



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 699, S.D. 1, RELATING TO THE BERNICE PAUHI BISHOP MUSEUM.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Thursday, February 21, 2019      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** WRITTEN COMMENTS ONLY. For more information, call  
Randall S. Nishiyama, Deputy Attorney General, at 586-12671

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Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to require the Governor to include in the executive budget a sum of no less than \$2,000,000 per fiscal year as a recurring cost to be allocated to the State of Hawaii Museum of Natural and Cultural History ("State Museum") beginning with the 2021-2023 fiscal biennium. This bill also appropriates funds to support the State Museum for fiscal years 2019-2020 and 2020-2021.

Because one Legislature cannot obligate a future Legislature to make an appropriation, we believe that this bill does not provide the minimum level of funding for the State Museum that it purports to provide.

This bill is not an enforceable mandate that requires the appropriation of funds at the designated level because "one Legislature may not bind a successor Legislature (or even itself) to make an appropriation." Town of Milton v. Commonwealth, 623 N.E.2d 482, 484 (Mass. 1993).

Article III, section 1 of the State Constitution states:

The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this

constitution or the Constitution of the United States.

Thus, the Legislature has complete legislative authority and may enact legislation as it determines except as limited by the State Constitution or the Constitution of the United States. See, e.g. State ex. rel. Stenberg v. Moore, 544 N.W.2d 344, 349 (Neb. 1996); Opinion of the Justices, 623 A.2d 1258, 1262 (Me. 1993). Consequently, this bill requiring the Legislature to appropriate funds as specified in its provisions violates article III, section 1 of the State Constitution, by attempting to restrict the power of a succeeding Legislature to legislate.

Notwithstanding the foregoing, should this bill be enacted, we will interpret it only as an intention by the Legislature to appropriate funds in the future.

If your intent is to provide a minimum level of funding for the State Museum, then the State Constitution would have to be amended to provide for this.

We respectfully ask the Committee consider our comments.

**SB-699-SD-1**

Submitted on: 2/19/2019 2:09:41 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather H. Giugni	Individual	Support	No

Comments:

Senator Donovan M. Dela Cruz, Chair, Senator Gilbert S.C. Keith-Agaran, Vice-Chair and Committee Members - Aloha and thank you for this opportunity to write IN SUPPORT of SB 699 SD1.

Bishop Museum's work is of great cultural, scientific, and intrinsic value to the State of Hawai'i and should be financially supported at a much higher level than it is today.

Bishop Museum stewards the world's largest collection of Hawaiian and Oceanic materials and its natural history collections provide information crucial to protecting native species and habitats, as well as combating invasive species. It also provides vital educational programs and resources to support the educational development of Hawai'i's school age children.

This bill includes a significant increase in Bishop Museum's annual appropriation as the State Museum of Natural and Cultural History. I strongly urge you to support SB 699 SD1!

Aloha,

Heather Haunani Giugni

'Aiea, District 33



February 19, 2019

Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Committee on Ways and Means

Conference Room 211  
Hawai'i State Capitol Honolulu, HI 96813

RE: Testimony in strong **SUPPORT** of **SB699 SD1**, Relating to the Bernice Pauahi Bishop Museum

Chair Dela Cruz, Vice Chair Keith Agaran, and Committee Members:

My name is Melanie Ide and I am the President and CEO of the Bishop Museum, Hawai'i's State Museum of Natural and Cultural History. I strongly support SB699 SD1, which would require the governor to include in the executive budget a minimum amount per fiscal year to be allocated to the Museum beginning with the 2021-2023 fiscal biennium and appropriate funds to support the work of the Museum.

The Museum's collections encompass more than 25 million catalogued objects, placing Bishop Museum among the top five natural history museums in the United States and the top 10 in the world. The collections include over 1.2 million cultural artifacts, representing Native Hawaiian, Pacific Island, and Hawai'i immigrant life; more than 125,000 historical publications, including many in the Hawaiian language; 1 million historical photographs, films, works of art, and publications; and over 22 million plant and animal specimens.

Museum researchers have discovered over 17,000 species of plants, animals, and insects throughout the Pacific region, and have made countless discoveries related to the migration, settlement, and daily life of Pacific peoples. The Museum's educational programs provide science and cultural education opportunities to thousands of Hawai'i schoolchildren each year, and it is estimated that the Museum has hosted more than 10 million visitors over its history. Passage of this bill enables our committed staff to continue sharing Hawai'i's unique knowledge base and stories with the world.

Thank you for your consideration and for the opportunity to provide testimony in support of this important bill.

