

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

April 22, 2015 10:00 a.m.

ATTENDANCE:

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

EXCUSED:

Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Hulu Lindsey
Trustee Colette Machado

BOT STAFF:

Claudine Calpito
Crayn Akina
Kanani Souza
Kauikeaolani Wailehua
Lady Elizabeth Garrett
Lehua Itokazu
Melissa Wennihan
Reynold Freitas

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Kāwika Burgess, Pou Nui / COO
Anuheia Patoc, PUBL
Auli'i George, CMTY OUT
Deirdra Alo, CEO
Jocelyn Doane, PUBL
Jon Ching, PUBL
Kai Markell, COMP
Kamaile Maldonado, PUBL
Kawika Riley, ADV
Momilani Lazo, CEO
Monica Morris, ADV
Sterling Wong, PUBL
Wayne Tanaka, ADV

GUESTS:

Keali'i Makekau

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, April 22, 2015 to order at **10:22 a.m.**

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

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

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	DAN	AHUNA	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 Apoliona moves.

Trustee Akana 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.

							10:23 a.m.
TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
ROWENA	AKANA		2	X			
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA	1		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

- A. April 1, 2015
- B. April 2, 2015

Trustee Akana moves to approve the minutes of April 1 and 2, 2015.

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.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:24 a.m. EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
ROWENA	AKANA	1		X			
VICE-CHAIR PETER	APO			X			
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.**

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: Aloha Chair and Trustees. At this time, I would like to call on Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane to provide the legislative updates.

Senior Public Policy Advocate Doane: Aloha Chair and Trustees, our Legislative Matrix update shouldn't take too long and that will allow Sterling to brief you on our Budget Bill. You'll notice that our matrix is getting skinnier, which is exciting and means that session is coming to an end. We have a bunch of new Governor's Messages (GMs), but I first wanted to talk about Item #1 which is Bill 27, Relating to the Minimum Real Property Tax; this is actually a Honolulu City & County measure. It's basically increasing the taxes for all tax exemptions. Currently the tax for a Kuleana tax exemption is \$300 and this bill would raise it to \$1,000; we are recommending OPPOSE. Jim McMahan is down at the County Council today and this is just the first reading so there's much more time to go on this.

You'll notice there are a lot of GMs most of them have already been heard so the positions we take today will most likely not result in testimony. However, I just would like to point out a few.

Item #3, GM636 for Martha Ross to the Crime Victim Compensation Commission - she has substantial experience in social work and has worked with crime victims in the past. Our recommendation is to SUPPORT.

Item #11, GM750 - this is for Suzanne Case as the Chairperson of the Department of Land and Natural Resources. In talking with people, we are recommending SUPPORT and have submitted administrative testimony. There have been some concerns regarding her past in relation to hunting and fencing in particular and she has acknowledged that history. She's shared that what preservation and conservation meant historically for her has changed over time and that things should be looked at on a case-by-case basis. We hope to work with her on any concerns our beneficiaries should have related to hunting and so forth. She also has publicly supported community-based management, so we feel it's a good idea to support her.

Item #20, GM820 - this is for William Balfour, Jr. to the Commission on Water Resource Management. Denise Antolini was asked to stay on until the end of June. We feel her legal experience in particular would help the commission make decisions more consistent with the law. We are recommending COMMENT for Mr. Balfour.

For Items #22, 23, & 24 – GM833 Hulu Lindsey for Kaho'olawe Island Reserve Commission, and both GM837 & 838 Wayne Tanaka for the Kane'ohē Bay Regional Council are both OHA seats that Chair Lindsey and Ka Pouhana nominated. So our recommendation is to SUPPORT of course.

Item #25 - GM868 Jonathan Scheuer for the Land Use Commission, clearly he has substantial experience with our community, with land use, and land management, so we are recommending SUPPORT.

Senior Public Policy Advocate Doane: None of the bills that we OPPOSE are still alive, so that concludes are large matrix update for this week.

Trustee Apo moves to approve Administration's recommendations on NEW BILLS (1 – 27) and BILL POSITIONS FOR RECONSIDERATION (28 – 32), on the OHA Legislative Positioning Matrix dated April 22, 2015, as amended.

Trustee Robert Lindsey seconds the motion.

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
New Bills					
1	BILL 27		RELATING TO THE MINIMUM REAL PROPERTY TAX <i>(Honolulu City & County)</i>	OPPOSE	
2	GM620		Submitting for consideration and confirmation to the Hawai'i Green Infrastructure Authority, Gubernatorial Nominee, JEFFREY MIKULINA, for a term to expire 6-30-2018.	MONITOR	
3	GM636		Submitting for consideration and confirmation to the Crime Victim Compensation Commission, Gubernatorial Nominee, MARTHA ROSS, for a term to expire 6-30-2018.	SUPPORT	
4	GM695		Submitting for consideration and confirmation to the Juvenile Justice State Advisory Council, Gubernatorial Nominee, DEXTER ARTIENDA, for a term to expire 6-30-2018.	MONITOR	
5	GM707		Submitting for consideration and confirmation to the Corrections Population Management Commission, Gubernatorial Nominee, ANDERSON HEE, for a term to expire 6-30-2015.	MONITOR	
6	GM718		Submitting for consideration and confirmation to the Board of Agriculture, Gubernatorial Nominee, SIMON RUSSELL, for a term to expire 6-30-2016.	MONITOR	
7	GM724		Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, EDWIN S. TAIRA, for a term to expire 6-30-2017.	MONITOR	
8	GM725		Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, RONA S.Y. FUKUMOTO, for a term to expire 6-30-2017.	MONITOR	
9	GM726		Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, AUDREY ABE, for a term to expire 6-30-2016.	MONITOR	
10	GM727		Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, MELVIN Y.C. KAHELE, for a term to expire 6-30-2018.	MONITOR	

