

LINDA LINGLE
GOVERNOR



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DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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February 12, 2009

MEMORANDUM

TO: Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

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

Hearing: Thursday, February 12, 2009, 8:00 a.m.
Conference Room 329, 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.

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
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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

.....
Chair

House of Representatives
The 25th Legislature Regular Session of 2009
Committee on Human Services
Rep John M Mizuno, Chair
Rep Tom Brower, Vice Chair

HB1103- *Repeals Section 348-9, that establishes the Statewide Council on Independent Living.*

My name is Nathan Say and I am the Chair of the Statewide Independent Living Council. (SILC) I am writing testimony in support of HB 1103.

Statewide Independent Living Councils were established by the Rehabilitation Act of 1973 as amended in 1992. The act requires the establishment of the Statewide Independent Living Council of Hawaii. In order to receive financial assistance, each state needs to establish a Statewide Independent Living Council 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 this section will conform to federal requirements as established in the Rehab Act of 1973 as amended in 1992 in respects to Statewide Independent Living Councils.

Thank you

Nathan Say
Board Chair
Statewide Independent Living Council

From: Louise Horio
99-691 Kaulainahee Place
Aiea, HI 96701
Phone: 488-0179

To: Committee on Human Services
Rep. John M. Mizuno, Chair

Subject: HB 1103

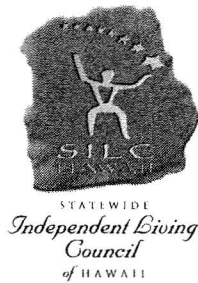
Feb. 12, 2009 8:00 AM

To Whom It May Concern:

**I strongly support the repeal of section 348-9,
Hawaii Revised Statutes, that establishes the
Statewide Council on Independent Living.**

Most Respectfully,

Louise Horio
President, Hui Kupuna VIP
Member, Statewide Independent Living Council



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Honolulu, Hi 96813
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HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE REGULAR SESSION OF 2009
COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair

Rep. Tom Brower, Vice Chair
HB 1103

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