MEETING OF THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, September 5, 2018
TIME: 1:00 p.m.
PLACE: OHA Boardroom
Na Lama Kukui
560 N. Nimitz Highway
Honolulu, Hawai‘i 96817

AGENDA

I. Call to Order
II. Approval of Minutes
   A. April 11, 2018†
   B. April 18, 2018†
   C. May 2, 2018†
III. Public Testimony*
IV. New Business
   A. 2018 Legislative Session Report**
V. Community Concerns‘
VI. Announcements
VII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number: 594-1754 or by email at: albertt@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide written testimony are requested to submit thirteen (13) copies of their testimony to the OHA Pōhulana / CEO at 560 N. Nimitz Highway, Suite 200, Honolulu, HI 96817 or fax to 594-1868, or email BOTmeetings@oha.org 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: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill’s number, the bill’s title, the bill’s intent, and the proposed and specific OHA position on each measure, current through 09/04/18. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

8/29/18
Date
KA HĀLĀWA'I O
KE KÔMÎKE BENEFICIARY ADVOCACY AND EMPOWERMENT

LĀ:
Pō'akolu, 5 Kepakemapa 2018

HOLA:
1:00 p.m.

KAHI:
Ka Lumī Hālāwai Nui 'O Mauli Ola
Nā Lama Kukui
560 N. Nimitz Highway
Honolulu, Hawai'i 96817

Papa Hana

I. Ke Kāhea no ka Ho'omalū
II. Ka 'Āpono 'ana mai o ka Mo'olelo
   A. 11 ‘Apelila 2018†
   B. 18 ‘Apelila 2018†
   C. 2 Mei 2018†
III. Ka ‘Ōlelo Hō’ike a ka Lehulehu†
IV. Ka Hana Hou
   A. Ka Hō’ike Kau ‘Aha ‘Ōlelo — 2018**
V. Nā Mana'o Laulā o ka Lehulehu†
VI. Nā Ho‘olaha
VII. Ka Ho‘oku‘u ‘Ana

Inā ua koi ke kēkāua ma muli o kokahi ‘ano kūka, e ho‘omalopopo aku iā Albert Tiberi i ke kāhea ‘ana iā ia ma kēia helu kelepona: (808) 594-1754 ʻā e lekuaial paha iā ia ma albert@oha.org ma mua o 3 mahā lā hana ma mua o ka lā o ka hālāwai.

* He ‘Ōlelo Ho‘olaha: Ua nei ia nā mea e ‘i’ini nei e hālāwai i ka ‘ōlelo hō‘ike i kākau ‘ia iho, e hālāwai ʻia ho‘oma paha mai i nā kope ho ‘umikāmuloku (13) o ka ‘ōlelo hō‘ike i kākau ‘ia ihoia e ka Poulaina o OHA ma 560 N. Nimitz Hwy., Suite 200, Honolulu, Hawai‘i 96817, e kōpuna paha iā 594-1868, ʻā lekuaial paha iā BOTmeetings@oha.org he 48 mahā loka ho ma mua o ka hālāwai. ‘O nā mea e ‘i‘ini nei e ha‘i mana o ma ka hālāwai, hiki ke hana ma loko o ‘elima (5) minutes.

** He ‘Ōlelo Ho‘olaha: Hiki i nā Kahu Waiwai ke ho‘okumu ʻia ho‘okahi paha i ke kōlanā o ke ‘ano kāhā i o OHA i nā Pilā ‘Aha ‘Ōlelo e ho‘olale ‘ia nei / nā ‘Ōlelo ho‘oholo / nā palapala kā‘i‘ina e holomua nei ma ka ’ihā ‘ōlelo moku‘āina ʻia kekahi papa alaka‘i paha i kohe paloka ‘ia. ‘O nā Papa Palapala ma ka lumī hālāwai nui e waho nei so ka heluʻulu ‘anā, hiki ke ‘ike ki maopopo paha ka mo‘olelo pōkole o kēlā me kēia pilia, ka helu o ka pilia, ka inoa o ka pilia, ka pahu hōula o ka pilia me ke ‘ano kōlanā kāhā o OHA i nā mea a pau, ʻā hiki i ʻia 9/04/18. Eia na‘e, hiki i nā Kahu Waiwai ke kūkākākākā ma ka hālāwai kōmike ma ka hālāwai Papa Kahu Waiwai kēkahi i nā pilia ma ka Papa Palapala a me nā pilia ʻē aʻe i hiki ʻole ke kēkāua ‘ia ma ka Papa Palapala no ka hoʻokā ʻana o nā kuleana mālama o ka Papa Kahu Waiwai o ke Ke‘ena Kuleana Hawai‘i.

