

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

May 6, 2015 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Peter Apo
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Haunani Apoliona
Trustee Hulu Lindsey
Trustee Robert Lindsey

EXCUSED:

Trustee Rowena Akana
Trustee Colette Machado

BOT STAFF:

Capsun Poe
Claudine Calpito
Crayn Akina
Davis Price
Dayna Pa
Kama Hopkins
Kanani Souza
Kauikeaolani Wailehua

BOT STAFF (cont.):

Lady Elizabeth Garrett
Laurene Kaluau-Kealoha
Lehua Itokazu
Louise Yee Hoy
Melissa Wennihan
Reynold Freitas

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Anuhea Patoc, PUBL
Auli'i George, CMTY OUT
Deja Ostrowski, PUBL
Hawley Iona, CFO
Jessica Freedman, PUBL
Jim McMahon, ADV
Jocelyn Doane, PUBL
Jon Ching, PUBL
Kamaile Maldonado, PUBL
Kawika Riley, ADV
Keith Yabusaki, Ph.D., TAP
Sterling Wong, PUBL
Wayne Tanaka, ADV

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, May 6, 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	LEI	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	

At the Call to Order, **SEVEN (7) Trustees** are **PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
TRUSTEE	ROWENA	AKANA	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.

							10:03 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA	1		X			
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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 8, 2015

Trustee Ahuna moves to approve the minutes of April 8, 2015.

Trustee Hulu Lindsey 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)	10:04 a.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA	1		X			
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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 turns it over to Ka Pouhana Kamana'o pono Crabbe.

Pouhana Crabbe: Good Morning Trustees. I'd like to call upon our Chief Advocate Kawika Riley, Public Policy Manager Sterling Wong, and Senior Public Policy Advocate Jocelyn Doane to do the presentation of our update. I believe we have really good news in terms of the performance of our legislative package this year.

Chief Advocate Riley: Aloha mai kākou, thank you for the opportunity to provide some remarks. As Pouhana said, we have a lot to be proud of this session. Based on the package that was approved by the Board of Trustees, the Public Policy team's work and really all of OHA's collective effort this year has been really successful. We are looking at potentially 5 of our 7 bills becoming law which is a 71% passage rate. By comparison last year, we had about a 25% passage rate and in many other years, it's been much lower than that.

We pulled data for the last 15 years starting with the year 2000, and this is potentially the highest rate since that time. I also wanted to highlight that it looks like we're still on track for potentially another year of no OPPOSE measures being passed into law; that would be the second year in a row where that's the case. As far back as we are able to locate the data, we found no other times when this has happened back-to-back. Mahalo again to the Trustees for supporting the Advocacy team and at this time, I'll turn it over to Sterling to give you more detail.

Public Policy Manager Wong: Aloha, we're actually going to go into the Big Matrix first, so I'll hand it over to Jocelyn.

Senior Public Policy Advocate Doane: Aloha Chair and Trustees. This will be our last legislative meeting, which is kind of sad because it's been a fun session. As the Chief Advocate shared, none of the bills we OPPOSED have survived this session, so we're super excited about that. It may seem somewhat innocuous, but it actually took a lot of work because some of them were actually going to become law. However, with hard work particularly from Kamaile Maldonado who had to work long hours and with a variety of stakeholders to make sure that the drafts of some of the burial bills got through. So the bills passed with amendments that we had suggested. I'm just going to take you through a few of the bills.

Item #15, HB393 is relating to Hawaiian Fishponds - this would waive the Department of Health's water quality certification requirement that the State regulates pursuant to the Federal Clean Water Act. This is a big win for some of our fishpond folks that have been working for many years to get their fishponds in order. There are a lot of steps in place and the State recently adopted a streamlined process which the Department of Health plays a role in. This would just not require them to go through one of those steps.

Item #16, HB438, the KIRC funding bill - it actually died. KIRC got a million dollars a year in the State budget which is substantially less than they said they need to continue to operate. So we're expecting a request to come in to OHA. We've asked them throughout the session to give us more information and that what they had given us was not enough for us to evaluate at this time.

Item #23, HB515 - this was the remnant measure that we had discussed the last couple of meetings. We were excited because it looked like there were going to be more steps in place before the BLNR could sell a remnant. Unfortunately and surprisingly, the bill died in conference. We may want to revisit it again next year to make sure that only appropriately-defined remnants are sold. We have been working with our Compliance team to make sure that we're watching every potential sale that comes forward to make sure that it's appropriately-defined. If not appropriately-defined, then we'll come before the board and discuss what our options are.

Item #39, HB1075 - you may have heard about this bill in the news. It was one of the most controversial bills this session related to the Maui Regional Hospital Systems. Of the three hospitals in this system, Kula Hospital sits on Public Land Trust lands. We played close attention because of the potential revenue. There were many iterations and the Governor got involved at the end. What ended up passing authorizes them to do a public/private partnership with an organization. It doesn't have lease term specifications in the actual measure itself although there have been discussions previously about it being for a nominal amount. As we talked about before, the BLNR does lease out properties to non-profits for nominal amounts; they're authorized by statute to do that. So it wouldn't be out of the ordinary for that to happen. The important thing that we wanted to make sure of was it doesn't authorize them to sell the fee. So it's envisioned that the lease will be for just a lease and wouldn't allow for a disposal of the actual fee, which we think is a good thing.

In terms of the revenue generated, patient revenue has always been a revenue stream that OHA and the State have not agreed on. We talked about this at length in our workshop, but non-patient revenue is not one of those revenue streams that were disputed. The State has never said we should not get those receipts. In actuality, we have not been receiving them from the hospital even though they're not disputed by the State. The important thing to keep in mind is that moving forward if we amend Act 178, we may lose out on non-patient revenue. In 2008, Kula hospital grossed \$148,000 in non-patient revenue, so potentially 20% of that would be over \$29,000. The reason why we didn't recommend OPPOSE on this measure is because Kula hospital is the only hospital in the area. It probably services OHA beneficiaries that live on homesteads that are not that far away and where there are no clinics nearby. We did give specific language and suggestions about the non-profit status of the lessee and they adopted it in some form.

Item #43, HB1251 Relating to Public Charter Schools - this measure would require the State departments that are closing facilities to notify the State Public Charter School Commission. We're really excited because this bill is going to the Governor. Not only would it notify the State Public Charter School Commission, but it would also require the Charter School Commission to come up with a list of priorities to identify the needs of the school. It also encourages funding to be allocated in the future.

Item #69, SB504 Relating to Historic Preservation - this is something that we were originally concerned about. However, the way it passed and is being sent to the Governor would just require the State Historic Preservation Department to conduct a survey on districts and homes that don't need to go through a lengthier process.

Item #78, SB786 Relating to the Aha Moku Advisory Committee - this bill would have appropriated funds to the Aha Moku. This bill actually died, so we are guessing that we may be receiving a request for funds from Aha Moku.

Item #98, SB1166 Relating to the Penal Code - we're really excited for Mahealani Cypher because we've been talking to her about this idea for years. This is just a part of what we believe is what she really wants accomplished. It clarifies that certain traditional practices relating to preparation of iwi is not illegal.

That's it for the big matrix. We will have more exciting news with Sterling and the OHA package.

Pouhana Crabbe: One follow up: Item #71, SB521 Authorizing the issue of special purpose revenue bonds to Waimea Nui Community Development Corporation, has that passed?

Senior Public Policy Advocate Doane: It looks like it passed yesterday.

Trustee Robert Lindsey: Yes, it did pass yesterday and I want to acknowledge our Waimea Homestead Association. They worked very hard to get that through. My Trustee Aide Kama Hopkins also helped to usher it along as well.

Pouhana Crabbe: Very good, that really positions them well to move forward with development. So we can move on to our package.

Senior Public Policy Advocate Doane: Yes, there is no motion to be made for today. We didn't have any changes to make on our matrix.

V. UNFINISHED BUSINESS

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

Public Policy Manager Wong: OHA-2, Relating to the Hawaiian Language Immersion Program – this made it all the way through Conference. We were willing to let the bill go without an appropriation. Unfortunately, the bill died and that was very disappointing for us. We are continuing to meet with our stakeholders on this bill and we will keep updating the board. This was probably one of the biggest disappointments of this session.

OHA-3, Relating to Training - this probably is one of the biggest surprises. After trying for four straight years of getting this bill to Conference and having legislature leadership tell us directly that this bill would not pass, we got it through! It passed yesterday from the floor and our training bill is going to the Governor.

Thank you to Jonathan Ching and Jocelyn Doane for all of their work on this. What will happen now is that if the Governor signs this bill, it will mean that all the boards and commissions that are named in the bill will have to go through our OHA training course.

Trustee Hulu Lindsey: This will be a terrific amount of help for us.

Trustee Apoliona: Are we funding it?

Public Policy Manager Wong: Yes, OHA is funding it. I would also like to acknowledge Senator Shimabukuro and Representative Ing from the Senate and House, respectively. They were both very helpful and we are really thankful for their kōkua.

OHA-4, Relating to Agriculture – we have a Senate bill of the farming bill that is with the Governor. This bill was sent to him very early in session, I think two weeks ago. So he had 10 days from April 20th to sign it. We haven't seen any Governor's Messages yet, so unless he vetoed it, this should be a law already. We will follow-up today with the Governor's office to check-in and see what the status is. We'd like to acknowledge Deja Ostrowski for all of her good work on this bill.

OHA-5, Relating to Hawaiian Plants – this is our Hawaiian Plants and Landscaping bill that passed yesterday and will be enrolled to the Governor. We'd like to acknowledge Jessica Freedman who did a lot of work on this and also Senator Dela Cruz who was the lead Chair in the Senate on this. In anticipation of this bill passing, we're moving to develop some training with Hui Kū Maoli Ola who will help with the training of the state agencies, so we're very excited about that.

OHA-6, Relating to Incarcerated Parents – this is our Pa'ahao bill that we mentioned last week. It was enacted; Act 16 requires data collection for our prisoners with children.

OHA-7, our two resolutions on Act 178 – as we mentioned last week, the resolution(s) died.

Moving on to our Budget Bill, OHA-1; which is probably the most important bill in our package. The conference committee passed out yesterday, the Senate draft of the money. So they did give us the \$500,000. To clarify *Operations* and *Personnel* – those two dollar amounts remain the same. The provisos for *Social Services*, *Legal Services*, and *Education* remained whole; however we requested three new ones for *Income*, *Housing*, and *Health*. We were given a \$500,000 lump sum proviso saying that they don't have enough money to fund all areas that you requested, but we also don't want to select for you which should be funded.

One thing I did want to mention regarding our Budget Bill, there is an increase of \$226,000 that is Grants-In-Aid (GIA) for Estria. It is something that they did differently this year so we will be administering the funds, doing the contract directly with his program. It is just State funding, no Trust funds are involved.

Senior Public Policy Advocate Doane: Estria is an artist who does street art murals. There is no match. We are just disbursing the funds.

Chief Advocate Riley: My understanding is that Estria is a renowned, Native Hawaiian street artist in the community. He will be helping at-risk youth, predominantly Native Hawaiian, to do different kinds of street art and integrate culture, our traditional concepts, and knowledge into that type of artwork.

Senior Public Policy Advocate Doane: One of his most popular murals is near HCC of Queen Lili'uokalani about Nā Wai Eha; it's called the Mauka-to-Makai mural. He is very well-known in the world and it's exciting for us because he is Hawaiian. We have worked with him on projects through Community Engagement and have talked to him about during a mural on one of our properties in Kaka'ako.

Trustee Apo: He ran a very successful operation in San Francisco, and he closed his operations there because he had a calling to return home. He is a tremendous person with a big heart.

Senior Public Policy Advocate Doane: Just to clarify, we didn't pick who got these funds. The legislature decides and processes the applications for these grants-in-aid every year. They're just asking us to be the body to disburse the funds this year. They are not OHA funds.

Public Policy Manager Wong: One more thing I'd like to mention is that Ho'omana was approved for a \$88,000 GIA CIP (Capital Improvement Project) to help with renovations and Representative Kawakami was critical on that.

Lastly, I just wanted to recognize the Public Policy staff for all of their work this session: Anuhea, Auli'i with Community Engagement, Deja, Jessica, Jocelyn, Jon, Kamaile, Monica, and Wayne.

Chair Waihe'e and the BAE Committee applaud and thank the Public Policy staff and all who contributed to OHA's legislative session effort.

Trustee Robert Lindsey: Do you have a ballpark figure of what KIRC will be asking from us?

Public Policy Manager Wong: Great question. You know we've been back-and-forth with KIRC and it wasn't until the last day of conference when they knew they wouldn't be getting the full amount. KIRC will likely submit a proposal to us; we are forecasting for about \$200,000. Aha Moku may also be asking us for money.

Trustee Robert Lindsey: I am worried, because their (KIRC's) annual operating budget has been 3 million dollars, and they're only getting 1 million. I'm wondering where the other 2 million dollars will be coming from.

Chief Advocate Riley: At the direction of the Trustees, we worked with Mike in helping him make a federal appropriations request to the tune of three million dollars. So that was made to both the House and Senate delegation members of Congress. I haven't received an update from him on what the status of that request is yet, but wanted to share that with you. We provided a lot of technical support to help him make that request in the appropriate way.

Trustee Hulu Lindsey: I did suggest to Chair Lindsey that when we go to DC for the Kamehameha Day Celebration we should specifically make appointments to see our congressional delegation, particularly Tulsi Gabbard, to zero in on just Kaho'olawe money. I'm so glad to hear that you've already done the forward work. Our work, in-person and in following-up, would probably help.

Trustee Ahu Isa: We anticipate that more requests will be coming in, so my suggestion is to increase revenues for our trust funds. We have many opportunities for economic development.

Trustee Apoliona: I just want to ask, after our very vigorous discussion last week with Mauna Kea, I'd like to know what the plans are for any type of specific follow-up.

Pouhana Crabbe: A brief update - Don Straney, the University of Hawai'i-Hilo Chancellor has agreed to host the next convening. He has reached out to the Governor's office and Mike McCartney has contacted Dr. Yang from UC Santa Barbara who has agreed to attend. They've asked for both Chair Lindsey and I to attend, along with President Lassner. They're also looking at inviting some other astronomy stakeholders, as well as all of the other stakeholders who were present in the last discussion we had. They're coming up with the agenda with the hope to get down to a deeper conversation in regards to where everyone is at.

Trustee Hulu Lindsey: Can we be kept informed as Trustees?

Pouhana Crabbe: Yes of course.

Trustee Apo: We should go in with a detailed list; it's not just the telescope, it's the management of the mountain. If we go in, let's take the wheel by making specific proposals.

Pouhana Crabbe: Yes, the Native Hawaiian community is more focused on management, how to rectify previous mismanagement, and how to get it up to par. So you are correct, we are talking around it versus getting more into detail. I do agree that we need to focus on some low-hanging fruit that we can all agree on and then get to the bigger issues later. Those are on the table: decommissioning plans, details, management, past management, etc.

Trustee Robert Lindsey: There are three big issues; decommissioning of telescopes that can be taken down, the integration of science and culture, and lessening the commercial activity. Of course taking a look at the Mauna Kea Management plan and seeing where the university is on course and where they're falling short. So there's plenty to do.

Trustee Apoliona: Will any of these discussions include the Mauna Kea protectors?

Pouhana Crabbe: Yes, I did get a call from Lanakila. They were very impressed with Public Policy's presentation and they do also have their own analysis. So we do suggest that we reach out to them or they reach out to us.

Trustee Robert Lindsey: We need the Governor in this conversation and we need to remember that we have people on both sides of the issue who are very passionate. We need to have them all at the table.

Trustee Hulu Lindsey: We should make sure that the "protectors" are not being arrested.

Pouhana Crabbe: That concludes are update for today. Thank you to our Public Policy staff for all of their work.

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.

							11:31 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA			X			
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO		2	X			
HAUNANI	APOLIONA	1		X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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

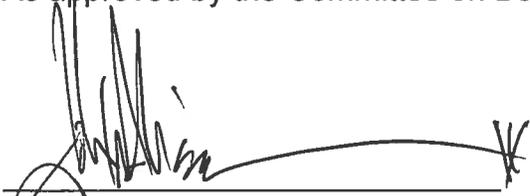
Chair Waihe'e adjourns the BAE meeting at 11:31 a.m.

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 (2)