

ACT 97

H.B. NO. 1103

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:

SECTION 1. The statewide council on independent living was created by Act 197, Session Laws of Hawaii 1993 (codified as section 348-9, Hawaii Revised Statutes (HRS)), and placed within the department of human services.

Act 84, Session Laws of Hawaii 1995, removed the statewide council on independent living from the department of human services to conform with the 1992 and 1993 amendments to the federal Rehabilitation Act of 1973, Title 29 United States Code Section 796d, which requires states to establish a statewide independent living council to receive federal financial assistance and prohibited a statewide independent living council from being placed within a state agency in order to receive the federal financial assistance. Act 84 retained the statewide council on independent living but made the statewide council on independent living a temporary agency with a repeal date of June 30, 1998, at which time section 348-9(a), HRS, was to be reenacted. On June 30, 1998, Act 84 was repealed and the statewide council on independent living was again administratively placed in the department of human services. No other laws were passed after 1998 to remove the statewide council on independent living from placement in the department of human services.

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

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

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

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 Section 348-9, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed and stricken.¹

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

(Approved June 8, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.