Me ka ha'a ha'a,

Melanie Y. Ide  
President & CEO

**LATE**

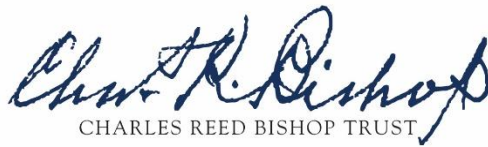
**SB-699-SD-1**

Submitted on: 2/20/2019 12:48:28 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair

Micah Alike Kāne, Chair  
Charles Reed Bishop Trust  
587 South King Street  
Honolulu, HI 96813

Thursday, February 21, 2019 at 10:00 AM

**SUPPORT for SB 699, RELATING TO THE BERNICE PAUHI BISHOP MUSEUM**

Aloha kākou. On behalf of the trustees of the Charles Reed Bishop Trust, I'm writing to support a significant increase in Bishop Museum's annual appropriation as the State Museum of Natural and Cultural History. As our State Museum, Bishop Museum's work is of great cultural, scientific, and intrinsic value to the State of Hawai'i and must be supported at a much higher level than it is today. Bishop Museum stewards the world's largest collection of Hawaiian and Oceanic materials, including unique and irreplaceable materials that are critical to the perpetuation of Native Hawaiian culture and knowledge. Its natural history collections provide information crucial to protecting native species and habitats, as well as combating invasive species. In addition, the Museum provides vital educational programs and resources to support the educational development of Hawai'i's school age children. These activities are of tremendous importance to the State, and I wholeheartedly support this bill to increase the Museum's annual appropriation.

**Bishop Museum: the State Museum of Natural and Cultural History**

Bishop Museum serves the people and State of Hawai'i through its ongoing work to explore, celebrate, and perpetuate Hawai'i's rich natural and cultural history. As the premier resource for Hawaiian and Pacific materials, Bishop Museum houses the world's largest collection of Hawaiian and Oceanic cultural artifacts as well as over 22 million biological specimens from Hawai'i and the Pacific. The Museum's cultural collections contain unique and irreplaceable materials of Hawai'i and the Pacific, which are essential to perpetuating the Hawaiian culture and innovating from a base of knowledge. The Library and Archives, one of three main Pacific libraries in the world, is an unparalleled resource of Hawaiian and Pacific rare source materials. The natural history collections represent a "library of life" that document changes in Hawai'i's environment over time and provide information crucial to protecting native species and habitats, as well as combating invasive species.

Over the past 130 years, Bishop Museum has preserved, translated and published key Hawaiian language and cultural resources; founded fields of study and performed research leading to countless discoveries; provided the foundational knowledge for such achievements as the rediscovery of Polynesian celestial navigation and the renaissance of hula; mounted major exhibitions that have celebrated the nature, culture and history of

Hawai'i and the Pacific; served State and Federal resource managers and agencies; and produced a wide range of educational and public programs for Hawai'i's community. It was designated the State Museum of Natural and Cultural History in 1988.

Bishop Museum is recognized worldwide for its signature historic buildings and newly renovated gallery spaces dedicated to Hawaiian and Pacific culture, a robust daily schedule of educational programs and tours, and its planetarium, which serves more visitors per year than any other planetarium in the United States. Dynamic original exhibits and public programs are offered regularly and leverage the Museum's unrivaled resources—cultural artifacts and biological specimens, knowledge of Hawai'i's heritage and complexities of our natural world, and excellence in exhibits and educational programming—to create an array of unique opportunities to inspire community engagement, learning, and discovery for over 200,000 students, teachers, scholars, cultural practitioners, visitors and Hawai'i residents each year. And, while the Museum's programmatic activities are grounded in its Kalihi-Pālana campus, its impact extends far beyond the Hawaiian Islands and across the Pacific through its outreach programs, strategic partnerships in research and education, and an expanding database of digitized artifacts, specimens, stories and resources which allow for increased global access to Hawaiian and Pacific knowledge.

Today, Bishop Museum is the world's premier institution for Hawai'i and the Pacific, recognized internationally for its natural and cultural collections. This “library of life” and archive of our cultural heritage connects us to our ancestors and chronicles changes in Hawai'i's environment over time. It provides a global resource of primary source material that enables us to perpetuate our culture and face ever-changing environments based on information and knowledge.

### **Current State Funding**

Bishop Museum is significantly under-resourced. While it is one of the top ten museums in the world by collections size, scope, and significance, it functions at less than a quarter to the tenth of the budget of its peer institutions. It is estimated that the Museum is under-staffed by at least a factor of four. Currently, at its minimum levels of funding, the Museum spends approximately \$3.2 million a year to care for its collections, including the cost of staffing, securing, and maintaining the collections and providing proper environmental controls. These materials are critical to the perpetuation of Native Hawaiian culture and knowledge as well as our understanding of how Hawaii's environment has changed over time. They are essential to understanding long-term cultural and environmental sustainability for the State and our broader Pacific communities. In addition, the Museum spends another \$500,000 each year to support its educational programs serving Hawai'i schoolchildren, families, and visitors. In total, the Museum spends approximately \$3.7 million annually—more than a quarter of its operating costs—to support these critical programs.

### **Bishop Museum Collections Services**

Bishop Museum's collections and scientific expertise are regularly accessed by State agencies, including the Department of Land and Natural Resources, the Department of Health, the Department of Agriculture, and the University of Hawai'i. In fact, various State entities account for approximately one-quarter of all collections usage at the Museum, and Museum staff record a minimum of two months' worth of cumulative

staff time per year to support various State agency requests at no charge. The Museum also provides training to State personnel in entomology, botany, malacology, species identification, taxonomy and other areas at no charge.

Bishop Museum biologists work closely with State scientists to provide assistance in identifying weeds, insects, snails, reptiles, and other intercepted, potentially invasive species. For example, during the Christmas season when large numbers of trees are imported from the Pacific Northwest, Bishop Museum identifies all intercepted snails and slugs from the tree shipments for the Department of Agriculture. Last year, the Museum identified more than 20 potential new invasive slugs and snails through the tree shipments and helped to prevent their establishment in Hawai'i. The Museum also identifies all snakes and other reptiles and amphibians that are intercepted by HDOA's Plant Quarantine officials—all at no cost to the State. Museum biologists are also working with the Department of Health, Department of Agriculture, University of Hawai'i, Hawai'i Invasive Species Council, and others to conduct field surveys and screen snails and slugs for the parasite that causes rat lung worm disease. These are but a few examples of the ways that Museum scientists support various State agencies in their environmental work, and these identifications are only possible because of the Museum's vast collection of terrestrial, marine and freshwater specimens from the Hawaiian Islands—the largest such collection in the world.

In 1992, the Museum was designated by the State Legislature as the Hawai'i Biological Survey. The Hawai'i Biological Survey (HBS) was created to locate, identify, document, and evaluate all native and non-native species of plants and animals within the State. This essential information helps State resource managers to protect endangered species, maintain native ecosystems, and prevent the establishment of agricultural and garden pests. As the HBS, Bishop Museum is committed to the research and documentation of the endemic and invasive flora and fauna within the State of Hawai'i, and maintains the world's largest collection of terrestrial, marine and freshwater specimens representing Hawai'i. The collections are a representation of Hawai'i's flora and fauna over time and geographic distribution and are critical for understanding changes to our natural environment for the protection of endemic species and habitats.

In coordination with related activities with the Department of Land and Natural Resources and other federal, state, and private agencies, Bishop Museum disseminates this knowledge to ensure wise stewardship of Hawai'i's fragile ecosystems and rich natural heritage. Annually, the Museum responds to more than 200 inquiries from the State of Hawai'i, University of Hawai'i, and related agencies regarding HBS, taxonomic queries, nomenclature, staff training in entomology and botany, and other needs. An increase in the state subsidy will positively impact both the Museum's ability to conduct field surveys throughout the islands to gather pertinent data and its ongoing work to increase access to these resources through the digitizing of information from its collections and associated scientific literature into comprehensive computerized databases. Increased access to this information will aid natural resource agencies in the proper management of Hawai'i's endemic resources for future generations.

Bishop Museum's Hawai'i Biological Survey is also a vital resource to support the continued development and implementation of projects like the Hawai'i Interagency Biosecurity Plan (HIBP), an interagency effort to control the detrimental impacts of invasive species in Hawai'i. The Museum's collections, scientific



knowledge, and research can be instrumental in mitigating the negative impacts of invasive species—fruit flies that cause losses to our state’s agricultural revenues, the spread of mosquito-borne diseases like Zika, dengue, and malaria, and impacts to our native ecosystems and watersheds.

### **Bishop Museum Educational Programs**

Bishop Museum provides vital educational programs and resources to students and teachers of the Department of Education, including STEM (Science, Technology, Engineering and Math) programs that address the HCPS III Science Standards. Cultural programs are used to connect students in meaningful ways to Hawai‘i’s rich history and culture, and to help them explore the important relationship between Hawaiian culture and environmental sustainability. Planetarium programs and guided visits through the Museum’s exhibits and signature galleries expose students to varied topics, ignite curiosity and inspire learning. These educational experiences ultimately help to create inquisitive, grounded, life-long learners who will eventually grow to make meaningful contributions to our community, environment, and State. Bishop Museum’s educators serve more than 25,000 students per year through various on-site educational programs.

