

**STATE OF HAWAI'I**  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES

February 24, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka  
Vice-Chairperson Keola Lindsey  
Trustee Leina'ala Ahu Isa  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'aina Lee  
Trustee C. Hulu Lindsey  
Trustee John Waihe'e, IV

BAE STAFF:

Brandon Mitsuda  
Mark Watanabe

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Wong, Sterling / Chief Advocate  
Tanaka, Wayne / Public Policy Manager  
Raina Gushiken, Senior Legal Counsel  
Ohta, Everett, Assistant Legal Counsel  
Kevin Chak, IT

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 24, 2021 to order at **1:31 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:31 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	EXCUSED	1:47 p.m.
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	1:34 p.m.

At the Call to Order, **EIGHT** (7) Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda\*

None

III. UNFINISHED BUSINESS

**A. 2021 OHA Legislative Package Updates - Matrix 1\*\***

**Chair Akaka** yields the floor to Ka Pouhana Sylvia Hussey.

**Ka Pouhana Hussey:** Thank you, Trustee, we will go ahead and do a straight shot lateral to Public Policy Manager Wayne who will walk us through the calendars, as well as the matrices. Sorry Sterling, go ahead.

**Chief Advocate Wong:** Aloha Madam Chair, Vice Chair, members of the committee, Sterling Wong, Chief Advocate for the administration just to go over quickly, the legislative calendar, to get a sense of where we are right now. We are looking at the 24th. We're looking straight at the March 5th decking deadline, which means all bills need to be out of their final committee of referral in the first chamber to make it to crossover. So that's really what's driving session right now. I think we've seen a lot of bills already die off. We're going to see a bunch more die off and then you know after crossover really get to focus on, I think the priority measures for the rest of the session.

So now to go to our package, our package is actually doing fairly well. OHA-1, our budget bill as you recall last week. The House bill, which is the vehicle, which is going to be the vehicle for our budget bill did already have a hearing and then when we had presented to the BAE committee last week Wednesday they were scheduled to do decision making that afternoon. The good news is that bill passed unamended, which is a little unusual. They didn't blank out any dollar amount. So we still have all the dollar amounts intact in our budget bill in the house vehicle. As you know the Senate vehicle was passed out of Hawaiian Affairs, but we don't expect it to get a hearing in WAM as is just sort of the norm for our budget bill and most budget bills.

OHA-2, it passed out of JDH in the house, we are hoping it gets a hearing in finance to make that decking deadline. As I mentioned last week, the Senate version of this bill is most likely dead. It didn't make the lateral deadline with Water, Land not hearing it. But we still have the House vehicle moving so we're holding hope for that one.

Maybe some bad news for OHA-3, our expungement bill. As you know the House bill died pretty early on in its first hearing in the House. The Senate bill, which you know, we worked out some amendments with judiciary, The City Prosecutors Office and the AG 's, we were hopeful for that bill, but it did pass the lateral deadline, but it's looking like judiciary might not hear the bill. We hear that small businesses who are concerned about crime are getting some traction with their arguments. So that's unfortunate, but we live to fight another day and we made a lot of progress and elevating the issue so even if the bill doesn't make it through, still good discussion on the bill and actually opened up a a good discussion for us with the City's Prosecutors Office that we had a meeting with them yesterday to talk about their community outreach program, so that's exciting as well.

For OHA-4, our resolution on data. There is an update for that. It did get finally, it's referrals in both the House and the Senate. Yeah, so we look forward to you know, getting some hearings on that. The resolution timetable is a little bit different than the regular bill calendar so we've got some some time before those bills probably get heard, and it's not listed here because I think it was just posted today.

HCR3 was referred to the House Committee on Pandemic and Disaster Preparedness, as well as Judiciary and Hawaiian affairs, so we look forward to seeing those bills move. Madam Chair if there's no questions from the members that will close this presentation on this agenda item, mahalo nui.

**Chair Akaka:** Mahalo, I also note members that we have received from OHA Public Policy, the updated legislative matrices within the 72 hour deadline for board materials, thereby requiring a waiver of the 72 hour deadline for board materials. The legislative matrices were updated to make non substantive numeric changes and were emailed to all of you in the updated BAE electronic folder and posted to the BAE website.

## B. 2021 OHA Legislative Package Updates - Matrix 2\*\*

**Chair Akaka** yields the floor to Ka Pouhana Sylvia Hussey.

**Ka Pouhana Hussey** yields the floor to Public Policy Manager Tanaka to address Matrix 2.

**Public Policy Manger Tanaka:** Hey good afternoon, Trustees. It's Week 5 of session, we made it past lateral. We are heading to decking and crossover next week. So hopefully next week 's matrix will be have a lot less bills since everything that didn't make it past lateral won't be on there and after that we'll start seeing resos. coming in so yeah. And as always want to thank PP staff and the other OHA staff who have been working overtime on the weekends to not only get these recommendations analysis to folks but also actually advocate on these measures and I also want to thank Letani Peltier who is sharing his screen since Sterling has to leave. So you may have noticed we're doing things a little bit different today. So we've sent you two matrices that are not the OHA package matrices, but two other matrices. One is the big one, which is just a regular one which would include the bills we're asking you take action on and the smaller one is just all the bills that name OHA and those are on the big one too. But we decided to pull the OHA named bills into this separate matrix just to highlight these bills because they may be of particular interest to the Trustees, like the Kaka'ako and the PLT and Trustee election ones. So we're going to start with those and again these are all old positions, so these are just updates, we are not recommending action or changes for any of these but we're just gonna start with these, hit these high profile bills, and then we'll move over to the big matrix and talk about the ones we'll be asking for the board to take action on, and then also give updates on other old bills that don't name OHA. So I'm gonna try to keep this under an hour because I know there are some important meetings that folks have to go to at 2:30.

So again we'll start with the OHA named bills matrix, that's the small matrix. I'm not going to talk about all of them, I'll just hit the big ones. So you know it's HB1264, that's on page 5. The Kaka'ako hotel bill, that one's actually dead. Kaka'ako residential, there's one measure that's alive. That's SB1334 on page 14. It actually has a hearing, just got scheduled next week Wednesday, on the 3rd of March. Sterling's got some of the latest insights on that bill. You know it was re referred to include not just Ways and Means and Judiciary, but also include Water and Land. I think you know, he's been talking to the Chair of Water and Land and their interested in also weighing in on that measure. You know there's a really favorable committee report that came out from its first hearing from Hawaiian Affairs and Housing. Sterling, did you wanna add any other notes?

**Chief Advocate Wong:** Thanks Wayne, Madam Chair just a couple of notes. Some updates from the last BAE hearing. There was actually a bunch of developments. It's starting to shape up to be very exciting, so as you know, I think BAE committee last week, the bill had already had its first hearing with the joint Hawaiian Affairs and Housing, and just to read off some of the votes to provide some context. In the Hawaiian Affairs Committee there were two no's.

**Trustee Lee:** Sterling, what bill are you talking about?

**Chief Advocate Wong:** I'm sorry, SB1334, this is the Kaka'ako Makai residential bill. So Senators Acasio and Ihara in committee had voted no. On the House side we had an aye with reservations, Rep. Karl Rhoads, who is actually the Judiciary Chair who we will have a hearing with up next and then Senator Moriwaki had voted no. After those two committees had their joint hearing, the full floor voted for the bill to pass second reading and we had Senator Acasio had gone on that floor vote from a no to an aye with reservations and then we had three nos. Senators Donna Mercado Kim, Moriwaki and Riviere all voted no and so just an update and then in terms of the voting and sort of I guess that kind of provides sort of a context of how the bill is shaking out. We are working you know with Chair Hulu Lindsey and Chair Kalei Akaka to shotgun and try and get as many meetings as we can and big mahalo to our Trustees for really, really making themselves available

and for you know the staff to hit all of these meetings. We have a couple of big meetings this afternoon, including with Senator Karl Rhoads to discuss this and as Wayne had mentioned, we kind of have a doozy second referral here with a triple joint which is quite unusual, especially for the Senate, and a triple joint for the second hearing is really unusual. Its Judiciary, Ways and Means and Water and Land, yeah, so I think that's an update if there are no questions on this specific bill, I'll toss it back over to Wayne for the rest of the update.

**Public Policy Manger Tanaka:** So the PLT bill that would lift the cap on the 15.1 million, SB321, that's on page 10 is still alive. It passed out of Hawaiian Affairs with amendment, so I think it blanked out the amounts. It's on its way to Judiciary and Ways and Means so we'll see if they schedule it, I'm not sure if they will but it's still technically alive.

SB1317 on page 13. That bill we're opposing because it basically would give public land trust revenues that are set aside for Native Hawaiians to the Department of Hawaiian Homelands. That bill is also still alive. It passed out of Hawaiian Affairs without amendments so it didn't fully address our concerns and it's also on its way to Ways and Means and Judiciary.

HB1298 and HB1299. Those are on pages 6 and 7. Those are still technically alive, they're on their way to FIN, so these bills if you recall would basically drain our trust fund accounts, along with trust funds and other you know special funds across state agencies. So we don't think it's in the legislature 's prerogative to do that to OHA trust funds and so we're opposing them. They haven't had a hearing but they only have a single referral in FIN, so they're technically alive until decking. Otherwise, those are the PLT bills that are still alive that are of concern.

The trustee election bills. So SB195 and SB196. I think they straddle pages 8 and 9. So these are the apportionment bills. They're both technically alive, so the Constitutional amendment for reapportionment is going to Judiciary and Ways and Means in the Senate and then the statutory amendment SB195 is going to Judiciary. So it's still alive, has to get heard before the decking deadline next week to stay alive.

The SB238 on page 9. This is the randomization bill. It's also still alive. It's on its way, it actually passed out Judiciary with amendments, so we'll see what comes out of there. I'm still waiting for the SD.

And then SB981, which is a public funding bill, which is on page 12. That one is going to make it to crossover so it was passed with amendments out of the Judiciary and Ways and Means. They clarified that would be 15% of the expenditure limit, which is what the amount that OHA Trustees would be eligible for receiving. There's still some issues in terms of parity between you know what's required of the LG and what's available to the Lieutenant Governor versus OHA Trustees. So you know, we'll still comment on that disparity. It also includes also the new language is talking about randomization. So basically the last bill that I talked about, it was inserted in this bill. And so we also comment on that and how it may be more appropriate for them to you know randomize every campaign versus just the OHA Trustees.

And then the SB890 on page 10. This is one that would create urban and rural districts for OHA at large Trustees. We're opposing this bill. It you know, it's grossly unconstitutional in terms of the equal representation rule in the Constitution. That one is still alive, its current referral is to the Judiciary.

**Trustee Lee:** Wayne, did we change our stance? You just said we're opposing 890.

**Public Policy Manger Tanaka:** Sorry, let me double check that. Oh yeah, it should be comment. Sorry I misspoke, my thing in my cheat sheet is wrong, it should be comment.

And then, so just a handful of other bills. SB1, this is on page 8. This is the Aloha Homes bill. It actually no longer names OHA. The SD1 came out and they basically took out any reference to the Office of Hawaiian Affairs. So there's no provision about transfer units to OHA under the Aloha Homes program. It still allows for

lands to be leased or set aside to HHFDC and then subject to super long term leases. You know 99 plus years and so unless and until they provide some kind of provision that can recognize and protect or preserve Native Hawaiian claims to ceded lands, they might be subject to such long term leases. We're going to continue opposing and we do have language. We did put forward language in our testimony on this and on similar measures that would you know address our concerns but it seems like there's still reluctant to kind of acknowledge this.

**Chair Akaka** recognizes Trustee Ahu Isa.

**Trustee Ahu Isa:** Wayne, I was listening to this talk show in the morning with Rick Hamada and he had this guy on and all they were talking about was this bill, the Aloha bill and they kept saying I don't know why OHA wants this housing. I don't know why OHA wants affordable housing when it's not affordable. It ends up being like people buy it and he said 801 South and then they sell it later. He has friends that are selling it at market price. So I'm glad they took it off. You said that they took it off. Any reference to OHA they took it off.

**Public Policy Manger Tanaka:** Yeah, I mean, so what the bill would have done is you know allow for 99 year leasehold sales of public lands. And so because these could include ceded lands. There was a provision earlier to have some percentage of units be transferred to OHA or DHHL. And this is something that we've you know, we've been looking at and considering for the last couple of years. The Board actually accepted that in the last couple years as a reasonable way to mitigate our concerns about ceded lands being potentially lost for a century or more. And so yes, that language was taken out. I think you know, there are a lot of Fair Housing Act concerns that were raised. And I think that was kind of like part of the reason why they took it out, based on the chairs comments.

**Trustee Ahu Isa:** I'm glad they did because I wanted to call the radio station and I didn't have a phone number. I wanted to tell Rick Hamada that's not true. Anyway, it's just a comment that people are watching for OHA things and talking about it on the radio. Thank you, Chair.

**Public Policy Manger Tanaka:** So just like a couple more OHA named bills that are alive that I wanted to touch on. HB742, that's on page 3. That is the Native Hawaiian training course, it would increase the frequency and mandate that it be held four times a year. That bill is has only a single referral to Judiciary and Hawaiian Affairs in the House. So it's technically alive until decking and then a related bill or sort of related note, SB1409 on page 14. This is the one that would give more teeth, more incentive for board and commission members to comply with the existing training course requirement. This bill passed out of judiciary or no sorry, it's gonna be heard tomorrow in the Judiciary Committee, and so we'll see if it makes out of committee tomorrow, then it will be on its way to crossover. And so those are the OHA named bills I wanted to highlight. So before we jump back to the big matrix and talk about the bills that we are recommending action on, just wanted to see if there's any other bills that the Trustees are interested in that name OHA that you'd like me to talk about it.

**Chair Akaka** recognizes Trustee Alapa.

**Trustee Alapa:** This question is for Wayne. I wanted to know what are the things your team is doing to express the opposition of the OHA election bills.

**Public Policy Manger Tanaka:** So we are, we actually, I don't think those bills have moved since the you know, since we took a oppose position, you know we've talked to you know, committee chairs to you know, highlight the Constitutional challenges. Like hopefully they don't want to pass a law that's patently unconstitutional, or that would create a Board of Trustees Board that's like 20 or 30 trustees big. So I mean, I think that's been effective in getting there, you know, just kind of educating them 'cause they don't, not everyone knows, not everyone is a lawyer or constitutional scholar, so I think just educating them as to what the implications are given the you know, the kind of legal nuances and equal representation.

**Trustee Alapa:** I'm sorry what are the responses you're getting? Your education aspect for them.

**Public Policy Manger Tanaka:** I mean they're, they seem like they learn something. I mean, they haven't been like oh okay we'll kill the bill, but you know, they're like, oh okay, I get it, I get it.

**Trustee Alapa:** Okay, so we do want to kill it right.

**Public Policy Manger Tanaka:** Yeah, I mean I'll be. We'll see, it is technically alive if they don't get scheduled for a hearing next week, then they'll be dead, the apportionment ones. And I think the redistricting. Yeah, so hopefully we'll be able to not have to deal with those bills for this session.

**Trustee Alapa:** Thanks

**Public Policy Manger Tanaka:** So it's not on this matrix, but we did want to add one bill or actually a couple of measures, but their companion resolution. So HDR41 and HR33. So ones a concurrent resolution that has to crossover, the other one is a single body resolution, but they're both the same thing and they both talk about Mauna Kea, and you probably have heard about this in the news or on social media, these resos. they do name OHA. So first of all, we're recommending commenting on them. What they would do is establish a working group to build off of the Kuiwalu Independent Evaluation of the Mauna Kea Comprehensive Management Plan to address what the resolution recognizes as mismanagement, mistrust and polarization that has arisen from UH's stewardship of the Mauna. So the working group would consist of 15 individuals, including seven Native Hawaiians which are appointed by the Speaker of the House and then one representative appointed by OHA. 11 out of 15 of the folks on this working group would be appointed by a single person, the speaker. And so we talked about. Yeah, we talked about this bill with the ad hoc committee. There's a hearing tomorrow at 9:00, so we actually submitted testimony on behalf of the ad hoc. And as I said, our recommendation is to submit comments and so what we've said is no, we appreciate that there's an acknowledgement and recognition of the, you know, mismanagement in this trust that has kind of plagued UH's stewardship of the Mauna, but we also want to not our concerns. You know first of all, about the objectivity of the independent evaluation done by Kuiwalu, given that Kuiwalu itself was the one that wrote the CMP in the 1st place, and then we also reiterate some of our substantive concerns that we've raised over the last 10 years. Our testimonies, actually, it included as an attachment all of our past correspondences, and I think it's like 110 pages long. But, and we also raised concerns about the composition talking about which you know suggesting that it be not just Native Hawaiians, but you know Native Hawaiians with Kuleana to Mauna Kea from Hawai'i Island who are practitioners or descendants and that the membership of the task of the working group be more spread out. And potentially come from other, you know, not just the super majority coming from the speaker, but having other folks like, the role order of Kamehameha. You know, having you know some ability to directly appoint representatives, that kind of thing, and so those are the comments that we're recommending the Board take a position on. The ad hoc already has discussed this. We ran it past counsel in our litigation against the state, UH, who are fine with it. And yeah, so recommending adding these two measures HDR41, HR33 to this matrix so we can have a BAE position and subsequent Board position on these resos. and the hearing is tomorrow at 9, just in case someone is interested.

**Chair Akaka:** Mahalo, Wayne, I'm just doing a time check again, looking at how much time we have till our next meeting, mahalo.

**Chair Akaka** recognizes Vice Chair Lindsey.

**Vice Chair Lindsey:** Thank you, Madam Chair, just a question. So regarding the resolutions, apologies if I misunderstood, but did at least one of them also provide OHA with membership on the working group, and did our comments speak to that issue, did we say anything about that topic? Thank you.  
Right topic thank you.

**Public Policy Manger Tanaka:** Yeah, I'll have to double check to see the extent to what you noted it. I mean we did express appreciation for you know, for recognition of some of our concerns. Yeah, I can double check and then if you want, if and when this these resos. get a subsequent hearing, we can definitely, you know, make sure that we speak to that OHA representative.

**Chair Akaka** recognizes CEO Pouhana Sylvia Hussey.

**CEO Sylvia Hussy:** Can I help to circle around to Vice Chairs' question? We did acknowledge and thank them for naming OHA as one of the seats. But we also commented on the other selections and ask them to really think through the selections of that and that one person had decision over such a significant amount of the seats. We also expressed concern about that, as well as concern about the outcomes and the starting points of the work. If the starting point was to be the current report, we felt that we wanted them to redirect the working groups to other models, indigenous models as well as other kinds of governance. Models management and governance models as well in the testimony. Administration will be sure that the trustees get a copy, we'll send that right now. Thank you, Chair.

**Chair Akaka:** Mahalo

**Public Policy Manger Tanaka:** So the only other table change that we want to recommend is actually an old bill. This is SB1244 on page 163. And so we were previously supporting this bill. It would have implemented the recommendations of the HDR134 Pretrial Task Force that we supported regarding pretrial reform. And you know, those recommendations were also endorsed and adopted by the Oversight Commission, Correctional Systems Oversight Commission. We are, so we're supporting it since it was a positive step towards reducing our pre trial incarcerated population and the impact that has on the beneficiaries. The SD1 came out late Wednesday though, and basically took out those recommendations. So we're recommending changing our position from support to comment so that we can, you know, highlight the fact that there's, we think that they should include those recommendations that were taken out. And that's it for table changes. So again SB1244 we changed that support to comment.

So these are new bills. So HB1376 on page 4 has a companion SB1388 a couple pages down on page six. So this bill will align, we're recommending support on these measures. They would align with our housing advocacy and specifically our advocacy against evictions and for renter protections during the COVID-19 pandemic. We know that Hawaiians are more likely to rent the places they live in, they're also more likely to have been impacted by the shutdown of the service industries and associated jobs. And so we know that renter relief protections are necessary to prevent like a landslide of eviction actions and ensuing houselessness that would you know disproportionately include Native Hawaiians. And so what this bill does, it would extend the notice requirement for evictions for failure to pay rent from 5 days to 15 days. It would run opportunity for mediation to schedule a mediation appointment within that time. The HD1 of the HB version of this measure would also provide like kind of like a graduated timeline for when evictions, when and how evictions can take place. So for example, you know in the first month after the Governor ends his moratorium, you can't evict someone for failure to pay rent unless they're four months or more in arrears and then that drops down. So then the next month between the second and third month them you can only evict them if they're back to three months of rent and so forth, and so there's a kind of graduated, you know, gives people time to get jobs, get, you know, get their bank accounts going, and pay off their rental debt that they may have accrued during the shutdown. So recommending supporting these measures.

Okay, and then the last one new bill position I'll talk about is GM563. This is on page 7. This we're recommending supporting, so this bill, I mean, this GM is a nomination for Aurora Kagawa-Viviani to be on the Water Commission. She's a PhD, she's a lecturer at UH. Her focus has been on hydrology dry land ecosystems. Climate change and its impacts on the islands hydrology, which of course is going to be critical for Water Commission in doing its decision making about our water resources and planning around our water resources. She's also published on Native Hawaiian traditional cropping systems agriculture. She has a Maui

perspective and background and so we think you know her, both her science and cultural expertise and background is going to be a huge asset to the Water Commission, and we really do want to have someone with that kind of perspective on the Commission now. Especially since Kamana Beamer is terming out. And so recommending supporting her nomination.

I'll just now turn to the bill positions we're recommending position changes. So first one is HB11, HD1. So we were monitoring this bill. We recommend supporting it. Originally it was just require the Board of Education to develop statewide performance standards that are culturally relevant and historically and scientifically accurate and nondiscriminatory. You know the bill is, I think specifically targeted at the Acellus online curriculum issues we saw in the pandemic where we had this continent based online curriculum for public school students that you know were. You know the issues with them being racist and you know that they misspelled Queen Liliuokalani's name they yeah, inaccuracies about the history of overthrowing Hawai'i and so forth and so the HD1 now also calls for the development of content regarding the history of injustices against Native Hawaiian people, as well as the ongoing issues that have arisen from this historical injustice. And so you know, we think this would ensure broader understanding of the things that, of these kinds of things in you know, amongst both non Native Hawaiian students. And you know would be a step towards, I think, addressing the issues that the Native Hawaiian community faces and continuously face, or that they're concerned about, so we recommend supporting this measure, changing our position for monitor to support given the HD1.

And then the only other position change SB518. Oh, it's a two more position changes, sorry. SB518, this is right there on the screen. This would establish a sex abuse prevention education program. You know we were previously supporting it. We know that you know we have concerns about sex trafficking given recent studies by Child and Family Services. You know our Haumea report talks about the need for data on human trafficking. And we've taken positions of support on bills, on resos. such as the missing or murdered Native Hawaiian women and girls reso. And so this would be consistent with that. However, the SD1 came out and includes appropriations now, so we want to be sensitive about appropriation bills. Recommending just commenting, talking about how it's valuable but not explicitly supporting this measure.

And then the last one, position change we're recommending is SCR22. So this is just a reso. to support the issuance of a long term water lease to the Wai'oli Valley Taro Hui. I think most of you will remember us visiting these folks on Kaua'i, so we provided them with some relief after the flooding that we saw a few years ago. You know, the environmental law clinic, which OHA funds, has been helping them for a couple years now. Also too, our research folks have verified that you know the Auwai and the irrigation infrastructure that these folks are using are basically the same in the same footprint as that, or the same that were being used like before contact. So essentially they're working their agriculture footprint is, they're doing the same things that Native Hawaiians have been doing since time immemorial, so we are closely connected with these folks. We think we should support this reso. and so we're recommending position change from monitor to support. And that's all I wanted to highlight about the action item type bills.

I can now just kind of really touch briefly on just a handful of old position bills that you know we're not recommending position changes on these are old bills just to give you guys updates. So DHHL, all the gambling lottery bills are dead. They still have a medical pakalolo bill that's moving. Still technically alive in the Senate, that's SB86. Their school impact fee exemption package bill HB753 is still moving, it's still alive, other versions have died. They have a GET exemption bill, SB1121 that's still alive. Its companions have died, but that one is still moving. Both the SB877, HB1391. These are companion bills that would give the Hawaiian Homes Commission independent legal counsel, so those bills are still alive and they're both moving.

Mauna Kea bills are all dead, so bills like HB703 that stops development on Mauna Kea's conservation lands over 6000 feet. SB907, which is that public notice bill. Those bills are dead.

For ceded lands bills, SB2, which raises similar concerns as SB1, the Aloha Homes bill, which would allow for super long term leases for public and potentially ceded lands, that one is still alive. It's on its way to Ways and Means and has a hearing this Friday actually, we're opposing that bill.

We're also opposing HB499 and its companion SB257, which would allow for 40 year leases of public land. 40 year lease extensions on commercial industrial resort leases on public lands. Similar concerns about ceded lands being cumbered for a super long time, multiple generations. We're opposing those bills. Both of those measures are still alive and the House bill actually has a hearing tomorrow.

SB725 and it's companion SB749. We're opposing these bills as well. They would expand the authority of the Hawai'i Public Housing Authority to deal with non income restricted housing. So non public housing units which would kind of create the same concerns that we have with SB1, SB2, like lands leased or set aside to the HPHA would be potentially subject to super long term leases and with the added incentive of developers being able to build non public housing. So we recommend opposing and both of those measures are moving.

Just four more measures that we're opposing HB497 and SB567. These bills would tie the county's hands in terms of requiring developers, residential developments to consult with state agencies like OHA. We're opposing these measures. Both of them are alive, so they're going to, you know, Finance and Judiciary respectively.

HB1311, SB607, these bills would exempt the Lealii Affordable Housing Project on Maui from Chapter 6E. So which we're opposing accordingly. HB1311 was actually amended to provide for phase reviews, but without the phases historic preservation reviews. Sorry, Chapter 6E is a historic preservation chapter, so that sets out the process that developers have to go through when they want to do things that might impact iwi kupuna and historic properties. And so HB1311 no longer has a full on exemption, but it does provide for kind of a phase review concept that probably won't comply with what little protections there are under statute for phase reviews. So we recommend continuing to oppose the HB as well.

SB1292, another historic preservation measure and EIS measure too. This would exempt wells on Department of Agriculture lands from EIS, environmental review requirements. And, you know, given the potential impacts of, you know wells that drill into the you know, water sources break ground, you know, could impact all kinds of things environmentally. We don't think they should be given such an exemption, so we're recommending opposing, and that bill is still alive. It's on its way to Judiciary.

Okay, and the last opposed bill is SB4. This bill would prohibit inclusionary zoning for certain developments that you know, are limited to state resident owner occupants. We think it unnecessarily ties the hands of counties to enact inclusionary zoning requirements that can actually definitively ensure that there are units built that meet the affordable housing needs of their residents. So recommending opposing, that bill is still alive on its way to Judiciary in the Senate.

**Chair Akaka:** Mahalo nui, Wayne. Alright then, may I have a motion to approve administration's recommendations on new bills and positions.

**Chair Akaka** recognizes Board Chair Hulu Lindsey.

**Board Chair Hulu Lindsey:** I move **To approve Administration's recommendations on: NEW BILLS (Items 1-28) and BILL POSITIONS FOR RECONSIDERATION (Items 29-31), along with the following revisions:**

**ADD Measures**

- **HCR41, as COMMENT**
- **HR33, as COMMENT**

**CHANGE Measures:**

- Item 609, SB1244, from SUPPORT to COMMENT on the OHA Legislative Positioning Matrix dated February 24, 2021, as amended.

**Trustee Ahuna:** Second

**Chair Akaka:** The motion was made by Board Chair Hulu Lindsey and seconded by Trustee Dan Ahuna. Is there any discussion members? May I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

IV. NEW BUSINESS

NONE

V. ANNOUNCEMENTS

NONE

VII. ADJOURNMENT

**Chair Akaka:** Can I please get a motion to adjourn this meeting.

**Trustee Ahuna:** So moved, Chair.

**Trustee Alapa:** Second

**Chair Akaka:** The motion has been made by Trustee Ahuna and seconded by Trustee Alapa. May I have **roll call vote to adjourn.**

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:22 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY			X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

**Chair Akaka:** The meeting is now adjourned, mahalo members, all in attendance, and a special mahalo to Wayne, Sterling our public policy for having this move along in a very efficient and productive way. We are all very appreciative, so mahalo for all that had made that possible today. Again, mahalo to all in attendance and those that are live streaming today. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **2:23 p.m.**

Respectfully submitted,

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Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on April 7, 2021.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment