

**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 1, 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  
 Aguinaldo, Arlene, IT  
 Nakama, Erin, IT

EXCUSED:

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, March 1, 2022 to order at **10:00 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:00 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	EXCUSED	10:04 a.m.
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	10:04 a.m.

At the Call to Order, **SIX(6)** Trustees are PRESENT, thereby constituting a quorum.

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

NONE

III. APPROVAL OF MINUTES

**Chair Akaka:** Can I please get a motion to approve the January 25, 2022 BAE minutes.

**Board Chair Hulu Lindsey:** Madam Chair, I so move.

**Trustee Akina:** Madam Chair, I second

**Chair Akaka:** Mahalo, it's been moved and seconded. Any discussion members? Seeing none, Brandon, can I please have a **roll call vote**.

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

10:05 a.m.

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

**Chair Akaka:** Can I also get a motion to approve the February 1, 2022 BAE minutes.

**Board Chair Hulu Lindsey:** So moved

**Trustee Waihe’e:** Second

**Chair Akaka:** It's been moved and seconded. Any discussion members? Seeing none, Brandon, can we please have a **roll call vote** to approve the minutes.

							10:06 a.m.
TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA			X			
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>				8	0	0	0

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

IV. UNFINISHED 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 again, good morning, Trustees. We'll have Chief Advocate Na'u Kamali'i take us through our matrix.

**Chief Advocate Kamali'i:** I'll just note that I believe Casey is requesting sharing capabilities to bring up the matrix. Before I do that, go into the matrix. I think the practice has been to go through the calendar as well. The calendar has been provided in the agenda. So, as indicated, the last meeting, it was very important to go through the calendar because this is a very important week. This being March 1<sup>st</sup>, this is the week of first decking, so those bills that are not heard by the 3rd will not survive the first decking and so there's a lot of sort of activity going on with regard to that. It's sort of the bill's last chance to make it through, and we do see some activity, particularly in our package. So today, being the first, we will have hearings today, tomorrow and Wednesday and there are bills that are that are rising that has not been given a hearing in WAM that are now being given a hearing. So we are tracking those, literally notices are coming up today for the third, so just keep that in mind and that we're looking at a period of crossover. Some bills have crossed over, so this does may have an effect to our situation because even in the situation where bills have died. If they were re referred to a single referral and then got a hearing, they could be so called revived and that is what has happened with one of our bills.

Additionally, this is the time when we are also watching the drafts that come out, so there may have been a position that is on the bill, the original bill, in a certain way, but on the the draft that survives up to this point, there may be a change position and the way in which it flows over to the next house. We have to take a look at the amendments more closely to be able to advise the Trustees if there will be a change position because of amendments. Also, the number of bills that we're now tracking has grown. So that means you know more for

us to do and just be mindful of that. We'll take this needed time during the recess to comb through it and to revisit our testimonies going forward. Okay, with that having said also, as you have noticed, when you got went through your matrices, particularly Matrix 3 and Matrix 4. It seems hema hema, in terms of the order of the bill, numbers, etc. and that results because as we go from week to week, we're adding on to the matrix. So it seems like things are out of order. What I'd like you to consider if we do do this, is that on the crossover we may renumber everything, so that's in a nice chronicle chronological order relative to the bills, sort of a nice restart, and then we'll go through the process of the bills as they crossover and some of which will be headed to conference. So maybe look forward to another matrix next week that looks a little more orderly, so to speak, in chronological order. But admin will have discussions about that and also discussions about how that might affect the motion process, etc. So we're considering that.

Alright, that having said about the the matrices going forward. If Casey is ready to screen share which he is, then we can move into Matrix 1. Alright, Matrix 1, this is our OHA package also importantly our OHA PLT Bill. With regard to the PLT Bill, you'll note that the PLT Bill in the form that we know it, which is 2122, was deferred and did not get a hearing, so it is dead. The Senate chose to use as a vehicle, SB2021. That's SB202, to date, we have not seen the SB2021 SD1 which is the amended version of that. But what I can do is inform you of what the committee did say relative to the amendment and they're fairly important going forward. So with regard to the amendments and that bill, we did talk about last week because it included the committee. It included CFTHA language and it also included a PLT language relative to what the annual share would be or how we would calculate what the annual pro rata 20% pro rata share would be, and this is what the committee did WAM when it passed it out, it passed it out with amendments to adopt technical amendments, to address concerns of the various agencies in consultation with the Attorney General's Office and this is why we want to see the draft, it established 20% of the net receipts from the Public Land Trust or 15.1 million, whichever is greater as the Office of Hawaiian Affairs annual share of income and proceeds of the Public Land Trust beginning fiscal year 2022-2023. So read that again, established 20% of the net receipts from the Public Land Trust, or 15.1 million, whichever is greater, as the Office of Hawaiian Affairs annual share of income and proceeds of the Public Land Trust beginning in fiscal year 2022-2023. In addition, the committee amended the the language filled to the bill to include language that quote transferred to the Office of Hawaiian Affairs, the balance of funds contained in the carryforward trust holding account. What we know is the CFTHA account. Established by the Director of Finance pursuant to Executive Order 0606 as of June 30th, 2022 for income and proceeds due from the use of the Public Land Trust lands between July 1, 2012 and June 30th, 2022. That was misallocated, underreported or underpaid to the Office of Hawaiian Affairs.

So Administration, we've taken a look at that language. Certainly there are parts of that that are concerning, particularly the use of the language net income. Historically, it's been gross income and then also the language regarding the carryforward trust holding account, which appears to be some sort of reconciliation of the 638 million that we have proposed in our bill. So when the SD1 comes out and is actually available for us to look at, we will probably be taking a look at the calculation issues etc. So I don't have anything further to report other than what happened and wait for the bill to make a recommendation as to the change position. That's with regard to what is 2021.

Our OHA package includes what is SB2122, which we know was deferred and is dead, so this is the vehicle that WAM or the Senate is using that will cross over to the House. Is there anything Ka Pouhana that you want to say about what I've just reported on.

**Ka Pouhana Hussey:** No

**Chief Advocate Kamali'i:** Okay, moving forward also with regard to SB2121, relating to the environmental review, which was our Build Back Pono Bill. You will see that it received last week when we submitted this, it received a position of support and it was dead. Well, there's been a change in that. In that it has been re referred to JDC, a single referral and has also received a hearing of March 3rd. So it's been resurrected by way of the single referral process and so there has been, you know, some work done to do that and so that's

been accomplished, so it's back on for consideration and we will be submitting testimony on that bill. So again, it has a single referral to JDC. Again, going back to the you know to the calendar, if it's a single referral, it must be heard by March 3rd, in which case it has a hearing set on March 3rd and so it's been resurrected by way of that process. Are there any questions on either 2021 or the status of our PLT bill?

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Thank you, Chair. That's the bill that Senator Inouye was supposed to hear because she's Chair of the Water Land, and her Office Manager Tammy apologized for getting back to us late. But that's why we have it back on the agenda. This is the SB2121, she just had to get some education background on it. That's what I wanted to say, thank you, Chair.

**Chair Akaka:** Mahalo for working on that Trustee Ahu Isa. Yes, Trustee Waihe'e.

**Trustee Waihe'e:** Thank you, Madam Chair. I guess I just want to express my concern if there talking about net, if that's becoming something that they're focused on. It's a real horrible thing and it's something that I been afraid of happening for years now, but I would you know, it's something that you can't express because you don't want to give them any ideas that they hadn't had, but I guess they're getting it now, I think that alone is something that we should oppose. I mean we're better off having getting nothing at all then getting something that has that in it. So I think we have terrible, terrible times ahead if this is how the discussion is going because that was one thing that the state and OHA had always agreed on was gross and if everything is off the table now and that's the direction they're going. This is a really really terrible thing and we should be very concerned about it, thank you.

**Chair Akaka:** Mahalo for sharing that Trustee Waihe'e. Any other discussion numbers?

**Trustee Ahu Isa:** Can you explain I didn't understand?

**Chair Akaka:** Trustee Waihe'e, I believe Trustee Ahu Isa is asking for more of an explanation.

**Trustee Waihe'e:** I'm thinking the 20% off the net instead of the gross. Because that could, I mean that could be nothing.

**Trustee Ahu Isa:** Okay

**Chair Akaka:** Small fraction

**Trustee Waihe'e:** I mean, I don't even know how they would. That's even hard to calculate, I mean it's. Well, it's much less at any rate. That was a good thing that we always had going for us up until now, and I guess they're trying to go there now.

**Trustee Ahu Isa:** The 2021 is that Jarrett Keohokalole's Bill? SB2021, that's the one that has the net in it 'cause they killed ours, SB2122.

**Chief Advocate Kamali'i:** Yes, that's correct. So initially that bill did not have the language of net, but when it passed out of committee, which is why we're waiting for the FD1 or the amended version. This is what the committee chair recommended in passing it out, and this is what was voted on. So that's why reserving, although reporting, that this is what was stated when it moved out, we're still as of this morning just before we got on for live stream that draft has still not yet been put out, so when that draft comes out administration will weigh in on the concern of the definition of net, as opposed to gross, net receipts as opposed to gross receipts. The historical treatment as Trustee Waihe'e is speaking of, that had gone back to the, you know, to

the 90s, so to speak and also to do some due diligence on our part so that Trustees have a more comprehensive answer on how to address this language when we seek a hearing in the House.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Mahalo, Chair, my question was just so would it be okay to change the position? Or I mean, how is everybody feeling about that? I mean, are we gonna change it? I just want to know is there gonna be any movement. Usually we have something to weigh against and stuff. So I just wanna just make sure that we actually make the change if we're gonna change our position or if we're not, then we can leave it as is.

**Chair Akaka** recognizes Ka Pouhana Hussey.

**Ka Pouhana Hussey:** Trustee Ahuna, following on that, which is why Chief Advocate Kamali'i is anxiously awaiting the SD1 version so that we can actually see what was reported out was what it was. But we actually want to see what the final measure as well as the report of the committee looks like so that we can inform the Trustees of a recommended physician.

**Chief Advocate Kamali'i:** Also, Trustee Ahuna we do not have to make that change at this BAE meeting. That recommended change because they will be in recess and 1st decking as the calendar indicates, is on the 4th. So we still have time to wait for the committee report, which must be provided by the 4<sup>th</sup> and then be able to speak to the Trustees with the committee report in hand, with the SD1 or the new amended draft in hand, and then make recommendations. It also gives us time to do some some due diligence on our side and so you have a more comprehensive answer or recommendation, as well as the thinking behind that. So in short, we are not asking for a change in the position at this time. Probably next, probably next meeting. So that we can give you more information.

**Trustee Ahuna:** Thank you, I thought all of our OHA package bills was on the chopping block or like dead but okay, thank you so much.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. I agree with Trustee Waihe'e. This is just a convoluted way for them to keep us capped at 15.1. That's why it says the greater of the two. If it's going to be net receipts, it's easy to come up with reasons why this expense has to be taken out, this expense has to be taken out, this expense, this expense has to be taken out and the next thing you know after the gross receipts are reported, the net receipts come out to \$12 million. Okay, OHA here is your 15.1.

**Chair Akaka:** Any other discussion members? Seeing none, Na'u, or Ka Pouhana if you have any more to share on this.

**Ka Pouhana Hussey:** No, Chair, if you're okay, Chief Advocate will continue.

**Chair Akaka:** Yes, please do so.

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

**Chief Advocate Kamali'i:** Alright, with regards to 2024. A hearing, as you can see, status one that's been deferred and hearing is in March 2nd, so we'll wait to see what happens with that. No change in the comment.

It's one of our OHA named bills. With regards to the Native Hawaiian rehabilitation programs, that continues to move along. Also, in the coordinated advocacy part, meetings in the community, I'll just report out that we had a meeting with the Prosecutor's Office, the women prison groups, so it's working, it's moving in that direction, as well as the bill itself. Report adopted a report referred to the Committee on Finance and so that's where that one stands. So report, yeah, City still sitting referred to the Committee on Finance. That's the House version of the bill. The Senate version will report back is the 2770.

Okay, relating to the federal lands 2327, that bill has died. Regarding historic preservation, referred to JDC and I don't know if Kamakana is still on with regard to that bill, but JDC is going to hold a hearing on March 4th, so the status that you have is a little behind. Like I said, there are a lot of hearings being held on bills that were not heard yet. So to update your matrix, the Committee on JDC will hold a public decision making hearing on March 4th. So update on that.

We just spoke about SB2021. I.e., that is the new vehicle for the Public Land Trust bill. With regard to 2770, that's moved over to the House passed the first reading so that bill is moving along very nicely. As I indicated, this is the Senate version of the House Bill I just spoke to.

With regards to Government Accountability, 2853. That bill is dead. With regarding to relating to the Hawai'i Community Development Authority, 3279, that bill is dead as well. So that's a very quick report on the OHA named bills. I will say we are watching other measures in the draft version of bills where OHA might be named, and so you might find this OHA named section change and one of those bills that we're watching, whether or not it changes or not, has to do with the appointment of a Native Hawaiian representative to the educational board that has expertise in Native Hawaiian culture and language so we're watching that in terms of you know, the role that OHA, the new role that OHA may play in that bill. Because initially it was the community who will be part of that measure. Part of when these bills crossover, we're also paying attention to the role that the legislature may ask OHA to play and as we look at the role that OHA plays just generally, you know we're sitting on Papahānaumokuākea. We're sitting on Mauna Kea. We're sitting in some of these other measures because we are an agency, a Native Hawaiian agency that will be around and so it's very interesting and we probably need to continue to take a look at the OHA named bills. Because it affects the scope of our ability to sit at those various tables and the responsibility. As that responsibility grows and we all think well, maybe the Chair should sit there or Ka Pouhana. It might occupy a lot of their time to sit there and it may not be possible, so as responsibility grows, we also look at delegated responsibility and authority. This is just something I've been thinking about that the Trustees may want to think about as well. How to look at that growing responsibility and the number of tables that OHA is going to be required to sit at as defined by law.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** While we're along that line, Chair Hulu, do you know if there was anything introduced to take the Salary Commission for OHA, which I've been at eight years and nothing happened, to merge it into that we sit under the State Salary Commission and not on the side? Ka Pouhana can you answer that.

**Board Chair Hulu Lindsey:** I know that there hasn't been anything introduced to that degree.

**Trustee Ahu Isa:** Does it have to be introduced into legislative session or can Ka Pouhana explain how Governor can just do that?

**Board Chair Hulu Lindsey:** No, I spoke with Senator about it and she said that we need to introduce a bill saying that. To put it together so that when the State Salary Commission meets, it includes us.

**Trustee Ahu Isa:** So OHA has to do that.

**Board Chair Hulu Lindsey:** Yes, well we can ask a Representative or Senator to do it.

**Trustee Ahu Isa:** I thought Senator was going to do it this session. Mahalo, I guess it wasn't time.

**Ka Pouhana Hussey:** Chair Akaka, I can answer after I believe Trustee Lee's hand was up.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** The measure that we should introduce is to remove OHA from the Salary Commission. OHA no longer receives taxpayer money to pay Trustees, our salaries come from the Native Hawaiian Trust. The 15.1 million that comes from PLT funds goes directly to beneficiaries. We don't see any of that money, and to say that the corpus of the Native Hawaiian Trust came from PLT. Well, that may be true, but we've more than doubled it now, so the money that pays our salaries does not come from taxpayer money, so we shouldn't be subject to the Salary Commission any longer. The reason the Salary Commission is there is because it's taxpayer money. We no longer get paid by taxpayer money.

**Trustee Ahu Isa:** So what's the solution?

**Trustee Lee:** Introduce a measure to have us removed from the Salary Commission. The Salary Commission is there to protect taxpayer money. We don't get paid by taxpayer money.

**Board Chair Hulu Lindsey:** Repeal that particular section that says we have a special Salary Commission appointed by the Governor, and he hasn't appointed one in four years and we can't do anything about it, so I think that's a great idea that Trustee Lee suggests that we get rid of it. Meaning we repeal that section of the law that it no longer exists. Because we get paid from our corpus money, our trust funds.

**Trustee Ahu Isa:** I understand, but the Governor doesn't appoint, so who appoints?

**Board Chair Hulu Lindsey:** Only he can according to the law. So we need to repeal. We repeal, take away that law so there's no laws for a Salary Commission for the Board of Trustees.

**Trustee Ahu Isa:** The point is he hasn't done it. Even if we're getting paid by trust fund money, he hasn't done it. So if we repeal it, what goes into its place? We get nothing?

**Trustee Lee:** No, we the Trustees decide our salaries. It would now become our burden to decide how much we get paid because we are the fiduciaries of the funds that pays us. So we would have to come up with a process internally on how that would be handled.

**Chair Akaka** recognizes Ka Pouhana Hussey.

**Ka Pouhana Hussey:** To all of your point, it's also an amendment of Chapter 10. Chapter 10 describes the Salary Commission process, every four years Administration has sent names to the Governor in the summer of 2019 and in the summer of 2021 to reactivate the Salary Commission that should have been, you know, done in 2020. So we're coming up on that four year, so that's been at least those four year blocks that haven't been appointed. So we have and it's sitting in the Governor's office not being enacted. The community has also responded as well with names for Salary Commission consideration. Thank you, Chair.

**Chair Akaka:** Mahalo, any other discussion members? Seeing none, Na'u, if you can please continue.

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

**Chief Advocate Kamali'i:** Alright, so that would conclude the report on what are the measures in Matrix 2, OHA named. So there being no further questions then we'll move on to what is the Matrix 3, measures affecting Native Hawaiians.

Beginning with House Bill 1459, this bill is waiting for a hearing, so again always keep in mind the week that we're in that hearings need to be had by March 3rd or they will die. I'll just say both the 1459 and the Senate version of SB2086, both of them are waiting for hearing, so for lack of hearing this effort with regard to juvenile restitution would die, that would be good for us because we opposed it. So if it never gets a hearing, it's consistent with our position on this bill.

Alright, regarding environmental review. That's our package bill, that one is dead. Relating to the Office of Hawaiian Affairs, 1474, that's again our PLT bill which is dead. Relating to regenerative tourism. What is HB1508, that also died. Relating to a criminal pretrial bail reform, 1567. That's another one that's sitting there waiting to see if it will get a hearing. If not, then that will die as well. The bills are going to die or survive this week.

Going on, relating to number 6, HB1638. The Kona Hospital site bill, we commented on that bill, but it appears to be, at least it had a hearing in Finance. It was passed out of that committee, so it appears to be, you know, moving along. So we'll see what happens. Relating to regenerative tourism, 1767, that bill is dead. Relating to geothermal royalties, HB1808. That one again, that's another one of those that refer to the Committee on Finance. Let's see whether or not it gets a hearing. Probably not, but we'll see. Relating to government data. That's another one that was referred to Finance as well. You know, waiting for hearing. We'll see what happens to that bill, so you can see a pattern here on how critical it is for things to get a hearing or not for this week.

Relating to minimum wage, 1958, that one is dead. Board of Education, 1986. With regard to this one, it was passed out of JHA with amendments, so it's gone through both committees. With regard to the bill draft, I believe this is the one that I was speaking of. We have to wait to see what that draft is to see if OHA is going to be included in that, how that works. 1986 with that draft. Yeah, one Hawaiian immersion expert. So that was the version that came out of committee as an HD1, but we'll see what also comes out, it having passed with amendments out of JHA, so we're looking to see what that bill looks like and whether or not OHA's going to be written into that bill.

Alright, relating to the University of Hawai'i, that one was headed to Finance, 2015 and we're waiting to see if that receives a hearing. Relating to Mauna Kea, we already reported that that has a hearing on the second, tomorrow. Relating to the administrative rules of Department of Hawaiian homelands, we have a position of comment. Relating to state symbols, which is 2202, apologize for confusing you. It did pass second reading as an HD1 at JHA, so it's probably moving forward, but that's all we see because there were only two committees and it passed. Second reading HD1 referred to JHA I misspoke. So it's sitting with the committee. It's one of those that needs to get a hearing. So with relating the state symbols, there are other bills that what is are surviving with regard to Lehua, so this one may die and the other ones may move forward. So that's what's happening on the Lehua as a state symbol. So if it's confusing, there are a few bills floating around.

Back to your matrix. Relating to the Board of Land and Natural Resources, HB2270, that one is dead. Relating to HB2284. That bill is still sitting in Finance, so we're going to watch to see if it gets a hearing. Again, relating to Native Hawaiian rehabilitation programs. Well, let me stop here. Because these are the approved bills and we're not making any recommended changes. So maybe if I could just refer it back to Ka Pouhana so you can explain what will happen with the new position bills. Make sure because they need to view this next segment because I believe there's going to be a motion tied to that.

**Ka Pouhana Hussey:** So this is. Chair Akaka, I'll wait for you to recognize Trustee Akina.

**Chair Akaka:** Mahalo, Trustee Akina, it looks about that time that you will have to head out.

**Trustee Akina:** Yes, Chair, I'll need to go now, mahalo.

**Ka Pouhana Hussey:** So I understand Trustees and I apologize for not being in BAE last week. I understand that there were bill positions that were approved, brought forward and therefore would have been reflected on this matrix, and so I believe, Chief Advocate has updates, but I understand those same bills have not progressed as well. So for Matrix 3, the actual items are for approval are on line 63 to the rest of the matrix, and these front part are just updates for previous positions taken and then there's time that the additional items that the Trustees asked for that be the staff wanted to be able to have a more thorough review and those will come back at this point now. That's my understanding of Matrix 3 and what happened last week and how it's reflected or not reflected on this current matrix.

**Chief Advocate Kamali'i:** So when you look at the matrix in the far right, there is a word approved, new position, approved. So what was an approved position may change and that's why we call it a new position. So be mindful that this wasn't approved, but there is a change in a position, require in with regard to this particular bill of support, I believe the prior position was just to comment. Some of these bills with regard to the Native Hawaiian Rehabilitation Program have evolved and OHA understands its position and its way in which it's engaging with the community. For example, with 2311 and the change position would be support, so just be mindful of that and so there will be a motion on the change position, this is one of them. So just be mindful of that.

The next bill is moving into what is our approved positions, so it's not a change position. We're back discussing those positions that have already been approved, so I'm updating you. The new position bills may require a motion to change from what was comment to support. So just keep that in mind. Alright, and we can have questions on that and to summarize later, so moving on to 2320, relating to environmental impact statements as reported earlier, that is dead. Relating to federal Lands, 2327, that did not survive, it is dead.

Relating to Department of Hawaiian Homelands, I'll just note that this bill is what we know as the bill which would fund \$600 million to the Department of Hawaiian Homelands and we took a position of comment, the Board did, and it's being heard today at 11:00 AM. So in 10 minutes that bill will be heard on that calendar. So we'll see what happens with that. The Senate version of that. Sometimes it's easier to understand the two versions that are moving along and then repeat, so the Senate version of that is Senate Bill 3359 SD1. The Senate version of that will be heard on March 3rd, 2022. So the DHHL \$600 million appropriations bill is in two forms in the House, 2511, HD1 and also in the Senate SB3359. The House version is being heard today. The Senate version is going to be heard on March 3rd. I hope that is an adequate update. The Board takes a position of comment on that. Alright, relating to historic preservation, SB1411. Now we're into the Senate bills that we're reviewing now.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Going back to the HB2511. It says comment. I think that's the one I submitted testimony and I didn't mean to use the OHA letterhead, but it was as a Trustee saying that I support that special fund to give Hawaiian Homelands. I just wanted to make that note and so I think I explained it to Na'u. Well, the other Trustees, if you don't know what I did because the hearing is today. Was supposed to be submitted. Next time I'll just do that as a individual, but I also wanted to say as a Trustee because I am a fiduciary duty for our beneficiaries, and I think our beneficiaries live on Hawaiian Homelands and they deserve (inaudible), mahalo.

**Chief Advocate Kamali'i:** I'm glad you raised that issue, not specifically to your testimony, but you know you're not the only Trustee that has desired to testify individually. I mean, Trustee Alapa, I believe you had a submitted testimony individually. Trustee Lindsey did also on the prison individually. So maybe by way of review if it's of assistance to the Trustees who want to do that, and so that we're not confusing in terms of what

is the OHA testimony and then what the Trustees want and how they want to submit personally. Maybe we could suggest some language to do that, or certainly anybody even myself, I can submit testimony individually, but to qualify my position as not testifying as the Chief Advocate but individually. There's a form to that, and if that would be helpful to the Trustees, who are, you know, excited about the bills that they want to testify, you know for themselves, or make a reflection of that they you know how to stand on it. Maybe that's something we can address through Chair so that we don't have any confusion going forward, but certainly what we're trying to do by changing from an advocate to advocacy is encourage more people to testify, including Trustees in their individual capacity. I don't know if that's helpful, but I do note that.

**Trustee Ahu Isa:** I want to explain past years besides this COVID, when the Capitol was open, we would go, I would go Finance Committee, Ways and Means testify sitting across the table from the Senators and the Representatives and they like that. Like Finance when Representative Troy Hashimoto he said it's so great to see OHA come their sit down 'cause they can see the passion. They can see how we really feel about the bill and not just reading these testimonies and so that time we didn't have this misunderstanding or miscommunication, but now with COVID it's so different, we send testimony, then they don't know if it's from individual, they don't know if it's from OHA as a whole, so I understand that part, so hopefully they open up the Capitol again. Like Speaker Saiki wanted to but there was some disagreement with the Senate President, mahalo.

**Chief Advocate Kamali'i:** Thank you Trustee for that discussion. Moving on, relating to historic preservation, SB1411. We've reported out on this bill as well. As you know, it's referred to JDC again. It's one of those bills that needs to have a hearing or it's going to die. Relating to minimum wage. It did crossover. That's the Senate version. The House version of that bill, I believe, died. So what we're seeing now and just you know, to clarify it, which is why I want to redo the list so we have a nice restart. Is that some of the versions of the bills die and the other houses version you know is survived, but then it crosses back over, you know, into the other house. So we're just going to have to keep track of the numbers and where they lie and what status they're in, so don't lose the confusion on that. We'll try to clarify it in the way we report.

Historic Preservation SB2018. Just reported on that. SB2021 reported on that as well. So Trustee Ahuna, our OHA Bill died. The bill that addresses ceded lands and our pro rata share of the Public Land Trust is this bill, SB2021, which was introduced originally by Senator Keohokalole, so that is the one that we are waiting for the SD1 to come out and then we'll be able to report back to you next week, to all the Trustees on the Public Land Trust revenue, all right, relating to the Office of Health Equity. That is SB2031. That's another one that it passed second reading. It's sitting with WAM. If WAM doesn't give it a hearing, it's going to die. So we're watching to see what goes on there.

SB206, relating to prohibit which relates to rental discrimination, that particular bill 206 that one crossed over to the House and it's passed first reading so it's sitting in the House. With the house as indicated on your report as well, so this is the earlier ones that have already crossed over.

With regard to SB2064 relating to koa trees, it passed second reading. It's sitting with WAM, so we'll see if that survives, so far it hasn't received the hearing. SB2067 relating to burial sites. That is just a straight report back. It's sitting with WAM, has not received a hearing, but these are positions that we have already that you've already approved and it's just a status report so just the status report at this point to the Board. Related to court appointed attorneys. That's the SB2072. That again is single referral Committee on JDC will hold decision making, and that is a double referral, no sorry JDC was holding it for decision making, so I'm not sure why. Let me just double check on this one what the current status is. So JDC did recommend that it passed, and it was a two referral, so we're at this point there. I don't see a second committee report, so maybe they just needed more time to do the committee report.

Okay, relating to juvenile restitution, we opposed that bill, again you see it was deferred at JDC. Didn't get a hearing. So if it doesn't get a hearing, it dies and it's consistent with our position of opposition. Relating to

environmental review. That's our package bill, I already reported out on that. That was re referred to single referral, and now it has a hearing on March 3rd, so it's been resurrected and it's still going. SB2122, this was our Senate bill which is moving along. It was deferred so it's dead. The new vehicle is SB2021, keeping not to be repetitive, but. SB2251, we took a position of oppose. I don't believe that has received a hearing. Let me just double check. They just gave it a hearing. SB2251. This is how fast it changes so I apologize. Referred the measure until 3/3 so it was given a hearing of March 3<sup>rd</sup> at 10:00 AM. So that was a quick change and that's why I'm saying today and tomorrow a lot of these quick changes are happening, so real time it was given a hearing of March 3<sup>rd</sup> and we oppose that bill, so we'll be submitting opposition testimony.

With regard to 2320 relating to leasehold condos and 2465, reported last time, both those bills are dead. Regarding the 'Ōhi'a Lehua. Let me check the current status on that which is 2520. It still looks like it's a single referral and so it has not yet received a hearing and that may die because it hasn't received a hearing yet. Alright, we talked about this bill numerous times. It was deferred, so it's dead. This is the one where both OHA and Hawaiian Homelands were named as recipients of Public Land Trust monies. We'll clean this up as we submit to the Board on the crossover bills everyone so you won't be seeing these numbers again.

Relating to filing fees, 2663. That is still waiting for hearing. Committee on WAM will hold decision making on the 24, so I guess it's waiting for a report. Yeah, I don't see the report coming out on that one, so again, we're waiting for that to clean up before the 1<sup>st</sup> decking on the 4th. 2770 relating to the rehabilitation programs, this is one of the new position bills, so take note of this for motion. We had to take in a position of comments and that was because OHA was written into the bill. Now that we have a better understanding of what OHA's role may be and OHA is already engaging with the community, including the Prosecutor's Office, we're recommending a change position of support. Additionally, it's our understanding that there will be some appropriations for this for this measure. SB2770, and this is the collaboration between public safety and Office of Hawaiian Affairs on rehabilitation programs regarding prisons. This is actually a very nice bill moving along consistent with our coordinated advocacy in the community. So take note, that's a new position bill. I.e. change position from comment to support.

SB2778, relating to pretrial release, that bill is dead. SB2823 regarding mental health licensing, that one is dead. SB2861 relating to expungement and there was a lot of discussion with regard to expungement and expunging those records, and making sure that it gets through the Judiciary filing system, so it isn't on their record. That was referred to JDC. I don't see any movement there, maybe the problem was addressed by the Judiciary, but again, that's one of those with a single referral. If it doesn't get a hearing by the 3<sup>rd</sup> or the 4<sup>th</sup>, it'll be dead. Relating to pretrial release 2871, that ones dead, and let me just check 2892. That was adopted. It passed second reading, referred to WAM, so that was still waiting for a hearing. We'll see what happens. We'll report back next time.

Relating to expungement of criminal records. Again, this is a you know, one of those criminal bills that we've been tracking we're waiting to see if it's got a hearing that is as of your report, let me just double check our report for more current information. 3159 nope, it's still waiting for a hearing, if it does not receive a hearing that bill will die. Moving on with more approved bills, SB570. Regarding the definition of historic property, that crossed over to the House and it received its first reading, so we'll be prepared for testimony on that with a position of comment in the House.

