

STAND. COM. REP. NO.

657

Honolulu, Hawaii

FEB 21 2023

RE: S.B. No. 835

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 835 entitled:

"A BILL FOR AN ACT RELATING TO GENERAL FUND BUDGET
APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal statutory language relating to the Legislature's annual general fund budget appropriation to the University of Hawaii.

More specifically, the measure repeals section 304A-2101(a), Hawaii Revised Statutes, which provides that the appropriation amount shall be three to five times the university's estimated regular tuition and related fee revenues for that fiscal year.

Your Committee received written comments in opposition to this measure from the University of Hawaii and one individual.

Your Committee believes that the language of section 304A-2101(a), Hawaii Revised Statutes, merely provides guidance or an expression of intent from a previous Legislature to future Legislatures and thus does not require the current Legislature to appropriate funds to the University of Hawaii in any specific amount. This belief is based upon the well-established principle of constitutional law that a legislature may not enact a law that binds the exercise of legislative power by a subsequent legislature. Accordingly, your Committee finds that this



statutory provision is ineffective, serves no meaningful purpose, and should be repealed to clarify the appropriation process and prevent potential future confusion.

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. 835 and recommends that it pass Third Reading.

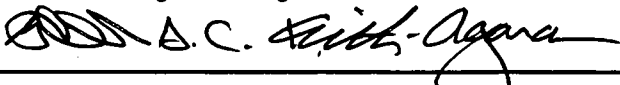
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB835	Committee Referral: HRE, WAM	Date: 2/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo				X
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris				X
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	10			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes