
A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR THE DEVELOPMENTAL
DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH.

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

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. The purpose of this Act is to appropriate
5 additional funds to the department of health for the State's
6 medicaid title XIX programs, which include the developmental
7 disabilities or mentally retarded home and community-based
8 services and the medicaid state plan intermediate care
9 facilities for the mentally retarded in the community program,
10 to meet a critical funding emergency. The additional funds are
11 necessary to support current clients and to reasonably admit
12 individuals into the program to fulfill the developmental
13 disabilities division's obligations under the settlement
14 agreement in HDRC v. State, United States District Court, Civil
15 No. 03-00524 HG-KSC, and comply with the United States Supreme
16 Court's decision in Olmstead v. Zimring, 527 U.S. 581, 119 S.



1 Ct. 2176 (1999), and the requirements of chapter 333F, Hawaii
2 Revised Statutes, to support people to live in the community.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$4,980,523, or so
5 much thereof as may be necessary, for fiscal year 2006-2007, to
6 carry out the purposes of this Act.

7 The sum appropriated shall be expended by the department of
8 health for the purposes of this Act.

9 SECTION 4. In accordance with section 9 of article VII, of
10 the Constitution of the State of Hawaii and sections 37-91 and
11 37-93, Hawaii Revised Statutes, the legislature has determined
12 that the general fund expenditure ceiling for fiscal year 2006-
13 2007 (established at \$5,357,987,705 on November 8, 2006) has
14 already been exceeded by \$90,137,694 or 1.68 per cent. The
15 appropriations contained in this Act will cause the state
16 general fund expenditure ceiling for fiscal year 2006-2007 to be
17 exceeded by an additional \$4,980,523, or an additional 0.093 per
18 cent. The calculation contained in the foregoing sentence
19 relates only to the amount of general funds appropriated in this
20 Act for fiscal year 2006-2007. The reasons for exceeding the
21 general fund expenditure ceiling are that the appropriations



1 made in this Act are necessary to serve the public interest and
2 to meet the needs provided for by this Act.

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Emergency Appropriation; DOH

Description:

Appropriates general fund revenues as an emergency appropriation to enable the Developmental Disabilities Division to meet state-approved target numbers under the current Medicaid home and community-based service. (SD2)

