



GOV. MSG. NO. 700

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 1, 2008

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

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2129 SD2 HD1, without my approval, and with the statement of objections relating to the measure.

SB2129 SD2 HD1

A BILL FOR AN ACT RELATING TO ELDER
AFFAIRS.

Sincerely,

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

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

May 1, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2129

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2129, entitled "A Bill for an Act Relating to Elder Affairs."

The purpose of this bill is to authorize the Policy Advisory Board for Elder Affairs to testify before the Legislature on any matter related to its duties and responsibilities rather than having its communications with the Legislature go through the Executive Branch, including the Executive Office on Aging and the Director of Health, pursuant to section 26-35(a)(1), Hawaii Revised Statutes.

I believe communication between persons at all levels of the legislative and executive branches is vital to our ability to fulfill the responsibilities each of us is assigned by the Constitution and laws of the State.

It is my understanding that individual members of boards and commissions, including this Board, testify regularly and respond to requests from individual members and committees of the Legislature. Boards and commissions also take official positions on bills pending before the Legislature and, when doing so, coordinate this testimony through the appropriate department and agency to which they are attached.

This Board and its members are clearly already able to testify in their individual capacities on matters before the Legislature. Because procedures are already in place for all

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commissions to communicate, including the Policy Advisory Board for Elder Affairs, and, more importantly, are being used regularly, this bill is not needed. It would be inappropriate to allow one Board, out of over 160 existing boards and commissions, to bypass the existing statutory process.

For the foregoing reasons, I am returning Senate Bill No. 2129 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO ELDER AFFAIRS.

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

1 SECTION 1. The legislature finds that the purpose of the
2 policy advisory board for elder affairs is to contribute to the
3 solutions of the problems relating to aging. The legislature
4 has been advised that, at times, the director of the executive
5 office on aging, as well as other officers of the department of
6 health, have altered, edited, or withheld recommendations of the
7 board in cases where those recommendations may be inconsistent
8 with the recommendations or positions of the administration.

9 The legislature further finds that the current practice of
10 the director and other officers of the department of health
11 defeats the intended purpose of the board by promoting the
12 policy of the administration over policy benefiting the aging as
13 identified by the board. The recommendations and positions of
14 the board reflect the unique interests of the aging as a group
15 and should be required to be disseminated, unaltered and
16 unedited, by the director or any other state officer.



1 The purpose of this Act is to authorize the policy advisory
2 board for elder affairs to directly testify before the
3 legislature on any matter related to its duties and
4 responsibilities.

5 SECTION 2. Section 349-4, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§349-4 Policy advisory board for elder affairs.** (a)

8 There shall be a policy advisory board for elder affairs,
9 appointed by the governor under section 26-34.

10 (b) The board shall advise the director in, but not
11 limited to, the following areas:

- 12 (1) The identification of issues and alternative
13 approaches to solutions;
14 (2) The development of position statements and papers;
15 (3) Advocacy and legislative actions; and
16 (4) Program development and operations.

17 The board may testify before the legislature on any matter
18 related to its duties and responsibilities.

19 (c) The board shall consist of not less than twenty-one
20 nor more than twenty-nine members, a majority of whom are over
21 sixty years of age and who shall be selected on the basis of
22 their interests and knowledge in and their ability to make



1 contributions to the solution of problems relating to aging, and
2 shall include at least one member from the county of Hawaii, one
3 member from the county of Maui, one member from the county of
4 Kauai, and one member from the city and county of Honolulu.
5 There shall be nine members who shall serve as ex officio
6 members and shall be chosen from among the heads of the
7 following state agencies which provide services or programs
8 affecting elders: health, human services, education, labor and
9 industrial relations, University of Hawaii, transportation, the
10 state retirement system, the office of consumer protection, and,
11 by invitation, the Hawaii representative of the United States
12 Department of Health[~~, Education and Welfare.~~] and Human
13 Services. Of the non ex officio members, one-third of the
14 members shall be appointed for the term of four years, one-third
15 for the term of three years, and one-third for the term of two
16 years; and thereafter the terms of office of each member shall
17 be four years. The members shall serve without compensation,
18 but shall be paid their necessary expenses in attending meetings
19 and carrying out the responsibilities of the board. The
20 chairperson shall be elected annually from the nongovernmental
21 members of the board. There shall be not less than twelve
22 meetings of the board each year."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2008.

