

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'i'hau  
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

LIEUTENANT GOVERNOR'S  
OFFICE

'12 APR 26 P1:53

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

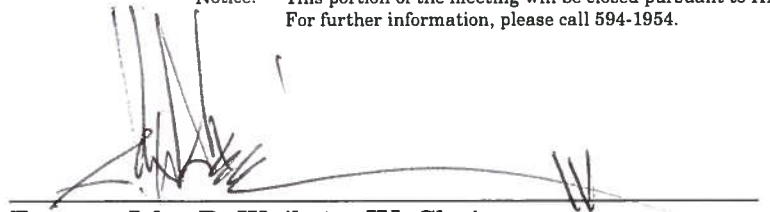
**DATE:** Wednesday, May 2, 2012  
**TIME:** Immediately following the 5/2 JOINT ARM/BAE meeting  
**PLACE:** OHA Boardroom, 5<sup>TH</sup> Floor

**AGENDA**

- I. Call to Order
- II. Approval of Minutes
  - A. March 28, 2012
  - B. April 4, 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 Pouhaha/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. This portion of the meeting will be closed pursuant to HRS § 92-4 and HRS § 92-5(a)4.

\*\*Notice: 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**

**May 2, 2012 1:30 p.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Trustee Haunani Apoliona  
Trustee Carmen Hulu Lindsey  
Trustee Robert Lindsey  
Trustee Colette Machado

**EXCUSED:**

Vice-Chairperson Rowena Akana  
Trustee Peter Apo  
Trustee Donald Cataluna  
Trustee Oswald Stender

**BOT STAFF:**

Capsun Poe  
Crayn Akina  
Kama Hopkins  
Lehua Itokazu  
Liana Pang  
Makana Chai  
Melissa Wennihan  
Nathan Takeuchi  
Reynold Freitas  
Shelsea Apana

**ADMINISTRATION STAFF:**

Aedward Los Banos, COO  
Analika Nahulu, PUBL  
Breann Nu'uhiwa, CA  
Edwina Minglana, TAP  
Hawley Alamodin, CFO  
Jeffrey Kent, PUBL  
Jocelyn Doane, PUBL  
Kai Markell, COMP  
Kamaile Maldonado, PUBL  
Kamana`opono Crabbe, Ph.D., Ka Pouhana/CEO  
Keala Nichols, PUBL  
Lisa Watkins-Victorino, Ph.D., RES  
Sterling Wong, PUBL

**GUESTS:**

Kinohi Gomes  
Michael Lee

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, May 2, 2012 to order at **1:26 p.m.**

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

| MEMBERS |               |             | AT CALL TO ORDER<br>(1:26 p.m.) | TIME ARRIVED |
|---------|---------------|-------------|---------------------------------|--------------|
| CHAIR   | JOHN          | WAIHE'E, IV | PRESENT                         |              |
| TRUSTEE | HAUNANI       | APOLIONA    | PRESENT                         |              |
| TRUSTEE | CARMEN "HULU" | LINDSEY     | PRESENT                         |              |
| TRUSTEE | ROBERT        | 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 | ROWENA | AKANA    | MEMO – REQUESTING TO BE EXCUSED |
| TRUSTEE | PETER  | APO      | MEMO – REQUESTING TO BE EXCUSED |
| TRUSTEE | DONALD | CATALUNA | MEMO - REQUESTING TO BE EXCUSED |
| TRUSTEE | OSWALD | STENDER  | 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 Haunani Apoliona** moves.

**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.

|                  |          |   |   |              |               |                      | 1:27 p.m. |
|------------------|----------|---|---|--------------|---------------|----------------------|-----------|
| TRUSTEE          |          | 1 | 2 | ‘AE<br>(YES) | A`OLE<br>(NO) | KANALUA<br>(ABSTAIN) | EXCUSED   |
| VICE ROWENA      | AKANA    |   |   |              |               |                      | EXCUSED   |
| PETER            | APO      |   |   |              |               |                      | EXCUSED   |
| HAUNANI          | APOLIONA | 1 |   | X            |               |                      |           |
| DONALD           | CATALUNA |   |   |              |               |                      | EXCUSED   |
| CARMEN HULU      | LINDSEY  |   | 2 | X            |               |                      |           |
| ROBERT           | LINDSEY  |   |   | X            |               |                      |           |
| 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**.

## II. APPROVAL OF MINUTES

- A. March 28, 2012
- B. April 4, 2012

Trustee Machado moves to approve the minutes of March 28, 2012 and April 4, 2012.

Trustee Apoliona 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.

|                  |          |   |   |             |               |                      |           |
|------------------|----------|---|---|-------------|---------------|----------------------|-----------|
|                  |          |   |   |             |               |                      | 1:28 p.m. |
| TRUSTEE          |          | 1 | 2 | AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>(ABSTAIN) | EXCUSED   |
| VICE ROWENA      | AKANA    |   |   |             |               |                      | EXCUSED   |
| PETER            | APO      |   |   |             |               |                      | EXCUSED   |
| HAUNANI          | APOLIONA |   | 2 | X           |               |                      |           |
| DONALD           | CATALUNA |   |   |             |               |                      | EXCUSED   |
| CARMEN HULU      | LINDSEY  |   |   | X           |               |                      |           |
| ROBERT           | LINDSEY  |   |   | X           |               |                      |           |
| COLETTE          | MACHADO  | 1 |   | 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.

## III. COMMUNITY CONCERNS\*

None.

## IV. UNFINISHED BUSINESS

### A. 2012 OHA Legislative Package- Updates

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

CEO Crabbe recognizes Chief Advocate Breann Nu'uhiwa and Senior Public Policy Advocate Sterling Wong.

Sterling Wong begins with the OHA Legislative package matrix dated May 2, 2012 and accompanies his discussion with a power point and comments that he will start off with the good news and end with the bad/sad news. All comments are included in power point below.

## OHA 2012 Legislative Package Update

BAE Committee Meeting May 2, 2012

### OHA-17

#### HB1984 SD1 CD1

- Designates February as "Ōlelo Hawai'i Month"
- Requires all letterheads, documents, symbols and emblems of the state to include accurate and appropriate Hawaiian names and language
- Passed Final Reading; will be enrolled to Governor
- HB1984 SD1 CD1 would become the first law printed in Hawaiian since a 1943 law stopped requiring laws to be published in both Hawaiian and English
- Request signing ceremony

### OHA-12

#### HB2685 HD2 SD2 Proposed CD1

- Requires DHS to conduct a study on asset limits for public assistance programs.
- Bill was poised to pass with near unanimous support and DHS agreeing to do study
- Thu., May 26, Senate conferees voted to pass the bill without quorum (Co-Chair Ige was not in attendance)
- Tues., May 1, Senate recommitted bill to conference
- While bill is dead, DHS has still agreed to do study

### OHA-18 SCR143 SD1

- Requests the state's full compliance with US OMB-15, relating to the reporting of disaggregated data for ethnic groups
- Requests that such disaggregated data be published subject to applicable state and federal laws
- SCR143 SD1 has passed both chambers and will be formally adopted

### OHA-15

#### HB2875 SD2

- Requires assessments for Hawaiian immersion students in grades 3-6 to be developed originally in Hawaiian
- Mon., May 23, we were informed that conferees agreed to pass the bill without the appropriation line added in the WAM Committee
- Wed., May 25, WAM would not approve bill without a \$1 million appropriation because of the DOE's bus service issue
- Late Friday, May 27, WAM agreed to move bill without an appropriation but with very restrictive language
- HB2875 was not included in the 47 bills afforded an extension
- Stakeholders will meet with Superintendent tomorrow on a plan to move forward with Hawaiian language assessments

## **V. NEW BUSINESS**

### **A. 2012 OHA LEGISLATIVE POSITIONS**

**Sterling Wong** reviews the two state legislative bills. Staff is recommending to Oppose HB2398 HD2 SD1 related to Honokohau from the start of the session. In the last committee on the Senate side it was gutted and replaced with a bunch of Public Land Development Corporation (PLDC) language, additional Honokohau language, as well as an addition of Aloha Stadium and ended up being a bill with 3 parts. Part 2 is very problematic; it expands some of the authorities of the PLDC. As you may recall we have had a lot of concern with the PLDC because of the broad exemptions they're afforded from land use and zoning laws. Part 2 of this bill would've expanded the definition of development rights to be all encompassing. We are cautious because the 'development rights' concept is a new concept in Hawaii and we are not sure what it would entail, and to broaden it is a concern. In a worst case scenario, they could do a lot of development at Honokohau without regulations and protections for our beneficiaries.

Staff is recommending changing OHA's position from Monitor to Oppose on HB2703 HD2 SD2 relating to Food Self-Sufficiency. In conference they introduced a brand new bill and we are concerned with the water code amendment making agricultural use a trust purpose equal to the other trust purposes in the water code, we feel they violated House Rules. Unfortunately the SD2 was a good bill, but because of the amendments we would definitely like to oppose the bill.

| 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 |
| <b>New Bills</b>  |                       |                               |  |          |
| 1                 | <u>HB2398 HD2 SD1</u> | RELATING TO LAND USE.         | Transfers development rights of certain lands under the division of boating and ocean recreation and land division to the public land development corporation.<br>Exempts certain lands from the definition of public land under chapter 171, HRS, but requires legislative approval for the sale or gift of those lands. Creates the stadium facilities special fund into which shall be deposited a portion of the proceeds generated by the PLDC on Aloha stadium lands and facilities. Allows the PLDC to contract with state and county agencies for lease management services of PLDC-controlled land. Clarifies the definition of development rights. (SD1) | O        |



| Item #                                    | Bill #                          | Report                                    | Description  | Position |
|---|---------------------------------|---|--|----------|
| <b>Bill Positions for Reconsideration</b> |                                 |   |  |          |
| 2   | <u>HB2703 HD2</u><br><u>SD2</u> | RELATING TO<br>FOOD SELF-<br>SUFFICIENCY. | Creates a new chapter in HRS requiring the department of agriculture to develop a food sustainability standard to promote local food production to help diversify the local economy. Effective 7/1/2030. (SD2) | M > O    |

**CEO Crabbe** informs the committee that he has been in discussion with the Chief Advocate regarding the consideration that the Board develop a broad policy of opposing the selling public or ceded lands.

**Breann Nu`uhiwa** states that this is an issue staff has been looking at. Especially this session where there have been several resolutions related to the transfer of ceded lands in regards to individual homeowners and also larger ceded land issues that arise in legislation. We are hoping to propose a policy to the Board before the next legislative session relating to OHA's general position on the alienation of ceded lands. We've been practicing opposing the alienation of ceded lands, although there have been instances of individual condo owners who we've felt would not be a detriment to our beneficiaries. We've retained outside counsel to go through the various issues and the possibilities that could arise legislatively and we will bring that to you, but wanted you to be aware that we are working on it.

**Breann Nu`uhiwa** moves on to the Federal matrix. S1684, related to Indian Tribal Energy Development and Self-Determination, is a bill that in general would facilitate assistance and more grant and loan opportunities for the development of energy within Indian country by Tribal governments. There has been testimony submitted to the extent that DHHL and its beneficiaries are engaged in energy development projects and we wanted to ensure that the voice of the broader Native Hawaiian community is heard. Staff recommends support of this bill which will empower Native communities to engage in more energy development and also submit testimony advocating for the rights of all of our beneficiaries including the DHHL beneficiaries and our other beneficiaries.

**Trustee Apoliona** asks if there is a House companion of this bill.

**Breann Nu`uhiwa** responds that there is none that they're aware of.

**Federal Matrix  
(OHA Federal Legislative Matrix)**

| Item #           | Bill # | Title  | Description  | Position |
|------------------|--------|--|--|----------|
| <b>New Bills</b> |        |  |  |          |
| 1                | S1684  | Indian Tribal Energy Development and Self-Determination Act Amendments of 2011 | Amends bill to increase technical assistance, grants, loans for energy development and efficiency programs. Puts tribes on same preference level with state/municipal government for hydro projects. Makes tribes eligible for demonstration biomass projects. | S        |

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

To approve Administration's recommendations regarding: New Bills and Bill Positions for Reconsideration on the OHA State Legislative Matrix and New Bills on the OHA Federal Legislative Matrix, both dated May 2, 2012.

**Trustee Apoliona** moves.

**Trustee Hulu Lindsey** seconds the motion.

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

**Trustee Machado** notes for the record with regard to HB2398 HD2 SD1 that this is ratifying the letter that Ka Pouhana Crabbe sent out because we were unable to take an official position previously.

There is no further discussion.

|                         |          |          |          |                      |                       |                              |                |
|-------------------------|----------|----------|----------|----------------------|-----------------------|------------------------------|----------------|
|                         |          |          |          |                      |                       |                              | 1:54 p.m.      |
| <b>TRUSTEE</b>          |          | <b>1</b> | <b>2</b> | <b>`AE<br/>(YES)</b> | <b>A`OLE<br/>(NO)</b> | <b>KANALUA<br/>(ABSTAIN)</b> | <b>EXCUSED</b> |
| VICE ROWENA             | AKANA    |          |          |                      |                       |                              | EXCUSED        |
| PETER                   | APO      |          |          |                      |                       |                              | EXCUSED        |
| HAUNANI                 | APOLIONA | 1        |          | X                    |                       |                              |                |
| DONALD                  | CATALUNA |          |          |                      |                       |                              | EXCUSED        |
| CARMEN HULU             | LINDSEY  |          | 2        | X                    |                       |                              |                |
| ROBERT                  | LINDSEY  |          |          | X                    |                       |                              |                |
| COLETTE                 | MACHADO  |          |          | X                    |                       |                              |                |
| OSWALD                  | STENDER  |          |          |                      |                       |                              | EXCUSED        |
| CHAIR JOHN              | WAIHE`E  |          |          | X                    |                       |                              |                |
| <b>TOTAL VOTE COUNT</b> |          |          |          | 5                    | 0                     | 0                            | 4              |

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

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

**Sterling Wong** provides additional updates. HB2806 the Aha Moku bill passed with a \$76,500 state general fund appropriation for Fiscal Year 2012-2013 and will be under DLNR. HB2246 related to Ha`iku Valley has died. Relating to the State Budget, we are clean since there are no OHA matching funds for anything in the supplemental budget, and Na Pua Noeau did get its \$700,000 for 18 positions for FY2013.

## **VI . EXECUTIVE SESSION\*\***

None.

## **VII . BENEFICIARY COMMENTS\***

None.



## VIII. ANNOUNCEMENTS

**Ka Pouhana Crabbe** introduces Lisa Watkins-Victorino as the new Research Director.

## IX. ADJOURNMENT

**Trustee Apoliona** moves to adjourn the BAE meeting.

**Trustee Machado** seconds the motion.

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

|                  |          |   |   |              |               |                      | 2:01 p.m. |
|------------------|----------|---|---|--------------|---------------|----------------------|-----------|
| TRUSTEE          |          | 1 | 2 | `AE<br>(YES) | A`OLE<br>(NO) | KANALUA<br>(ABSTAIN) | EXCUSED   |
| VICE ROWENA      | AKANA    |   |   |              |               |                      | EXCUSED   |
| PETER            | APO      |   |   |              |               |                      | EXCUSED   |
| HAUNANI          | APOLIONA | 1 |   | X            |               |                      |           |
| DONALD           | CATALUNA |   |   |              |               |                      | EXCUSED   |
| CARMEN HULU      | LINDSEY  |   |   | X            |               |                      |           |
| ROBERT           | LINDSEY  |   |   | X            |               |                      |           |
| COLETTE          | MACHADO  |   | 2 | 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 2:01 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 (4)
- Community Sign-In Sheet dated May 2, 2012 (not provided – empty)