

**FEDERALLY MANDATED  
STATE PROGRAMS DURING  
FISCAL YEAR 1998-1999:  
OPERATING FUNDS**

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Report No. 2, 1998

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This report has been cataloged as follows:

Sugano, Dean.

Federally mandated state programs during fiscal year 1998-1999: operating funds. Honolulu: Legislative Reference Bureau, October 1998.

1. Intergovernmental fiscal relations - United States - Hawaii. 2. Grants-in-aid - United States - Hawaii. 3. Finance, Public - Hawaii.  
KFH421.5.L35 A25 98-2

## FOREWORD

This report was prepared in response to House Resolution No. 18, adopted by the House of Representatives of the Nineteenth Legislature during the Regular Session of 1998. This report sets forth the Bureau's survey of government programs for fiscal year 1998-1999 in the State that are mandated by the federal government. The Bureau conducted similar surveys in 1995 and 1997. The previous surveys were published as *Federally Mandated State Programs During the Fiscal Biennium 1993-1995*, Legislative Reference Bureau, Report No. 1, 1995, and *Federally Mandated State Programs During Fiscal Year 1997-1998: Operating Funds*, Legislative Reference Bureau, Report No. 1, 1997.

We hope that this publication continues to help to provide a better understanding of the complex and difficult issues involving federally mandated programs and their impact on the Hawaii state government.

The Bureau wishes to acknowledge the cooperation and assistance of all of the persons in the state executive agencies who took the time to complete and return the survey needed to prepare this report. Without their total support, this comprehensive report would not have been possible.

Wendell K. Kimura  
Acting Director

October, 1998

## TABLE OF CONTENTS

	<i>Page</i>
FOREWORD .....	iii
1. INTRODUCTION .....	1
Endnotes .....	3
2. FEDERALLY MANDATED STATE PROGRAMS FOR FISCAL YEAR 1998-1999 .....	4
Introduction .....	4
Program Area A: Economic Development .....	6
Program Area B: Employment .....	8
Program Area C: Transportation Facilities .....	14
Program Area D: Environmental Protection .....	21
Program Area E: Health .....	29
Program Area F: Social Services .....	46
Program Area G: Formal Education .....	71
Lower Education .....	72
Higher Education .....	74
Program Area H: Culture and Recreation .....	85
Program Area I: Public Safety .....	87
Program Area J: Individual Rights .....	92
Program Area K: Government-Wide Support .....	95
3. SUMMARY OF OPERATING FUNDS AND PERMANENT POSITIONS UNDER THE BUDGET ACT FOR FEDERALLY MANDATED PROGRAMS DURING FISCAL YEAR 1998-1999 .....	100
I. Preliminaries .....	100
II. Funds and Permanent Positions for Mandated Programs in the Budget Act for Fiscal Year 1998-1999 by Means of Financing ...	100
III. Funding Shifts for Mandated Programs Compared Between Fiscal Years 1998-1999 and 1997-1998 .....	103

	<i>Page</i>
IV. Program Area Operating Budgets for Mandated Programs During Fiscal Year 1998-1999 .....	104
Funding .....	104
Position Counts .....	106
V. Department Operating Budgets for Mandated Programs During Fiscal Year 1998-1999 .....	107
Funding .....	107
Position Counts .....	109
VI. Federal Mandates in the Operating Budget: Fiscal Year 1998-1999 .....	110
Funding .....	111
Position Counts .....	112
State and Federal Overall Funds and Position Counts for Federal Mandates .....	114
VII. Conclusion .....	115

### **Tables**

3A. Funds and Permanent Position Counts by Means of Financing for Federally Mandated Programs During Fiscal Year 1998-1999 .....	101
3B. Funds and Permanent Position Counts by State and Federal Government for Federally Mandated Programs During Fiscal Year 1998-1999 .....	103
3C. Funding Figures Between Fiscal Years 1998-1999 and 1997-1998 Compared ...	104
3D. Program Area Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999 .....	105
3E. Program Area Permanent Position Counts for Federally Mandated Programs During Fiscal Year 1998-1999 .....	106
3F. Department Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999 .....	108
3G. Department Permanent Positions for Federally Mandated Programs During Fiscal Year 1998-1999 .....	109

	<i>Page</i>
3H. Federal Mandate Funding During Fiscal Year 1998-1999 .....	111
3I. Federal Mandate Permanent Position Counts During Fiscal Year 1998-1999 .....	113
3J. State and Federal Funds and Position Counts for Federal Mandates During Fiscal Year 1998-1999 .....	114

### **Appendices**

A. House Resolution No. 18, House of Representatives, Nineteenth Legislature, 1998 Regular Session, State of Hawaii .....	117
B. Questions on Federally Mandated State Programs .....	120
C. Program Area Operating Budgets for Fiscal Year 1998-1999 .....	124
D. Program Area Permanent Position Counts for Fiscal Year 1998-1999 .....	125
E. Department Operating Budgets for Fiscal Year 1998-1999 .....	126
F. Department Permanent Position Counts for Fiscal Year 1998-1999 .....	127
G. Program Area Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999 .....	128
H. Program Area Permanent Position Counts for Federally Mandated Programs During Fiscal Year 1998-1999 .....	129
I. Department Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999 .....	130
J. Department Permanent Position Counts for Fiscal Year 1998-1999 .....	131
K. Federal Mandates in the Operating Budget: Permanent Position Counts and Funds by State Program for Fiscal Year 1998-1999 .....	132

# Chapter 1

## INTRODUCTION

House Resolution No. 18, adopted by the House of Representatives of the Nineteenth Legislature during the Regular Session of 1998, requests the Legislative Reference Bureau to update its survey of government programs in the State for fiscal year 1998-1999 that are mandated by the federal government and funded by State funds, federal funds, or both. (See Appendix A.)

The present survey, like its predecessors, represents an attempt at estimating the extent to which the state budget is governed by federal mandates. The previous surveys were:

- (1) *Federally Mandated State Programs During the Fiscal Biennium 1993-1995*, Legislative Reference Bureau, Report No. 1, 1995, prepared in response to House Resolution No. 370, H.D. 1, adopted by the House of Representatives of the Seventeenth Legislature during the Regular Session of 1994; and
- (2) *Federally Mandated State Programs During Fiscal Year 1997-1998: Operating Funds*, Legislative Reference Bureau, Report No. 1, prepared in response to House Resolution No. 195, adopted by the House of Representatives of the Nineteenth Legislature during the Regular Session of 1997.

The Bureau limited the scope of the present survey to state and federal operating funds appropriated under the Supplemental Appropriations Act of 1998, Act 116, Session Laws of Hawaii 1998, to implement federally mandated state programs during fiscal year 1998-1999. The Bureau broadened the scope of the survey to include permanent position counts authorized under Act 116 to implement those mandated programs.

Definitions of a state program and a federal mandate are as follows:

- A "state program", or "program", means a program in the state budget act identified by a program ID.
- A "federal mandate" potentially exists as one or more of the following types of policy instruments used by the federal government in its relationship with the states. All three impose direct costs on states and prohibit the use of cost-effective alternatives. They are:
  - (1) The direct order mandate, which is a federal statute, federal administrative rule, or federal court order that directs states to establish a new program, alter an existing one in order to improve the level of services, or raise minimum standards. Alternatively, a direct order may prohibit, halt, or restrict a specific

state practice or program. Civil or criminal penalties can be imposed for noncompliance.

- (2) A partial preemption statute, in which the federal government exerts its constitutional authority to preempt a field of regulation and establish minimum national standards. However, subject to federal approval, a state may be allowed to regulate the field if the state adopts standards as strict as, or stricter than, the minimum national standards. Thus, existing state laws must be upgraded if they fall below federal standards. In order to encourage states to continue regulating a field or to discourage them from withdrawing, the federal government may employ crossover sanctions.
- (3) Federal grant-in-aid conditions on state spending and administration, provided that the state cannot easily withdraw from the program for the following reasons:
  - (a) Substantial start-up costs have already been expended for the program by the state;
  - (b) The state may have abolished its own program in favor of the federal initiative;
  - (c) The public may have come to rely on the benefits provided by the grant program; or
  - (d) The state's budget may now be heavily dependent on large sums of federal money for the program.

The grant conditions may include:

- (a) The "bait and switch", in which new requirements are added after a program is in effect, service populations expanded or redefined, or existing local practices restricted or prohibited;
- (b) Matching requirements, maintenance-of-effort provisions, and "non-supplant" clauses, which prohibit states from operating a program by decreasing state funds and by substituting federal funds in their place. Program expansion is the federal goal;
- (c) Crossover sanctions, or the "carrot and stick", in which the failure to comply with the requirements of one program can result in a reduction or termination of funds from another, separately authorized and separately entered into, program; or
- (d) Crosscutting requirements, which are requirements that are imposed across the board on all or most federal assistance programs.<sup>1</sup>



## INTRODUCTION

The Bureau drafted a questionnaire for the offices of the Governor and the Lieutenant Governor and the eighteen executive branch departments.<sup>2</sup> Copies of the questionnaire were sent out on June 5, 1998. The Supplemental Appropriations Act of 1998 was approved on June 16, 1998. The requested deadline for completed questionnaires was July 31, 1998. (see Appendix B for a copy of the questionnaire). Responses were received from 19 of the 20 agencies in time for inclusion in the Bureau's report. No response was received from the Department of Hawaiian Home Lands.

The executive branch's response to the survey is presented in the next chapter.

### Endnotes

1. See *Federally Mandated State Programs During Fiscal Year 1997-1998: Operating Funds*, Report No. 1, 1997, Legislative Reference Bureau, at chapter 1, pages 1-3, which summarizes previous research of the former U.S. Advisory Commission on Intergovernmental Relations ("ACIR").
2. The offices of the Governor and the Lieutenant Governor are established respectively under Hawaii Const. Art. V, sections 1 and 2. The eighteen departments are established under §26-4, *Hawaii Rev. Stat.*

## Chapter 2

### FEDERALLY MANDATED STATE PROGRAMS FOR FISCAL YEAR 1998-1999

#### Introduction

State programs with federal mandates for fiscal year 1998-1999 are set out in this chapter. The state programs are presented in the order in which they appear in the state budget act, that is, the Supplemental Appropriations Act of 1998, Act 116, Session Laws of Hawaii 1998. Programs of the eighteen departments and the offices of the governor and the lieutenant governor are organized into eleven program areas. The objectives of each program area are quoted from *The Multi-Year Program and Financial Plan and Executive Budget for the Period 1998-2003 (Budget Period: 1998-99)*, Vol. I-III, December 1996. Within each program area, the program identification (ID) numbers are arranged in the order in which they are presented in the budget act. The numbers that accompany the program IDs in the left margin are the numbers that accompany them in the budget act. Listed under each program are its federal mandates. For each mandate, operating funds and permanent position counts, together with their means of financing, are given. Funding figures are expressed in dollar amounts.

The following acronyms and symbol are used with regard to operating funds:

MOF	Means of financing
A	General funds
B	Special funds
N	Other federal funds
R	Private contributions
S	County funds
T	Trust funds
U	Interdepartmental transfers
W	Revolving funds
X	Other funds
*	Permanent position count

The eleven program areas of the state budget are as follows:

- (A) Economic development
- (B) Employment
- (C) Transportation facilities
- (D) Environmental protection
- (E) Health
- (F) Social services

FEDERALLY MANDATED STATE PROGRAMS

- (G) Formal education
  - Lower education
  - Higher education
- (H) Culture and recreation
- (I) Public Safety
- (J) Individual rights
- (K) Government-wide support

The twenty state executive agencies--eighteen departments and the offices of the Governor and the Lieutenant Governor--recognized as expending agencies in the state budget act are as follows:

- (1) Office of the Governor (GOV)
- (2) Office of the Lieutenant Governor (LTG)
- (3) Department of Agriculture (AGR)
- (4) Department of Accounting and General Services (AGS)
- (5) Department of the Attorney General (ATG)
- (6) Department of Budget and Finance (BUF)
- (7) Department of Business, Economic Development, and Tourism (BED)
- (8) Department of Commerce and Consumer Affairs (CCA)
- (9) Department of Defense (DEF)
- (10) Department of Education (EDN)
- (11) Department of Hawaiian Home Lands (HHL)
- (12) Department of Health (HTH)
- (13) Department of Human Resources Development (HRD)
- (14) Department of Human Services (HMS)
- (15) Department of Labor and Industrial Relations (LBR)
- (16) Department of Land and Natural Resources (LNR)
- (17) Department of Public Safety (PSD)
- (18) Department of Taxation (TAX)
- (19) Department of Transportation (TRN)
- (20) University of Hawaii (UOH)

**PROGRAM AREA A: ECONOMIC DEVELOPMENT**

**Objective:** To assist in maintaining the State’s economy in a strong and competitive condition by providing policies, operations, facilities, services, advice and information so as to achieve appropriate rates of growth, high levels of employment, reasonable returns on investments, and steady gain in real personal incomes in a balanced fashion in all sectors of the economy and areas of the State.

**Departments with Mandates:** Department of Business Economic Development and Tourism (“BED”)

**Programs with Mandates:**

- 17. BED 120 Energy Development and Management
- 20. BED 142 General Support for Economic Development

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
17. BED120	73,995	0	2,150,386	0	0	0	2,224,381
20. BED142	0	0	0	0	0	0	0
Total	73,995	0	2,150,386	0	0	0	2,224,381

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
17. BED120	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20. BED142	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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**The Programs**

**17. BED 120 Energy Development and Management**

- **Mandate:** Energy Policy and Conservation Act, Dec. 22, 1975, Public Law 94-163, Title III, Part D, as amended; 42 United States Code Section 6321 et seq; Department of Energy Organization Act (42 United States Code Section 7101 et seq.)

**Description:** Federal grant-in-aid conditions require states receiving funds to do as follows: (1) establish mandatory lighting efficiency standards for public buildings; (2) promote car pools, van pools, and public transportation; (3)

incorporate energy efficient criteria into procurement procedures; (4) implement mandatory thermal-efficiency standards for new and renovated buildings; (5) permit right turns at red lights; (6) develop energy emergency plans; and (7) ensure effective coordination among various local, State, and federal energy efficiency, renewable energy and alternative transportation fuel programs within the State.

Sanctions: Loss of federal appropriations.

Operating funds:	Fiscal Year 1998-1999	
	For Federal Mandates	For Total Program ID
State	0 *	7.00 *
	73,995 A	1,726,259 A
		1,784,584 Other MOF
Federal	2,150,386 N	3,031,326 N
Total	2,224,381	6,542,169

**20. BED 142 General Support for Economic Development**

- Mandate: Coastal Zone Management Act of 1972

Cross-reference: HTH 850 (program area D).

Description: To preserve, protect, develop and, where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations.

Sanctions: Issuance of ineligible cost determinations for state reimbursement and withholding of future federal grant funds.

Operating funds: Fiscal Year 1998-1999

See HTH 850

**PROGRAM AREA B: EMPLOYMENT**

**Objective:** To assure all workers full and equal opportunity to work, decent working conditions, fair treatment on the job, equitable compensation, and assistance in work-related difficulties.

**Departments with Mandates:** Department of Labor and Industrial Relations (“LBR”), Department of Human Services (“HMS”)

**Programs with Mandates:**

- 1. LBR 111 Workforce Development
- 5. LBR 143 Occupational Safety & Health
- 9. LBR 171 Unemployment Compensation
- 11. HMS 802 Vocational Rehabilitation
- 12. LBR 901 DLIR-Data Gathering, Research and Analysis

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. LBR 111	18,000	0	30,149,000	0	0	0	30,167,000
5. LBR 143	971,502	0	1,598,057	0	0	0	2,569,559
9. LBR 171	0	165,600,000	12,395,923	0	0	0	177,995,923
11. HMS 802	3,648,056	0	8,114,891	0	0	0	11,762,947
12. LBR 901	75,235	0	92,840	0	0	0	168,075
Total	4,712,793	165,600,000	52,350,711	0	0	0	222,663,504

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. LBR 111	2.00	0.00	119.20	0.00	0.00	0.00	121.20
5. LBR 143	26.00	0.00	26.00	0.00	0.00	0.00	52.00
9. LBR 171	0.00	0.00	231.90	0.00	0.00	0.00	231.90
11. HMS 802	25.95	0.00	89.55	0.00	0.00	0.00	115.50
12. LBR 901	1.50	0.00	1.50	0.00	0.00	0.00	3.00
Total	55.45	0.00	468.15	0.00	0.00	0.00	523.60

**The Programs**

**1. LBR 111 Workforce Development**

- Mandate 1: (1) Wagner-Peyser Act of 1933, Public Law 73-30, as amended.

FEDERALLY MANDATED STATE PROGRAMS

(2) Social Security Act of 1935, Public Law 74-271, as amended.

Description: Requires the State to provide job search and placement services for job seekers and appropriate recruitment services and special technical services for employers.

Sanctions: Loss of funds for the subject program.

Operating funds:	Fiscal Year 1998-1999
State	0
Federal	108.00 *
	3,235,516 N

- Mandate 2: (1) Immigration and Nationality Act of 1952, Public Law No. 82-414;  
 (2) Wagner-Peyser Act of 1933, Public Law No. 73-30, as amended;  
 (3) Immigration Act of 1990, Public Law No. 101-649

Description: Requires the State to assist the federal Department of Labor in determining the availability of U.S. workers and the potential adverse effect on wages and working conditions caused by the admission of alien workers. States must also provide prevailing wage determinations for employers.

Sanctions: Loss of funds for the subject program.

Operating funds	Fiscal Year 1998-1999
State	0
Federal	60,000 N

- Mandate 3: Job Training Partnership Act, Oct. 13, 1982, Public Law 97-300, as amended by the Job Training Reform Amendments of 1992, Public Law 102-367.

Description: Under this grant-in-aid program, federal categorical funds are allotted to the states for developing locally administered job training programs to service persons who are economically disadvantaged, chronically unemployed or underemployed, or terminated or laid off from their jobs due to economic conditions.

Sanctions: Loss of grant funds for the subject program.

Operating funds:	Fiscal Year 1998-1999
State	2.00 *
	10,000 A
Federal	10.70 *
	20,008,536 N

- Mandate 4: Older Americans Act of 1965, Public Law 89-73, Title V, as amended by the Older Americans Act Technical Amendments of 1993, Public Law 103-171. The Senior Community Services Employment Program.

Description: Under this grant-in-aid program, federal categorical funds are allotted to the State to develop subsidized employment programs for low-income older individuals, aged 55 and older.

Sanctions: Loss of grant funds for the subject program.

Operating funds:	Fiscal Year 1998-1999	
State	8,000	A
Federal	0.50	*
	1,759,425	N

- Mandate 5: Welfare-to-Work Grants, Title IV, Part A, Social Security Act, Temporary Assistance to Needy Families (TANF) Block Grant, as amended by the Balanced Budget Act of 1997.

Description: Federal Welfare-to-Work grants are awarded to states to carry out employment activities and related services for recipients of TANF to assist them in becoming economically self-sufficient. The program targets TANF recipients who are the hardest-to-employ. Services and activities under this grant must be closely coordinated with the resources available under the TANF block grants administered by the state Department of Human Services ("HMS").

Sanctions: Loss of grant funds for the program.

Operating funds:	Fiscal Year 1998-1999	
State	0	
Federal	5,085,523	N

Total LBR 111

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program	
State	2.00	*	4.30	*
	18,000	A	394,222	A
	0		10,884,785	Other MOF
Federal	119.20	*	= 119.20	*
	30,149,000	N	36,087,591	N
Total	121.20		123.50	*
	30,167,000		47,366,598	

**5. LBR 143 Occupational Safety & Health**

- Mandate: Occupational Safety and Health Act (OSHA) of 1970, Public Law 91-596, as amended. 19 Code of Federal Regulations Sections 1901, 1902.

Description: Requires states to be as effective as the federal government in assuring so far as possible safe and healthful working conditions for every working



man and woman in the nation. Requires adequate staffing (benchmark staffing), prompt standards promulgation, appropriate compulsory process, and effective sanctions against any offending entities among employers, building/facility owners, and manufacturers of hazardous chemicals.

Sanctions: Federal preemption of the State's regulatory powers in the areas of occupational safety and health, even in the marginal areas. The State would be decertified by the Occupational Safety and Health Administration, and the federal act would be enforced by federal officials from San Francisco. Federal funding would be lost. Hawaii would lose the opportunity to provide input into OSHA, and penalties collected from Hawaii employers would be deposited into the U.S. Treasury.

Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	26.00	*		35.00	*
	971,502	A		1,547,084	A
	0			9.00	*
	0			658,881	Other MOF
Federal	26.00	*	=	26.00	*
	1,598,057	N	=	1,598,057	N
Total	52.00	*		70.00	*
	2,569,559			3,804,022	

**9. LBR 171 Unemployment Compensation**

- Mandate: Social Security Act of 1935, Title III, as amended.

Description: Grants from the Federal Unemployment Fund are available to the states for the necessary costs of administering unemployment compensation programs, processing benefit payments to eligible jobless workers and collecting payroll taxes from employers.

Title II specifies the conditions that must be enacted into state law before the Secretary of Labor can certify the payment of administrative funds.

Sanctions: Loss of administrative funds to operate the state unemployment insurance program. Without the federal grants, state general funds would be needed to maintain the program.

Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	165,600,000	B		166,510,310	B
Federal	231.90	*	=	231.90	*
	12,395,923	N	=	12,395,923	N
Total	231.90	*	=	231.90	*
	177,995,923			178,906,233	

**11. HMS 802 Vocational Rehabilitation**

- **Mandate:** Rehabilitation Act of 1973, Public Law 102-569, as amended.
- Description:** Provides for the rehabilitation needs of eligible persons with disabilities thereby enabling them to achieve employment and greater independence in the community. Persons with physical, mental, and emotional impairments which result in substantial barriers to employment who need our services to become employed are eligible.
- Sanctions:** A shortfall in state funds will cause a corresponding shortfall of federal funds. Non-compliance will cause a loss in some or all federal funds.

<b>Operating funds:</b>		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	25.95	*	=	25.95	*
	3,648,056	A	=	3,648,056	A
	0			1,330,200	Other MOF
Federal	89.55	*	=	89.55	*
	8,114,891	N	=	8,114,891	N
Total	115.50	*	=	115.50	*
	11,762,947			13,093,147	

**12. LBR 901 DLIR-Data Gathering, Research and Analysis**

- **Mandate:** Occupational Safety and Health Act (OSHA) of 1970, Public Law 91-596. 29 Code of Federal Regulations (CFR) Section 1902.3.
- Description:** Section 18(c)(8) of the Act and 29 CFR 1902.e(1) require states with approved state plans to provide statistical data at the state level for state plan evaluation. Participation in the Bureau of Labor Statistics Occupational Safety and Health Statistical program shall be considered as meeting the requirements. Meeting the requirements through alternative programs requires approval by both OSHA and the Bureau of Labor Statistics.
- Sanctions:** Failure to produce the required statistical reports may constitute grounds for plan withdrawal action and the loss of federal matching funds. This would also impact federal matching funds for LBR 143.

<b>Operating funds:</b>		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	1.50	*		8.88	*
	75,235	A		581,396	A
Federal	1.50	*		29.12	*
	92,840	N		2,014,988	N
Total	3.00	*		38.00	*
	168,075			2,596,384	

**PROGRAM AREA C: TRANSPORTATION FACILITIES**

**Objective:** To facilitate the rapid, safe, and economical movement of people and goods into, within, and out of the state by providing and operating transportation facilities and supporting services.

**Departments with Mandates:** Department of Transportation (“TRN”)

**Programs with Mandates:**

- 27. TRN 501 Oahu Highways
- 28. TRN 511 Hawaii Highways
- 29. TRN 531 Maui Highways
- 30. TRN 541 Molokai Highways
- 31. TRN 551 Lanai Highways
- 32. TRN 561 Kauai Highways
- 34. TRN 597 Highway Safety
- 35. TRN 995 General Administration

**Summary of Operating Funds under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999:**

Program ID	A	B	N	T	U	W	Program Total
27. TRN 501+	0	553,990	0	0	0	0	553,990
33. TRN 595	0	180,844	1,430,808	0	0	0	1,611,652
34. TRN 597	0	1,883,577	59,646	0	0	0	1,943,223
35. TRN 995	0	8,000	0	0	0	0	8,000
Total	0	2,626,411	1,490,454	0	0	0	4,116,865

**Summary of Permanent Position Counts under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999:**

Program ID	A	B	N	T	U	W	Program Total
27. TRN 501+	0.00	7.40	0.00	0.00	0.00	0.00	7.40
33. TRN 595	0.00	3.00	0.00	0.00	0.00	0.00	3.00
34. TRN 597	0.00	31.50	2.25	0.00	0.00	0.00	33.75
35. TRN 995	0.00	0.25	0.00	0.00	0.00	0.00	0.25
Total	0.00	42.15	2.25	0.00	0.00	0.00	44.40

+ Includes TRN 501, TRN 511, TRN 531, TRN 541, TRN 551, TRN 561

**The Programs**

- 27. TRN 501 Oahu Highways
- 28. TRN 511 Hawaii Highways

- 29. **TRN 531 Maui Highways**
- 30. **TRN 541 Molokai Highways**
- 31. **TRN 551 Lanai Highways**
- 32. **TRN 561 Kauai Highways**

- **Mandate:** National Bridge Inventory System
- Cross-reference:** TRN 595
- Description:** Requires the inspection of bridges for defects.
- Sanctions:** Withholding of federal funds.
- Operating funds:** Fiscal Year 1998-1999
 

State	7.40	*
	553,990	B
Federal	0	

**33. TRN 595 Highways Administration**

- **Mandate 1:** National Bridge Inventory System
- Cross-reference:** TRN 501, TRN 511, TRN 531, TRN 541, TRN 551, TRN 561
- Description:** Requires inspection of bridges for defects.
- Sanctions:** Withholding of federal funds.
- Operating funds:** Fiscal Year 1998-1999
 

State	0
Federal	1,126,600 N
- **Mandate 2:** Transportation Equity Act for the 21st Century. Formerly, the Intermodal Surface Transportation Efficiency Act of 1991.
- Description:** Each state receiving an apportionment under 23 United States Code Section 104(b)(2) and (3) must use as much of those funds as may be necessary to establish within its transportation department a position of bicycle and pedestrian coordinator. The coordinator promotes and facilitates the increased use of nonmotorized modes of transportation, developing facilities for pedestrian and bicyclist use and holding public education and promotional and safety programs on the use of those facilities.
- Sanctions:** Withholding of federal funds for highway construction and related projects, if the coordinator position is not established.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Operating funds:	Fiscal Year 1998-1999	
State	1.00	*
	85,000	B
Federal	48,572	N

- Mandate 3: Highway Safety Act of 1973, Public Law No. 93-87, Section 203, as amended; 23 United States Code Sections 105(f), 152, 315, and 402; 49 Code of Federal Regulations Section 1.48.

Description: Requires states to develop, implement, and maintain a highway safety improvement program. The overall objective is to reduce the number and severity of highway accidents, and the potential for accidents to occur.

Sanctions: Loss of 10% of the highway funds that would otherwise have been appointed to the State during the next fiscal year, for failure to certify enforcement of the laws.

Operating funds:	Fiscal Year 1998-1999	
State	2.00	*
	95,844	B
Federal	223,636	N

- Mandate 4: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5310, Capital Assistance Program.

Cross-reference: TRN 597, TRN 995

Description: Provides assistance in meeting the special transportation needs of elderly persons and persons with disabilities in all areas.

Sanctions: Withholding of funds.

Operating funds:	Fiscal Year 1998-1999	
State	0	
Federal	12,000	N

- Mandate 5: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5311, Nonurbanized Area Formula Assistance Program for Public Transportation.

Cross-reference: TRN 597, TRN 995

Description: Enhance accessibility of people in nonurbanized areas to healthcare, shopping, education, employment, public services, and recreation. Assist in the maintenance, development, and improvement of public transportation systems in rural and small urban areas.

Sanctions: Withholding of funds.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds: Fiscal Year 1998-1999  
 State 0  
 Federal 12,000 N

- Mandate 6: Federal Transit Administration, Public Law 103-272, 49 United States Code Sections 5303/5313, Metropolitan Planning and State Planning and Research Program.

Cross-reference: TRN 597, TRN 995

Description: Funds are expended by the Oahu Metropolitan Planning Organization to conduct metropolitan planning and state planning and research projects.

Sanctions: Withholding of funds.

Operating funds: Fiscal Year 1998-1999  
 State 0  
 Federal 8,000 N

Total TRN 595

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	3.00	*	72.00	*
	180,844	B	64,438,685	B
Federal	1,984,798	N	4,600,000	N
Total	2,165,642		69,038,685	

**34. TRN 597 Highway Safety**

- Mandate 1: Motor Carrier Safety Act, 23 United States Code Section 127 (a), (b), and (d), and 49 United States Code app 2311(d).