11	GM750		Submitting for consideration and confirmation to the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, SUZANNE CASE, for a term to expire 12-31-2018.	SUPPORT	
12	GM801		Submitting for consideration and confirmation to the Hawai'i Paroling Authority, Gubernatorial Nominee, ANNELLE AMARAL, for a term to expire 6-30-2019.	SUPPORT	
13	GM802		Submitting for consideration and confirmation to the Hawai'i Paroling Authority, Gubernatorial Nominee, MICHAEL A. TOWN, for a term to expire 6-30-2019.	SUPPORT	
14	GM811		Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, MATT MCDERMOTT, for a term to expire 6-30-2018.	MONITOR	
15	GM812		Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, ZACHARY I. BANTOLINA, for a term to expire 6-30-2018.	MONITOR	
16	GM813		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, ARNOLD K.H. WONG, for a term to expire 6-30-2018.	MONITOR	
17	GM814		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, DIANA VAN DE CAR, for a term to expire 6-30-2017.	MONITOR	
18	GM815		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, KENT M. HIRANAGA, for a term to expire 6-30-2016.	MONITOR	
19	GM816		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, LINDA ESTES, for a term to expire 6-30-2017.	MONITOR	
20	GM820		Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, WILLIAM BALFOUR, JR., for a term to expire 6-30-2019.	COMMENT	
21	GM821		Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, DENISE ANTOLINI, for a term to expire 6-30-2015.	SUPPORT	
22	GM833		Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial Nominee, CARMEN HULU LINDSEY, for a term to expire 6-30-2019.	SUPPORT	
23	GM837		Submitting for consideration and confirmation to the Kane'ohe Bay Regional Council, Gubernatorial Nominee, WAYNE TANAKA, for a term to expire 6-30-2015.	SUPPORT	
24	GM838		Submitting for consideration and confirmation to the Kane'ohe Bay Regional Council, Gubernatorial Nominee, WAYNE TANAKA, for a term to expire 6-30-2019.	SUPPORT	
25	GM868		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, JONATHAN SCHEUER, for a term to expire 6-30-2016.	SUPPORT	
26	HB1159	RELATING TO STANDARDIZED TESTING.	Requires the BOE to administer standardized tests early in the school year in order to use the tests to inform instruction in the school year in which the test is administered. Establishes conditions for standardized testing. Requires periodic audits of standardized testing protocols and reports to the legislature and the governor.	MONITOR	
27	SB1299	RELATING TO DISPOSITION OF TAX REVENUES.	Establishes maximum dollar amounts that shall be distributed among certain non-general funds from the conveyance tax. Amends the list of non-general funds that receive distributions from the conveyance tax. Appropriates funds to programs removed from the distribution list. (SB1299 HD1)	MONITOR	

ITEM #	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
Bills Positions for Reconsideration					
28	HB1471	RELATING TO THE FUNDING OF GOVERNMENT PROGRAMS.	Provides for the transfer of moneys from the environmental response revolving fund into the general fund. Makes an appropriation to the Legislative Reference Bureau for an invasive species study. Forces the lapse of certain appropriations for fiscal year 2014-2015 that are not expected to be expended. Re-appropriates some of the lapsed appropriations. (SD2)	SUPPORT > MONITOR	
29	HCR217		REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY.	SUPPORT WITH AMENDMENTS > SUPPORT	
30	SCR156		REQUESTING THE UNIVERSITY OF HAWAII OFFICE OF THE PRESIDENT AND THE COLLEGE OF HAWAIIAN LANGUAGE TO ESTABLISH A WORKING GROUP TO CONSIDER THE RESTRUCTURING OF THE COLLEGE OF HAWAIIAN LANGUAGE AND EXAMINE THE EXPANSION OF HAWAIIAN LANGUAGE INSTRUCTION THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM.	SUPPORT WITH AMENDMENTS > SUPPORT	
31	HR152		REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY.	SUPPORT WITH AMENDMENTS > SUPPORT	
32	SR97		REQUESTING THE UNIVERSITY OF HAWAII OFFICE OF THE PRESIDENT AND THE COLLEGE OF HAWAIIAN LANGUAGE TO ESTABLISH A WORKING GROUP TO CONSIDER THE RESTRUCTURING OF THE COLLEGE OF HAWAIIAN LANGUAGE AND EXAMINE THE EXPANSION OF HAWAIIAN LANGUAGE INSTRUCTION THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM.	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)	10:31 a.m. EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY		2	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 the **MOTION PASSES**.

V. UNFINISHED BUSINESS

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

Public Policy Manager Wong: Aloha Chair, Vice-Chair and Members of the Committee. I'll go quickly over our OHA package which is actually doing really well, I'll save the budget bill for last.

OHA-2 - Relating to the Hawaiian Language Immersion Program. There is a vehicle moving right now and it's in Conference. There's a good chance some version of this bill will come out, unfortunately the money might come out. Even if the appropriation comes out, the reporting requirements are still really important and very beneficial to have.

OHA-3 - Relating to Training, as you know this bill has always made it to conference every year.

OHA-4 - Relating to Agriculture, this was enrolled to the Governor already. We really would like to thank Deja Ostrowski as she did a great job working on this bill. The House agreed to the Senate draft and it has been enrolled to the Governor. He has 10 days to sign it into law or else it becomes law without his signature unless he vetoes it.

OHA-5 - Relating to Hawaiian Plants, we've been talking a lot with the Committee Chairs on this one. We might make a slight amendment in Conference, but we're really optimistic about this bill getting through SB435.

OHA-6 - Relating to Incarcerated Parents, the Pa'ahao Bill has already been enrolled to the Governor. He has until Friday to sign or veto it or it will automatically become law.

OHA-7 - Unfortunately our PLT Resolution died, but given everything else, we'll take the resolution dying and move forward with the rest of our package. We still achieved our goal of educating legislators with this resolution.

A bill that's not in our package this year, but was last year, the Remnants Bill, is also in Conference. The Senate draft is something we're willing to live with as it's an improvement on what we have now. It prohibits the BLNR from selling a remnant outside of the Act 176 process. If they make a finding that the property has natural and cultural resources that impact our beneficiaries' practices and if there are accesses, then such a parcel with these attributes on it and with the BLNR making a finding that those things are on it, will then prohibit the BLNR from selling said parcel outside of the legislative process.

OHA-1 Budget Bill; this year we requested three new budget provisos for *Health, Housing, and Income* and what the WAM Committee did was instead of giving us those three it gave us a new proviso for \$500,000 dollars. In talking to WAM Staff, the idea there was they couldn't give us everything we wanted, but they didn't want to specify which provisos we could spend the money on. So of the six (6) provisos we had this year, the three historical ones for *Education, Social Services, and Legal Services* are still in our budget and remain whole; so they're exactly what we got in years past. For the three new provisos, they took them out and gave us \$500,000 to use at our discretion.

Trustee Akana: So what did we end up in TOTAL for our budget?

Public Policy Manager Wong: Totally speaking, if you look at our biennium budget from last year, it's across the biennium \$100,000 less. However, it's important to keep in mind that our biennium budget the past two years was an increase from the previous year, so we're ballpark about the same.

Trustee Apoliona: Remind me, what would the total have been if we were successful?

Senior Public Policy Advocate Doane: The total that we were asking for was 5.8 million dollars over two years, so that would be 2.9 million dollars a year.

Public Policy Manager Wong: They added a new Section 9 to the bill; there are a number of things that it requires which affects all of the provisos. It makes clear that the appropriations are spent at the discretion of the Board of Trustees and that no State general funds should be expended unless matched by the expenditure of at least an equal amount of OHA trust funds.

We have concerns with Item 3 in the bill which reads “*All State general funds appropriated for beneficiary advocacy (the programmatic funds) shall be expended only for the direct support of beneficiaries*”. There are a lot of ways to interpret “direct support”. One of the most conservative ways to interpret it would be a direct-cash payment to beneficiaries which is neither what we want nor what we do. There’s also the concern that some of our grantees in our contracts get monies and they’re used to pay for actual positions that then provide the services. This language would be very limiting and problematic so we’ve asked them to consider removing it from the bill.

Our budget bill will hopefully be heard on April 30 and May 1, and the legislators do like to see the Trustees and CEO there when they pass it out of conference. So we will update you as the date nears and hopefully some of you can make it. That’s all we have for today.

Chair Waihe’e: Thank you.

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting.

Vice-Chair Apo seconds the motion.

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

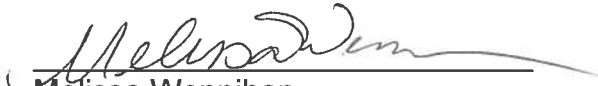
Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:50 a.m. EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO		2	X			
HAUNANI	APOLIONA	1		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

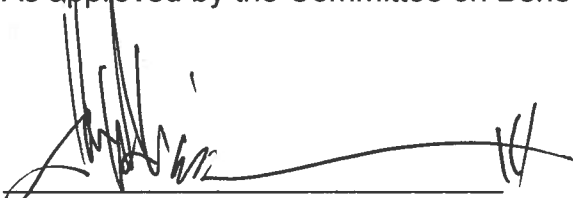
Chair Waihe'e adjourns the BAE meeting at 10:50 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on July 8, 2015.



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

ATTACHMENT(s):

- Notice of Excused Absence (4)