the state level, it's almost like a blame game between the two. Either the feds, it was because they feds say that you have to do this, and then sometimes it's because of the DOE that you have to do this. So some of the things are very unclear to me. So I just wanted to reflect that I think that we could use the proposed amendments, some of which we've talked about a lot, whether or not you have everyone passing, but yet one special group or one of the subgroups may not be able to pass, whether it be Special Ed, or English as a Second Language. And it reflects off of the whole school "failing." So I think that we could use some amendments to NCLB. I disagree though, strongly, with the repeal of NCLB."

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. I want to echo some of the comments made by the previous speaker. She mentioned that in going and looking at the No Child Left Behind Act of 2001 now six years later, we all recognize, on a bipartisan basis throughout all legislatures throughout the nation, we all recognize that there are some major fixes that need to be done to the No Child Left Behind Act. And I would also agree with her that we cannot repeal the NCLB law of 2001. In fact, the NCLB Law of 2001 is now the ESEA, Elementary and Secondary Education Act that Congress passes once every eight years.

"But moving forward, I think one needs to reflect on the history since 2001, and needs to be mindful of the fact that the Hawaii State Legislature in particular, this body in 2003 voted against the federal mandates of the No Child Left Behind Act of 2001. We're actually, Mr. Speaker, the very first legislative body to take that bold step. And since then, numerous, I would hazard to guess a clear majority of the legislatures, throughout the nation now realize what we have said many years ago and that is that the No Child Left Behind Act of 2001 not only attempts to address concerns on both sides of the aisle, but actually erodes some of the significant progress we have made over the years as it relates to education reform.

"I'd just like mention one other thing. In 2003, when we were discussing this particular issue, many of us felt that the mandates at the federal level coming down and reaching in to the states like Hawaii were intrusions on state's rights. And we wondered why there was so much emphasis at the federal level focusing on what they called, research base initiatives. And just recently in *Washington Post*, on Saturday, April 21st, there was an article and I'd like to insert the article in the Journal with your permission. The title of the article was, Key Initiative of No Child Under Federal Investigation. And the subtitle of this particular article reads, Officials Profited from Reading First Program.

"Mr. Speaker, I think once we get down to the 'nitty gritty' and the foundation of No Child Left Behind, which I think Congress is right now getting down to, we'll find that there's so many concerns and conflicts with this particular measure that you know we need to be wary as a state as we move forward. The last thing I'd like Mr. Speaker, is if I can insert additional written comments in support," and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"I want to make sure that everyone remembers what was said on the Floor of this House just a few years ago. In 2003, when it was politically correct to support the Bush Administration's No Child Left Behind Law of 2001, we here in Hawaii took the bold step to point out the significant challenges that states would have in implementing this flawed piece of legislation. What follows is information that will shed some light as to how correct we were in our opposition to NCLB.

"Stand Up for Public Education wrote "Trends: What Legislatures are Doing and Why" in their August 29, 2003 issue. What follows is the blurb for Hawaii:

The passage of No Child Left Behind (NCLB) not only has had a major impact on local schools, but also has had a ripple effect in the various legislatures across the nation. Bipartisan concerns about federal intrusion, an unfunded mandate and possible erosion of existing state assessment plans prompted legislative activity from exhortatory resolutions to outright refusal to implement the law.

In each issue of *The Leader's Edge*, we provide a thumbnail sketch of the conversation and legislating that has taken place in response to NCLB in several of the nation's statehouses. This month's canvass stretches from Maine to Hawaii.

Hawaii: State Rep. K. Mark Takai, D-Pearl City, said that NCLB and its mandated tests will "reflect things the school has no control over," such as poverty and parental education, and is "truly unfair to our children and our education system." He noted that the state's top high school will fail under NCLB, because reading scores for the limited English proficient and disabled students were short of the NCLB target.

Takai has developed a school evaluation system that "uses business techniques to gauge progress on a weekly basis [that] motivates and creates an environment" in which improved learning can occur. Education, he notes, should not be "based on one test every year. You don't see the local gas station, the 7-Eleven or Safeway measure their success on one test a year."

Takai said that NCLB "is a recipe for failure" and that "its requirements will ensure that nearly every school in Hawaii and throughout the nation will fail in four years, if not sooner.

