

ACT 143

S.B. NO. 2124

A Bill for an Act Relating to the Hawaii Hurricane Relief Fund.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

Despite the State's economic difficulties and the great need for additional resources in many areas that would benefit the public welfare, the legislature finds that the education of our youth is of the utmost importance. Accordingly, the legislature is appropriating Hawaii hurricane relief fund moneys to restore instructional days for the 2010-2011 school year that would otherwise be lost to furloughs. By providing these funds, the legislature is enabling a return of students to the classroom.

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

The legislature declares that the appropriation made under this Act shall not be construed to mean that the legislature, in any way, intends to interfere with the processes of public sector collective bargaining as authorized under the Hawaii Constitution and chapter 89, Hawaii Revised Statutes.

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

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

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

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

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

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

(Approved May 25, 2010.)