

LINDA LINGLE
GOVERNOR



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

March 16, 2009

MEMORANDUM

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

FROM: Lillian B. Koller, Director

SUBJECT: **S.B. 921, S.D.2 - RELATING TO FEDERAL FINANCIAL
ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND
CENTERS**

Hearing: Monday, March 16, 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.

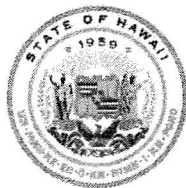
Section 348-9, HRS, establishes a Statewide Council on Independent Living in DHS. Section 348-9, Hawaii Revised Statutes, was well-intended, but is unnecessary and has resulted in confusion. Section 348-9 is unnecessary because

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. 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
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March 16, 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: SB 921 SD2 – 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 SB 921 SD2**. The purpose of this bill is to repeal Section 348-9, Hawaii Revised Statutes (HRS), that establishes the Statewide Council on Independent Living.

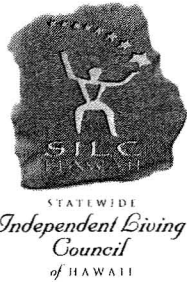
The Statewide Council on Independent Living was established by Act 197, Session Laws of Hawaii 1993, and placed within DHS. Federal law (Title 29 United States Code Section 796D) requires states to establish statewide councils on independent living. However, councils cannot be established as an entity 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 SB 921 SD2.

Sincerely,

Waynette K.Y. Cabral
Executive Administrator

Rosie Rowe
Chair



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

March 16, 2009
8:00 A.M.
Conference Room 329

COMMITTEE ON HUMAN SERVICES
Rep. John M. Mizuno, Chair

Rep. Tom Brower, Vice Chair

SB 921

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 SB 921.

Statewide Independent Living Councils ("SILC") were established by
The Rehabilitation Act of 1973 as amended 1992. The act requires
that the establishment of the SILC 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 (SCIL.) 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

~~XXXXXXXXXX~~

From: Laura Tobosa [~~XXXXXXXXXX~~@yahoo.com]
Sent: Friday, March 13, 2009 2:48 PM
To: HUS testimony
Subject: Testimony for SB 921

Categories: Blue Category

Committee on Human Services
Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair

I serve as a Board Member At Large for the Statewide Independent Living Council. I am writing in support of SB 921 which repeals HRS 348-9 which established the Statewide Independent Council. This would help the Statewide Independent Council conform to the Rehabilitation Act of 1973 as amended in 1992.

Thank you.

Laura L. Tobosa
794 D Kaumana Drive
Hilo, HI 96720



A non-profit organization run by and for persons with disabilities

Hawaii Centers for Independent Living
414 Kuwili Street, Suite 102
Honolulu, Hawaii 96817
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Website: <http://www.hawaii-cil.org>

Representative John M. Mizuno, Chair
Representative Tom Brower, Vice Chair
Committee on Human Services
Hawaii Centers for Independent Living

Monday, March 16, 2009, 8:00 AM, Conference Room 329

Supporting SB 921, SD2, Relating to Federal Financial Assistance for Independent Living Services and Centers

Hawaii Centers for Independent Living is a non-profit organization operated by and for people with disabilities to ensure their rights to live independently and fully integrated in the community of their choice, outside of institutional care settings. As a non-profit, statewide resource, HCIL serves people of any age with any type of disability. HCIL was founded on the historical constitutional beliefs of civil rights and the empowerment of people with disabilities to have equal access, opportunities, and choices in life, no matter how severe their disability.

We support SB921, SD2, Relating to Federal Financial Assistance for Independent Living Services and Centers.

As the only Center for Independent Living in the state of Hawai'i, HCIL works closely with the Statewide Independent Living Council (SILC) and operates under the State Plan for Independent Living (SPIL) established by the SILC. HCIL's executive director is a mandated member of SILC under 34 CFR 364.21(b)(2)(i)(A), since there is only one center, and thus one center director, in the state.

H.R.S. 348-9 establishes the "State Independent Living Council" within the Department of Human Services. This contravenes 34 CFR 364.21(a)(2), which states that statewide independent living councils are not to be included within any state agency, including the designated state unit (DSU). The Statewide Independent Living Council is a 501(c)3 nonprofit organization, not part of any state agency, although its members are appointed by the Governor in accordance with 34 CFR 364.21(b)(1).

We believe that passage of SB921, SD2, repealing H.R.S. 348-9, will resolve the persistent confusion about the status of the SILC relevant to state government and will help to bring the SILC into compliance with applicable Federal regulations.

We urge the committee to pass SB921, SD2. Thank you for this opportunity to testify.

Sincerely,

Mark F. Romoser

Policy and Program Analyst

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Phone: 488-0179
E-mail: smahtcookie@hawaiiantel.net

March 16, 2009
8:00 A.M.
Conference Room 329

COMMITTEE ON HUMAN SERVICES
Representative John M. Mizuno, Chair

Representative Tom Brower, Vice Chair

SB 921

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

I am strongly in support of SB921.

Respectfully submitted,

s/s Louise Horio
President, Hui Kupuna VIP
Board member, Statewide Independent Living
Council