

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

August 26, 2015 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Trustee Dan Ahuna
Trustee Rowena Akana
Trustee Hulu Lindsey
Trustee Robert Lindsey

EXCUSED:

Vice-Chairperson Peter Apo
Trustee Lei Ahu Isa
Trustee Haunani Apoliona
Trustee Colette Machado

BOT STAFF:

Capsun Poe
Claudine Calpito
Crayn Akina
Davis Price
Harold Nedd
Kama Hopkins
Kauikeaolani Wailehua
Lady Elizabeth Garrett
Laurene Kaluau-Kealoha
Lehua Itokazu
Liana "Ani" Pang
Louise Yee Hoy
Melissa Wennihan
Reynold Freitas
U'ilani Tanigawa

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Lisa Victor, Pou Nui
Deja Ostrowski, PUBL
Jessica Freedman, PUBL
Jim McMahon, ADV
Jocelyn Doane, PUBL
Jonathan L. Ching, PUBL
Kamaile Maldonado, PUBL
Kawika Riley, ADV
Monica Morris, ADV
Sterling Wong, PUBL
Wayne Tanaka, ADV

GUESTS:

Lanakila Mangauil

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, August 26, 2015 to order at **10:04 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:04 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	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	PETER	APO	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	HAUNANI	APOLIONA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

None

III. COMMUNITY CONCERNS*

None

IV. NEW BUSINESS

A. 2015 Legislative Session Review

Chair Waihe'e turns it over to Ka Pouhana Kamana'opono Crabbe.

Pouhana Crabbe: Mahalo Chair. This is a new year and before we get caught up with many of the things that will be ahead of us in the next several months, the Public Policy team is coming forward to present their Hawai'i State Legislature Final Review for 2015. I'd like to acknowledge Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane.

Public Policy Manager Wong: Aloha Mai Kākou. We'll be going over the 2015 session and then review the calendar for the preparation of 2016.

For the 2015 session, we had a really expedited schedule in terms of developing and getting our package approved because it was an election year. By October 16, 2014, the Board approved the initial package which included six bills and one resolution. We ended up coming back on January 8, 2015, after the election and holidays, to clean up the package and to get some amendments approved. In the end, we had six bills and one resolution - which of course became fourteen companion measures.

OHA-1; probably the most important bill in our package, our Budget Bill, provided 6.2 million dollars over the 2-year fiscal year; very similar to what we saw the previous biennium. This bill did include a requirement for one of the provisos for consultation. We have been consulting with the chairs of the WAM & the FIN committees to meet this requirement. We have sat down with them and sent them a large amount of correspondence. Just yesterday, we sent a letter saying that we've met the requirements of consultation, so we will be disbursing the money accordingly.

Trustee Akana: *Which program required the consultation?* Secondly, I see that the appropriation did not change much from the legislature. It's still 3 million dollars per year and OHA's portion is 12.8 million dollars; so we are doubling our portion for those same programs. *Did the Board approve this extra amount?*

Senior Public Policy Advocate Doane: The only thing we were required to consult on was the \$500,000 amount. They didn't tell us how we had to spend those funds, but the Board subsequently approved to spend these funds on *housing, income, and a little bit on health*. We had asked for specific provisos and the legislature did not fund each one. So we used the portion of funds that they gave us and of which they did not dictate how to spend, on *housing, income, and health*. The 12.8 OHA portion is the match. We did ask for more than what we got from the legislature but it wasn't that much more. The rest of that is the operating and salary fund. I believe we only asked for less than 10 percent of the total salaries of the agency to be matched by general funds. So the reason why that figure is so big is that it includes: salaries, costs for our building, and the matching. So it's not all grant funding; operating expenses are substantial.

Public Policy Manager Wong: OHA-3; Act 169 - this is our Training Course bill that we've been trying to pass for the past five years and finally passed this session. We held our first mandatory training session on August 1st.

OHA-4; Act 31 - this was the State Planning bill to prioritize traditional farming systems, such as loko i'a, kalo farming, as well as traditional Hawaiian crops and state farms; this was another big victory.

OHA-5; Act 233 - we were very excited that this passed regarding landscaping. It requires all new landscaping for State buildings and facilities to have native plants. Now that this bill is enacted, we've been working with the State Procurement Office to help them produce some guidelines and to get the message of the requirement out to all of the state entities. We're also contracting with a vendor to do training for state agencies to dispel the misconceptions about native plants and help them to plant the right plants in the right area, so they survive. We've also been working with Miles to do some native plants around Nā Lama Kukui.

SB193, Act 16 - this was not a bill in our package, but it had all the same language from one of our package bills. This is related to the Public Safety Department collecting information on incarcerated individuals who have children. The measure promotes having the data to track those affected and to do better research. Kamaile has been doing a lot of work with Public Safety to make sure the data is collected.

Public Policy Manager Wong: We did really well this year; 5 of our 7 bills were passed. Comparisons to our previous packages and to other organizations packages are included in the PowerPoint. Regarding the 3,467 non-OHA package measures that were introduced this year, we tracked over 1,100 of them and submitted over 300 pieces of testimony.

This year, some of our Successful Enactments included:

Act 30, HB393 – this streamlines the cumbersome permitting process for renovating and restoring Loko I'a; so that's a big win for some of our beneficiaries.

Act 171, HB1297 is the bill that the Ko'olaupoko Hawaiian Civic Club and Aunty Mahealani Cypher were really pushing hard trying to clarify that traditional Hawaiian burial practices are not considered criminal abuse.

Successful Defenses

This was the second year in a row that none of the bills we OPPOSED were enacted. A couple of bills that were really bad that we successfully defended were HB665/SB782, which would've allowed OHA Employees the right to collective-bargaining and change the autonomy of OHA and SB248, which would've subjected OHA trust expenditures to legislative approval.

Session Follow-up

There are a few resolutions that passed this year that named us and that we are working on directly:

- the Aha Moku;
- a committee to review the Hawai'i Penal Code, which Kamaile is working on; and
- the Task Force on Hawaiian Language Resources of the State of Hawai'i Judiciary.

2015-16 Legislative Schedule

We've already started our internal and external outreach for 2016. We're shooting for bringing the Conceptual Package to the BAE on October 7, 2015. We hope to get the OHA Legislative Package approved on November 18 & 19. Then our deadline to submit our package to the Legislature is January 4, 2016.

HAWAII STATE LEGISLATURE 2015



OHA Staff Final Report
2015 Legislative Session August 26, 2015

OHA 2015 Enacted Measures

- **Act 170 (OHA-1)**
 - Appropriates \$6.2 million in state general funds to OHA for the next two fiscal years.
 - (\$3.217 million for FY16; \$2.991 million for FY17)
 - OHA will match with \$12.8 million in trust funds over the next two fiscal years
 - Over 70% of these funds will be used to support direct services, including health, housing, education, income, legal and social services, for the Native Hawaiian community.
 - Consultation

OHA 2015 Enacted Measures

- **Act 31 (OHA-4)**
 - Includes traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale farming to the Hawaii state plan objectives and policies for the economy.

OHA 2015 Enacted Measures

- **Act 16 (SB913)**
 - Requires the Department of Public Safety to collect data relating to:
 - the number of incoming offenders into the state correctional system who are parents;
 - the number of children they have that are under 18; and
 - any other information that the department deems useful to facilitate services to incarcerated parents or their children.

OHA 2015 Legislative Package

- Procured OHA Executive Team, BAE and BOT Approval
 - Expedited schedule due to election year
 - Oct. 16/Jan. 8 – BOT approvals of OHA 2015 Legislative Package
 - Final OHA 2015 Legislative Package: 6 bills, 1 resolution

OHA 2015 Enacted Measures

- **Act 169 (OHA-3)**
 - Requires Office of Hawaiian Affairs to administer a training course on Native Hawaiian rights. Requires members of certain state councils, boards, and commissions to attend the training course.

OHA 2015 Enacted Measures

- **Act 233 (OHA-5)**
 - Requires all plans for new or renovated landscaping of state buildings, complexes and facilities to incorporate specified percentages of Hawaiian plants.

2015 OHA Legislative Package vs. Past OHA Legislative Packages

Year	Package Measure	Enacted	Percent Enacted	Description/Notes	Year	Package Measure	Enacted	Percent Enacted	Description/Notes
2015	7	4 (+1)	57% (71%)	HB 208 OHA Budget	2015	13	1	8%	HB 208 Budget
				HB 209 Act 170 Amendment					HB 209 Act 170 Amendment
2014	7 (+1)	3	43% (57%)	HB 208 OHA Budget	2014	14	3	21%	HB 208 Budget
				HB 209 Act 170 Amendment					HB 209 Act 170 Amendment
2013	11 (+2)	6 (+2)	54% (65%)	HB 208 OHA Budget	2013	15	6	40%	HB 208 Budget
				HB 209 Act 170 Amendment					HB 209 Act 170 Amendment
2012	12 (+2)	8 (+1)	67% (80%)	HB 208 OHA Budget	2012	16	1	6%	HB 208 Budget

OHA Package vs. Others

Bill Package	# Bills	Percent Signed	Percent Adopted	Measures Passed	Percent Passed	
1 Military Appropriation	1	100.0%	0	0	0.0%	
2 Mental Health	1	100.0%	0	0	0.0%	
3 OHA	5	4	66.7%	1	0.0%	
OHA Dept. of the Prosecuting						
4 Attorney	2	1	50.0%	0	0.0%	
5 Office of Election	4	2	50.0%	0	0.0%	
6 Governor	91	38	41.8%	11	9	81.8%
7 Women's Legislative Caucus	10	3	30.0%	2	2	66.7%
8 Local Fiscal Council	8	1	12.5%	3	2	66.7%
9 Judiciary	8	2	25.0%	0	0	0.0%
10 Supreme Court	9	1	11.1%	2	1	50.0%
11 Kulei Caucus	9	1	11.1%	11	1	9.1%
12 Housing and Homes	19	1	5.3%	0	0	0.0%

OHA Package vs. Others

Bill Package	# Bills	Percent Signed	Percent Adopted	Measures Passed	Percent Passed	
13 Campaign Spending Committee	1	0	0.0%	0	0	0.0%
14 County of Maui	2	0	0.0%	0	0	0.0%
15 Hawaii Small Business Caucus	4	0	0.0%	0	0	0.0%
16 Maui County Council	2	0	0.0%	0	0	0.0%
17 Kauai County Council	3	0	0.0%	0	0	0.0%
18 County of Kauai	3	0	0.0%	0	0	0.0%
19 State Fire Council	4	0	0.0%	1	0	0.0%
20 State Ethics Commission	9	0	0.0%	0	0	0.0%
21 House Attorney Caucus	29	0	0.0%	6	0	0.0%
Hawaii State Association of						
22 Counties	5	0	0.0%	0	0	0.0%
23 Sheriff & Sheriff's Office	2	0	0.0%	0	0	0.0%
24 Senate Attorney Caucus	10	0	0.0%	0	0	0.0%
25 Future Caucus	3	0	0.0%	0	0	0.0%
26 HI Council of Attorneys	4	0	0.0%	0	0	0.0%
27 City and County of Honolulu	16	0	0.0%	0	0	0.0%

Non-OHA measures

Measures Introduced in the 2015 Legislative Session	Tracked by OHA	Supported by OHA	Supported with Amendments by OHA	Monitored by OHA	Comments by OHA	Opposed by OHA
3647	1144	150	8	905	93	24
243 enacted	142 enacted	29 enacted	0 enacted	96 enacted	17 enacted	0 enacted

Successes

- **HB393 (Act 230)**
 - Act 230 promotes the restoration and rejuvenation of traditional *loko iʻa* by streamlining the burdensome permitting process.
 - Act 230 specifically waives Department of Health water quality certification for *loko iʻa* restoration, repair and operation activities permitted under the Statewide Programmatic General Permit process.

Successes

- **HB1297 (Act 171)**
 - Act 171 expressly provides that traditional Native Hawaiian methods of preparing and burying human remains shall not constitute the criminal "abuse" of a corpse.
 - Such clarity will facilitate the continuation of traditional and sacred Native Hawaiian burial practices, which not only promote the continued connection and care between living and recently deceased family members, but are also less costly, require less of a burial footprint, and are far less harmful to our environment than Western methods.

Successful Defense

- 0 measures OHA opposed were passed by the Legislature in 2015
 - Second time in 6 years
 - Second year consecutively

Successful Defense

- **HB665/SB782**
 - **Description:** HB665/SB782 would have given most OHA employees the right to collective bargaining and subjected OHA to collective bargaining laws of public employers. Bargaining determines key conditions of employment. This bill would likely have had impacts on both OHA's autonomy and on the Board's fiduciary trust obligations.

Successful Defense

- **SB248**
 - SB248 would have limited the discretion of the Trustees of Native Hawaiian Trust Fund for trust fund expenditures relating to the compensation of public employees, including fringe benefits, and contracts for services by subjecting these expenditures to appropriation and allotment.

Session Follow Up

- Approved legislation often require off session work and follow up
 - Legislation often creates working groups/task forces
 - Task Force on Hawaiian Language Resources of the State of Hawai'i Judiciary (HCR217)
 - Committee on the Hawai'i Penal Code (HCR155)

2015-16 Legislative Schedule

- July – Aug. 14– Internal/External Outreach
- Aug. 26 – 2014 Legislative Overview with BAE
- Oct. 7 – Package Concepts Workshop with BAE
- Nov. 18 – Legislative Package Final Approval with BAE
- Nov. 19 – Legislative Package Final Approval with BOT
- Jan. 4* – Deadline to submit OHA Legislative Package
- Jan. 5 – Deadline to submit OHA Annual Report
- Jan. 20 – Opening of 2016 Legislative Session

Pau

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

Lanakila Mangauil expressed his mahalo to OHA for their kāko'o with the past Aloha 'Āina March. His involvement in this movement has allowed him, as a young Hawaiian, to learn a little more about OHA and its history. Also, he is coming to understand the mixed-emotions of our lāhui and the decisions that are being made. He is trying to educate himself on the feelings that some have towards OHA and how OHA's history has made some feel the way they do. He has offered his assistance in working with OHA and with our lāhui in order to help bridge any gaps.

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Ahuna moves to adjourn the BAE meeting.

Trustee Robert Lindsey seconds the motion.

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

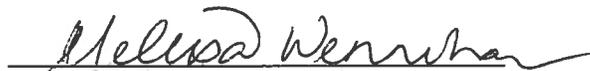
Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

						11:07 a.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA						EXCUSED
DAN AHUNA	1		X			
ROWENA AKANA			X			
VICE-CHAIR PETER APO						EXCUSED
HAUNANI APOLIONA						EXCUSED
CARMEN HULU LINDSEY			X			
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

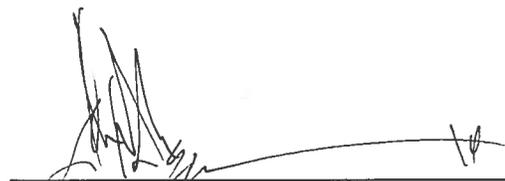
Chair Waihe'e adjourns the BAE meeting at 11:07 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on October 7, 2015.



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

ATTACHMENT(s):

- Notice of Excused Absence (4)