



Session 2008

Legislative News 2008

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Calendar

January 16-Opening Day
January 31—Champions for Children Day at the Capitol
March 4— 1st Crossover of Bills
March 13—4th Annual Human Rights Day at the State Capitol
March 16-State Spelling Bee(Rep. Berg ,Pronouncer)
March 19-Kapuna Day at the Capitol
April 10-2nd Crossover of Bills
May1-Sine Die-Adjournment

Hawaiian Studies Program Audit

A scathing new Audit of the Department of Education's Hawaiian Studies Program confirmed many of the problems described by participants in last year's Kupuna Day at the State Capitol, an event sponsored by Rep. Berg to encourage Native Hawaiian elders to take part in public hearings about their programs.

The Audit traced "longstanding stakeholder dissatisfaction" to "a lack of leadership and guidance" by both the Board of Education and the DOE leadership.

Vague guidelines and weak oversight "have allowed resources intended to employ kupuna to be diverted to purposes with little or not connection to a Hawaiian education," the audit reports.

The Hawaiian Studies program resulted from the 1978 Constitutional Convention, which approved a constitutional amendment calling for a Hawaiian education program including language, culture, and history, in which "use of community expertise shall be encouraged". Based on transcripts, the Audit found that the intent was to use and preserve the knowledge of kupuna which might otherwise be lost.

Neighborhood Board Meetings:

April 3—NB #2 (Kuliouou/Kalani Iki)
April 16—NB #4 (Kaimuki)
April 17—NB #3 (Waialae-Kahala)
April 29—NB #1 (Hawaii Kai)

Two previous Auditor reports since the Hawaiian Studies Program's creation reveal that the DOE holds the view that the classroom teacher should be the cornerstone of the program and that Hawaiian concepts should be totally merged into existing elementary curriculum. The last report, however, noted that plans lacked detail on how teachers would be trained to accomplish this goal, expected program outcomes, and fulfillment of the constitutional mandate.

As followup to the Audit, Rep Berg re-introduced her 2006 House Concurrent Resolution (HCR 122 in 2008) requesting the Board of Education to work with the UH- Manoa College of Education and the Hawaiian Studies Center, as well as the College of Hawaiian Language at UH-Hilo, to develop a plan for DOE principals, vice-principals, and teachers to satisfactorily complete a course in Hawaiian language and culture. HCR 122 successfully passed out of the Education Committee on Mon., March 28, 2008 and moves to the Water/Land/Ocean/ and Hawaiian Affairs Committee for the next hearing.

EMAIL UPDATES:

If you interested in receiving email updates from Rep. Berg please contact us at repberg@capitol.hawaii.gov

[see: Report No. 08-02, January 2008. "*Management Audit of the Department of Education's Hawaiian Studies Program.*"]

Regulation of Adult Residential Care Homes

The proliferation of adult residential care homes in neighborhoods around the island has prompted calls for increased regulation of the placement of the larger ARCH Type II facilities, which have more than five residents.

Neighbors of proposed new residential care homes in Aina Haina and Kaimuki fear the facilities may be unreasonably disruptive unless care is taken to address issues such as inadequate parking, traffic, noise, etc. Currently, neither the state nor county appear to have the ability to regulate the placement of care homes with eight or fewer residents or place conditions on their operations.

Rep. Berg's bill (HB2433) to require a public notice and informational meeting before a new care home could be licensed was deferred following a public hearing. But as the "baby boom" ages and the need for adult care facilities grows, conflicts between residential property owners and facility operators and investors can be expected to grow as well. Today's concerns are an indication of a much larger issue that the Legislature and public policy will eventually have to address so that a proper balance can be achieved in which our elders are cared for safely and our communities are pleasant places to live.

Rep. Berg has now joined with House Speaker Calvin Say, Majority Leader Kirk Caldwell, and Reps. Barbara Marumoto and Scott Nishimoto sponsor House Concurrent Resolution 250 and House Resolution 212, which call on the Department of Health to "encourage" applicants for care home licenses to make a presentation to the relevant neighborhood board as soon as possible so that the community can be informed and involved in the process. The resolutions have been referred jointly to the House committees on Health and Human Services & Housing.

Antidote for Bullying and Campus Violence

In a recent 95-page report sent to the State Department of Education by the Safe Schools Community Advisory Committee, bullying was identified as "a common occurrence in schools" that teachers sometimes allow to happen.

The recommendation by the committee was for Hawaii schools to create anti-bullying programs by 2010, give annual training for all employees about harassment and discrimination, and require students to attend assemblies to discuss the problem. Although Chapter 19 of the BOE Administrative Rules addresses the procedures for reporting offenses and the consequences for student misconduct, there are currently no specific courses, requirements, consistent programs and services that are coherently implemented through the public school system.

In an effort to be proactive and support the DOE in providing a safe, healthy environment for all children, the 2007 Legislature passed House Concurrent Resolution 55 which requested the DOE to "explore the feasibility of integrating peace education into its curriculum and to report back on the results of its discussions and the cost of creating such an integrated approach".

The DOE responded with a 1-1/2 page report briefly describing its existing "character education curriculum", which is reflected in a variety of programs. The report states, without specifics, that "many schools" address peace education in their standard classes. The department "does not recommend a separate curriculum" and does not believe further legislative action should be taken.

During the 2008 Session the Education Committee, for which Rep. Berg is the Vice-Chair, will evaluate the DOE report and discuss follow-up steps to help students and adults on public school campuses gain knowledge, practice skills, and apply their learning within the community to reduce conflicts, promote peaceful interactions, and facilitate individual, as well as community efforts to create more harmonious conditions within schools.

Let There Be No Light!

In 2005, the Legislature passed two provisions, Sections 205A-30.5 and 205A-71 Hawaii Revised Statutes, to address coastal light pollution and the dangers created for sea birds and turtles, who can become disoriented, injured or killed. Since then, there has been some confusion over the law because the City is enforcing the new law only as part of its review of permit applications involving shoreline projects.

A review of the Statute, requested by Rep. Berg, has clarified that the law broadly prohibits bright lights whenever the light directly illuminates the shoreline and ocean waters, or is directed to travel across property boundaries toward the shoreline and ocean waters.

Rep. Berg has been informed that the City and County's Department of Planning and Permitting is in the process of drafting rules for enforcement of this section. In the meantime, both City and State agencies are enforcing the ban on artificial lights by citing other rules, such as the electrical code.

Plants Encroach Kahala Beach Shoreline

Neighborhood Board and Kahala Community Association, Rep. Berg attended a meeting in November 2007, convened by the City and County Honolulu Department of Planning and Permitting and the State Department of Land and Natural Resources to discuss a joint initiative for community engagement. Subsequent to that meeting, representatives from the City and the State visited Kahala Beach to observe shoreline issues, first hand. They found excessive vegetation, extending well beyond neighboring properties and in certain places, blocking the beach, except in very low tides, between Waialae Beach Park and Hunakai Street.

Evidence could be seen that *hau*, *naupaka*, and other plants are being watered and encouraged to spread onto the shore from neighboring properties, obscuring property lines and interfering with public use of the beach.

DLNR's Office of Conservation and Coastal Lands has identified problem areas and is looking for ways to educate landowners that such plantings are likely to increase, rather than limit, coastal erosion by interfering with the natural migration of sand, and the Office of State Planning is steering a coordinated response by city and state agencies to the problem in consultation with the community and Legislature.

Can Growth Be Smart

In response to the Legislature's recognition of the pressing need for Hawaii to be "sustainable" an Interim Task Force was created by the House of Representatives to consider incorporating "smart growth" principles in decision making regarding land use and development. (www.hawaii2050.org)

The Interim Task Force found that legislation can be enacted to empower the counties to implement "smart growth", including the revitalization of the urban core as an alternative to continued sprawl. It urged a reassessment of how boundaries are drawn by the State Land Use Commission and recommended coordination between the State and counties in planning, transportation, housing and school construction.

Rep. Berg's participation as a member of the 2050 Sustainability Task Force has enabled her to better understand how the "smart growth" approach to development can revitalize urban areas with a mix of features, including walkable communities, open space, increased housing and a variety of transportation alternatives. (www.smartgrowthamerica.org and Special Task Force report #2-08, 1/18/08)

Inquiry Leads to Action

Recently, Rep. Berg was asked by a constituent to introduce legislation to fund the development of bikeways and bike lanes. A bill was passed by the Legislature in 2007 providing a stable funding source for bike paths, bikeways and bike safety by requiring at least 2% of eligible federal funds in the State Highway Fund be devoted to that effort.

In reviewing the law (Section 264-18 HRS), Legislative Aide Ian Lind noted a provision from 1995 requiring the Dept. of Transportation to report annually to the Legislature on bikeway projects and expenditures. A request for this annual report to the DOT went unanswered and a second inquiry also failed to produce a response. A search of the Legislative Reference Bureau Library failed to uncover any prior report submitted pursuant to this law.

Two weeks after the initial inquiry, an email reply from the DOT was finally received that the report is “currently being prepared”. This response failed, however, to address the question about whether any prior reports had been submitted since the reporting requirement was passed into law in 1995.

When Rep. Berg receives the report, she will make the information available to all interested parties. What a lesson in how a simple question can result in more accountability on the part of public agencies. So Rep. Berg says: “Keep those questions coming!”

OPENING DAY
2008 LEGISLATIVE SESSION
JANUARY 16, 2008



Rep. Berg with ASUH President, Senators and Professor Marc Le Pape



Rep. Berg with Niu Valley Playground Hui members with slogan: “Let’s Play”

Rep. Berg with Dr. Jeannie Lum (Matsunaga Peace Center) and Dr. Virgie Chattergy, retired UH professor



Representative Berg's 2008 Introduced Legislation

HB/HCR NUMBER	DESCRIPTION OF BILL	Committee Referral
HB 2433	<p>RELATING TO ADULT RESIDENTIAL CARE HOMES. Requires a type II adult residential care home in a residential area applying for a license to give notice of its application. Requires applicant to notify DOH if also applying for county permits. Requires DOH to hold a hearing in the district where the proposed home is to be located and invite county attendance.</p>	HSH/HLT, JUD <i>Deferred</i>
HB 3265	<p>RELATING TO PUBLIC ACCESS TO COASTAL AREAS. Requires the State to acquire land for public rights-of-way.</p>	WLH, FIN
HB 2435	<p>RELATING TO EARLY CHILDHOOD EDUCATION. Requires the department of education to increase opportunities for special needs pre-schoolers to interact with their non-disabled peers. Appropriates funds.</p>	EDN, HSH, FIN <i>Passed EDN and HSH, referred to FIN</i>
HB 2876	<p>RELATING TO GEOLOGISTS Requires licensure for persons holding themselves out to the public as professional geologists.</p>	CPC, FIN
HB 3266	<p>RELATING TO THE HAWAII TEACHER STANDARDS BOARD. Requires the Hawaii teacher standards board to adopt rules necessary to ensure that a license is not issued or renewed or is suspended or revoked if the person is convicted of a crime if the board finds by reason of the nature and circumstances of the crime that the person poses a risk to the health, safety, or well-being of children.</p>	EDN, JUD <i>Passed EDN, referred to JUD</i>
HB 3267	<p>RELATING TO LEGACY LANDS Makes an appropriation for the board of land and natural resources to purchase the Ka 'Iwi coast using the land conservation fund.</p>	WLH, FIN
HB 2854	<p>RELATING TO PARKING FOR PERSONS WITH DISABILITIES. Makes vehicles owned and operated by nursing facilities eligible for disabled parking license plates, placards, and identification cards.</p>	HLT, TRN, JUD <i>Measure Held</i>
HB 2434	<p>RELATING TO ENVIRONMENTAL PROTECTION. Requires retailers in the State to distribute only recyclable, reusable, or compostable checkout bags.</p>	EEP, EDB, FIN <i>Passed EEP and EDB, referred to FIN</i>
HB 2853	<p>RELATING TO THE STATE BUILDING CODE Prohibits counties from reducing the required number of toilet facilities for public use in commercial spaces intended for public use.</p>	HLT, EDB, CPC <i>Re-referred to EDB, CPC</i>
HB 2877	<p>RELATING TO EDUCATION. Authorizes the issuance of special purpose revenue bonds for Mohala Pua School, doing business as the Honolulu Waldorf School.</p>	EDN, FIN
HB 2852	<p>RELATING TO THE ALTERNATIVE ENERGY. Requires newly constructed wastewater treatment works to integrate a process for producing energy used to power the treatment works by using the sewage or by-product of the sewage, such as methane gas, for fuel.</p>	EEP, WLH, FIN
HCR 52	<p>REQUESTING A SUNRISE REVIEW OF GEOLOGIST LICENSURE.</p>	CPC, LMG

Updated Technology to Encourage Citizen Engagement

In an effort to make the legislative process more accessible to the public at-large, especially those for whom in-person comments on measures is not feasible or convenient, the Hawaii State House is encouraging the submittal of testimony on bills and other measures scheduled for consideration via email.

1) Special email addresses for each committee to directly receive email testimony from you. Look for the easy instructions on each House committee or briefing notice issued.

EX: EDNtestimony@capitol.hawaii.gov goes to the Education Committee;

2) ***NEW*** online availability for testimony presented during a committee meeting or briefing! The public will be able to review all recommendations and comments made on a measure as it moves through the process.

3) ***ENHANCED*** capacity on the legislative website to view official legislative documents such as bills, resolutions, committee reports and hearing notices! Original documents with signatures, notations and vote recordation sheets, where applicable, are available at www.capitol.hawaii.gov.

Acronym	House Committee Name
AGR	Agriculture
CPC	Consumer Protection & Commerce
EDB	Economic Development & Business Concerns
EDN	Education
EEP	Energy & Environmental Protection
FIN	Finance
HED	Higher Education
HLT	Health
WLH	Water, Land Use & Ocean Resources
HSH	Human Services & Housing
INT	International Affairs
JUD	Judiciary
LAB	Labor & Public Employment
LMG	Legislative Management
PSM	Public Safety & Military Affairs
TAC	Tourism & Culture
TRN	Transportation

Use these acronyms to help guide you through the legislation introduced by Rep. Berg this session.

Stay in the Legislative Loop

Visit <http://www.capitol.hawaii.gov> for the latest information on how to submit testimony, bill status, bill texts, committee reports, schedules, archives, and much more....

Visit <http://www.hawaii.gov/lrb> to view the Hawaii Revised Statutes and copies of various reports and studies.

Visit <http://www.hawaii.gov> to link to various state agencies, including the Governor's Office.

Visit <http://www.capitol.hawaii.gov/site1/info/guide/guide.asp?press1=info&press2=guide> to access "***A Citizen's Guide to the Legislative Process***". This publication functions as a user's guide to understanding and following the legislative process in Hawaii.



E ho'ōikaika 'oe me ka mana'o koa

set out with courageous thought