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 Ahi Isa  
Trustee Haunani Apoliona  
Trustee Colette Machado  

BOT STAFF:  
Capsun Poe  
Claudine Calpito  
Crayn Akina  
Davis Price  
Harold Neddi  
Kama Hopkins  
Kauikealani Wailehua  
Lady Elizabeth Garrett  
Laurene Kaluau-Kealoha  
Lehua Itokazu  
Liana "Ani" Pang  
Louise Yee Hoy  
Melissa Wenuihan  
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 Mangauli  

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:  

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>AT CALL TO ORDER (10:04 a.m.)</th>
<th>TIME ARRIVED</th>
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</thead>
<tbody>
<tr>
<td>CHAIR</td>
<td>JOHN WAIHE'E, IV</td>
<td>PRESENT</td>
</tr>
<tr>
<td>TRUSTEE</td>
<td>DAN AHUNA</td>
<td>PRESENT</td>
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<tr>
<td>TRUSTEE</td>
<td>ROWENA AKANA</td>
<td>PRESENT</td>
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<td>TRUSTEE</td>
<td>CARMEN HULU LINDSEY</td>
<td>PRESENT</td>
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<tr>
<td>TRUSTEE</td>
<td>ROBERT LINDSEY</td>
<td>PRESENT</td>
</tr>
</tbody>
</table>

At the Call to Order, FIVE (5) Trustees are PRESENT, thereby constituting a quorum.
EXCUSED from the BAE Meeting are:

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRUSTEE LEI</td>
<td>AHU ISA MEMO – REQUESTING TO BE EXCUSED</td>
</tr>
<tr>
<td>TRUSTEE PETER</td>
<td>APO MEMO – REQUESTING TO BE EXCUSED</td>
</tr>
<tr>
<td>TRUSTEE HAUNANI</td>
<td>APOLIONA MEMO – REQUESTING TO BE EXCUSED</td>
</tr>
<tr>
<td>TRUSTEE COLETTE</td>
<td>MACHADO MEMO – REQUESTING TO BE EXCUSED</td>
</tr>
</tbody>
</table>

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 2015 Enacted Measures

- **Act 170 (OHA-1)**
  - Appropriates $6.2 million in state general funds to OHA for the next two fiscal years.
  - ($3.237 million for FY16, $3.991 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

- **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.

- **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. 1st/Jan. 8 – BOT approvals of OHA 2015 Legislative Package
  - Final OHA 2015 Legislative Package: 8 bills, 1 resolution

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

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

2015 OHA Legislative Package vs. Past OHA Legislative Packages

<table>
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<th>Year</th>
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<th>Past Legislative Package</th>
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### OHA Package vs. Others

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### Non-OHA measures

<table>
<thead>
<tr>
<th>Measures Introduced in the 2015 Legislature</th>
<th>Tracked by OHA</th>
<th>Supported by OHA</th>
<th>Supported with Amendments by OHA</th>
<th>Monitored by OHA</th>
<th>Comments by OHA</th>
<th>Opposed by OHA</th>
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### Successes

- **HB1297 (Act 171)**
  - Act 171 expressly provides that traditional Native Hawaiian methods of preparing and burning human remains shall not constitute the criminal "abuse" of a corpse.
  - Such clarity will facilitate the continuation of traditional and sacredNative 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

- **SB665/SB782**
  - Description: SB665/SB782 would have given most OHA employees the right to collective bargaining and subjected OHA to collective bargaining laws of public employees. 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.
  - Description: 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 those expenditures to appropriation and allotment.
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.

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<thead>
<tr>
<th>TRUSTEE</th>
<th>1</th>
<th>2</th>
<th>'AE (YES)</th>
<th>A'OLE (NO)</th>
<th>KANALUA (ABSTAIN)</th>
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<td>HAUNANI APOLOIONA</td>
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<td>CARMEN HULU LINDSEY</td>
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<tr>
<td>COLETTE MACHADO</td>
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<tr>
<td>CHAIR JOHN WAIHE'E</td>
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MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

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

Mélissa 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)