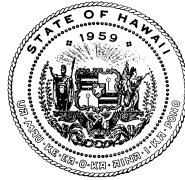


DAVID Y. IGE
GOVERNOR OF HAWAII



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Testimony in SUPPORT of HB0471 HD1
Relating to Aging

COMMITTEE ON JUDICIARY
REPRESENTATIVE CHRIS LEE, CHAIR
REPRESENTATIVE JOY A. SAN BUENAVENTURA, VICE CHAIR

Testimony of Caroline Cadirao
PSM Manager, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: February 22, 2019
2:05 PM

Room Number: 325

- 1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
2 of Health supports the intent of HB0471 HD1.
- 3 **Fiscal Implications:** None
- 4 **Purpose and Justification:** This measure requires the Policy Advisory Board for Elder Affairs
5 (PABEA) to establish quorum requirement through its bylaws and post its bylaws on the
6 Executive Office on Aging's website. PABEA is established by statute in HRS 349-4 to advise
7 the director of EOA including but not limited to: 1) identification of issues and alternative
8 approaches to solutions; 2) development of position statements and papers; 3) advocacy and
9 legislative actions; and 4) program development and operations. PABEA meets on the first
10 Friday of the month and has provided EOA with feedback on our programs and been a strong
11 advocate for our kupuna. Last year, PABEA requested a statute amendment to change the

1 composition of the Board by: 1) decreasing the number of members; 2) specifying that ex-officio
2 member are nonvoting members, and 3) revising the list of agencies that provide representatives
3 to serve as ex-officio members. The Governor signed Act 134 into law on July 5, 2018.
4 However, even with decreasing the number of members that will constitute a quorum to conduct
5 its meetings, PABEA has a difficult time meeting the default quorum of fifty per cent of
6 members plus one. Having quorum be “a majority of the currently serving members, but in no
7 event fewer than eight, shall constitute quorum” may help the situation when PABEA has fewer
8 than its maximum 21 members, and yet ensure that it never goes lower than its statutorily-
9 mandated minimum number of members.

10

11 Thank you for the opportunity to testify.



HB-471-HD-1

Submitted on: 2/22/2019 9:24:16 AM
Testimony for JUD on 2/22/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn	PABEA	Support	No

Comments:

TESTIMONY

Committee on Judiciary, Hawaii House of Representatives

Hearing Friday, February 22, 2019

Regarding HB 471 HD 1 Relating to Aging

Submitted by Marilyn R Seely

Representative Chris Lee and members of the Committee

This measure is intended to help the Policy Advisory Board for Elder Affairs (PABEA) reach quorum in adherence to the Sunshine Law passed by the legislature last year.

The original bill required that quorum be set in the By Laws rather than statute to give the board time to consider all options, make it simpler if change down the road is necessary, and in consideration of the general practice of keeping language in statute broader with specifics spelled out in by laws.

Our intent is not to regularly amend our by laws, a process which is time consuming and takes away from our primary purpose which is to advise the director of the Executive Office on Aging (EOA) on concerns of older adults and their families in Hawaii. Rather it is to give our members time to fully consider the issues, work with EOA and the Attorney General to craft workable procedures that assure compliance with the law and the specific needs of our board which consists largely of members who are older adults.

HD1 added language that specifies that quorum be a majority of members but not fewer than 8. We want to make it clear that quorum is based on the number of members currently appointed rather than the number of members that may be appointed according to our by laws. While our preference is the unamended language in HB 471 we want to make sure that the bill moves forward. If HD 1 is passed we would ask that the following change from serving to appointed be made in Section 2. to read as follows:

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

SECTION 1. The legislature finds that the policy advisory board for elder affairs has a majority of members who are elders and others who live on the neighbor islands. This contributes to the difficulty of meeting current quorum requirements for meetings because, per the state sunshine law, meetings cannot be held or minutes approved without quorum. Additionally, because there is no specific statutory definition of quorum for the policy advisory board for elder affairs, the default quorum is set at fifty per cent of members plus one.

Section 1. The purpose of this Act is to establish quorum requirements for the policy advisory board for elder affairs.

SECTION 2. Section 349-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be a policy advisory board for elder affairs, appointed by the governor under section 26-34. The board shall advise the director in but not limited to the following areas:

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

The board shall consist of not less than fifteen nor more than twenty-one members, a majority of whom are over sixty years of age and who shall be selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems relating to aging, and shall include at least one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, and one member from the city and county of Honolulu. There may be up to ten members who shall serve as ex officio~~[+]~~ nonvoting members and may consist of the heads of the following agencies that provide services or programs affecting elders: health, human services, education, labor and industrial relations, commerce and consumer affairs, University of Hawaii, transportation, the state retirement system, and, by invitation, the Hawaii representatives of the United States Department of Health and Human Services and the Social Security Administration. Ex officio members may delegate their board responsibilities to another member of their agency. Of the non ex officio members, one-third of the members shall be appointed for the term of four years, one-third for the term of three years, and one-third for the term of two years; and thereafter the terms of office of each member shall be four years. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings and carrying out the responsibilities of the board. The chairperson shall be elected annually from the nongovernmental members of the board. There shall be not less than twelve meetings of the board each year. Quorum shall be a majority of the

currently appointed ~~[serving]~~ members, but in no event fewer than eight members shall constitute a quorum."

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

SECTION 4. This Act shall take effect on January 1, 2059.

Report Title: Kupuna Caucus; Policy Advisory Board for Elder Affairs; Quorum;

Description: Establishes quorum requirements for the Policy Advisory Board for Elder Affairs. (HB471 HD1)

Thank you for your consideration of this testimony.

Marilyn R Seely, member, Policy Advisory Board for Elder Affairs.