

ACT 85

S.B. NO. 1142

A Bill for an Act Making an Emergency Appropriation for Early Intervention Services.

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

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

SECTION 2. Although funds were appropriated to the department of health for family health services division for the period beginning July 1, 2000, and ending June 30, 2001, a critical need for further funding exists based on a August 3, 2000, federal court stipulation between the State of Hawaii and the plaintiff class relating to the *Felix v. Cayetano* consent decree.

Pursuant to this revised consent decree in *Felix v. Cayetano*, Civil No. 93-00367, the department of health must insure universal screening and assessment for all newborns, with home visitation for environmentally at risk infants and children by the healthy start program, and for biologically at risk and developmentally delayed infants and children by the early intervention section, from birth to three years of age, as mandated by P.L. 105-17, the Individuals with Disabilities Education Act, part C; must assure that no eligible child will remain without specified services or appropriate alternatives for more than thirty days and the early intervention section ordered by the federal court must demonstrate improvement in the delivery of services for children under three years of age with autism.

Because of the expanded coverage of services and the additional services required by the revised consent decree, existing funds will be expended before the end of this fiscal year.

The purpose of this Act is to increase the authorized appropriation for early intervention services for the early intervention section and the healthy start program of the department of health for fiscal year 2000-2001 to maintain compliance with the revised consent decree in Civil No. 93-00367, filed August 3, 2000.

SECTION 3. It is the legislature's intention to fully fund fiscal year 2000-2001 emergency appropriation requested by each department affected by the *Felix v. Cayetano* consent decree. Funding for fiscal biennium 2001-2003 is dependent upon the monetary needs demonstrated and is reflected in the General Appropriations Act for fiscal biennium 2001-2003.

As the executive branch has submitted written requests for the specific amounts which it believes are necessary for it to meet the *Felix* decree, it is expected that with the passage of *Felix* emergency appropriation bills for each department and the budget bill, the departments will meet their obligations under the consent decree in a timely manner for this year and for fiscal year 2001-2002.

By written communication submitted by the governor to the speaker of the house of representatives dated February 2, 2001, the department of health requested an appropriation of \$7,217,390 in connection with the *Felix* decree, as an emergency appropriation.

The purpose of this Act is to fully fund that request, as part of the full funding for all the departments' *Felix* needs for this and the coming fiscal year.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,883,240 or so much thereof as may be necessary for fiscal year 2000-2001 for the early intervention section and the sum of \$5,334,150 for the healthy start program or so much thereof as may be necessary for fiscal year 2000-2001 to be used to provide early intervention services for infants and children from birth to three years of age.

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

SECTION 6. This Act shall take effect upon its approval.

(Approved May 2, 2001.)