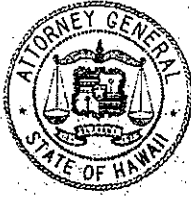


SB 2593

Measure Title: RELATING TO PHYSICAL FITNESS.
Report Title: Health; Physical Exercise; Grant; Appropriation
Description: Appropriates funds as a grant to Positive Moves, Inc., to implement and administer the "millions of kids moving monthly" project.
Companion:
Package: Keiki
Current Referral: HMS, WAM
Introducer(s): CHUN OAKLAND, FUKUNAGA, Galuteria, Ige, Kidani, Shimabukuro



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

ON THE FOLLOWING MEASURE:
S.B. NO. 2593, RELATING TO PHYSICAL FITNESS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 14, 2012 **TIME:** 1:25 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill in supporting a program that promotes physical fitness, but opposes this bill in its current form.

The purpose of this bill is to appropriate funds in an unspecified amount to Positive Moves, Inc. for fiscal year 2012-2013 as a grant pursuant to chapter 42F, Hawaii Revised Statutes (HRS). This appropriation would be for Positive Moves, Inc., to implement and administer a project to encourage physical fitness. The expending agency is the Department of Health.

Article VII, section 4, of the State Constitution provides in part: "No grant of public money or property shall be made except pursuant to standards provided by law." The relevant standards provided by law for grants are found in chapter 42F, HRS.

Normally, for a specific organization to receive appropriated moneys, the appropriation must be made as a grant pursuant to chapter 42F, HRS. Chapter 42F serves as the standards provided by law that are required by article VII, section 4, of the Constitution. Section 42F-103(b), HRS, requires that for a grant to be made to an organization, the organization must be "incorporated under the laws of the State." Currently, however, Positive Moves, Inc., is not registered with the Department of Commerce and Consumer Affairs, and therefore appears to be an organization that is not incorporated under the laws of the State. As a result, it is not an eligible recipient under chapter 42F, HRS. If Positive Moves, Inc. is not an eligible chapter 42F recipient, then the appropriation as a chapter 42F grant will fail.

If the Legislature desires to appropriate funds to the Department of Health to implement and administer a project to encourage physical fitness, it could still do so, but the Department of Health as the expending agency would then need to procure these services pursuant to chapter 103F, HRS. Under a competitive procurement, Positive Moves, Inc., could receive all, some, or none of the amount appropriated depending on the outcome of the competitive procurement process.

LATE

Positive Moves, Inc.

Committed to producing trendsetting hands-on initiatives empowerment skills, classes, workshops, film productions and products providing a clear practical result-oriented learn-by-doing approach for children and their families to get and stay IN MOTION

February 14, 2012

RE: SB2593 - Testimony in Favor – HMS 2/14/2012-Rm. 016 1:25 PM

Chair Chun-Oakland, Vice-Chair Ihara and Members of the Committee

I am in favor of SB2593, which proposed to appropriate funds as a grant to Positive Moves, Inc., to implement and administer the “millions of kids moving monthly” project. Furthermore, that physical fitness and good health is attainable by Hawaii’s children and their parents. It seems that providing written recommendations and information is not enough. Families need the proper hands on support and they need accountability. The passing and subsequent funding of SB2593 will allow hundreds of families in Hawaii the opportunity to have affordable hands on exercise instructional classes that are accessible via a computer and the internet, training classes that get everyone moving. I support this bill because the bill will allow a qualified organization Positive Moves, Inc. to spearhead “getting millions of kids moving monthly”. Just like *everyone* brushes their teeth, (like it is a law), with the passing of SB2593; we (and Positive Moves, Inc.) will give the needed support for *millions of kids* to move monthly, taking as good of care of the body, as the teeth. Measurable results can be documented including that the waist circumference of the child being smaller in just 10 minutes 2 x a week, and reported back to a committee head validating the effectiveness of Positive Move’s involvement and managing of the millions of kids monthly program and it’ participants.

The millions of kids moving monthly program stems from the desire to keep our kids moving, and for the fabric of the family as a whole to become more dedicated to being physically active now and in the future with a structured exercise commitment.

For these reasons, I request SB2593 be passed and funding be allocated.

Mahalo with kind regards,
By: Carmela Tafoya

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