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# A BILL FOR AN ACT

RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND.

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

1       SECTION 1. (a) In 1999, the legislature established the  
2 emergency and budget reserve fund as a temporary supplemental  
3 source of funding for the State of Hawaii in times of emergency,  
4 economic downturn, or unforeseen reduction in revenues. As set  
5 forth in section 328L-3, Hawaii Revised Statutes, specific  
6 purposes for the fund include the maintaining of levels of  
7 programs determined to be essential to public health, safety,  
8 welfare, and education.

9       (b) The legislature finds that the national and global  
10 economic crisis has caused significant economic problems in  
11 numerous industries in the State, including the airline, cruise  
12 ship, tourist, and construction industries. Mass layoffs have  
13 been reported by an increasing number of Hawaii businesses  
14 statewide, from the agricultural sector to the medical services  
15 sector. Hawaii's automobile dealers have cut fifteen per cent  
16 of their workforce and that percentage could double in the  
17 future. Financial uncertainty has caused decreased visitor  
18 arrivals and low hotel occupancy rates leading to layoffs and



1 reductions in employee hours. Furthermore, recent forecasts  
2 show that the situation will worsen with a continued decline in  
3 jobs, personal income, and visitor arrivals, and with rising  
4 inflation.

5 Difficult economic times and declining tax revenues have  
6 resulted in budget cuts for all state services. State  
7 departments have been asked to lower their budget proposals by  
8 up to twenty per cent. The department of education faces a  
9 possible \$100,000,000 shortfall for the next academic year and  
10 funding has discontinued for science textbooks and materials,  
11 programs for literacy training for learning-disabled children,  
12 as well as for speech pathologists, occupational, and physical  
13 therapists, and more than two hundred other positions.

14 The department of health has projected a \$25,000,000  
15 shortfall for mental health services in the current fiscal year.  
16 Funding has been eliminated for the healthy start program,  
17 totaling approximately \$22,000,000 for the biennium.  
18 Additionally, the governor has discontinued funding for the  
19 Hawaii children's health care program, which may leave an  
20 estimated one thousand five hundred gap group children without  
21 access to affordable health care.



1       The current and impending situation jeopardizes the safety  
2 net of basic human services, health, and education needs for  
3 Hawaii's residents and families. And while all of Hawaii's  
4 residents will be affected by the situation, gap group families  
5 and families closest to the poverty line will suffer the most.

6       (c) The legislature finds that expenditures from the  
7 emergency and budget reserve fund established by section 328L-3,  
8 Hawaii Revised Statutes, are needed to meet the conditions of  
9 emergency, economic downturn, and unforeseen reduction in  
10 revenues that the State currently faces. Further, the  
11 legislature finds that the appropriations in this Act are  
12 consistent with the purposes of the emergency and budget reserve  
13 fund.

14       (d) The emergency and budget reserve fund was established  
15 in 1999 with tobacco settlement moneys awarded to the State of  
16 Hawaii. The legislature at the time found that smoking led to  
17 many health related problems in both adults and children, and  
18 the fund was developed to serve as a medium for a public-private  
19 partnership to:

20       (1) Reduce tobacco consumption in Hawaii;

21       (2) Control and prevent chronic diseases where tobacco is  
22       a risk factor;



(3) Promote healthy lifestyles through better nutrition and improved physical activity; and

(4) Promote children's health.

(e) Within the emergency and budget reserve fund were enumerated purposes for which appropriations could be made as well as specific prohibitions. Appropriations to maintain levels of programs determined to be essential to the public health, safety and welfare are allowed.

Appropriations for the following purposes are specifically prohibited:

(1) To meet expenses of the legislature;

(2) To provide for salary adjustments for officials appointed pursuant to article V, section 6 or article VI, section 3 of the Constitution of the State of Hawaii and for others whose salaries are directly related to salaries of these officials; and

(3) To fund cost items in any collective bargaining contract.

(f) The purpose of this Act is to appropriate moneys from the emergency and budget reserve fund of the State of Hawaii to maintain the levels of programs determined to be essential to education, public health, and public welfare.



