

STAND. COM. REP. NO. 151

Honolulu, Hawaii

FEB 10 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 Higher Education, 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 the
requirement that the annual general fund budget appropriation for
the University of Hawaii shall be three to five times the
estimated regular tuition and related fee revenues for that year.

Your Committee received testimony in opposition to this
measure from the University of Hawai'i System.

Your Committee finds that under existing law, the Legislature
is mandated to appropriate from the general fund three to five
times the amount of regular tuition and related fee revenues
estimated for that fiscal year for the University of Hawaii's
budget. However, according to information previously submitted by
the Department of the Attorney General to the Legislature, this
law is unconstitutional, since one Legislature may not bind a
successor Legislature with regard to the expenditure of funds.
The existing statute merely provides guidance or an expression of
intent from a previous Legislature to the current Legislature
regarding the general fund appropriation to the University of
Hawaii. To clarify the appropriation process and prevent
confusion over the Legislature's obligations, this measure repeals



the existing statutory provision governing the Legislature's appropriations to the University of Hawaii unenforceable which the Department of the Attorney General has advised to be for constitutional reasons.

As affirmed by the record of votes of the members of your Committee on Higher Education 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 Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education,



DONNA MERCADO KIM, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* <i>SB 835</i>	Committee Referral: <i>HRE, WAM</i>	Date: <i>2/2/23</i>		
<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
KIM, Donna Mercado (C)	<i>X</i>			
KIDANI, Michelle N. (VC)				<i>X</i>
FUKUNAGA, Carol		<i>X</i>		
KEITH-AGARAN, Gilbert S.C.	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
TOTAL	<i>3</i>	<i>1</i>		<i>1</i>
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