† He ‘Ōlelo Hoʻolaha: No ka hoʻomalale ‘ana o nā mea hono a ke kōmike, e kāpae ʻia ka lola 72-hola e like me ka mea i paʻi ʻia ihoia i loko okā OHA BOT Operations Manual, Pauʻu 49.

Kahu Waiwai Robert K. Lindsey, Jr., Luna Ho‘omalu
Ke Kōmike Beneficiary Advocacy and Empowerment

8/29/18
Lā
STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

September 5, 2018 1:00 p.m.

ATTENDANCE:
Chairperson Robert K. Lindsey, Jr.
Vice-Chairperson Dan Ahuna
Trustee Leina‘ala Aku Isu
Trustee Kelli’i Akina
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe‘e, IV

ADMINISTRATION STAFF:
Anuhea Patoc, PP
Jocelyn Doane, PUBL
Kika Bukoski, ADV
Miles Nishijima, LPD
Monica Morris, PP
Wayne Tanaka, PUBL
Zuri Aki, ADV

EXCUSED:
Trustee Rowena Akana
Trustee Peter Apo

GUESTS:
Germaine Meyers

BOT STAFF:
Kama Hopkins
Kauikealani Wailehua
Davis Price
Lady Elizabeth Garrett
Alvin Akee
Maria Calderon
I. CALL TO ORDER

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting to order on Wednesday, September 5, 2018 to order at 1:02 p.m.

CL calls for a Roll Call. Below is the record of members PRESENT:

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>AT CALL TO ORDER</th>
<th>TIME ARRIVED</th>
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<tr>
<td>CHAIR</td>
<td>ROBERT LINDSEY, JR.</td>
<td>X</td>
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<tr>
<td>VICE-CHAIR</td>
<td>DAN AHUNA</td>
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<tr>
<td>TRUSTEE</td>
<td>LEINA'ALA AHU ISA</td>
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<td>KELI'I AKINA</td>
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<td>TRUSTEE</td>
<td>PETER APO</td>
<td>EXCUSED</td>
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<tr>
<td>TRUSTEE</td>
<td>HULU LINDSEY</td>
<td>1:04 pm</td>
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<tr>
<td>TRUSTEE</td>
<td>COLETTE MACHADO</td>
<td>X</td>
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<tr>
<td>TRUSTEE</td>
<td>JOHN WAIHE'E</td>
<td>1:05 pm</td>
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</table>

At the Call to Order, FIVE (5) Trustees are PRESENT, thereby constituting a quorum.

CL requests a motion:

To waive the OHA Board of Trustees Operations Manual practice at which materials will be distributed at least 72-hours prior to the meeting where said materials will be reviewed, discussed, or acted upon regarding items:

IV. New Business
A. 2018 Legislative Session Report

Trustee Ahuna (T. Ahuna) – moved
Trustee Machado (T. Machado) – second
II. APPROVAL OF MINUTES

II. Approval of Minutes
A. April 11, 2018
B. April 18, 2018
C. May 2, 2018

CL calls for a motion to approve the minutes of:

April 11, 2018
April 18, 2018
May 2, 2018

T. Machado – moved
T. Ahuna – second
III. PUBLIC TESTIMONY

No public testimony.

CL calls on OHA Administration to present items IV. A.

IV. NEW BUSINESS

A. 2018 Legislative Session Report

Miles Nishijima (MN) calls Jocelyne Doane (JD) to the table to present the 2018 Legislative Session Report.

JD presents the 2018 Legislative Session Report (please see attached - 2018 Legislative Overview 090518 FINAL)

There was not much discussion amongst Trustees, but Trustee Akina (T. Akina) did mention that he was looking forward to the upcoming workshop. He did as if other state departments used lobbyists.

JD responded that she was unsure, but she believes that the Department of Transportation may use lobbyists.

CL thanks JD for the presentation and moves on to item V.

V. COMMUNITY CONCERNS

None

VI. ANNOUNCEMENTS

BOT Meeting tomorrow.

VI. ADJOURNMENT

CL asks for a motion to adjourn.

T. Ahuna – moved
T. Machado – second

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<th>MEMBERS</th>
<th>1</th>
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<th>Kanalu</th>
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<td>AHU ISA</td>
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**MOTION:** [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

BAE Committee meeting adjourns at 1:47 pm.
Respectfully submitted,

Jeremy K. Hopkins
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 9/26/18.

