

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO GENERAL ASSISTANCE.

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

1           SECTION 1. Section 346-71, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§346-71 General assistance to households without minor**  
4 **dependents.** (a) The department of human services is authorized  
5 to administer and provide public assistance to eligible persons  
6 who are disabled, who are not otherwise provided for under this  
7 chapter, and who are unable to provide sufficient support for  
8 themselves or those dependent upon them; provided that such  
9 persons:

- 10           (1) Have first been determined ineligible for a comparable  
11           federally funded financial assistance program;
- 12           (2) Are bona fide residents of this State; and
- 13           (3) Have furnished to the department a social security  
14           account number for each member of the assistance unit  
15           or verification that an application was made with the  
16           Social Security Administration for a social security  
17           account number for each member of the assistance unit.



1           Persons who meet the categorical criteria for eligibility,  
2 but fail to satisfy income and resource criteria adopted by the  
3 department shall not be eligible for general assistance to  
4 household without minor dependents. The failure of any adult  
5 member of the assistance unit to comply with the requirements or  
6 conditions of general assistance to households without minor  
7 dependents shall exclude the entire assistance unit from  
8 receiving financial assistance. However, when the adult member  
9 is disqualified for not meeting the work requirement, the  
10 assistance unit shall not be disqualified if the assistance unit  
11 was formed after the failure to meet the work requirement  
12 occurred. "Assistance unit" as the term is used in this section  
13 means persons whose needs, income, and assets are considered in  
14 the financial assistance payment and their dependents.

15           For purposes of determining whether persons seeking  
16 assistance are bona fide residents of this State, the department  
17 of human services shall consider, but is not limited to  
18 considering, the following factors:

- 19           (1) Enrollment and receipt of welfare benefits from
- 20                           another jurisdiction;
- 21           (2) Physical presence in the State;
- 22           (3) Maintenance of a place of residence in the State;



- 1           (4) The availability of furnishings and household and  
2           personal effects sufficient to lead a reasonable  
3           person to conclude that the place of residence is more  
4           than a public accommodation;
- 5           (5) Qualification as to residence for purposes of voting  
6           in the State;
- 7           (6) Change in vehicle operation license;
- 8           (7) Vehicle registration;
- 9           (8) Enrollment of children in local schools; and
- 10          (9) Bank accounts in this State or any other jurisdiction.
- 11          (b) A person between eighteen and sixty-five years of age  
12 with a disability shall be eligible for general assistance to  
13 households without minor dependents if the person:
- 14          (1) Is determined to be needy in accordance with standards  
15           established by this chapter and the rules adopted  
16           under subsection (e);
- 17          (2) Is unable to meet the disability requirements  
18           established by the federal Supplemental Security  
19           Income Program or its successor agency; and
- 20          (3) Is unable to engage in any substantial gainful  
21           employment because of a determined and certified  
22           physical, mental, or combination of physical and



1           mental disability. Upon application, the department  
2           shall ask the person whether the person has a physical  
3           or mental disability, or both. If the person claims  
4           to have both a physical and mental disability, the  
5           department shall ask the person to choose whether the  
6           person's primary disability is physical or mental.  
7           Determination and certification of the disability  
8           shall be as follows:

9           (A) A determination and certification of physical  
10           disability shall be made by a board of licensed  
11           physicians designated and paid by the department.  
12           Meetings of this board shall not be subject to  
13           part I of chapter 92;

14           (B) A determination and certification of mental  
15           disability shall be made by a board of licensed  
16           psychologists or licensed physicians whose  
17           specialty is in psychiatry. This board shall be  
18           designated and paid by the department. Meetings  
19           of this board shall not be subject to part I of  
20           chapter 92;

21           (C) If a determination and certification is made that  
22           the applicant does not have a physical, mental,



1 or combination of a physical and mental  
2 disability, prior to a denial of any claim, the  
3 department shall provide the applicant with an  
4 initial denial notice that gives the applicant at  
5 least ten calendar days to provide additional  
6 medical evidence. The notice shall refer the  
7 applicant to free legal services for assistance  
8 and permit the applicant to request extensions of  
9 time, if necessary;

10 (D) If a determination of physical, mental, or  
11 combination of a physical and mental disability  
12 is made, the person shall accept and pursue  
13 appropriate medical treatment from a provider of  
14 the person's choice. The department shall  
15 promptly provide the person with a complete and  
16 legible copy of the recommended appropriate  
17 treatment;

18 (E) Any person, to continue to be certified as  
19 mentally disabled, physically disabled, or both  
20 mentally and physically disabled, shall be  
21 reevaluated annually, as provided by this



1 section, and more frequently, as required by the  
2 department; and

3 (F) Failure to pursue appropriate medical treatment  
4 shall result in a loss of eligibility, unless the  
5 failure is due to good cause. Good cause shall  
6 include but not be limited to:

7 (i) Treatment is unavailable;

8 (ii) Personal emergencies; and

9 (iii) Circumstances that threaten the safety of  
10 the patient.

11 The department shall adopt rules in accordance with chapter 91  
12 to define "good cause", as used in subparagraph (F), in order to  
13 determine when treatment is unavailable, what constitutes a  
14 personal emergency, what circumstances may threaten the safety  
15 of a patient, and other factors that may constitute good cause.

16 As used in this subsection:

17 "Substantial gainful employment" means at least thirty  
18 hours of work per week.

19 "With a disability" or "having a disability" means a  
20 disability that extends for a period of over sixty days.

21 Any person determined to be eligible under this subsection  
22 may be referred to any appropriate state agency for vocational



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

13 (c) Applicants and recipients shall be required to satisfy  
14 all applicable provisions of this section. Recipients  
15 disqualified for failure to comply with any of the requirements  
16 under this section shall be excluded from general assistance to  
17 households without minor dependents for a period not to exceed  
18 twelve months.

19 (d) The allowance for general assistance to households  
20 without minor dependents shall not exceed sixty-two and one-half  
21 per cent of the standard of need.



1        (e) The department shall allow eligible persons to receive  
2 general assistance as provided under this section for the  
3 maximum length of time permissible under federal law.

4        [~~e~~] (f) Within the limitations of this section, the  
5 department shall by rules adopted pursuant to chapter 91,  
6 determine:

7        (1) The allowance for general assistance to households  
8                without minor dependents based upon the total amount  
9                appropriated for general assistance to households  
10                without minor dependents;

11        (2) A method for determining assistance amounts; and

12        (3) Other necessary provisions to implement general  
13                assistance to households without minor dependents."

14        SECTION 2. Pursuant to section 346-53(b), Hawaii Revised  
15 Statutes, the general assistance program is a block grant  
16 program. A fixed sum is appropriated to the department of human  
17 services for general assistance, and the maximum allowance a  
18 general assistance recipient may receive is determined by  
19 dividing the amount of the appropriation by the number of  
20 general assistance recipients. Therefore, as the number of  
21 eligible persons increases, the dollar amount of general  
22 assistance received per person decreases. The legislature finds



1 that in these difficult economic times, a surplus of individuals  
2 has become eligible to receive general assistance.

3 The purpose of section 3 is to appropriate funds if and as  
4 necessary to ensure that the general assistance allowance for  
5 eligible persons is not decreased by more than ten per cent for  
6 fiscal year 2009-2010.

7 SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2009-2010 to  
10 supplement the state general assistance fund to ensure that the  
11 allowances for persons eligible for general assistance shall not  
12 be reduced by more than ten per cent for fiscal year 2009-2010.

13 The sum appropriated shall be expended by the department of  
14 human services for the purposes of this Act.

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval;  
18 provided that section 3 shall take effect upon July 1, 2009.

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INTRODUCED BY:

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**Report Title:**

General Assistance; DHS; Appropriation

**Description:**

Protects recipients of general assistance from having their benefits reduced by more than 10%. Requires DHS to allow individuals to receive general assistance benefits for the maximum amount of time permissible under federal law.

