

ACT 15

S.B. NO. 789

A Bill for an Act Making an Emergency Appropriation for Home and Community Based 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.

PART I.

SECTION 2. A critical funding emergency exists. The department of health's program to provide home and community-based services for the developmentally disabled or mentally retarded, also known as the title XIX waiver program, will expend all appropriated funds before the end of the current fiscal year, and the department needs additional funds to meet its fiscal obligations to support its developmentally disabled or mentally retarded clients with services as required by chapter 333F, Hawaii Revised Statutes. The additional funds are necessary to admit individuals into the program to continue to fulfill the settlement agreement in *Makin v. State of Hawaii*, U.S. Dist. Ct., Civil No. 98-00997 DAE by providing funding for support services for developmentally disabled or mentally retarded individuals to live in their communities as an alternative to institutionalization.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$6,990,593 or so much thereof as may be necessary for fiscal year 2004-2005 to carry out the purposes of this Act.

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

PART II.

SECTION 4. Act 200, Session Laws of Hawaii 2003, section 3, item F25, as amended by Act 41, Session Laws of Hawaii 2004, section 3, item F34, is amended to read as follows:

“34. HMS603 – HOME AND COMMUNITY BASED CARE SERVICES

Operating	HMS	13,027,039A	13,877,039A
	HMS	51,505,685N	54,146,633N
	HMS	21,798,316U	<del>23,793,802U</del>
			<u>33,059,395U</u> ”

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

## **ACT 15**

**SECTION 5.<sup>1</sup>** This Act shall take effect upon its approval.  
(Approved April 19, 2005.)

### **Note**

1. No ramseyer clause.