Trustee Robert K. Lindsey, Jr.
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):
- Excused Absence Memo – Trustee Rowena Akana
- Excused Absence Memo – Trustee Peter Apo
- 2018 Legislative Overview 090518 FINAL
Please be advised that I am unable to attend the BAE committee meeting on Wednesday, September 5, 2018 at 1:00 P.M.

Mahalo!
TO:  Trustee Robert Lindsey, BAE Chair  
     Trustee Dan Ahuna, BAE Vice-Chair

FROM: Trustee Peter Apo

DATE: August 31, 2018

RE: BAE Meeting Absence on September 5, 2018

I am unable to attend the BAE Meeting at 10 a.m. on Wednesday, September 5, 2018. Please excuse my absence and extend my apologies to the members of the Committee.

If you have any questions, please call my office at 594-1879.

Mahalo.
Non-OHA Legislative Package

OHA Legislative Package

Package measures

OHA at the ledge
Final OHA 2018 Legislative Package: 4 bills (2 companion measures/"vehicles" per bill)

- Procured OHA Executive Team, BAE and BOT Approval
- Oct. 19—BOT approval of OHA 2018 Legislative Package

- Vetted proposals/drafted measures
- OHA Legislative Package

- Pre-package internal/external outreach (July-August)
OHA 2018 Legislative Package

- Pre-session outreach (community, legislators)
- Advocacy throughout session
- July 10 – Governor deadline for final approval or veto
- June 25 – Governor deadline for veto notice (for bills passed after April 17)
- Jan. 17 (Opening) – May 3 (Sine die)
- Testifying, meet with lawmakers, executive branch officials, community, and Governor
- Signing ceremonies
- Collaborate with other Pal to help guide advocacy
- Update agency on progress
- OHA2018LegislativePackage
OHA 2018 Legislative Package

- Native Hawaiian Public Land Trust Share Update
- Native Hawaiian Law Training Course Expansion
- Hawaiian Cultural Reserves
- Individual Housing Accounts
<table>
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<th>Description/Notes</th>
<th>Percent Enacted</th>
<th>Measures Enacted</th>
<th>Year</th>
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<td>OHA Legislative Packages</td>
<td>Past OHA Legislative Packages vs. 2018 OHA Legislative Package</td>
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- **SB400 OHA Budget**
- **SB986 Criminal Justice Task Force**
- **SB1155 OHA Budget**
- **SB1156 Hui I Imi Advisory Council**
- **SB1157 Transfer Funds to Public Lands Trust**
- **SB2424 OHA Strategic Plan**
- **SB2739 Child Placement Preference**
- **HCR27 Criminal Justice Study**
- **HB1005 Publicity Rights**
- **HB900 OHA Budget**
- **HB899 Bond Authority**
- **HB1200 OHA Budget**
- **HB1300 OHA Budget**
- **HB1307 FUTF**
- **HB1302 Monetary Grants**
- **N/A**
- **HBJ307 Transfer Fund to Public Lands Trust**
- **SB1154 Hui I Imi Advisory Council**
- **SB1156 Hawaiian Registry**
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<th>Rank</th>
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<th>Resolutions Adopted</th>
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- Bills Percent: % of total bills
- Resolutions Percent: % of total resolutions
- Total Measures: Bills + Resolutions
- Measures Passed: Bills + Resolutions
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</table>

- OHAPackage vs. Others

- OHAPackage

- OHAPackage
Non-OHA Measures

Slammed from January – early March

Key Priority: Prevent erosion of existing protections

- 3,100 bills, 815 resolutions, 503 GMs introduced
- Review all measures introduced
- Pre-session bill review, comments
- Subject matter experts, pre-session outreach with community stakeholders, agencies,
- Coordinated with subject matter staff
Non-OHA measures

- Advocate (oral/written testimony; meetings with lawmakers, community, agencies)
- Update BAE weekly
- Change positions as necessary
- Procure BAE, BOT approval of recommended positions
- Matrices
<table>
<thead>
<tr>
<th>Non-OHA Measures</th>
<th>Opposed</th>
<th>Comments</th>
<th>Monitored</th>
<th>Supported</th>
<th>Tacked</th>
<th>Measures in play</th>
<th>Legislative Session</th>
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<td>645 Bills</td>
<td>10 Bills</td>
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<td>11 GMs</td>
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Establishes Mauna Kea candidate advisory council to nominate MKMA members (including reps from OHA, DHHL, UH Hilo, Aha Moku, Royal Order, Sierra Club, etc.);

- Limit the # of telescopes;
- Excludes Mauna Kea lands from the definition of "public lands;
- Excludes Mauna Kea lands from the definition of "public lands from the definition of "public lands;
- Authorizes the renegotiation of leases, subleases, easements;
- Excludes Mauna Kea lands from the definition of "public lands" (i.e., no BLNR jurisdiction), but subjects lands to all relevant permits, and licenses pertaining to Mauna Kea;

Registration required for access, access to summit limited (shuttle); processes applicable to the disposition of public lands;

For 4 x 4 for practitioners:

- 2 cultural seats (OHA list); practitioner seat
- 5 of 9 native Hawaiian

HBI 1985 HD1 SD2 'Died in Conference;'

Notable
Notable

HB1999 HD2 SD1: Related To Training (DIED in WAM)

Appropriates funds for the office of Hawaiian affairs to plan and implement the training course.

Appropriate rights and attend a training course on native Hawaiian and Hawaiian rights; and

Regis certain government decision-makers at the state and county levels, including legislators and judges, to

Similar to OHA Package Bill OHA-5 (HBR745/SB2134)
Notable

Requiring housing account contributions as a condition of distribution.

Updates contribution/deduction limits for individual housing accounts established after 12/31/2018 for the purchase of a first principal residence; taxpayer must have a household income of 120% AMI or less (note: AMI = $86k for family of 4);

 Allows community development financial institutions (i.e. Hawaiian Community Assets) to serve as trustees of new accounts and serves as trustees.

Requires homebuyer education as a condition of distribution.

Borrows concepts from OHA HII Bill (HB1746/SB2135).

HB2747 HD2 SD2; Relating To Homeownership (DIED)

In Conference.

in Conference.
Notable

DHB2508HDJ5D2 (DIED in Conference)

Legislation Makes an Appropriation for FY 2018-2019 to State Charter School Commission to Allocate to Charter Schools for Infrastructure Costs and Lease/Rent Based

Majority of Charter Schools are Start-Ups (30 of the 36); the Others are DOE Conversion Start-Ups (vs conversion) Charter Schools that have Facilities

Lack of Facilities Funding is biggest disparity between Charter Schools and Public Charter Schools

Traditional DOE Schools and Public Charter Schools
Notable

Competing proposals for property tax increases – namely to fund affordable housing.

- All counties recently raised other taxes (e.g., GE, gas tax, minimum property tax, trash).
- Counties currently have exclusive jurisdiction over real property taxes.
- Counties currently have exclusive jurisdiction over real property taxes.
- Counties currently have exclusive jurisdiction over real property taxes.

Tension:
- Cap & increasing tourism impacts on county infrastructure (e.g., sewage, roads).
- Increasing need for Hawaiian education and charter schools.

OHA Position: Monitor

- Increasing need for Hawaiian education and charter schools.
- Question is unclear, vague, and misleading, and doesn’t articulate purpose.
- No house conferees assigned, no conference, Senate agreed to HD1.

Conflicting proposals:
- Ballot question: "Shall the legislature be authorized to establish, as provided by law, a surcharge on investment real property to be used to support public education?"
- State law: "Shall the legislature be authorized to establish, as provided by law, a surcharge on investment real property to be used to support public education?"
- Constitution to allow surcharge on investment real property to fund education.
- Would allow legislature to create surcharge on investment real property to fund education.

Increasing need for Hawaiian education and charter schools.
Successful Opposition

HB2016 HD1; Relating To Housing (DIED)

Would have taken away county's discretion to impose affordability requirements for certain housing projects.

Housing units priced at or near 140% AMI may not meet the actual housing needs of Native Hawaiians or local residents (>50% residents need housing at 60% AMI, only 11% can afford housing at 140% AMI or above).

Housing units priced at or near 140% AMI may not meet the actual housing needs of Native Hawaiians or local residents (>50% residents need housing at 60% AMI, only 11% can afford housing at 140% AMI or above).

Would have taken away county's discretion to impose affordability requirements for certain housing projects.

140% AMI or below, i.e., $1,46K for a family of 4, or $102K for individuals in Honolulu.
H.B. 866 would have substantially inhibited processes that allow use and development decision-making. LUC review may be only opportunity for Native Hawaiians to assert and uphold their constitutionally protected rights in land perpetuation and other critical public interest considerations. Would weaken a critical land use planning mechanism that "concurrence" with quantified county housing goals. Limits LUC review of district boundary amendments to mere

H.B. 866 HD1: Related To Housing (DIED)
Successful Opposition

**SB2996 SD HD1: Related To An Airport Corporation (DIED)**

Establishes Hawai'i Airports Corporation, arm of DOT

Original Version: Exempted Corporation from Chapter 171, which circumvented critical laws that protect Native Hawaiian rights related to "ceded" lands, other public lands, and the public land trust.

Later Versions: Provided safeguards re potential sales or exchanges and required leases to be made pursuant to admin rules.
Successful Opposition

HB2593 HDI 2D1: Relating To Feral Cats (DIED)
Acts OH A Supported

Sunscreen Ban (SB 2571 CD 1, Act 104)

- Bans the sale of sunscreen containing oxybenzone or octinoxate after 2021, unless pursuant to a prescription.

Sea Level Rise assessments (HB 2106 CD 2, Act 17)

- Requires adoption of rules to require environmental impact statements and environmental assessments to consider sea level rise.
- Eliminates one known threat to coral particularly in areas frequented by tourists and other ocean users.

Sunscreen Ban (SB 2571 CD 1, Act 104)
Acts OHA Supported

Voting by Mail Pilot (HB 401, CD1, Act 182)

Carried over from last year.

Requires counties of less than 100,000 residents to conduct voting by mail pilot projects.

Acts OHA Supports

The NHEC Chair or designee to the Hawaiian Teacher Standards Board (the NHEC chair or designee) to the Hawaiian Teacher Standards Board.

Adds a member of the Native Hawaiian Education Council to the Hawaiian Teacher Standards Board.

Act 50

NHEC Rep on Teacher Standards Board (HB 2352, CD1).

Campaigns.

Reduces barriers to voting identified in OHA GOTV campaigns.

Voting machines for persons with disabilities.

Service centers to allow in-person delivery of ballots and service centers to allow in-person delivery of ballots.

The 2020 primary and general election by mail (with voter service centers to allow in-person delivery of ballots and service centers to allow in-person delivery of ballots).
I
Acts

Acts OHA Supported

m[...]

Held by persons experiencing homelessness

Obtaining identification (for job, rent application, etc.) is a

copies for homeless individuals

Requires Dept. of Health to waive fees for birth certificate

Homeless ID Fee Waiver (HB2694 CD1, Act 194)

Chart schools

underutilized DOE schools that could be used by public

responsible for biennial surveys of unused facilities or

Holds the Dept. of Account and Gen. Svcs explicitly

Act 85)

Public Charter School Facilities Survey (SB2382 CD1,

□ □
Approved legislation often requires off session work and follow up, i.e.:

- Legislation creates working groups/task forces (e.g. HCR85 effective incarceration, 2016; HCR198 Hooponopono, 2017; trial, 2017; HCR134 pre-trial, 2017)
- Legislation requires creation of administrative rules or some other agency action (reports or proposed legislation)
- Implementation requires training/guidance for implementation
2019 Legislative Schedule

- Pending confirmation and approval

- Jan. 16 - Opening of 2019 Legislative Session
- Jan. 6 - Deadline to submit OHA Legislative Package
- Dec. 19 - Deadline to submit OHA Annual Report
- Oct. 18 - Legislative Package Final Language Approved with BOT*
- Oct. 17 - Legislative Package Final Language Approved with BAE*
- Sept. 26 - Legislative Package Concepts Workshop with BAE
- Sept. 5 - 2018 Legislative Overview with BAE
- Sept. 4 - Last day to send Leg ideas to PP
- Aug./Sept. - Internal/External Outreach
Public Policy staff meeting with LOBs and programs
Send emails to publicpolicy@oha.org
Please use forms
July 16 – September 4
Internal Outreach
Internal Outreach

All ideas are welcome. Don’t be scared to share.

Every idea gets recorded.

Malhiliha – don’t be scared to share.

Looking for issues you’re dealing with.

Not every issue can be addressed through legislation.

You don’t have to know exactly how to change the law.

Funding

Compliance

Addressed administratively, through rules, change in interpretation.

Of the law, meeting with officials.

All ideas are welcome.
Criteria

- Is it statewide or county specific?
- (Broader public)
- Does it impact the broader Hawaiian community?
- How big of an issue?
- Funding implications (OHA, state)
- Aim for small package
Criteria

Feasibility

- For public awareness (first year for HLIP assessment)
- Start discussion (iwi to KRC, PLT Revenue)
- Make statement (sugar sweetened beverage fee)
- Some measures not introduced to be enacted
- Likelihood of passing
Criteria

- Community lead – Too controversial, too radical
- Broader public
- State lead – Better chances, especially if impacts
- Does it address our Strategic Plan?
- Is OHA the appropriate lead?
- Does everyone agree on solution?
- Does the best legislation actually solve problems?
- Can it be solved through legislation?

Solvability
Pau