

LINDA LINGLE  
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH



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**House Committee on Human Services and Housing**

**SB 2129 SD 2, RELATING TO ELDER AFFAIRS**

**Testimony of Noemi Pendleton  
Director of Executive Office on Aging  
Attached Agency to Department of Health**

**Thursday, March 13, 2008**

**9:30 a.m.**

1 **Department's Position:** The Department of Health and the Executive Office on Aging (EOA)  
2 have concerns with the measure and respectfully oppose it as written.

3 **Fiscal Implications:** Unknown.

4 **Purpose and Justification:** The purpose of this measure is to authorize the policy advisory board  
5 for elder affairs to directly testify before the legislature on any matter related to its duties and  
6 responsibilities.

7 All appointed Board members of PABEA, including ex-officio non-voting members who  
8 have been appointed by the Administration to represent the various state agencies that provide  
9 services and programs to Hawaii's older adults, have an equal opportunity to voice their positions  
10 on any recommendations. As it is common in many boards, there are times that EOA and the ex-  
11 officio members have occasionally held different viewpoints from PABEA. However, the view  
12 points of each member are respected and PABEA Board members can vote their conscience.  
13 EOA, like PABEA, is acting in the best interest of Hawaii's kupuna. It is a priority of the  
14 Administration to effectively support Hawaii's elder population and to work together with various

1 stakeholders in the aging network. However, amending HRS 349-4 is not necessarily the most  
2 appropriate approach.

3 Thank you for the opportunity to testify.



Hawaii's Voice for a Better Future

SB2129  
HSH  
Thursday March 13, 2008  
09:30 a.m.  
Room 329

COMMITTEE ON HUMAN SERVICES &  
HOUSING

Rep. Maile S. L. Shimabukuro, Chair  
Rep. Karl Rhoads, Vice Chair

March 12, 2008

**Re: SB2129 — Prohibits the director of the executive office on aging from altering, editing or withholding any work product issued by the Policy Advisory Board for Elder Affairs**

**In Support**

I am sure that legislative committees have been frustrated, from time to time, that state department heads and other staff are unable to give testimony to the Legislature unless the testimony has been vetted and approved first by the Governor's office. This requirement regularly deprives both the people and their representatives of the benefit of the expertise and experience of these experts.

Fortunately, this is not the case with boards and commissions. These bodies are intended to be independent and advisory, although some have monitoring and other functions by statute. Members are expected to bring their own individual experience, training and expertise to their board and are not necessarily representatives of the organizations to which they belong or are employed.

Earlier testimony by the Director of the Executive Office on Aging stated that the Older Americans Act does not specifically declare that an advisory council must exist, and so the Policy Advisory Board for Elderly Affairs does not have an independent voice. This is absurd. PABEA not only exists, but it has met regularly and has reported annually to the Legislature. Nowhere in EOA's testimony is it demonstrated that the Governor shall act to censor or otherwise interfere with the work of PABEA the way she has moved to restrict her department heads.

Given the Governor's ability to withhold funds apportioned by the Legislature, it is crucial that there be an independent and representative board able to clearly state the effect of these and other actions. If the Governor's office has censorship powers then there will be no one to provide feedback on the effect of administration actions. In effect, it would give the administration absolute power.

This bill will clarify the independence of PABEA and assure that the Legislature and indeed everyone in Hawaii will have the benefit of its work on behalf of senior citizens, the fastest-growing segment of Hawaii's population. Kokua Council urges your committee to pass it into law.

Larry Geller, President

Kokua Council

**Hearing by House of Representatives Committee on Human Services  
and Housing**

**March 13, 2008, 9:30 a.m. Conference Room 329**

**In Support of SB2129, SD2, (SSCR2799) Relating to Elder Affairs**

Chair Maile S. Shimabukuro, Vice Chair Karl Rhoads, and Members of the  
Committee:

As the current Chair of PABEA, I am submitting testimony in firm support  
of SB2129. This bill represents a very basic concept in regard to the right  
and lawful functioning of the Policy Advisory Board for Elder Affairs, that  
we are able to advise the Governor and the State Legislature from an open  
and independent position.

We are most grateful to Representative John Mizuno for originally  
presenting this legislation. We appreciate the concern and support of  
Senator Chun-Oakland and Senator Les Ihara in supporting this bill, which  
not only acknowledges PABEA's efforts, but also paves the way for all  
boards and commissions to be able to function unencumbered.

I humbly ask that you please seize this opportunity to make a difference by  
passing this important piece of legislation, SB2129, for our Kupuna.

Thank you for your time and consideration.

Michael B. Sumja  
Chair of PABEA

**TO: HOUSE OF REPRESENTATIVES COMMITTEE ON  
HUMAN SERVICES AND HOUSING**

**Representative Maile Shimabukuro, Chair  
Representative Karl Rhoads, Vice Chair**

**FROM: Eudice R. Schick  
PABEA (Policy Advisory Board for Elder Affairs)**

**SUBJECT: SB 2129, SD2 Relating to Elder Affairs**

**HEARING: Thursday March 13, 2008 9:30 a m Rm. 329**

**POSITION: Support of SB 2129, SD 2**

**I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed Board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.**

**This bill is very important to the work and constant efforts of the Policy Advisory Board of Elder Affairs. PABEA works hard to help our Kapuna. If we cannot have the freedom of speech we will be held back in our efforts to advocate, to the fullest, for our Kapuna.**

**Please support of the resolution.**

**Eudice R. Schick**



-----Original Message-----

From: manis [mailto:manis@lava.net]  
Sent: Tuesday, March 11, 2008 11:29 AM  
To: HSHtestimony  
Subject: Testimony Sb2129 SD2

Attachment is same as below in case you have trouble opening it. Thanks.  
Laura Manis

COMMITTEE ON HUMAN SERVICES & HOUSING  
Rep. Maile S. L. Shimabukuro, Chair  
Rep. Karl Rhoads, Vice Chair

March 13, 2008 9:30AM Conference Room 329

SB 2129, SD2 RELATING TO ELDER AFFAIRS. Prohibits the director of the executive office on aging from altering, editing or withholding any work product issued by the policy advisory board for elder affairs because it is inconsistent with the policy of the administration.

SUPPORT

My name is Laura Manis and I have been a member of the Legislative Committee of the Policy Board for Elder Affairs for many years.

I hold my seat, by law, as representing the elders in the community and so have not been appointed by the Governor. The Legislative committee is required to have a majority of Governor appointees but the minority is appointed by the committee. We explore the needs and concerns of the elderly population in the state and decide with the approval of PABEA which to pursue in the State Legislature as advocates. We act under the Regulations of the Older Americans Act and the By-laws of PABEA and the Legislative Committee. The directors also have their priorities. We rarely disagree but on the few occasions when this has happened, we have each submitted our own testimony.

However, in 2003 and again in 2004 and 2007, the administration requested that we submit our testimony to the Governor's office for approval before testifying. After lengthy discussion each time, it was agreed, considering time constraints and our obligation to represent the concerns of the community to precede each testimony with the following disclaimer.

<sup>3</sup>I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.<sup>2</sup>

This disclaimer was written by representatives of the Governor and since then those testifying for PABEA have done so and also send their testimony as information only to the Governor's office.

As far as I know, no one on the legislative committee or PABEA has instigated this bill. However, I am in support of it in the hope that the role of all advisory boards are clarified and not expected to follow or support the policies of whatever political party or administrator that happen to be in office at the time.

Laura G. Manis

**Hearing by House of Representatives  
Committee on Human Services and Housing  
March 13, 2008, 9:30 a.m. Conference Room 329**

**In Support of SB2129, SD2, Relating to Elder Affairs**

Chairs and Members of the Committee:

My name is Carolyn Lancaster and I am a member of the Kohala Senior Citizen's Club on the Big Island of Hawaii. I am submitting testimony **avidly supporting SB2129**. I understand that this bill will make it more clear how our Policy Advisory Board for Elder Affairs will be able to advise the Governor and the State Legislature about Kupuna issues. This board should be able to do their job of advising, without being censored by other agencies. After all, that is PABEA's purpose.

I am so thankful that the Policy Advisory Board for Elder Affairs is there at the state level, monitoring legislation and working hard on my behalf. It is because of these dedicated volunteers that I feel my aging issues will be brought to the forefront and handled. PABEA needs your support.

Please pass SB2129 for me, and for the future of all Hawaii's elders.

Sincerely,  
Carolyn Lancaster  
Kohala Senior Citizen