Based on these observations, Takai introduced a non-binding House resolution "urging the [state] board of education and the superintendent of education to decline any further participation in the No Child Left Behind Act of 2001 and return all Title I

program moneys conditioned on the implementation of the Act by the State of Hawaii.

After being amended to have the Board and Superintendent "consider" declining the funds, Takai's bill passed the House April 11, 2003.

"What follows now is a copy of a speech I made on the House Floor on April 2, 2003 for HR 118: "Urging the Board of Education and the Superintendent of Education to consider declining any further participation in the 'No Child Left Behind Act of 2001' and to return all federal moneys conditioned on the implementation of the Act by the State of Hawaii, unless Congress fully funds the act."

Before anyone accuses me of not supporting educational reform and making excuses for non-performing schools, let me say that I believe that all schools and all students must move forward . . . must perform better . . . and must make progress each and every year.

But, the No Child Left Behind Act (NCLB) is a recipe for failure. Not only is this law a huge unfunded federal mandate, but this federal law and its requirements will ensure that nearly every school in Hawaii and throughout the nation will fail in four years (if not sooner).

I call the No Child Left Behind Act, the Leave No Public School Standing Act, because in a few years and without tremendous intervention at the congressional level, it will label schools as failures . . . they will fail even if all progress indicators suggest that the schools are improving.

I have spent the better part of two years working with Mark Hunter, a banker from Tampa, Florida. Both Mr. Hunter and I developed the Hawaii Educational Performance System (HEPS). This program uses business techniques in schools to gauge progress on a weekly basis. Additionally, Mr. Hunter developed an econometric model that shows that there is a strong correlation between a school's performance on assessment tests and factors that are beyond the scope of the school and its personnel.

These factors that affect a school's performance include the attendance rate, the percentage of students on free or reduced lunch (disadvantaged), percentage of limited English proficiency students (ESL), percentage of students in special education programs (SPED), percentage of teachers with more than five years at that school, percentage of parents who graduated from college or had some college education, enrollment, and the suspension or discipline rate.

Mr. Hunter found a statistically-significant correlation between test scores and these "uncontrollables." As a matter of fact, Mr. Hunter says that if you provide him with the information on these eight uncontrollables then, he can predict the school's test scores within a few percentage points.

Why is this important? And how does this relate to the No Child Left Behind Act? Simply because the results of these high-stakes tests are what makes all the difference under this federal law. The results of these tests determine whether a school fails or succeeds.

Besides requiring states to mandate student testing, NCLB requires states to collect and disseminate subgroup results, ensure a highly qualified teacher in every classroom, and to guarantee that all students, regardless of socioeconomic factors, achieve a "proficient" level of education by the 2014-2015 school year.

When Congress passed this Act and President George Bush signed it on January 8, 2002, everyone believed that the federal government would provide the states with the necessary funding in order to carry out the purposes of the Act. However, this is not the case.

Although the federal government is expected to provide Hawaii with \$35 million in fiscal year 2004 for NCLB, an analysis of the fiscal impact of NCLB by the Hawaii Department of Education indicates that the DOE will need an additional \$176.3 million for FY04.

In FY05, the DOE anticipates needing an additional \$260.7 million. In FY06, the shortage is \$302 million. In FY07, the shortage balloons to \$349.5 million.

Some will argue that we cannot afford to decline participation in NCLB because we will need to return all funding tied to the Act, which amounts to approximately \$125.8 million in FY04. I say that we must consider returning this money because we don't have the \$176.3 million in additional state funds necessary for the Act. We don't even have enough money to fund the department at 2002 levels. How can we expect to be able to afford an additional \$349.5 million more for NCLB in FY07? This is simply ludicrous.

But what about the highly qualified teacher requirement? We only need to look at the headline in the Wednesday, March 26 edition of the Honolulu Star-Bulletin: "Higher standards put 1,453 substitute teachers out of work."

Under NCLB, substitute teachers are required to have a bachelor's degree. Failure to comply with this requirement will lead to a loss of federal funds. Hawaiian immersion programs and Hawaiian charter schools will be heavily impacted by this provision of the law.

The most egregious part of the Act is the requirement that all schools, including charter schools, must make "adequate yearly progress" toward achieving the target by the end of the 2013-2014 school year – that is, all students must meet or exceed proficient levels of academic achievement on required state assessments.

Under NCLB, schools deemed as failing for two consecutive years must facilitate student transfers to better schools – even those filled to capacity – and provide private tutors for students. If a school continues to be labeled as failing, then the school's principal and teachers must be replaced or the school must be reopened as a charter school.

