



GOV. MSG. NO. **585**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 20, 2010

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 May 20, 2010, the following bill was signed into law:

SB2825 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO STATE FUNDS.
ACT 127 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 20 2010

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 127

S.B. NO. 2825
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO STATE FUNDS.

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

1 SECTION 1. The legislature finds that the illiquidity of
2 one fourth of the State's investments during the present
3 economic downturn is attributable to the State's purchase of
4 student loan auction rate securities with maturity dates of
5 eight to thirty-eight years. State law permits investments of
6 excess moneys in specified financial products; provided that the
7 investments mature not more than five years after the date of
8 investment. However, the State evidently construed the date of
9 maturity on these student loan auction rate securities to be
10 their date of auction, rather than their stated maturity dates
11 of eight to thirty-eight years.

12 The purpose of this Act is to clarify that the five-year
13 limitation for authorized investments with stated maturity dates
14 also applies to the underlying securities of those investments.

15 SECTION 2. Section 36-21, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) The director of finance may invest any moneys of the
18 State which in the director's judgment are in excess of the



1 amounts necessary for meeting the immediate requirements of the
2 State and where in the director's judgment the action will not
3 impede or hamper the necessary financial operations of the State
4 in:

5 (1) Any bonds or interest-bearing notes or obligations:

6 (A) Of the State (including state director of
7 finance's warrant notes issued pursuant to
8 chapter 40);

9 (B) Of the United States;

10 (C) For which the faith and credit of the United
11 States are pledged for the payment of principal
12 and interest;

13 (2) Federal Farm Credit System notes and bonds;

14 (3) Federal Agricultural Mortgage Corporation notes and
15 bonds;

16 (4) Federal Home Loan Bank notes and bonds;

17 (5) Federal Home Loan Mortgage Corporation bonds;

18 (6) Federal National Mortgage Association notes and bonds;

19 (7) Student Loan Marketing Association notes and bonds;

20 (8) Tennessee Valley Authority notes and bonds;

21 (9) Securities of a mutual fund whose portfolio is limited
22 to bonds or securities issued or guaranteed by the



- 1 United States or an agency thereof or repurchase
2 agreements fully collateralized by any such bonds or
3 securities;
- 4 (10) Securities of a money market mutual fund that is rated
5 AAA, or its equivalent, by a nationally recognized
6 rating agency or whose portfolio consists of
7 securities that are rated as first tier securities by
8 a nationally recognized statistical rating
9 organization as provided in 17 Code of Federal
10 Regulations [~~section~~] Section 270.2a-7;
- 11 (11) Federally insured savings accounts;
- 12 (12) Time certificates of deposit;
- 13 (13) Certificates of deposit open account;
- 14 (14) Repurchase agreements with federally insured banks,
15 savings and loan associations, and financial services
16 loan companies;
- 17 (15) Student loan resource securities including:
18 (A) Student loan auction rate securities;
19 (B) Student loan asset-backed notes;
20 (C) Student loan program revenue notes and bonds; and



1 (D) Securities issued pursuant to Rule 144A of the
2 Securities Act of 1933, including any private
3 placement issues;
4 issued with either bond insurance or
5 overcollateralization guaranteed by the United States
6 Department of Education; provided all insurers
7 maintain a triple-A rating by Standard & Poor's,
8 Moody's, Duff & Phelps, Fitch, or any other major
9 national securities rating agency;

10 (16) Commercial paper with an A1/P1 or equivalent rating by
11 any national securities rating service; and

12 (17) Bankers' acceptances with an A1/P1 or equivalent
13 rating by any national securities rating service;

14 provided that ~~[the investments]~~ for authorized investments with
15 stated maturity dates, the investment, as well as the underlying
16 securities of those investments, are due to mature not more than
17 five years from the date of investment. Income derived from
18 those investments shall be a realization of the general fund;
19 provided that, except as provided by Act 79, Session Laws of
20 Hawaii 2009, income earned from moneys invested by the general
21 funds, special funds, bond funds, and trust and agency funds on
22 an investment pool basis shall be paid into and credited to the



1 respective funds based on the contribution of moneys into the
2 investment pool by each fund. As used in this section,
3 "investment pool" means the aggregate of state treasury moneys
4 that are maintained in the custody of the director of finance
5 for investment and reinvestment without regard to fund
6 designation."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval;
10 and shall apply to investments made or purchased after December
11 31, 2009.

APPROVED this 20 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII