

PHONE (808) 594-1888

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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



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

LIEUTENANT GOVERNOR  
OFFICE

12 OCT 24 P1:49

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


**DATE:** Wednesday, October 31, 2012  
**TIME:** 1:30 p.m.  
**PLACE:** OHA Boardroom, 5<sup>TH</sup> Floor

**AGENDA**

- I. Call to Order
- II. Approval of Minutes
  - A. September 26, 2012
  - B. October 3, 2012
- III. Community Concerns\*
- IV. Unfinished Business
- V. New Business
  - A. BAE 12-04 2013 OHA Legislative Package
- VI. Executive Session\*\*
  - A. Approval of Executive Session Minutes for September 26, 2012
- 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, HRS § 92-5(a)(3), and/or 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**

**October 31, 2012 1:30 p.m.**

**ATTENDANCE:**

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

**EXCUSED:**

Trustee Donald Cataluna  
Trustee Colette Machado

**BOT STAFF:**

Crayn Akina  
Dayna Pa  
Kama Hopkins  
Lehua Itokazu  
Lei-Ann Durant  
Liana Pang  
Makana Chai  
Melissa Wennihan  
Reynold Freitas  
Shirley Nakanishi

**ADMINISTRATION STAFF:**

Analika Nahulu, PUBL  
'Auli'i George, PUBL  
Breann Nu'uhiwa, CA  
Garett Kamemoto, MRM  
Hawley Iona, CFO  
Jerry Norris, COMP  
Jim McMahon, ADV  
Jocelyn Doane, PUBL  
Kamaile Maldonado, PUBL  
Keala Nichols, PUBL  
Kealoha Fox, CEO  
Luci Meyer, OUTR  
Sterling Wong, PUBL  
Wayne Tanaka, PUBL

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, October 31, 2012 to order at **1:45 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:45 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	1:56 PM
TRUSTEE	PETER	APO	PRESENT	1:51 PM
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
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	DONALD	CATALUNA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	MEMO - REQUESTING TO BE EXCUSED

## **II. APPROVAL OF MINUTES**

A. September 26, 2012

B. October 3, 2012

Trustee Hulu Lindsey moves to approve the minutes of September 26 and October 3, 2012.

Trustee Robert 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.

							1:47 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA						Not Present at time of vote
PETER	APO						Not Present at time of vote
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY		2	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\***

None.

## **IV. UNFINISHED BUSINESS**

None.

## V. NEW BUSINESS

### A. BAE 12-04 2013 OHA Legislative Package

Trustee Waihe'e seeks a **MOTION**:

**To support the following new legislative proposals and approve their inclusion in the 2013 OHA Legislative Package:**

- **OHA-1**  
**OHA Budget:** Provides for OHA's General Fund Biennium Budget FY2013-14/FY2014-15. (Attachment A)
- **OHA-2**  
**Hawaiian Language Assessments:** Requires the Department of Education to develop reading, math and science assessments in the Hawaiian language for grades three through six Hawaiian Language Immersion Program students. (Attachment B)
- **OHA-3**  
**'Ōlelo Hawai'i Month:** Designates February as 'Ōlelo Hawai'i Month to celebrate and encourage the use of Hawaiian language. (Attachment C)
- **OHA-4**  
**Apology Resolution 20-Year Commemoration:** Commemorates the 20<sup>th</sup> anniversary of the adoption of the Apology Resolution. (Attachment D)
- **OHA-5**  
**Island Burial Councils Composition:** Reduces the minimum number of island burial council members and makes the island burial council seats for large landowner representatives optional. (Attachment E)
- **OHA-6**  
**Native Hawaiian Law Training Course:** Requires the members of certain boards and commissions to attend a Native Hawaiian law and public trust training course developed and paid for by OHA. (Attachment F)
- **OHA-7**  
**Public Land Development Corporation:** Amends HRS Ch. 171C to add two new seats to the PLDC board and incorporate language to confirm the PLDC's compliance with 1) Act 176 related to the exchange of state-controlled land; 2) Act 178 related to OHA's pro rata portion of the public land trust revenue; and 3) laws that protect Native Hawaiian traditional and customary rights. (Attachment G)
- **OHA-8**  
**Native Hawaiian Justice Task Force Recommendation #1:** Short form bill. (Attachment H)
- **OHA-9**  
**Native Hawaiian Justice Task Force Recommendation #2:** Short form bill. (Attachment I)
- **OHA-10**  
**OHA Bonding Authority:** Short form bill. (Attachment J)

**Vice-Chair Akana moves.**

**Trustee Hulu Lindsey seconds the motion.**

**Chair Waihe`e** recognizes Chief Advocate Nu`uhiwa and she begins the discussion on action item BAE 12-04.

**Chief Advocate Nu`uhiwa** greets the committee and calls on Public Policy Manager Sterling Wong to discuss the 2013 OHA Legislative Package.

**Public Policy Manager Wong** begins the discussion with OHA-1 - The OHA Budget Bill. The bill has been approved by the OHA Committee on Asset and Resource Management (ARM) and contains the three general provisos that we have related to Social Services, Legal Services, and Education Enrichment. In addition, there are two new provisos; one for leveraging opportunities and the other for health.

OHA-2 - Hawaiian Language Assessments. This is essentially the same bill we had in our package last year. This version would require assessments for grades 3-6 be created and originated in the Hawaiian language for immersion students.

OHA-3 - 'Ōlelo Hawai'i Month. We made sure that the title of the bill was narrow and it's called Mahina 'Ōlelo Hawai'i to make sure that legislators can't add other things to the bill and we hope that it comes out of this session clean.

**Senior Public Policy Advocate Jocelyn Doane** speaks on OHA-4 - Apology Resolution 20-Year Commemoration. The essence of this is that we will be celebrating the 20<sup>th</sup> anniversary of the U.S. Apology Resolution. We thought it would be a good time to recognize our progress towards reconciliation and reaffirm the commitment of doing so and have them urge the federal government to advance reconciliation on the federal level and support efforts to further self-determination. The "whereas" clauses just focus on the positions we have taken in the past.

**Public Policy Manager Wong** proceeds with OHA-5 - Island Burial Council Composition. We didn't bring this to the BAE during the conceptual plan but we did mention that we were meeting with the leadership of the Island Burial Councils. Last year, we met with them a couple of times and once during session due to the State Administration's push for the Statewide Island Burial Council bill which would have dissolved the Island Burial Councils and created one statewide. The reason for the Statewide Burial Council push is that some Island Burial Councils were having issues meeting the composition requirements; meaning that of the 9 minimum representatives, 3 needed to be landowners. Some islands were having difficulty meeting because of this composition requirement. We are proposing in OHA-5 that the minimum membership requirement be changed from 9 representatives to 5 representatives and that the landowner seat be optional but not required, while still allowing for a maximum of 3 landowner seats.

**Senior Public Policy Advocate Doane** updates on OHA-6 - Native Hawaiian Law Training Course. This is the same bill that was part of OHA's 2011 Legislative Package. It essentially requires members of certain boards and commissions which include: the Board of Land and Natural Resources, The Land Use Commission, The Water Commission, The Environmental Council, Agro Business Development Corporation, Board of Agriculture, Legacy Lands Conservation, Natural Areas Reserve, Historic Places Review Board, Board of Health, and the Public Land Development

Corporation to attend a Native Hawaiian Law Training Course. The idea is that individuals who are appointed to these seats often times come from a variety of backgrounds and may not have an understanding of Native Hawaiian Law and how their decisions will impact our beneficiaries. We came very close to passing this bill in 2011, however, it didn't pass so we are reintroducing it. There will also be the very first Native Hawaiian Law Training Course on a voluntary-basis beginning in January 2013.

OHA-7 - Public Land Development Corporation. This bill is similar to our 2012 Legislative Package version which confirms that the PLDC will follow the law related to Act 178 and OHA's right to a pro-rata share of the revenue. It addresses the ceded lands issue by ensuring that if there will be an exchange in lands they'll maintain the status quo and do what all state agencies do; by going through the process that was a part of Act 176.

Related to traditional and customary practices, we are proposing to: mandate consultation with the Office of Hawaiian Affairs on their rules, projects and activities, eliminate zoning and land use exemptions, add two members to their board where one would be OHA's CEO or a designee and an expert in sustainable planning in natural and cultural resource management, require them to provide protections for cultural practices in their public land optimization plan, require business and development plans which are currently discretionary, and include a culturally-sensitive plan within their development plans.

**Public Policy Manager Wong** continues on with OHA-8 and OHA-9 - Native Hawaiian Justice Task Force Recommendations #1 and #2. The task force is still developing its findings and recommendations. We will bring back their findings after the OHA investiture to replace these two short form bills.

The same goes for OHA-10 - OHA Bonding Authority. During the Kaka`ako workshop the OHA board had convened, there was talk about expanding OHA's bond authority. We have contracted outside counsel and will bring something back to the board, when appropriate.

That's it for the OHA Legislative Package for right now. There are two other items I'd like to discuss; the coordinated Advocacy proposals that were presented to the BAE Committee back in September 2012. One is about the asset limits. The Department of Human Services is still considering and we believe will be placing in its administrative package a bill that will eliminate asset limits for public assistance programs, like the Temporary Assistance for Needy Families (TANF). This is a bill we introduced last year which was to increase the asset limit requirement to make sure that people could save up enough money and still avail themselves of those public assistance programs.

The last one is on the Uncut, Unprocessed Fruits and Vegetables General Excise Tax Exemption which we have been discussion with the Department of Health about. They were sort of confident that it would be put in their administrative package and the Governor was on board. However, we met with them yesterday and the Department of Budget & Finance reported on the financial impact of the proposed tax exemption and it would be a 15.8 million dollar loss of revenue for the State. The Governor said no, so unfortunately that bill is no longer on the table.

**Chair Waihe`e** asks if there is any further discussion. There is no further discussion.

Chair Waihe` calls for a ROLL CALL VOTE on the motion made by Vice-Chair Akana and seconded by Trustee Hulu Lindsey.

To support the following new legislative proposals and approve their inclusion in the 2013 OHA Legislative Package:

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- **OHA-10**  
**OHA Bonding Authority:** Short form bill. (Attachment J)

						2:46 p.m.
TRUSTEE	1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA AKANA	1		X			
PETER APO			X			
HAUNANI APOLIONA			X			
DONALD CATALUNA						EXCUSED
CARMEN HULU LINDSEY		2	X			
ROBERT LINDSEY			X			
COLETTE MACHADO						EXCUSED
OSWALD STENDER						Departed at 1:58 PM
CHAIR JOHN WAIHE`E			X			
<b>TOTAL VOTE COUNT</b>			6	0	0	3

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

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



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

### **A. Approval of Executive Session Minutes for September 26, 2012**

Chair Waihe`e asks for a motion to resolve into Executive Session pursuant to HRS § 92-4, HRS § 92-5(a)(3), and HRS § 92-5(a)(4).

Trustee Apoliona moves to resolve into Executive Session.

Vice-Chair 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.

							2:47 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA		2	X			
PETER	APO			X			
HAUNANI	APOLIONA	1		X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER						Departed at 1:58 PM
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.

The committee resolved into Executive Session at 2:47 p.m.

### **A. Approval of Executive Session Minutes for September 26, 2012**

The committee returned to Open Session at 2:49 p.m.

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

None.

## **VIII. ANNOUNCEMENTS**

None.

## **IX. ADJOURNMENT**

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

**Vice-Chair Akana seconds the motion.**

**Chair Waihe`e asks if there is any discussion. There is none.**

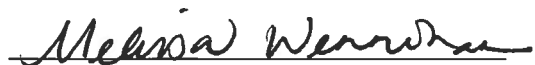
**Chair Waihe`e asks if any members vote NO or ABSTAIN. There are no dissenting votes.**

							2:49 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA		2	X			
PETER	APO			X			
HAUNANI	APOLIONA	1		X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER						Departed at 1:58 PM
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 2:49 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 January 2, 2013.



Trustee John D. Waihe'e, IV

Chair

Committee on Beneficiary Advocacy and Empowerment

ATTACHMENTS:

- Notice of Excused Absence (2)
- Community Sign-In Sheet dated October 31, 2012