

LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER, ESQ.  
DIRECTOR  
HENRY OLIVA  
DEPUTY DIRECTOR

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

February 12, 2009

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

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

Hearing: Thursday, February 12, 2009, 1:45 p.m.  
Conference Room 016, 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  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 12, 2009

The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services  
Twenty-Fifth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

**SUBJECT: SB 921– 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**. 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.

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

FEBRUARY 12, 2009

ROOM 016

COMMITTEE ON HUMAN SERVICES

THE HON. SUZANNE CHUN OAKLAND, CHAIR

THE HON. LES IHARA, 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 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

Senate Committee on Human Services  
Sen Suzanne Chun Oakland, Chair  
Sen Les Ihara Jr, Vice Chair

**SB921-** *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 SB 921.

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 Statues 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**  
**Senator S. Chun-Oakland, Chair**

**Subject: SB 921**

**Feb. 12, 2009            1:45 PM**

**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, Board of Directors, Statewide  
Independent Living Council of Hawaii (SILC)**