

ACT 127

H.B. NO. 3024

A Bill for an Act Relating to Public Assistance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Financial assistance advisory council; established. (a) There is created within the department for administrative purposes the financial assistance advisory council. The financial assistance advisory council shall be composed of fifteen members appointed by the director. The members of the financial assistance advisory council shall serve at the pleasure of the director and without compensation.

(b) The financial assistance advisory council shall have the function of rendering advice and information to the department on matters relating to financial assistance programs including rendering advice and information for the determination of the amount of benefit payments under sections 346-52, 346-53, and 346-71, including but not limited to temporary assistance to needy families (TANF), temporary assistance to other needy families (TANOF), and general assistance to households without minor dependents. The council shall be advisory and informational in nature only and shall not have the power to adopt rules.

(c) The financial assistance advisory council may request the assistance of professional facilitators and mediators as necessary.”

SECTION 2. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person between eighteen and sixty-five years of age with a disability shall be eligible for general assistance to households without minor dependents if the person:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules adopted under subsection [(e)];
- (2) Is unable to meet the disability requirements established by the federal Supplemental Security Income Program or its successor agency; and
- (3) Is unable to engage in any substantial gainful employment because of a determined and certified physical or mental disability. Determination and certification of physical and mental disability shall be as follows:
 - (A) A determination and certification of physical disability shall only be made by a board of licensed physicians designated and paid [for] by the department[;]. Meetings of this board shall not be subject to part I of chapter 92;
 - (B) A determination and certification of mental disability shall be made by a board of licensed psychologists or licensed physicians whose specialty is in psychiatry. This board shall also be designated and paid by the department[;]. Meetings of this board shall not be subject to part I of chapter 92;
 - (C) If a determination of mental disability is made, the person shall accept and pursue appropriate medical treatment from a provider of the person’s choice;
 - (D) If a determination of physical disability is made, the person shall accept and pursue appropriate medical treatment from a provider of the person’s choice; and
 - (E) Any person, to continue to be certified as mentally or physically disabled, shall be reevaluated annually as provided by this section and more frequently as required by the department.

As used in this subsection:

“Substantial gainful employment” means at least [twenty] thirty hours of work per week.

“With a disability” or “having a disability” means a disability [which] that extends for a period of over sixty days.

Any person determined to be eligible under this subsection may be referred to any appropriate state agency for vocational rehabilitation services and shall be required to accept the services as a further condition of eligibility for the receipt of general assistance to households without minor dependents under this section. An assistance unit shall be determined ineligible for general assistance to households without minor dependents if any adult member of the assistance unit fails to cooperate with any appropriate state agency for vocational rehabilitation services after being referred for services. Any person found eligible under this subsection may also be required to seek employment, and participate in public work projects as described in section 346-31, and in public employment projects as described in section 346-102.

[The general assistance advisory council established in section 346-75 shall offer advice and information to the department as appropriate.]”

SECTION 3. Section 346-75, Hawaii Revised Statutes, is repealed.

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SECTION 4. Act 300, Session Laws of Hawaii 1996, as amended by Act 200, Session Laws of Hawaii 1997, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect upon its approval[, and shall be repealed on June 30, 1998; provided that sections 346-29(b) and 346-53(a), Hawaii Revised Statutes, shall be reenacted in the form in which they read on July 2, 1996].”

SECTION 5. Act 200, Session Laws of Hawaii 1997, is amended by amending section 11 to read as follows:

“SECTION 11. This Act shall take effect on July 1, 1997[, and except for section 7, shall be repealed on June 30, 1998; provided that:

- (1) The definition of “exempt household” in section 346-1, Hawaii Revised Statutes;
- (2) The title to part III, chapter 346, Hawaii Revised Statutes; and
- (3) Section 346-10, Hawaii Revised Statutes;

shall be reenacted in the form in which they read on the day before the approval of this Act; and provided further that sections 346-29 and 346-53 shall be reenacted in the form in which they read on July 2, 1996].”

SECTION 6. If any provisions of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 8. This Act shall take effect on June 29, 1998.

(Approved June 22, 1998.)

Note

1. Edited pursuant to HRS §23G-16.5.