### **Subsidy History and Impact**

Bishop Museum was officially designated as the State Museum of Natural and Cultural History by the Hawai‘i State Legislature in 1988. The State has supported this designation through an annual appropriation of general revenues to support the Museum’s operational activities, which are of great cultural, scientific, and intrinsic value to the State of Hawai‘i. In 1992, the subsidy was \$2.47 million (\$4.5 million in today’s dollars), representing 22% of the Museum’s annual budget—relatively similar to the funding level of other State museums. Today, the Museum’s annual appropriation is \$626,000, covering just 4% of the Museum’s operating budget.

In recent years, this reduction, combined with economic shifts and a \$2.8 million reduction in federal earmark funds in 2012, have necessitated significant reductions in the Museum’s staff and programs. The Museum has managed its resources carefully to ensure that its most essential services continue. However, sustained, increased support is critical for the Museum to ensure its collections are properly stewarded, as well as build the foundation necessary to grow and expand its services.

State funds are critical to ensuring the continued growth and success of the Hawai‘i State Museum of Natural and Cultural History. An increase in the subsidy will provide essential resources the Museum needs in order to provide the appropriate level of care for its priceless cultural and scientific collections. It will also provide resources to support the Museum’s vital research and education programs that directly benefit the people of Hawai‘i.

Increasing the subsidy will allow the Museum to continue to provide direct support to various State agencies, and will allow the Museum to waive its bench and access fees for State agencies. The Museum will be able to direct resources towards digitizing information from its collections into comprehensive computerized databases, aiding State agencies in the proper management of Hawai‘i’s endemic resources for future

generations. This support will also enhance the Museum's ability to educate and empower increasing numbers of school children, residents and visitors while contributing to the protection of our State's most precious cultural and natural resources.

Mahalo for your commitment to care for the cultural artifacts of our ali'i, Hawai'i, and the Pacific.

DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
DIRECTOR

ROBERT YU  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY RODERICK K. BECKER  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON  
SENATE BILL NO. 699, S.D. 1

**February 21, 2019**  
**10:00 a.m.**  
**Room 211**

RELATING TO THE BERNICE PAUAHI BISHOP MUSEUM

Senate Bill No. 699, S.D. 1, mandates that, beginning in FY 2021-23, the Governor's Executive Budget include at least \$2,000,000 each fiscal year to be allocated to the State of Hawaii Museum of Natural and Cultural History, also known as the Bernice Pauahi Bishop Museum, and appropriates \$2,000,000 in general funds in FY 20 and FY 21 to support the work of the museum.

The Department of Budget and Finance has serious concerns with requiring in statute that the Executive Budget fund a minimum dollar amount for the Bishop Museum. Adjustments to Bishop Museum's subsidy in the department's budget can be made through the regular appropriation process. We note that the specific appropriation of \$2,000,000 for both FY 20 and FY 21 as contained in this bill would be in addition to the \$626,000 annual subsidy currently budgeted for the Bishop Museum. This additional funding level was not requested by the Bishop Museum through the Executive Biennium Budget preparation process.

Thank you for your consideration of our comments.

**LATE**



KAMEHAMEHA SCHOOLS®

Senate Committee on Ways and Means

Time: 10:00 a.m.

Date: Peleluali 21, 2019

Where: State Capitol Room 211

TESTIMONY

By: Kau'i Burgess

RE: **SB 699, SD1, Relating to the Bernice Pauahi Bishop Museum**

E ka Luna Ho'omalua Dela Cruz, ka Hope Luna Ho'omalua Keith-Agaran, a me nā Kenekoa 'ē a'e o kēia Kōmike, aloha!

Kamehameha Schools writes in **SUPPORT** of SB 699, SD1, which requires the governor to include in the executive budget a minimum amount per fiscal year to be allocated to the Bishop Museum.

As the State of Hawai'i Museum of Natural and Cultural History, the Bishop Museum helps to preserve the identity of Native Hawaiians, Hawai'i, and much of the Pacific. As such, Kamehameha Schools believes that the museum fulfills an important role in our community, instilling confidence and resiliency in Hawai'i's learners and Hawai'i's people.

The Bishop Museum is home to an irreplaceable inventory, second to none in documenting the natural and cultural histories of Hawai'i and the Pacific. Through these artifacts, archival documents, and biological specimens, the histories of our people and place can be better understood, enabling more informed solutions for today and tomorrow.

The Bishop Museum's collections also provide a variety of services for our community, as do the knowledgeable museum staff. Local and global scholars and resource managers consistently use the museum's repository for research. Museum staff also support the State through a broad range of critical functions, such as invasive species identification.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

With this testimony, Kamehameha Schools requests your **SUPPORT** of SB 699, SD1. Mahalo nui.