The biggest challenge for our schools is that the law requires schools to raise achievement levels of students in each of five racial and ethnic subgroups, as well as among low-income students, those with limited English proficiency and special education students. If a school fails to make the established cut scores for any of the subgroups for two consecutive years, then the school is labeled a failure.

The surprising element of this law is that it makes no distinction between a school in a well-educated and very affluent community versus a school in an impoverished community. Both these schools have the same goals or cut-scores for reading and math (In Hawaii, the cut score requirements for this year are 30 percent proficiency for reading and 10 percent proficiency for math.)

In the Education Committee hearing, we learned about how two schools are beating the odds. Kauluwela Elementary School and Solomon Elementary School are the only two schools (out of more than 100 high-poverty schools statewide) that have met the state's requirements for four straight years.

David Rolf, a successful businessman who served on various state and national task forces on educational improvement, touted these two schools as "diamonds." Mr. Rolf says that the Legislature should support the NCLB "in light of the data now available here in Hawaii on the two high-poverty schools that succeeded."

I asked a very simple question to both Mr. Rolf and the DOE officials. The question: how did these two schools do in the Hawaii

Content and Performance Standards II (HCPS II) State Test for the disaggregated sub-groups?

I regret to inform all of you that both schools failed the NCLB barometer. Although Kauluwela's students performed well as a whole for both reading and mathematics, students who were deemed not proficient in English failed the state standard.

For Solomon, the story is the same. Both Black children and those considered to be disadvantaged fell short of the state standard. So, even though Solomon's students overall performed above the state standard, the school failed under the NCLB report card.

One of the absurd requirements of NCLB is that the act requires all schools to test 95 percent of their students. According to one secondary school administrator, this requirement is "one of the ludicrous factors that make way to failure." She adds, "schools have very little leverage in conquering this problem when parents are not supportive."

Schools like Nanakuli High & Intermediate School, Kealakehe High School and Pahoa High & Intermediate School don't stand a chance because of this requirement. On any given day, these schools have only 76.7 percent (Nanakuli), 80.7 percent (Kealakehe) and 87.5 percent (Pahoa) attendance, respectively.

So what about our other schools?

Mililani High School: Fails the NCLB barometer because only 7 percent of the disabled students and only 23 percent of the disadvantaged students passed the reading section.

Roosevelt High School: Fails the NCLB barometer because only 92 percent of the students took the test. (Again, the law requires a 95 percent test-taking rate else the school fails.)

Lahainalua High School: Fails the NCLB barometer because only 28 percent of the students passed the reading section, and because no disabled students passed the math section.

Kailua High School: Fails the NCLB barometer because only 28 percent of the disadvantage students passed the reading section, and because only 89 percent of the students took the test.

Ala Wai Elementary School: Fails the NCLB barometer because only 9 percent of the ESL students and only 22 percent of the disadvantaged students passed the reading section and only 7 percent of the ESL students passed the math section.

Laie Elementary School: Fails the NCLB barometer because only 29 percent of the Asian students passed the reading section.

Kapaa Elementary School: Fails the NCLB barometer because only 27 percent of the Asian students, 8 percent of the disabled students, and 24 percent of the disadvantaged students passed the reading section.

I feel sorry for schools like Linapuni Elementary School, Palolo Elementary School, Aiea Elementary School and Makaha Elementary School. In each case, they will never make the required "adequate yearly progress" (AYP) under NCLB because of the significant percentage of disadvantaged students (98.8 percent for Linapuni, 95.6 for Palolo, 87.1 for Aiea and 84.1 for Makaha).

Only 11 percent of Linapuni students passed the reading section (the state's requirement is 30 percent) and only 2 percent of the students at Linapuni passed the math section (the state's requirement is 10 percent).

Palolo's scores are even worse. Only 11 percent of the students passed the reading section and only 1 percent of the students passed the math section.

NCLB fails miserably for schools like Linapuni and Palolo because even if these two schools double their scores this year, they will still be labeled as failures. How can we sit here and support such a law that allows this?

Declaring an entire school a failure using only a single crude instrument – a test – is fundamentally unsound. The Congressional Research Service estimates that 90 percent of the schools in the nation will fail. I again say that in four years, nearly all schools in Hawaii will be labeled as failures by this federal law.

How will children react to being labeled as “failures?” In testimony presented before our committee, a student from Moanalua High School said that her principal predicts that her school will fail within six to seven years. Moanalua High School on numerous accounts has been touted as one of our successful schools. “To think that we may become a failing school is very disturbing,” she said.

So I again ask: How will children, children living in our districts, and how will you as lawmakers react when our schools are labeled as “failures?”

We have some serious issues facing education in Hawaii. Without getting into too much more detail, I will end with a quote from an excellent principal in one of our elementary schools.

She says: “NCLB purports to be about caring about students, but I see it as about punishing schools and I very much resent the illogic that went into this legislation.”

“If we can’t help the U.S. Department of Education and the President understand that there is something fundamentally wrong with the premise of the NCLB law, then the option may be to refuse the money,” she concludes.

NCLB will put the challenges we faced with Felix to shame.

I urge all of you to visit the schools in your district. I urge you to talk to the principals and educators in these schools. I urge you to understand the details of this unfunded federal mandate. I urge you to support these resolutions.

I apologize for spending so much time on this issue, but at the end of the day, it’s about the children in the classroom who are ready to learn. To call these children failures is nothing short of criminal.

Finally, I have included an article from the *Washington Post*. This article provides some insight into the decision-making process of the past and how people close to the Bush Administration may have benefited from the passage of NCLB.”

"Key Initiative Of 'No Child' Under Federal Investigation

Officials Profited From Reading First Program

By Amit R. Paley

Washington Post Staff Writer

Saturday, April 21, 2007; A01

The Justice Department is conducting a probe of a \$6 billion reading initiative at the center of President Bush's No Child Left Behind law, another blow to a program besieged by allegations of financial conflicts of interest and cronyism, people familiar with the matter said yesterday.

The disclosure came as a congressional hearing revealed how people implementing the \$1 billion-a-year Reading First program made at least \$1 million off textbooks and tests toward which the federal government steered states.

"That sounds like a criminal enterprise to me," said Rep. George Miller (D-Calif.), chairman of the House education committee, which held a five-hour investigative hearing. "You don't get to

override the law," he angrily told a panel of Reading First officials. "But the fact of the matter is that you did."

The Education Department's inspector general, John P. Higgins Jr., said he has made several referrals to the Justice Department about the five-year-old program, which provides grants to improve reading for children in kindergarten through third grade.

Higgins declined to offer more specifics, but Christopher J. Doherty, former director of Reading First, said in an interview that he was questioned by Justice officials in November. The civil division of the U.S. attorney's office for the District, which can bring criminal charges, is reviewing the matter.

Doherty, one of the two Education Department employees who oversaw the initiative, acknowledged yesterday that his wife had worked for a decade as a paid consultant for a reading program, Direct Instruction, that investigators said he improperly tried to force schools to use. He repeatedly failed to disclose the conflict on financial disclosure forms.

"I'm very proud of this program and my role in this program," Doherty said in the interview. "I think it's been implemented in accordance with the law."

The management of Reading First has come under attacks from members of both parties. Federal investigators say program officials improperly forced states to use certain tests and textbooks created by those officials.

One official, Roland H. Good III, said his company made \$1.3 million off a reading test, known as DIBELS, that was endorsed by a Reading First evaluation panel he sat on. Good, who owns half the company, Dynamic Measurement Group, told the committee that he donated royalties from the product to the University of Oregon, where he is an associate professor.

Two former University of Oregon researchers on the panel, Edward J. Kame'enui and Deborah C. Simmons, said they received about \$150,000 in royalties last year for a program that is now packaged with DIBELS. They testified that they received smaller royalties in previous years for the program, Scott Foresman Early Reading Intervention, and did not know it was being sold with DIBELS.

Members of the panel said they recused themselves from voting on their own products but did assess their competitors. Of 24 tests approved by the committee, seven were tied to members of the panel.

"I regret the perception of conflicts of interest," said Kame'enui, former chairman of the committee, who now works at the department as commissioner of the National Center for Special Education Research. "But there was no real conflict of interest being engaged in."

The intricate financial connections between Reading First products and program officials extend beyond issues the committee explored yesterday.

Another researcher, Sharon Vaughn, worked with Kame'enui, Simmons and Good to design Voyager Universal Literacy, a program that Reading First officials urged states to use. Vaughn was director of a center at the University of Texas that was hired to provide states advice on selecting Reading First tests and books.