1       SECTION 2. There is appropriated out of the emergency and  
2 budget reserve fund of the State of Hawaii the sum of  
3 \$           or so much thereof as may be necessary for fiscal  
4 year 2010-2011 for respite services.

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

7       SECTION 3. There is appropriated out of the emergency and  
8 budget reserve fund of the State of Hawaii the sum of  
9 \$           or so much thereof as may be necessary for fiscal  
10 year 2010-2011 to supplement the healthy start program.

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

13       SECTION 4. There is appropriated out of the emergency and  
14 budget reserve fund of the State of Hawaii the sum of  
15 \$           or so much thereof as may be necessary for fiscal  
16 year 2010-2011 to provide funding for grants pursuant to chapter  
17 42F, Hawaii Revised Statutes, to be distributed as follows:

18	(1) Catholic Charities Hawaii	\$
19	(2) Kapahulu Center	\$
20	(3) Moiliili Community Center	\$
21	(4) Waikiki Community Center	\$



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

3       SECTION 5. There is appropriated out of the emergency and  
4 budget reserve fund of the State of Hawaii the sum of  
5 \$               or so much thereof as may be necessary for fiscal  
6 year 2010-2011 for the purposes of maintaining kupuna care  
7 services.

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

10       SECTION 6. There is appropriated out of the emergency and  
11 budget reserve fund of the State of Hawaii the sum of  
12 \$               or so much thereof as may be necessary for fiscal  
13 year 2010-2011 for the Aging and Disability Resource Center.

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

16       SECTION 7. There is appropriated out of the emergency and  
17 budget reserve fund of the State of Hawaii the sum of  
18 \$               or so much thereof as may be necessary for fiscal  
19 year 2010-2011 for the developmental disabilities medicaid  
20 waiver program.

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



1       SECTION 8. There is appropriated out of the emergency and  
2 budget reserve fund of the State of Hawaii the sum of  
3 \$               or so much thereof as may be necessary for fiscal  
4 year 2010-2011, for mental health services.

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

7       SECTION 9. There is appropriated out of the emergency and  
8 budget reserve fund of the State of Hawaii the sum of  
9 \$               or so much thereof as may be necessary for fiscal  
10 year 2010-2011, for the partnerships in community living  
11 program.

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

14       SECTION 10. There is appropriated out of the emergency and  
15 budget reserve fund of the State of Hawaii the sum of  
16 \$               or so much thereof as may be necessary for fiscal  
17 year 2010-2011 for direct health care to the uninsured, which  
18 may include primary medical, dental, and behavioral health care.

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

21       SECTION 11. There is appropriated out of the emergency and  
22 budget reserve fund of the State of Hawaii, as a substance abuse



1 prevention and treatment block grant, the sum of \$ or  
2 so much thereof as may be necessary for fiscal year 2010-2011  
3 for substance abuse treatment.

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

6 SECTION 12. There is appropriated out of the emergency and  
7 budget reserve fund of the State of Hawaii the sum of  
8 \$ or so much thereof as may be necessary for fiscal  
9 year 2010-2011 for the healthy aging partnerships program.

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

12 SECTION 13. There is appropriated out of the emergency and  
13 budget reserve fund of the State of Hawaii the sum of  
14 \$ or so much thereof as may be necessary for fiscal  
15 year 2010-2011 for the Waianae Coast Comprehensive Health Center  
16 to support its emergency room services.

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

19 SECTION 14. There is appropriated out of the emergency and  
20 budget reserve fund of the State of Hawaii the sum of  
21 \$ or so much thereof as may be necessary for fiscal  
22 year 2010-2011 for HIV/AIDS related support and services.





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

3       SECTION 15. There is appropriated out of the emergency and  
4 budget reserve fund of the State of Hawaii the sum of  
5 \$               or so much thereof as may be necessary for fiscal  
6 year 2010-2011 for the Blueprint for Change program for  
7 Neighborhood Place Walk-in Centers.

