



GOV. MSG. NO. 714

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 8, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 8, 2009, the following bill was signed into law:

HB1103 SD1 CD1

A BILL FOR AN ACT  
RELATING TO FEDERAL FINANCIAL  
ASSISTANCE FOR INDEPENDENT LIVING  
SERVICES AND CENTERS.

**ACT 097 (09)**

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor  
on JUN 8 2009

**ACT 097**

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**H.B. NO.** 1103  
S.D. 1  
C.D. 1

---

---

## 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 was  
2 created by Act 197, Session Laws of Hawaii 1993 (codified as  
3 section 348-9, Hawaii Revised Statutes (HRS)), and placed within  
4 the department of human services.

5           Act 84, Session Laws of Hawaii 1995, removed the statewide  
6 council on independent living from the department of human  
7 services to conform with the 1992 and 1993 amendments to the  
8 federal Rehabilitation Act of 1973, Title 29 United States Code  
9 Section 796d, which requires states to establish a statewide  
10 independent living council to receive federal financial  
11 assistance and prohibited a statewide independent living council  
12 from being placed within a state agency in order to receive the  
13 federal financial assistance. Act 84 retained the statewide  
14 council on independent living but made the statewide council on  
15 independent living a temporary agency with a repeal date of June  
16 30, 1998, at which time section 348-9(a), HRS, was to be

HB1103 CD1 HMS 2009-4024



1 reenacted. On June 30, 1998, Act 84 was repealed and the  
2 statewide council on independent living was again  
3 administratively placed in the department of human services. No  
4 other laws were passed after 1998 to remove the statewide  
5 council on independent living from placement in the department  
6 of human services.

7 Federal law, Title 29 United States Code Section 796d,  
8 still requires the State to establish a statewide independent  
9 living council, which still cannot be established as an entity  
10 within a state agency for the State to be eligible to receive  
11 federal financial assistance.

12 Section 348-9, HRS, was well intended, but it does not  
13 conform to the federal requirements for a statewide independent  
14 living council, and has resulted in confusion.

15 The purpose of this Act is to repeal section 348-9, HRS,  
16 which will abolish the statewide council on independent living  
17 as an entity within the department of human services.



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

3 [~~§348-9 Statewide council on independent living.~~ (a)  
4 ~~There is established within the department of human services a~~  
5 ~~statewide council on independent living. The council shall~~  
6 ~~consist of nineteen members appointed by the governor as~~  
7 ~~provided in section 26-34 and without regard to section 78-4.~~  
8 ~~The members shall include:~~

- 9 (1) ~~At least one director of a center [for] independent~~  
10 ~~living chosen by the directors of centers for~~  
11 ~~independent living;~~  
12 (2) ~~An employee of the department as an ex officio~~  
13 ~~nonvoting member; and~~  
14 (3) ~~Members of other state agencies that provide services~~  
15 ~~for individuals with disabilities as ex officio~~  
16 ~~nonvoting members.~~  
17 (b) ~~The council may also include:~~  
18 (1) ~~Additional representatives from centers for~~  
19 ~~independent living;~~  
20 (2) ~~Parents and guardians of individuals with~~  
21 ~~disabilities;~~



- 1       ~~(3) Advocates of and for individuals with disabilities;~~  
2       ~~(4) Representatives from private business;~~  
3       ~~(5) Representatives from organizations that provide~~  
4             ~~services; and~~  
5       ~~(6) Other appropriate individuals;~~  
6       ~~provided that the council shall include at least one member from~~  
7       ~~each county; and provided further that a majority of the council~~  
8       ~~shall be individuals with disabilities who are not employed by~~  
9       ~~any state agency or center for independent living. The council~~  
10       ~~shall elect a chairperson from the membership. Each member~~  
11       ~~shall serve a term of three years and may not serve more than~~  
12       ~~two consecutive full terms.~~  
13       ~~(c) The council members shall serve without compensation~~  
14       ~~but shall be reimbursed for reasonable expenses, including~~  
15       ~~travel expenses, necessary for the performance of their duties.~~  
16       ~~(d) The council shall:~~  
17             ~~(1) Develop and submit jointly with the department a state~~  
18             ~~plan;~~  
19             ~~(2) Monitor, review, and evaluate the implementation of~~  
20             ~~the state plan;~~



- 1       ~~(3) Coordinate activities with the state rehabilitation~~
- 2               ~~council; and~~
- 3       ~~(4) Submit to the commissioner of the rehabilitation~~
- 4               ~~services administration such periodic reports as are~~
- 5               ~~requested." ]~~

6           SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken.

8           SECTION 4. This Act shall take effect upon its approval.

APPROVED this    8   day of        JUN       , 2009



GOVERNOR OF THE STATE OF HAWAII