The publisher of that product, Voyager Expanded Learning, was founded and run by Randy Best, a major Bush campaign contributor, who sold the company in 2005 for more than \$350 million. Now Best runs Higher Ed Holdings, a company that develops colleges of education, where former education secretary Roderick R. Paige is a senior adviser and G. Reid Lyon, Bush's former reading adviser, is an executive vice president.

"I'm very disappointed and saddened by the information that was provided at the hearing today," said Lyon, who had been a strong defender of Reading First, which he said had nothing to do with his new job. "The issues appear much more serious than I had been led to understand."

Despite the controversy surrounding Reading First's management, the percentage of students in the program who are proficient on fluency tests has risen about 15 percent, Education Department officials said. School districts across the country praise the program.

Members of both parties continue to support the goals of Reading First even as they attack its management. Miller and Senate education committee Chairman Edward M. Kennedy (D-Mass.) joined Republicans yesterday in pledging to tighten restrictions on conflicts of interest in No Child Left Behind.

Education Secretary Margaret Spellings, who declined to comment yesterday, has said management problems with Reading First "reflect individual mistakes." But Doherty said nearly every aspect of the program was carefully monitored by the department and the White House, where Spelling was Bush's top education adviser.

"This program was always firmly under the watch and control of the highest levels of the government," Doherty said."

*Washington Post
Saturday, April 21, 2007; A01*

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, in support of the Resolution. As you know, Mr. Speaker, I am in favor of repealing No Child Left Behind, but as the previous speaker said, that will not probably happen. It's up for reauthorization right now.

"If anyone has had the opportunity to read the No Child Left Behind Act, it was over 1,400 pages. It kind of reminds me of a badly written Russian novel. It's long, boring and in the end everybody dies. Just like with No Child Left Behind. In the end, the vast majority of schools in this country will not make AYP. And any policymaker that's worth anything will look in the mirror and say, 'Boy, should we pass a law that the vast majority of the very people, in this case, schools, that this is supposed to help are not going to make it?' You might want to reflect upon that and think of another law or at least amend the current law to help more schools succeed."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Any policy that is ever passed by any body always can be improved. Obviously, No Child Left Behind can be improved, but the option of throwing out the baby out with the bath, I think we have to stop there because I think we're in trouble as a country. Educationally we are slipping. We are fourteenth in math and science. We are becoming a Third World country in terms of our educational plan.

"What No Child Left Behind in its thrust was to get monitoring and accountability and raising the level up of who we are as a country. Because we were doing kind of 'Swiss cheese' approach. Everybody was doing higher or lower etc. And being that democracy is self-correcting, I think this is a process by which we are going through. But always being mindful that some of the greatness of America is education is the great equalizer. If we don't raise our standards, those people who are raised by education are going to be hurt by this.

"So for that sake, let's change it but let's not throw it out or think that there is a way that we can do it on our own. I don't think we see the global educational wave tsunami that's coming. I don't think we see the scores that are going exceptionally high in Third World countries and we are either level or lower. Mr. Speaker, there is a clear and present danger educationally for this country and I think this Resolutions says we can make it better. Well, let's not be fearful of making it better."

Representative Bertram rose to speak in support of the measure, stating:

"I rise in strong support. During the campaign, many people approached me about this issue. And I agree with the previous speakers who talk about trying to hold accountability and some kind of transparency and trying to get kids to achieve better. But I think we found that answer in the Charter Schools and the experiential learning that the Governor's been proposing through her STEM initiative as well. That type of learning is exciting. It gets people and kids engaged. And it makes them want to learn.

"Unfortunately, the No Child Left Behind as it's been implemented has become a rote learning to take a test. And it's taken up way too much time of the teachers and it punishes them for not being able to make that test. It's just the wrong way to go. It's been proven so far. So let's go the new way that's exciting and really gets kids to like learning."

