

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**February 25, 2015 10:00 a.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Vice-Chairperson Peter Apo  
Trustee Dan Ahuna  
Trustee Rowena Akana  
Trustee Haunani Apoliona  
Trustee Robert Lindsey

**EXCUSED:**

Trustee Lei Ahu Isa  
Trustee Hulu Lindsey  
Trustee Colette Machado

**BOT STAFF:**

Alvin Akee  
Claudine Calpito  
Crayn Akina  
Davis Price  
Laurene Kaluau-Kealoha  
Lehua Itokazu  
Liana Pang  
Louise Yee Hoy  
Melissa Wennihan  
Reynold Freitas

**ADMINISTRATION STAFF:**

Kāwika Burgess, Pou Nui / COO  
Anuheia Patoc, PUBL  
Deirdra Alo, CEO  
Deja Ostrowski, PUBL  
Jim McMahon, ADV  
Jocelyn Doane, PUBL  
Jon Ching, PUBL  
Kamaile Maldonado, PUBL  
Kawika Riley, ADV  
Monica Morris, ADV  
Sterling Wong, PUBL

**GUESTS:**

Louis "Buzzy" Agard

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, February 25, 2015 to order at **10:02 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:02 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	Arrived at 10:22am

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

**EXCUSED from the BAE Meeting are:**

MEMBERS			COMMENT
TRUSTEE	LEI	AHU ISA	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 policy**

**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.**

**Vice-Chair Apo 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.**

						10:03 a.m.
TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)
LEI	AHU ISA					
DAN	AHUNA	1		X		
ROWENA	AKANA					Arrived at 10:22 a.m.
VICE-CHAIR PETER	APO		2	X		
HAUNANI	APOLIONA			X		
CARMEN HULU	LINDSEY					EXCUSED
ROBERT	LINDSEY			X		
COLETTE	MACHADO					EXCUSED
CHAIR JOHN	WAIHE’E			X		
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>0</b>	<b>0</b>
						<b>4</b>

**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** recognizes Pou Nui Kāwika Burgess.

**Pou Nui Burgess** greets the committee and calls on Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane to present the legislative matrices.

**Senior Public Policy Advocate Doane:** Aloha Trustees, because we may lose quorum soon I will just go through a few of the bills that we are OPPOSING on the Matrix.

SB248, relating to Trust Funds - this is the bill that we had spoken at length about last week. It attempts to give the legislature authority over Trust Funds generally and it seems that it is intended to affect OHA. We just found out that there's a hearing on this bill on Friday, February 27 at 9:00 a.m. We will be working with Justice Klein to draft testimony.

The Collective Bargaining bills are dead, unless they will be re-referred.

HB1409, relating to the Review of Historic Preservation Projects - the law changed two years ago which allows for phasing of certain projects. Right now, in order to phase they have to do a programmatic agreement that complies with federal law. Supposedly, for housekeeping purposes, there's been an amendment that might open that up to compliance with programmatic agreements for state law. There is no state law defining how a programmatic agreement is supposed to be put together. Federal law requires planning and consultation that ensures more opportunity for our beneficiaries. So we've met with the Chair in the House and we're meeting with the Chair in the Senate tomorrow to discuss these bills further.

SB525, relating to the Commission on Water Resource Management - this would require that the Water Commission include membership from each of the islands. The reason we have concerns with this bill is because really the number one priority with Water Commission members should be background in water management. Historically, they've been political seats and we feel that by having a requirement they may overlook actual qualified individuals. Additionally and as DLNR has testified, they don't want members to defer to the island member when the island member may not

be as knowledgeable in certain areas. The odd thing is that this is coming out of Hawai'i Island and they already have two individuals on the Water Commission.

**Trustee Ahuna:** For me coming from the wettest island, I would want the decisions to come from the people of Kaua'i when dealing with issues on their island.

**Senior Public Policy Advocate Doane:** Right, that's very interesting. The reason Kaua'i doesn't have any water management area, is because in comparison to many other places, they have a lot of water. The Water Commission doesn't weigh in on the little decisions. It doesn't mean the county doesn't get a say, these are for water management areas where there are disputes.

**Trustee Ahuna:** Ok, Thank you for clarifying.

**Trustee Robert Lindsey:** The irony of the Big Island situation is we have Milton Pavao representing the East side of our island and Kamana Beamer on the West side. The issue that we're dealing with is the Keauhou Aquifer. Milton does not support the National Parks request to create a water management area, but Kamana supports it; so that's the dilemma. If we had to pick a position we would have to support Milton because he's our water expert, he knows stuff about hydrology on the island that new people at the table have not yet learned about. Ordinarily, I would disagree with staff's recommendation, but looking at it for what's good for our Pae `Aina, I can support this position.

