

ACT 43

H.B. NO. 683

A Bill for an Act Making an Emergency Appropriation to the Department of Health for the Adult Mental Health Division.

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 adult mental health services for the fiscal period beginning July 1, 2004, and ending June 30, 2005, a critical funding emergency now exists. The program will expend all appropriated funds before the end of the current fiscal year, and the department will be unable to meet its fiscal obligation to provide services to certain adults with severe mental illness. The primary reason for this financial situation is the need to continue existing services and implement additional services and activities to comply with the requirements of the settlement agreement and subsequent orders in *United States v. State of Hawaii, et al.* Civil Number 91-00137 (DAE/KSC).

The purpose of this Act is to appropriate or authorize moneys to prevent the reduction or discontinuance of services to patients at Hawaii state hospital and services for the target population as defined and required by the federal court-ordered community plan for mental health services.

SECTION 3. In accordance with article VII, section 9, of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the State general fund expenditure ceiling for fiscal year 2004-2005 to be exceeded by \$15,072,175. To partially account for this, the mental health and substance abuse special fund expenditure ceiling is increased by the amount of \$3,500,000. This amount, or so much thereof as may be necessary, for fiscal year 2004-2005 is to be used for services and activities to patients of Hawaii state hospital, to continue and implement services for the target population as defined and required by the federal court-ordered community plan and to serve an increasing number of persons eligible for mental health services.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,930,000 or so much thereof as may be necessary for fiscal year 2004-2005 to be used for services and activities to patients of Hawaii state hospital, to continue and implement services for the target population as defined and required by the federal court-ordered community plan and to serve an increasing number of persons eligible for mental health services.

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

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

(Approved May 6, 2005.)