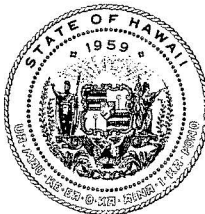
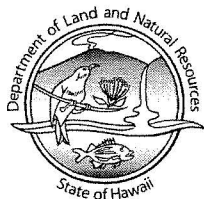


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**On Senate Bill 868, Senate Draft 2 – Relating To Boards and Commissions**

**BEFORE THE HOUSE COMMITTEE ON  
FINANCE**

**March 26, 2008**

Senate Bill 868, Senate Draft 2 provides that a board or commission may communicate directly with the Legislature or a legislative committee at the request of the Legislature or legislative committee. The Department of Land and Natural Resources (Department) already advocates open communications and public participation by its boards and commissions members, as present law would allow. For this reason, the Department does not support this measure and finds it unnecessary.



Hawaii's Voice for a Better Future

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

March 25, 2008

**Re: SB868 — Maintains a policy of open communications with boards and commissions and the Legislature**

**In Support**

Because of the value of the independent advice of boards and commissions to the public decision-making process, it is critical that the Legislature receive advice and testimony that is not filtered nor modified to conform to the policy of any administrative agency.

This independence arises because such bodies have a state or federal legislative mandate to advance the public interest through their expertise.

Many jurisdictions go further: recognizing the value of boards and commissions in the public policy decision-making process, they require that officials refrain from using public positions to improperly influence the deliberations, administrations, or decisions of established board or commission proceedings in any way.

For now, I urge this committee to pass HB868 so that direct access to this expertise is available to the Legislature whenever it seeks testimony or advice from board or commission members.

Larry Geller, President

Kokua Council

SB868

FIN

Wednesday, March 26, 2008

11:00 a.m.

Room 308



To: House Committee on Finance  
Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice-Chair

Date: March 26, 2008  
Conference Room 308  
11:00 am

Re: SB 868, SD2 RELATING TO BOARDS AND COMMISSIONS

Chair Oshiro and Members of the Committee:

My name is Ed Thompson, Associate State Director of Advocacy for AARP Hawaii. We are a membership organization for people 50 and older with 156,000 members in Hawaii. AARP provides access to services and information, meaningful volunteer opportunities, and the opportunity for our members to create positive change in their lives.

AARP supports SB 868, SD2, which ensures open communication between the Legislature and State boards and commissions. This bill allows a board or commission, rather than a head of a department, to communicate directly with the Legislature or the legislative committee.

Boards and commissions often provide valuable information or insight in policy discussions that may differ from the views or opinions of a department director. On these occasions, the department head may not be the appropriate representative to represent the board or commission at a legislative hearing.

We urge you to support SB 868, SD 2, and recommend its passage.

Thank you for the opportunity to testify before your committee.

**To: COMMITTEE ON FINANCE  
Chair Marcus Oshiro and Vice Chair Marilyn Lee  
and  
COMMITTEE ON JUDICIARY AND LABOR  
Chair Brian Taniguchi and Vice Chair Clayton Hee**

**Re: Hearing on March 26, 2008, 11 a.m. Conference Room 308**

**Testimony: IN SUPPORT OF SB 868, SD2, Relating to Boards  
and Commissions**

As the current Chair of PABEA, I am submitting testimony in firm support of SB 868. 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, SB 868, for our Kupuna.

Thank you for your time and consideration.  
Michael B. Sumja  
Chair of PABEA

TO: COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee., Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair  
Senator Clayton Hee, Vice Chair

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

SUBJECT: SB 868, SD2 RELATING TO BOARDS AND  
COMMISSIONS

HEARING: Wednesday, March 26, 2008 11:00 a.m. Conf. Room 308

POSITION: Strong Support of SB 868, SD2

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.

As stated in SB 868, SD2 there are many instances that Boards or Commissions opinions may differ with that of the department director or the governor. Boards and Commissions should not be limited to the opinions of the department director or governor. In restricting Boards and Commissions their effectiveness is greatly reduced and some very valuable information could be lost.

Please support section 2 (8) of SB 868, SD2 as stated, that the head of the department **shall not** have the power to supervise or control the board or commission in the exercise of its functions, duties and powers.

Again, your support of SB 868, SD 2, is greatly appreciated.

Eudice R. Schick

## FINTestimony

---

**From:** manis [manis@lava.net]  
**Sent:** Tuesday, March 25, 2008 7:59 AM  
**To:** FINTestimony  
**Subject:** Testimony SB868

COMMITTEE ON FINANCE  
Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Wednesday,

March 26, 2008 11:00 A.M. Conference Room 308

SB 868, SD2 RELATING TO BOARDS AND COMMISSIONS. Maintains a policy of open communications with boards and commissions when a department director is considering invoking their rights under section 26-35(a)(1), HRS, to represent a board or commission before the legislature.

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  
597-8838

## FINTestimony

---

**From:** Carolyn Lancaster [carolyn96755@yahoo.com]  
**Sent:** Monday, March 24, 2008 8:18 PM  
**To:** FINTestimony  
**Subject:** Testimony RE: SB 868

To: COMMITTEE ON FINANCE  
and  
COMMITTEE ON JUDICIARY AND LABOR

RE: Testimony: IN SUPPORT OF SB 868, SD2,  
Relating to Boards and Commissions

Hearing on March 26, 2008, 11 a.m.  
Conf. Rm. 308

Chairs and Members of the Committees:

As a concerned citizen, I appreciate the opportunity to submit the following testimony: 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 SB 868. 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 SB 868 for me, and for the future of all Hawaii's elders.

Sincerely,  
Carolyn Lancaster  
Kohala Senior Citizen

---

Never miss a thing. Make Yahoo your home page.  
<http://www.yahoo.com/r/hs>