MEETING OF THE COMMITTEE ON
BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, September 26, 2018
TIME: 1:00 p.m.
PLACE: OHA Boardroom
Na Lāma Kukui
560 N. Nimitz Highway
Honolulu, Hawai‘i 96817

AGENDA

I. Call to Order
II. Approval of Minutes
   A. September 5, 2018
III. Public Testimony*
IV. New Business
   A. 2019 Legislative Package Concepts Workshop**
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 Pōhana / 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 09/25/18. 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.

Trustee Robert K. Lindsey, Jr.
Chair, Beneficiary Advocacy & Empowerment

9/17/18
Date
PO'OKALU, 26 KEPAKELEMA 2018

1:00 P.M.

KAU LUMI HÅLÅWAI NUI 'O MAULI OLA
NĀ LAMA KUKUI
560 N. NIMITZ HIGHWAY
HONOLULU, HI 96817

PAPA HÅNA

I. KE KÅHEA NO KA HO'OMALU

II. KA 'A'PONO 'ANA MAI O KA MO'OLELO
   A. 5 KEPAKELEMA 2018*

III. KA 'ŌLELO HÔ'IKE A KA LEHULUEHU

IV. KA HANA HOU
   A. KA PAPAHÅNA HO'OLALE MANA'O KAU 'AHA 'OLELO — 2019**

V. NÅ MANA'O LAULÅLÅ O KA LEHULUEHU

VI. NÅ HO'OLÅHA

VII. KA HO'OKE'U 'ANA

9/17/18

KUHULI, KUHULI, 1575A AKA'AKA ST.
HONOLULU, HI 96822

HĀLÅWAI O
KE KÔMIKE BENEFICIARY ADVOCACY AND EMPOWERMENT

LÅ:

HOLA:

KAHI:

KUHULI, KUHULI, 1575A AKA'AKA ST.
HONOLULU, HI 96822

KE KÔMIKE BENEFICIARY ADVOCACY AND EMPOWERMENT

* I NĀ MOA KE KÅHEA MA PALAPAPA MA KE HÅLÅWAI A HÅLÅWAI. Ke 'Olelo Ho'olaha:

1. Nā no kui ka kōkua ma mauli kā kekahi 'ano kind. Ke ho'omalopopo aku iā Albert Tiberi i ke kāhe a 'ana iā ia ma kēia helu kelepona (808) 594-1754 9 e lekaula paha iā ia ma albert@oha.org ma mua o 3 mau iā hana ma mua o ka li a ka hålåwai.

** I NĀ MOA KE KÅHEA MA PALAPAPA MA KE HÅLÅWAI A HÅLÅWAI. Ke 'Olelo Ho'olaha:

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ATTENDANCE:
Chairperson Robert K. Lindsey, Jr.
Trustee Leina‘ala Ahu Isa
Trustee Keli‘i Akina
Trustee Peter Apo
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe‘e, IV

EXCUSED:
Vice-Chairperson Dan Ahuna
Trustee Rowena Akana

BOT STAFF:
Kama Hopkins
Kauikeaolani Wailehua
Lopaka Baptiste
Davis Price
Claudine Calpito
Lady Elizabeth Garrett
Alvin Akee
Maria Calderon
Paul Harleman
Liana Pang

ADMINISTRATION STAFF:
Kamana‘opono Crabbe, CEO
Kawika Riley, CHIEF
Anuhea Patoc, PP
Jim McMahon, ADV
Jocelyn Doane, PUBL
Kika Bukoski, ADV
Miles Nishijima, LPD
Sabrina Rose Gramberg, ADV
Wayne Tanaka, PUBL
Zuri Aki, ADV

GUESTS:
Germaine Meyers

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES
September 26, 2018 1:00 p.m.
I. CALL TO ORDER

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting to order on Wednesday, September 26, 2018 to order at 1:03 p.m.

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

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<thead>
<tr>
<th>MEMBERS</th>
<th>AT CALL TO ORDER (1:03 pm)</th>
<th>TIME ARRIVED</th>
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<tr>
<td>CHAIR ROBERT</td>
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<td>VICE-CHAIR DAN</td>
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<td>TRUSTEE JOHN</td>
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At the Call to Order, SIX (6) 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:

II. Approval of Minutes
   A. September 5, 2018
IV. New Business
   A. 2019 Legislative Package Concepts Workshop

Trustee Machado (T. Machado) — moved
Trustee Akina (T. Akina) — second

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72-Hour waiver passed at 1:04 pm.

II. APPROVAL OF MINUTES

II. Approval of Minutes
A. September 5, 2018

CL calls for a motion to approve the minutes of:

September 5, 2018

Trustee H. Lindsey (T. H. Lindsey) – moved
T. Machado – second

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Item II. A. passed at 1:04 pm.
III. PUBLIC TESTIMONY

No public testimony.

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

IV. NEW BUSINESS

A. 2019 Legislative Package Concepts Workshop

CL calls on Kamanana'opono Crabbe (KC) to present item IV. A.

KC calls Kawika Riley (KR) and Jocelyn Doane (JD) to the table to present item IV. A. 2019 Legislative Package Concepts Workshop. (Please see attached – 2019 Conceptual Package BAE FINAL.)

Trustees asked clarification questions regarding the package concepts and discussed some of those clarifications. JD mentioned that her team will remember the discussions when drafting the bills for approval.

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. H. Lindsey – moved
Trustee Ahu Isa – second

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BAE Committee meeting adjourns at 2:00 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 10/17/18.

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

ATTACHMENT(s):
- Excused Absence Memo – Trustee Dan Ahuna
- Excused Absence Memo – Trustee Rowena Akana
- 2019 Conceptual Package BAE FINAL
Date: September 25, 2018

To: Trustee Robert K. Lindsey, Jr., Chair
Committee on Beneficiary Advocacy and Empowerment (BAE)

From: Trustee Dan Ahuna

Subject: BAE Meeting Absence – Sept. 26, 2018

I am unable to attend the BAE meeting scheduled for September 26, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

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

From: Trustee Rowena Akana  

Date: September 24, 2018  
Re: Excused Absence  

Please be advised that I am unable to attend the BAE committee meeting on Wednesday, September 26, 2018 at 1:00 P.M. due to travel on official OHA business.

Mahalo!
1. **OHA Biennium Budget Bill Fiscal Year 2020-21/2021-22:** OHA's budget bill requests $4,368,449 million in state general fund appropriations each fiscal year to support OHA's budget plans for the upcoming biennium. This request is $1,062,130 more per fiscal year compared to what OHA received in the previous fiscal biennium: $562,130 more for personnel and $500,000 more for housing grants. This bill also proposes matching OHA trust fund resources with the requested state general funds. By passing this measure, the state would reaffirm its commitment to address the needs of Native Hawaiians by supporting programs and operations that will directly benefit OHA and its beneficiaries.

2. **Criteria and Prioritization of Facilities Funding for Public Charter Schools Resolution:** Addressing public charter schools' facilities needs has been a critical and longstanding issue for the charter school community and its supporters. Currently, start-up charter schools must pay for their substantial facilities costs using their already-stretched operational funds. This is a cost that is not borne by conversion charter schools, or schools under the Hawai‘i Department of Education. Despite clear needs, strong support, and substantial progress, efforts to seek appropriations for charter schools' facilities costs have not been successful. This resolution would urge the Charter School Facilities Funding Working Group, created by Act 234, Session Laws 2015, to prepare a report to the 2020 State Legislature and the State Public Charter School Commission, on the status of the criteria and prioritization for funding that this working group has been tasked with developing, and any proposed legislation, to address charter schools' facilities needs.

3. **Unsecured Bail:** In 2018, all of Hawai‘i's jails (except the Women's Community Correctional Facility) were overcrowded and operating over capacity from at least 27%, to in more cases 50-85%. Native Hawaiians disproportionately bear the burden of Hawai‘i's jail overcrowding issues. Many of those awaiting trial are in jail simply because they are too poor to afford bail, and not at all related to their potential flight risk, not the nature of the crimes they are alleged to have committed. This measure would take a proven effective practice in other jurisdictions, which has provided significant relief to jail overcrowding without compromising on defendants' potential flight risk, by allowing all defendants who have been offered cash bail to post their bail via unsecured bond. Judges would still retain discretion to deny bail, including money bail, to those who may present a flight risk. This measure would instead only change the way that a defendant offered money bail can fulfill their bail requirement: no cash would be needed up-front to secure pretrial release, and financial consequences would only be incurred if the defendant actually fails to appear for trial. This proposal would supplement the recommendations of the HCR134 Pretrial Reform Task Force which seek to nearly eliminate the use of money bail for lower level offenses and to reduce the overreliance on money bail for felony offenses. Allowing for unsecured bail bonds when money bail is offered would ensure that those who are assigned money bail can obtain pretrial release.
without producing a large amount of cash up front, but still be subject to financial consequences for failing to appear at trial; accordingly, this measure would provide prison overcrowding relief as well as greater fairness for poor defendants, without compromising the judicial process or public safety.

4. **Annual PLT Accounting:** Act 178 (Session Laws 2006) requires the state, through the Board of Land and Natural Resources, to provide an annual accounting of the total revenues generated from the use of public land trust lands. The annual reporting must include the amount of revenues transferred to OHA and the amount retained by the state. However, reporting and transferring has been inconsistent, and no one in the state is actively verifying the accuracy of individual agencies’ reporting and transferring of revenues to OHA. This measure would supplement Act 178’s reporting requirements by explicitly reaffirming that all state Public Land Trust revenues must be accounted for and reported on, regardless if such revenues are subject to OHA’s pro rata share; expressly reaffirming that UH is also subject to Act 178’s reporting requirements; requiring the state to include a rationale if any Public Land Trust revenues is not transferred to OHA; and requiring the state to determine whether revenues that should have been transferred were not in fact transferred.

5. **Membership on Hawai‘i State Mental Health Council:** This measure would require three of the 21 members of the Hawai‘i State Mental Health Council (“Council”) to have demonstrated and relevant expertise in Native Hawaiian traditional and customary practices. Data shows that many Native Hawaiians may suffer from mental health challenges, including high rates of Native Hawaiian keiki victims of abuse, female youth attempting suicide, feeling hopeless, harming themselves, young mothers experiencing postpartum depression, kupuna depressive disorders; and low ratings by wahine self-assessments of their health. Unfortunately, many Native Hawaiians may find that available mental health programs or treatments are not consistently conducive to their unique cultural background, thus proving less effective than culturally integrative services and treatment plans. The Council could play a key role in refocusing mental health efforts on culturally-grounded approaches that can provide significantly improved mental health services and outcomes for the Native Hawaiian community: it currently advises the Department of Health on allocation of resources, statewide needs, and programs affecting two or more service areas; reviews and comments on the statewide comprehensive integrated service plan; and serves as an advocate of mental health in the state. Accordingly, having Native Hawaiian practitioner or those with expertise in Native Hawaiian practices on the Council may have a significant positive impact on the mental health status of the Native Hawaiian community.
1. **HCR85 & HCR134 Task Forces:** Over the past two years, OHA has actively participated in the HCR85 and HCR134 Task Forces, which were charged with making recommendations on reforming and improving Hawai‘i’s criminal justice system. The HCR85 Task Force explored best practices in effective incarceration, and will be making recommendations to the legislature on how to transition from a punitive correctional model to a rehabilitative one. Among these recommendations are several targeted at reducing the overrepresentation of Native Hawaiians in jail and prison, including the development of a new cultural court diversion program, the expansion of cultural and educational programming for pa‘ahao, and the establishment of culturally relevant reentry programs for ex-pa‘ahao reentering their communities. The HCR134 Task Force examined Hawai‘i’s pretrial system and will make recommendations to improve the efficiency of the pretrial system, expand diversion programs and alternatives to pretrial detention, and greatly reduce the overreliance on money bail. Both Task Forces will report their recommendations in December 2018, and OHA plans to continue to coordinate with the Task Forces and the concerned community to advocate for these needed reforms during the 2019 legislative session.

2. **Kanaeokana Public Charter School Funding Equity Bills:** Kanaeokana is a network of Hawai‘i schools, including the 17 Hawaiian-focused and Hawaiian-immersion charter schools, and support organizations focused on strengthening ‘ike Hawai‘i and ‘Olelo Hawai‘i. In anticipation of the upcoming legislative session, two Kanaeokana kōmike (committees) met in August 2018, and agreed that bills seeking equitable funding for charter schools should be pursued in three areas: school lunches, school transportation, and school facilities. Notably, while Section 302D-2, Hawai‘i Revised Statutes, mandates that non-facility general fund per-pupil funding for public charter school students be the same as that for Department of Education (DOE) students, public charter schools are not necessarily provided funding to cover the unique costs they must bear in relation to these three areas. Kanaeokana has accordingly been working with a legislator who suggested that three separate bills be created. OHA Public Policy staff will be assisting in the drafting of these bills, and will coordinate with Kanaeokana and other concerned community members to advocate for them.