With regard to SB872, which adds the Chairperson of Hawaiian Homes Commission on the Water Commission, i.e., designee to serve as an ex officio voting member in the Water Commission. That passed second reading referred to JDC. Just let me make sure that nothing happened recently. Literally, you know, these these bills are getting hearings this morning, so I'm literally doing a real time check. 879, relating to the Water Commission. That still has not received a hearing. Okay, so if that does not receive a hearing that will die. Alright, relating to the counties, SB879. Yours says that it passed first reading, real time check again this morning, it has been referred to JDC SB879, has now received a hearing on March 4th. So it's now received the hearing as of March 4th, so that bill is moving along and this is regarding the jurisdictional boundaries

between DHHL and the counties, so that's moving along, very interesting since it's a jurisdictional bill and we took a position of support to support the counties with regard to increasing maintenance dollars for the counties so that they can do their work in support of developing infrastructure.

Alright, with regard to Senate Bill 899, again your report shows that it had not been given a hearing, since then it has been given a hearing and decision making. The hearing is on March 4th at 10:30 a.m., so that one is still very much alive although your report is outdated, so these are the changes that happen in a couple of days, so again that has a hearing date.

Alright, relating to interim administrative rules Department of Hawaiian Homelands, 2136. That bill is dead. Relating to HB1768 disposition of water rights. With regard to kalo and kalo practices. That passed the JHA unamended. That was the last committee. So it's moving, moving out, and moving forward. Alright, so we have a couple more approved bills. That's good that it's moved out and moving over. Relating to the Judiciary, 'Ōlelo Hawai'i Initiative, we did move to support that and it has not received a hearing. Let me just double check 'cause it's happening very quickly as I indicated. I take that back, as of yesterday one thing as of today it did receive a hearing. HB1870, HD1, scheduled to be heard by Finance on the second Wednesday, which is tomorrow at 1:00 so that bill is moving along. At the time that this matrix was created, it did not have a hearing. Now it has a hearing.

Relating to the Office of Health Equity. This is the HB version 2429, that measure was deferred, so that means yes, it is dead. HB2466, these are the you know, more of the kalo bills are moving along, that was reported to the Committee on Finance on the 28<sup>th</sup>, it passed unamended. Finance was the last committee, so this report is likely to continue to move along and cross over but noting effective date is 7/1/2050. This particular bill, I'm getting an indication. Maybe Casey, because I see there's an indication that this might be a change bill or change bill. Is that correct?

**COO Brown:** Na'u, which bill in particular?

**Chief Advocate Kamali'i:** Relating to taro. Are we still on track that this is a support and we approved? That is 2466. The HD2. It did move on to Finance. It looks like it's going to crossover, but it appears to be a support and it already approved. Okay, so we're Okay with that. Alright, thank you.

I'll just keep moving with regard to HB2516, relating to correctional facilities. This had to deal with the planning and design where they're not going to put a lot of money into the new prison system that didn't survive. That bill is dead. It doesn't mean that the planning effort is halted, it just means that particular measure did not survive.

Relating to environmental justice mapping, we had a position of support. It did pass a second reading, referred to JDC. Let me just double check. Trustees literally things are happening while I'm reporting. Okay, so real time is passed second reading, still referred to JDC, so that particular one could die if it doesn't get a hearing. So again SB1277, relating to environmental justice mapping, we took a position in support, but it has not received a hearing in JDC, so that may die if it doesn't get a hearing in a couple days.

Alright with regard to SB2759, relating to disposition of water rights. That was an approved bill of support and that has moved through WAM, and received by the House from the Senate, and it has passed its first reading. So that has crossed over, again SB2759 relating to the disposition of water rights. Exempts the instream use of water for traditional and customary kalo conservation practices from existing process for disposition of water rights etc. and that confirms and protects traditional and customary and kuleana rights to water, including rights of use, access, delivery, etc. I'm taking the time because the important bill crossed over, so we have to continue to monitor that and to support it as it crosses over into the House and we have a position of support.

Relating to Hawaiian Recognition Day, we took a position of support. Let's see where it is if it got a hearing yet.

**Trustee Lee:** Hey Na'u, I'm going to help you so don't have to look all this stuff all up on your own. So just go off the matrix. I'll let you know if there's a real time update 'cause I can stay one bill ahead of you. So you don't have to keep switching screens.

**Chief Advocate Kamali'i:** Thank you, but no I'm fine.

**Trustee Lee:** Okay

**Chief Advocate Kamali'i:** I have multiple things going on, including people that are referring to me. I like to read from the real time so that the Trustees know real time. Unless you're going to report out. You know what I'm saying. Okay, I'm looking at two screens deliberately because I'm actually looking at you guys on one screen, and then there are notes.

**Chair Akaka:** Na'u, if you want to continue, mahalo.

**Chief Advocate Kamali'i:** I mean ideally Trustees, I would be more than happy just to give you this and summarily just address the approved and certain updates but I understand that this is the process that people want us to go through so we are going through it. Maybe that's something to consider. If it's not helpful, I'm more than happy to just go straight to the new bill.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I was just going to say you almost pau. But yeah, I was just going to suggest if there's any changes in where we stand and that's the ones that. I really want to hear.

**Chief Advocate Kamali'i:** Okay, so we can work on that and again because we're in the little window that we are where everything is getting a hearing you know really quickly. Even from what you're looking at. I'm sitting here real time and some of them are getting hearings. From last night even. Relating to Hawaiian Recognition Day. Okay, so that it's passed second reading, still sitting with WAM, no hearing. Relating to Hawaiian Community Development Authority, position of you know a comment, that as well still sitting there, no hearing so you know that one is dead, sorry. I'm looking at the wrong thing. I'll skip over the dead SB880. That bill is dead. Now we'll stop because now we're getting into the new bills.

Okay, Trustee Akaka, is there anything you would like to give the opportunity to Trustees to comment on? Otherwise, I'll move into the new bills, new positions.

**Chair Akaka:** Mahalo, I think the Trustees have said what they wanted to, but if not, members is there anything else to discuss or ask questions of Na'u on this? I don't see any, mahalo, Na'u, if you can please continue.