8       The sum appropriated shall be expended by the department of  
9 human services for the purposes of this Act.

10       SECTION 16. There is appropriated out of the emergency and  
11 budget reserve fund of the State of Hawaii as a grant pursuant  
12 to chapter 42F, Hawaii Revised Statutes, the sum of \$  
13 or so much thereof as may be necessary for fiscal year 2010-2011  
14 for the Hawaii immigrant health initiative program.

15       The sum appropriated shall be expended by the department of  
16 human services for the purposes of this Act.

17       SECTION 17. There is appropriated out of the emergency and  
18 budget reserve fund of the State of Hawaii the sum of  
19 \$               or so much thereof as may be necessary for fiscal  
20 year 2010-2011 for the Hawaii children's health care program.

21       The sum appropriated shall be expended by the department of  
22 human services for the purposes of this Act.



1       SECTION 18. There is appropriated out of the emergency and  
2 budget reserve fund of the State of Hawaii the sum of  
3 \$               or so much thereof as may be necessary for fiscal  
4 year 2010-2011 for domestic violence shelters.

5       The sum appropriated shall be expended by the department of  
6 human services for the purposes of this Act.

7       SECTION 19. There is appropriated out of the emergency and  
8 budget reserve fund of the State of Hawaii the sum of  
9 \$               for fiscal year 2010-2011 for the Hale Mahaolu Adult  
10 program for personal care services.

11       The sum appropriated shall be expended by the department of  
12 human services for the purposes of this Act.

13       SECTION 20. There is appropriated out of the emergency and  
14 budget reserve fund of the State of Hawaii the sum of  
15 \$               or so much thereof as may be necessary for fiscal  
16 year 2010-2011 for disproportionate share hospital costs.

17       The sum appropriated shall be expended by the department of  
18 human services for the purposes of this Act.

19       SECTION 21. There is appropriated out of the emergency and  
20 budget reserve fund of the State of Hawaii the sum of  
21 \$               or so much thereof as may be necessary for fiscal  
22 year 2010-2011 for medicaid provider reimbursements.



1       The sum appropriated shall be expended by the department of  
2 human services for the purposes of this Act.

3       SECTION 22. There is appropriated out of the emergency and  
4 budget reserve fund of the State of Hawaii the sum of  
5 \$           or so much thereof as may be necessary for fiscal  
6 year 2010-2011 for outstationed eligibility worker services.

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

9       SECTION 23. There is appropriated out of the emergency and  
10 budget reserve fund of the State of Hawaii the sum of  
11 \$           or so much thereof as may be necessary for fiscal  
12 year 2010-2011 for outreach services.

13       The sum appropriated shall be expended by the department of  
14 human services for the purposes of this Act.

15       SECTION 24. There is appropriated out of the emergency and  
16 budget reserve fund of the State of Hawaii the sum of  
17 \$           or so much thereof as may be necessary for fiscal  
18 year 2010-2011 for outreach services to locate uninsured  
19 children.

20       The sum appropriated shall be expended by the department of  
21 human services for the purposes of this Act.



1       SECTION 25. There is appropriated out of the emergency and  
2 budget reserve fund of the State of Hawaii the sum of  
3 \$               or so much thereof as may be necessary for fiscal  
4 year 2010-2011 for outreach services to locate uninsured adults.

5       The sum appropriated shall be expended by the department of  
6 human services for the purposes of this Act.

7       SECTION 26. There is appropriated out of the emergency and  
8 budget reserve fund of the State of Hawaii the sum of  
9 \$               or so much thereof as may be necessary for fiscal  
10 year 2010-2011 for housing placement services.

11       The sum appropriated shall be expended by the department of  
12 human services for the purposes of this Act.

13       SECTION 27. There is appropriated out of the emergency and  
14 budget reserve fund of the State of Hawaii the sum of  
15 \$               or so much thereof as may be necessary for fiscal  
16 year 2010-2011 for the shelter plus care program.

17       The sum appropriated shall be expended by the department of  
18 human services for the purposes of this Act.

19       SECTION 28. There is appropriated out of the emergency and  
20 budget reserve fund of the State of Hawaii the sum of  
21 \$               or so much thereof as may be necessary for fiscal  
22 year 2010-2011 for the Oahu safe house program.



1       The sum appropriated shall be expended by the department of  
2 human services for the purposes of this Act.

3       SECTION 29. There is appropriated out of the emergency and  
4 budget reserve fund of the State of Hawaii the sum of  
5 \$               or so much thereof as may be necessary for fiscal  
6 year 2010-2011 for adult dental services.

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

9       SECTION 30. There is appropriated out of the emergency and  
10 budget reserve fund of the State of Hawaii the sum of  
11 \$               or so much thereof as may be necessary for fiscal  
12 year 2010-2011 for medicaid.

13       The sum appropriated shall be expended by the department of  
14 human services for the purposes of this Act.

15       SECTION 31. There is appropriated out of the emergency and  
16 budget reserve fund of the State of Hawaii the sum of  
17 \$               or so much thereof as may be necessary for fiscal  
18 year 2010-2011 for child care.

19       The sum appropriated shall be expended by the department of  
20 human services for the purposes of this Act.

21       SECTION 32. There is appropriated out of the emergency and  
22 budget reserve fund of the State of Hawaii the sum of



1       \$                   or so much thereof as may be necessary for fiscal  
2   year 2010-2011 for general assistance.

3           The sum appropriated shall be expended by the department of  
4   human services for the purposes of this Act.

5           SECTION 33. There is appropriated out of the emergency and  
6   budget reserve fund of the State of Hawaii the sum of

7       \$                   or so much thereof as may be necessary for fiscal  
8   year 2010-2011 for domestic violence services.

9           The sum appropriated shall be expended by the judiciary for  
10   the purposes of this Act.

11          SECTION 34. There is appropriated out of the emergency and  
12   budget reserve fund of the State of Hawaii the sum of

13       \$                   or so much thereof as may be necessary for fiscal  
14   year 2010-2011 for Volunteer Legal Services Hawaii to provide  
15   pro bono legal services for indigent persons.

16          The sum appropriated shall be expended by the judiciary for  
17   the purposes of this Act.

18          SECTION 35. There is appropriated out of the emergency and  
19   budget reserve fund of the State of Hawaii the sum of

20       \$                   or so much thereof as may be necessary for fiscal  
21   year 2010-2011 for the Legal Aid Society of Hawaii to provide  
22   general civil legal services.



1       The sum appropriated shall be expended by the judiciary for  
2   the purposes of this Act.

3       SECTION 36. There is appropriated out of the emergency and  
4   budget reserve fund of the State of Hawaii the sum of  
5   \$           or so much thereof as may be necessary for fiscal  
6   year 2010-2011 for the Hawaii Family Law Clinic to provide  
7   services to obtain temporary restraining orders.

8       The sum appropriated shall be expended by the judiciary for  
9   the purposes of this Act.

10       SECTION 37. There is appropriated out of the emergency and  
11   budget reserve fund of the State of Hawaii the sum of  
12   \$           or so much thereof as may be necessary for fiscal  
13   year 2010-2011 for Catholic Charities Hawaii to provide intra-  
14   familial sex assault services.

15       The sum appropriated shall be expended by the judiciary for  
16   the purposes of this Act.

17       SECTION 38. There is appropriated out of the emergency and  
18   budget reserve fund of the State of Hawaii the sum of  
19   \$           or so much thereof as may be necessary for fiscal  
20   year 2010-2011 for the Children's Alliance of Hawaii to provide  
21   child sex assault services.



1       The sum appropriated shall be expended by the judiciary for  
2   the purposes of this Act.

3       SECTION 39. There is appropriated out of the emergency and  
4   budget reserve fund of the State of Hawaii the sum of  
5   \$               or so much thereof as may be necessary for fiscal  
6   year 2010-2011 for the Employment Core Services program.

7       The sum appropriated shall be expended by the department of  
8   labor and industrial relations for the purposes of this Act.

