

LINDA LINGLE  
GOVERNOR



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STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 3, 2009

MEMORANDUM

TO: Honorable Marcus R. Oshiro, Chair  
House Committee on Finance

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 1103 - RELATING TO FEDERAL FINANCIAL ASSISTANCE  
FOR INDEPENDENT LIVING SERVICES AND CENTERS**

Hearing: Thursday, March 3, 2009, 4:00 p.m.  
Conference Room 308, State Capitol

PURPOSE: The purpose of this bill is to repeal section 348-9, Hawaii Revised Statutes (HRS), which establishes the Statewide Council on Independent Living in the Department of Human Services.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration-sponsored bill. For the State to be eligible to receive Federal financial assistance, the Federal Rehabilitation Act, title 29 United States Code, section 796d, requires the State to establish a Statewide Independent Living Council, which cannot be established as an entity within a state agency.

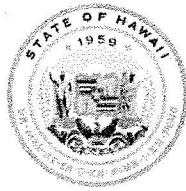
Section 348-9, HRS, establishes a Statewide Council on Independent Living in DHS. Section 348-9, Hawaii Revised Statutes, was well-intended, but is unnecessary and has resulted in confusion. Section 348-9 is unnecessary because

the Statewide Independent Living Council can be established through the State's Title VII State Plan that each state is required to have to receive Federal funds under Title VII of the Federal Rehabilitation Act. The State currently receives more than \$296,000 in Federal funds for independent living services.

Repealing section 348-9 and relying instead on the State's Title VII State Plan to establish a Statewide Independent Living Council, will satisfy the State's Title VII requirement.

If this bill is not passed, public confusion will continue.

Thank you for this opportunity to testify.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 12, 2009

The Honorable John M. Mizuno, Chair  
House Committee on Human Services  
Twenty-Fifth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representative Mizuno and Members of the Committee:

**SUBJECT: HB 1103– RELATING TO FEDERAL FINANCIAL ASSISTANCE  
FOR INDEPENDENT LIVING SERVICES AND CENTERS**

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health and Human Services (DHS).

The State Council on Developmental Disabilities **SUPPORTS HB 1103**. The purpose of this bill is to repeal Section 348-9, Hawaii Revised Statutes (HRS), that establishes the Statewide Council on Independent Living.

The Statewide Council on Independent Living was established by Act 197, Session Laws of Hawaii 1993, and placed within DHS. Federal law (Title 29 United States Code Section 796D) requires states to establish statewide councils on independent living. However, councils cannot be established as an entity within a state agency in order to be eligible to receive Federal financial assistance. Repealing Section 348-9, HRS, would abolish the Statewide Council on Independent Living within DHS, comply with Federal law, and allow the Council to be eligible to receive Federal funds.

Thank you for the opportunity to present testimony supporting HB 1103.

Sincerely,

Waynette K.Y. Cabral  
Executive Administrator

Rosie Rowe  
Chair



STATEWIDE  
*Independent Living*  
Council  
of HAWAII

STATEWIDE INDEPENDENT LIVING COUNCIL  
841 Bishop Street Suite 201  
Honolulu, Hi 96813  
PHONE: 808-585-7452

March, 2-2009  
HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE REGULAR SESSION OF  
2009

HB 1103

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair  
Tuesday, March 03, 2009 4:00 p.m  
Conference Room 308

Repeals section 348-9, Hawaii Revised Statutes, that  
establishes the Statewide Council on Independent Living.


My Name is Sheryl Nelson. I am the executive director of the  
Statewide Independent Living Council (SILC.)

I am submitting this testimony supporting HB1103.

Statewide Independent Living Councils ("SILC") were established by The Rehabilitation Act of 1973 as amended 1992. the act requires that the establishment of the Statewide Independent Living Council To be eligible to receive financial assistance, each State shall establish a Statewide Independent Living Council (SILC) which shall not be established as an entity within a State agency.

Hawaii Revised Statutes, 348-9, establishes the Statewide Council on Independent Living.  
Repealing the statute section 348-9 will conform to the requirements of the Rehabilitation Act of 1973 as amended 1992 with regard to the Statewide Independent Living Council (SILC).

Thank You

  
Sheryl Nelson  
Executive Director  
Statewide Independent Living Council

HB1103  
House of Representatives  
Finance Committee  
Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice-Chair

Tuesday, March 3, 2009  
4:00pm  
Conference Room 308

**Supporting HB1103 which repeals HRS 348-9 which establishes the Statewide Council on Independent Living.**

My name is Nathan Say, and I am the Board Chair of the Statewide Independent Living Council of Hawaii. I am writing testimony in Support of HB1103 which repeals Hawaii Revised Statute 348-9 that establishes the Statewide Council on Independent Living.

Statewide Independent Living Councils (SILCs) were established by the Rehabilitation Act of 1973 as amended in 1992. This act requires that a Statewide Independent Living Council be established in each state that is not established as an entity within a state agency.

HRS 348-9 establishes the Statewide Council on Independent Living. Repealing this section will help the Statewide Independent Living Council conform to the Rehabilitation Act of 1973 as Amended in 1992.

Sincerely,

Nathan Say  
SILC Board Chair

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 3:43 PM  
**To:** FINTestimony  
**Cc:** laurahi2002@yahoo.com  
**Subject:** Testimony for HB1103 on 3/3/2009 4:00:00 PM

Testimony for FIN 3/3/2009 4:00:00 PM HB1103

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Laura L. Tobosa  
Organization: Individual  
Address: 794 D Kaumana Drive Hilo, HI 96720  
Phone: 808-936-2974  
E-mail: laurahi2002@yahoo.com  
Submitted on: 3/2/2009

**Comments:**

I serve as the Board Member At Large of the Statewide Independent Living Council. I am writing in support of HB1103 which repeals HRS 348-9 which establishes the Statewide Council on Independent Living. This would help the Statewide Independent Living Council conform to the Rehabilitation Act of 1973 as amended in 1992.