

STAND. COM. REP. NO.

2340

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2395
S.D. 1

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

Madam:

Your Committees on Ways and Means and Judiciary and Government Operations, to which was referred S.B. No. 2395 entitled:

"A BILL FOR AN ACT RELATING TO THE BUDGET,"

beg leave to report as follows:

The purpose of this measure is to establish that the budget shall prevail over statutory law whenever they are in conflict.

The measure also requires the Governor to execute the provisions of the state budget and final budget worksheets and to report to the Legislature on all actions taken within thirty days of the enactment of the budget.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association and the Hawaii Government Employees Association. Testimony in opposition to the measure was received from the Attorney General and the Department of Budget and Finance. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that past appropriations approved by the Legislature for a variety of programs, services, and capital needs have either not been released by the Administration or have been transferred to finance other programs of the Administration's choosing. This practice has had grave consequences for thousands of organizations and individuals that participate in the legislative process. Thus, your Committees believe that the state

SB2395 SD1 SSCR LRB 10-1710.doc



budgetary process requires corrective modification to restore the constitutional balance between the legislative and executive branches of state government. This measure restores that balance, along with other legislation introduced during this legislative session to better define the budgetary responsibilities and duties of the legislative and executive branches.

Your Committees have amended this measure by allowing the Administration to disregard this measure when there is an underestimation of state tax revenues. Your Committees have also amended the measure by removing the requirement that the Governor execute the provisions of the final budget worksheets.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2395, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2395, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Ways and Means and Judiciary and Government Operations,



BRIAN T. TANIGUCHI, Chair


DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

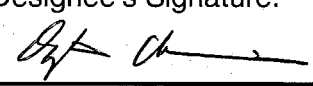
Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2395	WAM/JGO	2/17/10		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	/			
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			/	ST for
TOTAL	9	0	1	2
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

The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2395	WAM/JGO	2/17/10		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert		✓		
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	3	1	1	① 1 ²
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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