
A BILL FOR AN ACT

RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND CENTERS.

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

1 SECTION 1. The statewide council on independent living was
2 created by Act 197, Session Laws of Hawaii 1993 (codified as
3 section 348-9, Hawaii Revised Statutes (HRS)), and placed within
4 the department of human services.

5 Act 84, Session Laws of Hawaii 1995, removed the statewide
6 council on independent living from the department of human
7 services to conform with the 1992 and 1993 amendments to the
8 federal Rehabilitation Act of 1973, Title 29 United States Code
9 Section 796d, which requires states to establish a statewide
10 independent living council to receive federal financial
11 assistance and prohibited a statewide independent living council
12 from being placed within a state agency in order to receive the
13 federal financial assistance. Act 84 retained the statewide
14 council on independent living but made the statewide council on
15 independent living a temporary agency with a repeal date of June
16 30, 1998, at which time section 348-9(a), HRS, was to be



1 reenacted. On June 30, 1998, Act 84 was repealed and the
2 statewide council on independent living was again
3 administratively placed in the department of human services. No
4 other laws were passed after 1998 to remove the statewide
5 council on independent living from placement in the department
6 of human services.

7 Federal law, Title 29 United States Code Section 796d,
8 still requires the State to establish a statewide independent
9 living council, which still cannot be established as an entity
10 within a state agency for the State to be eligible to receive
11 federal financial assistance.

12 Section 348-9, HRS, was well intended, but it does not
13 conform to the federal requirements for a statewide independent
14 living council, and has resulted in confusion.

15 The purpose of this Act is to repeal section 348-9, HRS,
16 which will abolish the statewide council on independent living
17 as an entity within the department of human services.



1 SECTION 2. Section 348-9, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§348-9 Statewide council on independent living.~~ (a)
4 ~~There is established within the department of human services a~~
5 ~~statewide council on independent living. The council shall~~
6 ~~consist of nineteen members appointed by the governor as~~
7 ~~provided in section 26-34 and without regard to section 78-4.~~
8 ~~The members shall include:~~

9 (1) ~~At least one director of a center [for] independent~~
10 ~~living chosen by the directors of centers for~~
11 ~~independent living;~~

12 (2) ~~An employee of the department as an ex officio~~
13 ~~nonvoting member; and~~

14 (3) ~~Members of other state agencies that provide services~~
15 ~~for individuals with disabilities as ex officio~~
16 ~~nonvoting members.~~

17 (b) ~~The council may also include:~~

18 (1) ~~Additional representatives from centers for~~
19 ~~independent living;~~

20 (2) ~~Parents and guardians of individuals with~~
21 ~~disabilities;~~



1 ~~(3) Advocates of and for individuals with disabilities;~~

2 ~~(4) Representatives from private business;~~

3 ~~(5) Representatives from organizations that provide~~
4 ~~services; and~~

5 ~~(6) Other appropriate individuals;~~

6 ~~provided that the council shall include at least one member from~~
7 ~~each county; and provided further that a majority of the council~~
8 ~~shall be individuals with disabilities who are not employed by~~
9 ~~any state agency or center for independent living. The council~~
10 ~~shall elect a chairperson from the membership. Each member~~
11 ~~shall serve a term of three years and may not serve more than~~
12 ~~two consecutive full terms.~~

13 ~~(c) The council members shall serve without compensation~~
14 ~~but shall be reimbursed for reasonable expenses, including~~
15 ~~travel expenses, necessary for the performance of their duties.~~

16 ~~(d) The council shall:~~

17 ~~(1) Develop and submit jointly with the department a state~~
18 ~~plan;~~

19 ~~(2) Monitor, review, and evaluate the implementation of~~
20 ~~the state plan;~~



- 1 ~~(3) Coordinate activities with the state rehabilitation~~
2 ~~council; and~~
- 3 ~~(4) Submit to the commissioner of the rehabilitation~~
4 ~~services administration such periodic reports as are~~
5 ~~requested."]~~

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Federal Financial Assistance for Independent Living Services and Centers

Description:

Repeals section 348-9, Hawaii Revised Statutes, that establishes the Statewide Council on Independent Living as an entity within the Department of Human Services. (HB1103 CD1)

