
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), and placed within the
4 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, 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) was to be reenacted.

17 On June 30, 1998, Act 84 was repealed and the statewide council

1 on independent living was again administratively placed in the
2 department of human services. No other laws were passed after
3 1998 to remove the statewide council on independent living from
4 placement in the department of human services.

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

10 Section 348-9, Hawaii Revised Statutes, was well intended,
11 but it does not conform to the federal requirements for a
12 statewide independent living council, and has resulted in
13 confusion. Repealing section 348-9 will abolish the
14 nonconforming statewide council on independent living.

15 The purpose of this Act is to repeal section 348-9, Hawaii
16 Revised Statutes, thereby:

- 17 (1) Abolishing the statewide council on independent living
18 established within the department of human services in
19 section 348-9, Hawaii Revised Statutes;
- 20 (2) Conforming state law to federal law, which prohibits a
21 statewide independent living council from being
22 established within a state agency; and

1 (3) Allowing for compliance with the federal requirement
2 for the receipt of federal financial assistance
3 through the preparation of the state plan that is
4 required by 29 United States Code section 796d.

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6 repealed.

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

13 ~~(1) At least one director of a center [for] independent~~
14 ~~living chosen by the directors of centers for~~
15 ~~independent living;~~

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

18 ~~(3) Members of other state agencies that provide services~~
19 ~~for individuals with disabilities as ex officio~~
20 ~~nonvoting members.~~

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

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

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken.

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

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. (SD1)