

**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 15, 2022 10:00 a.m.

ATTENDANCE:

- Chairperson Kaleihikina Akaka
- 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
- Kamali'i, Na'u / Chief Advocate
- Ozawa, Nietzsche / Interim Senior Counsel
- Ohta, Everett / Interim General Counsel
- Ferreira, Kamakana / Lead Compliance Specialist
- Chak, Kevin, IT
- Santos, Dan, IT

EXCUSED:

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, February 15, 2022 to order at **10:01 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	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	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8)** Trustees are PRESENT, thereby constituting a quorum.

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

NONE

III. COMUNITY CONCERNS AND CELEBRATIONS\*\*\*

NONE

IV. NEW BUSINESS

**A. 2022 OHA State Legislative Bill Package Updates – SB2122/HB1474,  
SB2121/HB1473, coordinated advocacy - Matrix 1\*\***

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

**Ka Pouhana Hussey:** Thank you, Chair, and I'll ask Chief Advocate Na'u to be on and walk us through calendars and matrices.

**Chief Advocate Kamali'i:** Good morning, Trustees, Chair Akaka. Thank you again for the opportunity to present the status of our legislative effort. Also assisting is Seanna has mentioned by Ka Pouhana. So with regard to how I will proceed through this, as you noted from the new business or unfinished business. We'll first go through what is Matrix number one, which is our package, Matrix number two, which are those measures naming OHA. Matrix number three which regards to the positions related to measures affecting Native Hawaiians and Matrix number 4, which relates to positions and monitored bills relating to measures affecting Native Hawaiians, so the Matrix number four as referred covers all of the bills, so that's the comprehensive list. So for the most part, we'll be talking about status updates, changes, and a shortlist of new legislation and of course, hearing from the Trustees on what may be important and relevant to them to add to the list. Also to note that again because of the delay and the way in which we arrive at this meeting, what you are looking at is already old. It was formulated last week Wednesday. Submitted to Board Chair and then distributed in accordance with our rules to provide notice as required. So I will try to update to give more current information and then we start that cycle again tomorrow. Pulling together the list presenting it to a Board Chair, so just a reminder that what you're looking at or what you received may be different from what we will present.

Alright as indicated, I'd like to start again with the calendar because it's very relevant to this week as we move into a time where bills may die simply because they did not get a hearing. So today is the 15<sup>th</sup>, Tuesday, as I reported last week for those bills that were triple referred, some of them as I will refer to again in the list as I go through it had died because they did not receive a hearing. This week being the 15<sup>th</sup>, we looked at the deadline of the 17<sup>th</sup> as being the first lateral filing for bills. So what that means is for those bills that received a single or double referral, they have to have a hearing by tomorrow so that a committee report can be presented, and if that doesn't occur then they will die for not having received a hearing. For those bills that have multiple referrals. We'll look at the what we call the first decking, which is the March 4<sup>th</sup> date and all bills under an originating House, whether the Senate or whether the House need to have their hearings before the 1<sup>st</sup> decking. So those with two hearings, for example, that had a first hearing need to have this second hearing by the 3<sup>rd</sup> or it will be die, it will die in the first checking cutoff. Now some of those bills that received the first hearing. Naturally, we'll move to the second hearing, which is typically either finance, the money hearing, or WAM, on the Senate side, which is another money hearing and our bills are in are headed in that direction. So as I go through it, you'll see why we need the 2<sup>nd</sup> hearing and what the cutoff for that will be.

I will be repeating this, so if we need to go back to look at the calendar we can, but I will be repeating for each bill how it's moving along. If it does have a second hearing and it's going to not going to survive if it doesn't get that second hearing. Alright, so that is the case with our package bills. So as we look at the OHA package bills, the 1473, as we've reported out last time, with a triple hearing referral, it did not make the first cut off, so the House version died. If we look at the what is #3 of the Building Back Pono, SB2121, the Senate version had a double referral, so that means it has to have a hearing by the by the 16th or it will die and that is the circumstance for that bill, it has not received a hearing. So we do understand that there is lobby against it because it has to deal with socioeconomic impact. We have called both Chairs, Senator Inouye in the Senate and just have not been successful there. Certainly raised the bar, however, by introducing the bill how important it is for those EIS reports and investigations to consider the socioeconomic disparities in the report, which they can report on. However, it's not a requirement which this law would make as a requirement.

Going back to our bill, the OHA introduced PLT bill, House Bill 1474, I want to thank the Communications Department as you all may have already received the blast which has been circulating around the community, which does include the video that we had produced that has encouraged people to testify. We know that OHA can't stand alone in this effort because these monies are for the Native Hawaiian people and they, as we understand, are weighing in with regards to 1474. It has not yet received a hearing, but I do understand, and I've heard that people have called the Chair to receive a hearing, and we'll see what happens this week. But that bill is indicated because it hasn't received a hearing. It's a two committee referral. It must receive a hearing by the 16th so that committee report can make the deadline of the 17<sup>th</sup> and yes, today is the 15th, so something needs to happen by tomorrow.

With regard to 2122, that is the Senate version, that has passed Hawaiian Affairs and has moved on and is referred to WAM. This is an old representation. We do have a hearing on the 18th. So that moves along nicely for us it's on the 18th. We have time to testify. We have time for the community to weigh in and the blast put that out to the community to provide support for the measure. So we'll see what happens in that effort. Certainly we'll know by next hearing, will know at the end of the day, what the outcome is, it's a decision making only hearing. So that means they won't be taking testimony. However, written testimony will be received.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Yeah, Na'u, I was gonna say that it's decision making only, so submitting only testimonies. I did submit a testimony. Well, I submitted as Vice Chair of OHA, I hope that's okay and not as an individual. Because they're taking written, but they're not taking any oral or anything 'cause it's decision making only Friday. I did get your blast and a lot of my friends did, so they did submit just to let you know and I did send it to Brendon Lee, and he corrected me. Thank you, Trustee Lee for correcting my testimony, mahalo, Na'u.

**Chief Advocate Kamali'i:** Alright, thank you very much, again I want to say that you know the effort of the communications group to work closely with us. If your friends got it, that wasn't by mistake that was by design, so mahalo to your friends for testifying. Mahalo, so thank you for what you just shared Trustee. I also want to share that there was another bill and this is related. I can go through it again as we go through the list, but we are speaking about our PLT measure. There was a related bill as I had spoken before SB2021, and in that bill introduced by Keohokalole. When it came out of committee, it came out of committee together with the OHA Package Bill, so 2021, which was introduced by Senator Keohokalole along with Senate Bill 2122, which is the OHA Package Bill. Came out of the Hawaiian Affairs at the same time headed to WAM at the same time, so there's concern about the confusion if they both ended up at WAM, but I will note that although it was referred to WAM it has not yet received the hearing. So if there's no hearing on the 2021 which is, you know Senator Keohokalole introduced then by tomorrow it also will be dead. Now that's significant because then what WAM is going to consider is just our bill and our bill, as they receive it will have blanks in the amount lines. So conceivably, if that's all they receive relative to PLT, then they will either a, fill in the blanks or b, passed the bill on and out to the House or c, defer the bill. So we'll we'll see what happens, the Keohokalole bill included

CFTHA language and committee language. So if it does not receive a hearing, then we're looking at the terms of the bill that we offered for introduction, 2021. So we'll see what happens tomorrow. So if you want to track that you can track that and with that understanding if it does not get a hearing, then what moves forward is the bill in the Senate by way of WAM. Also, keep your eye on the bill in the House to see if a Representative Nakashima gives it a hearing. We also hear from the community that they've been sending emails to Nakashima that they've also been calling his office so that the House bill can get a hearing. So there's a bit of active activity, and I again give give credit to the blast and people knowing what's happening with the PLT measures introduced by OHA and related measures. So I'll pause here, that would be the end of what I need to say, or what I'm going to say on what is Matrix one.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Yeah Na'u, kala mai, going back to SB2121 relating to environmental review. You said that Water, Land didn't give it a hearing, Senator Inouye?

