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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



LIEUTENANT GOVERNOR'S
OFFICE

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

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

DATE: Wednesday, March 7, 2012

TIME: 1:30 p.m.

PLACE: OHA Boardroom, 5TH Floor

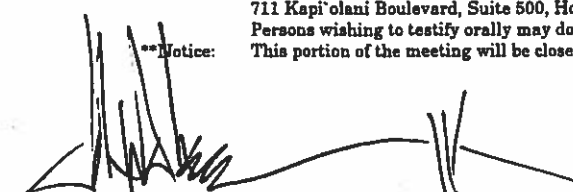
AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. February 8, 2012
 - B. February 15, 2012
 - C. February 22, 2012
- 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 - Contract #2427
- 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.


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


Date

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
711 KAPI'OLANI BOULEVARD, SUITE 500
MINUTES
March 7, 2012 1:30 p.m.**

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Rowena Akana
Trustee Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Robert Lindsey
Trustee Oswald Stender

EXCUSED:

Trustee Peter Apo
Trustee Donald Cataluna
Trustee Colette Machado

BOT STAFF:

Capsun Poe
Crayn Akina
Kama Hopkins
Lei-Ann Durant
Lehua Itokazu
Melissa Wennihan
Nathan Takeuchi
Reynold Freitas
Shelsea Apana

ADMINISTRATION STAFF:

Beata Kozdras, PROG
Breann Nu'uhiwa, PUBL
Deirdra Alo, ADV
Dirk Soma, OUTR
Jeffrey Kent, PUBL
Jim McMahon, ADV
Jim Patterson, PROG
Jocelyn Doane, PUBL
Kai Markell, COMP
Kamana'opono Crabbe, Ph.D. RES
Keala Nichols, PUBL
Luci Meyer, OUTR
Richard Pezzulo, ICEO
Sterling Wong, PUBL

VOLUNTEERS:

Apolei Bargamento

GUESTS:

Mike Lee

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, March 7, 2012 to order at **1:31 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:31 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	ROWENA	AKANA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	1:34PM
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	OSWALD	STENDER	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	COLETTE	MACHADO	MEMO - REQUESTING TO BE EXCUSED

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 Hulu Lindsey moves.

Vice Chair Rowena 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.

							1:32 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA		2	X			
PETER	APO						EXCUSED
HAUNANI	APOLIONA						Not Present at Time of Vote
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
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**.

II. APPROVAL OF MINUTES

- A. February 8, 2012
- B. February 15, 2012
- C. February 22, 2012

Vice-Chair Akana moves to approve the minutes of February 8, 15, and 22, 2012.

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.

							1:33 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA	1		X			
PETER	APO						EXCUSED
HAUNANI	APOLIONA						Not Present at Time of Vote
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
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.

III. COMMUNITY CONCERNS*

Michael Kumukauoha Lee spoke regarding his interaction with the Native Hawaiian Legal Corporation and their denial to represent Mr. Lee in the Kalo'i Gulch Conservation District Use Permit Application.

(His Testimony dated March 5, 2012 and NHLC's Declining Letter dated February 22, 2012 are attached)

IV. UNFINISHED BUSINESS

A. 2012 OHA Legislative Package- Updates

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 begins by reviewing the Session Calendar and reminds the committee that Thursday March 8, 2012 is the First Crossover deadline, so any bills that do not crossover to the other chamber will die. He also points out to the committee that the Resolution cutoff date is Wednesday March 14, 2012. He continues into the Legal-sized document titled OHA Legislative Package and dated 3/7/12 which contains OHA's Package Bills. The bills highlighted in Red are dead. He proceeds to give brief summaries on each item. OHA-11, Relating to the Federal Earned Income Tax Credit; the Senate Bill will be our vehicle which passed the third reading and will crossover to the House and it looks hopeful. OHA-12, Relating to Human Services; the Senate Version will be the vehicle to crossover again. DHS is in support of the bill so it looks good. OHA-15, the Hawaiian Language Immersion Bill; both House and Senate Versions are dead however we have another vehicle HB2875 which crossed over to the Senate and was introduced by Representative Mele Carroll and some other representatives. It has passed House Finance without amendments and will now crossover to the Senate.

Trustee Apoliona asks if this was the bill brought to the committee's attention via beneficiary comments at the 2/29/12 BAE meeting.

Sterling Wong confirmed that this is the same bill, and continued to inform the committee that the roadblock with HB2875 will be the Senate Education committee Chaired by Senator Jill Tokuda who has expressed major concerns specifically regarding the dollar amount of the tests. We are trying to schedule a meeting with her to discuss her concerns. At the last hearing with the House Finance Committee, the Department of Education had changed the price of the test again. HB2875 requires a Hawaiian Language Test Created in Hawaiian for grades 3-6 which is an expansion of what our OHA-15 was asking for just grades 3 & 4.

Trustee Akana asked what the new figure is.

Sterling Wong responded that the original price tag was \$2.8 million for grades 3 & 4. Now there is an effort to increase it by \$300,000 to \$3.1 million, but it does not seem proportionate since they're adding on 2 more grade levels.

Sterling Wong OHA-16 has died and we have drafted a resolution which will discuss that further under New Business of the BAE agenda. OHA-17 is the bill related to designating February as Hawaiian Language Month and the House bill was re-referred out of the finance committee and has crossed over to the Senate so we have two vehicles moving. The Senate Bill has a SD1 which Senator English was able to add language designating that all State agencies create documentation and letterheads using the accurate and appropriate Hawaiian Language. This will occur as agencies need to replenish their supply. Our concern with this addition is that it will also include financial implications which were not initially intended for this bill. So we do have some concerns. OHA-18 and OHA-19 are both dead and we will discuss it a little further under New Business. OHA-20, 21, and 22 are all dead, From our Carry Over Bills only one is still moving, that is OHA-7, SB981 SD2, HD1; Relating to the Office of Hawaiian Affairs and Customary Rights & Training. It has one last committee to clear, however it's our understanding that this bill will not move forward.

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA 2012 Legislative Package								
OHA-11	HB1988 HD1	RELATING TO THE FEDERAL EARNED INCOME TAX CREDIT.	Office of Hawaiian Affairs Package; Earned Income Tax Credit Outreach Program; Appropriation	Requires the department of taxation to coordinate an outreach initiative to increase awareness and use of the federal earned income tax credit. Makes an appropriation. Effective July 1, 2010. (HB1988 HD1)	2/16/2012 H Passed Second Reading as amended in HD 1 and referred to FIN	HUS, FIN	Aulii George	S
OHA-11	SB2179 SD1	RELATING TO THE FEDERAL EARNED INCOME TAX CREDIT.	Office of Hawaiian Affairs Package; Earned Income Tax Credit Outreach Program; Appropriation	Requires the department of taxation to coordinate an outreach initiative to increase awareness and use of the federal earned income tax credit. Makes an appropriation. Effective 7/1/2010. (SD1)	3/6/2012 S Passed Third Reading, as amended (SD 1).	HUS, WAM	Aulii George	S
OHA-12	HB1987	RELATING TO HUMAN SERVICES.	Human Services; TANF Program; Office of Hawaiian Affairs Package	Increases the asset limit for TANF program eligibility from \$5,000 to \$15,000.	Referred to HUS, FIN	HUS, FIN	Aulii George	S
OHA-12	SB2178 SD2	RELATING TO HUMAN SERVICES.	Human Services; TANF Program; TAONF Program; Med-QUEST; Office of Hawaiian Affairs Package	Requires DHS to conduct a study on asset limits for public assistance programs. Requires a report to the legislature. Effective 7/1/2010. (SD2)	3/6/2012 S Passed Third Reading, as amended (SD 2)	HMS, WAM	Aulii George	S
OHA-13	HCR 7	REQUESTING THE ADDITION OF FINANCIAL LITERACY EDUCATION TO THE PUBLIC SCHOOL CURRICULUM.	Financial Literacy; Office of Hawaiian Affairs Package	REQUESTING THE ADDITION OF FINANCIAL LITERACY EDUCATION TO THE PUBLIC SCHOOL CURRICULUM.	1/20/2012 Referred to EDN, FIN	EDN, FIN	Aulii George	S
OHA-13	SCR 3	REQUESTING THE ADDITION OF FINANCIAL LITERACY EDUCATION TO THE PUBLIC SCHOOL CURRICULUM.	Financial Literacy; Office of Hawaiian Affairs Package	REQUESTING THE ADDITION OF FINANCIAL LITERACY EDUCATION TO THE PUBLIC SCHOOL CURRICULUM.	1/20/2012 Referred to EDU, WAM	EDU, WAM	Aulii George	S

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA-14	HCR 6	REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006.	Office of Hawaiian Affairs Package; Requesting the State's Full Compliance with Section 5 of Act 178, SLH 2006.	REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006.	The committees on HAW/HLT recommend that the measure be PASSED, WITH AMENDMENTS	HAW/HLT, WLO/HSG, FIN	Koa Kaulukukui	S
OHA-14	SCR 2	REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006.	Office of Hawaiian Affairs Package; Requesting the State's Full Compliance with Section 5 of Act 178, SLH 2006.	REQUESTING THE STATE'S FULL COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006.	1/20/2012 Referred to HWN/WLH, WAM	HWN/WLH, WAM	Koa Kaulukukui	S
OHA-15	HB 1986	RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM.	Hawaiian Language Immersion Program; Office of Hawaiian Affairs Package	Requires the DOE to develop reading, math, and science assessment tests in the Hawaiian language for grades 3 and 4 students in the Hawaiian language immersion program.	2/14/2012 H Referred to the committee(s) on FIN	HAW, EDN, FIN	Sterling Wong	S
OHA-15	SB 2177	RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM.	Hawaiian Language Immersion Program; Office of Hawaiian Affairs Package	Requires the DOE to develop reading, math, and science assessment tests in the Hawaiian language for grades 3 and 4 students in the Hawaiian language immersion program.	1/20/2012 S Referred to HWN/EDU, WAM	HWN/EDU, WAM	Sterling Wong	S
OHA-16	HB 1985	RELATING TO INNOCENCE REDRESS.	Crime; Wrongful Conviction and Imprisonment; Innocence Redress; Office of Hawaiian Affairs Package	Provides compensation and services to persons who can demonstrate they were wrongfully convicted of a crime and imprisoned.	2/9/2012 H The committee(s) on JUD recommend(s) that the measure be deferred.	JUD, FIN	Jeff Kent	S
OHA-16	SB 2176	RELATING TO INNOCENCE REDRESS.	Crime; Wrongful Conviction and Imprisonment; Innocence Redress; Office of Hawaiian Affairs Package	Provides compensation and services to persons who can demonstrate they were wrongfully convicted of a crime and imprisoned.	1/20/2012 S Referred to JDL, WAM	JDL, WAM	Jeff Kent	S

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA-17	HB 1984	RELATING TO HAWAIIAN LANGUAGE.	Hawaiian Language; 'Ōlelo Hawaii; Month; February; Office of Hawaiian Affairs Package	Designates the month of February as 'Ōlelo Hawaii Month" to celebrate and encourage the use of Hawaiian language.	3/6/2012 S Passed First Reading.	HAW, FIN	Sterling Wong	S
OHA-17	SB 2175 SD1	RELATING TO HAWAIIAN LANGUAGE.	Hawaiian Language; Month; February; Public Documents; Letterhead; Symbols	Designates the month of February as 'Ōlelo Hawaii Month" to celebrate and encourage the use of Hawaiian language. Requires that all letterheads, documents, symbols, and emblems of the State and other political subdivisions include accurate and appropriate Hawaiian names and language. Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. (SD1)	3/6/2012 S Passed Third Reading, as amended (SD 1).	HWN/ EDT	Sterling Wong	S
OHA-18	HB 1983 HD1	RELATING TO THE COLLECTION OF DEMOGRAPHIC DATA BY STATE AGENCIES, BOARDS, AND COMMISSIONS	Demographic Data; State Agencies; Publication; Ethnicities; Office of Hawaiian Affairs Package	Requires state agencies to disaggregate data consistent with federal standards and requires publication of the data. (HB1983 HD1)	2/15/2012 H Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN	CUA, FIN	Breann Nu'uhiwa	S
OHA-18	SB 2174	RELATING TO THE COLLECTION OF DEMOGRAPHIC DATA BY STATE AGENCIES, BOARDS, AND COMMISSIONS	Demographic Data; State Agencies; Publication; Ethnicities; Office of Hawaiian Affairs Package	Requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.	2/13/2012 S Passed Second Reading and referred to WAM.	PGM, WAM	Breann Nu'uhiwa	S
OHA-19	HB 1982	RELATING TO CEMETERIES.	Cemeteries; Office of Hawaiian Affairs Package	Requires the director of commerce and consumer affairs to adopt rules by 7/31/13, for any disinterment of human burials that is done for the purpose of removing the dedication of a cemetery.	H 1/19/2012 Referred to CPC, FIN	CPC, FIN	Kai Markell	S
OHA-19	SB 2173	RELATING TO CEMETERIES.	Cemeteries; Office of Hawaiian Affairs Package	Requires the director of commerce and consumer affairs to adopt rules by 7/31/13, for any disinterment of human burials that is done for the purpose of removing the dedication of a cemetery.	2/22/2012 S The committee on CPN deferred the measure.	CPN	Kai Markell	S

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA-20	HB 1981	RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION	PLDC; Cultural Practices; Public Land Trust; Office of Hawaiian Affairs Package	Adds 2 new members of the board of directors of the PLDC. Requires that the Hawaii public land optimization plan provide for the protection of cultural practices. Requires the PLDC to comply with certain provisions of law relating to the alienation of land and the OHA's pro rata portion of the public land trust.	1/27/2012 H The committee(s) on WLO recommend(s) that the measure be deferred.	WLO, HAW, FIN	Jocelyn Doane	S
OHA-20	SB 2172	RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION	PLDC; Cultural Practices; Public Land Trust; Office of Hawaiian Affairs Package	Adds 2 new members of the board of directors of the PLDC. Requires that the Hawaii public land optimization plan provide for the protection of cultural practices. Requires the PLDC to comply with certain provisions of law relating to the alienation of land and the OHA's pro rata portion of the public land trust.	S 1/20/2012 S Referred to HWN/WLH, WAM	HWN/ WLH, WAM	Jocelyn Doane	S
OHA-21	HB 1989	RELATING TO CHARTER SCHOOLS.	Charter Schools; Office of Hawaiian Affairs Package	Short form bill.	H 1/19/2012 Referred to HAW	HAW	Kalani Akana	S
OHA-21	SB 2180	RELATING TO CHARTER SCHOOLS.	Charter Schools; Office of Hawaiian Affairs Package	Short form bill.	S 1/20/2012 Referred to EDU	EDU	Kalani Akana	S
OHA-22	HB 1990	RELATING TO NATIVE HAWAIIAN RECOGNITION.	Native Hawaiian Recognition; Office of Hawaiian Affairs Package	Short form bill.	S 1/19/2012 Referred to HAW	HAW	Breann Nu'uhiwa	S
OHA-22	SB 2181	RELATING TO NATIVE HAWAIIAN RECOGNITION.	Native Hawaiian Recognition; Office of Hawaiian Affairs Package	Short form bill.	S 1/20/2012 S Referred to HWN	HWN	Breann Nu'uhiwa	S

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA 2011 Legislative Package								
OHA-2	<u>HB 399</u>	RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS.	Public Land Trust; OHA; Income and Proceeds	Requires the transfer of cash or land to OHA as income and proceeds that OHA is to receive from the public trust pursuant to article XII, sections 4 and 6, of the state constitution, for the period from 11/7/1978 to 7/1/2010.	H Carried over to 2012 Regular Session	HAW/WLO, JUD, FIN	Jim McMahon	S
OHA-2	<u>SB 984</u>	RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS.	Public Land Trust; OHA; Income and Proceeds	Requires the transfer of cash or land to OHA as income and proceeds that OHA is to receive from the public trust pursuant to article XII, sections 4 and 6, of the state constitution, for the period from 11/7/1978 to 7/1/2010.	S Carried over to 2012 Regular Session	HWN/JDL, WAM	Jim McMahon	S
OHA-4	<u>HB 402</u> <u>HD1</u>	RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.	Environmental Impact Statements; Cultural Impact Assessments; Office of Hawaiian Affairs	Requires all environmental assessments and environmental impact statements to include a cultural impact assessment. Requires OHA's approval of cultural impact assessments. Effective January 1, 2012. (HB402 HD1)	H Carried over to 2012 Regular Session	EEP, HAW/CUA, FIN	Sterling Wong	S
OHA-4	<u>SB 987</u>	RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.	Environmental Impact Statements; Cultural Impact Assessments; OHA	Requires all environmental assessments and environmental impact statements to include a cultural impact assessment. Requires OHA's approval of cultural impact assessments.	S Carried over to 2012 Regular Session	ENE/HWN	Sterling Wong	S
OHA-6	<u>HB 395</u>	RELATING TO TUITION WAIVERS IN THE UNIVERSITY OF HAWAII SYSTEM.	University of Hawaii	Grants tuition waivers to native Hawaiian students at the University of Hawaii.	H Carried over to 2012 Regular Session	HAW, HED, FIN	Kalani Akana	S
OHA-6	<u>SB 980</u>	RELATING TO TUITION WAIVERS IN THE UNIVERSITY OF HAWAII SYSTEM.	University of Hawaii	Grants tuition waivers to native Hawaiian students at the University of Hawaii.	S Carried over to 2012 Regular Session	HWN/EDU, WAM	Kalani Akana	S

OHA Package	Bill No.	Measure Title	Report Title	Description	Status	Referral	Staff	Position
OHA-7	HB 396 HD1	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Office of Hawaiian Affairs	Requires certain council, board, and commission members to take a training course offered by OHA relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. Effective January 7, 2059. (HB396 HD1)	H Carried over to 2012 Regular Session	HAW, JUD, FIN	Jocelyn Doane	S
OHA-7	SB 981 SD2 HD1	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Office of Hawaiian Affairs; Customary Rights; Training	Requires certain council, board, and commission members to take a training course offered by the Office of Hawaiian Affairs relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. Effective upon approval. (SB981 HD1)	H Carried over to 2012 Regular Session	HAW, JUD, FIN	Jocelyn Doane	S
OHA-9	HB 398	RELATING TO HISTORIC PRESERVATION.	Historic Preservation; Review of Proposed State Projects; DLNR	Authorizes DLNR to determine which projects will affect historic properties, aviation artifacts, and burial sites.	H Carried over to 2012 Regular Session	WLO, FIN	Kai Markell	S
OHA-9	SB 983	RELATING TO HISTORIC PRESERVATION.	Historic Preservation; Review of Proposed State Projects; DLNR	Authorizes DLNR to determine which projects will affect historic properties, aviation artifacts, and burial sites.	S Carried over to 2012 Regular Session	HWN/ WLH/EDT	Kai Markell	S

V. NEW BUSINESS

A. 2012 OHA LEGISLATIVE POSITIONS

Sterling Wong moves into NEW BUSINESS- 2012 OHA Legislative Positions.

Trustee Robert Lindsey inquires about SB3003 relating to Geothermal Resources and seeks further clarification regarding OHA's position to oppose, due to some constituents who have called to ask what OHA's basis is for opposing. He can then better address their concerns.

Breann Nu`uhiwa responds by letting Trustee know that they will provide him with written testimony and also answer any questions he may have.

(Sterling went to locate the Testimony)

Trustee Hulu Lindsey asks about the Governor's Messages for the Water Commission from last week's meeting.

Jocelyn Doane reminds the Board that staff has suggested opposing Ted Yamamura and comment for Jonathan Starr.

Trustee Hulu Lindsey asks what the reason is to oppose Ted Yamamura

Jocelyn Doane states the reason why OHA staff has suggested the position is because they don't see how Mr. Yamamura can fulfill the statutory requirement of having substantial water resource management experience. He has served on the Maui Board of Water Supply; however, they do not actually manage any water resources. Additionally, there are other candidates that staff feels are better qualified.

Trustee Hulu Lindsey asks if the qualified applicants are also from Maui.

Jocelyn Doane responds that one (1) qualified applicant is from Maui. Currently, there are five (5) seats on the Water Commission where two (2) of the seats are filled by Maui residents. If they were to confirm these other two (2) candidates then four (4) of the five (5) seats would be filled by Maui residents.

Trustee Hulu Lindsey comments that the whole situation is interesting because from her experience, Maui seems to have the worst Water situation. She continues by stating that she personally knows Mr. Yamamura, he has played an active role in the community, and feels that he is a qualified candidate.

Jocelyn Doane offers to speak with Trustee Hulu Lindsey further to gather more information about Mr. Yamamura.

Chairperson Waihe`e asks staff if the testimony has been located for the Geothermal Bill.

Sterling Wong shares the testimony regarding SD1 of SB3003, which relates to Geothermal Resources. The main issue with the bill is that it repeals the subzone for Geothermal; and that subzone provides protections and ensures that Geothermal Development will only happen in the areas of lowest potential environmental impact. That is the basis of the opposition because the bill would take away a lot of the current and ensured protection of Hawaiian cultural resources.

Trustee Hulu Lindsey asked if this bill was previously a bill that OHA would monitor rather than oppose during legislation.

Breann Nu`uhiwa responded that there are many bills regarding Geothermal in this legislation and that this bill has been consistently one that we have opposed. It previously included provisions that would exempt Geothermal exploration from environmental impact assessments and statements. It created several broad exemptions and OHA had opposed those. The most recent and revised version of the bill that we've commented on took out that exemption for the environmental impact statements and assessments but left several other exemptions that were troubling so we maintained the position of oppose.

