



GOV. MSG. NO. **736**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 12, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 12, 2009, the following bill was signed into law:

SB292 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO FUNDS.
ACT 119 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO FUNDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State is
2 undergoing a significant and possibly protracted economic
3 downturn in tandem with the national and global economic and
4 financial crises. Numerous jobs have been lost, a number of
5 large and small companies have declared bankruptcy or left the
6 state, and many families have suffered foreclosure on their
7 over-mortgaged houses. In the past year, the council on
8 revenues has consistently reduced its forecasts of Hawaii's tax
9 revenues. Across-the-board spending restrictions have already
10 been put in place in state government and a general hiring
11 freeze has already been implemented except in areas that impact
12 public health and safety.

13 In the face of these extraordinary conditions, the State
14 cannot proceed with business as usual. All resources must be
15 examined to address critical statewide health, safety, and
16 educational needs.



1 Accordingly, the purpose of this Act is to generate
2 additional general funds to ensure the delivery of critical
3 services statewide by reallocating the distribution of moneys in
4 the Hawaii tobacco settlement special fund under section 328L-2,
5 Hawaii Revised Statutes, including depositing a certain
6 percentage into the state general fund.

7 SECTION 2. Section 328L-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) The fund shall be used for the purpose of receiving,
10 allocating, and appropriating the tobacco settlement moneys as
11 follows:

12 (1) [~~Twenty-four and one-half~~] Fifteen per cent shall be
13 appropriated into the emergency and budget reserve
14 fund under section 328L-3;

15 (2) [~~Thirty-five~~] Twenty-five per cent shall be
16 appropriated to the department for purposes of section
17 328L-4;

18 (3) [~~Twelve and one-half~~] Six and one-half per cent shall
19 be appropriated into the Hawaii tobacco prevention and
20 control trust fund under section 328L-5; [~~and~~]

21 (4) Twenty-eight per cent shall be appropriated into the
22 university revenue-undertakings fund created in



1 section ~~[304A-2167,]~~ 304A-2167.5 to be applied to the
 2 payment of the principal of and interest on, and to
 3 generate required coverage, if any, for, revenue bonds
 4 issued by the board of regents of the University of
 5 Hawaii to finance the cost of construction of a
 6 university health and wellness center, including a new
 7 medical school facility, to be situated on the island
 8 of Oahu, for the succeeding fiscal year; and the
 9 payment of annual operating expenses incurred by the
 10 new medical school facility; provided that any moneys
 11 in excess of the amounts required under this paragraph
 12 shall be transferred in the succeeding fiscal year [~~in~~
 13 ~~the following amounts:~~

14 ~~(A) To] to the emergency and budget reserve fund~~
 15 ~~under section 328L-3 [~~eighty per cent of the~~~~
 16 ~~excess; and~~

17 ~~(B) To the Hawaii tobacco prevention and control~~
 18 ~~trust fund under section 328L-5 ~~twenty per cent~~~~
 19 ~~of the excess.]; and~~

20 (5) Twenty-five and one-half per cent shall be deposited
 21 to the credit of the state general fund."



1 SECTION 3. Section 328L-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established in the state treasury the
4 emergency and budget reserve fund which shall be a special fund
5 administered by the director of finance, into which shall be
6 deposited:

7 (1) [~~Twenty four and one half per cent of the moneys~~]
8 Moneys received from the tobacco settlement moneys
9 under section [~~328L-2(b)(1);~~] 328L-2; and

10 (2) Appropriations made by the legislature to the fund."

11 SECTION 4. Section 328L-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+] §328L-4 [+] Use of funds appropriated to the
14 department. The department, immediately upon receipt of the
15 [~~thirty five per cent of~~] moneys appropriated pursuant to
16 section 328L-2(b) (2) shall:

17 (1) Transfer up to ten per cent of the total moneys
18 received by the State from tobacco settlement moneys
19 to the department of human services for the children's
20 health insurance program; and

21 (2) Expend the remainder of the moneys received by the
22 department for health promotion and disease prevention



1 programs, including but not limited to, maternal child
2 health and child development programs, promotion of
3 healthy lifestyles (including fitness, nutrition, and
4 tobacco control), and prevention oriented public
5 health programs.

6 For purposes of paragraph (2), the director shall convene
7 an advisory group that shall be separate from the tobacco
8 prevention and control advisory board, to strategically plan the
9 development and implementation of preventive systems to achieve
10 measurable outcomes and to make recommendations for the
11 expenditure of these moneys. The advisory group shall be
12 composed of nine members with expertise in the programs under
13 paragraph (2), and shall be selected at the discretion of the
14 director."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

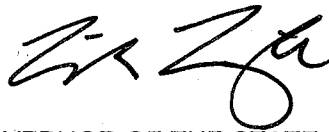
17 SECTION 6. This Act shall take effect on July 1, 2009, and
18 shall be repealed on June 30, 2015; provided that section 328L-
19 2, Hawaii Revised Statutes, shall be reenacted in the form in
20 which it read on the day before the effective date of Act 264,
21 Session Laws of Hawaii 2007.



S.B. NO.

292
S.D. 1
H.D. 1
C.D. 1

APPROVED this 12 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII