

SB 921

LINDA LINGLE
GOVERNOR



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DEPARTMENT OF HUMAN SERVICES
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February 26, 2009

MEMORANDUM

TO: Honorable Donna Mercado Kim, Chair
Senate Committee on Ways and Means

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 921, SD1 - RELATING TO FEDERAL FINANCIAL
ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND
CENTERS

Hearing: Thursday, February 26, 2009, 9:00 p.m.
Conference Room 211, 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.

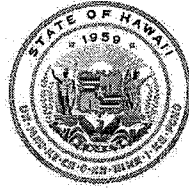
Section 348-9, HRS, establishes a Statewide Council on Independent Living in DHS. Section 348-9, Hawaii Revised Statutes, was well-intended, but is unnecessary and has resulted in confusion. Section 348-9 is unnecessary because

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
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February 26, 2009

The Honorable Donna Mercado Kim, Chair
Senate Committee on Ways and Means
Twenty-Fifth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Mercado Kim and Members of the Committee:

**SUBJECT: SB 921 SD1 – 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 SD1**. 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 SD1.

Sincerely,

Waynette K. Y. Cabral
Executive Administrator

Rosie Rowe
Chair