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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



DEUTENANT GOVERNOR'S
OFFICE

12 APR 12 P3:35

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, April 18, 2012

TIME: 1:30 p.m.

PLACE: OHA Boardroom, 5TH Floor

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. March 21, 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.
- VI. Executive Session**
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide written testimony are requested to submit ten (10) copies of their testimony to the OHA Ka Pouhana/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 at the meeting may do so within a five (5) minute limit.

**Notice: This portion of the meeting will be closed pursuant to HRS § 92-4 and HRS § 92-5(a)4.
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
711 KAPI'OLANI BOULEVARD, SUITE 500

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

MINUTES

April 18, 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
Trustee Oswald Stender

EXCUSED:

Trustee Peter Apo
Trustee Donald Cataluna
Trustee Robert Lindsey

BOT STAFF:

Crayn Akina
Lehua Itokazu
Liana Pang
Makana Chai
Melissa Wennihan
Nathan Takeuchi
Reynold Freitas
Shirley Nakanishi

ADMINISTRATION STAFF:

Aedward Los Banos, COO
Breann Nu'uhiwa, PUBL
Dirk Soma, OUTR
Garett Kamemoto, MRM
Jeffrey Kent, PUBL
Jerry Norris, COMP
Jim McMahon, ADV
Kamaile Maldonado, PUBL
Kamana'opono Crabbe, Ph.D., Ka Pouhana/CEO
Keala Nichols, PUBL
Luci Meyer, OUTR
Sterling Wong, PUBL

GUESTS:

Michael K. Lee
Keoni Kuoha

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, April 18, 2012 to order at **1:30 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	ROWENA	AKANA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	1:35PM
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	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	ROBERT	LINDSEY	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. March 21, 2012

Trustee Akana moves to approve the minutes of March 21, 2012.

Trustee Machado 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.

							1:31 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			X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO		2	X			
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 humbly requests that the BAE Committee place an agenda item on their next meeting to consider funding Elizabeth Dunne to represent Michael Lee in the Kaloi Gulch contested case hearing, since NHLC has declined to represent him in the matter.

Public Policy Manager Breann Nu`uhiwa shares fact findings with the committee that Mr. Lee does not qualify for the Conflicts Program because NHLC decided by their own professional assessment not to represent him in the case, it wasn't until a later date that they acquired a new client to represent in the matter.

Trustee Akana believes that Mr. Lee's case has merit and urges staff to find funding for him.

Trustee Machado suggests to proceed carefully and does not want to conflict with any of OHA's current policies in the matter. She continues that staff should contact NHLC and have them discuss the matter further and possibly in Executive Session with the trustees.

Ka Pouhana Crabbe agrees that administration will follow-up on the precedent for individual cases (when they were and whether or not OHA supported them), and will contact NHLC to appear before the board regarding this case.

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 Akana moves.

Trustee Machado 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.

							1:56 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			X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO		2	X			
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**.

Chair Waihe`e announces that the committee will take item V.A. 2012 OHA Legislative Positions out of order.

V. NEW BUSINESS

A. 2012 OHA LEGISLATIVE POSITIONS

Chair Waihe`e recognizes Chief Executive Officer (CEO) / Ka Pouhana Kamana'opono Crabbe.

Ka Pouhana Crabbe recognizes Public Policy Manager Breann Nu`uhiwa and Senior Public Policy Advocate Sterling Wong.

Breann Nu`uhiwa informs the committee that the matrix contains less bills since the session will adjourn on May 3rd. Sterling will go over updates on the bills and then Breann will explain the Federal position that is on the matrix and what the precedent will be moving forward relating to Federal legislation.

Sterling Wong goes over the matrix entitled Twenty-Sixth Legislature, 2012 dated 4/18/12. Item #1 SCR090 SD1 is a resolution that staff is recommending to monitor; relating to a bill that Kamehameha Schools was very concerned with forcing them to leasehold to fee. A call has been made to KS but no contact has been made yet so the recommendation is to monitor until contact is made.

Breann Nu`uhiwa calls on Public Policy Advocate Jeff Kent to come to the table to provide details about the companion federal bills on the matrix Items #2 & #3 related to Native American Housing Assistance and Self-Determination Act (NAHASDA). Last week, the Senate Committee on Indian Affairs was in Hawaii and conducted a Round Table Discussion at the Department of Hawaiian Home Lands and Senator Akaka had a hearing on the Hawaiian Home Ownership Act of 2011 which is currently before the Federal Congress, several have testified in support and we have 2 weeks to submit our testimony.

Jeff Kent provides the committee with a background that NAHASDA has been around for a while and essentially provides roughly \$10 million a year to DHHL for housing projects. This year is similar, the money will provide Federal loan guarantees that allow for mortgages on Hawaiian Homelands, new features include refinancing of the those mortgages; DHHL will be allowed to borrow against future NAHASDA funding to finance development providing greater leverage for borrowing. In general we are in support of that, the testimony will talk about how in the future we would like to see a broader ability to use the funds and a larger pot of money, so that it's not just limited to DHHL's beneficiaries. His understanding is that when NAHASDA was first passed OHA went along with it with the understanding that it would eventually be expanded and that has not happened yet.

Legend		Legend	
Color/Description		C = Comments	S = Support
	Not Moving	M = Monitor	
	OHA Impacted	O = Oppose	
	Key Bills	SA = Support w/ amendments	
	Act 176		

Item #	Bill #	Report	Description	Position
New Bills				
1	<u>SCR090 SD1</u>	Commercial Lessees; Economic Analysis; DBEDT; LRB	REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE THEIR 2003 REPORT ANALYZING THE MAJOR PROBLEMS FACED BY COMMERCIAL LESSEES BY INCORPORATING AN ECONOMIC ANALYSIS TO DETERMINE IF THERE IS A NEXUS BETWEEN THE EXISTENCE OF HIGH LEASE RENTS IN HAWAII AND THE STAGNATION OF HAWAII'S ECONOMY.	M
2	<u>S65</u>	Housing	Hawaii Homeownership Act of 2011. Amends the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 to extend through FY2015 the authorization of appropriations that fund: <ul style="list-style-type: none"> Federal loan guarantees that allow for mortgages on Hawaiian Homelands. <ul style="list-style-type: none"> NEW-refinancing of mortgages attached to Homelands. Allows DHHL to borrow against future NAHASDA funding to finance development. DHHL currently receives about \$10m per year in NAHASDA funds. 	S
3	<u>HR2648</u>	Housing	Hawaii Homeownership Act of 2011. Amends the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 to extend through FY2015 the authorization of appropriations that fund: <ul style="list-style-type: none"> Federal loan guarantees that allow for mortgages on Hawaiian Homelands. <ul style="list-style-type: none"> NEW-refinancing of mortgages attached to Homelands. Allows DHHL to borrow against future NAHASDA funding to finance development. DHHL currently receives about \$10m per year in NAHASDA funds. 	S

Chair Waihe`e asks for a MOTION:

To approve Administration's recommendations regarding New Bills on the OHA Legislative matrix dated April 18, 2012, as amended.

Trustee Hulu Lindsey moves.

Trustee Akana seconds the motion.

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

Trustee Apoliona asks whether or not staff discussed testimony with the Senate on Indian Affairs Committee so they aren't surprised by what OHA submits.

Breann Nu`uhiwa confirmed that discussion did take place.

Trustee Machado comments that strong testimony is necessary.

Breann Nu`uhiwa informs the committee that moving forward as State Legislation winds down we will be taking up more Federal legislation that impact our beneficiaries. In the works staff will be testifying at 2 Round Tables next week dealing with Fish and Wildlife preservation and looking at the Part 83 Federal Recognition process that's in the Bureau of Indian Affairs (BIA) and discussing with other Native peoples how that process can be fixed and fine-tuned. We will become more active on the federal level as that state session comes to a close.

Trustee Machado requests that the federal matters at the congressional level be placed on a separate matrix from the state legislation.

Breann Nu`uhiwa confirms that will be done.

Chair Waihe`e calls for the question.

							2:04 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						EXCUSED
COLETTE	MACHADO			X			
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**.

IV. UNFINISHED BUSINESS

A. 2012 OHA Legislative Package- Updates

Chair Waihe`e calls on Ka Pouhana Kamana'opono Crabbe.

Ka Pouhana Crabbe recognizes Public Policy Manager Breann Nu`uhiwa and Senior Public Policy Advocate Sterling Wong.

Sterling Wong begins with the session calendar; we've passed the second crossover so we are currently looking into bills going into conference committees. This week they're primarily doing GM's and resolutions. The vast majority of the conferees have been named. Final decking is Friday April 27, 2012. He continues on to the OHA Legislative Package matrix dated 4/18/12. We have 4 bills remaining OHA-12 the DHS Asset limits study bill the vehicle is HB2865 HD2 SD2 the House

conferees are Mizuno as the lead, Jordan as Co-chair, M. Lee and Pine, the Senate conferees are Chun Oakland as the lead, Ige as Co-Chair, Ihara and Slom. The bill looks good; it appears that DHS is supporting it. OHA-14; SCR 2 requesting the State's full compliance with Section 5 of Act 178, session laws of Hawaii 2006 made the crossover deadline for Resolutions so it is now in the house, in speaking with Representative Hanohano's staff we found out that the first referral is joint with Hawaiian Affairs and Water, Land and Ocean Resources, unfortunately Water, Land and Ocean Resources has declined hearing the bill so it appears to be dead.

Breann Nu`uhiwa mentions that the fact that we introduced this resolution caused all who hadn't been reporting to us to report to us, so even though the bill has died it had the effect that we were hoping for which is that all of the reports would be submitted to DLNR. Even though the bill was not a success the intended outcome was a result of just introducing the bill.

Sterling Wong continues on to OHA-15; HB2875 SD2 relating to Hawaiian Language Immersion Program. It is very exciting moving forward. Hanohano and Galuteria will be the leads of the conferees; Hanohano has been a big supporter of the bill from the start. We had a meeting yesterday with DOE's Hawaiian studies section and they met on Monday with their accountability division and their deputy and Kau'i Sang and Keoni Inciong said that they're very encouraged by the departments positioning on our assessment for Hawaiian Language Immersion students and they're much more understanding and supportive now.

Breann Nu`uhiwa mentions to the committee how significant this bill has been for us internally. It's been an example to us of how advocacy initiatives and advocacy can move a beneficiary issue forward because we had been receiving beneficiary concerns about the immersion assessments and we looked into writing letters and how we could address it legislatively, now that it looks like the bill will pass and we're poised to have a new policy in place that we've moved forward we're moving into working with the DOE on programmatic aspect of it and trying to now look into the details and technical part of it. So it's really been a good example of how we can do effective advocacy for our beneficiaries and get the community involved and work with different state agencies to advance our beneficiaries interests.

Sterling Wong continues on to last bill OHA-17 HB1984 SD1; The Hawaiian language Month Bill, the conferee leads are Hanohano and Galuteria, in speaking with Hanohano's staff they asked if it would be okay with OHA to accept the Senate's amendments of the bill and we agreed that it would be ok and would help to advance the bill out of conference. So hopefully that will happen, and another good note is that there is no money committees that this bill will need to pass through.

Sterling Wong moves to an additional matrix titled Key Bills during Conference Week dated 4/18/12. Items #1 and #2 are the aha moku bills. There is no mention of OHA in either bill; the one difference in the two bills is that #1 includes the Island Burial Council and the other doesn't. So far everyone we've discussed this bill with, no one seems to want the Island Burial Council included in the bill. Item #4 and #5 are related where #4 is the Ho'okulaiwi Bill and it is dead, so there is no Ho'okulaiwi Bill going into conference. Item #5 HB2012 HD1 SD1 is the State Budget bill that had Ho'okulaiwi language in it, the SD1 was clean with no mention of OHA so right now there are no bills that reference Ho'okulaiwi which is sad because we weren't opposing them getting the state appropriation we just didn't like the mention of OHA because it could have been construed as additional funding. Item #6 HB2819 HD1 SD2 is the vehicle for the "Enhanced Entitlement Bill" since SB2682 died, we are still waiting to see who the House conferees will be if any. Item #7 HB2848 HD3 SD2 relating to

Public Safety we were concerned about this bill because coming out of WAM it sounded like it was amended to include OHA taking on the pilot project, however Senator Galuteria was able to put a stop to that, so this bill is also clean with no mention of OHA.

Breann Nu`uhiwa moves back up to Item #3 HB2245 HD2 SD2 relating to Ha`iku Valley as the committee may recall language was added at the last moment to make OHA financially responsible for the preserve commission and for any actions that they were to take including the transfer of the land from DHHL to DLNR which we estimated would be somewhere between 4 and 5 million dollars. So that was a significant concern for the committee and we opposed the bill on that basis but reiterated that we support the concept of the preserve and the idea of the rehabilitation of that area. Since then we have received a phone call from Hanohano's office asking if OHA would be interested in instead of funding the transfer of land from DHHL to DLNR to fund the transfer of land from DHHL to OHA.

The committee discusses the offer of transferring the land to OHA rather than DLNR.

Sterling Wong acknowledges that he will let Hanohano's office know that the Board discussed the land transfer option and would prefer to not have any financial obligation nor to take on the land, and would prefer to work a situation out that does not include OHA.

Trustee Apoliona recalls from the April 4th meeting that the beneficiaries clearly said that they don't want OHA to be hooked into this bill.

VI. EXECUTIVE SESSION**

None.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

Trustee Machado mentions that SCR116; which is the Aloha Order of Merit passed today which approves the selection of Daniel Kahikina Akaka to be inducted into the Aloha Order of Merit, Senator Akaka will be the first ever named. The bill was first introduced in 1993 and is finally naming its first inductee in 2012.

Chair Waihe`e congratulates Breann Nu`uhiwa on her promotion as OHA's new Chief Advocate. He also announces that Hi`ilei Aloha won a \$10,000 prize at today's Hogan/American Savings Bank Nonprofit Business Plan Competition.

IX. ADJOURNMENT

Trustee Akana moves to adjourn the BAE meeting.

Trustee Apoliona seconds the motion.

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

							2:43 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			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				6	0	0	3

MOTION: ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

Chair Waihe`e adjourns the BAE meeting at 2:43 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 August 1, 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 April 18, 2012
- Beneficiary/Community Question Form (1)