

ACT 204

H.B. NO. 1297

A Bill for an Act Relating to the Handicapped.

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

SECTION 1. The legislature finds that handicapped residents of the State of Hawaii have many needs which have gone unaddressed, and which require appropriate attention and action. There is a governor's committee on the employment of the handicapped which addresses some of the matters of crucial importance to the handicapped. The limited scope of that committee restricts the fuller confrontation of the problems of the handicapped, which are otherwise presently not systematically nor comprehensively considered.

The purpose of this Act is to modify the governor's committee on the employment of the handicapped to broaden its scope to address the broader needs of handicapped persons.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter, to be appropriately designated, and to read as follows:

"CHAPTER COMMISSION ON THE HANDICAPPED

Sec. -1 Definitions. As used in this chapter, unless the context clearly requires otherwise:

"Commission" means the commission on the handicapped.

"Members" means the members of the commission on the handicapped.

Sec. -2 Commission on the handicapped. There is established the commission on the handicapped within the office of the governor for administrative purposes, to be composed of twenty-one members to be appointed by the governor for staggered terms subject to section 26-34. The members of the commission shall include at least nine persons who are either handicapped persons representative of various handicapping conditions, parents, or guardians of handicapped persons and shall also include the directors of health, social services, labor and industrial relations, and personnel services, the superintendent of education, and the president of the University of Hawaii who shall be ex-officio nonvoting members. The member appointed shall include at least one resident from each of the counties.

The members shall serve without compensation but shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties, including travel expenses. The chairman shall be elected annually by the members; provided that only nongovernmental members shall be elected chairman; and provided further that no member may serve as chairman for more than two consecutive years.

Sec. -3 Powers, duties, functions of the commission. The commission shall have and perform the following powers, duties, and functions:

- (1) Serve as a central coordinative clearinghouse of public and private activities relating to the handicapped and as repository and disseminator of activities and information relating to the handicapped.
- (2) Review and assess the problems and needs, and the availability, of adequate services and resources for the handicapped in the State of Hawaii with regard but not limited to employment, education, health, social services, recreation, civil rights, public facilities, housing, vocational training and rehabilitation, and other matters pertinent to the well-being and independence of the handicapped.
- (3) Conduct research, studies, and other appropriate activities designed to provide additional information on the handicapped, with particular reference to specific needs of the handicapped, and to publicize the results thereof.
- (4) Advise and make recommendations to the State and the counties on matters relating to the handicapped, and on matters which affect the handicapped, including legislative matters.
- (5) Develop short- and long-term goals in fulfilling the needs of the handicapped, to be undertaken by the commission in facilitating the

coordination of services and programs for the handicapped.

- (6) Educate the public and the handicapped on the problems, needs, potentials, and rights of the handicapped through affirmative public education programs.
- (7) Seek improvements in existing systems to recognize specific needs of the handicapped.
- (8) Serve as public advocate of the handicapped.
- (9) Seek and receive funds and other forms of assistance from public and private sources to be used in providing improved circumstances for the handicapped in Hawaii.
- (10) Initiate and maintain contact with public and private, local and national organizations, agencies, and individuals generally engaging in activities relating to the handicapped, or otherwise interested in the general or specific well-being of the handicapped.
- (11) Administer funds allocated for its work, including disbursement and allocation of funds which may be available from public and private sources; provided that such disbursement and allocation shall be consistent with specific requirements thereof, or in the absence of designated requirements, consistent with the purpose of this chapter. The commission may require, in its discretion, matching participation by the recipients of disbursements and allocations hereunder.

Sec. -4 Meetings. All meetings of the commission shall be conducted subject to chapter 92.

Sec. -5 Annual report. The commission shall annually report on its activities to the governor and the legislature, and may include recommendations consistent with the purposes of this chapter.

Sec. -6 Staff. The commission may hire staff to assist in the performance of its duties; provided that volunteer assistance shall be utilized to the greatest possible extent. The staff of the commission shall be hired without regard to chapters 76 and 77; provided that salaries shall be determined in consultation with the director of personnel services. Hired staff shall be eligible for participation in employee plans generally inuring to the benefit of state employees."

SECTION 3. The governor's committee on the employment of the handicapped established by executive order is redesignated as the commission on the handicapped established by this Act, and shall assume the functions prescribed by this Act.

The members presently serving on the governor's committee on the employment of the handicapped shall continue to serve; provided that subsequent appointments to the commission on the handicapped shall conform with the requirements of this Act. The directors of health, social services, labor and industrial relations, and personnel services, the superintendent of education, and the president of the University of Hawaii shall begin their service upon the effective date of the Act.

All officers and employees whose functions relate to the governor's committee on the employment of the handicapped shall continue to serve but

shall upon and after the effective date of this Act be considered employees of the commission on the handicapped. The status of the employees shall not be affected by this Act, except for the redesignation of the committee.

All funds, appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of the governor relating to the functions of the governor's committee on the employment of the handicapped shall continue to be used by the commission on the handicapped for the purpose of this Act.

SECTION 4. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 15, 1977.)