

STAND. COM. REP. NO. 2345

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2007  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2007 entitled:

"A BILL FOR AN ACT RELATING TO BUDGETARY POWERS,"

begs leave to report as follows:

The purpose of this measure is to clarify the budgetary powers of the legislative and executive branches of government.

Your Committee finds that, although the general principle that "the Legislature appropriates and the Administration allocates" appears reasonable in theory, its present application by the State Administration is inconsistent with the principles of a democratic government. Your Committee believes that the state budgetary process requires corrective modification to maintain the constitutional balance between the Legislature and the Administration.

Specifically, your Committee finds that legislative appropriations made in the past to a variety of programs, services, and capital needs were either not released by the Administration or transferred to finance other programs of the Administration's choosing. This ability to fund programs without legislative authorization not only violates the integrity of the democratic process, but also subjugates and ignores the thousands of organizations and individuals that participate in the legislative process.



While the Administration should have adequate discretion to restrict funds in certain emergency situations, this discretion should not allow the Administration to dictate a legislative agenda from a distinct and separate branch of state government.

This measure corrects this imbalance of budgetary power between the legislative and executive branches by recognizing the distinction between the two branches of government and by protecting the Legislature's right and duty to fund specific programs and services.

Your Committee received testimony in support of the measure from Child and Family Service. Testimony in opposition was received from the Office of the Governor and the Department of Budget and Finance. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee has amended the measure to:

- (1) Provide that the Administration may act contrary to legislative intent only pursuant to a declaration of emergency by the Governor; and
- (2) Make technical nonsubstantive changes for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2007, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2007, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
DONNA MERCADO KIM, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2007</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02/08/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div><input type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol				\
GALUTERIA, Brickwood	/			
HEE, Clayton				\
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.				\
HEMMINGS, Fred			\	
TOTAL	8	0	1	3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em;"> </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes