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

12           The purpose of this Act is to clarify that the five-year  
13 limitation for short-term investments also applies to the  
14 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 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 as well as the underlying  
15 securities of those investments are due to mature not more than  
16 five years from the date of investment. Income derived from  
17 those investments shall be a realization of the general fund;  
18 provided that, except as provided by Act 79, Session Laws of  
19 Hawaii 2009, income earned from moneys invested by the general  
20 funds, special funds, bond funds, and trust and agency funds on  
21 an investment pool basis shall be paid into and credited to the  
22 respective funds based on the contribution of moneys into the



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

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effective upon approval;  
8 and shall apply to investments made or purchased after December  
9 31, 2009.

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INTRODUCED BY:

Karl Neuh

JAN 13 2010



**Report Title:**

State Funds; Short-term Investments

**Description:**

Clarifies that the 5-year limitation for short-term investments also applies to the underlying securities of those investments.

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