Description: Requires states to enforce vehicle size and weight laws on federal aid highways. Requires annual certifications by the State.

Sanctions: Failure to certify, or inadequate enforcement of all state laws respecting maximum vehicle size and weights on federal aid highways notwithstanding certification, will result in a ten per cent reduction in the next fiscal year of the amount which would otherwise be apportioned to the State.

Operating funds: Fiscal Year 1998-1999  
 State 29.00 \*  
 Federal 305,000 B  
 Federal 0

- Mandate 2: State and Community Highway Safety Program.

Description: Requires the State to implement a highway safety program in

conformance with federal guidelines. States are given annual grants to implement the program.

Sanctions: Withholding of federal highway funds. Five per cent the first year, ten per cent each subsequent year.

Operating funds:	Fiscal Year 1998-1999	
State	2.50	*
	1,578,577	B
Federal	1.50	*
	59,646	N

- Mandate 3: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5310, Capital Assistance Program.

Cross-reference: TRN 595, TRN 995

Description: Provides assistance in meeting the special transportation needs of elderly persons and persons with disabilities in all areas.

Sanctions: Withholding of funds.

Operating funds:	Fiscal Year 1998-1999	
State	0	
Federal	9/32	*

- Mandate 4: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5311, Nonurbanized Area Formula Assistance Program for Public Transportation.

Cross-reference: TRN 595, TRN 995

Description: Enhance accessibility of people in nonurbanized areas to healthcare, shopping, education, employment, public services, and recreation. Assist in the maintenance, development, and improvement of public transportation systems in rural and small urban areas.

Sanctions: Withholding of funds.

Operating funds:	Fiscal Year 1998-1999	
State	0	
Federal	9/32	*

- Mandate 5: Federal Transit Administration, Public Law 103-272, 49 United States Code Sections 5303/5313, Metropolitan Planning and State Planning and Research Program.

Cross reference: TRN 595, TRN 995

Description: Funds are expended by the Oahu Metropolitan Planning Organization to conduct metropolitan planning and state planning and research projects.

FEDERALLY MANDATED STATE PROGRAMS

Sanctions: Withholding of funds.

Operating funds: Fiscal Year 1998-1999  
 State 0  
 Federal 6/32 \*

Total TRN 597

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	31.50	*	37.00	*
	1,883,577	B	5,288,880	B
Federal	2.25	*	4.00	*
	59,646	N	306,735	N
	33.75	*	41.00	*
Total	1,943,223		5,595,615	

**35. TRN 995 General Administration**

- Mandate 1: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5310, Capital Assistance Program.

Cross-reference: TRN 595, TRN 597

Description: Provides assistance in meeting the special transportation needs of elderly persons and persons with disabilities in all areas.

Sanctions: Withholding of funds.

Operating funds: Fiscal Year 1998-1999  
 State 3/32 \*  
 3,000 B  
 Federal 0

- Mandate 2: Federal Transit Administration, Public Law 103-272, 49 United States Code Section 5311, Nonurbanized Area Formula Assistance Program for Public Transportation.

Cross-reference: TRN 595, TRN 597

Description: Enhance accessibility of people in nonurbanized areas to healthcare, shopping, education, employment, public services, and recreation. Assist in the maintenance, development, and improvement of public transportation systems in rural and small urban areas.

Sanctions: Withholding of funds.

Operating funds: Fiscal Year 1998-1999  
 State 3/32 \*  
 3,000 B  
 Federal 0



- Mandate 3: Federal Transit Administration, Public Law 103-272, 49 United States Code Sections 5303/5313, Metropolitan Planning and State Planning and Research Program.

Cross reference: TRN 595, TRN 597

Description: Funds are expended by the Oahu Metropolitan Planning Organization to conduct metropolitan planning and state planning and research projects.

Sanctions: Withholding of funds.

Operating funds: Fiscal Year 1998-1999

State	2/32	*
	2,000	B
Federal	0	

Total TRN 995

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	0.25	*	87.00	*
	8,000	B	9,822,099	B
Federal	0		0	
Total	0.25	*	87.00	*
	8,000		9,822,099	

**PROGRAM AREA D: ENVIRONMENTAL PROTECTION**

**Objective:** To restore, protect, and to enhance, where appropriate, the natural and person-made physical environment.

**Departments with Mandates:** Department of Health (“HTH”), Department of Agriculture (“AGR”), Department of Land and Natural Resources (“LNR”)

**Programs with Mandates:**

1. HTH 840 Environmental Management
2. AGR 846 Pesticides
4. LNR 402 Forests and Wildlife Resources
8. HTH 850 Policy Development, Coordination and Analysis for the Natural Physical Environment
10. HTH 849 Environmental Health Administration

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HTH 840	2,294,493	6,196,502	2,876,916	0	0	15,937,790	27,305,701
2. AGR 846	718,646	0	350,000	0	0	250,000	1,318,646
4. LNR 402	150,000	0	450,000	0	0	0	600,000
8. HTH 850	516,164	0	972,000	0	0	0	1,488,164
10. HTH 849	310,247	0	1,083,822	0	0	2,483,882	3,877,951
Total	3,989,550	6,196,502	5,732,738	0	0	18,671,672	34,590,462

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HTH 840	54.00	48.00	24.00	0.00	0.00	28.00	154.00
2. AGR 846	20.00	0.00	0.00	0.00	0.00	0.00	20.00
4. LNR 402	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8. HTH 850	2.00	0.00	4.00	0.00	0.00	0.00	6.00
10. HTH 849	7.00	0.00	12.00	0.00	0.00	9.00	28.00
Total	83.00	48.00	40.00	0.00	0.00	37.00	208.00

## The Programs

### 1. HTH 840 Environmental Management

- Mandate 1: Clean Air Mandates

Federal Air Quality Act, Public Law 90-148, Nov. 21, 1967, 42 United States Code Sections 7401 et seq., as amended by the Clean Air Act Amendments of 1970, Public Law 91-604, Dec. 31, 1970, and subsequent amendments.

**Description:** Mandates the State to develop and implement an air pollution control program. Delegates to the State the authorization to administer specific federal air programs and to permit, monitor, and enforce applicable sources accordingly.

**Sanctions:** Withholding of federal air grants and highway funds, causing a reduction of federally funded staff positions and highway projects. Noncompliance will also require the U.S. Environmental Protection Agency to establish and administer a federal permits, monitoring, and enforcement program supported by a permit fee program. Unless the federal air program is based in Hawaii, affected industries should expect long delays for any permitting activities if the program is administered through the San Francisco regional office.

<b>Operating funds:</b>	Fiscal Year 1998-1999	
State	5.00	*
	194,027	A
	39.00	*
	2,878,770	B
Federal	1.00	*
	561,078	N

- Mandate 2: Clean Water Mandate

Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), June 30, 1948, ch. 758, 62 Statutes at Large 1155, as amended by the Clean Water Act of 1977, Public Law 95-217, Section 402(p).

**Description:** Delegates to the states the authority to issue permits for the National Pollutant Discharge Elimination System (NPDES). Grant assistance is provided. The State was delegated NPDES permitting authority in November 1974, for point sources of pollutants, and in August 1992, for storm water and construction-related discharges produced by industrial activities and municipal separate storm water systems. The State also issues water quality certifications pursuant to Section 401.

FEDERALLY MANDATED STATE PROGRAMS

Sanctions: Rescission, or decertification, of the State's NPDES authority. Enforcement and permitting authority would then need to be assumed by the Environmental Protection Agency. Federal funds would be withheld, causing a cutback to the State's federally funded staff positions. In addition, the secondary waivers for the Sand Island and Honouliuli wastewater treatment facilities, of the City and County of Honolulu, could be withdrawn, leaving the State with the task of upgrading those facilities at a cost of over \$200 million, exclusive of additional annual costs for operations and maintenance.

Operating funds:	Fiscal Year 1998-1999	
State	21.00	*
	865,717	A
Federal	5.00	*
	422,042	N

- Mandate 3: Safe Drinking Water Mandate

Safe Drinking Water Act of 1974, Public Law 93-523, as amended in particular by the Safe Drinking Water Act Amendments of 1986, Public Law 99-339 and the Safe Drinking Water Act Amendments of 1996, Public Law 104-182. Also, the Lead Contamination Control Act of 1988.

Description: In order to receive federal grants from the Environmental Protection Agency and exercise primary enforcement authority over drinking water protection, states must establish and maintain a safe drinking water program at least as stringent as the federal program. Once a state has established such a program, the EPA can delegate primary enforcement authority (primacy) to the state. Program activities include surveillance of water systems and monitoring water quality.

Sanctions: Failure to meet EPA requirements will cause the recall of primacy delegation, and the state will lose its ability to receive EPA grant funds for safe drinking water.

Operating funds:	Fiscal Year 1998-1999	
State	12.00	*
	551,680	A
	6.00	*
	403,940	W
Federal	6.00	*
	577,783	N
	10.00	*
	14,884,678	W

- Mandate 4: Underground Injection Control Mandate

Safe Drinking Water Act of 1974, Public Law 93-523, as amended in 1986 and 1996. 40 Code of Federal Regulations Parts 124, 144, 145, 146, and 148.

**Description:** The State is acquiring the primary enforcement delegation over the protection of existing and potential underground sources of drinking water through the control of subsurface injection of waste materials into disposal (injection) wells. The Environmental Protection Agency (EPA) will have oversight responsibilities.

**Sanctions:** An EPA override of the State's administration of permits, compliance monitoring and enforcement, the state-preferred waste discharge standards, and state self-determination.

<b>Operating funds:</b>	Fiscal Year 1998-1999
State	4.00 *
	203,141 W
Federal	0

- Mandate 5: Solid and Hazardous Waste Mandate

- (1) Resource Conservation and Recovery Act (RCRA) of 1976, Public Law 94-580, Subtitles C and I; and the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616.
- (2) Superfund Amendments and Reauthorization Act (SARA) of 1986, Public Law 99-499, as amended.

**Description:** States are required to administer the following federal regulations under the Acts:

- (1) Under Subtitle C of the RCRA, the hazardous waste management system regulations, 40 Code of Federal Regulations Parts 260-266, 270, 271, and 279;
- (2) Under Subtitle I of the RCRA, the underground storage tank program regulations, 40 Code of Federal Regulations Parts 280 and 281, subtitles A through D, and G; and
- (3) Under SARA, the regulations on leaking underground storage tanks, 40 Code of Federal Regulations Parts 280 and 281, subtitles E, F, and G. Grants are provided.

**Sanctions:** Loss of grant funding, and a reduction in federally funded staff positions. Delays could be sustained while obtaining a fully delegated program from the federal government. Management costs for solid waste facilities would rise.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds:	Fiscal Year 1998-1999	
State	5.00	*
	197,336	A
	9.00	*
	3,317,732	B
	8.00	*
	446,031	W
Federal	12.00	*
	888,014	N

● Mandate 6: Wastewater Mandate

Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), June 30, 1948, ch. 758, 62 Statutes at Large 1155, as amended by the Water Quality Act of 1987, Public Law 100-4, Title VI.

Description: The state revolving fund program is more of a grant-in-aid program where grants are given by U.S. Environmental Protection Agency (EPA) to each state to capitalize a revolving fund. States can provide low interest rate loans or other financial assistance to each municipality for the construction of wastewater treatment facilities. States have the financial responsibility to administer the funds in perpetuity. States must manage the loan portfolio, approve planning documents, and design plans and specifications.

Sanctions: Reimbursement or loss of federal capitalization grants for the state revolving fund.

Operating funds:	Fiscal Year 1998-1999	
State	11.00	*
	485,733	A
Federal	427,999	N

Total HTH 840

Operating funds:	Fiscal Year 1998-1999			
	For All Federal Mandates		For Total Program ID	
State	54.00	*	56.00	*
	2,294,493	A	2,409,367	A
	48.00	*	=	48.00
	6,196,502	B	=	6,196,502
	18.00	*		45.00
	1,053,112	W		47,510,685
				W

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Federal	24.00	*	=	24.00	*
	2,876,916	N		3,074,616	N
	10.00	*			
	14,884,678	W			
Total	154.00			173.00	*
	27,305,701			59,191,170	

**2. AGR 846 Pesticides**

- **Mandate:** Federal Insecticide, Fungicide, and Rodenticide Act, Oct. 21, 1972, Public Law 92-516, as amended; 7 United States Code Section 136. 40 Code of Federal Regulations Parts 150-180.

**Description:** Federal-state agreements require states to regulate the distribution and use of pesticides, test the competency of restricted-use pesticide applicators, and educate and monitor pesticide distributors and applicators. The Act is intended to ensure the efficient and safe use of pesticides in order to minimize any adverse effects on the environment. This mandate involves federal preemption of the State's powers of regulation.

**Sanctions:** The State would have to relinquish its powers to set priorities, service constituents, and respond to complaints. In place of the State, the Environmental Protection Agency would be required to step in and carry out in Hawaii a federal pesticides program, initiating federal applicator certification and enforcement programs. On the whole, state implementation of federal program activities provides greater flexibility at meeting state needs.

Operating funds:	Fiscal Year 1998-1999					
		For Federal Mandates			For Total Program ID	
State	20.00	*	=	20.00	*	
	718,646	A	=	718,646	A	
	250,000	W	=	250,000	W	
Federal	350,000	N	=	350,000	N	
Total	1,318,646		=	1,318,646		

**4. LNR 402 Forests and Wildlife Resources**

- **Mandate:** Endangered Species Act of 1973, Public Law 93-205, as amended; 16 United States Code Sections 1531-1543.

**Description:** Authorizes the Fish and Wildlife Service to enter into a cooperative agreement with any state which establishes and maintains an adequate and active program for the conservation of endangered species. Cooperative agreement requires the State to maintain an adequate and active endangered species conservation program. Federal assistance is provided, some in the form of a grant-in-aid. Grant funds are made available through an annual competitive award process based on need and merit. Recent grant awards to the State are sizeable and support a major portion

of the Division's endangered species protection and recovery program, including funding for federally supported positions.

Sanctions: Loss of up to \$1,014,800 in federal funds for non-compliance.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	0.00	*	54.50	*
	150,000	A	2,413,236	A
Federal	0.00	*	4.50	*
	450,000	N	860,485	N
Total	0.00		59.00	*
	600,000		3,273,721	

**8. HTH 850 Policy Development, Coordination and Analysis for the Natural Physical Environment**

● Mandate: Coastal Zone Management Act of 1972

Cross-reference: BED 142 (program area A)

Description: To preserve, protect, develop and, where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations.

Sanctions: Issuance of ineligible cost determinations for state reimbursement and withholding of future federal grant funds.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	2.00	*	7.00	*
	516,164	A	671,838	A
Federal	4.00	*	4.00	*
	972,000	N	972,000	N
Total	6.00	*	11.00	*
	1,488,164		1,643,838	

**10. HTH 849 Environmental Health Administration**

● Mandate 1: (1) Clean Water Act (CWA), Section 106;  
(2) Safe Drinking Water Act (SDWA) Amendments of 1986, Section 1428.

Description: CWA Section 106 provides funds for groundwater pollution prevention programs. The SDWA Amendments, Section 1428, requires states to develop a wellhead protection program for the protection of groundwater sources used to supply drinking water.



FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Sanctions: Loss of federal funds for the groundwater and wellhead protection programs.

Operating funds: Fiscal Year 1998-1999  
 State 3,022 A  
 Federal 1.00 \*  
 174,539 N

- Mandate 2: (1) Comprehensive Emergency Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including the Superfund Amendments and Reauthorization Act of 1986 (SARA) and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA);  
 (2) Oil Pollution Act of 1990 (OPA 90).

Description: In order to receive federal grants from the Environmental Protection Agency and retain primary enforcement authority, states must establish and maintain an environmental protection program at least as stringent as the federal program with regard to dealing with releases or threats of releases of hazardous substances, pollutants or contaminants including oil.

Sanctions: Recall of primacy delegation and loss of Environmental Protection Agency grant funds for hazard evaluation and emergency response.

Operating funds: Fiscal Year 1998-1999  
 State 7.00 \*  
 307,225 A  
 9.00 \*  
 2,483,882 W  
 Federal 11.00 \*  
 909,283 N

Total HTH 849

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	7.00	*	14.50	*
	310,247	A	699,893	A
	9.00	*	9.00	*
	2,483,882	W	2,483,882	W
Federal	12.00	*	21.50	*
	1,083,822	N	2,538,146	N
Total	28.00	*	45.00	*
	3,877,951		5,721,921	

**PROGRAM AREA E: HEALTH**

**Objective:** To monitor, protect, and enhance the health of all people in Hawaii by providing leadership in assessment, policy development, and assurance to promote health and well-being, to preserve a clean, healthy and natural environment, and to assure basic health care for all.

**Departments with Mandates:** Department of Health (“HTH”)

**Programs with Mandates:**

1. HTH 101 Tuberculosis/Hansen’s Disease Control
2. HTH 111 Hansen’s Disease Institutional Services
3. HTH 121 STD/AIDS Prevention Services
4. HTH 131 Epidemiology Services
12. HTH 530 Children with Special Health Needs
13. HTH 540 School Health Services
14. HTH 550 Maternal and Child Health Services
15. HTH 570 Community Health Nursing
17. HTH 595 Health Resources Administration
22. HTH 420 Adult Mental Health
23. HTH 430 Hawaii State Hospital
24. HTH 440 Alcohol and Drug Abuse
25. HTH 460 Child and Adolescent Mental Health
26. HTH 495 Behavioral Health Services Administration
27. HTH 610 Environmental Health Services
32. HTH 904 Executive Office on Aging
33. HTH 905 Policy Development & Advocacy for Developmental Disabilities

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HTH 101	2,097,683	0	1,795,669	0	0	0	3,893,352
2. HTH 111	3,880,864	0	0	0	0	0	3,880,864
3. HTH 121	5,280,343	0	3,382,140	0	0	0	8,662,483
4. HTH 131	1,161,560	0	4,200,000	0	0	0	5,361,560
12. HTH 530	4,006,542	600,000	5,493,226	0	0	0	10,099,768
13. HTH 540	2,907,318	0	706,116	0	0	0	3,613,434
14. HTH 550	11,674,639	0	3,243,976	0	0	0	14,918,615
15. HTH 570	740,896	0	0	0	0	0	740,896
17. HTH 595	2,852,763	0	591,804	0	0	0	3,444,567
22. HTH 420	16,720,830	2,507,430	1,026,514	0	0	0	20,254,774
23. HTH 430	30,112,550	0	0	0	0	0	30,112,550
24. HTH 440	6,067,830	0	5,675,507	0	0	0	11,743,337
25. HTH 460	60,498,014	1,902,292	4,598,644	0	0	0	66,998,950
26. HTH 495	5,579,827	0	1,698,299	0	0	0	7,278,126
27. HTH 610	522,439	0	515,230	0	0	0	1,037,669

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Program ID	A	B	N	T	U	W	Program Total
32. HTH 904	4,995,950	0	5,852,533	0	0	0	10,848,483
33. HTH 905	77,236	0	433,728	0	0	0	510,964
Total	159,177,284	5,009,722	39,213,386	0	0	0	203,400,392

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HTH 101	36.00	0.00	3.00	0.00	0.00	0.00	39.00
2. HTH 111	68.00	0.00	0.00	0.00	0.00	0.00	68.00
3. HTH 121	13.00	0.00	4.50	0.00	0.00	0.00	17.50
4. HTH 131	19.00	0.00	21.00	0.00	0.00	0.00	40.00
12. HTH 530	71.00	3.00	28.00	0.00	0.00	0.00	102.00
13. HTH 540	61.00	0.00	2.00	0.00	0.00	0.00	63.00
14. HTH 550	20.00	0.00	25.00	0.00	0.00	0.00	45.00
15. HTH 570	24.00	0.00	0.00	0.00	0.00	0.00	24.00
17. HTH 595	9.00	0.00	2.00	0.00	0.00	0.00	11.00
22. HTH 420	243.10	0.00	0.00	0.00	0.00	0.00	243.10
23. HTH 430	620.50	0.00	0.00	0.00	0.00	0.00	620.50
24. HTH 440	7.00	0.00	2.00	0.00	0.00	0.00	9.00
25. HTH 460	148.00	0.00	0.00	0.00	0.00	0.00	148.00
26. HTH 495	75.00	0.00	4.00	0.00	0.00	0.00	79.00
27. HTH 610	14.00	0.00	7.00	0.00	0.00	0.00	21.00
32. HTH 904	3.55	0.00	7.45	0.00	0.00	0.00	11.00
33. HTH 905	1.50	0.00	6.50	0.00	0.00	0.00	8.00
Total	1,433.65	3.00	112.45	0.00	0.00	0.00	1,549.10

**The Programs**

**1. HTH 101 Tuberculosis/Hansen's Disease Control**

- **Mandate 1:** Public Health Services Act, July 1, 1944, ch. 373, 58 Statutes at Large 682, as amended, Section 317, Tuberculosis Control Project.
- Description:** The intended purpose of the grant is to reduce tuberculosis in Hawaii through effective prevention and control primarily through outreach activities in population groups characterized by a high incidence and likelihood of non-compliant behavior.
- Sanctions:** None.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds:	Fiscal Year 1998-1999		
State	34.00	*	
	1,946,613	A	
Federal	1,100,000	N	

- Mandate 2: Hansen's Disease Federal Reimbursement, Public Law 99-117.

Description: The intended purpose is the care and treatment of persons afflicted with Hansen's disease.

Sanctions: None.

Operating funds:	Fiscal Year 1998-1999		
State	2.00	*	
	151,070	A	
Federal	3.00	*	
	695,669	N	

Total HTH 101

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	36.00	*	=	36.00	*	
	2,097,683	A	=	2,097,683	A	
Federal	3.00	*	=	3.00	*	
	1,795,669	N	=	1,795,669	N	
Total	39.00	*	=	39.00	*	
	3,893,352		=	3,893,352		

2. HTH 111 Hansen's Disease Institutional Services

- Mandate: Public Law 411, June 24, 1954, as amended by the Health Services Amendments of 1985, Public Law 99-117.

Description: Provides the State with financial assistance for the care and treatment of people afflicted with Hansen's disease.

Sanctions: Exposure to litigation, due to the unchecked spread of disease. Loss of federal reimbursement funds.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	68.00	*	=	68.00	*	
	3,880,864	A	=	3,880,864	A	
Federal	0			0		

\$2,045,000 is reimbursed to the State for the care and treatment of Hansen's disease patients for after the fact state expenditures.

**3. HTH 121 STD/AIDS Prevention Services**

- Mandate:
  - (1) HIV Prevention Grant, Section 301(a) of the Public Health Services Act;
  - (2) Sexually Transmitted Disease Accelerated Prevention Campaign, Section 318(A, B, C) of the Public Health Services Act; 42 Code of Federal Regulations Part 51B, Subpart A/D;
  - (3) AIDS Surveillance Grant, Sections 301(A), 311, 317(K)(3), Public Health Services Act;
  - (4) Title II, HIV CARE Grant, Public Law 101-381.

Description: Federal grants-in-aid

Sanctions: Withholding of federal funds under Title II, HIV CARE Grant if the State fails maintenance-of-effort requirement.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	13.00	*	=	13.00 *
	5,280,343	A	=	5,280,343 A
Federal	4.50	*	=	4.50 *
	3,382,140	N	=	3,382,140 N
Total	17.50	*	=	17.50 *
	8,662,483		=	8,662,483

**4. HTH 131 Epidemiology Services**

- Mandate: Title XIX, Section 1928 of the Social Security Act, as amended in the Omnibus Budget Reconciliation Act of 1993, Public Health Services Act, Section 13631.

Description: Establishes a new entitlement program that is a required part of each state's Medicaid Plan. Under this program, states are entitled to receive from the federal government sufficient vaccine to provide fully for a limited population of children (*i.e.*, Medicaid-eligible, uninsured, and Native American, and children receiving immunizations at federally qualified health centers or rural health clinics). In turn, states must make this free vaccine available to both (1) all public and private health care providers who are authorized to administer vaccines under the laws of the State, who are willing to participate in the program, and who satisfy the Secretary's requirements and to (2) all children who seek such vaccine through a willing health care provider. No charge may be made for the vaccines, either by the State or by the providers, although providers may charge a limited fee for the administration of the vaccine.

Grant-in-aid conditions are focused on program planning and implementation via provider recruitment, vaccine ordering, vaccine distribution, vaccine/program accountability, program evaluation, and identification and investigation of reports on vaccine fraud and abuse.

Sanctions: Loss of federal funds, which may result in the State losing jurisdiction to the federal government for a vaccine program for the eligible clients.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	19.00	*	=	19.00	*	
	1,161,560	A	=	1,161,560	A	
Federal	21.00	*	=	21.00	*	
	4,200,000	N	=	4,200,000	N	
Total	40.00	*	=	40.00	*	
	5,361,560		=	5,361,560		

**12. HTH 530 Children with Special Health Needs**

- Mandate 1: Title V, Maternal and Child Health Services Block Grant, Public Law 97-35, Social Security Act; 45 Code of Federal Regulations 96.

Cross-reference: HTH 540, HTH 550, HTH595

Description: This block grant enables each state to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services. The grant provides direct health care services, enabling services, population-based individual services, and core public health infrastructure building services.

Sanctions: Loss of funding.

Operating funds:	Fiscal Year 1998-1999					
State	12.50	*				
	755,853	A				
	3.00	*				
	600,000	B				
Federal	17.00	*				
	1,085,206	N				

- Mandate 2: Individuals with Disabilities Education Act , Public Law 105-17, Part C; 34 Code Federal Regulations Part 303; also, the Felix Consent Decree, dated October 25, 1994. Early intervention services for infants and toddlers.

Description: This direct federal mandate provides equal protection, assuring civil rights for infants and toddlers with special needs to receive the services to which they are entitled.

Sanctions: Loss of funds under Part C of IDEA. Loss of the opportunity to capture federal matching funds.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Operating funds:	Fiscal Year 1998-1999		
State	58.50	*	
	3,250,689	A	
Federal	11.00	*	
	4,408,020	N	

Total HTH 530	Fiscal Year 1998-1999					
Operating Funds	For Federal Mandates			For Total Program ID		
State	71.00	*	=	71.00	*	
	4,006,542	A	=	4,006,542	A	
	3.00	*	=	3.00	*	
	600,000	B	=	600,000	B	
Federal	28.00	*	=	28.00	*	
	5,493,226	N	=	5,493,226	N	
Total	102.00	*	=	102.00	*	
	10,099,768		=	10,099,768		

**13. HTH 540 School Health Services**

- Mandate 1: Individuals with Disabilities Education Act (IDEA), Public Law 105-17; Rehabilitation Act of 1973, Public Law 93-112, Section 504, as amended.

Description: The IDEA requires states to provide free appropriate public education and related services for children with special needs. Related services include early identification and assessment of disabling conditions, and physical and occupational therapy to children with special needs, ages 3 through 21 years, in order that they may benefit from an education.

Section 504 prohibits discrimination on the basis of disability and requires reasonable accommodation, and program accessibility.

Sanctions: Withholding of funds.

Operating funds:	Fiscal Year 1998-1999		
State	53.00	*	
	1,958,146	A	
Federal	2.00	*	
	100,024	N	

- Mandate 2: Title V, Maternal and Child Health Services Block Grant, Public Law 97-35, Social Security Act; 45 Code of Federal Regulations 96.

Cross-reference: HTH 530, HTH 550, HTH595

Description: This block grant enables each state to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services. The grant provides direct health care services, enabling services,

population-based individual services, and core public health infrastructure building services.

Sanctions: Loss of funding.

Operating funds:	Fiscal Year 1998-1999		
State	8.00	*	
	949,172	A	
Federal	427,079	N	
	179,013	N	

Total HTH 540	Fiscal Year 1998-1999			
Operating Funds	For Federal Mandates			For Total Program ID
State	61.00	*	=	61.00 *
	2,907,318	A	=	2,907,318 A
Federal	2.00	*	=	2.00 *
	706,116	N	=	706,116 N
Total	63.00	*	=	63.00 *
	3,613,434		=	3,613,434

**14. HTH 550 Maternal and Child Health Services**

- Mandate: Title V, Maternal and Child Health Services Block Grant, Public Law 97-35, Social Security Act; 45 Code of Federal Regulations 96.

Cross-reference: HTH 530, HTH 540, HTH 595

Description: This block grant enables each state to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services. The grant provides direct health care services, enabling services, population-based individual services, and core public health infrastructure building services.

Sanctions: Loss of funding.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates			For Total Program ID
State	20.00	*	=	20.00 *
	11,674,639	A	=	11,674,639 A
Federal	18.50	*		25.00 *
	974,318	N		
	6.50	*		
	2,269,658	N		3,243,976 N
	45.00	*	=	45.00 *
Total	14,918,615		=	14,918,615



**15. HTH 570 Community Health Nursing**

- **Mandate:** Education for All Handicapped Children Act of 1975, Public Law 94-142; reauthorized as the Individuals with Disabilities Education Act (IDEA), October 30, 1990, Public Law 101-476, as amended. Rehabilitation Act of 1973, Public Law 93-112, Section 504, as amended.

**Description:** Requires states to provide to children with disabilities, three to twenty years of age, with access to a free and appropriate public education, consisting of special education and “related services,” in the least restrictive environment. One of the related services is the provision of skilled nursing care to children with disabilities. The skilled medical treatments, required by children with disabilities in the Department of Education, are provided by licensed nursing personnel under the Public Health Nursing Branch.

**Sanctions:** Exposure to litigation.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	24.00	*	440.50	*
	740,896	A	11,798,062	A
Federal	0		1.00	*
	0		29,675	N
Total	24.00	*	441.50	*
	740,896		11,827,737	

**17. HTH 595 Health Resources Administration**

- **Mandate:** Title V, Maternal and Child Health Services Block Grant, Public Law 97-35, Social Security Act; 45 Code of Federal Regulations 96.

**Cross-reference:** HTH 530, HTH 540, HTH 550

**Description:** This block grant enables each state to provide and to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services. The grant provides direct health care services, enabling services, population-based individual services, and core public health infrastructure building services.

**Sanctions:** Loss of funding.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	9.00	*	38.00	*
	2,852,763	A	4,990,859	A
	0		29,598	Other MOF
Federal	2.00	*	=	2.00 *

FEDERALLY MANDATED STATE PROGRAMS

	358,604	N		591,804	N
	233,200	N			
Total	11.00	*		40.00	*
	3,444,567			5,612,261	

**22. HTH 420 Adult Mental Health**

- Mandate: *United States v. Hawaii*, Civil No. 91-00137 (DAE) (D. Hawaii)
  - (1) Settlement agreement and order with the Department of Justice, September 19, 1991;
  - (2) Stipulation and order with the Department of Justice, January 19, 1995;
  - (3) Stipulation and order with the Department of Justice, November 15, 1995;
  - (4) Stipulation and order with the Department of Justice, June 28, 1996;
  - (5) Stipulation and order with the Department of Justice, February 13, 1998.

Cross-reference: HTH 430, HTH 495

Description: Requires the State to ensure that conditions of confinement at the Hawaii State Hospital meet constitutional and Department of Justice standards. Also requires the State to enhance community-based resources so that Hawaii State Hospital patients, who are ready to be discharged, can be discharged in a timely manner and served adequately in the community.

Sanctions: Contempt order.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	243.10	*	=	243.10	*	
	16,720,830	A	=	16,720,830	A	
	2,507,430	B	=	2,507,430	B	
Federal	1,026,514	N	=	1,026,514	N	
Total	20,254,774		=	20,254,774		

**23. HTH 430 Hawaii State Hospital**

- Mandate: *United States v. Hawaii*, Civil No. 91-00137 (DAE) (D. Hawaii)
  - (1) Settlement agreement and order with the Department of Justice, September 19, 1991;
  - (2) Stipulation and order with the Department of Justice, January 19, 1995;
  - (3) Stipulation and order with the Department of Justice, November 15, 1995;

- (4) Stipulation and order with the Department of Justice, June 28, 1996;
- (5) Stipulation and order with the Department of Justice, February 13, 1998.

Cross-reference: HTH 420, HTH 495

Description: Requires the State to ensure that conditions of confinement at the Hawaii State Hospital meet constitutional and Department of Justice standards. Also requires the State to enhance community-based resources so that Hawaii State Hospital patients, who are ready to be discharged, can be discharged in a timely manner and served adequately in the community.

Sanctions: Contempt order.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	620.50	*	=	620.50 *
	30,112,550	A	=	30,112,550 A
Federal	0			0
Total	620.50	*	=	620.50 *
	30,112,550		=	30,112,550

**24. HTH 440 Alcohol and Drug Abuse**

- Mandate:
  - (1) Substance Abuse Prevention and Treatment (SAPT) Block Grant.
  - (2) Public Law 102-321, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act.
  - (3) Subparts II and III of Part B, Title XIX of the Public Health Service Act, 42 United States Code 300x-21 through 300x-64.
  - (4) 45 Code of Federal Regulations Part 96.

Cross-reference: HTH 495

Description: A block grant for planning, carrying out, and evaluating activities to treat and prevent substance abuse. Numerous conditions on spending and administration require the State to provide certain services and programs for certain groups. Set asides (minimum allocations) of the block grant are required for certain services and target groups. Maintenance of effort (MOE) provisions require the State to maintain annual expenditures of state funds for substance abuse services by the implementing agency at a level that is not less than the moving average of total expenditures for the previous two years. The block grant cannot be used to supplant state funding of alcohol and other drug prevention and treatment programs. Other MOE provisions require annual expenditures of state funds for HIV early intervention services and tuberculosis services to be not less than the respective averages of such expenditures for SFY 1991 and 1992.

The State is also required to comply with the Synar Amendment (Public Law 102-321, Section 1926) and regulations which require the State to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18.

Sanctions: Regarding the SAPT block grant, sanctions include termination of funding, withholding of payments to the State, and requirement of repayment with interest for expenditures not in accordance with block grant requirements and conditions. The penalty for noncompliance with the MOE requirement regarding annual expenditures of state funds for substance abuse services is a reduction of the block grant by an amount equal to the difference between the required and actual (lower) amount of state expenditures.

Regarding the Synar Amendment, the sanction is a 40% reduction of the block grant.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	7.00	*	=	7.00 *
	6,067,830	A	=	6,067,830 A
Federal	2.00	*	=	2.00 *
	5,675,507	N	=	5,675,507 N
Total	9.00	*	=	9.00 *
	11,743,337		=	11,743,337

**25. HTH 460 Child and Adolescent Mental Health**

- Mandate: *Felix v. Waihee* consent decree, issued Oct. 25, 1994, U.S. District Court, Civil No. 93-00367-DAE.

Cross-reference: HTH 495

Description: The decree mandates that the State provide free appropriate public education and mental health services to all children and adolescents between birth and age 20 with disabilities who reside in Hawaii, as required under the Individuals with Disabilities Education Act (IDEA), 20 United States Code Sections 1401 et seq. and Section 504 of the Rehabilitation Act, 29 United States Code Section 729.

Sanctions: Contempt order.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	148.00	*	=	148.00 *
	60,498,014	A	=	60,498,014 A
	1,902,292	B	=	1,902,292 B
Federal	4,598,644	N	=	4,598,644 N
Total	66,998,950		=	66,998,950

**26. HTH 495 Behavioral Health Services Administration**

- Mandate 1: *United States v. Hawaii*, Civil No. 91-00137 (DAE) (D. Hawaii)
  - (1) Settlement agreement and order with the Department of Justice, September 19, 1991;
  - (2) Stipulation and order with the Department of Justice, January 19, 1995;
  - (3) Stipulation and order with the Department of Justice, November 15, 1995;
  - (4) Stipulation and order with the Department of Justice, June 28, 1996;
  - (5) Stipulation and order with the Department of Justice, February 13, 1998.

Cross-reference: HTH 420, HTH 430

Description: Requires the State to ensure that conditions of confinement at the Hawaii State Hospital meet constitutional and Department of Justice standards. Also requires the State to enhance community-based resources so that Hawaii State Hospital patients, who are ready to be discharged, can be discharged in a timely manner and served adequately in the community.

Sanctions: Contempt order.

Operating Funds:	Fiscal Year 1998-1999
State	26.00 *
	2,208,507 A
Federal	651,515 N

- Mandate 2:
  - (1) Substance Abuse Prevention and Treatment (SAPT) Block Grant.
  - (2) Public Law 102-321, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act.
  - (3) Subparts II and III of Part B, Title XIX of the Public Health Service Act, 42 United States Code 300x-21 through 300x-64.
  - (4) 45 Code of Federal Regulations Part 96.

Cross-reference: HTH 440

Description: A block grant for planning, carrying out, and evaluating activities to treat and prevent substance abuse. Numerous conditions on spending and administration require the State to provide certain services and programs for certain groups. Set asides (minimum allocations) of the block grant are required for certain services and target groups. Maintenance of effort (MOE) provisions require the State to maintain annual expenditures of state funds for substance abuse services by the implementing agency at a level that is not less than the moving average of total expenditures for the previous two years. The block grant cannot be used to supplant state funding of alcohol and other drug prevention and treatment programs.

FEDERALLY MANDATED STATE PROGRAMS

Other MOE provisions require annual expenditures of state funds for HIV early intervention services and tuberculosis services to be not less than the respective averages of such expenditures for SFY 1991 and 1992.

The State is also required to comply with the Synar Amendment (Public Law 102-321, Section 1926) and regulations which require the State to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18.

Sanctions: Regarding the SAPT block grant, sanctions include termination of funding, withholding of payments to the State, and requirement of repayment with interest for expenditures not in accordance with block grant requirements and conditions. The penalty for noncompliance with the MOE requirement regarding annual expenditures of state funds for substance abuse services is a reduction of the block grant by an amount equal to the difference between the required and actual (lower) amount of state expenditures.

Regarding the Synar Amendment, the sanction is a 40% reduction of the block grant.

Operating Funds:	Fiscal Year 1998-1999	
State	15.00	*
	603,884	A
Federal	4.00	*
	1,046,784	N

- Mandate 3: *Felix v. Waihee* consent decree, issued Oct. 25, 1994, U.S. District Court, Civil No. 93-00367-DAE.

Cross-reference: HTH 460

Description: The decree mandates that the State provide free appropriate public education and mental health services to all children and adolescents between birth and age 20 with disabilities who reside in Hawaii, as required under the Individuals with Disabilities Education Act (IDEA), 20 United States Code Sections 1401 et seq. and Section 504 of the Rehabilitation Act, 29 United States Code Section 729.

Sanctions: Contempt order.

Operating funds:	Fiscal Year 1998-1999	
State	34.00	*
	2,767,436	A
Federal	0	

Total HTH 495	Fiscal Year 1998-1999	
Operating Funds:	For Federal Mandates	For Total Program ID
State	75.00 *	= 75.00 *

	5,579,827	A		6,212,958	A
	0			1,771,150	Other MOF
Federal	4.00	*	=	4.00	*
	1,698,299	N	=	1,698,299	N
Total	79.00	*		79.00	*
	7,278,126			9,682,407	

**27. HTH 610 Environmental Health Services**

- Mandate 1: Toxic Substances Control Act (TSCA) of 1986, Public Law 99-419; Asbestos Hazardous Response Act (AHERA), Public Law 99-519, October 22, 1986.

Description: Grants are awarded to require states to administer the Act's federal regulations. These acts require schools to identify, test, evaluate, and control asbestos-containing materials in all buildings used as schools. AHERA requires that all schools must develop and have available an asbestos management plan on campus; and copies of the management plan be submitted, reviewed, and approved by the State. AHERA also contains requirements for mandatory training and accreditation of persons who perform asbestos-related work in schools.

Sanctions: Relinquishment of the State's primary authority to enforce AHERA requirements as necessary to protect public health. Enforcement authority would then be assumed by the Environmental Protection Agency. Federal funds would withheld, resulting in a cutback to the State's federally funded staff positions.

- Mandate 2: Toxic Substances Control Act (TSCA) of 1986, Public Law 99-419; Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X); 40 Code of Federal Regulations Part 745 Lead.

Description: The primary purpose of Title X is to establish clear requirements, standards, and safeguards governing the conduct of lead-based paint evaluation and abatement activities. Title X sets forth training and certification requirements for contractors and individuals engaged in lead-based paint activities; identify lead-based paint hazards, lead-contaminated dust, and lead-contaminated soils. The State currently implements a lead abatement program through a cooperative agreement with the federal government. It is the intent of the federal government to delegate the lead requirement program to the states.

Sanctions: Loss of the delegated authority would result in discontinued federal non-matching funds.

- Mandate 3: Clean Air Act of 1970, Public Law 91-604; 40 Code of Federal Regulations Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS); 40 Code of Federal Regulations Part 763, Asbestos.

FEDERALLY MANDATED STATE PROGRAMS

Description: Grants are awarded under this Act for states to administer the Act's federal regulations. Asbestos was one of the hazardous air pollutants regulated under Section 112 of Clean Air Act. The Asbestos NESHAP program protects the public by minimizing the processing, handling and disposal of asbestos-containing materials. Accordingly, NESHAP regulations specify work practices to be followed during demolition and renovation of all structures, installations and buildings.

Sanctions: Relinquishment of the State's primary authority to enforce NESHAP requirements as necessary to protect public health. Enforcement authority would then be assumed by the Environmental Protection Agency. Federal funds would be withheld, resulting in a cutback to the State's federally funded staff positions.

- Mandate 4: Clean Air Act of 1970, Public Law 91-604

Description: Grant awarded under cooperative agreements with the Environmental Protection Agency which supports the State's efforts at implementing an indoor air quality program.

Sanctions: Withholding of federal funds, resulting in a cutback to the State's federally funded staff positions.

- Mandate 5: Mammography Quality Standards Act (MQSA) of 1992

Description: The intent of the Act is to assure that women receive acceptable quality mammograms by requiring the establishment of a federal certification and inspection program for mammography facilities. The Act authorizes the U.S. Food and Drug Administration to obtain state assistance in enforcing the MQSA requirements including annual inspection of all certified mammography facilities. Funds (cost reimbursement) awarded under contractual agreements with the FDA supports the State's efforts in implementing the MQSA program.

Sanctions: Loss of funding, resulting in relinquishment of the primary authority to administer the State MQSA program, and loss of necessary supplemental funds for the State's radiation program for implementing such activities, including staff training, public education, and necessary monitoring equipment. However, the FDA does not have a sufficient number of trained investigators to inspect the estimated 10,000 mammography facilities in the U.S.

Total HTH 610 Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	14.00	*		148.00 *
	522,439	A		4,978,692 A
Federal	7.00	*	=	7.00 *
	515,230	N	=	515,230 N
				6.00 *



			361,942	Other MOF
Total	21.00	*	161.00	*
	1,037,669		5,855,864	

**32. HTH 904 Executive Office on Aging**

Mandate: Older Americans Act of 1965, as amended, Public Law 89-73, Titles III and VII; 42 United States Code §§3001-30058; 45 Code of Federal Regulations Part 1321.

Description: Categorical grant funds are awarded to states to develop or strengthen service systems through designated state agencies on aging. A four-year state plan must be submitted for approval to the Assistant Secretary for Aging. Funds under Titles III and VII are used to provide services to older adults 60 years and older living in the state such as access services, in-home services, legal assistance, home-delivered meals and nutrition education, and ombudsman services for long-term care facilities.

Sanctions: Withholding and loss of federal funds under Titles III and VII of the Act.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates:		For Total Program ID	
	3.55	*	3.55	*
State	4,995,950	A	=	4,995,950 A
	7.45	*		7.45 *
Federal	5,852,533	N	=	5,852,533 N
	11.00	*	=	11.00 *
Total	10,848,483		=	10,848,483

**33. HTH 905 Policy Development & Advocacy for Developmental Disabilities**

- Mandate: Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996, Public Law 104-183.

Description: States that establish and maintain state developmental disabilities councils are given assistance to promote the development of a consumer and family-centered comprehensive system of services for individuals with developmental disabilities.

Sanctions: Loss of about \$420,000 in federal funds; termination of jobs; and discontinuation of the analysis of programs and model projects.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds:	Fiscal Year 1998-1999				
	For Federal Mandate		=	For Total Program ID	
State	1.50	*	=	1.50	*
	77,236	A	=	77,236	A
Federal	6.50	*	=	6.50	*
	433,728	N	=	433,728	N
Total	8.00	*	=	8.00	*
	510,964		=	510,964	

**PROGRAM AREA F: SOCIAL SERVICES**

**Objective:** To enable individuals and families in need to attain a minimally adequate standard of living and to achieve the social and psychological adjustments necessary to successful living in modern society.

**Departments with Mandates:** Department of Human Services (“HMS”), Department of Defense (“DEF”), Department of the Attorney General (“ATG”).

**Programs with Mandates:**

1. HMS 301 Child Welfare Services
2. HMS 302 Child Day Care Services
3. HMS 303 Child Placement Board and Related Client Payments
4. HMS 601 Adult Community Care Services Branch
5. HMS 501 Youth Services Administration
6. HMS 502 Youth Services Program
7. HMS 503 Youth Residential Programs
8. DEF 112 Services to Veterans
10. HMS 201 Temporary Assistance to Needy Families
11. HMS 202 Payments to Assist the Aged, Blind, & Disabled
13. HMS 206 Federal Assistance Payments
34. HMS 230 Health Care Payments
35. HMS 603 Home and Community Based Care Services
36. HMS 245 QUEST Health Care Payments
37. HMS 236 Eligibility Determination and Employment Related Services
38. HMS 238 Disability Determination
39. ATG 500 Child Support Enforcement Services
40. HMS 237 Food Stamp Employment & Training
45. HMS 902 General Support for Health Care Payments
46. HMS 903 General Support for Benefits, Employment & Support Services
47. HMS 904 General Administration (DSSH)
48. HMS 901 General Support for Social Services

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HMS 301	17,139,764	0	19,154,268	0	0	0	36,294,032
2. HMS 302	7,450,990	0	13,295,847	0	0	0	20,746,837
3. HMS 303	11,986,770	0	7,738,775	0	0	0	19,725,545
4. HMS 601	1,349,335	0	4,699,291	0	279,687	0	6,328,313
5. HMS 501	78,800	0	788,000	0	0	0	866,800
6. HMS 502	3,519,476	0	723,629	0	0	0	4,243,105
7. HMS 503	4,569,250	0	1,490,800	0	0	0	6,060,050
8. DEF 112	434,047	0	0	0	0	0	434,047
10. HMS 201	18,885,189	0	80,910,687	0	0	0	99,795,876

FEDERALLY MANDATED STATE PROGRAMS

Program ID	A	B	N	T	U	W	Program Total
11. HMS 202	23,086,873	0		0	0	0	23,086,873
13. HMS 206	0	0	1,054,760	0	0	0	1,054,760
34. HMS 230	141,643,916	0	147,013,918	0	6,000,000	0	294,657,834
35. HMS 603	10,793,258	0	21,411,163	0	14,024,792	0	46,229,213
36. HMS 245	164,253,943	0	166,295,982	0	0	0	330,549,925
37. HMS 236	10,723,598	0	12,497,701	0	0	0	23,221,299
38. HMS 238	0	0	3,858,037	0	0	0	3,858,037
39. ATG 500	1,732,263	0	12,923,418	2,424,620	0	0	17,080,301
40. HMS 237	490,640	0	2,146,857	0	0	0	2,637,497
45. HMS 902	4,943,112	0	12,123,342	0	0	0	17,066,454
46. HMS 903	8,520,212	0	11,174,997	0	0	0	19,695,209
47. HMS 904	1,503,125	0	1,055,669	0	0	0	2,558,794
48. HMS 901	1,574,737	0	1,324,328	0	0	0	2,899,065
Total	434,679,298	0	521,681,469	2,424,620	20,304,479	0	979,089,866

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. HMS 301	192.44	0.00	149.41	0.00	0.00	0.00	341.85
2. HMS 302	27.00	0.00	1.00	0.00	0.00	0.00	28.00
4. HMS 601	6.50	0.00	0.00	0.00	0.00	0.00	6.50
5. HMS 501	22.00	0.00	0.00	0.00	0.00	0.00	22.00
7. HMS 503	75.50	0.00	0.00	0.00	0.00	0.00	75.50
8. DEF 112	13.00	0.00	0.00	0.00	0.00	0.00	13.00
37. HMS 236	333.24	0.00	260.76	0.00	0.00	0.00	594.00
38. HMS 238	0.00	0.00	45.00	0.00	0.00	0.00	45.00
39. ATG 500	50.66	0.00	112.20	7.14	0.00	0.00	170.00
40. HMS 237	2.00	0.00	0.00	0.00	0.00	0.00	2.00
45. HMS 902	25.50	0.00	29.50	0.00	0.00	0.00	55.00
46. HMS 903	54.30	0.00	46.70	0.00	0.00	0.00	101.00
47. HMS 904	24.15	0.00	15.85	0.00	0.00	0.00	40.00
48. HMS 901	13.97	0.00	10.03	0.00	0.00	0.00	24.00
Total	840.26	0.00	670.45	7.14	0.00	0.00	1,517.85

## The Programs

### 1. HMS 301 Child Welfare Services

- Mandate 1: The Children's Justice Act Grant:
  - (1) Child Abuse Prevention and Treatment Act, Jan. 31, 1974, Public Law 93-247, Section 107(a)-(f), as amended; 42 United States Code Section 5101 et seq.
  - (2) Victims of Crime Act of 1984, Public Law 98-473, as amended; 42 United States Code Section 10601 et seq.

Description: To receive this grant, the State must:

- (1) Have in effect a law and be operating a program relating to child abuse and neglect;
- (2) Establish and maintain a statewide task force with specific representation which will review and evaluate at three year intervals state investigative, administrative, and judicial handling of child abuse and neglect cases. The task force must make policy and training recommendations based on this review and the State must adopt those recommendations.

Sanctions: Loss of grant funds which support:

- (1) Training throughout the State to improve the handling of child abuse and neglect cases while minimizing trauma to the child victim;
- (2) The development of medical and legal protocols for physical abuse cases;
- (3) The formation of state and county child death review teams;
- (4) Semiannual forums to develop legislation, rules, and procedures to improve the handling of child abuse and neglect cases in the State.

Operating funds:	Fiscal Year 1998-1999
State	0
Federal	67,271 N

- Mandate 2: State Child Abuse and Neglect State Grant  
  
Child Abuse Prevention and Treatment Act (CAPTA), January 31, 1974, Public Law 93-247, Section 106 (a) - (d), as amended; 42 United States Code Section 5101 et seq.

Description: To receive this grant, the State must:

- (1) Prepare and submit a state plan every 5 years that specifies which areas of the child protective services system listed in CAPTA the State intends to address with this grant;
- (2) Notify the federal Secretary of Health and Human Services of any substantive changes to the State's laws relating to child abuse and neglect that may affect the State's eligibility for grant program;

FEDERALLY MANDATED STATE PROGRAMS

- (3) Coordinate this state plan with that of the federal Title IV-B program;
- (4) Have in effect a state law and operate a statewide program relating to child abuse and neglect that implements 13 statutory, regulatory, or procedural requirements specified in CAPTA;
- (5) Establish a citizen review panel to monitor implementation of the above; and
- (6) Provide annual state data and program reports.

Sanctions:

Loss of grant funds which support:

- (1) A diversion program for up to 500 families on Oahu which are at low risk for child abuse or neglect;
- (2) Training and technical assistance for several pilot projects to improve the delivery of child welfare protective services;
- (3) A nurse position to staff the new state and county child death review teams.

Noncompliance would also jeopardize the State's eligibility for the federal Children's Justice Act Grant program.

Operating funds:

Fiscal Year 1998-1999

State	0	
Federal	129,161	N

● Mandate 3: Domestic Violence Shelter and Support Services

Family Violence Prevention and Services Act, October 9, 1984, Public Law 98-457, as amended, 42 United States Code Section 10401 et seq.

Description:

This grant program partially funds the Department of Human Services' domestic violence shelter program throughout the State. Seventy percent of the grant funds must be used to provide shelter and related services for victims of domestic violence. Twenty-five percent of that seventy percent must be for the related supportive services. The department is required to have a procedure for getting input from the state domestic violence coalition about how the funds should be used. Annual data and program reports are required.

These funds cannot supplant other federal, state, or local funds. A non-federal match between 20-35% of the federal grant award is required.

Sanctions:

Loss of grant funds which partially support eight domestic violence shelters throughout the State. These funds will comprise 23% of the total purchase of service funding to be expended by the department for the shelters in fiscal year 1999. This translates to 1,857 hotline calls, 117 families with children, 101 single adults, 258 children, and 6,542 bed days.

Operating funds:	Fiscal Year 1998-1999	
State	1,362,461	A
Federal	400,000	N

- Mandate 4: Adoption Opportunities Program

Public Law 95-266, Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act.

Description: The grant supports demonstration projects to improve adoption practices; eliminate barriers to adoption; and find permanent homes for children, particularly children with special needs.

Sanctions: Temporary withholding of grant funds. Disallowance of all or part of the costs that are not in compliance. Suspension or termination of the grant award. Withholding of further awards for the program.

Operating funds	Fiscal Year 1998-1999	
State	12,500	A
Federal	125,000	N

- Mandate 5: Federal Independent Living Program

Social Security Act, April 7, 1986, Public Law 99-272, Title IVE, Sections 472, 474, 475, and 477, as amended by the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66.

Description: The grant supports states' efforts at assisting youths, aged 16 and older, presently or formerly in foster care, in making a successful transition to adult independent living. The grant requires in part that youths in foster care be given a written independent living transitional plan that describes the programs and services developed to assist them in making the transition out of foster care. The plan must be included in the youth's case plan.

Sanctions: Reimbursement of Independent Living grant funds, if an audit shows that independent living transitional plans were not given to the youths and included in their case plans.

Operating funds:	Fiscal Year 1998-1999	
State	6,300	A
Federal	18,000	N

- Mandate 6: Title IVB, Subpart 1, Child Welfare Services, 42 United States Code Section 620 et seq., 42 United States Code Section 1302. Public Law 103-66. 45 Code of Federal Regulations Part 1357.

Cross-reference: HMS 303

Description: Requires the establishment of programs to “prevent unnecessary separation of children from their families; improve the quality of care and services to children and their families; and to ensure permanency for children through reunification with parents, through adoption, or through another permanent living arrangement.”

The mandate applies to Title IVB, Subpart 1, which is a yearly appropriation.

Sanctions: For non-compliance, potential withholding of federal funds until compliance is achieved. For non-participation, loss of federal funds totaling \$1,209,600 (\$480,000 for HMS 301, \$729,600 for HMS 303).

Operating funds:	Fiscal Year 1998-1999		
State	120,000	A	
Federal	5.70	*	
	480,000	N	

- Mandate 7: Title IV-B, Subpart 2, of the Social Security Act, Promoting Safe and Stable Families Program, 42 United States Code Sections 630-635.

Cross-reference: HMS 901

Description: Title IV-B, subpart 2, is a federal capped entitlement to fund planning and design of a continuum of services responsive to the diverse needs of children and families, and establishment of community-based family support services (preventive services) and family preservation services (services for families at risk or in crisis, including extended, foster, and adoptive families). In addition, states are now required to use significant portions of the funds for time-limited reunification services and adoption promotion and support services.

Grant conditions include a 25% state match requirement, maintenance of effort provisions, submission of a comprehensive, integrated funding, outcomes-based children and family services 5-year plan, community involvement requirement, and assurance requirement that safety of children shall be the paramount concern.

Sanctions: Termination of funding.

Operating funds:	Fiscal Year 1998-1999		
State	194,319	A	
Federal	743,061	N	

- Mandate 8: Title IV-E Foster Care Maintenance Payments and Adoption Assistance:
  - (1) Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, Title IV-E; 42 United States Code Section 670 et seq.
  - (2) Social Security Act, Section 1102, as amended; 42 United States Code Section 1302.



Cross-reference: HMS 303, HMS 901

Description: Title IV-E makes federal funds available to the states for child foster care. The funds are intended to be used to benefit children who are AFDC eligible, judicially determined to be in need of foster care, in receipt of services rendered to prevent placement, in the custody of the department of human services, placed in licensed foster homes, and given case plans and periodic reviews.

Sanctions: Possible loss of grant funds under Title IV-A, Temporary Assistance to Needy Families (TANF)--formerly Aid to Families with Dependent Children (AFDC). Federal approval of the Title IV-A state plan is contingent upon the State's participation in the Title IV-E grant program, or its compliance with program requirements. Consequently, a loss of funds would reduce staff and services for families otherwise eligible for TANF benefits.

Operating funds:	Fiscal Year 1998-1999		
State	192.44	*	
	15,444,184	A	
Federal	50.04	*	
	12,436,790	N	

- Mandate 9: Title XX Social Services Block Grant

Title XX of the Social Security Act, 42 United States Code Section 1397.

Cross-reference: HMS 601

Description: The Department of Human Services is the single state agency responsible for administering Hawaii's share of the Title XX moneys. These block grant funds support social services aimed at helping low-income and other vulnerable persons achieve self-support, self-sufficiency, protection against abuse or neglect, prevention of institutionalization, and appropriate institutional care when needed.

Sanctions: Loss of funds. Staff and services for eligible children and adults would be reduced.

Operating funds:	Fiscal Year 1998-1999		
State	0		
Federal	93.67	*	
	4,754,985	N	

FEDERALLY MANDATED STATE PROGRAMS

Total HMS 301

Operating funds:

	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	192.44	*	=	192.44	*	
	17,139,764	A	=	17,139,764	A	
				725,000	Other MOF	
Federal	149.41	*	=	172.56	*	
	19,154,268	N	=	19,154,268	N	
Total	341.85	*	=	365.00	*	
	36,294,032		=	37,019,032		

**2. HMS 302 Child Day Care Services**

- Mandate:
  - (1) Family Support Act of 1988, Public Law 100-485.
  - (2) Social Security Act, Sections 402, 403, and 1102, as amended. 45 Code of Federal Regulations Sections Sections 256 and 233.20(a)(11).
  - (3) Section 418 of Title IV-A of the Social Security Act as amended by Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193, effective October 1, 1996.
  - (4) Child Care and Development Block Grant Act of 1990, as amended by Title VI of PRWORA of 1996, Public Law 104-193.

Description: Requires the State to ensure that not less than 70% of the total amount of funds received by the State in a fiscal year under this section are used to provide child care assistance to families who are receiving assistance under a state program under Title VI, families who are attempting through work activities to transition off of such assistance program, and families who are at risk of becoming dependent upon such assistance program.

Sanctions: Loss of federal funds if maintenance-of-efforts are not satisfied.

Operating funds:

	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	27.00	*	=	27.00	*	
	7,450,990	A	=	7,450,990	A	
Federal	1.00	*	=	1.00	*	
	13,295,847	N	=	13,295,847	N	
Total	28.00	*	=	28.00	*	
	20,746,837		=	20,746,837		

**3. HMS 303 Child Placement Board and Related Client Payments**

- Mandate 1: Title IVB, Subpart 1, Child Welfare Services, 42 United States Code Section 620 et seq., 42 United States Code Section 1302. Public Law 103-66. 45 Code of Federal Regulations Part 1357.

Cross-reference: HMS 301

Description: Requires the establishment of programs to “prevent unnecessary separation of children from their families; improve the quality of care and services to children and their families; and to ensure permanency for children through reunification with parents, through adoption, or through another permanent living arrangement.”

The mandate applies to Title IVB, Subpart 1, which is a yearly appropriation.

Sanctions: For non-compliance, potential withholding of federal funds until compliance is achieved. For non-participation, loss of federal funds totaling \$1,209,600 (\$480,000 for HMS 301, \$729,600 for HMS 303).

Operating funds:	Fiscal Year 1998-1999	
State	182,400	A
Federal	729,600	N

- Mandate 2: Title IV-E Foster Care Maintenance Payments and Adoption Assistance:
  - (1) Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, Title IV-E; 42 United States Code Section 670 et seq.
  - (2) Social Security Act, Section 1102, as amended; 42 United States Code Section 1302.

Cross-reference: HMS 301, HMS 901

Description: Title IV-E makes federal funds available to the states for child foster care. The funds are intended to be used to benefit children who are AFDC eligible, judicially determined to be in need of foster care, in receipt of services rendered to prevent placement, in the custody of the department of human services, placed in licensed foster homes, and given case plans and periodic reviews.

Sanctions: Possible loss of grant funds under Title IV-A, Temporary Assistance to Needy Families (TANF)--formerly Aid to Families with Dependent Children (AFDC). Federal approval of the Title IV-A state plan is contingent upon the State's participation in the Title IV-E grant program, or its compliance with program requirements. Consequently, a loss of funds would reduce staff and services for families otherwise eligible for TANF benefits.

Operating funds:	Fiscal Year 1998-1999	
State	11,804,370	A
Federal	7,009,175	N

Total HMS 303					
Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	11,986,770	=	11,986,770	A	
Federal	7,738,775	N	=	7,738,775	N
Total	19,725,545	=	19,725,545		

**4. HMS 601 Adult Community Care Services Branch**

- Mandate 1: Foster Grandparent Program

National and Community Service Trust Act of 1993, Public Law 103-82. The Senior Service Corps, formerly under the Domestic Volunteer Service Act of 1973, Public Law 93-113, as amended.

Description: Grant-in-aid conditions and requirements. The dual purpose of the foster grandparent program is to provide daily part-time stipended community service opportunities for low-income seniors aged 60 and older, and to provide supportive person-to-person services to children under age 21 who have disabilities and other special needs.

Sanctions: Termination of stipended work for approximately 127 low-income seniors and of service for approximately 500 special and exceptional needs children. Loss of \$354,829 in federal funds annually and the opportunity to receive more when funding for the federal agency increases.

Operating funds:	Fiscal Year 1998-1999		
State	2.5	*	
	259,292	A	
Federal	354,829	N	

- Mandate 2: (1) Senior Companion Program

National and Community Service Trust Act of 1993, Public Law 103-82. The Senior Service Corps, formerly under the Domestic Volunteer Service Act of 1973, Public Law 93-113, as amended.

(2) Respite Companion Service Program  
20 Code of Federal Regulations Part 641, and 29 Code of Federal Regulations Part 89, Senior Community Service Employment Program (SCSEP), 42 U.S.C. Section 3056, Public Law 102-375, Title V of the Older Americans Act.

Description: (1) Grant-in-aid conditions and requirements. The dual purpose of the Senior Companion program is to create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over, and to offer supportive person-to-person services to the homebound, frail elderly so that premature institutionalization may be prevented.

- (2) Grant-in-aid conditions and requirements. The SCSEP is an employment and training program for low-income elderly persons who are 55 years or older and physically able to work a maximum of 19 hours per week. Respite companions provide relief to family caregivers so that disabled family members may continue to be cared for at home, and not be prematurely institutionalized.

- Sanctions:
- (1) Termination of stipended work for approximately 120 low-income seniors, and of services to approximately 525 homebound elders.
  - (2) Termination of employment training for approximately 58 low-income seniors, and of services for approximately 275 homebound elders.

Operating funds:	Fiscal Year 1998-1999		
State	4.00	*	
	373,710	A	
Federal	269,819	N	
	279,687	U	

- Mandate 3: Title XX Social Services Block Grant

Title XX of the Social Security Act, 42 United States Code Section 1397.

Cross-reference: HMS 301

Description: The Department of Human Services is the single state agency responsible for administering Hawaii's share of the Title XX moneys. These block grant funds support social services aimed at helping low-income and other vulnerable persons achieve self-support, self-sufficiency, protection against abuse or neglect, prevention of institutionalization, and appropriate institutional care when needed.

Sanctions: Loss of funds. Staff and services for eligible children and adults would be reduced.

Operating funds:	Fiscal Year 1998-1999		
State	0		
Federal	3,358,310	N	

- Mandate 4: Title XIX, Section 1915 of the Social Security Act, Public Law 97-35, as amended.

Cross-reference: HMS 603, HMS 901

Description: Authorizes the Secretary of Health and Human Services to waive certain Medicaid statutory requirements to enable the State to cover a broad array of home and community based services as an alternative to institutionalization. The program targets individuals who would be eligible for federal Medicaid under the State plan if they were in a medical institution and who would require the level of care in a hospital, NF, or

ICF/MR.

Sanctions: Involuntary termination of the waiver, for a violation of any assurances made in the approved waiver request, or for a violation of federal regulations applicable to the home and community-based waiver.

Operating funds: Fiscal Year 1998-1999  
 State 716,333 A  
 Federal 716,333 N

Total HMS 601		Fiscal Year 1998-1999			
Operating funds:		For Federal Mandates		For Total Program ID	
State		6.50	*	81.16	*
		1,349,335	A	6,713,908	A
Federal		0.00	*	0.34	*
		4,699,291	N	5,449,305	N
		279,687	U	279,687	U
Total		6.50	*	81.50	*
		6,328,313		12,442,900	

**5. HMS 501 Youth Services Administration**

● Mandate: Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93-415, as amended; 42 United States Code §5601 et seq. Title II formula grant program. OJJDP Formula Grants Regulation 28 Code of Federal Regulations Part 31.

Description: Grant-in-aid conditions and requirements. Under Title II of the Act, states (and local governments) may receive formula grant funds for assistance in planning, establishing, operating, coordinating, and evaluating projects set up in preparation to develop treatment and rehabilitation programs addressing juvenile delinquency and juvenile justice. At issue are juveniles in secure custody, including law violators, status offenders, and non-offenders.

States must do the following: (1) submit a three-year plan for carrying out the mandates of the Act; (2) amend the plan annually; and (3) submit annual performance reports to the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

Sanctions: (1) Loss of 25% of the annual \$788,000 allocation for each mandate the State is deemed in noncompliance;  
 (2) Jeopardization of eligibility for other programs under the Act; and  
 (3) Risk of civil liability since state and federal statutes would be violated.

Operating funds: Fiscal Year 1998-1999  
 For Federal Mandates For Total Program ID

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

State	22.00	*	=	22.00	*
	78,800	A		1,164,742	A
Federal	788,000	N		1,742,696	N
Total	22.00	*	=	22.00	*
	866,800			2,907,438	

**6. HMS 502 Youth Services Program**

- **Mandate:** Title XX, Social Security Act, as added by the Social Services Block Grant Act, August 13, 1981, Public Law No. 97-35.
- Cross-reference:** HMS 503
- Description:** The block grant funds support social services aimed at helping low-income and other vulnerable persons achieve self-support, self-sufficiency, protection against abuse or neglect, prevention of institutionalization, and appropriate institutional care when needed.
- Sanctions:** Loss of funds.

<b>Operating funds:</b>		<b>Fiscal Year 1998-1999</b>			
		<b>For Federal Mandates</b>		<b>For Total Program ID</b>	
State	3,519,476	A	=	3,519,476	A
Federal	723,629	N		870,342	N
Total	4,243,105			4,389,818	

**7. HMS 503 Youth Residential Programs**

- **Mandate:** Title XX, Social Security Act, as added by the Social Services Block Grant Act, August 13, 1981, Public Law No. 97-35.
- Cross-reference:** HMS 502
- Description:** The block grant funds support social services aimed at helping low-income and other vulnerable persons achieve self-support, self-sufficiency, protection against abuse or neglect, prevention of institutionalization, and appropriate institutional care when needed.

<b>Operating funds:</b>		<b>Fiscal Year 1998-1999</b>			
		<b>For Federal Mandates</b>		<b>For Total Program ID</b>	
State	75.50	*	=	75.50	*
	4,569,250	A	=	4,569,250	A
Federal	1,490,800	N		1,802,704	N
Total	75.50	*	=	75.50	*
	6,060,050			6,371,954	

**8. DEF 112 Services to Veterans**

- **Mandate:** National Cemeteries and Memorials, 38 United States Code Section 2408.

Description: The United States Department of Veterans Affairs provides aid to the states for establishment, expansion, or improvement of veterans' cemeteries. The amount of federal contribution is limited to fifty per cent of the combined value of the land to be acquired or dedicated for cemetery purposes and the dollar value of improvements to be made. (38 Code of Federal Regulations Section 39.2(b))

Sanctions: If a state that has received a grant to establish, expand, or improve a veterans' cemetery ceases to operate it as a veterans' cemetery, or uses any part of the grant funds for a purpose other than that for which the grant was made, the United States shall be entitled to recover from the state the total of all grants made to the state in conjunction with the establishment, expansion, or improvement of the cemetery. (38 Code of Federal Regulations Section 39.7)

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	13.00	*	24.00	*
	434,047	A	1,181,683	A
Federal	0		0	

**10. HMS 201 Temporary Assistance to Needy Families**

- Mandate: Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193.

Description: Requires a state to obtain federal approval of a state plan before it can participate in the Temporary Assistance to Needy Families (TANF) program.

The State uses TANF funds to provide five-year time limited financial assistance to families with dependent children where all household members are U.S. citizens and at least one parent of the dependent children is absent from the home. The gross income must be less than 185% of the 1993 poverty level for Hawaii and assets may not exceed \$5,000. Parents or relatives that reside with the dependent child are required to seek employment, pursue child support and strive for maximum self-support and personal independence.

Sanctions: Total loss of TANF block grant funds for failure to have an approved state plan or to implement the state plan after approval. Partial loss of TANF funds based on federal management/fiscal audit findings for non-compliance with particular program requirements and objectives.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	18,885,189	A =	18,885,189	A
Federal	80,910,687	N =	80,910,687	N



Total            99,795,876            =            99,795,876

**11. HMS 202 Payments to Assist the Aged, Blind, & Disabled**

- **Mandate:**            Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and Social Security Act, Title XVI, Sections 1611-1635 (earliest sections added Oct. 30, 1972, Public Law 92-603); 42 United States Code Sections 1381-1383d.

**Description:**            States that make Supplemental Security Income (SSI) payments on or after June 30, 1977 must enter into an agreement with the Secretary of Health and Human Services to maintain such payments at required levels. Public Law 98-21, added April 20, 1983, requires the State to maintain SSI payments at the March 1983 adjusted level. For states that opt to continue utilizing the services of the Social Security Administration for administering state SSI benefits, Public Law 103-66, added Aug. 10, 1993, imposes processing fees at \$6.00 per person.

SSI benefits are for individuals who have attained age 65 years, are blind, or are disabled.

**Sanctions:**            Fiscal sanctions against the Title XIX Medicaid program, for failure to maintain the SSI state supplement at the March 1983 level. Sanction amounts are based upon Medicaid's total federal funding. There is also a potential loss of SSI dollars to residents of care homes if the State does not have the state supplement amounts processed by the Social Security Administration.

<b>Operating funds:</b>	Fiscal Year 1998-1999				
	For Federal Mandates			For Total Program ID	
State	23,086,873	A	=	23,086,873	A
Federal	0			0	
Total	23,086,873		=	23,086,873	

**13. HMS 206 Federal Assistance Payments**

- **Mandate:**            Low Income Home Energy Assistance Program (LIHEAP)  
  
Low Income Home Energy Assistance Act of 1981, Public Law 97-35, Title XXVI, as amended. 42 United States Code Section 8621 et seq.

**Description:**            The State is required to submit a LIHEAP State Plan to apply for annual LIHEAP block grant funds. The state plan describes how the State will assist low-income households with the cost of residential heating and cooling, and how the State will meet the assurances required by the LIHEAP statute. Low-income households are those with gross incomes less than limits linked to the federal poverty level for Hawaii and who demonstrate utility need by producing current original electric or gas bills or shut-off notices.

Sanctions: Loss of federal funding, if Hawaii chooses not to participate. Reimbursement of misspent funds, for noncompliance with established assurances attested to and signed by the chief executive officer or the director of human services.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	0		0	
Federal	1,054,760	N	1,491,331	N
Total	1,054,760		1,491,331	

**34. HMS 230 Health Care Payments**

- Mandate: Medicaid, Title XIX, Social Security Act, as added July 30, 1965, Public Law 89-97, as amended.

Cross-reference: HMS 245, HMS 902

Description: Title XIX creates the Medicaid program as a cooperative venture between the federal government and the states. The Medicaid program assists the states at providing better medical assistance to eligible needy persons. Hawaii has also been granted a section 1115 waiver which allows the State to provide health care coverage through the demonstration program called Hawaii QUEST.

HMS 230 covers payments for providers under the Medicaid program. HMS 245 covers payments to health plans under the Hawaii QUEST program. HMS 902 covers administrative costs.

Sanctions: Loss of federal funds of approximately \$325,433,242 per year for discontinuing Medicaid and the Hawaii QUEST programs.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	141,643,916	A =	141,643,916	A
	6,000,000	U =	6,000,000	U
Federal	147,013,918	N =	147,013,918	N
Total	294,657,834	=	294,657,834	

**35. HMS 603 Home and Community Based Care Services**

- Mandate: Title XIX, Section 1915 of the Social Security Act, Public Law 97-35, as amended.

Cross-reference: HMS 601, HMS 901

Description: Authorizes the Secretary of Health and Human Services to waive certain Medicaid statutory requirements to enable the State to cover a broad array of home and community based services as an alternative to

institutionalization. The program targets individuals who would be eligible for federal Medicaid under the State plan if they were in a medical institution and who would require the level of care in a hospital, NF, or ICF/MR.

Sanctions: Involuntary termination of the waiver, for a violation of any assurances made in the approved waiver request, or for a violation of federal regulations applicable to the home and community-based waiver.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	10,793,258	A	=	10,793,258	A	
	14,024,792	U	=	14,024,792	U	
Federal	21,411,163	N	=	21,411,163	N	
Total	46,229,213		=	46,229,213		

**36. HMS 245 QUEST Health Care Payments**

- Mandate: Medicaid, Title XIX, Social Security Act, as added July 30, 1965, Public Law 89-97, as amended.

Cross-reference: HMS 230, HMS 902

Description: Title XIX creates the Medicaid program as a cooperative venture between the federal government and the states. The Medicaid program assists the states at providing better medical assistance to eligible needy persons. Hawaii has also been granted a section 1115 waiver which allows the State to provide health care coverage through the demonstration program called Hawaii QUEST.

HMS 230 covers payments for providers under the Medicaid program. HMS 245 covers payments to health plans under the Hawaii QUEST program. HMS 902 covers administrative costs.

Sanctions: Loss of federal funds of approximately \$325,433,242 per year for discontinuing Medicaid and the Hawaii QUEST programs.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	164,253,943	A	=	164,253,943	A	
Federal	166,295,982	N	=	166,295,982	N	
Total	330,549,925		=	330,549,925		

**37. HMS 236 Eligibility Determination and Employment Related Services**

- Mandate: (1) Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193.  
(2) Food Stamp Act of 1977, PL 95-113, as amended; 7 United States Code Sections 2011-2031.

FEDERALLY MANDATED STATE PROGRAMS

- (3) Social Security Act, Title XIX, as added July 30, 1965, Public Law 89-97, as amended.

Cross-reference: HMS 903

Description: HMS 236 and HMS 903 implement the HMS administration budget for the income maintenance programs HMS 201, HMS 202, HMS 203, and HMS 206. In addition, the HMS 903 program is the administration budget for HMS 302 and HMS 702. The administration budget covers the operating expenses and salaries for the eligibility determination staff and the state administrative staff.

Sanctions: Proportionate loss of federal funding for non-participation in either Temporary Assistance to Needy Families or Payments to Assist the Aged, Blind and Disabled. Federal fiscal sanction for non-compliance with food stamp and medicaid requirements.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	333.24	*	=	333.24	*	
	10,723,598	A	=	10,723,598	A	
Federal	260.76	*	=	260.76	*	
	12,497,701	N	=	12,497,701	N	
Total	594.00	*	=	594.00	*	
	23,221,229		=	23,221,229		

**38. HMS 238 Disability Determination**

- Mandate: Social Security Act, Title XVI

Description: Requires the processing of applications for Social Security Disability Insurance and Supplemental Insurance benefits. Evaluations are obtained and eligibility determinations made against standards to determine if the impairments are significant enough to be qualifying.

Sanctions: Loss of funds, for failure to comply with program standards.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandate			For Total Program ID		
State	0			0		
Federal	45.00	*	=	45.00	*	
	3,858,037	N	=	3,858,037	N	
Total	45.00	*	=	45.00	*	
	3,858,037		=	3,858,037		

**39. ATG 500 Child Support Enforcement Services**

- Mandate: Title IV-D of the Social Security Act

Description: The Title IV-D child support enforcement program is a joint federal-state effort with the goal of ensuring that children are financially supported by both parents. Major services include locating non-custodial parents, establishing paternity, establishing child support obligations, enforcing support orders, and receiving and disbursing support collections.

Sanctions: Title IV-D participation is a requirement for continued federal participation with the State's financial assistance (Temporary Assistance for Needy Families) programs. Failure by the State to comply with the Title IV-D could lead to penalties against the State, affecting the federal welfare block grant. The loss of federal revenues would seriously jeopardize the ability of the State to provide financial assistance to welfare participants at current assistance levels. Failure by the State to fund its share of operating costs could lead to the State being held in noncompliance with its charter with the federal government.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandate			For Total Program ID		
State	50.66	*		50.66	*	
	1,732,263	A	=	1,732,263	A	
	7.14	*		7.14	*	
	2,424,620	T	=	2,424,620	T	
Federal	112.20	*		112.20	*	
	12,923,418	N	=	12,923,418	N	
Total	170.00	*	=	170.00	*	
	17,080,301		=	17,080,301		

**40. HMS 237 Food Stamp Employment & Training**

- Mandate: (1) Food Security Act of 1985, Public Law 99-198, as amended.  
(2) Food Stamp Act of 1977, as amended through the Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, August 22, 1996.

Description: Requires states to implement, no later than April 7, 1987, an employment and training program for food stamp recipients developed by the state and approved by the Secretary of Agriculture. Through the program, able-bodied recipients are encouraged to become involved in meaningful work-related activities such as would lead them to paid employment and lessen their dependency on assistance programs.

Effective November 22, 1996, able-bodied adults without dependents between the ages of 18 and 50 shall work 20 hours or more per week, averaged monthly; or participate in and comply with the requirements of an employment and training program for 20 hours or more per week.

Sanctions: Loss of funds, for failure to implement the employment and training program.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	2.00	*	=	2.00	*	
	490,640	A	=	490,640	A	
Federal	2,146,857	N	=	2,146,857	N	
Total	2.00		=	2.00	*	
	2,637,497		=	2,637,497		

**45. HMS 902 General Support for Health Care Payments**

- Mandate: Medicaid, Title XIX, Social Security Act, as added July 30, 1965, Public Law 89-97, as amended.

Cross-reference: HMS 230, HMS 245

Description: Title XIX creates the Medicaid program as a cooperative venture between the federal government and the states. The Medicaid program assists the states at providing better medical assistance to eligible needy persons. Hawaii has also been granted a section 1115 waiver which allows the State to provide health care coverage through the demonstration program called Hawaii QUEST.

HMS 230 covers payments for providers under the Medicaid program. HMS 245 covers payments to health plans under the Hawaii QUEST program. HMS 902 covers administrative costs.

Sanctions: Loss of federal funds of approximately \$325,433,242 per year for discontinuing Medicaid and the Hawaii QUEST programs.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	25.50	*		25.50	*	
	4,943,112	A	=	4,943,112	A	
Federal	29.50	*		29.50	*	
	12,123,342	N	=	12,123,342	N	
Total	55.00	*	=	55.00	*	
	17,066,454		=	17,066,454		

**46. HMS 903 General Support for Benefits, Employment and Support Services**

- Mandate:
  - (1) Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193.
  - (2) Food Stamp Act of 1977, PL 95-113, as amended; 7 United States Code Sections 2011-2031.
  - (3) Social Security Act, Title XIX, as added July 30, 1965, Public Law 89-97, as amended.

Cross-reference: HMS 236

Description: HMS 236 and HMS 903 implement the HMS administration budget for the income maintenance programs HMS 201, HMS 202, HMS 203, and HMS 206. In addition, the HMS 903 program is the administration budget for HMS 302 and HMS 702. The administration budget covers the operating expenses and salaries for the eligibility determination staff and the state administrative staff.

Sanctions: Proportionate loss of federal funding for non-participation in either Temporary Assistance to Needy Families or Payments to Assist the Aged, Blind and Disabled. Federal fiscal sanction for non-compliance with food stamp and medicaid requirements.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	54.30	*	=	54.30	*	
	8,520,212	A	=	8,520,212	A	
Federal	46.70	*	=	46.70	*	
	11,174,997	N	=	11,174,997	N	
Total	101.00	*	=	101.00	*	
	19,695,209		=	19,695,209		

**47. HMS 904 General Administration (DSSH)**

- Mandate 1: Single Audit Act of 1984, Public Law 98-502, as amended by the Single Audit Amendments of 1996, Public Law 104-156; 31 United States Code 7501-07; OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

Description: Non-federal entities that expend \$300,000 or more in federal awards shall have a single audit conducted in accordance with OMB Circular A-133. These audits cover the entire operations of the department. The auditors provide opinions on the financial statements and schedule of expenditures of federal awards, and also provide reports on internal controls and compliance with laws, regulations, and the provisions of contracts or grant agreements.

Sanctions: If an audit is not conducted in accordance with OMB Circular A-133, federal agencies may (a) withhold a percentage of federal awards until the audit is completed satisfactorily; (b) withhold or disallow overhead costs; (c) suspend federal awards until the audit is conducted; or (d) terminate the federal award.

Operating Funds	Fiscal Year 1998-1999	
State	157,148	A
Federal	133,852	N

- Mandate 2: (1) Medicaid (Social Security Act, Title XIX, Public Law 89-97).  
(2) Temporary Assistance to Needy Families (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193).

(3) Food Stamps (Food Stamp Act of 1977), Public Law 95-113.

Description: Requires states to administer and oversee their Medicaid and financial assistance programs. HMS 904 furnishes general policy, accounting, quality assurance, computer programming, dispute resolution through fair hearings, and other administrative assistance to all programs under HMS.

Sanctions: Noncompliance, in general, invites sanctions and eventual termination of federal funding. The extent to which noncompliance within HMS 904 justifies an overall noncompliance status under any of the federal mandates varies with the mandate. For the Food Stamps program, fiscal sanctions are placed if the accuracy rates for payments fall below the Federal tolerance level. For the Medicaid program, fiscal sanctions are placed if error rates for program eligibility enrollment are in excess of the 3% tolerance level.

Operating funds:	Fiscal Year 1998-1999		
State	24.15	*	
	1,345,977	A	
Federal	15.85	*	
	921,817	N	

Total HMS 904					
Operating funds:	Fiscal Year 1998-1999				
	For Federal Mandates			For Total Program ID	
State	24.15	*		171.15	*
	1,503,125	A		6,799,617	A
Federal	15.85	*	=	15.85	*
	1,055,669	N	=	1,055,669	N
Total	40.00	*		187.00	*
	2,558,794			7,855,286	

**48. HMS 901 General Support for Social Services**

- Mandate 1: Title IV-E Foster Care Maintenance Payments and Adoption Assistance:
  - (1) Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, Title IV-E; 42 United States Code Section 670 et seq.
  - (2) Social Security Act, Section 1102, as amended; 42 United States Code Section 1302.

Cross-reference: HMS 301, HMS 303

Description: Title IV-E makes federal funds available to the states for child foster care. The funds are intended to be used to benefit children who are AFDC eligible, judicially determined to be in need of foster care, in receipt of services rendered to prevent placement, in the custody of the department of human services, placed in licensed foster homes, and given case plans and periodic reviews.



Sanctions: Possible loss of grant funds under Title IV-A, Temporary Assistance to Needy Families (TANF)--formerly Aid to Families with Dependent Children (AFDC). Federal approval of the Title IV-A state plan is contingent upon the State's participation in the Title IV-E grant program, or its compliance with program requirements. Consequently, a loss of funds would reduce staff and services for families otherwise eligible for TANF benefits.

Operating funds:	Fiscal Year 1998-1999	
State	13.97	*
	1,239,890	A
Federal	10.03	*
	890,749	N

- Mandate 2: Title IV-B, Subpart 2, of the Social Security Act, Promoting Safe and Stable Families Program, 42 United States Code Sections 630-635.

Cross-reference: HMS 301

Description: Title IV-B, subpart 2, is a federal capped entitlement to fund planning and design of a continuum of services responsive to the diverse needs of children and families, and establishment of community-based family support services (preventive services) and family preservation services (services for families at risk or in crisis, including extended, foster, and adoptive families). In addition, states are now required to use significant portions of the funds for time-limited reunification services and adoption promotion and support services.

Grant conditions include a 25% state match requirement, maintenance of effort provisions, submission of a comprehensive, integrated funding, outcomes-based children and family services 5-year plan, community involvement requirement, and assurance requirement that safety of children shall be the paramount concern.

Sanctions: Termination of funding.

Operating funds:	Fiscal Year 1998-1999	
State	22,494	A
Federal	121,226	N

- Mandate 3: Title XIX, Section 1915 of the Social Security Act, Public Law 97-35, as amended.

Cross-reference: HMS 601, HMS 603

Description: Authorizes the Secretary of Health and Human Services to waive certain Medicaid statutory requirements to enable the State to cover a broad array of home and community based services as an alternative to institutionalization. The program targets individuals who would be

FEDERALLY MANDATED STATE PROGRAMS

eligible for federal Medicaid under the State plan if they were in a medical institution and who would require the level of care in a hospital, NF, or ICF/MR.

Sanctions: Involuntary termination of the waiver, for a violation of any assurances made in the approved waiver request, or for a violation of federal regulations applicable to the home and community-based waiver.

Operating funds:	Fiscal Year 1998-1999	
State	312,353	A
Federal	312,353	N

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Total HMS 901					
Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	13.97	*	=	13.97	*
	1,574,737	A	=	1,574,737	A
Federal	10.03	*		10.03	*
	1,324,328	N	=	1,324,328	N
Total	24.00	*	=	24.00	*
	2,899,065			2,899,065	

**PROGRAM AREA G: FORMAL EDUCATION**

**Departments with Mandates:** Department of Education (“EDN”), Department of Accounting and General Services (“AGS”), University of Hawaii (“UOH”)

**Programs with Mandates:**

**Lower Education:**

- 1. EDN 100 School-Based Budgeting
- 2. EDN 200 Instructional Support
- 7. AGS 808 Student Transportation

**Higher Education:**

- 9. UOH 100 University of Hawaii, Manoa
- 20. UOH 900 UOH, System Wide Support

**Lower Education Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. EDN 100	85,794,827	0	15,057,685	0	0	0	100,852,512
2. EDN 200	16,165,411	0	0	0	0	0	16,165,411
7. AGS 808	8,624,400	0	0	0	0	0	8,624,400
Total	110,584,638	0	15,057,685	0	0	0	125,642,323

**Lower Education Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
1. EDN 100	2,623.00	0.00	0.00	0.00	0.00	0.00	2,623.00
2. EDN 200	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7. AGS 808	10.00	0.00	0.00	0.00	0.00	0.00	10.00
Total	2,633.00	0.00	0.00	0.00	0.00	0.00	2,633.00

**Higher Education Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
9. UOH 100	4,111,867	350,000	4,686,799	0	0	11,575	9,160,241
20. UOH900	939,861	0	457,667	0	0	0	1,397,528
Total	5,051,728	350,000	5,144,466	0	0	11,575	10,557,769

**Higher Education Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
9. UOH 100	26.28	6.00	78.06	0.00	0.00	0.10	110.44
20. UOH 900	15.75	0.00	4.00	0.00	0.00	0.00	19.75
Total	42.03	6.00	82.06	0.00	0.00	0.10	130.19

**LOWER EDUCATION**

**Objective:** To assure that all children in prescribed school age groups learn fundamental facts, concepts, and reasoning processes; develop appropriate physical, social, aesthetic, and basic occupational skills; and acquire attitudes and values necessary for successful functioning in society by providing guidance, instruction, training, exposure to learning experiences, and opportunities to mature; and, in addition, to enhance the welfare of the community by offering instruction and other services of benefit to the general public.

**The Programs**

**1. EDN 100 School Based Budgeting**

- **Mandate 1:** Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.  
  
**Description:** Requires the provision of equal educational opportunities and free appropriate public education to all disabled children including related services to enable them to benefit from their education.  
  
**Sanctions:** Loss of federal funds. Litigation.  
  
**Operating funds:** Fiscal Year 1998-1999  

State	2,497.00	*
	78,391,576	A
Federal	14,649,685	N
  
- **Mandate 2:** Civil Rights Act of 1964  
  
**Description:** Requires the provision of equal education opportunities to target students through intensive English-as-a-Second Language (ESL) skills instruction, ESL, or native language instruction in core content areas, and cultural orientation activities.  
  
**Sanctions:** Loss of federal funds. Litigation.

FEDERALLY MANDATED STATE PROGRAMS

Operating funds:	Fiscal Year 1998-1999		
State	126.00	*	
	7,403,251	A	
Federal	408,000	N	

Total EDN 100					
Operating funds:	Fiscal Year 1998-1999				
	For Federal Mandates		For Total Program ID		
State	2,623.00	*	14,131.50	*	
	85,794,827	A	569,153,887	A	
	0		10,348,781	Other MOF	
Federal	15,057,685	N	81,775,027	N	
Total	100,852,512		661,277,695		

**2. EDN 200 Instructional Support**

- Mandate: Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

Description: Requires support of instructional programs through testing, assessment, and evaluation and by providing psychological social work, speech/language and/or diagnostic prescriptive services.

Sanctions: Litigation.

Operating funds:	Fiscal Year 1998-1999				
	For Federal Mandates		For Total Program ID		
State	0	*	528.00	*	
	16,165,411	A	32,470,589	A	
	0		1,590,000	Other MOF	
Federal	0		5,726,196	N	
Total	16,165,411	A	39,786,785		

**7. AGS 808 Student Transportation**

- Mandate:
  - (1) Rehabilitation Act of 1973, Public Law 93-112, §504, as amended.
  - (2) Education for All Handicapped Children Act of 1975, Public Law 94-142; reauthorized as the Individuals with Disabilities Education Act, Oct. 30, 1990, Public Law 101-476, as amended.
  - (3) Americans with Disabilities Act of 1990, Public Law 101-336.
  - (4) Individuals with Disabilities Act of 1990, Public Law 101-476, Part B.
  - (5) *Felix v. Waihee* Consent Decree, 1995.

Description: Requires the provision of not only educational services but also related services such as transportation for disabled citizens.

Sanctions: Exposure to civil suits brought by affected individuals.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
	10.00	*	10.00	*
State	8,624,400	A	20,248,345	A
Federal	0		0	
Total	8,624,400		20,248,345	

**HIGHER EDUCATION**

Objective: To develop eligible individuals to the highest levels of intellectual, personal, and social, and vocational competency commensurate with their abilities and desires; to add to the sum of human knowledge by conducting basic and applied research; and to enhance the welfare of the community by offering instruction and other services of benefit to the general public.

**The Programs**

**9. UOH 100 University of Hawaii, Manoa**

**Organized Research - UOH Manoa**

- Mandate 1:
  - (1) Laboratory Animal Act of 1965, Aug. 24, 1966, Public Law 89-544, as amended in 1985.
  - (2) Health Research Extension Act of 1985, Public Law 99-158.
  
- Description:
  - (1) Requires each animal research facility to appoint an institutional animal committee to review and approve both proposed activities involving the care and use of animals in research, testing, and teaching procedures, and all subsequent, significant changes in ongoing activities. Requires each facility to provide humaneness training to staff and personnel involved with animal care and treatment. Requires each facility to establish a program on adequate veterinary care in enumerated categories pertaining to facilities, personnel and equipment, diagnostic and treatment methodology, procedures for anesthetics, analgesia and euthanasia, and pre- and post-procedural care.
  - (2) Each animal research institution that uses animals in projects sponsored by the Public Health Service (PHS) must give acceptable written letters of assurance that it complies with the PHS Policy on Human Care and Use of Laboratory Animals. A letter of assurance must describe the institution's program for the care and use of animals, the institution's status, and the institution's animal care and use committee.

FEDERALLY MANDATED STATE PROGRAMS

- Sanctions: Fines against the institution; suspension or forfeiture of ongoing animal research and teaching at the institution; and possible imprisonment of institution officials.
- Operating funds: Fiscal Year 1998-1999
- |         |         |   |
|---------|---------|---|
| State   | 4.00    | * |
|         | 287,899 | A |
|         | 6.00    | * |
|         | 350,000 | B |
| Federal | 0       |   |
- Mandate 2: Water Resources Research Act of 1984, Public Law 98-242, Section 104, as amended by Public Law 101-397, September 28, 1990.

Description: Supports the research efforts of land grant colleges at developing newer technologies and more efficient methods to resolve local, state, and national water resources problems. Supports on-the-job research training of water scientists and engineers. Supports the facilitation of water research coordination and the dissemination and application of research results.

Sanctions: Loss of program accreditation, loss of federal funding.

Operating funds: Fiscal Year 1998-1999

State	1.85	*
	181,684	A
Federal	0	
  - Mandate 3: Memorandum of Understanding, dated September 1977.

Description: Promotes, through the establishment of the Joint Institute for Marine and Atmospheric Research, a close multidisciplinary collaboration among scientists and technologists, of the University and the federal National Oceanic and Atmospheric Administration, in research on oceanic, atmospheric, and geophysical matters.

Sanctions: Not applicable.

Operating funds: Fiscal Year 1998-1999

State	1.00	*
	91,080	A
Federal	0	
  - Mandate 4: Unidentified appropriations act, circa 1990.

Description: Requires the State to establish and maintain a management staff and basic operations for the Honolulu Pan-Pacific Education and Communication



Experiments by Satellite (PEACESAT) terminal at the University of Hawaii at Manoa.

Sanctions: None specified.

Operating funds:	Fiscal Year 1998-1999	
State	1.00	*
	102,568	A
Federal	0	

- Mandate 5: National Space Grant College and Fellowship Act, Oct. 30, 1987, Public Law 100-147.

Description: Supports educational outreach programs of space grant colleges for their surrounding communities. Through the Hawaii program, a wide range of activities are offered at UH Manoa, UH Hilo, Leeward Community College, Windward Community College, Maui Community College, and at the public schools. New programs are also being established at Honolulu Community College and being considered for Kauai Community College.

Sanctions: Loss of future federal funding.

Operating funds:	Fiscal Year 1998-1999	
State	170,000	A
Federal	412,500	N

- Mandate 6:
  - (1) McIntire-Stennis Act of 1962, Public Law 87-788, as amended.
  - (2) Food and Agriculture Act of 1977, Sept. 29, 1975, Public Law 95-113, Subtitle E, Animal Health and Disease Research, Section 1433.
  - (3) Hatch Act of 1887, ch. 314, amended by Act of August 11, 1955, ch. 790, 69 Statutes at Large 671.
  - (4) Hatch Act, Public Law 84-352.

Description:
 

- (1) Encourages land-grant colleges, agricultural experiment stations, and schools of forestry to engage in forestry research, in order to stimulate the development and utilization of forest and rangeland resources. Not a grant-in-aid.
- (2) Supports research on animal health and diseases. Not a grant-in-aid.
- (3) Promotes efficiency in the production, market distribution, and utilization of farm products.
- (4) Stimulates and facilitates interstate cooperation in regional and national research, by supporting cooperative regional research projects of state agricultural experiment stations; provided that funds are used only for projects that are recommended by a

regional committee that is approved by the Secretary of Agriculture. Not a grant-in-aid.

Sanctions: Reductions in total federal appropriations. Reapportionment of federal funds to other states.

Operating funds:	Fiscal Year 1998-1999	
State	1,135,102	A
Federal	34.42	*
	1,578,546	N

**Public Service - UOH, Manoa**

- Mandate: Smith-Lever Act, May 8, 1914, ch. 79, 38 Statutes at Large 372, Sections 3(B), 3(C), and 3(D), as amended.

Description: Requires land grant colleges to: (1) assist low-income families at becoming more efficient and effective users of available food and nutrition resources; (2) make available to farmers, homeowners, the pesticide industry, and federal agencies, objective and accurate data for defining and evaluating the benefits and risks of selected pesticides used in agriculture and forestry; (3) disseminate among farmers, homeowners, and agribusinesses useful and practical information on agriculture and home economics, and to encourage them to make use of such information; (4) coordinate an effective educational program, gathering information on safety standards and procedures promulgated by federal, state, and local agencies, and disseminating the information among farmers and agricultural experiment stations; (5) develop interdisciplinary programs for farmers and homeowners on controlling infestation of crop and animal commodities by insects, diseases, weeds, and parasites; and (6) offer comprehensive extension programs on forests and rangelands to farmers and agribusinesses.

Sanctions: Loss of federal funds.

Operating funds:	Fiscal Year 1998-1999	
State	961,049	A
Federal	43.64	*
	1,911,414	N

**Academic Support - UOH, Manoa**

- Mandate: OMB Circulars A-21, A-88, and A-133.

Description: Provision of appropriate monitoring of federal contracts and grants to ensure compliance with federal guidelines.

Sanctions: Reinstatement against the University of the threat of a complete suspension of all federal funds.

Operating funds:	Fiscal Year 1998-1999	
State	2.00	*
	64,200	A
Federal	0	

**Student Services - UOH, Manoa**

- Mandate 1: National School Lunch Act, June 4, 1946, ch. 281, 60 Statutes at Large 230, as amended; 42 United States Code Sections 1758, 1759a, 1762a, 1765, and 1766.

Description: Requires each state educational agency to provide annual staff training on food safety and on Department of Agriculture guidelines.

Sanctions: No reimbursement for meals served to children of families who qualify for free and reduced priced meals based on family income.

Operating funds:	Fiscal Year 1998-1999	
State	0.10	*
	4,020	A
	625	W
Federal	18,000	N

- Mandate 2: Veterans' Benefits, Aug. 27, 1958, Public Law 85-782, as amended.

Description: Requires UH Manoa to certify programs and coursework of veteran students eligible to receive federal education benefits. Requires monitoring enrollment status; keeping cumulative enrollment, performance, and completion files; and promptly reporting student status changes for the purpose of payment or nonpayment of benefits by the Department of Veteran Affairs.

Sanctions: Decertification of the veteran student program. Decertification of individual veteran students/non-payment of benefits.

Operating funds:	Fiscal Year 1998-1999	
State	0.33	*
	20,832	A
Federal	2,307	N

- Mandate 3: Occupational Safety and Health Act of 1970, Public Law 91-596, as amended.

Description: Requires that occupational exposure to bloodborne pathogens and other potentially infectious materials be minimized by the adhering to OSHA standards pertaining to the handling of specimens, materials, equipment,

FEDERALLY MANDATED STATE PROGRAMS

and supplies, the training and education of staff, the development of an emergency response plan, and the reporting of accidental exposures. Requires that all biohazardous waste be appropriately disposed.

Sanctions: Fines and possible closure of the University Health Services Clinic.

Operating funds:	Fiscal Year 1998-1999
State	0.10   *
	7,500   W
Federal	0

- Mandate 4: Americans with Disabilities Act of 1990, Public Law 101-336.

Description: Requires states to provide facilities and services that ensure access to individuals with disabilities. Requires states to upgrade their facilities to make them wheelchair-accessible and equipped with telephones that serve the hearing-impaired.

Sanctions: Possible fines for non-compliance.

Operating funds:	Fiscal Year 1998-1999
State	150    W
Federal	0

- Mandate 5: Clinical Laboratory Improvement Amendments (CLIA) 1988, Public Law 100-578.

Description: Requires all laboratories that conduct testing on human specimens for assessment, diagnoses, prevention or treatment of disease, to conform to specific standards and regulations. Facilities are subjected to periodic inspections to ensure compliance. Proficiency testing programs must be maintained. Appropriate licensing and certificates must be maintained.

Sanctions: Fines and possible closure of the University Health Services Clinic.

Operating funds:	Fiscal Year 1998-1999
State	2,800   W
Federal	0

- Mandate 6: Controlled Substance Act of 1970, chapter 329; Diversion Control Amendments, 1984.

Description: Requires appropriate licensing in dispensing medications, in particular, narcotics. Facility and records are subject to periodic inspection to ensure compliance. All pharmacists must maintain current licenses. All physicians must maintain current Drug Enforcement Administration licenses.

Sanctions: Fines and revoking of licenses.

Operating funds: Fiscal Year 1998-1999  
 State 500 W  
 Federal 0

- Mandate 7: Immigration and Nationality Act (INA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA).

Description: Accredited institutions enrolling non-immigrant students must comply with admissions criteria, enrollment data keeping, and regulations related to transfers, employment and travel. A new law enacted on September 30, 1996 further directs the Attorney General to collect information relating to non-immigrant foreign students and other exchange program participants (Section 641 of IIRAIRA which is free standing and makes no changes to the INS).

Sanctions: The University of Hawaii would lose its ability to legally enroll or employ non-immigrant students as F-1 or J-1 exchange visitors. Students who enroll would then be considered illegal aliens rather than legal non-immigrant students. The University would not be able to fulfill its mission to Asia and the Pacific.

Operating funds: Fiscal Year 1998-1999  
 State 4.00 \*  
 177,715 A  
 Federal 0

- Mandate 8: Higher Education Amendments of 1992, Public Law 102-325, Title IV.

Description: Grants, loans, and work-study with institutional matching requirements.

Sanctions: None.

Operating funds: Fiscal Year 1998-1999  
 State 5.00 \*  
 579,143 A  
 Federal 764,032 N

**Institutional Support - UOH Manoa**

- Mandate 1: Code of Federal Regulations Title 40, Protection of the Environment.

Description: Regulates activities involving hazardous wastes, underground storage tanks, asbestos, and toxic substances.

Sanctions: Varies.

FEDERALLY MANDATED STATE PROGRAMS

- |                  |                       |
|------------------|-----------------------|
| Operating funds: | Fiscal Year 1998-1999 |
| State            | 3.00 *                |
|                  | 156,078 A             |
| Federal          | 0                     |
- Mandate 2: 10 Code of Federal Regulations chap. 1, Nuclear Regulatory Commission.
- Description: Regulates the use, storage, and disposal of radioactive materials.
- Sanctions: Varies.
- |                  |                       |
|------------------|-----------------------|
| Operating funds: | Fiscal Year 1998-1999 |
| State            | 3.00 *                |
|                  | 132,760 A             |
| Federal          | 0                     |
- Mandate 3: 59 Federal Register 34496; 7 Code of Federal Regulations 350.
- Description: Regulates the use of recombinant-DNA technology and field testing of genetically modified organisms.
- Sanctions: Varies.
- |                  |                       |
|------------------|-----------------------|
| Operating funds: | Fiscal Year 1998-1999 |
| State            | 1.00 *                |
|                  | 46,894 A              |
| Federal          | 0                     |
- Mandate 4: Student Right-to-Know and Campus Security Act, Nov. 8, 1990, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26.
- Cross-reference: UOH 900
- Description: Requires postsecondary institutions participating in the Title IV programs of the Higher Education Act to disclose: (1) statistics on the persistence and graduation (or completion) rates of students and student athletes; and (2) information on campus security.
- Sanctions: Loss of Title IV funds.
- |                  |                       |
|------------------|-----------------------|
| Operating funds: | Fiscal Year 1998-1999 |
| State            | 843 A                 |
| Federal          | 0                     |

Total UOH 100					
Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	26.28	*		3,478.09	*
	4,111,867	A		157,820,352	A
	6.00	*		77.25	*
	350,000	B		59,079,441	B
	0.10	*		210.25	*
	11,575	W		58,997,978	W
Federal	78.06	*	=	78.06	*
	4,686,799	N		5,411,667	N
Total	110.44	*		3,843.65	*
	9,160,241			281,309,438	

**20. UOH 900 UOH, System Wide Support**

**Institutional Support - UOH, Systemwide Support**

- **Mandate 1:** Federal Student Loan Program.  
**Description:** Requires the institution to enter into a participation agreement with the Secretary of Education in order to participate in the loan program.  
**Sanctions:** None.  
**Operating funds:** Fiscal Year 1998-1999  

State	3.00	*
	280,000	A
Federal	0	
  
- **Mandate 2:** Drug-Free Workplace Act of 1988, Public Law 100-690, Title V. Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226.  
**Description:** Requires institutions of higher education to establish drug awareness programs for officers, employees, and students. At the University, the mandate is carried out by various offices, rather than centrally. Annual drug awareness notices are sent to employees and students.  
**Sanctions:** Loss of federal funding.  
**Operating funds:** Fiscal Year 1998-1999  

State	4,405	A
Federal	0	
  
- **Mandate 3:** Student Right-to-Know and Campus Security Act, Nov. 8, 1990, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26.

Cross-reference: UOH 100

Description: Requires every postsecondary institution participating in the Title IV programs of the Higher Education Act to: (1) disclose statistics on the persistence and graduation (or completion) rates of students and student athletes; and (2) disclose information on campus security.

Sanctions: Loss of Title IV funds.

Operating funds:	Fiscal Year 1998-1999	
State	0.75	*
	37,000	A
Federal	0	

- Mandate 4: Equal employment opportunity and affirmative action mandates.

Description: Several mandates prohibiting employers from engaging in employment discrimination, requiring government contractors to engage in affirmative action efforts, and requiring recipients of federal financial assistance to insure nondiscrimination in programs, activities, and services.

Sanctions: Debarment of all federal funds to the University.

Operating funds:	Fiscal Year 1998-1999	
State	5.00	*
	261,837	A
Federal	0	

**Vocational Education, Statewide Coordination**

- Mandate: Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, Public Law 101-392.

Description: The Perkins Vocational Act is similar to a federal grant-in-aid in that the Act places conditions on state spending and administration. The Act provides categorical grant awards to the State. The Act includes maintenance of effort provisions, matching requirements, and “non-supplant” clauses.

Sanctions: Disallowable costs, complete loss of federal assistance, fines and penalties.

Operating funds:	Fiscal Year 1998-1999	
State	7.00	*
	356,619	A
Federal	4.00	*
	457,667	N



FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Total UOH 900					
Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State	15.75	*		316.00	*
	939,861	A		24,908,976	A
				104.00	*
				45,881,939	Other MOF
Federal	4.00	*	=	4.00	*
	457,667	N	=	457,667	N
Total	19.75	*		424.00	*
	1,397,528			71,248,582	

**PROGRAM AREA H: CULTURE AND RECREATION**

**Objective:** To enrich the lives of people of all ages by providing and preserving opportunities and facilities for cultural and recreational activities.

**Departments with Mandates:** Department of Accounting and General Services

**Programs with Mandates:**

**3. AGS 881 Performing & Visual Arts Events**

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
3. AGS 881	2,120,521	4,062,197	782,405	0	0	0	6,965,123
Total	2,120,521	4,062,197	782,405	0	0	0	6,965,123

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
3. AGS 881	10.00	6.00	0.00	0.00	0.00	0.00	16.00
Total	10.00	6.00	0.00	0.00	0.00	0.00	16.00

**The Programs**

**3. AGS 881 Performing & Visual Arts Events**

- **Mandate:** National Endowment for the Arts, partnership agreements. Section 5(g)(2) of the Art Endowment authorizing legislation.
  
- Description:** In order to enter into a partnership agreement with the National Endowment for the Arts, the State must meet various guidelines, including maintaining sound fiscal and administrative procedures, having a board, completing a comprehensive planning process, and submitting final reports for completed awards. Funds awarded under these guidelines must be used to supplement and not supplant non-federal funds.
  
- Sanctions:** Ineligibility for future funding.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
State	10.00	*	=	10.00	*	
	2,120,521	A	=	2,120,521	A	
	6.00	*	=	6.00	*	
	4,062,197	B	=	4,062,197	B	
				15,000	Other MOF	
Federal	782,405	N	=	782,405	N	
Total	16.00	*	=	16.00	*	
	6,965,123			6,980,123		

**PROGRAM AREA I: PUBLIC SAFETY**

**Objective:** To protect the individual and property from injury and loss caused by criminal actions, accidents, physical hazards and natural and man-made disasters.

**Departments with Mandates:** Department of Public Safety (“PSD”), Department of Land and Natural Resources (“LNR”), Department of Defense (“DEF”)

**Programs with Mandates:**

- 6. PSD 407 Oahu Community Correctional Center
- 8. PSD 409 Women’s Community Correctional Center
- 10. PSD 420 Correction Program Services
- 11. PSD 421 Health Care
- 18. PSD 900 General Administration
- 20. LNR 810 Prevention of Natural Disasters
- 21. DEF 110 Amelioration of Physical Disasters

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
6. PSD 407	19,164,367	0	0	0	0	0	19,164,367
8. PSD 409	5,175,875	0	0	0	0	0	5,175,875
10. PSD 420	6,059,655	0	0	0	0	0	6,059,655
11. PSD 421	5,242,846	0	0	0	0	0	5,242,846
18. PSD 900	2,135,328	0	0	0	0	0	2,135,328
20. LNR 810	13,350	0	40,000	0	0	0	53,350
21. DEF 110	5,918,343	0	6,227,796	0	0	0	12,146,139
Total	43,709,764	0	6,267,796	0	0	0	49,977,560

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs  
During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
6. PSD 407	446.00	0.00	0.00	0.00	0.00	0.00	446.00
8. PSD 409	132.00	0.00	0.00	0.00	0.00	0.00	132.00
10. PSD 420	48.50	0.00	0.00	0.00	0.00	0.00	48.50
11. PSD 421	62.10	0.00	0.00	0.00	0.00	0.00	62.10
18. PSD 900	30.00	0.00	0.00	0.00	0.00	0.00	30.00
20. LNR 810	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21. DEF 110	117.55	0.00	32.45	0.00	0.00	0.00	150.00

Program ID	A	B	N	T	U	W	Program Total
Total	836.15	0.00	32.45	0.00	0.00	0.00	868.60

**The Programs**

- 6. PSD 407 Oahu Community Correctional Center
- 8. PSD 409 Women's Community Correctional Center
- 10. PSD 420 Correction Program Services
- 11. PSD 421 Health Care
- 18. PSD 900 General Administration

- Mandate: *Spear v. Cayetano* Consent Decree

Description: The consent decree addresses problems concerning appropriate conditions, policies, procedures, and practices necessary to operate the correctional facilities in a manner which satisfies federal constitutional standards, in particular, the Eighth Amendment of the federal constitution. The decree establishes panels of experts in the areas of medical and mental health services, corrections programs, and food services and environmental health and safety. These panels are charged with developing plans for improvements in their respective areas, and overseeing their implementation to ensure compliance. These plans affect virtually the entire range of correctional management and programming.

Sanctions: Fines (*i.e.*, \$1,000 per day per inmate over the established capacity). Diminished state control over the operational management of the corrections systems if the consent decree oversight is extended to the other correctional facilities.

Operating funds:	Fiscal Year 1998-1999					
	For Federal Mandates			For Total Program ID		
PSD 407						
State	446.00	*	=	446.00	*	
	19,164,367	A	=	19,164,367	A	
	0			615,069	Other MOF	
Federal	0			0		
Total	446.00		=	446.00	*	
	19,164,367			19,779,436		
PSD 409						
State	132.00	*	=	132.00	*	
	5,175,875	A	=	5,175,875	A	
Federal	0			0		
Total	132.00	*	=	132.00	*	
	5,175,875		=	5,175,875		

FEDERALLY MANDATED STATE PROGRAMS

PSD 420					
State	48.50	*	192.50	*	
	6,059,655	A	15,673,947	A	
Federal	0		0		
Total	48.50	*	192.50	*	
	6,059,655		15,673,947		
PSD 421					
State	62.10	*	145.18	*	
	5,242,846	A	8,913,494	A	
Federal	0		0		
Total	62.10	*	145.18	*	
	5,242,846		8,913,494		
PSD 900					
State	30.00	*	141.10	*	
	2,135,328	A	28,659,177	A	
	0.00	*	9.00	*	
	0		10,256,943	Other MOF	
Federal	0.00	*	3.00	*	
	0	N	126,401	N	
Total	30.00	*	153.10	*	
	2,135,328		39,042,521		
Spear Total					
State	718.60	*			
	37,778,071	A			
Federal	0				

**20. LNR 810 Prevention of Natural Disasters**

- **Mandate:** National Flood Insurance Act of 1968, Public Law 90-448.
- Description:** Enables property owners to purchase insurance protection against losses from flooding. Participation in the National Flood Insurance Program (“NFIP”) is based on an agreement between local communities and the federal government which states that if a community will implement and enforce measures to reduce future flood risks to new construction in special flood hazard areas, the federal government will make flood insurance available within the community as financial protection against flood losses which do occur. The State’s role is to administer the NFIP by working with the counties to ensure their compliance with NFIP rules and regulations. State activities may include community assistance contacts with the counties, participation in conferences or meetings, and providing information or technical assistance to the public.

Sanctions: Community participation in the NFIP is voluntary. However, if a Presidentially declared disaster due to flooding occurs in a non-participating community, no federal assistance can be provided to that community.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandate		For Total Program ID	
	0.00	*	4.00	*
State	13,350	A	192,345	A
Federal	40,000	N	40,000	N
Total	53,350		232,345	

**21. DEF 110 Amelioration of Physical Disasters**

- Mandate 1: Hawaii National Guard

National Defense Act of 1920, also known as the Dick Act, ch. 227, 41 Statutes at Large 765, 787.

Description: While the State Constitution and state statutes provide for a state militia, the National Guard in this State ("State militia", when not on federal active duty) and the several states have long been under federal statutory control. The National Defense Act of 1920 is regarded as the enabling legislation that brought the militias of the several states more fully into the federal military reserve system without undermining state statutes. This Act expanded federal resource commitments to state militias, to prepare them for federal active duty, should the need arise.

Sanctions: Loss of federal support for the Hawaii National Guard. Trained military personnel and equipment would be unavailable to ameliorate state disasters and other civil emergencies. Replacement costs for the Hawaii National Guard, or other alternatives, would likely be cost prohibitive or less effective. The State is dependent upon federal resource support for carrying out the federal mandate. Noncompliance could significantly and adversely affect the State's ability to meet public safety needs.

Operating funds:	Fiscal Year 1998-1999			
State	99.05	*		
	5,111,281	A		
Federal	25.95	*		
	4,967,346	N		

- Mandate 2: State Civil Defense

Federal Civil Defense Act of 1950, ch. 1228, 64 Statutes at Large 1245.

Description: States receive federal support to manage, plan, train, and exercise civil defense systems that are designed and operated in accordance with federal standards. The original purpose of the Act was to support nuclear attack

FEDERALLY MANDATED STATE PROGRAMS

defense planning and preparedness. However, over the years the Act has evolved to include preparation of responses to other disasters or civil emergencies brought on by natural or man-made causes.

Sanctions: Loss of state funds would result in a significant reduction of federal resources, since many of the expenses incurred maintain a cost-sharing relationship between the State and the federal government. This would further result in the deterioration of civil defense infrastructures and an inadequate level of system readiness in responding to disasters. Civil defense infrastructure maintenance, hazard mitigation evaluations, hazardous materials training, and evacuation shelter operation would also be critically impaired.

Operating funds:	Fiscal Year 1998-1999		
State	18.50	*	
	807,062	A	
Federal	6.50	*	
	1,260,450	N	

Total DEF 110					
Operating funds:	Fiscal Year 1998-1999				
	For Federal Mandates		=	For Total Program ID	
State	117.55	*	=	117.55	*
	5,918,343	A		6,518,343	A
Federal	32.45	*	=	32.45	*
	6,227,796	N	=	6,242,969	N
Total	150.00	*	=	150.00	*
	12,146,139			12,761,312	



**PROGRAM AREA J: INDIVIDUAL RIGHTS**

**Objective:** To ensure that the individual is provided with services and products meeting acceptable standards of quality, dependability and safety; given equitable and responsive treatment by public agencies; and afforded equal protection of legal and civil rights and interests.

**Departments with Mandates:** Department of Commerce and Consumer Affairs (“CCA”),  
Department of Agriculture (“AGR”)

**Programs with Mandates:**

- 4. CCA 105 Professional, Vocational & Personal Services
- 8. AGR 812 Measurement Standards

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
4. CCA 105	0	72,000	0	0	0	0	72,000
8. AGR 812	115,889	0	0	0	0	0	115,889
Total	115,889	72,000	0	0	0	0	187,889

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
4. CCA 105	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8. AGR 812	3.37	0.00	0.00	0.00	0.00	0.00	3.37
Total	3.37	0.00	0.00	0.00	0.00	0.00	3.37

**The Programs**

**4. CCA 105 Professional, Vocational & Personal Services**

- **Mandate:**
  - (1) 42 United States Code Sections 1395i-3 and 1396R.
  - (2) 12 United States Code Section 3301 et seq.
- Description:**
  - (1) The State adopted federal minimum requirements regarding the certification of nurse aids.
  - (2) The State adopted stricter standards than the federal minimum requirements regarding the certification of real estate appraisers whose appraisals are used in federally related transactions.

FEDERALLY MANDATED STATE PROGRAMS

- Sanctions: (1) Loss of federal funds by the state Department of Human Services.  
 (2) Federally related transactions cannot be processed.

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	0	*	59.00	*
	72,000	B	4,072,805	B
			2.00	*
			1,292,729	Other MOF
Federal	0		0	
Total	0	*	61.00	*
	72,000		5,365,534	

**8. AGR 812 Measurement Standards**

- Mandate 1: Petroleum Marketing Practices Act, June 19, 1978, Public Law 95-297, as amended by Public Law 102-486, Oct. 24, 1992; 15 United States Code Section 2821. 16 Code of Federal Regulation Part 306.

Description: Requires states to monitor whether gasoline retailers display the octane ratings of gasoline in a clear and conspicuous manner on service station gasoline dispensers.

Sanctions: If the State chooses not to enforce the Act, no federal agency would step in to do so.

Operating funds:	Fiscal Year 1998-1999	
State	0.05	*
	1,500	A
Federal	0	

- Mandate 2: (1) Federal Meat Inspection Act, Dec. 15, 1967, Public Law 90-201, as amended.  
 (2) Poultry Products Inspection Act, Aug. 28, 1957, Public Law 85-172, as amended. 9 Code of Federal Regulations Parts 317 and 381.

Description: Establishes uniform criteria for federal, state, and local agencies to use when inspecting and testing scales. Requires states to monitor whether the meat and poultry industries (packing houses, warehouses, and retailers) follow uniform net weight labeling requirements and uniform procedures for determining the net content of containers. Reasonable variations are permitted the industries regarding the label statements of the net weight contents of containers.

Sanctions: None.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Operating funds:	Fiscal Year 1998-1999	
State	0.12	*
	4,000	A
Federal	0	

- Mandate 3: Fair Packaging and Labeling Act, Nov. 3, 1966, Public Law 89-755; 15 United States Code Section 451. 21 Code of Federal Regulations Parts 101, 201, 701, and 801.

Description: Requires states to monitor whether manufacturers, packers, and producers of consumer commodities adhere to basic labeling and net content requirements for the packaging of consumer commodities. Establishes uniform net weight labeling requirements, allowing reasonable variations for label statements of the net weight contents of containers, as long as the quantity of the contents is accurately represented to the ultimate consumer.

Sanctions: If the State chooses not to enforce the Act, no federal agency would step in to do so.

Operating funds:	Fiscal Year 1998-1999	
State	3.20	*
	110,389	A
Federal	0	

Total AGR 812				
Operating funds	Fiscal Year 1998-1999			
	For All Federal Mandates		For Total Program ID	
State	3.37	*	20.00	*
	115,889	A	751,535	A
Federal	0		0	
Total	115,889		751,535	

**PROGRAM AREA K: GOVERNMENT-WIDE SUPPORT**

**Objective:** To enhance the effectiveness and efficiency of state programs by providing executive direction, program coordination, and policy development as well as a wide variety of services supporting the work of the state government as a whole or common to all or most programs.

**Departments with Mandates:** Department of Budget and Finance (“BUF”), Department of the Attorney General (“ATG”), Department of Human Resources Development (“HRD”)

**Programs with Mandates:**

- 6. BUF 101 Program Planning, Analysis and Budgeting
- 17. BUF 115 Financial Administration
- 18. ATG 100 Legal Services
- 23. HRD 102 Work Force Attraction, Selection, Classification & Effectiveness
- 26. BUF 142 Health and Life Insurance Benefits

**Summary of Operating Funds Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
6. BUF 101	76,250	0	0	0	0	0	76,250
17. BUF 115	325,000	0	0	0	0	0	325,000
18. ATG 100	0	282,520	852,189	0	0	0	1,134,709
23. HRD 102	30,391	0	0	0	0	0	30,391
26. BUF 142	1,430	0	0	0	0	0	1,430
Total	433,071	282,520	852,189	0	0	0	1,567,780

**Summary of Permanent Position Counts Under the Budget Act for Federally Mandated Programs During Fiscal Year 1998-1999**

Program ID	A	B	N	T	U	W	Program Total
6. BUF 101	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17. BUF 115	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18. ATG 100	0.00	4.00	12.00	0.00	0.00	0.00	16.00
23. HRD 102	13.00	0.00	0.00	0.00	0.00	0.00	13.00
26. BUF 142	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	13.00	4.00	12.00	0.00	0.00	0.00	29.00

## The Programs

### 6. BUF 101 Program Planning, Analysis and Budgeting

- **Mandate:** Statewide Central Service Cost Allocation Plan and Composite Fringe Benefit Rate, OMB Circular A-87.
  
- Description:** Requires states to prepare and submit for federal review, annual statewide central service cost allocation plans and fringe benefit rate proposals that abide by federal accounting requirements, in order to recover certain costs expended by them on behalf of federal grants, contracts, and programs.
  
- Sanctions:** Loss to the State of approximately \$8 million annually.
  
- Operating funds:**

	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	0.00	*	53.00	*
	76,250	A	210,752,659	A
Federal	0		0	
Total	76,250		210,752,659	

### 17. BUF 115 Financial Administration

- **Mandate:** Cash Management Improvement Act of 1990, Public Law 101-453, as amended.
  
- Description:** Requires states, for agreements executed with the federal government, to pay interest to the federal government on any federal funds drawn and held by the states, until the funds have been expended.
  
- Sanctions:** Failure to pay the amount of interest due constitutes default. The amount of interest due can be levied against the State.
  
- Operating funds:**

	Fiscal Year 1998-1999			
	For Federal Mandate		For Total Program ID	
State	0.00	*	20.00	*
	325,000	A	388,436,468	A
	0		5,525	Other MOF
Federal	0		0	
Total	325,000		388,441,993	

### 18. ATG 100 Legal Services

- **Mandate:** Medicaid Fraud Control, 42 Code of Federal Regulations §455 et seq. and §1002 et seq. Recent amendments in the Omnibus Budget Reconciliation Act of 1993 and 42 United States Code §1396(a).
  
- Description:** Requires that any state that receives Medicaid funds must establish a Medicaid fraud control unit within a department other than the department

that regulates public assistance. The division is mandated to investigate and prosecute cases of health care fraud and patient abuse in the Medicaid program. The grant is a categorical, matching grant.

Sanctions: Loss of federal Medicaid funds, which includes the QUEST program. Federal funding makes up fifty percent of the funding.

Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandate		For Total Program ID	
		4.00	*		4.00 *
State		282,520	B	=	282,520 B
					236.00 *
					28,428,813 Other MOF
		12.00	*	=	12.00 *
Federal		852,189	N		6,561,818 N
		16.00	*		252.00 *
Total		1,134,709			35,273,151

**23. HRD 102 Work Force Attraction, Selection, Classification and Effectiveness**

- Mandate 1: Omnibus Transportation Employee Testing Act 1991; 49 Code of Federal Regulations Part 382 (program requirements), and Part 40 (procedures for workplace drug testing).

Description: Requires employers who employ commercial motor vehicle drivers to subject these drivers to random alcohol and controlled substance and other testing requirements to prevent accidents and injuries resulting from the misuse of alcohol and the use of controlled substances.

Sanctions: Civil and criminal penalties, including imprisonment up to one year and fines from \$2,500 to \$25,000 against the employer and up to 20 days imprisonment for the driver. Injunctions against the employer's continued operations.

Operating funds:		Fiscal Year 1998-1999	
State		5.00	*
		10,560	A
Federal		0	

Mandate 2: Americans with Disabilities Act of 1990, PL 101-336; 29 Code of Federal Regulations Part 1630

Description: Prohibits discrimination in employment against an individual with a disability. Also prohibits discrimination in State and local government services, public accommodations, transportation, and telecommunications.

Sanctions: Exposure to private party litigation.

FEDERALLY MANDATED STATE PROGRAMS DURING FISCAL YEAR 1998-1999

Operating funds:	Fiscal Year 1998-1999	
State	3.00	*
	6,310	A
Federal	0	

Mandate 3: Gun Control Act of 1968, as amended, 18 United States Code §922(g)(9).

Description: Agencies with staff positions requiring the use or handling of firearms and ammunition must identify affected individuals who are prohibited from possessing or handling a firearm due to a disqualifying criminal conviction relating to domestic violence. HRD is coordinating the efforts of the Conference of Personnel Directors to develop policy guidelines for the implementation of the mandate.

Sanctions: Employer liability where an employee subject to disqualification continues to perform work requiring the possession of a firearm.

Operating funds:	Fiscal Year 1998-1999	
State	3.00	*
	9,044	A
Federal	0	

Mandate 4: Immigration Reform and Control Act of 1986, PL 99-603; Immigration Act of 1990, PL 101-649; 8 United States Code §§1101 and 1324.

Description: Requires employers to use the Form I-9 to verify the identity and employment eligibility of workers hired after November 6, 1986. Establishes requirements for recordkeeping and prohibits certain discriminatory immigration related employment practices.

Sanctions: Civil and criminal penalties against employer for unlawful employment practices; civil penalties for unlawful discrimination and civil document fraud.

Operating funds:	Fiscal Year 1998-1999	
State	2.00	*
	4,477	A
Federal	0	

Total HRD 102

Operating funds:	Fiscal Year 1998-1999			
	For Federal Mandates		For Total Program ID	
State	13.00	*	120.00	*
	30,391	A	12,940,883	A
	0		5,124,075	Other MOF
Federal	0		0	
Total	13.00	*	120.00	*
	30,391		18,064,958	

**26. BUF 142 Health and Life Insurance Benefits**

- **Mandate:** Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (COBRA), Public Law 99-272.

**Description:** Contains provisions giving certain former employees, retirees, spouses, and dependent children the right to temporary continuation of health insurance coverage at group rates.

**Sanctions:** Excise tax of \$100 per day per qualified beneficiary for the duration of the noncompliance period, with a maximum of \$200 per day per family, regardless of the number of qualified beneficiaries affected by the violation.

Operating funds:		Fiscal Year 1998-1999			
		For Federal Mandates		For Total Program ID	
State		0.00	*	15.00	*
		1,430	A	595,595	A
		0		373,998,000	Other MOF
Federal		0		0	
Total		0.00	*	15.00	*
		1,430		374,593,595	



## Chapter 3

# SUMMARY OF OPERATING FUNDS AND PERMANENT POSITIONS UNDER THE BUDGET ACT FOR FEDERALLY MANDATED PROGRAMS DURING FISCAL YEAR 1998-1999

### I. Preliminaries

As stated previously, responses to the Bureau's survey were received from the Offices of the Governor and the Lieutenant Governor, and seventeen of the eighteen executive branch departments. No response was received from the Department of Hawaiian Home Lands.

The survey looked at operating funds appropriated under the Supplemental Appropriations Act of 1998 to implement federally mandated programs during fiscal year 1998-1999. The survey also looked at permanent positions authorized under the act to implement those federally mandated programs.

The following sections of this chapter provide different perspectives on the overall funds and position counts for mandated programs developed from the data in the previous chapter:

- Section II discusses funds and position counts by means of financing;
- Section III contrasts funds between fiscal years 1997-1998 and 1998-1999;
- Section IV discusses funds and position counts by program area;
- Section V discusses funds and position counts by department;
- Section VI discusses funds and position counts by federal mandate; and
- Section VII concludes the chapter.

### II. Funds and Permanent Positions for Mandated Programs in the Budget Act for Fiscal Year 1998-1999 by Means of Financing

Of the nine means of financing under the grand total operating budget, six means of financing provide funding or permanent staff positions for federally mandated programs in fiscal year 1998-1999. Total operating funds appropriated for federally mandated programs under these six means of financing ("MOF") are \$1,640,983,914. This amount represents about 29 per cent of the entire grand total operating budget of \$5,730,944,043 for that fiscal year. (See Appendix C for the grand total operating budget for fiscal year 1998-1999 itemized by program area and means of financing.)

Correspondingly, the total number of permanent positions authorized under those means of financing is 7,523.11. This amount represents about 18 per cent of the entire grand total position

ceiling of 41,587.67 under the budget act. (See Appendix D for the grand total position ceiling for fiscal year 1998-1999 broken itemized by program area and means of financing.)

Table 3A below provides a break out by the six means of financing for the total funding amounts and position ceilings for mandated programs during fiscal year 1998-1999:

**Table 3A: Funds and Permanent Position Counts by Means of Financing for Federally Mandated Programs During Fiscal Year 1998-1999**

Means of Financing	Mandate Funds	Mandate Positions
General funds (A)	764,648,531	5,949.91
Special funds (B)	184,199,352	109.15
Other federal funds (N)	650,723,685	1,419.81
Trust funds (T)	2,424,620	7.14
Transfers (U) --State	20,024,792	0.00
Transfers (U) --Federal	279,687	0.00
Revolving funds (W) --State	3,798,569	27.10
Revolving funds (W) --Federal	14,884,678	10.00
Total	1,640,983,914	7,523.11

General funds, special funds, and other federal funds (N funds) together constitute about 97 per cent of the total \$1,640,983,914 in operating funds for mandated programs.

The general funds amount of \$764,648,531 represents about 47 per cent of the \$1,640,983,914 in operating funds for mandated programs. It also represents about 26 percent of the entire general fund appropriation of \$2,989,716,409 in the budget act. The general funds permanent position count of 5,949.91 represents about 79 per cent of the total 7,523.11 positions authorized for mandated programs through all means of financing. It also represents about 18 per cent of the total 32,225.13 general fund positions in the budget act for all programs.

The special funds amount of \$184,199,352 represents about 11 per cent of the \$1,640,983,914 in total operating funds for mandated programs. It also represents about 16 per cent of the total special funds appropriation of \$1,152,393,230 in the budget act. The permanent position count of 109.15 represents about 1 per cent of the 7,523.11 positions authorized for mandated programs, and about 2 per cent of all 6,653.75 special fund positions in the budget act.

The “other federal funds” or N funds amount of \$650,723,685 represents about 40 per cent of the \$1,640,983,914 in total operating funds for mandated programs, and about 73 per cent of all \$890,695,230 N funds in the budget act. The permanent position count of 1,419.81 represents about

19 per cent of the 7,523.11 positions authorized for mandated programs, and about 73 per cent of all the 1,953.24 N fund positions in the entire budget act.

Trust funds, interdepartmental transfers, and revolving funds comprise the remainder of funds and positions authorized for mandated programs.

Trust funds are \$2,424,620. They fund 7.14 positions.

Interdepartmental transfers are \$20,304,479. They do not fund any positions. Of the intergovernmental transfers, \$20,024,792 are state funds and \$279,687 are federal funds. All of the federal funds represent funds transferred to the Department of Human Services from the Department of Labor and Industrial Relations, and are reflected in the social services program area.

Revolving funds are \$18,683,247. They fund 37.10 positions. Of the revolving funds, \$3,798,569 are state funds, and the state funds support 27.10 positions. The remaining \$14,884,678 are federal funds, and the federal funds support 10.00 positions. The federal funds and positions are reflected in the environmental protection program area and are administered by the Department of Health.

Total federal funds for mandated programs, based on Table 3A, are \$665,888,050. These funds are comprised of \$650,723,685 in other federal funds ("N" funds), \$279,687 in interdepartmental transfers, and \$14,884,678 in federal revolving funds.

Total state funds are \$975,095,864. They are comprised of \$764,648,531 in general funds, \$184,199,352 in special funds, \$2,424,620 in trust funds, \$20,024,792 in interdepartmental transfers, and \$3,798,569 in revolving funds.

In terms of burden-sharing between the State and the federal government on the cost of federal mandates, the State expends \$1.46 for every \$1.00 of federal funds received.

The total number of federally funded positions, also based on Table 3A, is 1,429.81. These positions are comprised of 1,419.81 positions funded by other federal funds and 10.00 positions funded by revolving funds. In other words, the federal government creates 1,429.81 permanent jobs in state government on account of federal mandates.

The total number of state-funded positions for mandated programs is 6,093.30. They are comprised of 5,949.91 positions funded through general funds, 109.15 positions funded through special funds, 7.14 positions funded through trust funds, and 27.10 positions funded through revolving funds. In other words, the State must maintain 5,949.91 permanent positions in state government on account of federal mandates.

In terms of burden-sharing between the State and the federal government, the state funds 4.26 permanent positions for every 1.00 permanent position that is federally funded.

In summary, the Table 3A figures for funds and positions, itemized by means of financing, can be restated in terms of state and federal funds, as in Table 3B below:

**Table 3B: Funds and Permanent Position Counts by State and Federal Government for Federally Mandated Programs During Fiscal Year 1998-1999**

	Mandate Funds	Mandate Positions
State funds	975,095,864	6,093.30
Federal funds	665,888,050	1,429.81
Mandate total	1,640,983,914	7,523.11

**III. Funding Shifts for Mandated Programs Compared Between Fiscal Years 1998-1999 and 1997-1998**

This section briefly compares state and federal funding figures for mandated programs between fiscal year 1998-1999 and fiscal year 1997-1998. The remaining sections of the chapter return to a discussion of only fiscal year 1998-1999.

The funding figures compared between fiscal years 1998-1999 and 1997-1998 are those that are reflected in the relevant budget act. The budget act figures for fiscal year 1998-1999 are reflected in the Supplemental Appropriations Act of 1998. The budget act figures for fiscal year 1997-1998 are reflected in the General Appropriations Act of 1997, and were previously reported in the 1997 Legislative Reference Bureau survey of federally mandated programs.

Comparing budget act figures in fiscal years 1997-1998 and 1998-1999, it appears that state funding for mandated programs increased at a higher rate than did federal funding for those programs. But the State's proportionate share of funding decreased as against the federal share.

State funds for mandated programs increased about 12 per cent, from \$869,828,757 in fiscal year 1997-1998 to \$975,095,864 in fiscal year 1998-1999. Federal funds increased about 14 per cent, from \$583,031,060 to \$666,442,040. The sum of state and federal funds increased about 13 per cent, from \$1,452,859,817 to \$1,640,983,914.

In fiscal year 1997-1998, the State provided 60 per cent of the funding for all mandated programs while the federal government provided 40 per cent. That is, the State provided \$1.49 for every \$1.00 of federal funds. In fiscal year 1998-1999, the State provides 59 per cent as against the federal government's 41 per cent. Stated otherwise, the State provides \$1.46 for every \$1.00 of federal funds.

Table 3C summarizes the funding differences between fiscal years 1998-1999 and 1997-1998:

**Table 3C: Funding Figures Between Fiscal Years 1998-1999 and 1997-1998 Compared**

Budget Act Mandate Funds	FY 1997-1998	FY 1998-1999	% change
State funds (S)	869,828,757	975,095,864	12
Federal funds (F)	583,031,060	665,888,050	14
State + federal (S + F)	1,452,859,817	1,640,983,914	13
[State/(S + F)] x 100	60	59	
[Federal/(S + F)] x 100	40	41	
State funds to Federal funds	1.49 to 1.00	1.46 to 1.00	

(A comparison of position counts between fiscal years 1998-1999 and 1997-1998 was not possible, because position counts were previously not surveyed.)

The remaining sections in this chapter return to a discussion of only fiscal year 1998-1999 funds and permanent positions.

#### **IV. Program Area Operating Budgets for Mandated Programs During Fiscal Year 1998-1999**

Federally mandated programs were reported in all eleven program areas of the state budget.

##### ***Funding***

An earlier table showed the distribution of mandate funds among the different means of financing. General funds were \$764,648,531; special funds were \$184,199,352; other federal funds (“N funds”) were \$650,723,685; trust funds were \$2,424,620; interdepartmental transfers totaled \$20,304,479 in state and federal funds; and revolving funds totaled \$18,683,247 in combined state and federal funds.

For each means of financing, Table 3D below (which is also reproduced in Appendix G) shows the distribution of those mandate funds across the eleven different program areas of the operating budget:

**Table 3D: Program Area Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999**

Program	A	B	N	T	U	W	Program Budget
A. Econ Dev	73,995	0	2,150,386	0	0	0	2,224,381
B. Employ	4,712,793	165,600,000	52,350,711	0	0	0	222,663,504
C. Trans	0	2,626,411	1,490,454	0	0	0	4,116,865
D. Env Pro	3,989,550	6,196,502	5,732,738	0	0	18,671,672	34,590,462
E. Health	159,177,284	5,009,722	39,213,386	0	0	0	203,400,392
F. Soc Serv	434,679,298	0	521,681,469	2,424,620	20,304,479	0	979,089,866
G. Lower Ed	110,584,638	0	15,057,685	0	0	0	125,642,323
G. Higher Ed	5,051,728	350,000	5,144,466	0	0	11,575	10,557,769
H. Culture	2,120,521	4,062,197	782,405	0	0	0	6,965,123
I. Pub Saf	43,709,764	0	6,267,796	0	0	0	49,977,560
J. Ind Rts	115,889	72,000	0	0	0	0	187,889
K. Gov Sup	433,071	282,520	852,189	0	0	0	1,567,780
Program total	764,648,531	184,199,352	650,723,685	2,424,620	20,304,479	18,683,247	1,640,983,914

Table 3D shows that general funds for mandated programs are concentrated primarily in the social services area, with significant amounts of sums also in the health and lower education program areas. Special funds are concentrated in the employment area, N funds in social services.

For general funds, \$434,679,298 is appropriated to social services, \$159,177,284 is appropriated to health, and \$110,584,638 is appropriated to lower education. The general funds for these three program areas, totaling \$704,441,220, makes up about 92 per cent of the entire general funds appropriation of \$764,648,531 for mandated programs in all program areas.

For special funds, \$165,600,000 is appropriated to employment, and this appropriation makes up about 90 per cent of the total special funds appropriation of \$184,199,352 for mandated programs in all program areas.

For other federal funds, or N funds, \$521,681,469 is appropriated to social services, constituting about 80 per cent of the total N funds appropriation of \$650,723,685 for mandated programs in all program areas.

From the point of view of total funds for the program areas, the area with the bulk of funding is social services. Its total appropriation for mandated programs amounts to \$979,089,866, which makes up about 60 per cent of the entire \$1,640,983,914 in mandate funds for all eleven program areas. The \$979,089,866 appropriation consists largely of the \$434,679,298 in general funds and the \$521,681,469 in federal funds. There are smaller appropriations of \$2,424,620 in trust funds and \$20,304,479 in interdepartmental transfers.

Other program areas with sizable shares of total mandate funding are employment with \$222,663,504, health with \$203,400,392, and the lower education half of formal education with

\$125,642,323. Their total funds of \$551,706,219 comprise about 34 per cent of the entire \$1,640,983,914 in mandate funds.

**Position Counts**

An earlier table showed the distribution of mandated positions among the different means of financing. General funds supported 5,949.91 positions; special funds supported 109.15 positions; other federal funds (N funds) supported 1,419.81 positions; trust funds supported 7.14 positions; and revolving funds supported 37.10 positions.

For each means of financing, Table 3E below (which is also reproduced in Appendix H) shows the distribution of those positions across the eleven different program areas of the operating budget:

**Table 3E: Program Area Permanent Position Counts for Federally Mandated Programs During Fiscal Year 1998-1999**

Program	A	B	N	T	U	W	Prog Positions
A. Econ Dev	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B. Employ	55.45	0.00	468.15	0.00	0.00	0.00	523.60
C. Trans	0.00	42.15	2.25	0.00	0.00	0.00	44.40
D. Env Pro	83.00	48.00	40.00	0.00	0.00	37.00	208.00
E. Health	1,433.65	3.00	112.45	0.00	0.00	0.00	1,549.10
F. Soc Serv	840.26	0.00	670.45	7.14	0.00	0.00	1,517.85
G. Lower Ed	2,633.00	0.00	0.00	0.00	0.00	0.00	2,633.00
G. Higher Ed	42.03	6.00	82.06	0.00	0.00	0.10	130.19
H. Culture	10.00	6.00	0.00	0.00	0.00	0.00	16.00
I. Pub Saf	836.15	0.00	32.45	0.00	0.00	0.00	868.60
J. Ind Rts	3.37	0.00	0.00	0.00	0.00	0.00	3.37
K. Gov Sup	13.00	4.00	12.00	0.00	0.00	0.00	29.00
Prog Total	5,949.91	109.15	1,419.81	7.14	0.00	37.10	7,523.11

Table 3E shows that the general fund positions are concentrated, in descending order, in lower education, health, social services, and public safety. Special fund positions are found mainly in transportation facilities and environmental protection. N fund positions are concentrated, in descending order, in the social services, employment, and health program areas.

General funds primarily support 2,633.00 positions in lower education, 1,433.65 positions in health, 840.26 positions in social services, and 836 positions in public safety. Together, these 5,743.06 positions comprise about 96 per cent of the total 5,949.91 general fund positions for mandated programs among all program areas.

Special funds primarily support 48.00 positions in environmental protection and 42.15 positions in transportation facilities, making up about 83 per cent of all 109.15 special fund positions for mandated programs among all program areas.

Other federal funds, or N funds, primarily support 670.45 positions in social services, 468.15 positions in employment, and 112.45 positions in health. These three areas account for a total of 1,251.05 positions, which in turn makes up about 88 per cent of the total 1,419.81 positions authorized for mandated programs among all program areas.

From the point of view of total position counts for the program areas, the areas with the bulk of permanent positions for mandated programs are, in descending order, lower education, health, social services, public safety, and employment. Lower education is authorized 2,633.00 positions, health 1,549.10, social services 1,517.85, public safety 868.60, and employment 523.60 positions. The position count of 7,092.15 for these five areas accounts for about 94 per cent of the total 7,523.11 positions for mandated programs in all program areas.

## **V. Department Operating Budgets for Mandated Programs During Fiscal Year 1998-1999**

Nineteen of the twenty agencies and departments surveyed submitted responses. The Department of Hawaiian Home Lands was the only agency not submitting a response. Of the nineteen responding agencies, sixteen reported funding for federally mandated programs. The Office of the Governor and the Department of Taxation reported no mandated programs. The Office of the Lieutenant Governor reported no funding for any mandated programs. Of the sixteen agencies that reported funding for programs, twelve reported position counts. The four that did not were the Department of Business, Economic Development, and Tourism, the Department of Budget and Finance, the Department of Commerce and Consumer Affairs, and the Department of Land and Natural Resources.

The total operating budget for the executive branch appropriated under the Supplemental Appropriations Act of 1998 for fiscal year 1998-1999 is \$5,730,624,043 (\$5,730,944,043 of the grand total operating budget less \$320,000 in subsidies to the counties. See Appendix E for the total departmental budgets. See Appendix F for the total permanent position counts for the departments.). Of that total operating budget, \$1,640,983,914, or about 29 per cent, is appropriated for federally mandated programs. Of the 41,587.67 total permanent positions authorized for the executive branch in the budget act, 7,523.11 positions, or about 18 per cent of the total, are for mandated programs.

### ***Funding***

For each means of financing, an earlier table showed the distribution of mandate funds among the program areas of the state budget. Table 3F below (which is also reproduced as Appendix I) shows the distribution of those mandate funds across the departments in the executive branch:



**Table 3F: Department Operating Budgets for Federally Mandated Programs During Fiscal Year 1998-1999**

Department	A	B	N	T	U	W	Dept Budget
AGR	834,535	0	350,000	0	0	250,000	1,434,535
AGS	10,744,921	4,062,197	782,405	0	0	0	15,589,523
ATG	1,732,263	282,520	13,775,607	2,424,620	0	0	18,215,010
BED	73,995	0	2,150,386	0	0	0	2,224,381
BUF	402,680	0	0	0	0	0	402,680
CCA	0	72,000	0	0	0	0	72,000
DEF	6,352,390	0	6,227,796	0	0	0	12,580,186
EDN	101,960,238	0	15,057,685	0	0	0	117,017,923
GOV	0	0	0	0	0	0	0
HHL	0	0	0	0	0	0	0
HMS	436,161,044	0	516,872,942	0	20,304,479	0	973,338,465
HRD	30,391	0	0	0	0	0	30,391
HTH	162,298,188	11,206,224	44,146,124	0	0	18,421,672	236,072,208
LBR	1,064,737	165,600,000	44,235,820	0	0	0	210,900,557
LNR	163,350	0	490,000	0	0	0	653,350
LTG	0	0	0	0	0	0	0
PSD	37,778,071	0	0	0	0	0	37,778,071
TAX	0	0	0	0	0	0	0
TRN	0	2,626,411	1,490,454	0	0	0	4,116,865
UOH	5,051,728	350,000	5,144,466	0	0	11,575	10,557,769
Dept total	764,648,531	184,199,352	650,723,685	2,424,620	20,304,479	18,683,247	1,640,983,914

Table 3F shows that general funds are located mostly in the Department of Human Services, the Department of Health, and the Department of Education. Special funds are concentrated in the Department of Labor and Industrial Relations. Other federal funds, or N funds, are concentrated in the Department of Human Services.

For general funds, \$436,161,044 is appropriated to the Department of Human Services, \$162,298,188 is appropriated to the Department of Health, and \$101,960,238 is appropriated to the Department of Education. The total \$700,419,470 for these three departments accounts for about 92 per cent of all \$764,648,531 in general funds for mandated programs appropriated to the executive branch.

For special funds, \$165,600,000 is appropriated to the Department of Labor and Industrial Relations, constituting about 90 per cent of the entire \$184,199,352 in special funds for all mandated programs.

For other federal funds, or N funds, \$516,872,942 is appropriated to the Department of Human Services, accounting for about 79 per cent of the entire \$650,723,685 in N funds for all mandated programs.

SUMMARY OF OPERATING FUNDS FOR FEDERALLY MANDATED PROGRAMS

From the viewpoint of total funds for the departments, the department with the largest total appropriation of funds for mandated programs is the Department of Human Services. Its total appropriation of \$973,338,465 makes up about 59 per cent of the entire \$1,640,983,914 in total mandate funds for all departments. The \$973,338,465 appropriation consists of \$436,161,044 in general funds, \$516,872,942 in N funds, and \$20,304,479 in interdepartmental transfers.

Other departments with sizable total appropriations are the Department of Health with \$236,072,208, the Department of Labor and Industrial Relations with \$210,900,557, and the Department of Education with \$117,017,923. Their combined total of \$563,990,688 makes up about 34 per cent of the entire \$1,640,983,914 of mandate funding.

**Position Counts**

For each means of financing, an earlier table showed the distribution of mandated positions across the program areas of the state budget. Table 3G below (which is also reproduced as Appendix J) shows the distribution of those positions across the departments in the executive branch:

**Table 3G: Department Permanent Positions for Federally Mandated Programs During Fiscal Year 1998-1999**

Department	A	B	N	T	U	W	Dept Positions
AGR	23.37	0.00	0.00	0.00	0.00	0.00	23.37
AGS	20.00	6.00	0.00	0.00	0.00	0.00	26.00
ATG	50.66	4.00	124.20	7.14	0.00	0.00	186.00
BED	0.00	0.00	0.00	0.00	0.00	0.00	0.00
BUF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CCA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEF	130.55	0.00	32.45	0.00	0.00	0.00	163.00
EDN	2,623.00	0.00	0.00	0.00	0.00	0.00	2,623.00
GOV	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HHL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HMS	802.55	0.00	647.80	0.00	0.00	0.00	1,450.35
HRD	13.00	0.00	0.00	0.00	0.00	0.00	13.00
HTH	1,496.65	51.00	152.45	0.00	0.00	37.00	1,737.10
LBR	29.50	0.00	378.60	0.00	0.00	0.00	408.10
LNR	0.00	0.00	0.00	0.00	0.00	0.00	0.00
LTG	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PSD	718.60	0.00	0.00	0.00	0.00	0.00	718.60
TAX	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TRN	0.00	42.15	2.25	0.00	0.00	0.00	44.40
UOH	42.03	6.00	82.06	0.00	0.00	0.10	130.19

Department	A	B	N	T	U	W	Dept Positions
Dept total	5,949.91	109.15	1,419.81	7.14	0.00	37.10	7,523.11

Table 3G shows that general fund positions are concentrated in the Department of Education and the Department of Health, special fund positions are found mostly in the Department of Health and the Department of Transportation, and N fund positions are found mostly in the Department of Human Services and the Department of Labor and Industrial Relations.

For general fund positions, the Department of Education has 2,623.00 positions while the Department of Health has 1,496.65 positions. The combined sum of 4,119.65 makes up about 69 per cent of all general fund positions for mandated programs in the departments.

For special fund positions, the Department of Health has 51.00 positions, the Department of Transportation 42.15 positions.

For N fund positions, the Department of Human Services has 647.80 positions and the Department of Labor and Industrial Relations has 378.60 positions. Their combined total of 1,026.40 makes up 72 per cent of all 1,419.81 N fund positions for mandated programs among the departments.

From the viewpoint of total position counts among the departments, the departments with the bulk of the 7,523.11 positions are the Department of Education, the Department of Health, and the Department of Human Services. The Department of Education is authorized 2,623.00 positions. The Department of Health is authorized 1,737.10 positions. The Department of Human Services is authorized 1,450.35 positions.

The Department of Education's 2,623.00 positions are all funded by general funds.

Of the Department of Health's 1,737.10 positions, 1,496.65 are general fund positions, 152.45 are N fund positions, and 51.00 are special fund positions.

Of the Department of Human Services' 1,450.35 positions, 802.55 are general fund positions and 647.80 are N fund positions.

## **VI. Federal Mandates in the Operating Budget: Fiscal Year 1998-1999**

Chapter 2 set out the state programs, or program IDs, in the state budget that administer federal mandates. Some program IDs administer more than one federal mandate, while some federal mandates are administered by more than one program ID. To the extent possible, the funds and positions counts reported for the programs IDs have been rearranged according to their federal mandate, and the mandates are listed alphabetically in Appendix K. For each mandate listed in the appendix, a break out is provided of its funds and position counts by means of financing and program ID. The program ID identifies the location of the mandate in the budget act.

**Funding**

For each means of financing, earlier tables showed the distribution of mandate funds among the program areas of the state budget and the distribution of those funds among the departments in the executive branch. Table 3H below shows the distribution of those funds among the particular mandates themselves. Based upon the data in Appendix K, Table 3H below lists the funding amounts for some of the more heavily funded mandates in the operating budget. The total funding for these mandates comprise about 97 per cent of total funding for all mandates in the state operating budget. The remaining mandates are grouped under the item “other”:

**Table 3H: Federal Mandate Funding During Fiscal Year 1998-1999**

Mandate	A	B	N	T	U	W	Mandate Funds
Adoption	28,488,444	0	20,336,714	0	0	0	48,825,158
Child Supp	1,732,263	0	12,923,418	2,424,620	0	0	17,080,301
Civil Rts	7,665,088	0	408,000	0	0	0	8,073,088
Defense	5,111,281	0	4,967,346	0	0	0	10,078,627
Felix	63,265,450	1,902,292	4,598,644	0	0	0	69,766,386
Health Serv	4,031,934	0	695,669	0	0	0	4,727,603
IDEA	109,131,118	0	19,157,729	0	0	0	128,288,847
JTPA	10,000	0	20,008,536	0	0	0	20,018,536
MCH Block	16,232,427	600,000	5,527,078	0	0	0	22,359,505
Medicaid	325,170,452	282,520	353,847,097	0	20,024,792	0	699,324,861
Older Amer	5,636,952	0	8,236,606	0	279,687	0	14,153,245
OSHA	1,046,737	0	1,690,897	0	0	7,500	2,745,134
Pollution	3,416,017	6,196,502	4,475,968	0	0	18,421,672	32,510,159
PRWOR	69,157,502	0	125,111,612	0	0	0	194,269,114
Pub Health	7,226,956	0	4,482,140	0	0	0	11,709,096
Rehab	3,648,056	0	8,114,891	0	0	0	11,762,947
SAPT	6,671,714	0	6,722,291	0	0	0	13,394,005
Soc Block	8,088,726	0	10,327,724	0	0	0	18,416,450
Spear	37,778,071	0	0	0	0	0	37,778,071
Unemploy	0	165,600,000	12,395,923	0	0	0	177,995,923
US v HI	49,041,887	2,507,430	1,678,029	0	0	0	53,227,346
Wagner	0	0	3,235,516	0	0	0	3,235,516
Other	12,097,456	7,110,608	21,781,857	0	0	254,075	41,243,996
Total	764,648,531	184,199,352	650,723,685	2,424,620	20,304,479	18,683,247	1,640,983,914

Table 3H shows that the general funds total of \$764,648,531 is distributed largely to Medicaid, the Individuals with Disabilities Education Act (“IDEA”), the Personal Responsibility and Work Opportunity Reconciliation Act (“PRWOR”), and the court consent decree *Felix v Waihee*. Medicaid is appropriated \$325,170,452. IDEA is appropriated \$109,131,118. PRWOR is appropriated \$69,157,502. *Felix* is appropriated \$63,265,450.

The special funds total of \$184,199,352 is distributed largely to Title III of the Social Security Act of 1935 relating to unemployment compensation. The appropriation to Title III is \$165,600,000.

The other federal funds, or N funds, total of \$650,723,685 is found mainly in two mandates, Medicaid and PRWOR. Medicaid has \$353,847,097 in N funds. PRWOR has \$125,111,612 in N funds.

From the point of view of total funds for the mandates, the mandate with the largest total appropriation is Medicaid. Medicaid's total appropriation of \$699,324,861 is comprised of \$325,170,452 in general funds, \$282,520 in special funds, \$353,847,097 in N funds, and \$20,024,792 in interdepartmental transfers. The appropriation makes up about 43 per cent of the entire \$1,640,983,914 appropriated for all mandates.

Also heavily funded are PRWOR, Unemployment, and IDEA. PRWOR is appropriated \$194,269,114, which is comprised of \$69,157,502 in general funds and \$125,111,612 in N funds. Title III, relating to unemployment compensation, is appropriated \$177,995,923, of which \$165,600,000 are special funds and \$12,395,923 are N funds. IDEA is appropriated \$128,288,847, of which \$109,131,118 are general funds and \$19,157,729 are N funds.

### *Position Counts*

For each means of financing, earlier tables showed the distribution of mandate positions among the program areas of the state budget and the distribution of those mandate positions among the departments in the executive branch. Table 3I below shows the distribution of those positions among the particular mandates themselves. The table lists the permanent position counts for the mandates that were listed in Table 3H above. The table lists the mandates, their position counts, and their means of financing. The total position count for these mandates accounts for about 95 per cent of all positions for mandated programs.

**Table 3I: Federal Mandate Permanent Position Counts During Fiscal Year 1998-1999**

Mandate	A	B	N	T	U	W	Positions
Adoption	206.41	0.00	60.07	0.00	0.00	0.00	266.48
Child Supp	50.66	0.00	112.20	7.14	0.00	0.00	170.00
Civil Rights	131.00	0.00	0.00	0.00	0.00	0.00	131.00
Defense	99.05	0.00	25.95	0.00	0.00	0.00	125.00
Felix	182.00	0.00	0.00	0.00	0.00	0.00	182.00
Health Serv	70.00	0.00	3.00	0.00	0.00	0.00	73.00
IDEA	2,642.50	0.00	13.00	0.00	0.00	0.00	2,655.50
JTPA	2.00	0.00	10.70	0.00	0.00	0.00	12.70
MCH Block	49.50	3.00	44.00	0.00	0.00	0.00	96.50
Medicaid	68.65	4.00	78.35	0.00	0.00	0.00	151.00
Older Am	10.05	0.00	7.95	0.00	0.00	0.00	18.00
OSHA	27.50	0.00	27.50	0.00	0.00	0.10	55.10
Pollution	81.00	48.00	43.00	0.00	0.00	37.00	209.00
PRWOR	416.54	0.00	308.46	0.00	0.00	0.00	725.00
Pub Health	47.00	0.00	4.50	0.00	0.00	0.00	51.50
Rehab	25.95	0.00	89.55	0.00	0.00	0.00	115.50
SAPT	22.00	0.00	6.00	0.00	0.00	0.00	28.00
Soc Block	75.50	0.00	93.67	0.00	0.00	0.00	169.17
Spear	718.60	0.00	0.00	0.00	0.00	0.00	718.60
Unemploy	0.00	0.00	231.90	0.00	0.00	0.00	231.90
US v HI	889.60	0.00	0.00	0.00	0.00	0.00	889.60
Wagner	0.00	0.00	108.00	0.00	0.00	0.00	108.00
Other	134.40	54.15	152.01	0.00	0.00	0.00	340.56
Total	5,949.91	109.15	1,419.81	7.14	0.00	37.10	7,523.11

Table 3I shows that the total general fund position count of 5,949.91 is concentrated in IDEA, which has 2,642.50 counts. The two court decrees, *U.S. v. Hawaii* and *Spear v. Cayetano*, have sizable position counts, 889.60 and 718.60 respectively. PRWOR has a count of 416.54.

The special funds position count is 109.15. The environmental protection mandates have 48.00 of those positions. These mandates include the Clean Air Act Amendments of 1970, the Clean Water Act of 1977, the Safe Drinking Water Act of 1974, the Resource Conservation and Recovery Act of 1976, the Hazardous and Solid Waste Amendments of 1984, the Superfund Amendments and Reauthorization Act of 1986, the Oil Pollution Act of 1990, the Toxic Substances Control Act of 1986, and the Asbestos Hazardous Response Act.

The other federal funds, or N funds, position count is 1,419.81. There are no mandates that dominate the position count. PRWOR has a sizable count of 308.46, as well as Title III, relating to unemployment compensation, with 231.90.

From the point of view of total permanent position counts for the mandates, the mandate with the single largest position count is IDEA, with 2,655.50. The bulk of those positions, 2,642.50, are general funded. The remaining 13.00 are N funded. The court decrees *U.S. v. Hawaii* and *Spear* have 889.60 and 718.60 counts respectively, all of which are general funded. PRWOR has a position count of 725.00, of which 416.54 is general funded and 308.46 is N funded.

***State and Federal Overall Funds and Position Counts for Federal Mandates***

Finally, Table 3J below summarizes the information in Tables 3H and 3I in terms of the two governmental sources of funds and positions for federal mandates, the State and the federal government:

**Table 3J: State and Federal Funds and Position Counts for Federal Mandates  
During Fiscal Year 1998-1999**

Mandate	S Positions	State funds	F Positions	Federal funds	Total Positions	Total funds
Adoption	206.41	28,488,444	60.07	20,336,714	266.48	48,825,158
Child Supp	57.80	4,156,883	112.20	12,923,418	170.00	17,080,301
Civil Rts	131.00	7,665,088	0.00	408,000	131.00	8,073,088
Defense	99.05	5,111,281	25.95	4,967,346	125.00	10,078,627
Felix	182.00	65,167,742	0.00	4,598,644	182.00	69,766,386
Health Serv	70.00	4,031,934	3.00	695,669	73.00	4,727,603
IDEA	2,642.50	109,131,118	13.00	19,157,729	2,655.50	128,288,847
JTPA	2.00	10,000	10.70	20,008,536	12.70	20,018,536
MCH Block	52.50	16,832,427	44.00	5,527,078	96.50	22,359,505
Medicaid	72.65	345,477,764	78.35	353,847,097	151.00	699,324,861
Older Amer	10.05	5,636,952	7.95	8,516,293	18.00	14,153,245
OSHA	27.60	1,054,237	27.50	1,690,897	55.10	2,745,134
Pollution	156.00	13,149,513	53.00	19,360,646	209.00	32,510,159
PRWOR	416.54	69,157,502	308.46	125,111,612	725.00	194,269,114
Pub Health	47.00	7,226,956	4.50	4,482,140	51.50	11,709,096
Rehab	25.95	3,648,056	89.55	8,114,891	115.50	11,762,947
SAPT	22.00	6,671,714	6.00	6,722,291	28.00	13,394,005
Soc Block	75.50	8,088,726	93.67	10,327,724	169.17	18,416,450
Spear	718.60	37,778,071	0.00	0	718.60	37,778,071
Unemploy	0.00	165,600,000	231.90	12,395,923	231.90	177,995,923
US v HI	889.60	51,549,317	0.00	1,678,029	889.60	53,227,346
Wagner	0.00	0	108.00	3,235,516	108.00	3,235,516

*SUMMARY OF OPERATING FUNDS FOR FEDERALLY MANDATED PROGRAMS*

Mandate	S Positions	State funds	F Positions	Federal funds	Total Positions	Total funds
Other	188.55	19,462,139	152.01	21,781,857	340.56	41,243,996
Total	6,093.30	975,095,864	1,429.81	665,888,050	7,523.11	1,640,983,914

## VII. Conclusion

In conclusion, the total operating funds available through the Supplemental Appropriations Act of 1998 for federally mandated programs during fiscal year 1998-1999 is \$1,640,983,914. Of that total, total state funds comprise \$975,095,864, total federal funds comprise \$665,888,050. In other words, the percentage breakdown of total operating funds for federal mandated programs is as follows: state funds, 59 per cent; federal funds, 41 per cent. The total permanent position count funded by the Act for mandated programs during the same fiscal year is 7,523.11. Of that total, the State funds 6,093.30 positions and the federal government funds 1,429.81 positions. In other words, the percentage breakdown of permanent position counts for federal mandated programs is as follows: state-funded positions, 81 per cent; federal funded positions, 19 per cent.

For fiscal year 1998-1999, the principal means of financing in the budget act for federally mandated programs are general funds, special funds, and other federal funds, or N funds. General funds are \$764,648,531. Special funds are \$184,199,352. Other federal funds are \$650,723,685. Trust funds, interdepartmental transfers, and revolving funds comprise the remaining \$41,412,346, of which \$26,247,981 are state funds and \$15,164,365 are federal funds.

The principal means of financing for permanent position counts for federally mandated programs are also general funds, special funds, and other federal funds. General funds support 5,949.91 positions. Special funds support 109.15 positions. Other federal funds support 1,419.81 positions. Trust funds and revolving funds support the remaining 44.24 positions, of which 34.24 are state funded and 10.00 are federal funded. Interdepartmental transfers support no positions.

All program areas in the budget act have been appropriated funds for mandated programs. The bulk of mandate funds are in social services, employment, health, and the lower education half of formal education. In total funds, social services has \$979,089,866, employment has \$222,663,504, health has \$203,400,392, and lower education has \$125,642,323.

All program areas except economic development have been authorized permanent positions for mandated programs. The bulk of permanent positions for mandated programs are lower education, health, social services, public safety, and employment. The total position count for lower education is 2,633.00, for health it is 1,549.10, for social services it is 1,517.85, for public safety it is 868.60, and for employment it is 523.60.

All departments except the Office of the Governor, the Office of the Lieutenant Governor, the Department of Taxation, and the Department of Hawaiian Home Lands (which did not respond to the survey), have been appropriated funds for mandated programs. The departments appropriated the bulk of mandate funds are the Department of Human Services, the Department of Health, the Department of Labor and Industrial Relations, and the Department of Education. In total funds, the



Department of Human Services has been appropriated \$973,338,465, the Department of Health has been appropriated \$236,072,208, the Department of Labor and Industrial Relations has been appropriated \$210,900,557, and the Department of Education has been appropriated \$117,017,923.

Of the sixteen departments that reported appropriations for mandated programs, twelve also reported position counts. The departments authorized the bulk of permanent positions for mandated programs are the Department of Education, the Department of Health, and the Department of Human Services. The Department of Education has been authorized 2,623.00 positions, the Department of Health 1,737.10 positions, and the Department of Human Services 1,450.35 positions.

The federal mandates appropriated the bulk of funding are Medicaid; the Personal Responsibility and Work Opportunity Reconciliation Act ("PRWOR"); Title III of the Social Security Act, relating to unemployment compensation; and the Individuals with Disabilities Education Act ("IDEA"). Medicaid has a total of \$699,324,861, consisting of \$345,477,764 in state funds and \$353,847,097 in federal funds. PRWOR has a total of \$194,269,114, consisting of \$69,157,502 in state funds and \$125,111,612 in federal funds. Title III, unemployment compensation, has a total of \$177,995,923, consisting of \$165,600,000 in state funds and \$12,395,923 in federal funds. IDEA has a total of \$128,288,847, consisting of \$109,131,118 in state funds and \$19,157,729 in federal funds.

The mandates authorizing the bulk of permanent positions are IDEA, PRWOR, and the two court decrees *U.S. v. Hawaii* and *Spear v. Cayetano*. IDEA has a total of 2,655.50 positions, of which 2,642.50 are state funded and 13.00 are federal funded. PRWOR has a total of 725.00 positions, of which 416.54 are state funded and 308.46 are federal funded. *U.S. v. Hawaii* has a total of 889.60 positions, of which all positions are state funded. *Spear* has a total of 718.60 positions, all of which are state funded.

Lastly, between fiscal years 1997-1998 and 1998-1999, state funds for mandated programs increased about 12 per cent, from \$869,828,757 in fiscal year 1997-1998 to \$975,095,864 in fiscal year 1998-1999. Federal funds increased about 14 per cent, from \$583,031,060 to \$666,442,040. The sum of State and federal funds increased about 13 per cent, from \$1,452,859,817 to \$1,640,983,914. In other words, in fiscal year 1997-1998, the State provided 60 per cent of the funding for all mandated programs while the federal government provided 40 per cent. For every \$1.00 of federal funds, the State provided \$1.49. In fiscal year 1998-1999, the State provides 59 percent of mandate funding as against the federal government's 41 per cent. For every \$1.00 of federal funds, the State provides \$1.46.

HOUSE OF REPRESENTATIVES  
NINETEENTH LEGISLATURE, 1998  
STATE OF HAWAII

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## HOUSE RESOLUTION

'REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT.

1 WHEREAS, federal mandates that impose costs on the states  
2 are increasing at an alarming rate, in terms of **frequency** as  
3 well as cost; and  
4

5 WHEREAS, the explosion of federally-mandated programs  
6 began during the latter half of the 1980's when the federal  
7 government, struggling with new spending priorities and a  
8 rapidly expanding federal budget deficit, chose to require the  
9 states to finance, administer, and implement these new and  
10 costly responsibilities; and  
11

12 WHEREAS, in 1990 alone, the federal government imposed at  
13 least twenty additional mandates on the states at an aggregate  
14 cost of more than \$15,000,000,000, to the states; and  
15

16 WHEREAS, these mandates included requiring states to  
17 enforce new standards for smog and acid rain reduction, enforce  
18 new transportation requirements for hazardous waste, expand  
19 state Medicaid coverage for certain households and individuals,  
20 and enforce driver's license revocation requirements for  
21 certain drug offenses; and  
22

23 WHEREAS, the 1991 Budget Reconciliation Act was another  
24 source of "hidden costs" to the states--where approximately  
25 \$13,300,000,000 in unfunded obligations have been passed on  
26 from the federal government to the states; and  
27

28 WHEREAS, in addition to these new mandates imposed on the  
29 states by the federal government, state governments must also  
30 contend with the never-ceasing problem of keeping pace with the  
31 current service requirements of ongoing federal-state programs  
32 that require state matching funds for federal grants; and  
33

34 WHEREAS, while the merits of each program should be  
35 examined on an individual basis, these mandates are almost  
36 always costly to the states, and inappropriately intrude upon  
37 or preempt the rights and powers of state government; and  
38

1 WHEREAS, forcing the states to comply with and contribute  
 2 to the cost of implementing federally-developed programs and  
 3 initiatives offers the federal government a convenient method  
 4 of taking credit for expanding and developing new programs  
 5 while exporting the burden of cost and administration to the  
 6 states; and  
 7

8 WHEREAS, due to the fact that a significant number of  
 9 states are now facing serious budgetary problems, the current  
 10 federal-state partnership arrangement for the administration of  
 11 federally-mandated programs should be reexamined; and  
 12

13 WHEREAS, a survey of programs mandated by the federal  
 14 government but funded or partially funded by the State should  
 15 be the first step in better understanding the magnitude of this  
 16 situation; now, therefore,  
 17

18 BE IT RESOLVED by the House of Representatives of the  
 19 Nineteenth Legislature of the State of Hawaii, Regular Session  
 20 of 1998, that the Legislative Reference Bureau is requested to  
 21 update its survey of government programs in the State for  
 22 fiscal year 1998-1999 that are:  
 23

- 24 (1) Mandated by the federal government but funded by the  
 25 State;
- 26 (2) Mandated by the federal government but require State  
 27 matching funds;
- 28 (3) Funded or partially funded by federal funds but  
 29 scheduled to have these federal funds reduced or  
 30 discontinued; or
- 31 (4) No longer mandated, but continues to be supported by  
 32 state funds;
- 33
- 34
- 35
- 36

37 and  
 38

39 BE IT FURTHER RESOLVED that the Legislative Reference  
 40 Bureau is requested to submit the survey to the Legislature no  
 41 later than twenty days prior to the convening of the Regular  
 42 Session of 1999; and  
 43

# H.R. NO. 18

1 BE IT FURTHER RESOLVED that a certified copy of, this  
2 Concurrent Resolution be transmitted to the Acting Director of  
3 the Legislative Reference Bureau.  
4  
5  
6  
7

OFFERED BY:                     *James K. Paul*                    

**FEB 26 1998**

## Appendix B

### QUESTIONS ON FEDERALLY MANDATED STATE PROGRAMS

*Note:* This questionnaire is being distributed to all the principal state executive branch departments and the offices of both the governor and lieutenant governor in response to the attached H.R. No. 18, which directs the Legislative Reference Bureau to update its survey for fiscal year 1998-1999 of federally mandated state programs that are funded by State funds, federal funds, or both.

For purposes of this survey, please use the following definitions:

"State program", or "program", means the program in the state budget act identified by a program ID.

"Federal mandate" means a federal statute, rule, or court order that imposes direct costs on the states and possibly prohibits the use of cost-effective alternatives. They can include the following types of federal policy instruments:

- (1) The direct order mandate, which is a federal statute, federal administrative rule, or federal court order that directs states to establish a new program, improve the level of services under an existing one, or enact or raise minimum standards. Alternatively, a direct order may prohibit, halt, or restrict a specific state practice or program. Civil or criminal penalties can be imposed for noncompliance;
- (2) A partial preemption statute, in which the federal government exerts its constitutional authority to preempt a field of regulation and establish minimum national standards. Subject to federal approval, a state may be allowed to regulate the field if the state adopts standards as strict as, or stricter than, the minimum national standards. In order to encourage states to continue regulating the field or to discourage them from withdrawing from it, the federal government may employ crossover sanctions; or
- (3) Federal grant-in-aid conditions on state spending and administration, provided that the state cannot easily withdraw from the program for the following reasons:
  - (a) Substantial start-up costs have already been expended for the program by the state;
  - (b) The state may have abolished its own program in favor of the federal initiative;
  - (c) The public may have come to rely on the benefits provided by the grant program; or
  - (d) The state's budget may now be heavily dependent on large sums of federal

money for the program.

The grant conditions may include:

- (1) The "bait and switch", in which new requirements are added after a program is in effect, service populations expanded or redefined, or existing local practices restricted or prohibited;
- (2) Matching requirements, maintenance-of-effort provisions, and "non-supplant" clauses, which prohibit states from decreasing state funds for a program and substituting federal funds in their place. Program expansion is the federal goal;
- (3) Crossover sanctions, or the "carrot and stick", in which the failure to comply with the requirements of one program can result in a reduction or termination of funds from another, separately authorized and separately entered into, program; or
- (4) Crosscutting requirements, which are requirements that are imposed across the board on all or most federal assistance programs.

Name of Department \_\_\_\_\_

Division \_\_\_\_\_

Name of Person Responsible for  
Completing Questionnaire \_\_\_\_\_

Title \_\_\_\_\_

Phone Number \_\_\_\_\_

Please provide the following information on each federally mandated state program for which your department is the expending agency under the Supplemental Appropriations Act of 1998 (or, if there is no supplemental budget act for this year, then the General Appropriations Act of 1997). It is not necessary to report a mandated program if the program's total state and federal funding is zero, unavailable, unknown, or unquantifiable:

- (1) The name of the state program mandated by the federal government. Identify the program ID in the Supplemental Appropriations Act of 1998.
- (2) The name of the federal mandate. Provide the official or popular name of the mandate, and a citation to its source.
- (3) Description of the mandate. Briefly describe what the mandate requires of the State.
- (4) Sanctions and penalties for noncompliance. Describe the actions that the federal government is authorized to take against the State if the State neither complies with the federal mandate nor participates in the federal program. Discuss, as applicable, fines, removal of jurisdiction, or withholding of federal funds.
- (5) Operating funds appropriated under the Supplemental Appropriations Act of 1998 for the fiscal year beginning July 1, 1998 and ending June 30, 1999. Specify the means of financing ("MOF") and the amount of funds appropriated under that MOF to fulfill the mandate.

Where applicable, also specify the permanent position counts authorized under each MOF to fulfill the mandate.

Operating funds	FY 1998-1999
State	
General fund	_____
permanent position count	_____

Special funds	_____
permanent position count	_____
Other (specify)_____	_____
permanent position count	_____
Subtotal	_____
permanent position count	_____
Federal	
Other federal funds	_____
permanent position count	_____
Other (specify)_____	_____
permanent position count	_____
Total State and Federal	_____
permanent position count	_____

**PLEASE SEND THE COMPLETED QUESTIONNAIRE TO WENDELL K. KIMURA, ACTING DIRECTOR, LEGISLATIVE REFERENCE BUREAU, ATTENTION: DEAN SUGANO, STATE CAPITOL, ROOM 446, HONOLULU, HI 96813, BY JULY 31,1998.**

**THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.**



Appendix C

PROGRAM AREA OPERATING BUDGETS FOR FISCAL YEAR 1998-1999

MEANS OF FINANCING ("MOF")

Program	A	B	N	R	S	T	U	W	X	Prog Budget
A. Econ Dev	38,492,046	56,570,138	4,440,247	0	0	540,000	371,133	13,263,301	0	113,676,865
B. Employ	20,069,131	197,375,437	68,849,693	0	0	0	1,248,502	1,489,081	0	289,031,844
C. Trans	0	462,148,190	4,906,735	0	0	0	0	0	0	467,054,925
D. Env Pro	17,923,771	9,365,648	9,504,829	0	0	0	0	50,256,227	0	87,050,475
E. Health	259,600,645	230,862,466	78,756,674	0	0	0	1,862,690	0	0	571,082,475
F. Soc Serv	532,443,062	12,529,975	576,417,942	0	0	9,078,447	20,304,479	4,888,400	0	1,155,662,305
G. Lower Ed	774,976,464	27,029,008	119,837,281	0	0	2,960,072	1,932,939	2,740,000	0	929,475,764
G. Higher Ed	259,964,554	99,469,486	9,811,804	0	0	0	0	118,371,613	0	487,617,457
H. Culture	10,919,587	21,641,577	3,096,313	15,000	0	0	0	5,592,723	0	41,265,200
I. Pub Saf	135,091,251	158,048	8,439,260	0	87,000	25,065	1,318,908	12,662,850	742,980	158,525,362
J. Ind Rts	11,092,728	27,273,949	0	0	0	1,438,928	2,619,120	5,324,958	1,202,601	48,952,284
K. Gov Sup	929,143,170	7,969,308	6,634,452	0	0	381,715,810	19,071,701	30,914,259	6,100,387	1,381,549,087
Grand total	2,989,716,409	1,152,393,230	890,695,230	15,000	87,000	395,758,322	48,729,472	245,503,412	8,045,968	5,730,944,043
MEANS OF FINANCING ("MOF")										
A	General fund									
B	Special funds									
N	Other federal funds									
R	Private contributions									



## Appendix D

PROGRAM AREA PERMANENT POSITION COUNTS FOR FISCAL YEAR  
1998-1999MEANS OF FINANCING  
("MOF")

Program	A	B	N	R	S	T	U	W	X	Prog Positions
A. Econ Dev	368.00	92.00	2.00	0.00	0.00	0.00	1.00	13.50	0.00	476.50
B. Employ	294.10	0.00	537.29	0.00	0.00	0.00	0.00	9.00	0.00	840.39
C. Trans	0.00	2,259.75	4.00	0.00	0.00	0.00	0.00	0.00	0.00	2,263.75
D. Env Pro	356.50	66.00	57.50	0.00	0.00	0.00	0.00	55.00	0.00	535.00
E. Health	2,643.20	2,843.25	255.65	0.00	0.00	0.00	2.00	0.00	0.00	5,744.10
F. Soc Serv	1,122.17	123.00	943.69	0.00	0.00	7.14	0.00	30.00	0.00	2,226.00
G. Lower Ed	17,401.65	720.50	3.00	0.00	0.00	0.00	0.00	0.00	0.00	18,125.15
G. Higher Ed	5,644.84	145.75	97.66	0.00	0.00	0.00	0.00	350.75	0.00	6,239.00
H. Culture	225.00	151.50	5.00	0.00	0.00	0.00	0.00	17.00	0.00	398.50
I. Pub Saf	2,561.83	0.00	35.45	0.00	0.00	0.00	13.00	20.00	0.00	2,630.28
J. Ind Rts	184.00	240.00	0.00	0.00	0.00	2.00	24.00	40.00	5.00	495.00
K. Gov Sup	1,423.84	12.00	12.00	0.00	0.00	4.00	66.16	44.00	52.00	1,614.00
Grand Total	32,225.13	6,653.75	1,953.24	0.00	0.00	13.14	106.16	579.25	57.00	41,587.67
MEANS OF FINANCING ("MOF")										
A General fund										
B Special funds										



					Appendix E						
			DEPARTMENT OPERATING BUDGETS FOR FISCAL YEAR 1998-1999								
			MEANS OF FINANCING ("MOF")								
Department	A	B	N	R	S	T	U	W	X	Dept Budget	
AGR	12,193,580	4,794,848	716,206	0	0	540,000	371,133	6,679,926	0	25,295,693	
AGS	106,625,769	9,014,280	782,405	15,000	0	0	9,237,631	27,400,915	0	153,076,000	
ATG	20,680,792	282,520	21,485,236	0	0	5,742,620	5,120,164	4,432,266	0	57,743,598	
BED	33,487,448	61,387,736	55,567,901	0	0	6,653,827	0	11,186,775	0	168,283,687	
BUF	823,194,201	5,563,933	0	0	0	373,998,000	5,525	0	6,100,387	1,208,862,046	
CCA	2,394,064	21,210,016	0	0	0	1,438,928	2,475,352	10,417,681	1,202,601	39,138,642	
DEF	7,700,026	0	6,242,969	0	0	0	0	0	0	13,942,995	
EDN	727,423,837	27,029,008	119,837,281	0	0	2,960,072	1,932,939	2,740,000	0	881,923,137	
GOV	3,450,359	0	0	0	0	0	0	0	0	3,450,359	
HHL	1,347,684	5,617,529	0	0	0	0	0	0	0	6,965,213	
HMS	523,966,712	300,000	519,472,840	0	0	0	20,304,479	1,755,200	0	1,065,799,231	
HRD	15,547,555	0	0	0	0	0	4,708,381	415,694	0	20,671,630	
HTH	263,971,291	237,058,968	85,341,436	0	0	0	1,862,690	49,994,567	0	638,228,952	
LBR	16,421,075	197,375,437	60,734,802	0	0	0	1,248,502	158,881	0	275,938,697	
LNR	26,298,075	19,264,542	5,639,324	0	0	0	143,768	621,660	0	51,967,369	
LTG	2,903,619	0	0	0	0	4,399,810	0	0	0	7,303,429	
PSD	126,325,033	158,048	156,291	0	87,000	25,065	1,318,908	11,328,234	742,980	140,141,559	
TAX	15,022,080	0	0	0	0	0	0	0	0	15,022,080	
TRN	0	462,148,190	4,906,735	0	0	0	0	0	0	467,054,925	
UOH	260,443,209	101,188,175	9,811,804	0	0	0	0	118,371,613	0	489,814,801	

					Appendix E					
Dept total	2,989,396,409	1,152,393,230	890,695,230	15,000	87,000	395,758,322	48,729,472	245,503,412	8,045,968	5,730,624,043
SUB	320,000	0	0	0	0	0	0	0	0	320,000
Grand total	2,989,716,409	1,152,393,230	890,695,230	15,000	87,000	395,758,322	48,729,472	245,503,412	8,045,968	5,730,944,043



				Appendix F						
UOH	5,657.84	152.75	97.66	0.00	0.00	0.00	0.00	350.75	0.00	6,259.00
Dept totals	32,225.13	6,653.75	1,953.24	0.00	0.00	13.14	106.16	579.25	57.00	41,587.67



			Appendix G					
		PROGRAM AREA OPERATING BUDGETS FOR						
	FEDERALLY MANDATED PROGRAMS DURING FISCAL YEAR							
	1998-1999							
Program	A	B	N	T	U	W	Program Budget	
A. Econ Dev	73,995	0	2,150,386	0	0	0	2,224,381	
B. Employ	4,712,793	165,600,000	52,350,711	0	0	0	222,663,504	
C. Trans	0	2,626,411	1,490,454	0	0	0	4,116,865	
D. Env Pro	3,989,550	6,196,502	5,732,738	0	0	18,671,672	34,590,462	
E. Health	159,177,284	5,009,722	39,213,386	0	0	0	203,400,392	
F. Soc Serv	434,679,298	0	521,681,469	2,424,620	20,304,479	0	979,089,866	
G. Lower Ed	110,584,638	0	15,057,685	0	0	0	125,642,323	
G. Higher Ed	5,051,728	350,000	5,144,466	0	0	11,575	10,557,769	
H. Culture	2,120,521	4,062,197	782,405	0	0	0	6,965,123	
I. Pub Saf	43,709,764	0	6,267,796	0	0	0	49,977,560	
J. Ind Rts	115,889	72,000	0	0	0	0	187,889	
K. Gov Sup	433,071	282,520	852,189	0	0	0	1,567,780	
Program total	764,648,531	184,199,352	650,723,685	2,424,620	20,304,479	18,683,247	1,640,983,914	
MEANS OF FINANCING ("MOF")								
A	General fund							
B	Special funds							

N	Other federal funds						
R	Private contributions						
S	County funds						
T	Trust funds						
U	Interdepartmental transfers						
W	Revolving funds						
X	Other funds						

Appendix H

PROGRAM AREA PERMANENT POSITION COUNTS

FOR FEDERALLY MANDATED PROGRAMS DURING FISCAL YEAR  
1998-1999

Program	A	B	N	T	U	W	Program Positions
A. Econ Dev	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B. Employ	55.45	0.00	468.15	0.00	0.00	0.00	523.60
C. Trans	0.00	42.15	2.25	0.00	0.00	0.00	44.40
D. Env Pro	83.00	48.00	40.00	0.00	0.00	37.00	208.00
E. Health	1,433.65	3.00	112.45	0.00	0.00	0.00	1,549.10
F. Soc Serv	840.26	0.00	670.45	7.14	0.00	0.00	1,517.85
G. Lower Ed	2,633.00	0.00	0.00	0.00	0.00	0.00	2,633.00
G. Higher Ed	42.03	6.00	82.06	0.00	0.00	0.10	130.19
H. Culture	10.00	6.00	0.00	0.00	0.00	0.00	16.00
I. Pub Saf	836.15	0.00	32.45	0.00	0.00	0.00	868.60
J. Ind Rts	3.37	0.00	0.00	0.00	0.00	0.00	3.37
K. Gov Sup	13.00	4.00	12.00	0.00	0.00	0.00	29.00
Prog Total	5,949.91	109.15	1,419.81	7.14	0.00	37.10	7,523.11
MEANS OF FINANCING ("MOF")							
A General fund							

B	Special funds						
N	Other federal funds						
T	Trust funds						
U	Interdepartmental transfers						
W	Revolving funds						

## Appendix I

## DEPARTMENT OPERATING BUDGETS FOR FEDERALLY MANDATED PROGRAMS DURING FISCAL YEAR 1998-1999

MEANS OF FINANCING ("MOF")							
Department	A	B	N	T	U	W	Dept Budget
AGR	834,535	0	350,000	0	0	250,000	1,434,535
AGS	10,744,921	4,062,197	782,405	0	0	0	15,589,523
ATG	1,732,263	282,520	13,775,607	2,424,620	0	0	18,215,010
BED	73,995	0	2,150,386	0	0	0	2,224,381
BUF	402,680	0	0	0	0	0	402,680
CCA	0	72,000	0	0	0	0	72,000
DEF	6,352,390	0	6,227,796	0	0	0	12,580,186
EDN	101,960,238	0	15,057,685	0	0	0	117,017,923
GOV	0	0	0	0	0	0	0
HHL	0	0	0	0	0	0	0
HMS	436,161,044	0	516,872,942	0	20,304,479	0	973,338,465
HRD	30,391	0	0	0	0	0	30,391
HTH	162,298,188	11,206,224	44,146,124	0	0	18,421,672	236,072,208
LBR	1,064,737	165,600,000	44,235,820	0	0	0	210,900,557
LNR	163,350	0	490,000	0	0	0	653,350
LTG	0	0	0	0	0	0	0
PSD	37,778,071	0	0	0	0	0	37,778,071
TAX	0	0	0	0	0	0	0
TRN	0	2,626,411	1,490,454	0	0	0	4,116,865
UOH	5,051,728	350,000	5,144,466	0	0	11,575	10,557,769

Dept total	764,648,531	184,199,352	650,723,685	2,424,620	20,304,479	18,683,247	1,640,983,914

			Appendix J				
DEPARTMENT PERMANENT POSITION COUNTS FOR FISCAL YEAR 1998-1999							
		MEANS OF FINANCING ("MOF")					
Department	A	B	N	T	U	W	Dept Positions
AGR	23.37	0.00	0.00	0.00	0.00	0.00	23.37
AGS	20.00	6.00	0.00	0.00	0.00	0.00	26.00
ATG	50.66	4.00	124.20	7.14	0.00	0.00	186.00
BED	0.00	0.00	0.00	0.00	0.00	0.00	0.00
BUF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CCA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEF	130.55	0.00	32.45	0.00	0.00	0.00	163.00
EDN	2,623.00	0.00	0.00	0.00	0.00	0.00	2,623.00
GOV	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HHL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HMS	802.55	0.00	647.80	0.00	0.00	0.00	1,450.35
HRD	13.00	0.00	0.00	0.00	0.00	0.00	13.00
HTH	1,496.65	51.00	152.45	0.00	0.00	37.00	1,737.10
LBR	29.50	0.00	378.60	0.00	0.00	0.00	408.10
LNR	0.00	0.00	0.00	0.00	0.00	0.00	0.00
LTG	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PSD	718.60	0.00	0.00	0.00	0.00	0.00	718.60
TAX	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TRN	0.00	42.15	2.25	0.00	0.00	0.00	44.40
UOH	42.03	6.00	82.06	0.00	0.00	0.10	130.19

Dept total	5,949.91	109.15	1,419.81	7.14	0.00	37.10	7,523.11



		Appendix K				
		FEDERAL MANDATES IN THE OPERATING BUDGET:				
		PERMANENT POSITION COUNTS AND FUNDS BY STATE PROGRAM				
		FOR FISCAL YEAR 1998-1999				
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
Adoption Assistance	F01. HMS301	192.44	15,444,184	A		
and Child Welfare		50.04	12,436,790	N		
Act, Title IV-E	F03. HMS303	0.00	11,804,370	A		
		0.00	7,009,175	N		
	F48. HMS901	13.97	1,239,890	A		
		10.03	890,749	N	266.48	48,825,158
Americans with	G09. UOH100	0.00	150	W		
Disabilities Act	K23. HRD102	3.00	6,310	A	3.00	6,460
Carl D. Perkins	G20. UOH900	7.00	356,619	A		
Voc Applied Tech		4.00	457,667	N	11.00	814,286
Cash Mgmt Imp Act	K17. BUF115	0.00	325,000	A	0.00	325,000
Child Abuse	F01. HMS301	0.00	129,161	N		
Prevention and		0.00	12,500	A		
Treatment Act		0.00	125,000	N	0.00	266,661

Child Support Enforcement,	F39. ATG500	50.66	1,732,263	A		
Title IV-D, SSA		112.20	12,923,418	N	170.00	17,080,301
Children's Justice	F01. HMS301	0.00	67,271	N	0.00	67,271
Civil Rights Act, EEO, affirmative action	G01. EDN100	126.00	7,403,251	A		
		0.00	408,000	N		
	G20. UOH900	5.00	261,837	A	131.00	8,073,088
Clinical Laboratory	G09. UOH100	0.00	2,800	W	0.00	2,800
Coastal Zone Management Act	D08. HTH850	2.00	516,164	A		
		4.00	972,000	N	6.00	1,488,164
COBRA 1985	K26. BUF142	0.00	1,430	A	0.00	1,430
Controlled Sub Mandate	G09. UOH100	0.00	500	W	0.00	500
	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
Developmental Disabilities	E33. HTH905	1.50	77,236	A		
		6.50	433,728	N	8.00	510,964
Drug-Free Workpl.	G20. UOH900	0.00	4,405	A	0.00	4,405
Endangered Species Act	D04. LNR402	0.00	150,000	A		
		0.00	450,000	N	0.00	600,000

Energy Policy and Conservation Act	A17. BED120	0.00	73,995	A		
		0.00	2,150,386	N	0.00	2,224,381
Environmental pollution laws	D01. HTH840	54.00	2,294,493	A		
		48.00	6,196,502	B		
		24.00	2,876,916	N		
		18.00	1,053,112	W (S)		
		10.00	14,884,678	W (F)		
	D10. HTH849	7.00	310,247	A		
(inc. Clean Air, Clean Water, Safe Drinking Water, RCRA, SARA, Toxic Substances Control)		9.00	2,483,882	W		
		12.00	1,083,822	N		
	E27. HTH610	14.00	522,439	A		
		7.00	515,230	N		
	G09. UOH100	6.00	288,838	A	209.00	32,510,159
Fair Packaging and Labeling Act	J08. AGR812	3.20	110,389	A	3.20	110,389
Family Violence Prevention	F01. HMS301	0.00	1,362,461	A		
		0.00	400,000	N	0.00	1,762,461
Federal Civil Defense Act	I21. DEF110	18.50	807,062	A		
		6.50	1,260,450	N	25.00	2,067,512
Fed. Indep. Living	K01. HMS301	0.00	6,300	A		
		0.00	18,000	N	0.00	24,300

Federal Insecticide, Fungicide, and Rodenticide Act	D02. AGR846	20.00	718,646	A		
		0.00	250,000	W		
		0.00	350,000	N	20.00	1,318,646
Federal Student Loan	G09. UOH100	5.00	579,143	A		
		0.00	764,032	N		
	G20. UOH900	3.00	280,000	A	8.00	1,623,175
<b>Mandate</b>	<b>Program ID</b>	<b>Positions</b>	<b>Funds</b>	<b>MOF</b>	<b>Total Pos</b>	<b>Total Funds</b>
Federal Transit Administration	C33. TRN595	0.00	12,000	N		
		0.00	12,000	N		
		0.00	8,000	N		
	C34. TRN597	0.75	0	N		
	C35. TRN995	0.25	8,000	B	1.00	40,000
Felix v Waihee	E25. HTH460	148.00	60,498,014	A		
		0.00	1,902,292	B		
		0.00	4,598,644	N		
	E26. HTH495	34.00	2,767,436	A	182.00	69,766,386
Gun Control Act	K23. HRD102	3.00	9,044	A	3.00	9,044
Health Services Amendments	E01. HTH101	2.00	151,070	A		
		3.00	695,669	N		
	E02. HTH111	68.00	3,880,864	A	73.00	4,727,603

Highway Safety Act	C33. TRN595	2.00	95,844	B		
		0.00	223,636	N		
	C34. TRN597	2.50	1,578,577	B		
		1.50	59,646	N	6.00	1,957,703
IDEA (less Felix):	E12. HTH530	58.50	3,250,689	A		
Individuals with		11.00	4,408,020	N		
Disabilities	E13. HTH540	53.00	1,958,146	A		
Education Act		2.00	100,024	N		
	E15. HTH570	24.00	740,896	A		
	G01. EDN100	2,497.00	78,391,576	A		
		0.00	14,649,685	N		
	G02. EDN200	0.00	16,165,411	A		
	G07. AGS808	10.00	8,624,400	A	2,655.50	128,288,847
Immigration laws	B01. LBR111	0.00	60,000	N		
	G09. UOH100	4.00	177,715	A		
	K23. HRD102	2.00	4,477	A	6.00	242,192
Job Training and	B01. LBR111	2.00	10,000	A		
Partnership Act		10.70	20,008,536	N	12.70	20,018,536
Juvenile Justice and	F05. HMS501	22.00	78,800	A		
Delinquency		0.00	788,000	N	22.00	866,800
Laboratory Animal	G09. UOH100	4.00	287,899	A		
Act		6.00	350,000	B	10.00	637,899
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds

LIHEAP	F13. HMS206	0.00	1,054,760	N	0.00	1,054,760
Marine/Atmos Res	G09. UOH100	1.00	91,080	A	1.00	91,080
Maternal and Child	E12. HTH530	12.50	755,853	A		
Health Services		3.00	600,000	B		
Block Grant,		17.00	1,085,206	N		
Title V,	E13. HTH540	8.00	949,172	A		
Social Security Act		0.00	606,092	N		
	E14. HTH550	20.00	11,674,639	A		
		18.50	974,318	N		
		6.50	2,269,658	N		
	E17. HTH595	9.00	2,852,763	A		
		2.00	358,604	N		
		0.00	233,200	N	96.50	22,359,505
McIntire-Stennis Act,	G09. UOH100	0.00	1,135,102	A		
Hatch Acts		34.42	1,578,546	N	34.42	2,713,648
Meat and Poultry	J08. AGR812	0.12	4,000	A	0.12	4,000
Medicaid,	E04. HTH131	19.00	1,161,560	A		
Title XIX,		21.00	4,200,000	N		
Social Security Act	F04. HMS601	0.00	716,333	A		
		0.00	716,333	N		
	F34. HMS230	0.00	141,643,916	A		
		0.00	6,000,000	U		

		0	147,013,918	N		
	F35. HMS603	0.00	10,793,258	A		
		0.00	14,024,792	U		
		0.00	21,411,163	N		
	F36. HMS245	0.00	164,253,943	A		
		0.00	166,295,982	N		
	F45. HMS902	25.50	4,943,112	A		
		29.50	12,123,342	N		
	F47. HMS904	24.15	1,345,977	A		
		15.85	921,817	N		
	F48. HMS901	0.00	312,353	A		
		0.00	312,353	N		
	K18. ATG100	4.00	282,520	B		
		12.00	852,189	N	151.00	699,324,861
Motor Carrier Safety	C34. TRN597	29.00	305,000	B	29.00	305,000
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
National Bridge	C27. TRN501,					
Inventory System	C28. TRN511,					
	C29. TRN531,					
	C30. TRN541,					
	C31. TRN551,					
	C32. TRN561	7.40	553,990	B		
	C33. TRN595	0.00	1,126,600	N	7.40	1,680,590
National Cemeteries	F08. DEF112	13.00	434,047	A	13.00	434,047

National Defense Act	I21. DEF110	99.05	5,111,281	A		
		25.95	4,967,346	N	125.00	10,078,627
National Endowment for the Arts	H03. AGS881	10.00	2,120,521	A		
		6.00	4,062,197	B		
		0.00	782,405	N	16.00	6,965,123
National Flood Insurance Act	I20. LNR810	0.00	13,350	A		
		0.00	40,000	N	0.00	53,350
National School Lunch Act	G09. UOH100	0.10	4,020	A		
		0.00	625	W		
		0.00	18,000	N	0.10	22,645
National Space Grant	G09. UOH100	0.00	170,000	A		
		0.00	412,500	N	0.00	582,500
Nurses/Appraisers	J04. CCA105	0.00	72,000	B	0.00	72,000
Occupational Safety and Health Act	B05. LBR143	26.00	971,502	A		
		26.00	1,598,057	N		
	B12. LBR901	1.50	75,235	A		
		1.50	92,840	N		
	G09. UOH100	0.10	7,500	W	55.10	2,745,134
Older Americans Act Inc.	B01. LBR111	0.00	8,000	A		
		0.50	1,759,425	N		



National and	E32. HTH904	3.55	4,995,950	A		
Community Service		7.45	5,852,533	N		
Trust Act	F04. HMS601	4.00	373,710	A		
		0.00	269,819	N		
		0.00	279,687	U(F)		
	F04. HMS601	2.50	259,292	A		
		0.00	354,829	N	18.00	14,153,245
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
OMB Circulars	F47. HMS904	0.00	157,148	A		
		0.00	133,852	N		
	G09. UOH100	2.00	64,200	A		
	K06. BUF101	0.00	76,250	A	2.00	431,450
PEACESAT	G09. UOH100	1.00	102,568	A	1.00	102,568
Petroleum Marketing	J08. AGR812	0.05	1,500	A	0.05	1,500
PRWOR:	F02. HMS302	27.00	7,450,990	A		
Personal		1.00	13,295,847	N		
Responsibility and	F10. HMS201	0.00	18,885,189	A		
Work Opportunity		0.00	80,910,687	N		
Reconciliation Act	F11. HMS202	0.00	23,086,873	A		
	F37. HMS236	333.24	10,723,598	A		
		260.76	12,497,701	N		
	F40. HMS237	2.00	490,640	A		
		0.00	2,146,857	N		
	F46. HMS903	54.30	8,520,212	A		

		46.70	11,174,997	N		
	B01. LBR111	0.00	5,085,523	N	725.00	194,269,114
Public Health	E01. HTH101	34.00	1,946,613	A		
Services Act		0.00	1,100,000	N		
	E03. HTH121	13.00	5,280,343	A		
		4.50	3,382,140	N	51.50	11,709,096
Recombinant DNA	G09. UOH100	1.00	46,894	A	1.00	46,894
Rehabilitation Act	B11. HMS802	25.95	3,648,056	A		
		89.55	8,114,891	N	115.50	11,762,947
Smith-Lever Act	G09. UOH100	0.00	961,049	A		
		43.64	1,911,414	N	43.64	2,872,463
Social Services	F01. HMS301	93.67	4,754,985	N		
Block Grant,	F04. HMS601	0.00	3,358,310	N		
Title XX,	F06. HMS502	0.00	3,519,476	A		
Social Security Act		0.00	723,629	N		
	F07. HMS503	75.50	4,569,250	A		
		0.00	1,490,800	N	169.17	18,416,450
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
Spear v Cayetano	I06. PSD407	446.00	19,164,367	A		

	I08. PSD409	132.00	5,175,875	A		
	I10. PSD420	48.50	6,059,655	A		
	I11. PSD421	62.10	5,242,846	A		
	I18. PSD900	30.00	2,135,328	A	718.60	37,778,071
Student Rt-to-Know/	G09. UOH100	0.00	843	A		
Campus Security		0.75	37,000	A	0.75	37,843
Substance Abuse	E24. HTH440	7.00	6,067,830	A		
Prevention and		2.00	5,675,507	N		
Treatment Block	E26. HTH495	15.00	603,884	A		
Grant (SAPT)		4.00	1,046,784	N	28.00	13,394,005
Title IVB, Subparts	F01. HMS301	0.00	120,000	A		
Subparts 1 and 2,		5.70	480,000	N		
Social Security Act	F03. HMS303	0.00	182,400	A		
		0.00	729,600	N		
	F01. HMS301	0.00	194,319	A		
		0.00	743,061	N		
	F48. HMS901	0.00	22,494	A		
		0.00	121,226	N	5.70	2,593,100
Title XVI, SSA	F38. HMS238	45.00	3,858,037	N	45.00	3,858,037
Transportation	C33. TRN595	1.00	85,000	B		
Equity Act		0.00	48,572	N	1.00	133,572
Trans Employ Test	K23. HRD102	5.00	10,560	A	5.00	10,560

Unemployment	B09. LBR171	0.00	165,600,000	B		
Compensation		231.90	12,395,923	N	231.90	177,995,923
US v Hawaii	E22. HTH420	243.10	16,720,830	A		
		0.00	2,507,430	B		
		0.00	1,026,514	N		
	E23. HTH430	620.50	30,112,550	A		
	E26. HTH495	26.00	2,208,507	A		
		0.00	651,515	N	889.60	53,227,346
Veterans' Benefits	G09. UOH100	0.33	20,832	A		
		0.00	2,307	N	0.33	23,139
Wagner-Peyser Act	B01. LBR111	108.00	3,235,516	N	108.00	3,235,516
Mandate	Program ID	Positions	Funds	MOF	Total Pos	Total Funds
Water Resources	G09. UOH100	1.85	181,684	A	1.85	181,684
Mandate Total					7,523.11	1,640,983,914
Mandate Total						1,640,983,914
Program Total						1,640,983,914
Department Total						1,640,983,914