**Chief Advocate Kamali'i:** Yes

**Trustee Ahu Isa:** Did she tell you why?

**Chief Advocate Kamali'i:** Uh, no. The lobbyist was calling and we were calling. We did not get an answer why.

**Trustee Ahu Isa:** I'll call her, I just had lunch with her at the Capitol. When we had that rally for the shut the hill down, she invited me to lunch at her office. She said anytime I need to tell her about whatever I can call her, so I will call.

**Chief Advocate Kamali'i:** Thank you very much Trustee.

**Trustee Ahu Isa:** Because it goes to JUD and WAM next, can she still schedule, Na'u?

**Chief Advocate Kamali'i:** Yes, because this is the first committee. No, that's the triple, that would be the triple referral hold on. That means two committees in one, so yes, it's not considered a triple referral, so both committees would hold the hearing at the same time, so if it passes out of the first committee then they have until March 3rd to hear the combined JUD, WAM hearing.

**Trustee Ahu Isa:** Okay, let me call her Office Manager, Tammy and see what we can do with that.

**Chair Akaka:** Any other discussion members? Seeing none if we can please continue, Na 'u.

## **B. 2022 OHA State Legislature Bill Position Related to Measures Naming OHA – Matrix 2\*\***

**Chief Advocate Kamali'i:** Okay, so Trustees we'll move on to what is considered the OHA named Matrix and the first measure is HB2024, relating to Mauna Kea. So 2024, relating to Mauna Kea has received a hearing. It is scheduled for all three committees. One hearing, all three committees on Saturday, February 19th at 9:00 AM. Now this is via Zoom. Some question why Saturday? It's possible you know in the old days the Saturday hearing meant everybody met in the basement in the big theater, so a lot of people want to testify. It's possible that's what they anticipate as well a lot of testimony. But in any event, the 19<sup>th</sup>, February 19th is the date of that hearing. There being a related lawsuit in this matter, it's my understanding that the Board Committees will meet to consider the testimony. The content of the testimony, determine testifier. That's my understanding, and at this point let me just defer to Ka Pouhana to see if she would like to add anything.

**Ka Pouhana Hussey:** Thank you, Na'u, not much to add Trustees as Chief Advocate has said, we are preparing the testimony to provide to the ad hoc committee for consideration.

**Chief Advocate Kamali'i:** Okay, thank you, the next bill, 2311 relating to Native Hawaiian Rehabilitative Programs, 2770 is the Senate side, the companion. This has been given this a lot of consideration. It's a very short bill, but it appropriates funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs in the creation of a Native Hawaiian Rehabilitation Program. So initially the testimony that we had submitted, i.e. in comment, was there needed to be consultation because there are two two departments working on an all important program that was submitted by several groups and women prisons groups and very positively supported, so although the language was coordination, you know it still took some discussion. Note that hearing the effective date was changed to July 1, 3000 to encourage further discussion. WAM will hold decision making on 2/15 at 10:30. The House will hold decision making as well on the same bill earlier in the morning. What we do understand is 'cause we did receive a call is that they're considering appropriations, obviously we're not speaking to appropriations, we're speaking to the value of a Native Hawaiian Rehabilitation Program, but we did offer that a range of amounts that have been expended on programs like this in previous efforts, and it's my understanding that they're considering that type of input from other programs like the Women Prisons Project, etc. Regarding what has been expanded in the past so it sounds positive that it may be funded, and then it may pass.

Also, comment testimony that we offered was about the need for consultation with the Native Hawaiian people as opposed to it being this sort of agency tradeoff type of discussion, i.e. the need to discuss is all important type of program with the people and that was our comment on that bill, which is the same comment on both bills.

Okay, moving on relating to federal lands with regard to Mākua, it was a triple referral, House Bill 2327 and that again, as I had explained earlier, for those bills that had a triple triple referral did not receive a hearing, they would have died, and this 2327 is dead. Moving on to 1411, here was a hearing on that and let me check with Kamakana if he wants to offer anything else since he had reported to the Board, that is on 1411 relating to historic preservation and note that even though we testify sometimes we have to wait for the committee report to see what they've done in terms of the amendment. So Kamakana, is there anything you would like to offer on this bill?

**Lead Compliance Specialist Ferreira:** I'm here, I don't have anything to update other than what was shared last week. The measure page on the State Capitol website still says that it was referred to Judiciary on February 8th, but it hasn't gotten another hearing. So we are still on standby.

**Chief Advocate Kamali'i:** Next bill 2021, I already spoke to that. That was what I referred to as the Senator Keohokalole's bill, it may die because it doesn't get a second hearing. It wasn't referred to WAM. Senate Bill 2770 just talked to that when I talked about the House version of that bill so I'll move on. Senate Bill 2853, relating to government accountability. Hold on, I'm sorry Trustees, it's not on my hit list because we've still decided to just monitor that bill. So that's where we are with that, requires any report or a study or audit enacted by the legislature. Let's see, it's a two hearing bill. So just on that alone, if it doesn't get a hearing by the 16th, that will die tomorrow, so that was a monitor bill.

SB3279 is a one that the Trustees have not weighed in on. We were going to try and group these together, but I have to speak to it because it does come up in Matrix two. 2379 relates to the Hawaii Community Development Authority. It was referred to two committees. Although we were asking for comment. I will note that if this doesn't receive any hearing by 2:16 tomorrow, it will die and this 2379 relates to Kaka'ako Makai. We understand that it may not move even though there's been discussion, it was introduced by Senator Fevella. So the Senate is having discussion about the bill, but this is what it talks about raising the building height limit for two of the six parcels owned by the Office of Hawaiian Affairs in its Kaka'ako Makai area to 400

feet, it would lift the current restriction against residential development in Kaka'ako Makai to allow for residential development by OHA or by third parties to which OHA conveys the parcels. Requires the Office of Hawaiian Affairs and any developer to provide written notice to any tenant or resident of potential aircraft etc. related to the parcel because of the height. Again, noting referred to Hawaiian, EET, WAM and JDC. Hawaiian has not given it a hearing. So that's the status of it and that would be the end of the OHA named bills.

**Chair Akaka:** Is there any other discussion Members? Seeing none, Na'u, if you can please continue with our Matrix three.

### **C. 2022 OHA Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\***

**Chief Advocate Kamali'i:** As I move on to Matrix 3, some of the Matrix 3 we've already talked about, so I'll skip over those which were discussion which was included in the OHA package or the OHA named bills and then there are some some bills, at least one bill we may consider a change position given that we were watching the bill and other bills do not have a position as I've already indicated with regard to one of the bills, even though it may die.

Relating to Juvenile Restitution House Bill 1459, this was kind of an interesting one. I think I related to it because it gave discussion. The law right now gives the discretion to the Court to be able to determine whether or not restitution should be paid in cash or restitution could be satisfied by community service. The committees passed with amendments. So we'll just see what happens to that. Even though we had an opposition, there's still, you know, discussion, all of these judiciary type bills do have considerations that the judiciary has to take and take into consideration by the judiciary, but also with the Prosecutor's office and the Public Defender's office. So they go back and forth on the technicalities of this kind of bill, so it did it did pass on, so we'll see what happens with that.

Next relating to environmental review. That's our package bill, spoke about that. Relating to the Office of Hawaiian Affairs, that's a pro rata share bill we already spoke about that. Relating to regenerative tourism, that was a triple referral that died. Relating to criminal pretrial reform, HB1567. HB1567, we supported that. That has to do with our effort in criminal justice reform. This starts at the very beginning, which deals with the bail situation and monetary bail for nonviolent crimes. What the bill considers is that for certain categories of traffic misdemeanor and certain types of Class C felonies that they, the defendant be released on their own recognizance, particularly if they show up at the first hearing. So what happened here is that the Judiciary had an objection to the Class C felony which does does make sense. They did not like that it would be an automatic release on your own recognizance for a felony. However, that being the only change to the classes, that means that the traffic and the misdemeanor class moved on, they didn't object to that. So that's very interesting I'll just say, and it might be considered to be good news for the non violent traffic offenses and the non violent misdemeanors that they would be released on their own or cognizance. So I take that to be, you know, a good step. However, with regard to authorizing the Director of Public Safety to release a defendant if the defendant is unable to post bail in the amount of \$99.00 or less that was deleted and finally to encourage further discussion, the effective date of this measure was changed to January 1st, 2022. So then I see that is a very good thing because you know that allows for discussion and good discussion on changing some of these things that affect the real lives of people who can't get jobs, or will lose a job rather because they're held for trial, so we'll see where that goes, we support it, it's next next committee is Finance, so that means that it will have to have a hearing before March 3rd and March 4th being the date the first decking, so we'll keep an eye on that.

So making appropriations for the Kona Hospital site, that was a comment and that is HB1638. That passed second reading. You know the community there is very supportive of this type of measure, and I understand from Trustee Lee why we would make a comment on that. But I'll just say it was supported and it's on to

Finance. So again the cutoff date there would be the third for that hearing and the 4th being March 3rd and March 4th, those are the two dates, so we'll see what happens if Finance gives this measure a hearing.

Alright, next Bill HB1767 regarding regenerative tourism. That was referred to. That was a triple referral, so that bill is dead.

HB1768 regarding sorry, we'll talk about that bill next. That's one of our new bills, I'm going in a different order. Alright, 1767 regarding HB1808, which is relates to the geothermal, that passed second reading and ended up amending an HD1. In the committee report, they spoke to the increasing royalties to the counties to further advance geothermal resources discovery and development, and positively acknowledging how that might play a role in achieving 100% renewable energy statewide. I note that DLNR opposed the bill because it would reduce their share of the royalties, i.e. that amount that they would otherwise receive would be going to the county. Noting that the effective date was set at July 1, 2100, so they anticipate a lot of discussion on this bill, but that is the status of it and our position was just to comment.

Next measure HB1885 relating to government data, this passed out of CPC. Well, two committees, HET, CPC unamended as to the House draft one and it's moving on to Finance. At the HD1 level they clarified that the role of the Chief Data Officer, they're suggesting that he or she receive a salary of 130,000 for the first year. So the position was to support with amendments we have not submitted any testimony at this time. Not deliberately, but just haven't done that yet. However, we are watching this. The position is to support with amendments.

Relating to minimum wage, 1958. There has been no hearing, but there's been activity in the Senate so that hearing again on this on the House version needs to be had by the 16th and committee reports due on the 17th. So we'll watch to see if it gets a hearing tomorrow and what the status of the minimum wage is. There was a lot of discussion at the Trustee level with regard to minimum wage, but this is the status of it.

With regard to HB1986 relating to the Board of Education, I'll note that it passed second reading, as amended in HD1. Moving on to JHA Committee and that needs to receive a hearing by March 3<sup>rd</sup>, first decking by March 4th. I note also in this bill that the effective date was changed to July 1, 2050, so that usually indicates that everybody needs to talk before it gets to the next committee. That's the status of that bill, and we did support that. This is part of our 'Aha Kauleo Legislative priorities.

Next bill is 2015, regarding establishing a criminal legal system institute at the University of Hawai'i. That bill passed out of committee unamended. It seemed to get a positive response. A testimony and some support submitted by OHA, and it's on to finance. No hearing as of yet, but must be heard again by the 3<sup>rd</sup> of March for it to survive the first decking. Next bill HB2024 relating to Mauna Kea, we already discussed the status of that bill.

HB2202, this relates to designating 'Ōhi'a Lehua as our state endemic tree that did pass out of first committee, waiting for hearing on 2nd committee by March 3<sup>rd</sup>, again first decking March 4. Noting that there was a change in the effective date of that bill to July 1, 2024, so that means there's some talks that is being had about that. I'm not sure what that means in the background, but certainly we are in support of that bill.

HB2270, relating to the Board of Land and Natural Resources. OHA took a position of support, requires at least one member of the BLNR to have demonstrated knowledge of experience in state boating and fishing communities, including knowledge of ocean conservation, traditional fishing rights, requires some members representing the boating and fishing communities to be recommended by statewide fishing organization for the Governor's nomination of appointment. That was referred to Water and Land, JHA. We needed a hearing by 2/16 or that measure would die. It did not survive the first hearing, so it would appear that that measure is already dead.

Next measure is 2284, relating to equitable distribution of grow your own resources for Hawaiian immersion teachers. That measure passed with amendments. We didn't receive a report as to the 2015, but what we can say is that it's moving on to Finance and so again we need to have a hearing by March 3rd. Committee report by March 4th. So we're waiting for a hearing on that measure.

2311, relating to Native Hawaiian rehabilitation programs, we already spoke to that how that's moving along. 2320, relating to Environmental Impact Statement. That was a triple referral and so that that measure is dead. At some point Trustees, as we reported already, that this is dead we'll have to figure out a way to exclude or remove those bills that have already died so that this is a much shorter process of reporting back to you, but we'll discuss that in the meantime.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Yeah, Na'u, there's no need to discuss if the bill is dead, just remove it off the Matrix. We don't need to talk about it anymore unless it gets revived at a later point, right. Like they could stick it into a short bill or something, but if the measure is dead, you can just take it off the Matrix, we don't need to talk about it anymore, 'cause it's dead.

**Chief Advocate Kamali'i:** I understand, there are some measures that will die in between the point of our presentation and then next hearing. So for example, this is a time period where because this is up to date as far as I can tell, there's going to be this next time period where measures will die and you will not have received a report on it. So we'll report that it's dead to you and then remove it otherwise it'll just be missing from the list.

**Trustee Lee:** That's completely up to you, but I'm letting you know in the past, if it dies between this BAE and the next BAE, it's just not on the Matrix when we get our next Matrix because it died.

**Chief Advocate Kamali'i:** But it will be on the notice Matrix. I guess that's what I'm trying to say. It may be on the notice Matrix i.e., because the notice Matrix goes out on Wednesday. This Wednesday is a critical day for bills dying if they don't have hearings, so I'll have to speak to it the next time, but I will have discussion with Chair how she wants to report that out to the Trustees. But just to let you know. Thank you very much, Trustee Lee.

I think I'm at HB2327 relating to federal lands. We thought it was a triple referral as well. Yeah, it's not on our Matrix, so I believe that one is dead as well. Okay, moving on so thank you it's on the list but it shouldn't be. We'll remove those, we'll get through this faster.

2511, relating to Department of Hawaiian Homelands, that is the measure where the 600 million would have been appropriated to DHHL. I do note that it was for comment, it did pass out. The committee did note that you know there were I guess, what I excerpt from my notes is so because it applies to PLT. I found interesting that the committee noted as they passed this out that revenues collected as of 2021 provided an unprecedented funding opportunity for DHHL to meet its challenges, and fulfill its mission to Native Hawaiians. So it would appear for the PLT bill that there is also an unprecedented funding opportunity, and this is your Chief Advocate extrapolating on that language to meet the challenges to fulfill the state's obligation to Native Hawaiians. So I'll just note that that was provided in the committee report on this measure. So the bill passes out and it moves on to Finance, again it needs to have a hearing by March 3<sup>rd</sup>, first decking is March 4th.

HB1411, relating to historic preservation. Is there anything Kamakana that you want to say with regard to this measure, seeing that it did pass second reading and there is a FD1.

**Lead Compliance Specialist Ferreira:** I don't have anything to add on this one at the moment. I mean historically we've supported this measure in the past because it you know increases HP violations and will

require consultation with OHA on historic preservation related violations. So I would say that our position to support continue and that whenever it gets another reading to the Judiciary we can provide testimony in support.

**Chief Advocate Kamali'i:** Thank you very much. SB2018, this is relating to minimum wage and we note there was an introduction in the House and an introduction in the Senate. SB2018 is the Senate version. It did pass through the Senate and it was received by the House and it passed first reading in the House.

Moving on to SB2021, I reported out on that already, that is the whole Keohokalole bill that was passed out of Hawaiian Affairs at the same time as our measure. If it does not receive a hearing by 2/16 or tomorrow it will be dead and that means that the OHA version of the PLT bill is the only bill that's going to be heard by WAM.

SB2031, that's relating to Office of Health Equity, with that bill the Committee on Health has scheduled a hearing on the 16th, we were authorized to comment on that bill. OHA has signed on to the digital equity resolution, so I do anticipate that we will be crafting nice comment for this bill for the 16th.

Relating to rental discrimination, SB206. House received from the Senate on the third. The House passed a first reading so that is moving along. There is an SD2. They're making you know adjustments to the discrimination language, but it moves out of the Senate and moves into the House, so we'll take a look at that when the House issues it a first reading and see what the House does with it and be prepared for testimony to support.

SB2064, relating to Koa trees. 2064 passed out of committee and is moving on to WAM. WAM must hear it by March 3rd. First decking March 4th, you know I don't say there's much to it, but you know, picking and identifying public and private land suitable for the planting of our koa trees.

2067, relating to burial sites. Kamakana just a quick, if you have anything that you would like to say with regard to this measure.

**Lead Compliance Specialist Ferreira:** Nothing additional to add to this. I mean, it's been referred to the Ways and Means Committee on February 3rd, we haven't heard any updates since. I know that they didn't take any of OHA's comments into consideration before advancing it to WAM, so I would assume our testimony would remain the same. Support with comments or support with amendments, specifically requesting that OHA not be charged with picking up the funds. This would undermine the authority of the Board and also SHPD should be putting this bill as their providing general funds to take care of these measures for now.

**Chief Advocate Kamali'i:** Alright, thank you very much. Okay, that was 2067. I'm looking at relating to court appointed attorneys on 2072. So this is the situation again where our people are at CPS hearings and they don't receive an attorney at the very first hearing. So this bill would support. We are supporting this bill so that people are adequately represented at the first hearing. So it did pass out of first committee moving on to JDC. No hearing yet there, which is the 2nd committee, that hearing needed by March 3rd. First decking or it will die, first decking is March 4th, so that's a good sign that people are looking at it, even if it doesn't pass. Sometimes it takes coordination between the Judiciary and the way in which that it appoints court appointed attorneys. So to ensure that that happens at the very first hearing.

2086, relating to juvenile restitution. I mean, if I spoke to that a little bit, the companion in the house HB1459, the Senate version has not received a hearing yet. It is a single referral in the Senate, so that needs to be done by the 3<sup>rd</sup> or it will not survive. So, we are waiting for that to occur and our position on that is oppose.

2021, relating to environmental review. That is our package bill and I've already spoken to it. 2022, that is our package bill spoken to that is our PLT Bill. 2251, related to Public Housing Authority. We had much discussion

about all of these Public Housing Authority bills seemingly introduced by Senator Chang and no hearing on 2251. They need to have a hearing by the 3rd or that bill will die, so we're seeing a trend of opposition to these measures and response being that no hearings have been granted, so we will watch that. All three of these bills. 2251, regarding Public Housing Authority we opposed. 2320, regarding leasehold condo lands. That needs to get a hearing by tomorrow or that will die. 2465, relating to housing otherwise, Trustee Lee, you're very informative on this the Aloha Homes Program and 2465, we oppose, again no hearing, if it doesn't get a hearing by tomorrow, it's dead. So all three of these housing bills which we strongly opposed, if they don't get a hearing by tomorrow the measures will be dead.

Relating to 'Ōhi'a, 2520 and that receives support, no hearing by tomorrow, however, that measure will be dead. You know some of these things when the bills are introduced, they get creative and it sends out a message to people but this is the wrong venue to address the sentiment of the bill. Alright 2594, relating to PLT. We had already addressed this, it was deferred. That was the option to fund DHHL and Office of Hawaiian Affairs. That was the one that had a constitutional issue that was deferred instead.

2663, that relates to filing fees and that needs to have a second hearing by the 3rd, March 3rd or that would be dead and again, this is an interesting bill. It doesn't rise to the level initially, but many of our people, you know, aren't married, have children, and if there's a desire for them to change the status initially set by Child Support Enforcement Agency at the first hearing, they would have to pay a filing fee of \$100 and sometimes that filing fee is cost prohibitive to moms who are trying to raise children and can't afford that money to get back into court. So the idea here is to be motion filing fee neutral. There's no cost for motion in divorce cases, so there should be no cost for motion in paternity cases and I did check with Senator Shimabukuro about why this couldn't be handled by the Judiciary itself, and she said it does require a change in the law. So that is moving along.

Alright, next one which is 2770, I already spoke about. That's the rehabilitation measure. SB2778, this is relating to pretrial release, that needs to get a hearing by the 16<sup>th</sup>, tomorrow or it is dead and that has to deal with pretrial release conditions and the intent to reduce incarceration. So we have a couple of bills that deal with the arrest and pretrial area and then bills dealing with prison reform after sentences have been made. So I will say OHA is really working on the criminal justice reform.

Alright, relating to mental health licensing, that bill requires psychologist to get some training and cultural competency. If that does not get a hearing by the 16<sup>th</sup>, that bill is dead. SB2861, relating to expungement, again that's another bill in the sort of pre incarceration area. But to make sure that you know the record with regard to expungement is cleared and this sent a signal to the Judiciary that they need to pay attention to their electronic filing system and make sure that it does clear the filing system of those records which need to be expunged. If it does not receive a hearing by the 16<sup>th</sup> tomorrow, then that measure will be dead as well.

So now moving on to 2871 and that's relating to pretrial release, that's another area where the presumption of the person charged with the crime is entitled to unconditional release. That was a re referral to committee. It also is in this situation if it does not receive a hearing by tomorrow, the measure will be dead. With regards to SB2892, relating to Ke Kula 'O 'Ehunuikaimalino, that did pass out of committee, was referred to WAM and that's the next filing deadline because it was a two committee referral passed out at the first committee. So if no hearing is heard by March 3<sup>rd</sup> then that will not survive first decking. Also noting that SB2122 has a hearing on 3/4. I'm not sure what that though is. I've lost myself there. Okay, in any event, this one that passed out of committee needs to get a hearing by March 3<sup>rd</sup>.

SB3159 and that relates to expungement of records. I spoke a little about that already, that needs to have a hearing by tomorrow or that matter will be dead and no this again, there's quite a few bills about expungement of records that we're tracking.

**Trustee Lee:** Na'u, why would this need a hearing by tomorrow? It's a single referral, will this not be till the 3<sup>rd</sup>?

