



GOV. MSG. NO. 783

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 23, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 23, 2007, the following bill was signed into law:

SB1459 SD1

A BILL FOR AN ACT MAKING AN
EMERGENCY APPROPRIATION TO THE
DEPARTMENT OF HEALTH FOR EARLY
INTERVENTION SERVICES.
(ACT 032)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH
FOR EARLY INTERVENTION SERVICES.

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

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

4 SECTION 2. Although funds were appropriated to the
5 department of health for early intervention services for the
6 period beginning July 1, 2006, and ending June 30, 2007, the
7 department of health has a critical need for additional funds.

8 On May 31, 2005, the State of Hawaii was deemed in
9 compliance with the Felix Consent Decree, marking the end of
10 federal court oversight for services including early
11 intervention services. The department of health must continue
12 to carry out its federal and state obligations to provide early
13 intervention services for children age zero to three years with
14 a developmental delay or biological or environmental risk, as
15 mandated by part C of the Individuals with Disabilities
16 Education Improvement Act of 2004 (P.L. 108-446), sections



1 321-351 to 321-357, Hawaii Revised Statutes, and the Hawaii
2 early intervention state plan.

3 The State is currently under "special conditions," the
4 first level of sanctions under the United States Department of
5 Education, Office of Special Education Programs. The State is
6 required to show improvement in providing comprehensive
7 developmental evaluations in a timely manner, individual family
8 support plans that meet federal requirements, and transition
9 conferences that meet the federally required timelines to avoid
10 moving to a higher level of sanctions, "compliance agreement."

11 Due to an increased number of children referred for
12 services, early intervention purchase-of-service programs are
13 providing an increased number of multi-disciplinary
14 comprehensive developmental evaluations of a child's cognitive,
15 physical, communication, social or emotional, and adaptive
16 development.

17 To serve more children, current programs have expanded and
18 three new purchase-of-service programs were added in windward,
19 central, and leeward Oahu. These programs serve additional
20 children who previously received therapy services from fee-for-
21 service providers and care coordination from early intervention
22 section, early childhood services programs, public health



1 nurses, or healthy start; and additional children under age
2 three years who are confirmed victims of child abuse or neglect,
3 as required by the Individuals with Disabilities Education
4 Improvement Act of 2004 and the Child Abuse Prevention and
5 Treatment Act of 1974 (P.L. 93-247), reauthorized as the Keeping
6 Children and Families Safe Act of 2003 (P.L. 108-36).

7 The Individuals with Disabilities Education Improvement Act
8 of 2004 also requires a family-centered but more costly approach
9 of providing services in "natural environments" or community-
10 based settings, such as at families' homes, community
11 preschools, and parks, which increases travel time for service
12 providers to reach the "natural environment," and necessitates a
13 smaller caseload, increased number of providers, and increased
14 costs per child.

15 As a result of early intervention purchase-of-service
16 programs having increased costs to evaluate and serve additional
17 children as required by the Individuals with Disabilities
18 Education Improvement Act of 2004, existing funds will be
19 expended before the end of this fiscal year.

20 The purpose of this Act is to appropriate additional
21 general funds to address expenses related to early intervention



1 services from the department of health for fiscal year 2006-
2 2007.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$4,419,644, or so
5 much thereof as may be necessary for fiscal year 2006-2007, to
6 carry out the purposes of this Act.

7 SECTION 4. The sum appropriated shall be expended by the
8 department of health.

9 SECTION 5. In accordance with article VII, section 9, of
10 the Constitution of the State of Hawaii and sections 37-91 and
11 37-93, Hawaii Revised Statutes, the legislature has determined
12 that the general fund expenditure ceiling for fiscal year 2006-
13 2007 (established at \$5,357,987,705 on November 8, 2006) has
14 already been exceeded by \$90,137,694, or 1.68 per cent. The
15 appropriations contained in this Act will cause the state
16 general fund expenditure ceiling for fiscal year 2006-2007 to be
17 exceeded by an additional \$4,419,644 or an additional 0.082 per
18 cent. The calculation contained in the foregoing sentence
19 relates only to the amount of general funds appropriated in this
20 Act for fiscal year 2006-2007. The reasons for exceeding the
21 general fund expenditure ceiling are that the appropriations



1 made in this Act are necessary to serve the public interest and
2 to meet the needs provided for by this Act.

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



GOVERNOR OF THE STATE OF HAWAII

Approved this day: APR 23 2007