**Senior Public Policy Advocate Doane:** The last measure I would like to bring to the Board's attention is GM514 which is the Gubernatorial Nomination for Carleton Ching. There's a hearing scheduled in March and we will COMMENT focusing specifically on the important nature of the role and the importance of this seat. We have been contacted by beneficiaries asking why we are not opposing this nomination. There have been newspaper articles and media attention to this GM, suggesting that it's a bad choice.

Vice-Chair Apo moves to approve Administration's recommendations on **NEW BILLS (1 – 5)** and **BILL POSITIONS FOR RECONSIDERATION (6 - 17)** on the OHA Legislative Positioning Matrix dated February 25, 2015, as amended.

Trustee Ahuna seconds the motion.

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>New Bills</b>					
1	HB1007	RELATING TO MOTOR VEHICLE DRIVER LICENSING.	Authorizes the issuance of limited purpose driver's licenses, provisional licenses, and instruction permits for individuals who are otherwise eligible for a license or permit but do not present proof of authorized presence in the United States.	MONITOR	
2	HB1194	RELATING TO AGRICULTURAL COMMERCE.	Repeals provision requiring counties to adopt ordinances regulating agricultural tourism as a precondition for allowing agricultural tourism activities in an agricultural district. Allows agricultural commerce, rather than agricultural tourism, in an agricultural district. (HB1194 HD1)	MONITOR	
3	SB1348	RELATING TO EDUCATION.	Allows the university laboratory school to conform its student enrollment profile to the standard prescribed by the University of Hawaii college of education in order to meet the University of Hawaii college of education's research requirements.	SUPPORT WITH AMENDMENTS	
4	HCR37		REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES.	MONITOR	
5	HR14		REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES.	MONITOR	

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>Bill Positions for Reconsideration</b>					
6	HB829	RELATING TO AFFORDABLE HOUSING.	Authorizes the Hawaii Housing Finance and Development Corporation to facilitate the development of affordable housing as part of transit-oriented development by making grants-in-aid to counties to expedite permit processing by using third party review programs. Appropriates funds. (HB829 HD2)	MONITOR > COMMENT	
7	HB998	RELATING TO PUBLIC SAFETY.	Requires the Department of Public Safety to collect data on the number of incoming offenders into the state correctional system who are parents, the number of children they have that are under the age of eighteen, and any other relevant data that the Department deems useful to assist these at-risk children. (HB998 HD1)	SUPPORT WITH AMENDMENTS > SUPPORT	
8	HB1251	RELATING TO PUBLIC CHARTER SCHOOLS.	Requires state departments, upon the closure of facilities, to consider the facility's suitability for use by public charter schools or early learning pre-plus programs, and to notify the State Public Charter School Commission or Executive Office on Early Learning of the availability and suitability of the facility. Requires more detailed annual reporting by the State Public Charter School Commission. Establishes a Charter School Facilities Funding Working Group. Appropriates funds for public charter schools. Authorizes the issuance of general obligation bonds and appropriates funds for public charter school facilities' design, planning, construction, repair, and maintenance. (HB1251 HD1)	SUPPORT WITH AMENDMENTS > SUPPORT	
9	HB1258	RELATING TO THE HAWAII TOURISM AUTHORITY.	Clarifies the qualification and term limit requirements and appointment process for the board of directors of the Hawaii tourism authority. (HB1258 HD1)	COMMENT > MONITOR	
10	HB1267	RELATING TO PUBLIC LANDS.	Establishes the four-year Kanoelehua Redevelopment Pilot Project under the Department of Land and Natural Resources. Appropriates funds. (HB1267 HD1)	OPPOSE > MONITOR	
11	HB1372	RELATING TO PUBLIC UTILITIES.	Amends the definition of "public utility" by excluding any person who provides water solely to agricultural activities. Defines agricultural activities. (HB1372 HD1)	MONITOR > COMMENT	
12	SB470	RELATING TO KAHO'OLAWA ISLAND RESERVE.	Clarifies that property or natural resources used or taken in violation of laws or rules pertaining to Kaho'olawe island may be subject to seizure, disposal, and forfeiture in accordance with existing law if the offense occurs within the fast lands of the reserve or by persons or on vessels located in the area extending seaward one nautical mile of the shoreline of Kaho'olawe island. Takes effect on 7/1/2050. (SD1)	SUPPORT > SUPPORT WITH AMENDMENTS	
13	SB878	RELATING TO WASTEWATER	Authorizes the counties to approve the installation and use of composting toilets in areas that are inaccessible to municipal wastewater systems. Defines "composting toilets". (SD1)	COMMENT > SUPPORT	
14	SB900	RELATING TO EDUCATION.	Establishes the state seal of biliteracy program and appropriates funds for the implementation of the program. (SD1)	MONITOR > SUPPORT	

