

**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

March 10, 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:

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

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 10, 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	<b>1:33 p.m.</b>
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	<b>1:37 p.m.</b>

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

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

None

III. APPROVAL OF MINUTES

**A. February 3, 2021**

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

**Board Chair Hulu Lindsey:** I move that we approve the minutes of February, 3<sup>rd</sup>, 2021.

**Trustee Ahu Isa:** Second

**Chair Akaka:** It's been moved by our Board Chair Hulu Lindsey and seconded by our Board Vice Chair Ahu Isa.

**Chair Akaka** recognizes Trustee Lee.

**Trustee Lee:** There are two corrections to the minutes.

**Chair Akaka:** Okay

**Trustee Lee:** On page 34, on the second line, it says that the Chair Akaka that we're going to take a brief recess, and then it says that we're calling the meeting back to order. There needs to be a timestamp of what time we recess and what time we came back before you called it to order, or actually what time you called the meeting back to order.

**Chair Akaka:** Okay

**Trustee Lee:** Are you ready for the second correction, Madam Chair?

**Chair Akaka:** Hold on just for a bit please. Alright, yes.

**Trustee Lee:** The other correction is on page 36. On the fourth line it has that Trustee Ahu Isa is seconding the motion, but when you look at the roll call vote on the bottom it indicates that Trustee Carmen Hulu Lindsey seconded the motion. So that's incorrect, it needs to be moved to Trustee Ahu Isa.

**Chair Akaka:** Mahalo, Trustee Lee.

**Trustee Lee:** Thank you, Madam Chair.

**Chair Akaka:** Alright those changes to the minutes are noted, so mahalo, Trustee Lee. Are there any other changes? All right seeing none, Brandon can I please have a **roll call vote** to approve the minutes.

							1:38 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			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>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

IV. 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, Chair, I'll go ahead and have our Chief Advocate walk through this agenda item, Sterling.

**Chief Advocate Wong:** Aloha everybody, so just to go over the legislative calendar to give us a sense of where we are right now. Today is the 10th. We have a recess day. Tomorrow is a big day first crossover, so all the bills out of the first chamber will have to go to their second chamber after this, so they gotta clear crossover. Note the budget decking deadline was changed a couple of weeks ago, that's here. That relates to the state budget. But they just want to give themselves an extra week to figure out the budget, but just so you folks know, once crossover happens, there's going to be a lot of movement because then the next two weeks we have a triple file referral deadline, which basically means once the bills crossover and the vast majority of them that are crossing over, crossover on this date, they will have to get referrals and then if they have three or more committees, they gotta clear this deadline. So a lot of bills are going to fall off, you're going to see a lot of stuff happening right here. It's going to be busy next week, and then the following week, we have our lateral deadline, but a holiday as well. So we're going to see you know for example, to get our budget bill, well budget bill shouldn't be a problem. But like the Kaka'ako Makai Bill. It's gonna be real cramped right here. A lot of movement, not a lot of time to meet with legislators and stuff like that, so right after crossover, we kind of had a lull the last two weeks. It's going to really pick up in the next two weeks just FYI. So that is the calendar.

To get into our package. OHA-1, our budget bill did, our budget bill did make crossover so it did pass third reading. Obviously, the Senate bill is dead and we're working with the House bill, which has historically been the vehicle. Notice right here it says pass unamended and so this is the first time I've ever seen this in my whatever gazillion years watching our budget bill. Our budget bills never crossed over unamended so the dollar amounts are still in there and it has an effective date, which basically means the bill does not have to go to conference. If the Senate passes the bill as is with the same dollar amounts and doesn't defect the date, it's not going to conference. So it's super weird. I've never seen it before, but they're treating Judiciaries' budget the same way. So the Judiciary budget has dollar amounts and an effective date. So the Judiciary bill doesn't have to go to conference and I just looked at the CIP bill, the state budget. The CIP bill is also the same way so super interesting what's happening. I don't know if this is because of the expedited calendar you know with COVID and everything. I'm not sure but it is something to watch out for and it does put a lot of control over our budget in the WAM Chair's hands. He can just pass it out if he wants to or else he can send it to conference.

OHA-2, the CIP bill is dead. OHA-3 and this is the same update as last week. OHA-3 died last week. The resos. have a little bit more time, but our resos. will have to get heard shortly. Here's the lateral deadline for the resos. so it has to get a hearing in the next week and a half, and we're diligently working to get our two resos. Scheduled, but they are on a different timetable. Madam Chair, that's the update for this section and I'll turn it back over to you unless there are any questions, mahalo nui.

**Chair Akaka:** Mahalo, Sterling, are there any questions by any of our Trustees? Seeing none.

## **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:** Good afternoon everyone. So here we are this is Week 8. We are in crossover week which means all the bills that are going to survive have to have been decked in their final pre crossover form as Sterling mentioned. So we'll start to see bills fall off, especially next next week, which will reflect the bills that died at crossover. Which will not have those bills. We're also starting to get more resos. and GN 's, Governor's nominations, trickling in so as you can probably see from my matrix. As Sterling mentioned, deadline is going to be moving pretty fast. So after this week, we're gearing up for another heavy few weeks of testimonies and so forth. Yeah, so for today like last week, I'm gonna talk about the OHA named bills first, which Letani has conveniently compiled into that OHA named bills PDF that you should have received and that he'll be pulling on the screen shortly. These bills are also on the big BAE legislative positioning Matrix, and we'll use that big matrix for our action later this afternoon. And we do have a new position and a change in position for a handful of OHA named bills. So I'll talk about those first, then I'll go over the old OHA bills of interest and then after that, we'll jump over to the big matrix for new positions, position changes and updates on old bills, old non OHA bills.

As you can see from our OHA named bills matrix, we do have two new positions at the top so HDR57 and HR46. This resolution would urge establishment of a working group. Which would include OHA's CEO or her designee. The working group would be tasked with assessing the impacts of the COVID pandemic on women, on gender nonconforming people and on caregivers, including with regards to economic impact. Economic impacts, gender, domestic violence, sex trafficking that kind of thing. We're recommending support for these resos. Our Haumea report identified a number of health and socioeconomic gender disparities that are likely to have been exacerbated by the pandemic. So I think it's important to assess all those you know the pandemics impact on those kinds of things. Our support would also be consistent with our support of the feminist economic recovery plan that the Commission on the Status of Woman published early on in the pandemic. The economic recovery plan emphasizes the need for the most impacted people to be at the table and driving the conversation about our pandemic recovery, including Native Hawaiians, and so our inclusion on this task force will help us to ensure that the unique impacts to Native Hawaiian communities is considered in its assessment of the pandemic. And so we are recommending supporting these resos.

The next new OHA named measure is GM686. This is actually a nomination for Letani Peltier to be our representative on the Kane'ohe Bay Regional Council. So Letani is a lifelong resident of He'eia, is closely familiar with Kane'ohe bay and the surrounding community. He's already been designated by Ka Pouhana as the OHA Rep. so this is just confirm that. And that's it for the new OHA named bill positions.

There's 2 bills that we're recommending position changes on and these actually no longer name OHA, which is why we're happy about not yeah, opposing them. They're HB1298 and HB1299. These bills would have raided or shut down our Native Hawaiian Rights Fund, Wao Kele O Puna fund, basically accounts that hold Native

Hawaiian trust monies. We oppose these bills because they would you know unconstitutionally usurp OHA's role to steward and administer Hawaiian trust funds. Fortunately, our accounts were taken out of these bills so we're recommending position change from oppose to monitor. And that's it for the you know the new and changed positions, so I'll just do a quick rundown of some high priority OHA bills that are still alive.

First is SB1334, the Kaka'ako bill. This bill did pass third reading yesterday in the Senate. I think there's only five in opposition, which is a good sign. The SD2, so the latest draft has a defective date. It does require notice to residents and lessees about aircraft noise and odors and other aircraft related nuisances. And it would require OHA to propose mitigation efforts for those kinds of things. Otherwise, it's still you know pretty much nothing weird about it, so far, so that's good. So yeah, that one is still alive, that's good.

SB321, this is another Public Land Trust related bill. This is the bill that would lift the 15.1 million dollar cap on our Public Land Trust pro rata share. It actually blanks out what the floor would be so it doesn't say 15.1, it just has a blank. It would transfer to some unspecified amount of the funds in the carry forward trust holding account, the CFTHA account that has all of the revenues we returned to the state as exceeding the 15.1 million dollar cap. It has a defective date. But it did crossover so it's still alive. Yeah, it's going over to the house. The other PLT related bills like the one that would give DHHL our PLT share, those are dead. Yeah, so basically the two PLT related bills that are alive are the Kaka'ako bill and SB321, the PLT bill.

For OHA campaigns all the reapportionment and the at large district bills are dead. So SB195, SB196, SB890, they did not make crossover so we don't have to worry about them anymore. We're opposing the reapportionment ones, and then commenting on the at large one. The randomization bill SB238, it will crossover, the latest draft just, it clarifies that the bill would go into effect for the 2022 election cycle. SB981, this is the public funding bill that would increase the amount of public funds available for trustee campaigns from \$1500.00 to about \$22,000.00 depending on you know how many registered voters there are. So that one's alive, we're just commenting on that one as you may recall.

