
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), and placed within the
4 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 amendment to the federal
8 Rehabilitation Act of 1973, as amended, title 29 United States
9 Code section 796d, which requires states to establish a
10 statewide independent living council to receive federal
11 financial assistance and prohibited a statewide independent
12 living council from being placed within a state agency in order
13 to receive the federal financial assistance. Act 84 retained
14 the statewide council on independent living but made the
15 statewide council on independent living a temporary agency with
16 a repeal date of June 30, 1998, at which time section 348-9 was
17 to be reenacted. On June 30, 1998, Act 84 was repealed and the

1 statewide council on independent living was again
2 administratively placed in the department of human services. No
3 other laws were passed after 1998 to remove the statewide
4 council on independent living from placement in the department
5 of human services.

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

11 Section 348-9, Hawaii Revised Statutes, was well intended,
12 but it does not conform to the federal requirements for a
13 statewide independent living council, and has resulted in
14 confusion. Repealing section 348-9 will abolish the
15 nonconforming statewide council on independent living.

16 The purposes of this Act are to repeal section 348-9,
17 Hawaii Revised Statutes, to abolish the statewide council on
18 independent living established within the department of human
19 services in section 348-9, Hawaii Revised Statutes, to conform
20 to federal law, which prohibits a statewide independent living
21 council from being within a state agency, and to thereby allow
22 for compliance with the federal requirement for the receipt of

1 federal financial assistance through the preparation of the
2 state plan that is required by federal law.

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4 repealed.

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

10 ~~The members shall include:~~

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

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

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

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

20 ~~(1) Additional representatives from centers for~~
21 ~~independent living;~~

- 1 ~~(2) Parents and guardians of individuals with~~
- 2 ~~disabilities;~~
- 3 ~~(3) Advocates of and for individuals with disabilities;~~
- 4 ~~(4) Representatives from private business;~~
- 5 ~~(5) Representatives from organizations that provide~~
- 6 ~~services; and~~
- 7 ~~(6) Other appropriate individuals;~~
- 8 ~~provided that the council shall include at least one member from~~
- 9 ~~each county; and provided further that a majority of the council~~
- 10 ~~shall be individuals with disabilities who are not employed by~~
- 11 ~~any state agency or center for independent living. The council~~
- 12 ~~shall elect a chairperson from the membership. Each member~~
- 13 ~~shall serve a term of three years and may not serve more than~~
- 14 ~~two consecutive full terms.~~
- 15 ~~(c) The council members shall serve without compensation~~
- 16 ~~but shall be reimbursed for reasonable expenses, including~~
- 17 ~~travel expenses, necessary for the performance of their duties.~~
- 18 ~~(d) The council shall:~~
- 19 ~~(1) Develop and submit jointly with the department a state~~
- 20 ~~plan;~~
- 21 ~~(2) Monitor, review, and evaluate the implementation of~~
- 22 ~~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. (SD1)