**Chief Advocate Kamali'i:** It's the third, I apologize you're correct. So single referral hearing needed by March 3rd. Thank you, Trustee Lee and first decking is on the 4th. Almost done, SB570 relating to historic preservation, Kamakana, do you have anything that you want to add to this measure?

**Lead Compliance Specialist Ferreira:** Nothing further to add, it does look like, so it's advancing pretty far. It's made it to the Senate and it's crossed over to the House, so I would assume our position would still be maintained and hopefully that amendment that we propose is taken into consideration before it becomes an ordinance.

**Chief Advocate Kamali'i:** Relating to SB872, relating to the Commission on Water Resource Management and this would add the Hawaiian Homes Commission Chair to the Water Commission. So this is one of those where, you know Hawaiians are interjecting and Hawaiian leadership is interjecting into other areas to ensure that there's a Hawaiian voice. There seems to be quite a few efforts to do that across the board, as it should be, we should have a voice, so that's what this also relates to, SB872, and that has been adopted, passed second reading and amended, referred to JDC. Note on this bill that the effective date of July 1st, 2050. So there must be a little bit of talking going on. They do encourage more discussion on these types of bills, so that is, you know that is what's going on for this measure as well. When we changed the you know Constitution of a Commission and so our position on that is to support that.

Regarding SB879, relating to the counties. Again, this gives counties jurisdiction over infrastructure of DHHL housing in their boundaries, under specific conditions, and requires the counties under specific conditions to commence maintenance on that certain infrastructure. So this is a sort of a jurisdictional clarification on responsibilities for maintenance and infrastructure. So this one moves on and adopted, passed second reading as amended, SD1, and that was referred to JDC. So hearing by the 3<sup>rd</sup>, committee report by due by the 4th first decking or be dead. So again, that's to clarify that the appropriate county agency shall be the recipient of the application for maintenance request, it's a good thing. It's very confusing for our people when they file in one place and they are told to file in another, so we'll see what happens to that. We take a position on support.

SB899, relating to the composition of the State Council on Mental Health. The Hawaiian Committee did pass that on with amendments, so it needs a hearing in JDC by the 3<sup>rd</sup>. A committee report by first decking deadline the 4th, or that will be dead. So we took the position of comment, so we'll see how that moves along and again it requires at least three members of the State Council on Mental Health to have demonstrated knowledge of or working experience involving the Native Hawaiian concepts of well being, culturally grounded, mental health methodologies or traditional healing or health practices. I know that our Hawaiian psychology and psychiatry community and Ho'oponopono practitioners have been working on this type of thing for years, so this continues to move along. But we'll see if it gets a hearing on the 3<sup>rd</sup>.

HB2136, relating to interim administrative rules DHHL. There was a position of comment. The bills get scheduled for decision making on Wednesday, this Wednesday, so we'll see what happens with that decision and we will continue to track that that bill. I believe, Trustee Lee, there was some interest in this bill as well at the last hearing, so we are taking a look at. In that bill, if I recall and maybe you can clarify what I thought I understood the concern to be is that you know OHA should also be looking at the administrative rules as well and how it affects how we conduct our business. But that might be a side discussion I need to have with you to understand the concern there, Trustee Lee.

**Trustee Lee:** No, my concerns were answered by Everett.

**Chief Advocate Kamali'i:** Alright, thank you very much. Right, so looks like we have completed what are the approved measures. Are there any questions from Trustees? Otherwise, we'll move on to those that we need approval of position.

**Chair Akaka:** Any discussion Members, questions? Seeing none, I saw an applause by Trustee Akina.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Just to clarify that applause was not that we were over a long list. It was to praise, Na'u and the team for all their hard work, thank you.

**Chief Advocate Kamali'i:** As we move into the next grouping, these are the ones that Trustees need to pay attention to. You will have to make a decision as to whether the position is supported. If you don't like the position, whether or not you want to adopt another position, and these measures will be for motion consideration as I understand our process we went through last time.

So the 1<sup>st</sup> bill relating to the disposition of water rights is HB1768. In this bill and there are a number of bills that are brought to our attention, and I apologize to the community. These have to deal with our ability to access water for cultivation of our kalo and to continue to further and support and enhance our ability of, you know, sustaining ourselves with with our kalo and our cultivation of kalo. This is an exemption, this bill would exempt the instream use of water for traditional and customary kalo cultivation practices from the existing process for disposition of water rights. There was much testimony on this. The bill is scheduled to be heard tomorrow. We have a testimony ready to be submitted on this and as soon as you say yes or no, it gets submitted very quickly and this would be in support of SD1. So we would request that the Trustees adopt a position of support.

With regard to HB1803, that proposes an amendment of the Constitution and we proposed the position of comment. I believe when it, I want to make sure that the Trustees did also have a position of comment. Proposed Constitutional amendment that recognizes the fundamental right of all people, including future generations, to clean water air, a healthful environment, climate and healthy nature, healthy native ecosystems, etc. Always cautious when there's a constitutional amendment. That's the primary reason for comment and Trustees maybe you can weigh in on this because it proposes a constitutional amendment and the processes that go into play with a constitutional amendment. So we propose a position of comment. There's several organizations in support, opposition by DLNR, Retail Merchants of Hawai'i, although they're finding it, you know, obviously lofty that we address clean air, water, healthy environments, etc. Their concern is, you know the committee is concerned when it passed it out, is clarifying the findings in the preamble and in doing so and looking at the technical issues, substantive issues as well behind this, they changed the effective date to July 1, 2100 to encourage discussion. So this is where we are, it passed out for second reading JHA, so it will need to get a hearing tomorrow or that will die as well. Yes, it passed the committee so it has to be heard by the 2nd committee tomorrow or that will die. Anyway our proposal on that for position is comment.

1870, this is in support of the Judiciary effort on 'Ōlelo Hawai'i initiatives. Appropriates funds for their staffing. Typically this type of effort would pull from the Judiciary budget so this is their way of trying to increase their budget so that they are mindful of they're supportive of 'Ōlelo Hawai'i, so what it would involve is, you know, perhaps a coordinator, perhaps you know more interpreters and whatever translation that might be needed to continue to further the Judiciary effort to support 'Ōlelo Hawai'i. It passed with amendments, noting as I was saying, the Judiciary is exploring all of those efforts and funding funding requests, but it appears that it's going to supplant an existing funding or increase their budget. In any event, the effective date of that measure has been changed to January 1, 2222. Not sure if that's sending a certain kind of message to the Judiciary, but in any event, that's where that stands. So it would have to have a second hearing in Finance by March 3<sup>rd</sup> or it would be held and failed the first decking. So our position on 1870 is for support.

Next measure HB2429, relating to Office of Health Equity. Establishes the Office of Health Equity within the Department of Health and appropriate funds. That particular measure has been deferred. So since we had made that request, it was deferred, so that measure is dead.

HB2466, relating to taro, relating to kalo. Establishes an exemption from the state income tax for the 1st 100,000 of income derived from kalo products, land used to produce the kalo, that the total amount of land use to cultivate kalo in Hawai'i does not exceed 30,000 acres at any point in a year. So just think about how that would support the cultivation of kalo. The bill is scheduled to be heard in its second committee ECD on Wednesday tomorrow. So we hope and anticipate that the Board will approve that position so that we may submit testimony on that measure. Obviously it sort of speaks for itself and in its title. You know it recognizes how much work goes into cultivation of kalo and then you'll have to pay tax on top of that. So anyway, think about that Trustees, our position is for support.

Relating to correctional facilities. HB2516, development of a new jail to replace OCCC. Requires the Hawai'i Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee and appropriates certain monies. We have a position of support on this. I would note that with these efforts for criminal justice reform, particularly in the development and the planning for prisons, that there is a trend as I indicated last time that the trend across the country to really look at the systems from arrest to incarceration, and if those efforts of releasing on their own or recognizance, efforts for rehabilitation programs all at the same time are successful, then one would question why the need for a new jail and if so what would that look like. So this is in line with that thinking and so we support pausing the development of the new jail to have further discussion on that and testimony in support of this measure, they deleted the creation of a new Criminal Justice Reform Committee, also deleted any reference to the Women Community Correctional Center, but also looked at in replacing the need for a Criminal Justice Reform Committee funds would go to what is already established as the Hawai'i Correctional Oversight Commission. So this is one that is moving along to Finance. Must have a first hearing by March 3<sup>rd</sup>, first decking of March 4<sup>th</sup>.

Next one SB1277. We're requesting a position of support and this is relating to environmental justice mapping. This passed out of first committee unamended, so it's moving along. The Environmental Justice Mapping Task Force and Advisory Council to develop high quality data relating to environmental justice concerns, identify environmental justice communities and divide a method to correct for racist and unjust practices leading to historical and current environmental injustices. So it's sort of self explanatory in its description. We do support that and it's moving along to the next committee.

SB2759, relating to the disposition of water rights. Again, this looks like the House companion, which I've already spoken to, the exemption of the use of water for traditional and customary kalo conservation practices, so this is the companion to that. Don't want to waste anymore time, we have a position of support.

With regard to the next bill, SB2962, again proposing an amendment to article one of the Constitution. Trustees, I wish to apologize in our presentation to you with regard to this Constitutional amendment, we had a position of support. I wish to clarify that that should have been a position of as we reviewed it again, a position of highly monitor. Again, caution with regard to any proposed Constitutional amendments. In this case, the proposed Constitutional amendment would recognizes and protects for the present and future generations that inherent and inalienable right of all people to clean water, air, healthy ecosystems, including climate and the preservation of natural and scientific helpful qualities, etc. We note that there are federal laws in place. But the question is, you know, Constitutional amendment for this purpose, so at this point we're not even recommending a comment, but to highly monitor this bill. So looking for guidance for the Trustees. Definitely we are not asking for support of this measure because it involves a Constitutional amendment.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. So just to clarify, Na'u, the House version of this we're going to comment on, but the Senate one we're just going to monitor.

**Chief Advocate Kamali'i:** Hold on.

**Trustee Lee:** That's fine, I just want to clarify.

**Chief Advocate Kamali'i:** No, it's a good clarification, you know, as they move along they catch your eye again. You are correct, in looking at this bill again this morning and what's happening, I wish to clarify then for the House and the Senate companion, I think that we should monitor or highly monitor them. I'm very cautious about bills that amend our Constitution, particularly when it's broad sweeping like this, and there are federal laws that address some of the concerns. So I ask the Trustees to weigh in on this.

**Trustee Lee:** So the recommendation of the Chief Advocate for House Bill 1803 is to change it from comment to monitor as well.

**Chief Advocate Kamali'i:** Correct

**Trustee Lee:** Okay, thank you.

**Chief Advocate Kamali'i:** I apologize, highly monitor, so highly monitor means we're really taking a look at it and that may mean depending on what happens and how they amend it. We may seek to change position, so we are monitoring, but highly monitoring means it's really on our radar if that makes sense. Thank you, Trustee Lee.

Alright, the next is SB 2983, we are asking for a position of support and again this is one of the bills relating to kalo. I believe we spoke of the House version of this 1803, so I won't belabor the discussion and that's the one that relates to the exemption from state income tax.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. I was going to ask this question on the House bill, but we moved on so I let it go. But since it's back on the Senate side, do we know how many acres are currently cultivated? And the reason I ask is because this exemption only goes up to if we stay under 30,000 acres in the state for the year, and if we're at 31,000 now, then what's the point of the law? Even if it were at 29,000, so I just want to gauge how effective is this going to really be for kalo farmers and you know, why is there a cap? Why can't we cultivate all of it for kalo and they receive you know what I mean?

**Chief Advocate Kamali'i:** I do.

**Trustee Lee:** So do we know?

**Chief Advocate Kamali'i:** I don't know.

**Trustee Lee:** Okay, just something to be aware of because I'm assuming that this bill is meant to help the small farmer, right, this isn't going to help Hale'iwa or Hanalei Poi, right, who has massive productions. I'm guessing this is meant to help the small kalo farmers, but again, if we're already close to this threshold or we're over it then this doesn't help anybody.

**Chief Advocate Kamali'i:** I suppose there's a tie between being able to state an exemption from income tax to the level of cultivation that is tied to the acreage, so there must be I don't know. We support it, any exemption from tax would be great. But we need to look into this further. But there must be a tie between the 30,000 acres, what it can produce, if it were in a commercial context, and what might be reasonable as an exemption from income tax.

**Trustee Lee:** That's not the way it reads. It reads that the land use cultivation for taro in all of Hawai'i cannot exceed 30,000 acres, not for a single farm. Unless I'm just interpreting it wrong, if it's meant for just one farm, then that dissuades my concern.

**Chief Advocate Kamali'i:** Yeah, I don't know if it's meant for one farm, but what I'm trying to say is that there's a relationship between the exemption of income tax at \$100,000 and the acreage and also I suspect that there will also be an application for exemption from income tax, so it may be that not everybody is going to apply for the exemption so hence you're speaking to the complexity of this type of measure, but we support it. We support it moving forward.

**Trustee Lee:** Absolutely, I'm in support of this. My question is about the 30,000 acres. So if it's meant to be 30,000 acres for a single. So like you cannot cultivate, you or me. I cannot cultivate more than 30,000 acres and receive this exemption. But if it's meant to be, because the way it reads, it could mean the entire state of Hawai'i cannot cultivate more than 30,000 acres of kalo for anybody to receive an exemption. Does that make sense? That's where my question is. If it's meant for a single farm, then I don't have a concern about that, but if it's meant to be the entire state of Hawai'i cannot cultivate more than 30,000 acres for anybody to receive this exemption, then I have a problem with that. I would want the bill amended to take that out or amended to further clarify because if I have this question and it's not clarified anywhere, then somewhere down the line the tax department is going to tell a small farmer no, no, you gotta pay, the whole state cultivates more than 30,000 and then the small farmer going to have to pay because they don't have money for go court for fight this.

**Chief Advocate Kamali'i:** I think we might be speaking to two different things.

**Trustee Lee:** I agree

**Chief Advocate Kamali'i:** Hold on, let me answer, so you're correct in reading the bill that it speaks to all of Hawai'i and 30,000 acres. What I'm saying is that in order for a department of AG and a Department of Taxation to come together on approving the measure, that may be all that they're willing to approve, and behind that is an application process, so it may take several small farmers who apply, and then it adds up to 30,000. But what it does is allow both agencies, one to say we'll let you know when it surpasses 30,000 and with that they can put a figure of 100,000 exemption, but I understand your point, Trustee Lee. We support if your vote as Trustee is to allow us to support with amendments, then I encourage you to make that recommendation at the time of the vote. If that makes sense what I'm saying.

**Trustee Lee:** It does

**Chief Advocate Kamali'i:** Okay, so I think we're speaking about the bill for more clarification for all the Trustees. But you are correct, and I'm saying that there may have been discussion about one agency is willing to accept if the other agency is willing to also understand an acreage calculation. So in part, it's a calculation, and that would mean for us to understand there's a cap for a reason, so to speak. There's a cap in the acreage for a reason, and that cap may be in place so that the Department of Taxation can agree to 100,000 exemption. That's all I'm saying. It would take follow up on our part to confirm that, and certainly we can. So if you want us to support with the ability to make amendments, I certainly don't have any objections to that. We would be willing to change our position.

**Trustee Lee:** I don't know that we want to amend it until we get clarification on what their reasoning for the 30,000 acres is. Where are we at now with cultivation. I mean, I absolutely support the measure. I just want to know, you know. what's the reason for the 30,000? Like you said there's a reason, I just want to know what it is.

**Chief Advocate Kamali'i:** I don't know, it would require probably a call to the Department of Taxation, the Department of Agriculture to clarify that, more than willing to take a look at it, okay.

**Trustee Lee:** Yeah, thank you.

**Chief Advocate Kamali'i:** Okay, thank you. Relating to Hawaiian that was SB2983, relating and the related measure in the House. Relating to SB3218, relating to Hawaiian Recognition Day, La Kuokoa. We support certainly, you know, just waiting for approval to address that.

SB3279, relating to Hawai'i Community Development Authority. I talked about that earlier, that being the Kaka'ako Makai measure, asking for approval to comment and finally relating to housing SB880. That is a relating to housing. Exempts any housing development for the Department of Hawaiian Homelands from a school impact fee requirement. This is kind of a very small bill, but it matters in communities where we have schools that are on Hawaiian Homelands, they're required to pay a school impact fee, and this would exempt Hawaiian Homelands from having to pay that fee. So kind of straightforward in that, so we asked for position of support to be approved, let me see if I could see if there's status on that. 880 is scheduled tomorrow for hearing at one. So there's still time for us to get in testimony. If I'm not mistaken, we are at the end of that list of measures that need to be approved for position.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Na'u, I have a question, on the 2nd to the last bill that you just finished where we're commenting, what could we possibly comment on something we really want although we're not pushing it and that's not our bill, what are we going to say? Because it's something we're going to come back in later years, maybe next year in asking for this. This 400 feet and residential.

**Chief Advocate Kamali'i:** Well, I think it's for the Chief Advocates, let me see. There are positions that the Trustees could take of which maybe at perhaps at this time I'm not clear on the clarity on the position whether or not to build as certain of feet or, you know, a position with regard to residential. So are we coming out with a strong position to support? Maybe that's just the lack of clarity on my part. Sometimes these bills, when it's not clear the Board needs to give us direction, so there's a position of comment, particularly because it's tied to a development. So that would be my answer. So I will defer to the Board as to how they want to proceed on this particular measure.

**Board Chair Hulu Lindsey:** I just can't imagine not supporting this because we feel so strongly about it. Although we have agreed not to do it this year, I just think that we should support it. I'll listen to my fellow Trustees.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you Madam Chair. Na'u, this measure is dead isn't it?

**Chief Advocate Kamali'i:** It's a double, it needs to be heard tomorrow.

**Trustee Lee:** And has it received the hearing?

**Chief Advocate Kamali'i:** Has not.

**Trustee Lee:** So it's dead, right?

**Chief Advocate Kamali'i:** It's not dead. You know, tomorrow is tomorrow. I mean, it never surprises me when they when they take action on matters. So all of them, all of the other bills that we receive. You know, 17th is a cut off for committee report, agendas can be amended, you know, things can move.

**Chair Akaka** recognizes COO Brown

**COO Brown:** Mahalo, Madam Chair and I'll add a little bit that you know, to Chair Hulu's comments. But it does make sense that we would support this effort because this is pretty much what we asked for in prior session. The change this time is that we have a very comprehensive Kaka'ako Makai development plan in the works and that plan includes legislative strategy and already what we can tell is we should be adjusting our approach at the leg. and so we appreciate the introducers of this bill for their support and we would look and hope for their support when we are ready to come back with the future asks around this measure. So not supporting is what and commenting is what's being recommended because we have plans in the future to come back, that's going to be refined on how we ask, mahalo, Chair.

**Chair Akaka:** Mahalo, Casey, Trustees are there any comments on this, discussion?

**Board Chair Hulu Lindsey:** I think it'll probably die like Trustee Lee said.

**Chair Akaka:** Na'u, do you have anything further that you'd like to share.

**Chief Advocate Kamali'i:** I don't have anything further, but I would just like to run through the numbers very quickly so we understand what the Trustees are, what we are asking the Trustees to do. So there were a group of bills that were approved and then there is a group of bills on the Matrix 3 that have not been approved. So going through just the request very quickly, that would be item number 50, House Bill 1768. We request support. House Bill 51, House Bill 1803 comment. However, that has been changed as Trustee Lee had drawn to our attention the inconsistency on this amendment, we would change our position there to highly monitor. There is a Senate counterpart to that, so item 61, House Bill 1803, to highly monitor. House Bill 1870 to support. House Bill 2429 related to Health Equity, to support. House Bill 2466, support. House Bill 2516 to support. House Bill 1277 to support. House Bill 2759 to support. Excuse me, that's Senate bill. Senate Bill 2962 to highly monitor. Senate Bill 2983, relating to taro, support. Senate Bill 3218, support. Senate Bill 3279 comment and Senate Bill 880, relating to housing support, so I'll defer to Administration again if I got that correct, so to speak. If so, then just mahalo to the Trustees for your support in our very small group, working very closely together from Hawai'i Island to Kamaile and Shane, Kamakana from compliance as well as Michelle and Seanna, they've been working very hard. Remember the 3000 to 300 to this short list there are others that are deserving perhaps, and we will put them on the list next week. But this being a very important week for people to look at what happens tomorrow with bills that die, with our PLT bill, calls that need to be made on our package. As well as the Mauna Kea hearing on Saturday. So until next time there will be a lot of activity and I hope that it's going to be favorable to our people and we are asking our people to testify and to come out and they are responding to the call and I you know, just can't be more happy for the Office of Hawaiian Affairs that the lāhui is rising to support bills that are important to Native Hawaiians. So thank you very much.

**Chair Akaka:** Mahalo, Na'u and all that have been working so hard on this. Can we please have a motion to approve?

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I move that we **approve Administration's recommendations on: NEW BILLS (Items 50-62) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated February 15, 2022, along with the following revisions:**

**Change bill position:**

- **Item 51, HB 1803, from COMMENT to HIGH MONITOR;**
- **Item 58, SB 2962, from SUPPORT to HIGH MONITOR;**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded by our Trustee Waihe'e. Is there any discussion Members? Seeing none, can I please have a **roll call vote**, Brandon

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI’ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	1

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

**Trustee Lee:** Point of order, Madam Chair.

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

**Trustee Lee:** Are we not gonna go over item 4D?

**Chair Akaka:** Mahalo

**Trustee Lee:** Because I have questions to Matrix 4.

**Chair Akaka:** We'll now move on to unfinished business, letter D.

**D. 2022 OHA Legislature Bill Positions and Monitored Bills Related to Measures Affecting Native Hawaiians – Matrix 4 \*\***

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

**Ka Pouhana Hussey:** We'll go ahead and Chief Advocate will take us through Matrix 4 and be open to Trustee Lees questions.

**Chief Advocate Kamali'i:** Thank you very much as I had indicated at the beginning of the representation. Matrix 4 is all measures affecting Native Hawaiians, so we spoke to those measures which we had position on

and requesting action and approval by the Board, the others remain on that list, and Trustee Lee I acknowledged that you may ask or want change position in some of those bills that are being monitored, but that's what I would say to speak to this list. It is the all measures list, for the most part they are monitored bills or highly monitored bills which we would not go through at this Board meeting. So if you have some bills that you wish to, I suppose change position then I believe that might be the action. Unless you have a question.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. Probably a little bit of both to answer Chief Advocate Kamali'i's question, some I may be seeking a change in position, but I would believe the majority of them are just for clarification questions and which may lead to not changing the position. So the first one I have is on item 2, House Bill 124, relating to elections and this one I probably would seek the rest of the Committee to change this to comment, and so it requires the Chief Election Officer to develop and distribute a voter information guide for all candidates running for state office, including candidates running for trustee position for the Office of Hawaiian Affairs. Am I the only Trustee that's offended by this? I'm 100% sure that we run for a state election. Why is it that they feel that they need to name us to this bill. If this law passes and so now they have to distribute a guide for candidates running for state offices, by law they have to include OHA. Why are they specifically naming the Office of Hawaiian Affairs Trustees, do they feel that we're less than the rest of Government officials that run for state office. If I'm the only one offended by this then I'll drop it, but I am, I am offended by this. I'm offended that the State Legislature feels that we are less than they. I only see one other Trustee nodding their head, so if no one else cares about this then I will drop it. Okay, I'll drop this one.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Trustee Lee, is it a position that you are seeking change?

**Trustee Lee:** I was gonna, if everyone else was offended as I am, I was gonna ask to change the position to comment so that we could submit comments as to why are you calling out the Office of Hawaiian Affairs Trustees. We our state government elected officials running for a statewide office like everyone. In fact, State Senators and State Representatives don't run for statewide elections, only the Governor and Lieutenant Governor do.

**Trustee Ahuna:** Chair, I was just asking if we could get that one up to make a position change because for me it's early in my years, not really thinking about that, but it is offensive 'cause we are statewide elected officials just like everybody else, we shouldn't be separated.

**Chair Akaka:** Na'u or Casey, can you please bring it onto the screen.

**Chief Advocate Kamali'i:** This is with regard to House Bill, number 124, number 2 and we should be able to pull up the bill. I will note though this is Matrix 4 and I believe there is still a motion with regard to Matrix 3 so as we go into this.

**Trustee Lee:** Just for clarity, the motion for Matrix 3 passed with seven ayes and no nays.

**Chief Advocate Kamali'i:** Okay, thank you, Trustee Lee, hopefully this works. There's a provision i.e. subsection E, I believe Trustee Lee you're referring to the second line after the comma which says including candidates for any Trustee of the Office of Hawaiian Affairs and you find offense to that language. That's my understanding.

**Trustee Lee:** You are correct Chief Advocate, I do find offense to that. To me that's the State Legislature saying that we are less than, that they feel that they have to point out that we should be included.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** I think we should mention that's not necessary. I think it's possible, just to give them some benefit of the doubt, in the past they would often not include us in things or treat us differently. It's possible this person might have had the attention, I don't know who introduced this, but maybe to make sure that we were included this time because of past things where we have not been, but I would think it's a good idea to mention that it's unnecessary and we don't feel respected by having it included in that manner, thanks.

**Chair Akaka:** So I believe what our Trust Waihe'e is saying that we can comment saying in the spirit of inclusion. If the spirit is to include us mahalo, however, it is not necessary.

**Trustee Lee:** I would agree with that, Chair. My intention was only to change it to comment, not support or oppose, it was just to comment that the Trustees feel that the inclusion of this line isn't necessary as we do run in a state election and we would think that the Office of Elections would include us because we are state elected officials.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I was going to say things along the same line. Just comment with revisions and take out the OHA part, the Office of Hawaiian Affairs part, thank you.

**Chair Akaka:** Any other discussion members?

**Trustee Lee:** Just on this measure correct, Chair?

**Chair Akaka:** Yes, mahalo.

**Chief Advocate Kamali'i:** Hey Trustee Lee, any other measures that you're interested in just to facilitate the the review?

**Trustee Lee:** I do Chief Advocate, but in the consideration of time, I'm going through them right now. So if they have a minimum of a double referral and have not at least according to this matrix, received a hearing yet, I won't delay the Committee and bring those questions up because, as I said, you know if it hasn't received a hearing yet, then in all likelihood the measure is dead. If it appears back on the matrix next week, then I can ask those questions at that time. So the next one is House Bill 2135 and actually, Chief Advocate, I see that we've changed it from monitor to highly monitor, so maybe you have the same concerns I have about concerning of oversight, so I'll let that one go, 'cause in my mind that's elevating it so I will move on. Madam Chair, I believe the other bills that I had questions on have all not been assigned a committee hearing as of today. In other words, just doesn't even show that it's going to have a hearing tomorrow. So I believe that they will probably die, so that will conclude my questions, Madam Chair.

**Chair Akaka:** Any other further discussion Members and questions on any bills? Seeing none.

**Chief Advocate Kamali'i:** Right, so I understand Trustees, the only matter for Matrix 4 change of position. Given the discussion which may warrant a motion with regard to Matrix 4, is that HB 124, relating to elections should change position from high monitor to comment. However, if you are saying you want us to also comment by making amendments and that amendments would be to delete the language following the comma and including the Office of Hawaiian Affairs. Is that what I understand the position is, is comment and then making those amendments?

**Chair Akaka:** Members any discussion, I see that Trustee Lee has has his hand up.

**Trustee Lee:** Sorry, Madam Chair, I was going to make a motion but I see that they have a motion up on the screen. Yeah, that would have to change to reflect what Chief Advocate Kamali'i has stated, that it's comment with a suggestion of an amendment of removing the Office of Hawaiian Affairs. As we are state elected officials and should rightfully be included in and not being having people. It should be automatic, we shouldn't have to be named.

**Trustee Ahuna:** That's our comment.

**Trustee Lee:** And I believe, even though I was personally offended, I do believe that Trustee Waihe'e is correct. They're just going off of past practice and that we've been left out of stuff before, and so they felt they just wanted to make sure that we were included without unintentionally, not meaning to but.

Madam Chair, I **move to approve the addition of measures listed on Matrix 4 -- Bill Positions and Monitored Bills Related to Measures Affecting Native Hawaiians, to be added as NEW BILLS to Matrix 3 -- Measures Affecting Native Hawaiians – dated February 15, 2022, as follows:**

**NEW BILLS:**

- **HB 124, with a change from HIGH MONITOR to COMMENT with a suggestion of an amendment to remove the Office of Hawaiian Affairs Trustees as candidates for this position should automatically be included as they are state elected officials;**

**Chair Akaka:** Mahalo, is there a second?

**Trustee Waihe'e:** I'll second

**Chair Akaka:** Mahalo, it's been moved and seconded. Any discussion Members? Brandon, could we please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE	1		X			
CARMEN HULU	LINDSEY			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	1

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

V. EXECUTIVE SESSION

**A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to the Public Land Trust and associated legislation, pursuant to HRS§92-5(a)(4).**

**Board Chair Hulu Lindsey:** Madam Chair, I move that we go into Executive Session.

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

**Trustee Waihe’e:** I’ll second

**Chair Akaka:** Mahalo, it’s been moved and seconded. Please can I have a **roll call vote**.

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI’ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

The BAE Committee recuses into executive session at 12:10 p.m.

The BAE Committee resumes open session at 12:54 p.m.

V. ANNOUNCEMENTS

**Board Chair Hulu Lindsey:** Madam Chair, there are no announcements, I move that we adjourn.

**Chair Akaka:** Members are there any announcements? Chair, would you like to announce when our next Board meeting will be?

**Board Chair Hulu Lindsey:** This Thursday

VI. ADJOURNMENT

**Trustee Waihe'e:** I'll second

**Chair Akaka:** It has been moved and seconded. Any other discussion members? Seeing none, can I please have **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>0</b>	<b>0</b>	<b>1</b>

12:17 p.m.

**MOTION:** [    ] 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 **12:17 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.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT