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# A BILL FOR AN ACT

RELATING TO THE SPOUSE AND CHILD ABUSE SPECIAL FUND.

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

1           SECTION 1. Congress passed the Family First Prevention  
2 Services Act of 2018 (Family First) as part of the Bipartisan  
3 Budget Act of 2018, Public Law 115-123. Family First changes  
4 the way states may spend and claim funds pursuant to Title IV-E  
5 of the Social Security Act. Previously, Title IV-E funds could  
6 only be used for foster care maintenance, adoption assistance,  
7 kinship guardianship assistance, and related training and  
8 administrative expenses.

9           Under Family First, states with an approved Title IV-E plan  
10 now have the option to use Title IV-E funds for prevention  
11 services that would allow children who have been abused or  
12 neglected or are at risk of being abused or neglected to remain  
13 with their parents or relatives. States can get reimbursed for  
14 certain twelve-month periods of prevention services.

15           The department of human services seeks to retain Family  
16 First federal reimbursements and all Title IV-E federal



1 reimbursements to secure a stable source of funding for child  
2 abuse and neglect prevention, intervention, and other services.

3       Currently, the department of human services is not allowed  
4 to retain reimbursements received for a prior fiscal year, and  
5 instead is required to deposit these reimbursements into the  
6 general fund. The department of human services returned  
7 approximately \$4,068,161 to the general fund in state fiscal  
8 year 2016-2017 and approximately \$6,736,894 to the general fund  
9 in state fiscal year 2017-2018 in Title IV-E federal  
10 reimbursements. The ability to retain Title IV-E federal  
11 reimbursements will assist to stabilize funding for prevention  
12 services; allow the State to maintain and develop its own  
13 evidence based, child abuse and prevention and intervention  
14 programs suited for Hawaii's diverse and unique communities; and  
15 improve and increase the State's capacity to prevent, reduce,  
16 and appropriately respond to the impacts of spousal and child  
17 abuse in our community.

18       The purposes of this Act are to (1) amend section 346-7.5,  
19 Hawaii Revised Statutes, to allow the spouse and child abuse  
20 special fund to receive Title IV-E federal reimbursements  
21 received in the fiscal year following the year in which the



1 Title IV-E funds were expended, to replace the term "account"  
 2 with "fund," and to delete the "department of human services"  
 3 from the title; (2) exempt the spouse and child abuse special  
 4 fund from the central service assessment set forth in section  
 5 36-27, Hawaii Revised Statutes; and (3) exempt the spouse and  
 6 child abuse special fund from the administrative expense  
 7 assessment set forth in section 36-30, Hawaii Revised Statutes.

8 SECTION 2. Section 36-27, Hawaii Revised Statutes, is  
 9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in this section, and  
 11 notwithstanding any other law to the contrary, from time to  
 12 time, the director of finance, for the purpose of defraying the  
 13 prorated estimate of central service expenses of government in  
 14 relation to all special funds, except the:

- 15 (1) Special out-of-school time instructional program fund
- 16 under section 302A-1310;
- 17 (2) School cafeteria special funds of the department of
- 18 education;
- 19 (3) Special funds of the University of Hawaii;
- 20 (4) State educational facilities improvement special fund;



- 1 (5) Convention center enterprise special fund under  
2 section 201B-8;
- 3 (6) Special funds established by section 206E-6;
- 4 (7) Aloha Tower fund created by section 206J-17;
- 5 (8) Funds of the employees' retirement system created by  
6 section 88-109;
- 7 (9) Hawaii hurricane relief fund established under chapter  
8 431P;
- 9 (10) Hawaii health systems corporation special funds and  
10 the subaccounts of its regional system boards;
- 11 (11) Tourism special fund established under section 201B-  
12 11;
- 13 (12) Universal service fund established under section 269-  
14 42;
- 15 (13) Emergency and budget reserve fund under section 328L-  
16 3;
- 17 (14) Public schools special fees and charges fund under  
18 section 302A-1130;
- 19 (15) Sport fish special fund under section 187A-9.5;
- 20 [H] (16) [H] Neurotrauma special fund under section 321H-4;



- 1    [+ ] (17) [+ ]    Glass advance disposal fee established by section  
2                    342G-82;
- 3    [+ ] (18) [+ ]    Center for nursing special fund under section 304A-  
4                    2163;
- 5    [+ ] (19) [+ ]    Passenger facility charge special fund established  
6                    by section 261-5.5;
- 7    [+ ] (20) [+ ]    Solicitation of funds for charitable purposes  
8                    special fund established by section 467B-15;
- 9    [+ ] (21) [+ ]    Land conservation fund established by section 173A-  
10                   5;
- 11   [+ ] (22) [+ ]    Court interpreting services revolving fund under  
12                   section 607-1.5;
- 13   [+ ] (23) [+ ]    Trauma system special fund under section 321-22.5;
- 14   [+ ] (24) [+ ]    Hawaii cancer research special fund;
- 15   [+ ] (25) [+ ]    Community health centers special fund;
- 16   [+ ] (26) [+ ]    Emergency medical services special fund;
- 17   [+ ] (27) [+ ]    Rental motor vehicle customer facility charge  
18                   special fund established under section 261-5.6;
- 19   [+ ] (28) [+ ]    Shared services technology special fund under  
20                   section 27-43;



1 [+] (29) [+] Automated victim information and notification system  
2 special fund established under section 353-136;  
3 [+] (30) [+] Deposit beverage container deposit special fund  
4 under section 342G-104;  
5 [+] (31) [+] Hospital sustainability program special fund under  
6 [+] section 346G-4 [+] ;  
7 [+] (32) [+] Nursing facility sustainability program special fund  
8 under [+] section 346F-4 [+] ;  
9 [+] (33) [+] Hawaii 3R's school improvement fund under section  
10 302A-1502.4;  
11 [+] (34) [+] After-school plus program revolving fund under  
12 section 302A-1149.5; [and]  
13 [+] (35) [+] Civil monetary penalty special fund under section  
14 321-30.2 [7] ; and  
15 (36) Spouse and child abuse special fund under section 346-  
16 7.5,  
17 shall deduct five per cent of all receipts of all other special  
18 funds, which deduction shall be transferred to the general fund  
19 of the State and become general realizations of the State. All  
20 officers of the State and other persons having power to allocate  
21 or disburse any special funds shall cooperate with the director



1 in effecting these transfers. To determine the proper revenue  
2 base upon which the central service assessment is to be  
3 calculated, the director shall adopt rules pursuant to chapter  
4 91 for the purpose of suspending or limiting the application of  
5 the central service assessment of any fund. No later than  
6 twenty days prior to the convening of each regular session of  
7 the legislature, the director shall report all central service  
8 assessments made during the preceding fiscal year."

9 SECTION 3. Section 36-30, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

- 11 "(a) Each special fund, except the:
- 12 (1) Special out-of-school time instructional program fund  
13 under section 302A-1310;
  - 14 (2) School cafeteria special funds of the department of  
15 education;
  - 16 (3) Special funds of the University of Hawaii;
  - 17 (4) State educational facilities improvement special fund;
  - 18 (5) Special funds established by section 206E-6;
  - 19 (6) Aloha Tower fund created by section 206J-17;
  - 20 (7) Funds of the employees' retirement system created by  
21 section 88-109;



- 1 (8) Hawaii hurricane relief fund established under chapter  
2 431P;
- 3 (9) Convention center enterprise special fund established  
4 under section 201B-8;
- 5 (10) Hawaii health systems corporation special funds and  
6 the subaccounts of its regional system boards;
- 7 (11) Tourism special fund established under section 201B-  
8 11;
- 9 (12) Universal service fund established under section 269-  
10 42;
- 11 (13) Emergency and budget reserve fund under section 328L-  
12 3;
- 13 (14) Public schools special fees and charges fund under  
14 section 302A-1130;
- 15 (15) Sport fish special fund under section 187A-9.5;
- 16 [+](16) [+] Neurotrauma special fund under section 321H-4;
- 17 [+](17) [+] Center for nursing special fund under section 304A-  
18 2163;
- 19 [+](18) [+] Passenger facility charge special fund established  
20 by section 261-5.5;





- 1    [+] (19) [+]    Court interpreting services revolving fund under
- 2                    section 607-1.5;
- 3    [+] (20) [+]    Trauma system special fund under section 321-22.5;
- 4    [+] (21) [+]    Hawaii cancer research special fund;
- 5    [+] (22) [+]    Community health centers special fund;
- 6    [+] (23) [+]    Emergency medical services special fund;
- 7    [+] (24) [+]    Rental motor vehicle customer facility charge
- 8                    special fund established under section 261-5.6;
- 9    [+] (25) [+]    Shared services technology special fund under
- 10                   section 27-43;
- 11   [+] (26) [+]    Nursing facility sustainability program special fund
- 12                   established pursuant to [+]section 346F-4[+];
- 13   [+] (27) [+]    Automated victim information and notification system
- 14                   special fund established under section 353-136;
- 15   [+] (28) [+]    Hospital sustainability program special fund under
- 16                   [+]section 346G-4[+]; [~~and~~]
- 17   [+] (29) [+]    Civil monetary penalty special fund under section
- 18                   321-30.2 [~~7~~]; and
- 19        (30) Spouse and child abuse special fund under section 346-
- 20        7.5,



1 shall be responsible for its pro rata share of the  
2 administrative expenses incurred by the department responsible  
3 for the operations supported by the special fund concerned."

4 SECTION 4. Section 346-7.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§346-7.5 Spouse and child abuse special [~~account,~~  
7 ~~department of human services-~~] fund. (a) There is established  
8 within the state treasury a special fund to be known as the  
9 "spouse and child abuse special [~~account-~~] fund", and to be  
10 administered and expended by the department of human services.

11 (b) The proceeds of the [~~account~~] special fund shall be  
12 reserved for use by the department of human services for staff  
13 programs, and grants or purchases of service, consistent with  
14 chapters 42F and 103F, that support or provide spouse or child  
15 abuse intervention or prevention as authorized by law. These  
16 proceeds shall be used for new or existing programs and shall  
17 not supplant any other funds previously allocated to these  
18 programs. [~~The account shall be kept separate and apart from~~  
19 ~~all other funds in the treasury.~~]

20 (c) The [~~account~~] special fund shall consist of fees  
21 remitted pursuant to sections 338-14.5 and 572-5, income tax



1 remittances allocated under section 235-102.5, federal  
2 reimbursements received through Title IV-E of the Social  
3 Security Act received in the following fiscal year from which  
4 the Title IV-E funds were expended, interest and investment  
5 earnings, grants, donations, and contributions from private or  
6 public sources. All realizations of the [~~account~~] special fund  
7 shall be subject to the conditions specified in subsection (b).

8 (d) The department of human services [~~in coordination~~  
9 ~~with the department of health,~~] shall submit an annual report to  
10 the legislature, prior to the convening of each regular session,  
11 providing an accounting of the receipts of and expenditures from  
12 the [~~account.~~] special fund.

13 (e) All unencumbered and unexpended moneys in excess of  
14 \$5,000,000 in the spouse and child abuse special fund shall  
15 lapse to the credit of the general fund. Upon dissolution of  
16 the spouse and child abuse special fund, any unencumbered moneys  
17 in the fund shall lapse to the general fund."

18 SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on January 1, 2050.



**Report Title:**

Spouse and Child Abuse Special Fund

**Description:**

Exempts the spouse and child abuse special fund from the central service assessment and administrative expense assessment. Amends the spouse and child abuse special fund to allow reimbursements of federal funds in the year following the fiscal year in which the Title IV-E funds were expended, to be deposited and expended for state-funded share of spouse or child abuse and neglect prevention, intervention, and other related services. (SB1231 HD1)

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