Trustee Robert Lindsey thanked staff for explaining.

Trustee Apoliona asked staff to check on SB2212 SD1. She asked if there would be any implications of the Native Hawaiian Federal Recognition effort from the standpoint of inclusivity.

Breann Nu`uhiwa responded that staff will follow up.

Sterling Wong moves forward with updates regarding the Settlement Bill. SB682 which is the enhanced entitlement bill passed third reading March 6, 2012 with 17 Ayes, Senator Mercado-Kim voted Aye with reservations, and 8 Noes which were Senators Baker, Chun-Oakland, Fukunaga, Green, Ige, Ihara, Slom, and Taniguchi with no discussion. SB2783 which is our settlement bill had a lot of discussion and passed with 24 Ayes, Senators Hee and Mercado-Kim voted Aye with reservations, and 1 No by Senator Slom.

ICEO Pezzulo shared with the committee that Senator Hee's main point and the reason he voted aye with reservations is that he felt that the settlement amount is not enough.

Chair Waihe`e transitioned the committee into discussing the three (3) Resolutions under New Business.

Breann Nu`uhiwa began by discussing the Innocence Redress Resolution which is requesting that OHA, in consultation with the Hawaii Innocence Project (which OHA funds over at the University of Hawai'i Law School), along with the Department of the Attorney General come together to conduct a study on establishing and implementing a re-entry and compensation program for individuals who are wrongfully convicted.

Trustee Apoliona asked how OHA funds the project and if it's through a grant.

Breann Nu'uhiwa confirms that it is through a grant.

Trustee Apoliona asks if this would require additional OHA funding.

Breann Nu'uhiwa responds that they were looking at the study to occur in-house. This Resolution stems from our original proposed bill which asked for a law that would automatically compensate wrongfully imprisoned persons for the harm that was caused by their wrongful imprisonment. This particular resolution has a short list (on page 2) of the studies that would be addressed including: how an innocent person would be defined under such a law for re-entry and compensation, barriers that wrongfully imprisoned persons would face when released, and ideas and solutions from previously incarcerated persons, the criminal defense bar, and community partners about how such a program could work. There are already 27 other states who have something similar so there are examples that we can look at, learn from, and move forward with. This Resolution is requesting that the Innocence Project, the Attorney General's office, and OHA all collaborate to work on this study.

Breann Nu'uhiwa begins discussing the second resolution related to Cemetery Issues. This bill is a result of the Kawaiaha'o situation, but it was not well received in the legislature. Staff discusses the resolution with the committee to get a better idea of how trustees prefer to proceed.

Sterling Wong proceeded to explain that Senator Galuteria expressed a lot of concerns with this bill. Then at the Senate Commerce and Consumer Protection Hearing, the Department of Commerce and Consumer Affairs (DCCA) stated that there are already rules in place referencing the Department of Health's rules. Staff confirms that there are rules; however the rules are not clear to this specific type of issue.

ICEO Pezzulo informs the committee that finding someone to introduce the resolution for OHA may be a challenge.

Chair Waihe'e and the Committee agree that the resolution is important and would like to continue to support and move forward with the resolution.

Breann Nu'uhiwa moves on to discuss the final resolution regarding Data Disaggregation. The resolution focuses on the Office of Management and Budget's Statistical Policy No. 15 and is asking for full compliance throughout the state with that directive. We maintained the publication portion as well so we would like the data to be available and accessible for use. This way we can access it to assist in advancing our systemic change initiatives.

Chair Waihe`e asks for a MOTION:

To approve Administration's recommendations regarding New Bills on the matrix titled Twenty-Sixth State Legislature, 2012 and dated March 7, 2012, as amended.

Legend				
C = Comments S = Support				
M = Monitor				
O = Oppose				
SA = Support w/ amendments				
Item #	Bill #	Report	Description	Position
New Bills				
1	<u>SCR</u> and <u>HCR</u>		REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, IN CONSULTATION WITH THE HAWAII INNOCENCE PROJECT AND THE DEPARTMENT OF THE ATTORNEY GENERAL, TO CONDUCT A STUDY ON THE ESTABLISHMENT AND IMPLEMENTION OF A RE-ENTRY AND COMPENSATION PROGRAM FOR WRONGFULLY CONVICTED PERSONS.	S
2	<u>SCR</u> and <u>HCR</u>		REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, TO CONDUCT A STUDY ON THE JURISDICTIONAL ISSUES RELATING TO THE PROCESS OF REMOVING UNMARKED BURIAL SITES IN ORDER TO DECERTIFY A CEMETERY.	S
3	<u>SCR</u> and <u>HCR</u>		REQUESTING THE STATE'S FULL COMPLIANCE WITH THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET'S STATISTICAL POLICY DIRECTIVE NO. 15, ENTITLED "RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING" AND THE PUBLICATION OF COLLECTED DATA SUBJECT TO APPLICABLE STATE AND FEDERAL LAWS.	S

Trustee Hulu Lindsey moves.

Vice-Chair Akana seconds the motion.

Chair Waihe`e asks the committee if there is any further discussion. There is none.

							2:35 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	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

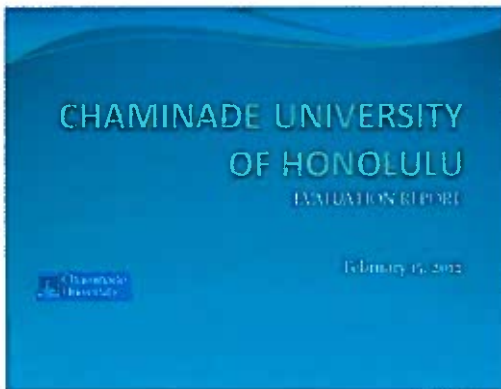
Chair Waihe`e notes for the record that the MOTION CARRIES.

V. NEW BUSINESS

B. Evaluation Report - Chaminade University of Honolulu Kāko'o Ho'ona'auao Family Education (K-12) Assistance Services Agreement – Contract #2427

Chair Waihe'e calls Program Improvement Manager Jim Patterson to the table to present the findings of the Chaminade University of Honolulu Kāko'o Ho'ona'auao Family Education (K-12) Assistance Services Agreement Report.

Jim Patterson shares with the committee a Power Point Presentation which highlights the findings of the report. He begins by briefly giving the background for the Family Assistance Program which was a pilot program for the 2009-2010 School Year that funded grades K-12 Private School students and was administered by Chaminade University.



Purpose of the Evaluation

- Was there agreement between the scope of services established in the contract and what was ultimately provided by Chaminade?
- To what extent did Chaminade meet the reporting requirements of the grant?
- How does the program align with the priorities/results of OHA's Strategic Plan and how can there be greater alignment in the future?
- Are there other areas for program improvement?

Scope of the Evaluation

- Examined the performance of Chaminade University under the Family Education Assistance Services Agreement #2427 for the period of June 1, 2009 through June 30, 2010
- Reviewed data collected from progress reports submitted by the grantee
- Reviewed Application Process and Eligibility Criteria
- Reviewed responses to OHA survey of recipient families administered by Program Improvement Staff
- Interviewed key personnel at Chaminade

Strategic Plan Alignment

This program was awarded based on the FY 2006-2011 Strategic Plan and met the following criteria:

- Leverage potential resources to create educational opportunities and maintain "best practices"
- It is also aligned with the FY2010-2018 Strategic Priority of Ho'ona'auao, although not specifically with the Strategic Results.

Program History

- Creation of the Kāko'o Ho'ona'auao Family Education Assistance Program was a one year pilot program that was so successful it was extended for a second year
- Total funding for the two years was \$1 million
- OHA funded the program and contracted with Chaminade University to implement and administer the program on its behalf
- Income limits were based on the U.S. Dept. of Labor' Income Level Reference Chart
- Objective: Increase opportunities for Hawaiian children to attend private schools and reach their full potential

Income Level Reference Chart U.S. Dept. of Labor

Family Size	Poverty Level	Lower Living Standard Income Level		
	All Islands	O'ahu	Neighbor Islands	
1	\$12,460	\$17,153	\$16,944	
2	16,760	28,100	27,767	
3	21,060	38,581	38,115	
4	25,360	47,622	47,051	
5	29,660	56,199	55,523	
6	33,960	65,728	64,933	
7	38,260	75,257	74,343	
8	42,560	84,786	83,753	
9	46,860	94,315	93,163	
10	51,160	103,844	102,573	

Program Summary Eligibility Requirements

Applicants must:

- Be a parent or primary caregiver of a child with extraordinary educational expenses
- Live, or be eligible to live on Hawaiian Homelands
- Register with OHA's Hawaiian Registry Program
- Have a child attending K-12 private school other than the Kamehameha Schools, or attending a specialized academic program in Hawaii
- Be residents of the State of Hawaii
- Demonstrate economic disadvantage and financial need
- Submit the required documents
- Maximum award was \$5,000 per family. Lesser awards may be provided depending on the make-up of the applicant pool and fund availability

Summary of Findings

- Due to the level of available funds, there were 197 families (50%) who did not receive an award even though they were eligible
- Survey results showed that the program was well received by families, even those who did not receive an award
- To qualify for an award, an applicant had to enroll in OHA's Hawaiian Registry. Requirement did not extend to the students, who were only encouraged to register

Summary of Findings

- At least one school (Punahou) reduced the amount of their scholarship by the amount of the OHA award. It is not known how many other schools had similar policies, however if other schools follow this practice, OHA's program would become merely a substitution for other available funding and provide no additional benefit to Native Hawaiians

Conclusion

- This program was successfully implemented and administered by Chaminade University
- Chaminade University fulfilled their obligations under this grant agreement

Summary of Findings

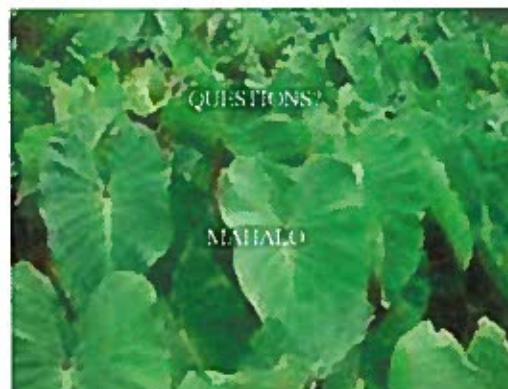
- Of the 71,000 Hawaiian students enrolled in K-12, the 2000 Census reported only about 8% attended private schools other than Kamehameha
- In the first year, 311 applications were received of which 172 were complete and eligible. All 172 received an award
- Average award was \$2,919 for a total of \$502,000 which exceeded the available funds by \$2,000 and was covered by Chaminade's Financial Assistance Program
- 2nd Year: 442 applications received, with only 377 that were complete and eligible. Only 181 received an award due to availability of funds
- Average award was \$2,751

Summary of Findings

- Survey conducted by Program Improvement staff revealed that at least \$19,690 was awarded to seven non-Hawaiian students.
- Based on survey comments many referred to the DHHL eligibility criteria as restrictive and asked that the program be made available to all Hawaiians

Recommendations

- Improve contract language to include:
 - Performance and Outcome measures
- Require applicant and student to enroll in OHA Hawaiian Registry to ensure that student is NH
- Revise the list of approved schools to eliminate schools that reduce their scholarship amount by the amount of OHA's award
- Consider Chaminade as a preferred candidate for the service provider if the BOT decides to fund a future K-12 program



Chair Waihe`e asks for a MOTION:

To receive and accept the Evaluation Report for Chaminade University of Honolulu Kāko`o Ho`ona`auao Family Education (K-12) Assistance Service Agreement- Contract #2427.

Trustee Apoliona moves.

Trustee Hulu Lindsey seconds the motion.

Chair Waihe`e asks the committee if there is any further discussion. There is none.

							2:55 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA			X			
PETER	APO						EXCUSED
HAUNANI	APOLIONA	1		X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				6	0	0	3

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

Chair Waihe`e notes for the record that the MOTION CARRIES.

VI. EXECUTIVE SESSION**

None.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

None.

IX. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting. (Due to risk of quorum being lost)

Trustee Robert Lindsey seconds the motion.

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

						2:56 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)
VICE ROWENA	AKANA			X		
PETER	APO					EXCUSED
HAUNANI	APOLIONA	1		X		
DONALD	CATALUNA					EXCUSED
CARMEN HULU	LINDSEY			X		
ROBERT	LINDSEY		2	X		
COLETTE	MACHADO					EXCUSED
OSWALD	STENDER			X		
CHAIR JOHN	WAIHE'E			X		
TOTAL VOTE COUNT				6	0	0
						3

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

Chair Waihe'e adjourns the BAE meeting at 2:56 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 April 4, 2012.



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

ATTACHMENTS:

- Notice of Excused Absence (3)
- Community Sign-In Sheet dated March 7, 2012.
- Beneficiary/Community Question Form (1)
- Michael Kumukauoha Lee Testimony dated March 5, 2012