9       SECTION 40. There is appropriated out of the emergency and  
10   budget reserve fund of the State of Hawaii the sum of  
11   \$               or so much thereof as may be necessary for fiscal  
12   year 2010-2011 for the Weed and Seed Program in Ewa Beach.

13       The sum appropriated shall be expended by the department of  
14   labor and industrial relations for the purposes of this Act.

15       SECTION 41. There is appropriated out of the emergency and  
16   budget reserve fund of the State of Hawaii the sum of  
17   \$               or so much thereof as may be necessary for fiscal  
18   year 2010-2011 for the Kapiolani Medical Center's operation of  
19   the Women and Children Sex Abuse Treatment Center for statewide  
20   sex assault services.

21       The sum appropriated shall be expended by the department of  
22   the attorney general for the purposes of this Act.





1       SECTION 42. There is appropriated out of the emergency and  
2 budget reserve fund of the State of Hawaii the sum of \$       or  
3 so much thereof as may be necessary for fiscal year 2010-2011  
4 for non-school hours programs.

5       The sum appropriated shall be expended by the department of  
6 education for the purposes of this Act.

7       SECTION 43. There is appropriated out of the emergency and  
8 budget reserve fund of the State of Hawaii the sum of \$       or  
9 so much thereof as may be necessary for fiscal year 2010-2011 to  
10 provide additional funding for the kupuna care program. This  
11 funding shall be in addition to the \$4,854,350 executive office  
12 on aging base budget.

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

15       SECTION 44. There is appropriated out of the emergency and  
16 budget reserve fund of the State of Hawaii the sum of \$       or  
17 so much thereof as may be necessary for fiscal year 2010-2011  
18 for the general assistance program under section 346-71, Hawaii  
19 Revised Statutes, to restore the general assistance benefit  
20 amount to \$450 per month or as close to \$450 per month as  
21 possible, given the monthly caseload.



1       The sum appropriated shall be expended by the department of  
2 human services for the purposes of this Act.

3       SECTION 45. There is appropriated out of the emergency and  
4 budget reserve fund of the State of Hawaii the sum of \$       or  
5 so much thereof as may be necessary for fiscal year 2010-2011 to  
6 support domestic violence shelters statewide.

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

9       SECTION 46. There is appropriated out of the emergency and  
10 budget reserve fund of the State of Hawaii and federal fund  
11 appropriations for QUEST health care payments, the sums of  
12 \$       and \$4,200,000, respectively, or so much thereof as  
13 may be necessary for fiscal year 2010-2011 for the restoration  
14 of adult dental care formerly granted under program ID HMS 245 -  
15 quest health care payments; provided that the funds shall not be  
16 expended for any other purpose; provided further that any  
17 unexpended funds shall lapse to their respective funds; provided  
18 further that the department shall prepare a report on:

- 19       (1) The number of adults receiving these benefits;  
20       (2) The cost per person;  
21       (3) Total breakdown of administrative costs and other  
22       overhead costs; and



1           (4) Statistics, if available, of how this dental program  
2           is reducing the number of emergency dental-related  
3           medical procedures;

4 provided further that the department of human services shall  
5 submit the report to the legislature no later than twenty days  
6 prior to the convening of the 2011 regular session; provided  
7 further that the department of human services shall be assessed  
8 a fee of \$10,000 each business day beyond the date that the  
9 report is due; and provided further that the director of human  
10 services shall deposit all assessments to the general fund.

11           The sums appropriated shall be expended by the department  
12 of human services for the purposes of this Act.

13           SECTION 47. There is appropriated out of the emergency and  
14 budget reserve fund of the State of Hawaii the sum of \$           or  
15 so much thereof as may be necessary for fiscal year 2010-2011  
16 for child care subsidies.

17           The sum appropriated shall be expended by the department of  
18 human services for the purposes of this Act.

19           SECTION 48. This Act shall take effect on July 1, 2050.



**Report Title:**

Emergency and Budget Reserve Fund; Appropriation

**Description:**

Appropriates moneys from the emergency and budget reserve fund to maintain levels of programs for education, human services, and health. Effective 7/1/2050.

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

