



GOV. MSG. NO. 601

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 25, 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 25, 2010, the following bill was signed into law:

SB2124 SD2 HD1 CD1

A BILL FOR AN ACT
RELATING TO THE HAWAII HURRICANE RELIEF
FUND.

ACT 143 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 25 2010

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 143
S.B. NO. 2124
S.D. 2
H.D. 1
C.D. 1

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, board of education,
6 department of education, and Hawaii State Teachers Association,
7 was to institute furlough days for Hawaii's educational system.
8 As a result of this agreement, Hawaii's keiki have already lost
9 nearly three weeks worth of instructional days during the
10 current school year and are scheduled to lose anywhere from
11 seventeen to twenty-one more days during this and the next
12 school year.

13 The loss of these instructional days may have a tremendous
14 impact on the youth of the state. It may be devastating to the
15 quality of their education and a loss that 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.

SB2124 CD1 HMS 2010-3393



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, the
5 legislature is appropriating Hawaii hurricane relief fund moneys
6 to restore instructional days for the 2010-2011 school year that
7 would otherwise be lost to furloughs. By providing these funds,
8 the legislature is enabling a return of students to the
9 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 the 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. The legislature's role is to
19 reject or approve funding for the cost items agreed to by
20 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 Hawaii
3 Constitution and chapter 89, Hawaii Revised Statutes.

4 The purpose of this Act is to appropriate Hawaii hurricane
5 relief fund moneys to make funds available to restore
6 instructional days for the 2010-2011 school year if an agreement
7 or agreements to restore instructional days are negotiated
8 pursuant to the collective bargaining process established under
9 chapter 89, Hawaii Revised Statutes. It is the intent of the
10 legislature that the moneys appropriated by this Act be expended
11 solely for the purpose of restoring public school instructional
12 days, and that no moneys appropriated by this Act be transferred
13 or used for any purpose other than restoring these instructional
14 days.

15 SECTION 2. Notwithstanding provisions of chapter 431P,
16 Hawaii Revised Statutes, to the contrary, there is appropriated
17 out of the Hawaii hurricane relief fund the sum of \$67,000,000
18 or so much thereof as may be necessary for fiscal year 2010-2011
19 to restore instructional days for the 2010-2011 school year that
20 have been negotiated pursuant to the collective bargaining
21 process established under chapter 89, Hawaii Revised Statutes;
22 provided that:



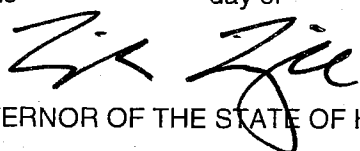
- 1 (1) The funds appropriated by this section shall only be
 2 released upon the completion of all negotiations of
 3 parties necessary to execute the restoration of
 4 instructional days pursuant to the collective
 5 bargaining process established under chapter 89,
 6 Hawaii Revised Statutes; and
- 7 (2) Notwithstanding section 37-41.5, Hawaii Revised
 8 Statutes, funds appropriated for the 2010-2011 school
 9 year that are not expended at the close of that school
 10 year shall not be carried over to the following school
 11 year and shall lapse into the Hawaii hurricane relief
 12 fund.

13 The sum appropriated under this section shall be expended
 14 by the department of education for the purpose of this section.

15 SECTION 3. The moneys appropriated by this Act shall only
 16 be expended for the purpose of restoring public school
 17 instructional days for the 2010-2011 school year and shall not
 18 be transferred or used for any other purpose.

19 SECTION 4. This Act shall take effect upon its approval;
 20 provided that section 2 shall take effect on July 1, 2010.

APPROVED this 25 day of MAY, 2010


 GOVERNOR OF THE STATE OF HAWAII