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# A BILL FOR AN ACT

RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND CENTERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The statewide council on independent living  
2 (council) was created by Act 197, Session Laws of Hawaii 1993  
3 (codified as section 348-9, Hawaii Revised Statutes), and placed  
4 within the department of human services.

5           Act 84, Session Laws of Hawaii 1995 (Act 84), removed the  
6 council from the department of human services to conform with  
7 the 1992 amendment to the federal Rehabilitation Act of 1973, as  
8 amended, Title 29 United States Code Section 796d, which  
9 requires states to establish a statewide independent living  
10 council to receive federal financial assistance and prohibited  
11 them from being placed within a state agency to receive federal  
12 financial assistance. Act 84 retained the council but made it a  
13 temporary agency with a repeal date of June 30, 1998, at which  
14 time section 348-9, Hawaii Revised Statutes, was to be  
15 reenacted. On June 30, 1998, Act 84 was repealed, and the  
16 council was again administratively placed in the department of



1 human services. No other laws were passed after 1998 to remove  
2 the council from placement in the department of human services.

3 Title 29 United States Code Section 796d remains in effect,  
4 however, and the State must still adhere to these requirements  
5 to be eligible to receive federal financial assistance.

6 Section 348-9, Hawaii Revised Statutes, while well-  
7 intended, does not conform to the federal requirements for a  
8 statewide independent living council, and has resulted in  
9 confusion. Repealing section 348-9 Hawaii Revised Statutes,  
10 will abolish the nonconforming council.

11 The purposes of this Act are to repeal section 348-9,  
12 Hawaii Revised Statutes, to abolish the council as an entity  
13 within the department of human services, thereby conforming to  
14 federal law, and making the council eligible for federal  
15 financial assistance through the development of a state plan as  
16 an independent entity.

17 SECTION 2. Section 348-9, Hawaii Revised Statutes, is  
18 repealed.

19 ~~["§348-9 Statewide council on independent living. (a)~~  
20 ~~There is established within the department of human services a~~  
21 ~~statewide council on independent living. The council shall~~  
22 ~~consist of nineteen members appointed by the governor as~~



1 ~~provided in section 26-34 and without regard to section 78-4.~~

2 ~~The members shall include:~~

3 ~~(1) At least one director of a center [for] independent~~  
4 ~~living chosen by the directors of centers for~~  
5 ~~independent living;~~

6 ~~(2) An employee of the department as an ex officio~~  
7 ~~nonvoting member; and~~

8 ~~(3) Members of other state agencies that provide services~~  
9 ~~for individuals with disabilities as ex officio~~  
10 ~~nonvoting members.~~

11 ~~(b) The council may also include:~~

12 ~~(1) Additional representatives from centers for~~  
13 ~~independent living;~~

14 ~~(2) Parents and guardians of individuals with~~  
15 ~~disabilities;~~

16 ~~(3) Advocates of and for individuals with disabilities;~~

17 ~~(4) Representatives from private business;~~

18 ~~(5) Representatives from organizations that provide~~  
19 ~~services; and~~

20 ~~(6) Other appropriate individuals;~~

21 ~~provided that the council shall include at least one member from~~

22 ~~each county; and provided further that a majority of the council~~



1 ~~shall be individuals with disabilities who are not employed by~~  
2 ~~any state agency or center for independent living. The council~~  
3 ~~shall elect a chairperson from the membership. Each member~~  
4 ~~shall serve a term of three years and may not serve more than~~  
5 ~~two consecutive full terms.~~

6 ~~(c) The council members shall serve without compensation~~  
7 ~~but shall be reimbursed for reasonable expenses, including~~  
8 ~~travel expenses, necessary for the performance of their duties.~~

9 ~~(d) The council shall:~~

10 ~~(1) Develop and submit jointly with the department a state~~  
11 ~~plan;~~

12 ~~(2) Monitor, review, and evaluate the implementation of~~  
13 ~~the state plan;~~

14 ~~(3) Coordinate activities with the state rehabilitation~~  
15 ~~council; and~~

16 ~~(4) Submit to the commissioner of the rehabilitation~~  
17 ~~services administration such periodic reports as are~~  
18 ~~requested." ]~~

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken.

21 SECTION 4. This Act shall take effect on January 1, 2050.



S.B. NO. 921  
S.D. 2  
H.D. 1

**Report Title:**

Federal Financial Assistance for Independent Living Services and Centers

**Description:**

Repeals section 348-9, Hawaii Revised Statutes, that establishes the Statewide Council on Independent Living within the Department of Human Services. Takes effect January 1, 2050.  
(SB921 HD1)

