

PHONE (808) 594-1888

Committee on Beneficiary Advocacy and Empowerment

Trustee Robert K. Lindsey, Jr., Hawai'i, *Chair*Trustee Dan Ahuna, Kaua'i / Ni'ihau, *Vice-Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Rowena Akana, At-Large

Trustee Keli'i Akina, At-Large

Trustee Peter Apo, O'ahu

Trustee Carmen Hulu Lindsey, Maui

Trustee Colette Y. Machado, Moloka'i / Lāna'i

Trustee John Waihe'e, IV, At-Large



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

MEETING OF THE COMMITTEE ON
BENEFICIARY ADVOCACY AND EMPOWERMENT

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

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. September 5, 2018[†]
- III. Public Testimony*
- IV. New Business
 - A. 2019 Legislative Package Concepts Workshop**[†]
- V. Community Concerns*
- VI. Announcements
- VII. Adjournment

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

*Notice: Persons wishing to provide written testimony are requested to submit thirteen (13) copies of their testimony to the OHA Pouhana / CEO at 560 N. Nimitz Highway, Suite 200, Honolulu, HI 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally at the meeting may do so within a five (5) minute limit.

**Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 09/25/18. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

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

Trustee Robert K. Lindsey, Jr.

Chair, Beneficiary Advocacy & Empowerment

9/17/18

Date

Office of Hawaiian Affairs
Meeting of the Committee on
Beneficiary Advocacy & Empowerment
September 26, 2018
1:00 PM

II. Approval of Minutes

A. September 5, 2018†

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

September 5, 2018 1:00 p.m.

ATTENDANCE:

Chairperson Robert K. Lindsey, Jr.
Vice-Chairperson Dan Ahuna
Trustee Leina'ala Ahu Isa
Trustee Keli'i Akina
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e, IV

ADMINISTRATION STAFF:

Anuheia Patoc, PP
Jocelyn Doane, PUBL
Kika Bukoski, ADV
Miles Nishijima, LPD
Monica Morris, PP
Wayne Tanaka, PUBL
Zuri Aki, ADV

EXCUSED:

Trustee Rowena Akana
Trustee Peter Apo

GUESTS:

Germaine Meyers

BOT STAFF:

Kama Hopkins
Kauikeaolani Wailehua
Davis Price
Lady Elizabeth Garrett
Alvin Akee
Maria Calderon

I. CALL TO ORDER

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

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

MEMBERS			AT CALL TO ORDER (1:02 pm)	TIME ARRIVED
CHAIR	ROBERT	LINDSEY, JR.	X	
VICE-CHAIR	DAN	AHUNA	X	
TRUSTEE	LEINA'ALA	AHU ISA	X	
TRUSTEE	ROWENA	AKANA		EXCUSED
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO		EXCUSED
TRUSTEE	HULU	LINDSEY		1:04 pm
TRUSTEE	COLETTE	MACHADO	X	
TRUSTEE	JOHN	WAIHE'E		1:05 pm
			5	

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

CL requests a motion:

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

**IV. New Business
A. 2018 Legislative Session Report**

Trustee Ahuna (T. Ahuna) – moved
Trustee Machado (T. Machado) – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEINA'ALA	AHU ISA			X				
VICE-CHAIR	DAN	AHUNA	X		X				
TRUSTEE	ROWENA	AKANA							EXCUSED
TRUSTEE	KELI'I	AKINA			X				

TRUSTEE	PETER	APO						EXCUSED
TRUSTEE	HULU	LINDSEY						X
TRUSTEE	COLETTE	MACHADO		X	X			
TRUSTEE	JOHN	WAIHE'E						X
CHAIR	ROBERT	LINDSEY, JR.			X			
					5			4

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

72-Hour waiver passed at 1:03 pm.

II. APPROVAL OF MINUTES

II. Approval of Minutes

- A. April 11, 2018
- B. April 18, 2018
- C. May 2, 2018

CL calls for a motion to approve the minutes of:

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

- T. Machado – moved
- T. Ahuna – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEINA'ALA	AHU ISA			X				
VICE-CHAIR	DAN	AHUNA		X	X				
TRUSTEE	ROWENA	AKANA							EXCUSED
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO							EXCUSED
TRUSTEE	HULU	LINDSEY							X
TRUSTEE	COLETTE	MACHADO	X		X				
TRUSTEE	JOHN	WAIHE'E							X
CHAIR	ROBERT	LINDSEY, JR.			X				
					5				4

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

Item II. A., II. B. and II. C. passed at 1:03 pm.

III. PUBLIC TESTIMONY

No public testimony.

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

IV. NEW BUSINESS

A. 2018 Legislative Session Report

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

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

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

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

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

V. COMMUNITY CONCERNS

None

VI. ANNOUNCEMENTS

BOT Meeting tomorrow.

VI. ADJOURNMENT

CL asks for a motion to adjourn.

T. Ahuna – moved
T. Machado – second

	1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
MEMBERS							

TRUSTEE	LEINA'ALA	AHU ISA			X			
VICE-CHAIR	DAN	AHUNA	X		X			
TRUSTEE	ROWENA	AKANA						EXCUSED
TRUSTEE	KELI'I	AKINA			X			
TRUSTEE	PETER	APO						EXCUSED
TRUSTEE	HULU	LINDSEY			X			
TRUSTEE	COLETTE	MACHADO		X	X			
TRUSTEE	JOHN	WAIHE'E			X			
CHAIR	ROBERT	LINDSEY, JR.			X			
					7			2

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

BAE Committee meeting adjourns at 1:47 pm.

Respectfully submitted,

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

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

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

- ATTACHMENT(s):
- Excused Absence Memo – Trustee Rowena Akana
 - Excused Absence Memo – Trustee Peter Apo
 - 2018 Legislative Overview 090518 FINAL

Office of Hawaiian Affairs
Meeting of the Committee on
Beneficiary Advocacy & Empowerment
September 26, 2018
1:00 PM

IV. New Business

A. 2019 Legislative Package Concepts Workshop**†

**Material not received by the distribution of this folder will be distributed at the board table.
Mahalo.*

**OHA 2019 CONCEPTUAL
LEGISLATIVE PACKAGE WORKSHOP**

BAE

September 26, 2018

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

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

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

without producing a large amount of cash up front, but still be subject to financial consequences for failing to appear at trial; accordingly, this measure would provide prison overcrowding relief as well as greater fairness for poor defendants, without compromising the judicial process or public safety.

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

5. **Membership on Hawai'i State Mental Health Council:** This measure would require three of the 21 members of the Hawai'i State Mental Health Council ("Council") to have demonstrated and relevant expertise in Native Hawaiian traditional and customary practices. Data shows that many Native Hawaiians may suffer from mental health challenges, including high rates of Native Hawaiian keiki victims of abuse, female youth attempting suicide, feeling hopeless, harming themselves, young mothers experiencing postpartum depression, kupuna depressive disorders; and low ratings by wahine self-assessments of their health. Unfortunately, many Native Hawaiians may find that available mental health programs or treatments are not consistently conducive to their unique cultural background, thus proving less effective than culturally integrative services and treatment plans. The Council could play a key role in refocusing mental health efforts on culturally-grounded approaches that can provide significantly improved mental health services and outcomes for the Native Hawaiian community: it currently advises the Department of Health on allocation of resources, statewide needs, and programs affecting two or more service areas; reviews and comments on the statewide comprehensive integrated service plan; and serves as an advocate of mental health in the state. Accordingly, having Native Hawaiian practitioner or those with expertise in Native Hawaiian practices on the Council may have a significant positive impact on the mental health status of the Native Hawaiian community.

OHA 2019 COORDINATED ADVOCACY

BAE

September 26, 2018

- 1. HCR85 & HCR134 Task Forces:** Over the past two years, OHA has actively participated in the HCR85 and HCR134 Task Forces, which were charged with making recommendations on reforming and improving Hawai'i's criminal justice system. The HCR85 Task Force explored best practices in effective incarceration, and will be making recommendations to the legislature on how to transition from a punitive correctional model to a rehabilitative one. Among these recommendations are several targeted at reducing the overrepresentation of Native Hawaiians in jail and prison, including the development of a new cultural court diversion program, the expansion of cultural and educational programming for pa'ahao, and the establishment of culturally relevant reentry programs for ex-pa'ahao reentering their communities. The HCR134 Task Force examined Hawai'i's pretrial system and will make recommendations to improve the efficiency of the pretrial system, expand diversion programs and alternatives to pretrial detention, and greatly reduce the overreliance on money bail. Both Task Forces will report their recommendations in December 2018, and OHA plans to continue to coordinate with the Task Forces and the concerned community to advocate for these needed reforms during the 2019 legislative session.
- 2. Kanaeokana Public Charter School Funding Equity Bills:** Kanaeokana is a network of Hawai'i schools, including the 17 Hawaiian-focused and Hawaiian-immersion charter schools, and support organizations focused on strengthening 'ike Hawai'i and 'Ōlelo Hawai'i. In anticipation of the upcoming legislative session, two Kanaeokana kōmike (committees) met in August 2018, and agreed that bills seeking equitable funding for charter schools should be pursued in three areas: school lunches, school transportation, and school facilities. Notably, while Section 302D-28, Hawai'i Revised Statutes, mandates that non-facility general fund per-pupil funding for public charter school students be the same as that for Department of Education (DOE) students, public charter schools are not necessarily provided funding to cover the unique costs they must bear in relation to these three areas. Kanaeokana has accordingly been working with a legislator who suggested that three separate bills be created. OHA Public Policy staff will be assisting in the drafting of these bills, and will coordinate with Kanaeokana and other concerned community members to advocate for them.