

PHONE (808) 594-1888

FAX (808) 594-1865

Committee on Beneficiary Advocacy and Empowerment
Trustee John D. Waihe'e, IV, *Chair*
Trustee Rowena Akana, *Vice-Chair*
Members

Trustee Peter Apo, O'ahu
Trustee S. Haunani Apoliona, At-Large
Trustee Donald B. Cataluna, Kaua'i / Ni'ihau
Trustee Carmen Hulu Lindsey, Maui
Trustee Robert K. Lindsey, Jr., Hawai'i
Trustee Colette Y. Machado, Moloka'i / Lāna'i
Trustee Oswald K. Stender, At-Large



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

12 FEB 16 NO
LIEUTENANT GOVERNOR
OFFICE

MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
(BAE)

DATE: Wednesday, February 22, 2012
TIME: 1:30 p.m.
PLACE: OHA Boardroom, 5TH Floor

AGENDA

- I. Call to Order
- II. Approval of Minutes
- III. Community Concerns*
- IV. Unfinished Business
 - A. 2012 OHA Legislative Package - Updates
- V. New Business
 - A. 2012 OHA Legislative Positions
Matrix of proposed legislation consisting of measures which cannot be summarized separately. Matrix may be available upon request.
 - B. Evaluation Report - Chaminade University of Honolulu
Kāko'o Ho'ona'auao Family Education (K-12) Assistance Services Agreement
- VI. Executive Session**
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide testimony are requested to submit 10 copies of their testimony to the OHA Chief Executive Officer at 711 Kapi'olani Boulevard, Suite 500, Honolulu, HI 96813 or fax to 594-1865, 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

**Notice: This portion of the meeting will be closed pursuant to HRS § 92-4 and § 92-5. For further information, please call 594-1954.

A handwritten signature in black ink, appearing to read "John D. Waihe'e, IV".

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

A handwritten signature in black ink, appearing to read "D. Waihe'e".
Date

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
711 KAPI'OLANI BOULEVARD, SUITE 500
MINUTES
February 22, 2012 1:30 p.m.**

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Rowena Akana
Trustee Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Colette Machado

EXCUSED:

Trustee Peter Apo
Trustee Donald Cataluna
Trustee Robert Lindsey
Trustee Oswald Stender

BOT STAFF:

Capsun Poe
Crayn Akina
Dayna Pa
Lehua Itokazu
Liana "Ani" Pang
Melissa Wennihan
Reynold Freitas
Shelsea Apana
Tiona Wailehua

ADMINISTRATION STAFF:

Beata Kozdras, PROG
Breann Nu'uhiwa, PUBL
Deirdra Alo, ADV
Dirk Soma, OUTR
Jeffrey Kent, PUBL
Jerry Norris, COMP
Jim McMahon, ADV
Jim Patterson, PROG
Jocelyn Doane, PUBL
Kai Markell, COMP
Kamaile Maldonado, PUBL
Keala Nichols, PUBL
Luci Meyer, OUTR
Richard Pezzulo, ICEO
Sterling Wong, PUBL

VOLUNTEERS:

Apolei Bargamento

GUESTS:

NONE

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, February 22, 2012 to order at **1:41 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:41 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	ROWENA	AKANA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	

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

EXCUSED from the BAE meeting are:

MEMBERS			COMMENT
TRUSTEE	PETER	APO	MEMO - REQUESTING TO BE EXCUSED
TRUSTEE	DONALD	CATALUNA	MEMO - REQUESTING TO BE EXCUSED
TRUSTEE	ROBERT	LINDSEY	MEMO - REQUESTING TO BE EXCUSED
TRUSTEE	OSWALD	STENDER	MEMO - REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

None.

III. COMMUNITY CONCERNS

None.

Chair Waihe`e seeks a **MOTION**:

To waive the OHA Board of Trustees Operations Manual (published: July 2007) practice at which materials will be reviewed, discussed, or acted upon at least 72-hours prior to the meeting regarding items:

- IV. Unfinished Business**
 - A. 2012 OHA Legislative Package - Updates**
- and**
- V. New Business**
 - A. 2012 OHA Legislative Positions**

Trustee Machado 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.

						1:41 p.m.
TRUSTEE	1	2	AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA AKANA		2	X			
PETER APO						EXCUSED
HAUNANI APOLIONA			X			
DONALD CATALUNA						EXCUSED
CARMEN HULU LINDSEY			X			
ROBERT LINDSEY						EXCUSED
COLETTE MACHADO	1		X			
OSWALD STENDER						EXCUSED
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			5	0	0	4

DUE To Time Constraints Chairperson Waihe'e takes item V.A. 2012 OHA Legislative Package out of order.

V. NEW BUSINESS

A. 2012 OHA LEGISLATIVE POSITIONS

Chair Waihe'e calls on Interim Chief Executive Officer (ICEO) Richard Pezzulo

Richard Pezzulo recognizes Public Policy Manager Breann Nu'uhiwa and Senior Public Policy Advocate Sterling Wong.

Sterling Wong – Points out to the Committee the 5 new bills located on Page 1 of the Twenty-Sixth State Legislature, 2012 dated 2/22/12 and 3 bills for reconsideration on Page 2 of the same document as well as 2 additional bills that they would like to add on for reconsideration Pg. 51 #372 and pg. 71 #509.

Item #	Bill #	Report	Description	Status	Referrals	Position	Staff
New Bills							
1	<u>HB1556</u> <u>HD2</u>	RELATING TO CULTURE.	Appropriates funds for capital improvement projects in the 47th representative district relating to cultural practices. Effective July 1, 2012. (HB1556 HD2)	H 2/17/2012 Passed Second Reading as amended in HD 2 and referred to the committee on FIN	CUA, FIN	S	Jeff Kent
2	<u>HR019</u>	Incarceration; Rehabilitation	REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ADDRESS THE HIGH COST OF INCARCERATION WITHOUT REHABILITATION BY ESTABLISHING APPROPRIATE REHABILITATION PROGRAMS IN LIEU OF INCARCERATION FOR CERTAIN CONVICTED INDIVIDUALS.	H 2/7/2012 Referred to PBM, FIN	PBM, FIN	M	Jeff Kent
3	<u>SB3010</u> <u>SD1</u>	RELATING TO TRANSPORTATION.	Exempts temporarily the department of transportation and its contractors from certain state requirements for certain bridge rehabilitation projects. (SD1)	S 2/9/2012 Passed Second Reading, as amended (SD 1) and referred to WAM	TIA/PGM/ENE, WAM	O	Jocelyn Doane
4	<u>SCR</u>	Real Property Tax Exemptions for Kuleana Lands.	URGING THE COUNTIES NOT TO TERMINATE OR WEAKEN THEIR REAL PROPERTY TAX EXEMPTIONS FOR KULEANA LANDS.	Awaiting Introduction.		S	Jim McMahon
5	<u>SR016</u>	Fraudulent Mortgage Documents, Assignments of Mortgage, and Title Transfers	DIRECTING THE ATTORNEY GENERAL OF THE STATE OF HAWAII TO INVESTIGATE CASES WHERE FRAUDULENT TRANSFERS AND ASSIGNMENTS OF MORTGAGE LOAN DOCUMENTS ARE ALLEGED.	S 2/16/2012 Referred to CPN, JDL	CPN, JDL	M	Jeff Kent

Bill Positions for Reconsideration							
Item #	Bill #	Report	Description	Status	Referrals	Position	Staff
6	<u>SB2366</u> <u>SD1</u>	RELATING TO COMMUNITY PLANNING.	Changes the Hawaii community development authority to the Hawaii community planning authority. Establishes planning districts. Creates a process for developers to apply for residential and commercial planning projects. Allocates general excise tax revenues collected within a planning district to be used by the authority to pay principal and interest on bonds associated with projects located in a planning district. Allows the authority to waive impact fees. Authorizes the authority to create business improvement districts and community facilities districts and assess a special assessment to fund the improvements within those districts. Authorizes the authority to act as a density rights bank and transfer a property's density rights to a receiving entity or from a sending authority to increase development in that area as authorized by the authority. Grants a GET exemption to exceptional planning projects. Effective 7/1/2020. (SD1)	S 2/17/2012 Passed Second Reading, as amended (SD 1) and referred to WAM.	WLH, WAM	M > O	Jocelyn Doane
7	<u>SB2927</u> <u>SD1</u>	RELATING TO COMMUNITY PLANNING.	Establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. Establishes the transit or main-street redevelopment program. Authorizes state and county incentives for exceptional planning projects. (SD1)	S 2/17/2012 Report adopted; Passed Second Reading, as amended and referred to WAM.	WLH, WAM	M > O	Koa Kaulukukui
8	<u>SB3053</u> <u>SD1</u>	RELATING TO NATIVE HAWAIIANS.	Establishes aha moku advisory committee within OHA. Establishes a quorum requirement for island burial councils. Makes an appropriation. (SD1)	S 2/17/2012 Passed Second Reading, as amended (SD 1) and referred to WAM	HWN/WLH, WAM	SA > O	Sterling Wong
372	<u>SB2527</u> <u>SD1</u>	RELATING TO EDUCATION.	Amends section 302A-1151.5, Hawaii Revised Statutes, to require the department of education to consider allowing charter schools and pre-plus programs to occupy all or a portion of public school facilities the department is considering for closure; provided that the department may consider using the facilities for any other purpose the board of education deems appropriate. Requires the department of education to identify unused public schools facilities for possible use by charter schools, early learning programs, or for any other purpose the board of education deems appropriate. Repeals sections 302A-1506.5 and 302B-3.6, Hawaii Revised Statutes. Effective 7/1/2050. (SD1)	S /16/2012 The committee(s) on WAM has scheduled a public hearing on 02-23-12 9:00AM in conference room 211.	EDU, WAM	S > O	Kalani Akana
509	<u>SB3071</u>	RELATING TO EDUCATION.	Appropriates funds for three permanent positions and operating expenses for Ho'okulaiwi: 'Aha Ho'ona'auao 'O'iwi (the center for Native Hawaiian and indigenous education) within the University of Hawaii at Manoa.	S 2/17/2012 Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	HWN/EDU, WAM	O > S	Breann Nuuhiwa

Sterling Wong speaks about Item #3 on Page 1 that staff has suggested to oppose; SB3010 SD1 Relating to Transportation that would exempt about 28 Bridge Projects from state laws such as the water codes, zoning and SMA's which would be problematic. He moves on to #4 which is a resolution that has been drafted by OHA and has not yet been introduced or given a number.

Vice-Chairperson Rowena Akana informs the committee that she has spoken to a couple of legislators that are willing to introduce the resolution and will work on getting the draft to them (Regarding Item #4 on page 1 of Matrix).

Sterling Wong continues on to Page 2 and brings attention to Items #6 and #7 which are similar bills relating to Community Planning. The bills deal with planning exemptions and would trigger automatic reclassification of lands into urban lands. This would increase the ability to develop lands which could be problematic. Staff is suggesting changing OHA's position from Monitor to Oppose for these 2 bills. Item #8 relates to the Aha Moku advisory committee within OHA. Staff has suggested changing OHA's position from Support with Amendments to Oppose. Item #372 on Page 51, SB2527 SD1, relating to Education, OHA originally supported this. It clarified that schools being considered for closure would be identified as possible facilities to be used by charter schools. However, it has been amended to make the process a little more difficult for charter schools. Staff is suggesting changing our position from Support to Oppose. Item #509 on Page 71, SB3071, is the Ho'okulaiwi Bill, our current position is to oppose this bill; however in a meeting last week staff learned that they are not asking for additional funds from OHA, so staff is now suggesting to Support this bill.

Trustee Colette Machado seeks clarification that the word 'matching' has been removed from SB3071.

Sterling Wong confirms that the word 'matching' has been removed from SB3071 SD1.

Trustee Haunani Apoliona seeks clarification that OHA will support the Senate and not the House version.

Sterling Wong confirms that this is regarding the Senate version and not the House bill.

Chair Waihe'e asks for a **MOTION**:

To approve the Administration's recommendations regarding New Bills and Bill Positions for Reconsideration on the matrix titled Twenty-Sixth State Legislature 2012, dated February 22, 2012 as amended.

Vice-Chair Akana moves.

Trustee Hulu Lindsey seconds the motion.

Chair Waihe'e asks the committee if there is any further discussion.

							1:50 p.m.
TRUSTEE		1	2	AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA	1		X			
PETER	APO						EXCUSED
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO			X			
OSWALD	STENDER						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 CARRIES**.

IV. NEW BUSINESS

A. 2012 OHA Legislative Package- Updates

Sterling Wong moves into the Legal sized document titled OHA Legislative Package and dated 2/21/12 which contain OHA's Package Bills. The bills highlighted in Yellow are no longer moving forward; all other bills are on track. He reported that the decking deadline is March 2, 2012 and the crossover is March 8, 2012.

V. NEW BUSINESS

B. Evaluation Report - Chaminade University of Honolulu Kako'o Ho'ona'auao Family Education (K-12) Assistance Services Agreement.

DEFERRED - Due to Lack of Quorum

VI. EXECUTIVE SESSION**

None.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

None.

IX. ADJOURNMENT

Vice-Chair Akana moves to adjourn the BAE meeting. (Due to risk of quorum being lost)

Trustee Apoliona seconds the motion.

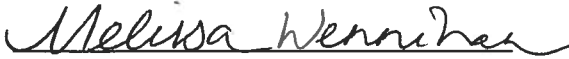
Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

							1:55 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA	1		X			
PETER	APO						EXCUSED
HAUNANI	APOLIONA		2	X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO			X			
OSWALD	STENDER						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				5	0	0	4

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

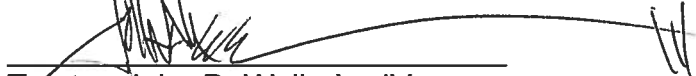
Chair Waihe'e adjourns the BAE meeting at 1:55 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Secretary
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on March 7, 2012.



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

ATTACHMENTS:

- Notice of Excused Absence (4)
- Community Sign-In Sheet dated February 22, 2012.