Representative Ching rose and asked that the Clerk record an ye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan and Ward be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 57, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AMENDMENTS TO THE NO CHILD LEFT BEHIND ACT OF 2001," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Takumi and Magaoay, for the Committee on Education and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 2100) recommending that S.C.R. No. 74, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL, PROGRAM, AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 2101) recommending that S.C.R. No. 32, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 32, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO STUDY THE IMPACT OF CIGARETTE FIRE SAFETY STANDARDS ESTABLISHED IN OTHER STATES," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 2102) recommending that S.C.R. No. 39, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 39, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ENACTMENT OF THE FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007, OR SIMILAR LEGISLATION THAT PROVIDES FEDERAL VETERANS BENEFITS AND SERVICES TO FILIPINO WORLD WAR II VETERANS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2103) recommending that S.C.R. No. 41, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 41, HD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY OPPOSING THE FEE INCREASES PROPOSED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2104) recommending that S.C.R. No. 69, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO REMOVE DESIGNATED BUILDINGS AT KALIHI VALLEY HOMES SCHEDULED FOR DEMOLITION," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2105) recommending that S.C.R. No. 166, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 166, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TEMPORARY LOCATION FOR THE MANOA PUBLIC LIBRARY TO ACCOMMODATE THE COMMUNITY AND STUDENTS DURING THE LIBRARY'S TWO-YEAR CLOSURE," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 2106) recommending that S.C.R. No. 115, SD 1, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 115, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REDRAFT THE CAPITAL GOODS EXCISE TAX CREDIT TO REMEDY OLD REFERENCES TO REPEALED LAW AND TO INCORPORATE THE CURRENT STATUS OF THE INTERNAL REVENUE CODE," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 2107) recommending that S.C.R. No. 33, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 33, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RE-EVALUATE THE MEDICARE FORMULA FOR COMPUTING PAYMENTS TO DOCTORS OR TAKE OTHER MEASURES TO AVERT FUTURE REDUCTIONS IN PAYMENTS FOR SERVICES," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 2108) recommending that S.C.R. No. 202, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 202, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE STATE'S VACCINATION REQUIREMENTS AND DETERMINE WHETHER VACCINATION FOR PNEUMOCOCCAL DISEASE FOR CHILDREN ENTERING CHILD CARE SHOULD BE ADDED TO THE CURRENT LIST OF REQUIRED VACCINATIONS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 2109) recommending that S.C.R. No. 198, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 198, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO EXAMINE THE PROBLEM OF PATIENTS IN ACUTE CARE HOSPITALS WAITLISTED FOR LONG TERM CARE AND TO PROPOSE SOLUTIONS," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 2110) recommending that S.C.R. No. 217, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 217, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE THE MEDICARE REIMBURSEMENT RATES FOR HAWAII," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 2111) recommending that S.C.R. No. 102, SD 1, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 102, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY LABELING REQUIREMENTS RELATING TO THE USE OF HAWAII-GROWN COFFEE NAMES AND STUDY THE EFFECTIVENESS OF THE ADMINISTRATIVE RULES RELATING TO INSPECTION, CERTIFICATION, AND AUDIT REQUIREMENTS FOR HAWAII-GROWN COFFEE," was adopted, with Representatives Cabanilla and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 2112) recommending that S.C.R. No. 98, SD 1, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 98, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW ON THE REGULATION OF PERSONS WHO APPREHEND BAIL FUGITIVES," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Green and Herkes, for the Committee on Health and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 2113) recommending that S.C.R. No. 209, as amended in HD 1, be adopted.

Representative Caldwell moved that the report of the Committees be adopted, and that S.C.R. No. 209, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Takai rose to speak in support of the measure with reservations, stating:

"On Stand. Com. Rep. No. 2113, with reservations. And only just reservations in regards to this particular measure that in Committee we discussed this in HSCR and one of the things that we changed both for the HCR and HR was the name of this medical system.

"I don't think it's good practice and form for us in the legislative body to be passing any type of measure like this with the specific name of a proprietary piece of equipment in there, although I do support this particular system. And I just point this out and hopefully the Senate will consider a Conference Committee on this and we can fix that."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 209, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR USE OF THE LGI INTELLIGENT MEDICAL VIGILANCE SYSTEM," was adopted, with Representatives Cabanilla and Takamine being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 2114) recommending that S.C.R. No. 48, SD 1, as amended in HD 1, be adopted.

Representative Caldwell moved that the report of the Committees be adopted, and that S.C.R. No. 48, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

At 12:23 o'clock p.m., Representative Mizuno requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

Representative Caldwell moved to amend S.C.R. No. 48, SD 1, HD 1, stating:

"Mr. Speaker, I move to amend Senate Concurrent Resolution No. 48, SD 1, HD 1, by amending the third Be it Resolved paragraph found on page two of the Resolution by replacing "2008" with "2010". That's the motion, Mr. Speaker."

Representative Mizuno then seconded the motion.

Representative Mizuno rose in support of the proposed floor amendment, stating:

"Members, during a hearing we had agreed on putting the date 2010, instead of 2008. Unfortunately we didn't pick it up on the Committee Report, so the correct date is actually 2010. Thank you."

The motion that Floor Amendment No. 12, amending S.C.R. No. 48, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT OF THE HAWAII DISABILITIES RIGHTS CENTER," be adopted, was put to vote by the Chair and carried, with Representatives Cabanilla and Takamine being excused.

The Chair then stated:

"The amendment from "2008" to "2010" will be taken into Conference."

(Main Motion)

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Bertram rose to speak in support of the measure with reservations, stating:

"Yes, on Stand. Com. Rep. No. 2114 with reservations. I'm glad they made the change. That was what got my vote in the Committee. But I do agree with the people who are opposed to this. This is just something that's between two agencies and I hate seeing the Legislature getting involved with that. So I'm hoping that by 2010 it's all resolved. Thank you."

Representative Shimabukuro rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Brower rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.C.R. No. 48, SD 1, HD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT OF THE HAWAII DISABILITIES RIGHTS CENTER," was adopted with Representatives Belatti, Brower and McKelvey voting no, and with Representatives Cabanilla and Takamine being excused.

S.C.R. No. 48, SD 1, HD 2, was adopted in the following form:

"SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT OF THE HAWAII DISABILITIES RIGHTS CENTER.

WHEREAS, the Hawaii Disabilities Rights Center (Center) is the designated agency under section 333F-8.5, Hawaii Revised Statutes (HRS), to provide advocacy services to persons with developmental disabilities or mental illness; and

WHEREAS, a designation of an agency such as the Center is a prerequisite for the State to receive federal funds; and

WHEREAS, Congress created a nationwide protection and advocacy system for individuals with developmental disabilities under the Developmental Disabilities Assistance and Bill of Rights Act, as amended, to aid individuals with developmental disabilities or mental illness and their families so that they may gain access to appropriate support and services; and

WHEREAS, the Center has access to records of any person with developmental disabilities or mental illness, to the extent required by federal law, as provided in section 333F-8.5, HRS; and

WHEREAS, the Department of Health has jurisdiction over state funding for the Center and has the responsibility for the performance of the Center; and

WHEREAS, concerns have been raised about the Center's abilities to fulfill its mission, particularly since it also receives state funding; and

WHEREAS, the Center has never been audited by the Auditor; and

WHEREAS, a complete financial and program audit of the Center is warranted to protect its vulnerable clientele; and

WHEREAS, the current litigation pending in the United States District Court for the District of Hawaii between the Center and the Opportunities for the Retarded, Inc. raises issues about the Center; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Auditor is requested to conduct a financial and program audit of the Center and that the parties to the litigation between the Center and Opportunities for the Retarded, Inc. are urged to amicably settle the pending litigation; and

BE IT FURTHER RESOLVED that the Auditor also investigate whether the Center:

- (1) Is fulfilling its mission in a proper, objective, and effective manner, including an evaluation of how the Center exerts its authority over an organization, subject to the Center's purview;
- (2) Is abusing its authority over its access to records of persons with developmental disabilities or mental illness;
- (3) Has in place appropriate grievance procedures and alternative remedies to litigation for agencies over which it has jurisdiction; and
- (4) Is being appropriately overseen by any state or federal authority, and the scope of such authority;

and

BE IT FURTHER RESOLVED that the Auditor report its findings and recommendations to the Legislature no later than 20 days prior to the convening of the Regular Session of 2010; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Hawaii Disabilities Rights Center and the Director of Health."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 2115), recommending that S.C.R. No. 160, SD 1, be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 160, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF THE REGULATION OF ENTITIES GOVERNED BY CHAPTER 514A OR 514B, HAWAII REVISED STATUTES, AND THE ENFORCEMENT OF POLICIES RELATING TO CONDOMINIUMS IN THE STATE THROUGH THE CREATION OF A CONDOMINIUM COMMISSION," was referred to the

Committee on Legislative Management with Representatives Cabanilla and Takamine being excused.

Representatives Sonson and Yamashita, for the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 2116), recommending that S.C.R. No. 68, SD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 68, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON PUBLIC CONTRACTS," was referred to the Committee on Finance with Representatives Cabanilla and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 2117), recommending that S.C.R. No. 178, be referred jointly to the Committee on Finance and the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 178, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS ON PUBLIC EMPLOYEES AND EMPLOYERS AND TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO EXTEND ACT 245, SESSION LAWS OF HAWAII 2005," was referred jointly to the Committee on Finance and the Committee on Legislative Management with Representatives Cabanilla and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 2118), recommending that S.C.R. No. 199, SD 1, be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 199, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXPAND AND EXTEND ITS CURRENT LAND LEASE WITH LEAHI HOSPITAL TO FACILITATE CAMPUS-WIDE MASTER PLANNING AND LONG TERM DEVELOPMENT OF GERIATRIC AND LONG-TERM HEALTH CARE SERVICES," was referred to the Committee on Higher Education with Representatives Cabanilla and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 2119), recommending that S.C.R. No. 197, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 197, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE COUNTIES TO FORM PARTNERSHIPS WITH THE STATE AND PRIVATE SECTOR TO COVER HEALTHCARE INFRASTRUCTURE AND OVERHEAD COSTS FOR PRIMARY CARE AND SPECIALTY PHYSICIANS PRACTICING MEDICINE IN HAWAII'S RURAL AREAS," was referred to the Committee on Finance with Representatives Cabanilla and Takamine being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 2120), recommending that S.C.R. No. 213, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that S.C.R. No. 213, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I am in support of this measure. Mr. Speaker, breast cancer is the most common cancer among American women and cervical cancer is the second most common cancer among women worldwide. These cancers are more deadly among low-income groups because they are less likely to have access to routine screenings. We all know that screening and early detection can be the difference between life and death. Through the Hawaii Breast and Cervical Cancer Control Program (HBCCCP), the Department of Health screens populations disproportionately affected by cervical cancer. Since its inception, DOH reports that "approximately 5,000 women have been screened; 126 breast cancers diagnosed and 90 pre-cancerous or cancerous conditions of the cervix diagnosed." Without HBCCCP, these cancers would have most likely been undetected and these women would probably have lost their lives.

"Unfortunately, this program is only funded through federal moneys which might begin to decrease in the future. This Resolution requests the Governor to establish a program to provide coverage of cancer screening for women fifty to sixty-four years of age who are low-income or have no or insufficient health insurance. Screening and early detection work and I urge my colleagues to vote in favor of this Resolution. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 213, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO FUND BREAST CANCER AND CERVICAL CANCER SCREENING FOR LOW-INCOME WOMEN IN HAWAII," was referred to the Committee on Finance with Representatives Cabanilla and Takamine being excused.

Representatives Green and Herkes, for the Committee on Health and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 2121), recommending that S.C.R. No. 212, SD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 212, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH AND THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS WORKFORCE DEVELOPMENT COUNCIL TO CONVENE A TEMPORARY TASK FORCE TO EXAMINE STRATEGIES, OTHER THAN THOSE HAVING TO DO WITH MEDICAL MALPRACTICE LIABILITY AND INSURANCE PREMIUMS, THAT MAY PREVENT THE EXODUS OF PHYSICIANS FROM THE STATE," was referred to the Committee on Finance with Representatives Cabanilla and Takamine being excused.

At this time, the Chair announced:

"Members, please note the 48-hr notice for Conference Committee Reports No. 1 to 3 as listed on page of the Order of the Day. These will be taken up on Wednesday."

CONFERENCE COMMITTEE REPORTS

Representatives Souki and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1529, SD 2, HD 2, presented a

report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1529, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 1529, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," was deferred for a period of 48 hours.

Representatives Souki and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1709, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 1709, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 1709, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," was deferred for a period of 48 hours.

Representatives Souki and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 946, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 946, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 946, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," was deferred for a period of 48 hours.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Chang introduced Mr. Michael Gleason of the Arc of Hilo, and Mr. Walter Carvalho of the Central Pacific Youth Athletic Club.

ADJOURNMENT

At 12:36 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, April 24, 2007. (Representatives Cabanilla and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated April 23, 2007, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 639, HD 2, SD 1	Representative M. Oshiro replaced Representative Carroll as Co-Chair. Added Representative Carroll as a member.
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House Communication dated April 23, 2007, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 1292,
HD 1, SD 2

Added Representative Souki as a member.