

DAVID Y. IGE
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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 HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1375, H.D. 1

February 20, 2019
4:00 p.m.
Room 308

**RELATING TO THE STATE OF HAWAII MUSEUM OF NATURAL AND CULTURAL
HISTORY**

House Bill No. 1375, H.D. 1, appropriates \$1,500,000 in general funds for FY 20 and FY 21 to support the work of the State of Hawaii Museum of Natural and Cultural History, also known as the Bernice Pauahi Bishop Museum; provided that the appropriations shall not supplant any amount in the Department of Budget and Finance's (B&F) base budget which is designated for the museum.

B&F notes that the specific appropriation of \$1,500,000 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 included in the Executive Biennium Budget submittal to the 2019 Legislature.

The department defers to the Department of the Attorney General regarding the legality of the proviso prohibiting supplanting any portion of the base budget subsidy for the Bishop Museum.

Thank you for your consideration of our comments.



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David Y. Ige
Governor

Chris Tatum
President and Chief Executive Officer

Statement of
CHRIS TATUM

Hawai'i Tourism Authority
before the
HOUSE COMMITTEE ON FINANCE

Wednesday, February 20, 2019
4:00PM
State Capitol, Conference Room #308

In consideration of
HOUSE BILL NO 1375 HD1
RELATING TO THE STATE OF HAWAI'I
MUSEUM OF NATURAL AND CULTURAL HISTORY.

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance: The Hawai'i Tourism Authority (HTA) **supports** House Bill 1375 HD1, which provides funding for the State of Hawai'i's museum of natural and cultural history which would allow the museum to hire additional staff and enhance their operations.

Residents and visitors alike appreciate and cherish the memories gained through experiencing firsthand the beautiful, unique, and significant natural and cultural history that Hawai'i has to share. Funding for the museum to support operations will allow the museum to continue their mission and ensure a bright future for future generations to enjoy.

Thank you for the opportunity to offer testimony in **support** of this measure.

HB-1375-HD-1

Submitted on: 2/16/2019 7:43:58 AM

Testimony for FIN on 2/20/2019 4:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Democratic Party of Hawaii, Hawaiian Affairs Caucu	Support	Yes

Comments:

Support, provided that it does not adversely impact (displace) the funding for the Hawaiian Center and Museum of Hawaiian Music and Dance.



February 19, 2019

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Committee on Finance

Conference Room 308
Hawai'i State Capitol Honolulu, HI 96813

RE: Testimony in strong **SUPPORT** of **HB1375 HD1**, Relating to the State of Hawai'i Museum of Natural and Cultural History

Chair Luke, Vice Chair Cullen, 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 HB1375 HD1, which appropriates \$1,500,000 in general funds for fiscal year 2019-2020 provided that such funds do not supplant any portion of the base budget of the department of budget and finance for the State of Hawai'i Museum of Natural and Cultural History.

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,

A handwritten signature in black ink, appearing to read "Melanie Y. Ide".

Melanie Y. Ide
President & CEO

HB-1375-HD-1

Submitted on: 2/19/2019 3:22:09 PM

Testimony for FIN on 2/20/2019 4:00:00 PM

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

Comments:

HB-1375-HD-1

Submitted on: 2/19/2019 2:18:19 PM

Testimony for FIN on 2/20/2019 4:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather H. Giugni	Individual	Support	No

Comments:

Representative Sylvia Luke, Chair, Representative Ty Cullen, Vice-Chair and Committee Members - Aloha and thank you for this opportunity to write IN SUPPORT of HB1375 HD1

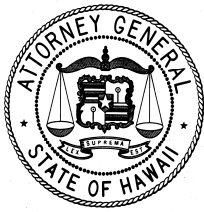
Bishop Museum stewards the world's largest collection of Hawaiian and Oceanic materials and its natural history collections provide information crucial to protecting native species and habitats, as well as combating invasive species. It also provides vital educational programs and resources to support the educational development of Hawai'i's school age children. This museum plays an important role in our community as an institutional caretaker, champion and educator.

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 HB1375 HD1!

Aloha,

Heather Haunani Giugni

'Aiea, District 33



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

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 1375, H.D. 1, RELATING TO THE STATE OF HAWAII MUSEUM OF NATURAL AND CULTURAL HISTORY.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, February 20, 2019 **TIME:** 4:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Clare E. Connors, Attorney General, or
Randall S. Nishiyama, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to appropriate funds for fiscal years 2019-2020 and 2020-2021 to support the State Museum of Natural and Cultural History ("State Museum"), provided that any funds appropriated shall be in addition to and shall not supplant any portion of the base budget of the Department of Budget and Finance for the State Museum.

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.