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>Bill Positions for Reconsideration</b>					
15	SB1073	RELATING TO LAND USE.	Allows agricultural tourism uses or activities, including certain overnight accommodations, conducted in conjunction with a bona fide farming operation, in the agricultural district. Defines bona fide farming operations. (SD1)	MONITOR > COMMENT	
16	SB1157	RELATING TO STARLIGHT RESERVE.	Changes the Starlight Reserve advisory committee from a temporary committee to a permanent committee. Amends the office of Hawaiian affairs' representative on the committee. (SD1)	SUPPORT WITH AMENDMENTS > SUPPORT	
17	SB1166	RELATING TO THE PENAL CODE.	Provides that the treatment of a corpse in a manner consistent with traditional Hawaiian cultural customs and practices and the burial or cremation of a corpse prepared consistent with traditional Hawaiian custom and practice shall not constitute the abuse of a corpse within the penal code. (SD1)	SUPPORT WITH AMENDMENTS > SUPPORT	

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

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

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:18 a.m.
LEI	AHU ISA						<b>EXCUSED</b>
DAN	AHUNA		2	X			<b>EXCUSED</b>
ROWENA	AKANA						Arrived at 10:22 a.m.
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY						<b>EXCUSED</b>
ROBERT	LINDSEY			X			
COLETTE	MACHADO						<b>EXCUSED</b>
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>0</b>	<b>0</b>	<b>4</b>

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

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

## V. UNFINISHED BUSINESS

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

**Public Policy Manager Wong:** Just a quick update with the Session Calendar. March 6<sup>th</sup> is the First Decking Deadline and March 16<sup>th</sup> is the Budget Decking Deadline. So we're going to see a flurry of hearing notices pop up for most of our bills.

OHA-1, Relating to the Budget of the Office of Hawaiian Affairs - we should see a hearing for this bill the week of March 9<sup>th</sup> to reach the Budget Decking deadline.

OHA-2, Relating to the Hawaiian Language Immersion Program - as you recall both of our vehicles died but there are outside vehicles that are still alive. The DOE, while they've been very supportive of the testing, last week they got federal approval for a waiver to do the testing. They have now floated around bills to legislators; gutting our bill and just asking for the money instead of having the requirement. So we are concerned about that and will meet with them to discuss.

**Trustee Apo:** So the basis of the DOE's desire to not make it a requirement is based on available resources at any given time?

**Public Policy Manager Wong:** That's one of the issues; there have been many issues that they've expressed. They are worried about complications with federal requirements; they don't want a law that will force them to be in conflict with federal law. Our position and the language states you do the testing compliant with federal requirements. I think they do have liability concerns as well.

**Trustee Apo:** We have to go for the long vision and what's best for Hawaiians. We can't keep backing off because they have all these excuses.

**Chief Advocate Kawika Riley:** Mahalo Trustee Apo. That has been our position that if it's the right thing now in today's world, then it's the right thing tomorrow too. We think that's an important thing to stress. We also have been very clear that our advocacy for this legislation is based on the certainty that the kids, parents, and the language all deserve.

OHA-3, Relating to Training - both have hearings tomorrow.

OHA-4, Relating to Agriculture - both have hearings, one this afternoon and one tomorrow.

OHA-5, Relating to Hawaiian Plants - the House bill will have a hearing.

OHA-6, Relating to Incarcerated Parents – we are still waiting on hearings from WAM and FIN.

**Public Policy Manager Wong:** Our package is moving and we are happy with the progress thus far.

**Chair Waihe'e:** Great job, Thank you.

**VI. EXECUTIVE SESSION\*\*\***

None

**VII. BENEFICIARY COMMENTS\***

None

**VIII. ANNOUNCEMENTS**

None

**IX. ADJOURNMENT**

Trustee Ahuna moves to adjourn the BAE meeting.

Vice-Chair Apo 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.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:28 a.m.
LEI	AHU ISA						EXCUSED
DAN	AHUNA	1		X			
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO		2	X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY						Departed at 10:27 a.m.
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>0</b>	<b>0</b>	<b>4</b>

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

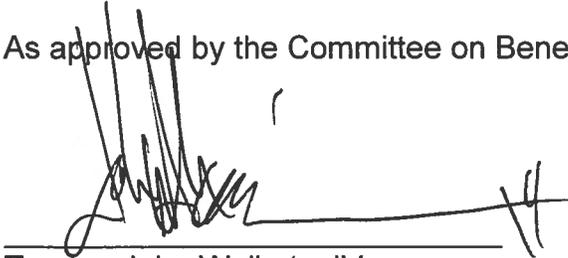
Chair Waihe'e adjourns the BAE meeting at 10:28 a.m.

Respectfully submitted,



Melissa Wennihan  
Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on March 4, 2015.



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

ATTACHMENT(s):

- Notice of Excused Absence (3)