**Chief Advocate Kamali'i:** Some of the things that the policy group has been doing is looking at not only our directions, but also the strategic plan and 'ohana is a big part of the strategic plan, so we've been looking at these bills that may not necessarily rise, but they are still consistent with the 'ohana concern and so delving into what might be CPS type cases or custody cases or ability of our families to, you know, file motions for custody. Those things are things that we're all taking a look at so, to note also that with the new bills there may be a motion so you know, please consider what your position might be as Administration suggests a position going forward. So relating to temporary assistance for needy families. This authorizes the Department of Human Services to provide housing assistance subsidies up to \$500 per month. So this is taking a look at the the TANF aspect of our families who are receiving assistance and it does appropriate funds. We did take the position of support and I'll say it continues to be a. This type of bill is not where somebody is asking us for support, but it's an appropriation which it increased the support in a governmental program. So it's a very unique slice of a bill that appropriates funds so maybe Trustees if you want to weigh in on this one but we felt

that it was a good thing when subsidies go up and our families who are receiving assistance get more money to support the family. So we took a position of support and if somebody wants to say that's not really aligned with our policy because it talks about appropriation. Then please let us know, but we're raising it because of the situation, the uniqueness of the particular request and how our people are affected by it.

Okay, the next one are relating to Hawaiian fishponds SB2023. We are taking a position of support, but I'll also note as we delved more into this particular bill and the testimony is there. Let me see if I got this. There are couple of this. Yes, this bill all spoke of being able to establish a functional system to provide pua ama and pua awa and some of the testimony also included the need to also propagate limu and knowing the significant effect that propagating limu in a local i'a has in the whole system to propagate the i.e. the pua ama and pua awa. So when we looked at that again, even though it went out to the Board as support. We considered a position of support with amendments to include limu as recommended by those who are working in the local i'a. So that would be something for the Board to consider in its decision whether or not to support or to support with amendments to include the propagation of limu.

Relating to state symbols, as I indicated this particular bill there were several bills that dealt with 'Ōhi'a Lehua, some died, some haven't gotten a hearing. This particular number, this particular bill, SB2059 did cross over and it's received first reading in the House, so now we're looking at this particular bill number and continuing on with a position of support. So it's a new bill. It's not a new request 'cause the others that we've been supporting may have died or not get a hearing yet. So this represents a bill that's actually moving, has crossed over on the issue of designating 'Ōhi'a Lehua as the state endemic tree.

Okay next, this is the SB version of the TANF bill that I already spoke of, which was the House version, that's HB2233 and now we have the SB2150, so that's the companion position of support. Relating to youth crisis centers, this is a new bill, SB2481, what is this about? We find that some of our are youth that are on the street, have nowhere to go, and some become victims of the sex trafficking trade and what this bill tries to do is provide a crisis center where they can go and so we support that and it is still moving along.

Relating to SB2639, relating to the comprehensive offender reentry system. It's a Senate bill, crossed over, passed over into the House and received first reading. So again, this is a offender reentry program and we're supporting that. Particularly, this bill also addresses female inmates so we are supporting that as well. So there are bills that address and distinguish male and female services and also incarceration. So we support. Relating to risk assessment needs for female offenders. Again, this is along those same lines, SB2771. We support that bill. It's a new bill.

Relating to historic preservation reviews. I don't know if Kamakana if you want to speak to this, it's a new and we have a position of comment. If you are still available.

**Lead Compliance Specialist Ferreira:** I'm still here. So yeah, initially we were monitoring this. We didn't think it was going to go anywhere. It's basically they're trying to establish a county preservation officer system and so in theory this could work, but our concern is we don't want the burial responsibilities to be delegated or any type of undermining of the authority of the Island Burial Councils. So that's mainly what our comments are focused on, frankly quite surprised it got a hearing and also you know, prior to this bill being posted, Dr. Donna was trying to explain to individuals that 1643 burials was not being delegated, but as currently written it would allow that, so that's why we have our comments. We did submit testimony from this recent hearing. Any questions?

**Chief Advocate Kamali'i:** Thank you, moving on to another sort of 'ohana youth bill that is being presented to address our youth who are on the street and not, you know, not that they're sitting with homeless families, but they're just on the street for whatever circumstances. This 3235 relating to safe spaces for youth. It's a pilot program and it's designing to create a shelter just for youth. So we've got programs for youth and then we have a shelter for youth. That's different from the shelters that might be available for women who are victims of

domestic violence. There are, you know, special considerations when we're talking about youth who around the street because they might be minor or youth. But you know, if we don't allow for them to come into a shelter, then we may lose them for various reasons, i.e. again, brought into the sex trade or you know they get into, you know, drugs, use of drugs there and it's just you know it's just suffering. So this is an idea that's coming up and it's a use pilot program. We saw that, we thought that was a good bill to support.

SB3363 relating to wastewater treatment on the County of Hawai'i. You know, authorize the issuance of general obligation bonds waste water treatment. You know, these are things that honestly are important in our neighbor islands where they have to deal with treatment programs that just need to get updated or not, you know, effective, and mahalo to our Hilo advocates who brought this to the team's attention so based on their recommendation, we are taking a position of support. It authorizes an issue of general obligation bonds for replacement in the water, so again I'm not sure how to reconcile some of these bills that have to, you know, move along and they might be considered appropriation bills because it's you know, Trustee Lee, you've said you know what kind of appropriation is it. That appropriation is made for a capital improvement project and you know authorizing the issuance of general obligation bonds for this particular purpose. So please weigh in, if we went off base on that just let us know and we'll remove it from the list. So that's the end of the list. These are bills that are new, that we added to the list. There are other bills that are not notice to you that is in another category and I have not addressed them. I'm going to stop at this point because we would get into a new category and that new category would be new bill that if are not on the matrix and have not been presented to the BAE Committee at this time by way of notice through the agenda notice process.

**Chair Akaka:** Any discussion numbers?

**Chief Advocate Kamali'i:** Anything else about this grouping?

**Board Chair Hulu Lindsey:** Are we done with the matrix?

**Chief Advocate Kamali'i:** We're done with the matrix, but then there's another category of bills that we've identified in the last few days that we believe the Committee would be interested in, and maybe Ka Pouhana or Casey could speak to this, maybe it's something we add to the matrix for next week, but we've identified them. The reason why we identified them is because they're potentially coming up for hearing.

**COO Brown:** Madam Chair

**Chair Akaka:** Yes Casey

**COO Brown:** Na'u, were we able to determine recommended positions on these new bills?

**Chief Advocate Kamali'i:** Yes

**COO Brown:** I would then ask the Trustees what they prefer. Trustees, would you prefer we can only speak to these bills now, so there's nothing documented that share with you unless Na'u has something she's prepared on the side. But it's been so recent. So we could speak to these to give you guys background and context and let you guys think about it and they will show up on the matrices next week.