Other OHA names bills that may be of interest SB1409. This was the bill to encourage more compliance with the training course. That one will cross over. The SD2 would limit its application to future appointed and reappointed board and commission members.

**Chief Advocate Wong:** Wayne, real quick can I go back to 1334. I just want to go over a few things yeah, so as I mentioned our bill did go clear crossover. There was a spirited debate on the floor of the Senate. I encourage everybody to take a look at the YouTube video on the Senate website. We have a couple of very strong Native Hawaiian Senators making I think strong arguments for us and both Senators Kidani and Senator Keohokalole, Senator Shimabukuro as well. So it was really refreshing to see a lot of support. As I mentioned when I went over the calendar, this bill is going to have to have a bunch of hearings immediately starting next week and the following week, so we will be diligently trying to meet with as many House of Representatives as possible to make sure we get our message across and in about seven minutes actually a number of members from OHA are going to present in the House Hawaiian Caucus on both our public land trust efforts and Kaka'ako Makai. So the timing with that really just worked out well that we get to start meeting with House members as the bill crosses so that's super exciting. We are scheduling meetings just about every day this week and some days we have two in the evening but with community groups, including civic clubs and I believe we're meeting tomorrow with the SHA and a number of other organizations so we're really doing a hard push to get our message out and I would also want to tell the trustees that we learned yesterday or last night as a result of how well we did in the Senate coming out, the Friends of Kewalos is scheduling a Save our Kaka'ako Makai rally basically in opposition to our bill that will be marked 16th Tuesday, at 10:45 to 12:15, the date of it given that it's a Tuesday makes me wonder if that's going to be the date of the hearing to clear triple referral, but Tuesday there will be a March 16<sup>th</sup>, there will be a rally at the Capitol, the Friends of Kewalos. So just want to give the Board a brief update about our Kaka'ako Makai efforts. Thank you, I'll throw it back to Wayne.

**Public Policy Manger Tanaka:** Next we'll shift over to the big matrix again. I did want to note that we have a few table changes. We wanted to add a few measures first of all, so these aren't on the matrix, but we wanted to add in support GM688, which is Governor's nomination for Norman Kaimuloa to the Hawai'i Island Burial Council. He was one of our nominees that we wanted to appoint for the Kona region and he's been serving on IBC's for a number of years. He's a member of the Royal Order. He's a caretaker of Ahu Umi and Likelike. Well qualified, we're recommending support. So adding this GM is support.

Similarly, we're recommending adding GM689, which is Scott Mahoney again to the Hawai'i Island Burial Council. He's our nominee for the Ka'u regional Rep. He's been serving on IBC's again for several years. His ohana is from Ka'u and Kawaihae. He's done a lot of work to move unexploded ordinance and he provides support for a lot of archaeological investigations. Also a member of Royal Order, member of Pua and SHAW, Malama Kuloa on Kaua'i. And we're recommending again supporting this well qualified candidate.

And finally GM691. This would nominate Carol Lovell to the Kaua'i and Ni'ihau Island Burial Council. She's our nominee for the Kawaihao regional rep. She's also been serving on IBC's for many years. Resident of Anahola, used to run the Kaua'i Museum, has assisted with a lot of repatriation efforts and has served as an expert witness in Island Burial Council proceedings. Yeah, so recommending supporting adding those GM 's and then supporting those nominees.

We also want to add a reso. so HDR76. It has a single body companion HR64. This resolution would convene a task force to assess the status of Act 14. So just as background. So when Hawai'i became a state, the state agreed that it would administer the Hawaiian Homes Commission Act and as a condition of statehood. But despite this, almost immediately what the state started doing was taking DHHL lands and using them for state purposes without consideration or compensation to you know the Hawaiian Homes Commission or the Department of Hawaiian Homelands. And so in 1995 Act 14 was passed, and then this act was sought to address the improper and uncompensated use of Department of Hawaiian Homeland's lands by the state and so Act 14. First it said the state had to deposit \$30 million per year for 20 years into the Hawaiian Homelands Trust Fund, which the state did, but it also specifically contemplated land exchanges so that the DHHL could get lands so that the DHHL lands used by the state for things like the Mauna Kea access road could be replaced by other lands. And as the reso. recognizes, you know 25 years have passed, and it is still unclear whether Act 14 has been fully complied with and we have engaged and noted, you know, we we have noted, you know, with respect to the Mauna Kea access road in particular, that Act 14 seems to not have been, not have accomplished what it intended to do. No land exchanges to our understanding have been initiated under the act. There's also issues regarding, you know the improper and uncompensated use of DHHL lands past July 1988. So Act 14 only soughts resolve the improper use of lands from statehood until 1988, and then so everything after that there's still issues. So we're recommending supporting adding these resos. and supporting them so that we can take a first step towards assessing the status of Act 14 and also you know the other issues relating to the improper use of DHHL lands.

And finally we wanted to add SCR55 and its single body companion SR37. These resos. we got a hearing scheduled tomorrow so we submitted admin testimony in support. We're recommending that the Board take a position of support. These resos. would urge the DLNR to pass administrative rules to streamline the process for allowing Native Hawaiian traditional farming systems on conservation lands. You know in the past we've promoted traditional farming methods and crops. We actually were successful in getting traditional farming methods, traditional crops as a priority under the State Planning Act. You know when we advocated for that priority, we noted that you know, traditional Hawaiian agriculture is a sustainable way to enhance our local food security and self sufficiency and climate resiliency, while also promoting you know the perpetuation of traditional farming methods, crops knowledge that would sustain our islands since time immemorial. So you know, we believe this resolution would further the objective. We'll work to make sure that any streamlining administrative rules you know maintain appropriate protections for cultural, natural resources and sites in the conservation district. While also, you know, addressing some of the bureaucratic road blocks that bona fide, you know, traditional Hawaiian farmers may face when attempting to perpetuate their agricultural practices.

**Chair Akaka** recognizes Trustee Ahu Isa.

**Trustee Ahu Isa:** Wayne, SB767, the personal use legalizing marijuana. It says monitor on our matrix, but I want to vote support, so how do we do this? Just bifurcate or I just don't vote on the whole thing?

**Public Policy Manger Tanaka:** Well, so this is a previously approved position, so there's no need to bifurcate, we just have to add it to our action if that's what trustees would like to do. Yeah, so I would think a separate and someone else can correct me if I'm wrong, but I think a separate motion to change that position to support.

**Trustee Ahu Isa:** Yeah, because we supported the decriminalization of it and this one says requires getting a license. Specific quantity only legalizing personal use and everybody voted yes except Moriwaki and Inouye, they voted no. And this is a good bill, especially if they're looking at more revenue dollars instead of taxing us on everything else. Anyway, that's my opinion. And I just wanted to, you know support it. I'm going to write testimony to support it. Okay, thank you Chair.

**Public Policy Manger Tanaka:** I guess when make the action we can revisit that position. We just have one table position change, so this is item 329, HDR9. It regards to community schools. So the HR, the single body companion, we actually have as support. I guess there's oversight and so we had this concurrent version as monitor, so we're recommending a change of this bill to support or a position on this reso. to support. The reso. basically uplifts Community Schools, which are schools that are designed to kind of holistically meet the needs of students who have extra school, like who have challenges like, you know, economic insecurity, food, insecurity, trauma, that kind of thing and so you know we would recognize that this Community School approach is consistent it would further the DOE's Na Hopena A'o framework, which looks to addressing students sense of belonging and overall well being. And we also know that COVID may increase the need for Community Schools, especially given a disproportionate impacts on Native Hawaiian students and their families, and so we would recommend, you know, that's why we supported the HR10 and that's why we recommend changing HDR9 to support as well. HR10 being a single bodies resolution.

Okay, and so I'll just go through some of the the new bills. So the first bill on the Matrix on page one, item one is SB176. This is a SIBA bill. We talked about its companion HB66 last meeting and this bill actually was effectively dead, but it was rescued by a re referral so it had two referrals and was re referred to only have one referral and so WAM heard it and passed it out. So this bill would allow the DLNR to sell, lease industrial park lands to lessees, notwithstanding any laws or contraries so you know we have big concerns about sales of ceded lands that would foreclose Native Hawaiian claims to these lands. The SD1 that passed out of WAM also caps the five rent escalation increases to either 10% of their CPI, whichever is less, which may potentially violate the states fiduciary obligations to make it's trust corpus productive, especially with regards to public land trust lands, so recommending opposing this bill like we would oppose the House companion, which is dead thankfully.

We'd like to support SCR27. This is on page 3, item 16. It has a single body companion SR16. This would request DHS to work with DOH to collect data on LGBTQ plus youth who are under court supervision who are at Kawaihoa, which is a former Hawai'i Youth Correctional Facility. You know, we know that Hawai'i is the largest LGBTQ population per capita and Native Hawaiian youth are highly represented within this LGBTQ plus community. We also know Native Hawaiian youth are disproportionately incarcerated and so you know, we think this data collected under this reso. will help identify potential needs of Native Hawaiian youth who identifies LGBTQ plus and who are in our juvenile justice systems. Recommending supporting these resolutions.

In terms of bill position changes, HB 1376. This is on page 6, item 27. We're recommending a change from support to comment, so this is the bill that would provide for a 15 day window before someone can get evicted and provide an opportunity for mediation during that time, or to be for mediation appointment to be set during

that time. It would also in the HD1, would prohibit someone from being evicted for failure to pay rent for certain periods of time after the eviction moratorium ends based on how much back rent they owe, and so you know we're supporting this measure because it you know it reflected their concerns about the need for eviction protections for our beneficiaries. But the latest draft now has appropriations to pay for mediations. So because of our sensitivity to support bills that would require no funds, were recommending just commenting on this measure and still supporting.

And then the next position change, SB516. So this would, we were supporting with amendments. Now we're recommending just support. The bill would collect data at the university and post secondary school level on what kind of industry recognized credentials students are earning and so we thought this could provide some pretty valuable data on the kinds of disciplines and careers that Native Hawaiians and others are pursuing or aspiring for. It would also help us protect these programs from cuts and so forth. But we did support with amendments because we ask that Native Hawaiian data be disaggregated from other Pacific Islanders and they took our amendments, and so that's why we're recommending changing our position from support amendments to support.

And then finally the last bill position change SB664. This is on page 7, item 29. And so this would require Department of Public Safety to build a new basically OCCC. So OCCC is where they hold you know pre trial detainees and folks who are serving less than one year. Recommending commenting on this bill. You know the committee report does suggest that OCCC could be redesigned to be more healing and rehabilitative, but nothing in the bill actually requires that, and so what we'd like to submit comments to recommend that the state implement or incorporate some of the core suggestions of you know the HDR134 Pre Trial Task Force. The HDR85 Prison Reform Task Force and Oversight Commission to help reduce our incarcerated population, including our pre trial incarcerated population. Prior to or as a condition of any facility expansion or development or the development of new facilities. So we'd be commenting on this bill.

**Chair Akaka** recognizes Trustee Akina.

**Trustee Akina:** Thank you very much, before we move on from this section, I want to go back to SB767. The legalization of cannabis for personal use. I respect Trustee Ahu Isa 's desire to take a stand on that issue and I would recommend that we bifurcate that rather than include that in our package. This is the first time we're discussing this as OHA and I think we need to be mindful of the large amount of testimony on this issue on both sides. In particular, there's quite a bit of testimony arguing against it from the Department of Public Safety, Department of Taxation, the City and County Narcotics and Vice Division and so forth. And it's a very complex issue. Rather than us take a stand on it today, I would prefer for us to allow individual trustees to take a stand if they should so choose.

**Public Policy Manger Tanaka:** Yes, we recognize the controversy that is surrounding this measure. You know, I think even our Board has had it been pretty split in the past in terms of supporting you know legalization efforts and that's kind of what informed our monitor recommendation. So this bill is already monitor from a previous meeting. So to change your position would require a separate I think motion anyway, but we can, yeah.

**Trustee Akina:** So do I understand that we will treat this as a monitor today unless a trustee chooses to request a bifurcation for a vote?

**Public Policy Manger Tanaka:** Yes, I don't know if it'd be called bifurcation, but because it's not part of the recommendation of position changes and new bill positions, but yeah.

**Trustee Akina:** Okay, it would have to be presented as a separate motion then.

**Chair Akaka** recognizes Trustee Lee.

**Trustee Lee:** I think Trustee Akina is misunderstanding. The Committee and the Board and on the Board level has already approved the position of monitor.

**Trustee Akina:** Yes

**Trustee Lee:** We're not taking this as monitor today, it has already been approved in previous meetings and then forwarded to the BOT and approved at the BOT that our position will be to monitor. Trustee Ahu Isa said that she wants to support this and that she would be submitting testimony on behalf of herself in support of this. But there is no vote to monitor this, we have already taken that action.

**Trustee Ahu Isa:** Chair, I agree with Trustee Lee. Trustee Akina, maybe you read the whole bill and the reasons why, that's why a lot of them already voted yes for it because we're looking at money, revenue. Why not text them. We already voted to support decriminalizing it. So it's kind of not in sync with what we support one, monitor one. Yeah, it has a long way to go, but I'm just saying that I want to support it because it really makes sense instead of taxing people 200,000 in Hawaii, 200,000 was like nothing now. Right, the housing, rent and they want to tax 16%, the highest in the nation. That's horrible, anyway my opinion, thanks Chair, I understand monitor.

**Trustee Akina:** Thank you, Trustees Lee and Ahu Isa. Thank you, Chair.

**Public Policy Manger Tanaka:** Okay, so again those are the you know, not SB767, but the bills I talked about earlier were the ones that we wanted action on today. In addition to the others in the Matrix. So if there's any other questions about new bill positions or position changes, I can just rundown some updates on bills that are still alive that we've been tracking.

I'll start with DHHL bills. So all of the gambling related bills are dead. SB86 which is on page 64, item 154 which we have as monitor. It would give eight dispensary licenses to DHHL to issue to qualified beneficiary applicants to run dispensary's on Hawaiian Home Lands. It does mention that DHHL should do a study on both medical pakalolo and on a casino to determine the feasibility and revenue impacts that those things might have. But otherwise yeah, the gambling ones are dead. This one is still alive, it's going to crossover and we're just monitoring.

HB753, this is item 89 on page 36. We're supporting this bill. It would exempt DHHL developments from school impact fees, which can be pretty significant. This bill is going to crossover. There are two other measures that did similar things that died and likewise SB1121, which is on page 108, item 282. This would give DHHL a GET exemption for its developments. So this bill is also going to crossover.

So SB1123 which we're commenting on. So this would provide a 60 day deadline for counties to implement maintenance requests from DHHL. We offered comments to note they should maybe told that those 60 days for any maintenance actions that require historic preservation review, which can take longer than 60 days in some cases which should be pretty rare because this is just maintenance. So for the most part, most historic preservation things should have already been addressed, but in the rare cases that they would have to go through historic preservation, we suggest that they told that 60 day deadline which they actually incorporated, so you know our comments will just continue to note the importance of protecting you know historic sites and iwi kupuna in the rare instances that they might be affected.

And then finally SB1122. This is on page 108, item 283. This bill is also crossing over. This would give DHHL basically first dibs on water credits in the county, on the county level and also provide DHHL representation on the County Boards of Water Supply and so we're supporting this bill and it's crossing over as well.

Mauna Kea bills are all pretty much dead except for that you know that reso. which passed out of committee last week, two weeks ago, yeah.

Okay, for ceded lands and PLT issues. So there's three bills that raise basically the same concern SB1, the aloha homes bill, SB2 and HB902 and SB2 and HB902 are basically would let HHFDC encumber public and ceded lands that are leased or set aside to the agency for 99 plus years and so you know again, we oppose anything that would effectively foreclose Hawaiian claims to ceded lands, and so we've been opposing these bills. We've also been consistently offering amendments that would address our concerns, but unfortunately, so far the committees have not accepted our amendments. I've been, you know, trying to figure out what the objections are. All we hear back from HHFDC is that their developers think it'll be too bureaucratic to have terms and conditions that can protect Native Hawaiian claims. So we're going to continue to oppose these bills and they're all crossing over.

Similar concerns for SB749. So this would allow the Hawai'i Public Housing Authority to build non income restricted housing units, which is kind of a huge expansion of it's, of how it can use lands that are set aside to it and so HPHA like HHFDC can issue leases you know without lease length limitations and so we're concerned that with this expansion of authority, there would be a big incentive for lands to be leased or set aside to HPHA and then used to develop all kinds of things that could encumber ceded lands for generations at a time. And so we're opposing this bill. And it's also going to cross over to the House.

And finally, HB499, SB257. These are companion bills that are both crossing over. They would allow for lease extensions of public lands for up to, for 40 years at a time, so they could basically result in ceded lands being encumbered or being leased to the same entity for a 100 plus years. And again, this effectively forecloses Native Hawaiian claims to ceded lands and you know in the past. And as we see with the SIBA bill, leads to a sense of entitlement where lessees put a lot of pressure on legislators to let them just purchase the fee outright for the leased lands. And so those measures are crossing over.

The water license bills I've been talking about occasionally, they're both dead, so they would have let the DLNR directly negotiate water licenses, which had, you know, there's some concerns about potential sweetheart deals that could occur in that process, and we had comments, but there's a lot of opposition from like Sierra Club and water advocates because they just, you know, there's no trust given how the state has given favorable treatment to large scale water diverters over the decades, so I think based on opposition, the bills all died, so we'll probably see something come again next year and we're working with DLNR and others to kind of address their concerns underlying the bill and make sure that ours is also reflected in any vehicle that goes forward, that may come forward you know in future sessions.

So HB497, which is on page 21, item 59. So this bill would prohibit the counties from requiring state agency consultation on certain residential developments, unless that consultation is required under state law and we actually have a number of examples, and we were able provide examples to committee in our opposition to this bill about how the counties often refer projects to us, to the Historic Preservation Division also to kind of double check some of their best practices and so forth, and we are actually able to help provide them information about burial sites and other historic features that you know that they never knew about, and so you know we think that's an important process to keep and not to tie the counties hands when they want to, you know, refer developments to OHA or to historic preservation for review, second review. So we're opposing this bill. It is unfortunately crossing over into the, to the Senate. And I think there's one more sorry.

Okay, and then HB1311, SB607, so these are HB1311 is on page 57, item 136. So these bills would basically exempt. Well they initially sought to exempt the Leali'i affordable housing project on Maui from Chapter 6E, so and then the HB was amended to provide for kind of like a phasing historic preservation review, which without the you know, the minimum protections are in the phasing section of HRS Chapter 6E. So we're opposing both measures. Both of them are crossing over.

Criminal justice, a little more exciting, SB1128. This is the Kawaiiloa bill. It's item 287 on page 110. So this is the bill that would set up a revolving fund to make their vocational programming, Kawaiiloa, self sustaining. So that the Senate version is crossing over, the house companion unfortunately died. So yeah, so we're working on the House Committees trying to get that one passed because we support that bill.

SB1260, we're also supporting, this would implement some of the recommendations of the HDR137 Pre Trial Task Force and HDR85 Prison Reform Task Force, as well as now the Oversight Commission with regards to pre trial detention policies. And so we are supporting this bill SB1260, passed out of Senate and is crossing over to the House.

Another bill in the health department, health subject. SB905, this is on page 103, item 268. This is our, this is basically our council, Mental Health Council bill from a couple of sessions ago that was in our package. It would require you know some number of members on the State Council on Mental Health to have a background in Hawaiian healing methodologies, practices which could you know hopefully provide more consistent opportunities for new Native Hawaiians who disproportionately have you know mental health related challenges to access you know what are really effective services and programming. And so we are supporting this measure. Unfortunately, it's crossing over from the Senate to the House.

And then education, so HB546. This is on page 26, item 67 and a similar measure SB1384. These are the Aha Punana Leo bills to address kind of the really stringent term limits that are preventing the Aha Punana Leo representative on the Early Learning Board from maintaining continuous presence on the board and we are supporting both measures and both measures are crossing over, so that's exciting.

And then on the broadband sector, SB850. This would create a broadband task force. We are supporting it and it is also crossing over.

And then finally of note HB205 and HB517. These are, I don't think they're on the matrix 'cause they died. They did die, but this is the ombudsman and auditor bills and they're both dead so we don't have to worry about those anymore. We're just monitoring them anyways.

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

**Trustee Waihe'e:** Madam Chair, I'd like to move **to approve Administration's recommendations on: NEW BILLS (Items 1-24) and BILL POSITIONS FOR RECONSIDERATION (Items 25-29), along with the following revisions:**

**ADD Measures**

- **GM688, as SUPPORT**
- **GM689, as SUPPORT**
- **GM691, as SUPPORT**
- **HCR76, as SUPPORT**
- **HR64, as SUPPORT**
- **SCR55, as SUPPORT**
- **SR37, as SUPPORT**

**CHANGE Measures:**

- **Item 329, HCR9, from MONITOR to SUPPORT**

**On the OHA Legislative Positioning Matrix dated March 10, 2021**

**Chair Akaka:** Mahalo, Trustee Waihe'e, is there a second?

**Trustee Ahu Isa:** Second

**Chair Akaka:** Is there any discussion members? Seeing none, may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE'E	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

2:27 p.m.

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

V. NEW BUSINESS

**A. OHA Federal Legislative Positioning – Matrix† - Advocacy (Washington, D.C. Bureau)**

**Chief Advocate Wong:** Aloha Madam Chair, Members of the Committee, we are really excited to bring our first federal matrix of the new Congress to the BAE committee. I would note, this is also the first time we're coming back to the BAE since the elections which yielded a democratically controlled executive branch under the new President Biden and a democratically controlled Congress. So we're actually really excited. It's kind of a new day for I think Native Hawaiians and OHA in DC, so a lot of new opportunities. I think as you all know, Chair Hulu Lindsey was invited by our new chair of the Senate Indian Affairs Committee, Senator Brian Schatz. She was invited to present at that committee, I think last week or the week before, all the weeks are getting squished together. And then we actually just got an invitation, the Chair was just invited to testify at the House Committee on Natural Resources Subcommittee for indigenous peoples of United States in a week too so really a new kind of day, new environment, I think we're really excited to at the opportunities that are presented to us with you know the changes after the election, so really excited. I'll turn it over to our DC Bureau Chief right now, Keone Nakoa. So this is the first batch of bills for the 117<sup>th</sup> Congress.

**Washing D.C. Bureau Chief Nakoa:** Thank you for going through that run through, Sterling. So there are only four bills on the matrix right now, and two of the bills have been previously approved by the Board of Trustees during the 116th Congress. So any measure or bill that doesn't pass before the sine die break in Congress will need to be reintroduced in the next Congress. These two bills have been reintroduced in the new Congress verbatim, what they said before, so to be consistent with our past positions, we included them again on the matrix. Neither of these two have companion measures that are available yet, but when they are introduced,

eventually in the Senate, we will put those on the matrix as under separate names, but then connect them with the federal numbers to show which measures they're related to. There's two new bills. One is very simple. The name is almost as long as the bill text. It's HR438, a bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. So this bill just extends the deadline for the Commission on Native Children to be able to complete their work and fulfill their report under the act. They ran into some issues because of the complications of COVID and the pandemic, and so they're still performing their work. So we were supportive of getting this out because their work also includes Native Hawaiians specifically. So we'd like to see that they're able to continue their reporting and investigation on the topic.

The second bill is an Emergency Family Stabilization Act. As you've seen from the bill summary, it would provide a new grant program specifically related to families and especially children experiencing homelessness because of the effects of COVID. But one of the good things about this bill is that it includes Native Hawaiian organizations on their eligible entities or entities that are eligible for grants. We recommend that the committee support both of these measures along with the two that had supported in the past. Please let me know if there are any questions on any of the measures that we brought forward.

**Chair Akaka** recognizes Vice Chair Lindsey.

**Vice Chair Lindsey:** Thank you, Madam Chair. You know, I guess the question I would have as we look at the bills we're taking action on today is how are we going to be kept updated as they move along. Because I think the first two feds, one and two, they were supported but died last Congress, so they've been reintroduced and I think Fed two was co sponsored by our U.S. reps., Kahele and Case. Are the matrixes as we move along going to include the updates where these bills are similar to how we see in the state matrices as things move along? Thank you, Madam Chair.

**Washing D.C. Bureau Chief Nakoa:** So there are two, it just looks a little different right now because they're all new measures. Eventually, there will be, when the position is taken, these four measures will be moved down to the section 117<sup>th</sup> Congress, all positions previously taken, and then the status in the status column will reflect the current or most up-to-date status and when they're hopefully, I say hopefully because most of the bills that we put up our for support. Hopefully, if they're passed into law they'll make it down to the very last section on the bottom, passed into law. I think there were four last Congress that made it through, and every time we do an update, we'll provide a status update as well. And then when there's opportunities for advocacy because, similar to to state, not all bills will receive even a hearing or many opportunities to be able to weigh in. When we do say something, I think we will send that out to Ka Pouhana to distribute to BOT Chair and BAE Chair.

**Chair Akaka:** Mahalo, Keone. Is there any other discussion members before we move forward? Alright, then may I have a motion to approve the OHA Federal Legislative Positioning Matrix presented by the Washington D.C. Bureau.

**Chair Akaka** recognizes Vice Chair Lindsey.

**Vice Chair Lindsey:** I move **To approve Administration's recommendations on OHA Federal Legislative Positioning Matrix presented by the OHA Advocacy Washington D.C. Bureau:**

- **OHA FED 1 through OHA FED 4 all as SUPPORT**

**Chair Akaka:** Is there a second?

**Trustee Waihe'e:** Second

**Chair Akaka:** Mahalo, the motion was made by our BAE Vice Chair Lindsey and seconded by our Trustee Waihe'e. Is there any discussion members? Seeing none, Brandon may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:37 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY		1	X			
JOHN	WAIHE'E	2		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

VI. ANNOUNCEMENTS

NONE

VII. ADJOURNMENT

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

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Ahu Isa:** Second

**Chair Akaka:** The motion has been made by Trustee Waihe'e and seconded by Trustee Ahu Isa. May I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				8	0	0	0

2:39 p.m.

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

**Chair Akaka:** The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

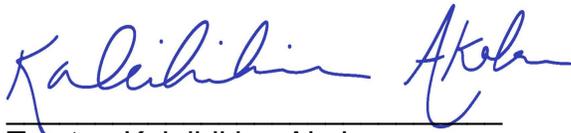
**Chair Akaka** adjourns the BAE meeting at **2:39 p.m.**

Respectfully submitted,

A handwritten signature in black ink that reads "Brandon R. Mitsuda". The signature is stylized with a large initial 'B' and a long horizontal stroke extending to the right.

Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 8/4/2021.

A handwritten signature in blue ink that reads "Kaleihikina Akaka". The signature is fluid and cursive, with a large initial 'K'.

Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment