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# A BILL FOR AN ACT

RELATING TO THE HAWAII HURRICANE RELIEF FUND.

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

1           SECTION 1. Hawaii is facing one of the most challenging  
2 economic times it has ever faced and these economic conditions  
3 have necessitated difficult decisions by the State to balance an  
4 already precarious budget. One such decision reached through  
5 collective bargaining between the Governor, the Board of  
6 Education, the Department of Education, and the Hawaii State  
7 Teachers Association, was to institute furlough days for  
8 Hawaii's educational system. As a result of this agreement,  
9 Hawaii's keiki have already lost nearly three weeks worth of  
10 instructional days during the current school year and are  
11 scheduled to lose anywhere from seventeen to twenty-one more  
12 days during the next school year.

13           The loss of these instructional days may have a tremendous  
14 impact on the youth of our state. It may be devastating to the  
15 quality of their education and a loss which may last them a  
16 lifetime. In addition to the effect on our youth, these lost  
17 days may have far reaching effects on the prosperity, health,  
18 and growth of the entire state for years to come.



1           Despite the State's economic difficulties and the great  
2 need for additional resources in many areas that would benefit  
3 the public welfare, the legislature finds that the education of  
4 our youth is of the utmost importance. Accordingly, your  
5 Committee is appropriating Hawaii Hurricane Relief Funds to  
6 restore instructional days for the 2009-2010 and 2010-2011  
7 school years that would be lost to furloughs. By providing  
8 these funds, the legislature is enabling a return of our  
9 students to the classroom.

10           As required by the Hawaii Constitution, the legislature's  
11 authority and responsibility is to establish funding priorities  
12 that will result in a balanced budget. In our current fiscal  
13 climate it is difficult to balance the many needs of the people  
14 of Hawaii, but the legislature has made the educational needs of  
15 Hawaii's children a top priority and therefore has appropriated  
16 these funds to restore instructional days. In doing so, it is  
17 not the intent of the legislature to become a participant in the  
18 collective bargaining process. In fact, the Hawaii Constitution  
19 forbids this. The legislature's role is to reject or approve  
20 funding for the cost items agreed to by collective bargaining.

21           The legislature declares that the appropriation made under  
22 this Act shall not be construed to mean that the legislature, in



1 any way, intends to interfere with the processes of public  
2 sector collective bargaining as authorized under the state  
3 constitution and chapter 89, Hawaii Revised Statutes.

4 The purpose of this Act is to appropriate Hawaii hurricane  
5 relief funds to restore instructional days for the 2009-2010 and  
6 2010-2011 school years that have been negotiated pursuant to the  
7 collective bargaining process established under chapter 89,  
8 Hawaii Revised Statutes, and a proportionate amount on a per-  
9 pupil basis to alleviate the impact of reductions to charter  
10 schools for the 2009-2010 and 2010-2011 school years.

11 SECTION 2. Notwithstanding provisions of chapter 431P,  
12 Hawaii Revised Statutes, to the contrary, there is appropriated  
13 out of the Hawaii hurricane relief fund the sum of \$ or  
14 so much thereof as may be necessary for fiscal year 2009-2010 to  
15 restore instructional days for the 2009-2010 school year that  
16 have been negotiated pursuant to the collective bargaining  
17 process established under chapter 89, Hawaii Revised Statutes;  
18 provided that:

- 19 (1) The funds appropriated by this Act shall only be  
20 released upon the completion of all negotiations of  
21 parties necessary to execute the restoration of  
22 instructional days pursuant to the collective

- 1 bargaining process established under chapter 89,  
 2 Hawaii Revised Statutes;
- 3 (2) Of the sum appropriated, \$ shall be allocated  
 4 to charter schools for the 2009-2010 school year to  
 5 alleviate the impact of funding reductions for the  
 6 2009-2010 fiscal year;
- 7 (3) Of the sum appropriated, \$ shall be  
 8 allocated to non-charter schools for the 2009-2010  
 9 school year to alleviate the impact of funding  
 10 reductions for the 2009-2010 fiscal year; and
- 11 (4) Notwithstanding section 37-41.5, Hawaii Revised  
 12 Statutes, funds appropriated for the 2009-2010 school  
 13 year that are not expended at the close of that school  
 14 year shall not be carried over to the following school  
 15 year and shall lapse into the Hawaii hurricane relief  
 16 fund.

17 The sum appropriated under this section shall be expended  
 18 by the department of education and the charter school  
 19 administrative office, respectively, for the purposes of this  
 20 Act.

21 SECTION 3. Notwithstanding provisions of chapter 431P,  
 22 Hawaii Revised Statutes, to the contrary, there is appropriated



1 out of the Hawaii hurricane relief fund the sum of \$                    or  
 2 so much thereof as may be necessary for fiscal year 2010-2011 to  
 3 restore instructional days for the 2010-2011 school year that  
 4 have been negotiated pursuant to the collective bargaining  
 5 process established under chapter 89, Hawaii Revised Statutes;  
 6 provided that:

7           (1) The funds appropriated by this Act shall only be  
 8           released upon the completion of all negotiations of  
 9           parties necessary to execute the restoration of  
 10          instructional days pursuant to the collective  
 11          bargaining process established under chapter 89,  
 12          Hawaii Revised Statutes;

13          (2) Of the sum appropriated, \$                    shall be allocated  
 14          to charter schools for the 2010-2011 school year to  
 15          alleviate the impact of funding reductions for the  
 16          2010-2011 fiscal year;

17          (3) Of the sum appropriated, \$                    shall be  
 18          allocated to non-charter schools for the 2010-2011  
 19          school year to alleviate the impact of funding  
 20          reductions for the 2010-2011 fiscal year; and

21          (4) Notwithstanding section 37-41.5, Hawaii Revised  
 22          Statutes, funds appropriated for the 2010-2011 school

1           year that are not expended at the close of that school  
2           year shall not be carried over to the following school  
3           year and shall lapse into the Hawaii hurricane relief  
4           fund.

5           The sum appropriated under this section shall be expended  
6 by the department of education and the charter school  
7 administrative office, respectively, for the purposes of this  
8 Act.

9           SECTION 4. This Act shall take effect upon its approval;  
10 provided that section 3 shall take effect on July 1, 2010.

**Report Title:**

Restoration of Instructional Days; Hawaii Hurricane Relief Fund; Appropriation

**Description:**

Makes an appropriation from the Hawaii hurricane relief fund to restore instructional days for the 2009-2010 and 2010-2011 school years; provided that the moneys shall only be released upon completion of negotiations of parties necessary to execute the restoration of instructional days. Allocates a proportionate amount of the appropriation to charter schools. Requires unexpended funds from each school year to lapse to the Hawaii hurricane relief fund. (SB2124 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

