

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 24, 2012 4:02 PM
To: HAWtestimony
Cc: atg.legcoordinator@hawaii.gov
Subject: Testimony for HB1973 on 1/25/2012 9:15:00 AM
Attachments: HB1973_ATG_01-25-12_HAW.pdf

Testimony for HAW 1/25/2012 9:15:00 AM HB1973

Conference room: 329
Testifier position: Comments Only
Testifier will be present: Yes
Submitted by: Joshua Wisch
Organization: Department of the Attorney General
E-mail: atg.legcoordinator@hawaii.gov
Submitted on: 1/24/2012

Comments:
Deputy Attorney General Charleen Aina will be present at the hearing.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

LATE TESTIMONY

ON THE FOLLOWING MEASURE:

H.B. NO. 1973, RELATING TO HAWAIIAN LANGUAGE IMMERSION.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, January 25, 2012 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Hanohano and Members of the Committee:

The Attorney General neither urges, nor opposes passage of this bill.

This bill establishes a Hawaiian Language Immersion Program Grant Commission, provides for the appointment of its members by the Governor, and directs the Department of Education ("DOE") to "allocate a sum equal to ten per cent of all public land lease revenues realized by the State in the immediately preceding fiscal year for expenditure in the form of grants to fund Hawaiian language immersion programs in this State."

The bill's stated purpose is to further these provisions of article X, section 4 of the State Constitution:

The State shall promote the study of Hawaiian culture, history and language . . . [and] provide for a Hawaiian education program consisting of language, culture and history in the public schools. . . .

We respectfully recommend that the following concerns be addressed, before this bill is passed.

First, the new section added to chapter 10, Hawaii Revised Statutes, in section 2 of the bill, provides that the new commission is to "oversee allocations of funds," outlines how members of the new commission are to be appointed by the Governor, and directs the commission to file annual reports to the Legislature, but does not expressly authorize the new commission, or any other entity, to make grants. It also does not provide the standards for making grants that article VII, section 4 of the State Constitution requires. See Haw.Const. art.

VII, sec. 4 (“No grant of public money or property shall be made except pursuant to standards provided by law.”)

Second, the bill does not designate a source of funding for the grants that are to be made for Hawaiian language immersion programs. The new section added to chapter 302A, Hawaii Revised Statutes, directs the DOE to “allocate a sum equal to ten per cent of all public land lease revenues realized by the State in the immediately preceding fiscal year for expenditure in the form of grants to fund Hawaiian language immersion programs in this State,” but does not identify the fund or funds from which the allocation is to be made, or direct whether the Office of Hawaiian Affairs (“OHA”), the new commission, or the DOE, is to secure an annual appropriation of that sum.

Third, because ceded land “lease revenues” are only a subset of “public land lease revenues,” the DOE cannot rely solely on data from the Department of Land and Natural Resources’ (“DLNR”) annual report documenting ceded land receipts collected and transferred to OHA pursuant to Act 178, Session Laws of Hawaii 2006, to calculate the ten percent allocation. DLNR manages and administers most of the State’s “public lands,” see section 171-3, Hawaii Revised Statutes, and is the principal collector of “public land lease revenues.” The Governor, however, is authorized to set aside “public lands” to any department or agency of the State, see section 171-11, Hawaii Revised Statutes. Thus, any other state departments and agencies, including the DOE and the Departments of Transportation and of Agriculture, collect “public land lease revenues” that would be subject to the ten percent allocation. The DOE will need to gather data about all of these receipts in order to make the requisite allocation.

Fourth, the last sentence of the section added to chapter 302A in section 3 of the bill is unclear. If the intent is to make ten percent of all “public land lease revenues” available for Hawaiian language immersion program grants, irrespective of how much OHA receives from those revenues, the last sentence should be deleted. If the intent is to make ten percent of what remains of the “public land lease revenues” after OHA is paid its share of the “public land lease revenues” attributable to ceded lands, the last sentence should be amended to say that directly, without reference to section 10-13.5, Hawaii Revised Statutes. This is because since 2006, section 3 of Act 178, rather than section 10-13.5 has specified how much OHA is to receive as its portion of the income and proceeds from the ceded lands, under article XII, sections 4 and 6 of the State Constitution, and Executive Order No. 06-06 has directed how the payment is to be made.

From: Wendy_Ogawa/SUPT/HIDOE@notes.k12.hi.us
Sent: Tuesday, January 24, 2012 5:40 PM
To: HAWtestimony
Cc: tammi.chun@hawaii.gov; gov.policy@hawaii.gov; dbfleg.dir@hawaii.gov;
shirley.m.kimura@hawaii.gov; holly.t.shikada@hawaii.gov;
Cheryl_Nitta/SUPT/HIDOE@notes.k12.hi.us
Subject: HB 1973
Attachments: HB 1973.pdf
Importance: High

Wendy Ogawa
Department of Education
OCISS
1390 Miller Street, Room 316
Honolulu, HI 96813
(808) 586-3446

LATE TESTIMONY

WRITTEN TESTIMONY ONLY

Date: 1/25/12

Committee: House Hawaiian Affairs

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 1973 Relating to Hawaiian Language Immersion Programs

Purpose of Bill: Requires that the DOE allocate an amount equal to 10% of revenues derived from the public land trust out of its annual budget to be used to fund Hawaiian language immersion programs. Establishes a commission within OHA to oversee the allocation of moneys.

Department's Position: The Department of Education (Department) does not support this bill as currently written. The ten percent transfer of funds may have unintended consequences on the Department's programs that serve all students including the native Hawaiian students.

ASSOCIATION OF HAWAIIAN CIVIC CLUBS
TESTIMONY OF PRESIDENT SOULEE STROUD

BEFORE THE HOUSE HAWAIIAN AFFAIRS COMMITTEE

SUPPORTING HOUSE BILL 1973
RE: TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM
Wed.; Jan. 25, 2012; 9:15am; Room 329

Aloha Madame Chair Hanohano, vice chair Lee and members of the Committee on Hawaiian Affairs. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs here to support House Bill 1973 Relating to the Hawaiian Language Immersion Program.

The Association I represent is comprised of sixty component clubs in Hawaii and eleven states on the continent. There are twenty six clubs on Oahu alone, as well as on each of the neighbor islands. Several of our clubs were founded by Hawaiian language graduates of the University of Hawaii and olelo makuahine is at the core of their existence.

HB 1973 would support the purposes of Article X, Section 4 of the Hawaii State Constitution that calls for educational programs in the public schools to include Hawaiian language, culture and history by allocating monies from the public land trust to fund Hawaiian language immersion programs.

It further establishes a commission within the Office of Hawaiian Affairs to oversee the allocation of those monies and I am confident that the Education Committee Chair of the Association would happily volunteer to serve on such a commission.

Mahalo for the opportunity to testify and we urge the passage of this bill.

Contact: jalna.keala2@hawaiiantel.net

cleel1 - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 8:17 AM
To: HAWtestimony
Cc: Kinaulove@yahoo.com
Subject: Testimony for HB1973 on 1/25/2012 9:15:00 AM

Testimony for HAW 1/25/2012 9:15:00 AM HB1973

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Moana Kuma
Organization: Individual
E-mail: Kinaulove@yahoo.com
Submitted on: 1/25/2012

Comments:

I wish to support HB1973 regarding Hawaiian Language and the Immersion Program. I urge you to support the same. The language of the native peoples is crucial of the survival of the race. Again, I support this bill and request that you do the same.

Moana Roy Kuma

HB 1973
Relating to the Hawaiian Language Immersion Program
House Committee on Hawaiian Affairs

January 25, 2012

9:15AM

LATE TESTIMONY

To: Representative Faye P. Hanohano, Chair, Committee on Hawaiian Affairs
Representative Chris Lee, Vice-Chair, Committee on Hawaiian Affairs

From: G. Kalehua Krug

Date: January 23, 2012

Subject: Testimony in **STRONG SUPPORT** of House Bill 1973: Relating to the Hawaiian Language Immersion Program

Aloha mai kākou e nā Luna o Nā Kōmike Pili Hawai‘i, Pili Waiwai a Pili Ho‘ona‘auao,

I am a proud father of three Hawaiian-speaking children who attend Ke Kula Kaiapuni ‘o Ānuenuē. I am also a former Immersion teacher and currently work at the College of Education of the University of Hawai‘i at Mānoa. My family strongly supports this legislation if it can be amended. We propose the following;

- (1) To amend Section 2 part B to say the following, “(b) The commission shall consist of five members appointed by the governor. These members will be chosen from a list of not less than eight names submitted by the ‘Aha Kauleo Kaiapuni Hawai‘i Hawaiian Immersion Advisory Council.”
- (2) To amend Section 2 part C to allow for all appointees to serve for a term of two years consecutively.

We fully support the intent of this legislation and will support it strongly with the aforementioned amendments. Mahalo a nui.

‘O ia ihola nō me ke aloha.