**Chair Akaka:** Maybe we should stick to it for the next one as we don't have it on the agenda.

**COO Brown:** Or option two would be that we don't speak to it now and it'll just show up on the matrices next week.

**Chair Akaka:** That would be good.

**COO Brown:** Okay, mahalo Trustee, mahalo Chair.

**Ka Pouhana Hussey:** So Chair, I would also add to Ka Pou Nui's observations that would have then the Trustees take action on Matrix 3 as been presented which includes new positions, plus change positions to Trustee Ahuna's point, the matrix identifies new positions that Administration is presenting, as well as the new positions coming forward, and I believe staff has a recommended language for the motion for Matrix 3.

**Chief Advocate Kamali'i:** Ka Pouhana, could I add something as well? In the group that's not on the matrix. There are bills for example, the Red Hill bills that have survived which the Board has taken just a general position on and also of concern to the Chief Advocate and a bill that we've been talking about and watching to see what happens to it. Is a particular bill that deals with the disposition of public lands by negotiation which died in the House, but it's actually getting a hearing in the Senate, and that is concerning. The reason why I'm raising it is because it would appear that we have Board approval to take a position in protection of those ceded lands to oppose, i.e. but we don't have a position on a particular bill. Also, with regard to all the Red Hill bills that are surviving and moving forward that we already have a general arching approval to support those bills that would you know, protect our clean water. So if I could get some guidance because the team is ready to also testify within that general scope of authority or approval.

**Chair Akaka:** I'm sorry, Na'u, can you please repeat your question?

**Chief Advocate Kamali'i:** The bills that are not on the matrix also fall under a broad policy. For example, the Red Hill bills and the water. The board's policy on water and protection of our water. They fall under that, so it would seem that we would be free to testify in those bills, even though the specific bill has not been brought before the Committee. The other is in protection of public lands, or those bills that confuse or limit our ability to obtain revenues from our ceded lands because of the way it's being restructured, it would seem that we would have the ability to weigh in on those bills and the one in particular is Senate Bill 3130. We had been monitoring it. Believe the House version died. The Senate version is getting a hearing. It's just a timing thing, I apologize. So under the overarching policy regarding water, we want to testify in the Red Hill bills over the overarching policy regarding ceded lands protection and the revenues that are generated for our people, we want to be able to testify even though the specific bill has not been brought before the Committee. If not, if we wait till next week, that bill would either been approved and move on, or it would have been decked and pau just because of the calendar.

**Board Chair Hulu Lindsey:** Na'u, I have a question.

**Chief Advocate Kamali'i:** Yes

**Board Chair Hulu Lindsey:** The PLT bill that was reported or amended that you're waiting to see the final copy, came out of the WAM?

**Chief Advocate Kamali'i:** It has the FD1

**Board Chair Hulu Lindsey:** 2021

**Chief Advocate Kamali'i:** Yes it has not, the new version, neither the bill as amended or the committee report has come out of WAM.

**Board Chair Hulu Lindsey:** And where would it go from there?

**Chief Advocate Kamali'i:** Well, one we would have the ability to speak to it, but it would cross over to the House.

**Board Chair Hulu Lindsey:** And how would we have the ability to speak to it? They're going to have another hearing?

**Chief Advocate Kamali'i:** When it crosses over to the House, like all the bills that crossed over from their originating body crosses over to the next house, which is not the originating body. The next task would be to ask that body, i.e., the House to hold a hearing. So if the house doesn't hold a hearing, it's dead.

**Board Chair Hulu Lindsey:** That's what happened to Kaka'ako last year.

**Chief Advocate Kamali'i:** Yeah, so that will be, which is why we want to be clear as to what the position is on the bill so we can alert the lāhui who can also participate in requesting that the measure be heard in the House.

**Board Chair Hulu Lindsey:** Well, I think it's critical on the changing of the gross to the net. That's like taking half or more of the revenue away from us because they can always pack on expenses and lessen the net and we'll always end up with 15.1. That sucks. So, do you want a motion, Chair? The motion that's up here.

**Chair Akaka:** Yes, mahalo.

**Board Chair Hulu Lindsey:** Thank you, I **Move to approve Administration's recommendations on: NEW BILLS (Items 63 - 72) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 1, 2022, along with the following revisions:**

**BILL POSITION CHANGES:**

- HB2311 from COMMENT to SUPPORT
- SB2770 from COMMENT to SUPPORT

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded, any discussion members? Seeing none, Brandon, can we please have a **roll call vote** on this measure.

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

11:39 a.m.

<b>TOTAL VOTE COUNT</b>		<b>6</b>	<b>0</b>	<b>0</b>	<b>2</b>
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**MOTION:** [   ] UNANIMOUS [ **X** ] PASSED [   ] DEFERRED [   ] FAILED

**Chair Akaka:** Na'u, do you have anything further that you wanted to say?

**Chief Advocate Kamali'i:** I believe there's also another motion, those are the change motions, but there were also bills that were added to the matrix. So they would be new bills added to the matrix that have positions, so we would need the Board to approve those positions.

**COO Brown:** Na'u, we handled two of those approvals in the one motion. It covered the new bills that were added those last 10 bills on the Matrix 3.

**Chair Akaka:** Items 63 through 72.

**COO Brown:** Correct, is that the bills you're referring to Na 'u?

**Chief Advocate Kamali'i:** Yes, so nothing else other than just the general consideration. So we will have to address my concern that I raised. I'll address it with Administration, so thank you very much, thank you.

**Chair Akaka:** Yes, I think it's best as we stick to the agenda items.

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

**Chair Akaka** recognizes Ka Pouhana Hussey.

**Ka Pouhana Hussey:** If the Trustees have no more discussion on Matrix 4, in a couple of previous meetings there was a discussion and those items would be taken up by Administration and brought back, so just clarifying if there's anything on Matrix 4 that Administration needed to bring back next week that we haven't been notified of thus far. And then, Madam Chair, I just wanted to make one correction to my statement on the Salary Commission, chapter 10.95 is the section that identifies the Salary Commission process for the Trustees, and so if there's any legislation or regulations to change it'll be in section 10.95.

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).**

NONE

V. ANNOUNCEMENTS

NONE

VI. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** I move that we adjourn.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any discussion members? Seeing none, Brandon, **roll call vote** please.

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI’I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI’ĀINA	LEE						EXCUSED
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV		2	X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				6	0	0	2

11:44 a.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 **11:44 a.m.**

Respectfully submitted,

\_\_\_\_\_  
Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

\_\_\_\_\_  
Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT