

PHONE (808) 594-1888



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Committee on Beneficiary Advocacy and Empowerment

Trustee John Waihe'e, IV, *Chair*

Trustee Peter Apo, *Vice-Chair*

Members

Trustee Lei Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Rowena Akana, At-Large

Trustee S. Haunani Apoliona, At-Large

Trustee Carmen Hulu Lindsey, Maui

Trustee Robert K. Lindsey, Jr., Hawai'i

Trustee Colette Y. Machado, Moloka'i / Lāna'i

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
HONOLULU, HAWAII 96817

LIEUTENANT GOVERNOR'S
OFFICE

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MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, April 8, 2015

TIME: 10:00 a.m.

PLACE: Maui Ola Boardroom
Nā Lama Kukui
560 N. Nimitz Highway
Honolulu, Hawai'i 96817

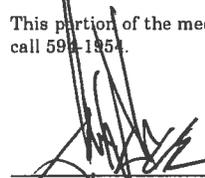
AGENDA

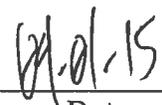
- I. Call to Order
- II. Approval of Minutes
- III. Community Concerns*
- IV. New Business
 - A. 2015 OHA Legislative Positioning – Matrix 1**
- V. Unfinished Business
 - A. 2015 OHA Legislative Package Updates – Matrix 2**
- VI. Executive Session***
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide written testimony are requested to submit ten (10) copies of their testimony to the OHA Pouhana / CEO at 560 N. Nimitz Highway, Suite 200, Honolulu, HI 96817 or fax to 594-1938, 48 hours prior to the scheduled meeting. Persons wishing to testify orally at the meeting may do so within a five (5) minute limit.

**Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 04/07/15. However, the Trustees both in committee and as the BOT reserve the right to discuss any and all bills on either Matrix, as well as those that time does not permit to be placed on the Matrices, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

***Notice: This portion of the meeting will be closed pursuant to Hawai'i Revised Statutes sections 92-4 (Executive meetings) and 92-5. For further information, please call 594-1954.


Trustee John Waihe'e, IV, Chair
Committee on Beneficiary Advocacy and Empowerment


Date

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

April 8, 2015 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Rowena Akana
Trustee Haunani Apoliona
Trustee Robert Lindsey

EXCUSED:

Vice-Chairperson Peter Apo
Trustee Hulu Lindsey
Trustee Colette Machado

BOT STAFF:

Claudine Calpito
Crayn Akina
Davis Price
Harold Nedd
Lady Elizabeth Garrett
Liana Pang
Melissa Wennihan
Reynold Freitas

ADMINISTRATION STAFF:

Kāwika Burgess, Pou Nui / COO
Anuheia Patoc, PUBL
Deja Ostrowski, PUBL
Jessica Freedman, PUBL
Jim McMahan, ADV
Jocelyn Doane, PUBL
Jon Ching, PUBL
Kawika Riley, ADV
Momilani Lazo, CEO
Monica Morris, ADV
Sterling Wong, PUBL
Wayne Tanaka, ADV

GUESTS:

Louis "Buzzy" Agard

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, April 8, 2015 to order at **10:01 a.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	LEI	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	Arrived at 10:11 a.m.

At the Call to Order, **FIVE (5) Trustees** are **PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
VICE-CHAIR	PETER	APO	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	CARMEN “HULU”	LINDSEY	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	MEMO – REQUESTING TO BE EXCUSED

Waiver of the OHA 72-hours prior to a meeting materials distribution practice

Chair Waihe’e seeks a MOTION:

To waive the OHA Board of Trustees Operations Manual practice at which materials will be reviewed, discussed, or acted upon at least 72-hours prior to the meeting regarding items:

IV. New Business

A. 2015 OHA Legislative Positioning – Matrix1 ; and**

V. Unfinished Business

A. 2015 OHA Legislative Package Updates – Matrix 2**

Trustee Ahuna moves.

Trustee Apoliona seconds the motion.

Chair Waihe’e asks if there is any discussion. There is none.

Chair Waihe’e asks if anyone votes NO or ABSTAINS. There are no replies.

						10:02 a.m.
TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA			X			
DAN AHUNA	1		X			
ROWENA AKANA						Arrived at 10:11 a.m.
VICE-CHAIR PETER APO						EXCUSED
HAUNANI APOLIONA		2	X			
CARMEN HULU LINDSEY						EXCUSED
ROBERT LINDSEY			X			
COLETTE MACHADO						EXCUSED
CHAIR JOHN WAIHE’E			X			
TOTAL VOTE COUNT			5	0	0	4

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe’e notes for the record that all members present vote ‘AE (YES) and the MOTION CARRIES.

II. APPROVAL OF MINUTES

None

III. COMMUNITY CONCERNS*

None

IV. NEW BUSINESS

A. 2015 OHA Legislative Positioning – Matrix 1**

Chair Waihe'e turns it over to Ka Pou Nui Kāwika Burgess.

Pou Nui Burgess: Welina me ke aloha e Ke Kaupoko kauhale nei. Ke Kua Waihe'e, Ke Kauhuhu Lindsey mai ka Moku o Keawe a hiki i Ni'ihau o Kahalelani. Aloha kākou. At this time, I would like to call upon Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane.

Senior Public Policy Advocate Doane: Aloha Chair and Trustees. We should be fairly brief today, unless you have questions. We do have a couple of errors to correct on the matrix.

First, is Item #3 GM665 - this is the Gubernatorial Nominee for the Health Planning Council. This was a technical error with our tracker because we OPPOSE HB665, so we think this must've been flagged because of that position.

Secondly, we would like to change GM665 from ~~Oppose~~ to MONITOR. We normally would not weigh-in on the Health Planning Council.

Item #11 HB830 - this was an oversight. It should be changing from ~~Comment~~ to MONITOR, not the other way around as it is listed on the matrix.

Back to Item #1, GM552 - this is a Gubernatorial Nominee for the cultural expert seat for Hawai'i Community Development Authority for Beau Bassett; we are recommending MONITOR. He clearly meets the qualifications; he lives in Kaka'ako, his family are practitioners – the Kawelos from Kahalu'u, so there are other cultural connections to other community districts that HCDA has jurisdiction over. He's been an attorney for the last nine years and has been involved in grassroots community movements. The only reason we are not suggesting Support is because we feel it actually may raise concerns by others. We have spoken to him about this and he will ultimately defer to us.

Public Policy Manager Wong: Yes, if we didn't have an interest in Kaka'ako Makai we would definitely recommend Support as our position on this GM. He also surfs at Kewalos.

Senior Public Policy Advocate Doane: We think he'll be receiving a lot of support with us; his qualifications are unquestionable.

Item #2 GM608 - Gubernatorial Nominee for the Endangered Species Recovery Committee. Some of you may be familiar with Samuel Gon, he used to be on BLNR; our recommendation is SUPPORT.

Item #29 HB438 - this is the KIRC Appropriations Bill. Sterling will brief on the request we received.

Public Policy Manager Wong: We did get a written request from KIRC. I've since verbally followed-up with them earlier this week and asked for some clarification. We will ask them for additional information in writing so we can further vet their request. In talking to some people, we think they will get the minimum of what they need for this year. We will keep you updated with this issue.

Senior Public Policy Advocate Doane: Item #28 HB393 - this is the Fishpond - Department of Health waiver. We're excited to see that it's made it out of all of its committees and will be going to the floor for a third reading. So it has a good chance of making it to Conference and our position is SUPPORT.

Item #37 HB515 - this bill would change the definition of a "remnant" in a positive way and Sterling will speak a little more about it.

Public Policy Manager Wong: This is a bill that was in our OHA package the past two sessions. So we would like to think that we could go eight-for-seven this year with our OHA-introduced package. If you recall about three or four years ago, BLNR sold a five acre parcel in Hana that included a stream and a waterfall for \$5,000 an acre and they sold it as a "remnant" outside of the Act 176 process. This was a stretch as a definition of "remnant" so we included a bill to close this loophole in our last package. Representative Evans who had a "remnant" sale in her district which she had a lot of questions about, took the bill and ran with it this session. DLNR opposes it, which makes sense because obviously they want a little more freedom to sell these parcels outside of the Act 176 process.

Senior Public Policy Advocate Doane: Item #145 SB1166 - this would clarify that using Hawaiian cultural customs would not be criminal. Our position is SUPPORT. This measure is still alive and will go to the floor and possibly to conference. There's a similar resolution that's being heard today that would ask the Department of Health to revisit their rules to be more accommodating for traditional burial practices.

Item #238 SCR39 - this is regarding having only the Hawaiian Flag on buildings on January 17th of each year. Our position is SUPPORT and this will go over to the House.

Item #254 SCR106 - this is the "Lei of Green" resolution. We changed our position on this last week from ~~Monitor~~ to COMMENT. It now names us as part of the Working Group. So if it passes, we will be working with the Working Group to promote open and green spaces in Kaka'ako.

Trustee Ahuna: For Item #51 HB831 - Relating to Public Charter Schools, I'm having a hard time with the authorizers.

Senior Public Policy Advocate Doane: We can completely understand your concerns with this. OHA has been a champion for charter schools. We have spent millions of dollars so that the charter schools can continue to exist and provide an environment that our kids can learn from Hawaiian perspectives. In terms of the Charter Authorizer, it has been discussed whether or not an additional authorizer for Hawaiian-focused schools is appropriate, and that's a conversation that we'll continue to have.

Trustee Akana moves to approve Administration's recommendations on **NEW BILLS (1 – 9), BILL POSITIONS FOR RECONSIDERATION (10 – 11), and change both GM665 from Oppose to MONITOR, and HB830 from Comment to MONITOR** on the OHA Legislative Positioning Matrix dated April 8, 2015, as amended.

Trustee Ahuna seconds the motion.

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
New Bills					
1	GM552		Submitting for consideration and confirmation to the Hawai'i Community Development Authority, Gubernatorial Nominee, BEAU J.K. BASSETT, for a term to expire 6-30-2019.	MONITOR	
2	GM608		Submitting for consideration and confirmation to the Endangered Species Recovery Committee, Gubernatorial Nominee, SAMUEL GON, for a term to expire 6-30-2019.	SUPPORT	
3	GM665		Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, MAUREEN NAGANUMA, for a term to expire 6-30-2019.	OPPOSE	Oppose > MONITOR
4	HCR55		REQUESTING THE UNITED STATES CONGRESS AND THE BARACK OBAMA FOUNDATION TO SUPPORT AND RECOMMEND HAWAII AS THE SITE FOR THE BARACK OBAMA PRESIDENTIAL LIBRARY AND CENTER.	MONITOR	
5	HR25		REQUESTING THE UNITED STATES CONGRESS AND THE BARACK OBAMA FOUNDATION TO SUPPORT AND RECOMMEND HAWAII AS THE SITE FOR THE BARACK OBAMA PRESIDENTIAL LIBRARY AND CENTER.	MONITOR	
6	HR62		ENCOURAGING FOOD SERVICE FACILITIES IN THE STATE THAT OFFER A CHILDREN'S MENU OF MEAL OPTIONS, OR A MEAL THAT IS REPRESENTED AS A CHILDREN'S MEAL, TO SERVE CHILDREN'S MEALS WITH HIGHER NUTRITIONAL QUALITY AND INCLUDE ONLY BOTTLED WATER OR LOW-FAT MILK AS THE DEFAULT BEVERAGE IN THE MEAL OR MENU OPTION.	SUPPORT	
7	HR80		REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO INVESTIGATE THE OWNERSHIP OF ROADS BEING CHALLENGED IN THE KAKAAKO DEVELOPMENT DISTRICT.	MONITOR	
8	HR100		REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF MOVING ITS DANIEL K. INOUE COLLEGE OF PHARMACY FROM HILO TO KAKAAKO TO INTEGRATE WITH THE JOHN A. BURNS SCHOOL OF MEDICINE AND THE UNIVERSITY'S CANCER CENTER, AND MOVING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES FROM THE MANOA CAMPUS TO HILO.	MONITOR	
9	SR78		CONVENING A WORKING GROUP TO DEVELOP MORE COLLABORATIVE INFORMATION AND DECISION-MAKING POLICIES AND PROCEDURES FOR COMMUNITY ENGAGEMENT AS IT RELATES TO COMMUNITY DEVELOPMENT DISTRICTS.	MONITOR	

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
Bills Positions for Reconsideration					
10	HB496	RELATING TO EMPLOYMENT.	Requires the office of the lieutenant governor to work with the department of labor and industrial relations to conduct an actuarial study on the cost of implementing the family leave insurance program and the effect that it may have on the existing temporary disability insurance program and prepare a report to the legislature. Appropriates funds for the actuarial study and report. Takes effect on 01/07/2059. (HB496 SD1)	SUPPORT > MONITOR	
11	HB830	RELATING TO RESIDENTIAL PROPERTY.	Creates an exemption from DLNR review for proposed projects on privately-owned single-family detached dwelling units that are not designated on, or nominated for, the Hawaii or National Registers of Historic Places or are not located in a historic district. Defines "dwelling unit". (SD1)	MONITOR > COMMENT	Comment > MONITOR

Chair Waihe'e asks if there is any further discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

						10:51 a.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA			X			
DAN AHUNA		2	X			
ROWENA AKANA	1		X			
VICE-CHAIR PETER APO						EXCUSED
HAUNANI APOLIONA			X			
CARMEN HULU LINDSEY						EXCUSED
ROBERT LINDSEY			X			
COLETTE MACHADO						EXCUSED
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			6	0	0	3

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe'e notes for the record that the **MOTION PASSES**.

Chair Waihe'e recognizes Trustee Apoliona.

Trustee Apoliona: I just wanted to ask what the timeline would be on the DLNR appointment now that Case has been recommended.

Senior Public Policy Advocate Doane: We just found out yesterday, so it hasn't yet been assigned to a staff member yet. It should be done in time.

V. UNFINISHED BUSINESS

A. 2015 OHA Legislative Package Updates – Matrix 2**

Public Policy Manager Wong: Most importantly on our docket is our Budget Bill, OHA-1. We had a scare last week, so we reached out to WAM staff to get clarification. However, to be clear, we won't know what was changed until it actually comes out, which will be this afternoon or tomorrow. It has to come out by tomorrow to meet the decking deadline.

OHA-2, Relating to the Hawaiian Language Immersion Program - two vehicles had hearings this past week and both are moving.

OHA-3, Relating to Training, the House Bill, is moving towards crossover.

OHA-4, Relating to Agriculture - needs to pass crossover to move into conference.

OHA-5, Relating to Hawaiian Plants - the House bill is also looking good and moving towards crossover.

OHA-6, Relating to Incarcerated Parents - the versions in our package died, but the Senate one that we were working with Steve Morse on, was approved by House Judiciary. So it will cross back over and we will have a vehicle going into conference.

OHA-7, our two resolutions on Act 178 - today, we are feverishly trying to get WAM and FIN to schedule hearings by tomorrow, so we will update you on that.

We are looking really good at this point, as we have vehicles moving.

Chair Waihe'e: Thank you.

VI. EXECUTIVE SESSION***

None

VII. BENEFICIARY COMMENTS*

None

VIII. ANNOUNCEMENTS

None

IX. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting.

Trustee Robert Lindsey seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

						11:01 a.m.	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA				X			
DAN AHUNA				X			
ROWENA AKANA				X			
VICE-CHAIR PETER APO							EXCUSED
HAUNANI APOLIONA		1		X			
CARMEN HULU LINDSEY							EXCUSED
ROBERT LINDSEY			2	X			
COLETTE MACHADO							EXCUSED
CHAIR JOHN WAIHE'E				X			
TOTAL VOTE COUNT				6	0	0	3

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

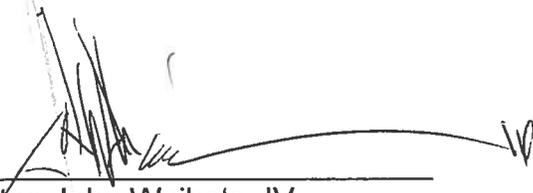
Chair Waihe'e adjourns the BAE meeting at 11:01 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on May 6, 2015.



Trustee John Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Notice of Excused Absence (3)