

PHONE (808) 594-1888  
BOARD OF TRUSTEES  
Colette Y. Machado, *Chairperson*  
Brendon Kalei'āina Lee, *Vice Chairperson*  
Leina'ala Ahu Isa, *At-Large*  
Dan Ahuna, *Kaua'i & Ni'ihau*  
Kalei Akaka, *O'ahu*  
Keli'i Akina, *At-Large*  
Carmen Hulu Lindsey, *Maui*  
Robert K. Lindsey, Jr., *Hawai'i Island*  
John Waihe'e IV, *At-Large*



FAX (808) 594-1868

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Thursday, February 20, 2020  
**TIME:** 10:00 am  
**PLACE:** OHA Board Room, Nā Lama Kukui  
560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817

**AGENDA**

- I. Call to Order
- II. Approval of Minutes
  - A. February 6, 2020†
- III. Public Testimony\*
- IV. Unfinished Business
  - A. OHA CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
  - A. Committee on Beneficiary Advocacy and Empowerment
    1. 2020 OHA Legislative Positioning – Matrix 2, February 12, 2020\*\*†
    2. 2020 OHA Legislative Positioning – Matrix 2, February 19, 2020\*\*†
    3. Action Item BAE #20-01: Approval of Nominees for the O'ahu Island Burial Council, Kaua'i & Ni'ihau Island Burial Council, Maui and Lāna'i Island Burial Council, and Hawai'i Island Burial Council†
  - B. Action Item BOT #20-01: Approve the Office of Hawaiian Affairs, Board of Trustees' Updated By-Laws†
- VI. Executive Session‡
  - A. Consultation with Legal Counsel Shanlyn Park, Esq., Corporation Counsel Raina Gushiken, Esq., and Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to additional requests by the State Attorney General's office for OHA documents. *Pursuant to HRS § 92-5(a)(4)*.
  - B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Declaratory Relief action filed in Circuit Court. *Pursuant to HRS § 92-5(a)(4)*.
- VII. Community Concerns\*
- VIII. Announcements
- IX. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email at: [rainag@oha.org](mailto:rainag@oha.org) no later than three (3) business days prior to the date of the meeting.

\*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

\*\*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 2/19/2020. 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.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Colette Y. Machado  
Trustee Colette Y. Machado  
Chairperson, Board of Trustees

2/14/2020  
Date

Office of Hawaiian Affairs  
Board of Trustee Meeting  
February 20, 2020  
10:00 am

- II. Approval of Minutes
  - A. February 6, 2020

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Highway, Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, February 6, 2020  
10:00 am**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE BRENDON KALEI'ĀINA LEE  
TRUSTEE LEINA'ALA AHU ISA  
TRUSTEE DAN AHUNA  
TRUSTEE KALEI AKAKA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE ROBERT K. LINDSEY  
TRUSTEE JOHN WAIHE'E IV

ROBERT KLEIN, BOARD COUNSEL

**ADMINISTRATION STAFF:**

SYLVIA HUSSEY, CEO  
RAINA GUSHIKEN, CC  
JIM MCMAHON, ADV  
EVERETT OHTA, CC  
JOCELYN DOANE, PP  
KEOLA LINDSEY, CA  
LISA WATKINS-VICTORINO, ICOO  
STERLING WONG, PRO

**BOT STAFF:**

CAROL HO'OMANAWANUI  
DAYNA PA  
LAURENE KALUAU-KEALOHA  
LEHUA ITOKAZU  
LEIANN DURANT  
ALYSSA-MARIE KAU  
BETHANN AHSING  
MARIA CALDERON  
KAMA HOPKINS  
BRANDON MITSUDA  
NATHAN TAKEUCHI  
PAUL HARLEMAN  
ANUHEA PATOC

**I. CALL TO ORDER**

**Trustee Colette Machado** Calls the Board of Trustees meeting to order at 10:03 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey, and Machado are present, constituting a quorum. Trustees Waihee and Akaka is expected to arrive shortly.

Let us move on to item II. Approval of Minutes.

**II. APPROVAL OF MINUTES**

**A. January 23, 2020**

**Trustee Brendon Kalei'āina Lee** moves to approve the Board of Trustees meeting minutes of January 23, 2020.

**Trustee Dan Ahuna** seconds the motion.

**Chair Colette Machado** –Is there any further discussion? Hearing none, roll call vote please.

Trustee Brendon Kalei‘āina Lee moves to approve the Board of Trustees meeting minutes January 23, 2020. Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA						Not present at time of vote
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E						Not present at time of vote
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with seven (7) yes votes and two (2) excused.						

**III. PUBLIC TESTIMONY**

**Chair Colette Machado** – We are on public testimony. Is there anyone that is testifying? The Chairs office did not receive any written testimony also. We will proceed to IV. which is Unfinished Business.

**IV. UNFINISHED BUSINESS**

**A. OHA CEO’s 15-Minute Update on Ho‘oulu Lāhui Aloha and OHA Activities**

**Chair Colette Machado** – I would like to call on our CEO, Sylvia Hussey for any updates.

*10:05 am Trustee John Waihe‘e IV arrives to the meeting.*

**Sylvia Hussey** – Thank you Chair, I will ask Mehana to come up. What is being distributed is the latest beneficiary resolution costs as of January 21<sup>st</sup>. In support of our beneficiaries. You can take a look at that.

*(Please see attached Board of Trustees Action Item #19-11 – Beneficiary Resolution as of January 21, 2020)*

There is not much change from the last report primarily because our accounting systems were closed down for the conversation so the next report should have the costs associated. I thought Mehana could give you an update as to physically what is happening on the mountain, there have been come concerns as to ‘ōpala that has been up there or pictures or reports or things like that. But Mehana can give an update on that as well as the opening day legislature activities and the community engagement with our community.

**Mehana Hind** – Mahalo Ka Pouhana, aloha Chair, aloha Trustees. Yes, like Ka Pouhana has stated the activity on the mountain is continuing in a different form. The kupuna have moved off to the side of the road so the road is cleared and they are still having their 8 am, 12 noon, 5:30 vigils. There are still visitors that go up there and are both sharing ike with the University, Pu‘u Huluhulu University and kupuna are still sleeping there overnight. Same or similar activities just moved off to the side of the road. The pu‘uhonua site across the street is still active. Although everything has kind of shrunk down in size, one for weather, there were very prepared for the weather

that was happening over the holiday period. Second, knowing that things were about to move in a different direction physically by moving off to the side. But they still receive visitors. People are still going up, the mauna medics are still there. Like the core functioning, the kupuna, the medics support people, other protocol people are still active on the mauna.

*10:08 am Trustee Kalei Akaka arrives to the meeting.*

*(conversation indiscernible)*

**Mehana Hind** – The kind of decentralized from the very beginning. I say the category of leadership is the kupuna are the active leaders. Then of course the young people who we see more around. The kupuna as a group, I don't think they have identified one singular or anyone in particular.

**Chair Colette Machado** – Is there anything else that you would like to add.

**Mehana Hind** – Ka Pouhana has asked me to address the pictures of 'ōpala and so forth. We saw those toward the ending of last year. We've seen pictures floating around, when we've gone up, we have not witnessed that. What we have witnessed is actually the opposite. A very active movement to constantly clean. There was a meme that I copy of online and it was the porta pottys on the mauna are cleaner than any public bathroom through out the State. Because there is an active functioning of people up there who are dedicated and that is all their kuleana is, is to clean. They clean the toilets every morning, every evening. We did see pictures and there is a particular time period where they had told everyone in the camps, because of weather and the wind to break down the camps. If you had a test set up, like break it down, weigh it down or remove it because of the weather and then come set it back up. We saw a lot of pictures of what looked like that, so there were tarps over stuff underneath and they weighed down. Maybe it didn't look perfect or pretty it looked messy and that might have been misconstrued as rubbish. Then there are those times when people have left rubbish and then the crews have gone in and cleaned it up. There is still a dumpster up there that we pay for so there and there is active rubbish runs every day. If there is rubbish it doesn't stay up there. Its not something that sits up there over a long period of time. It is something that is taken cared of. If you guys do hear of those inquiries feel free to send them to me and we can have the people on the mauna and the staff to just confirm whether it's becoming a real problem up there.

**Trustee Leina'ala Ahu Isa** – Kala mai if I missed something. I just wanted to know if there was any update on the Attorney General asking for our expenditures for the mauna and came from T fund or G fund.

**Trustee Brendon Kalei'āina Lee** – Its not on the agenda.

**Robert G. Klein, Board Counsel** – I don't think we should be talking about anything involving the Attorney General, any legal actions or any advice we may put on public record, thoughts or facts having to do with whatever the Attorney General is doing.

**Trustee Leina'ala Ahu Isa** – Can I share something else?

**Robert G. Klein, Board Counsel** – If its related to the agenda and it's not something that would be privileged or legal advice.

**Trustee Leina'ala Ahu Isa** – It's just testimony at the legislature that I heard on our \$3 million. You want to go into executive session for that?

**Robert G. Klein, Board Counsel** – Its not if I want to go into executive session, but its not on the agenda specifically.

**Trustee Leina'ala Ahu Isa** – I just asking a question. It's an update time for Ka Pouhana, I just thought it's a question.

**Robert G. Klein, Board Counsel** – I can't possibly advise you because I don't know what your question is.

**Trustee Leina'ala Ahu Isa** – Its about the \$3 million we are supposed to get.

**Chair Colette Machado** – Are you talking about Act 37, year two funding?

**Trustee Leina'ala Ahu Isa** – Yeah you know the auditor's thing.

**Trustee Carmen Hulu Lindsey** – Its going to be in Executive Session.

**Chair Colette Machado** – We having some discussion relating to that.

**Robert G. Klein, Board Counsel** – With respect if you could defer it to executive session it would.

**Trustee Leina'ala Ahu Isa**- It's kind of common knowledge because its testimony that I heard. That's ok.

**Robert G. Klein, Board Counsel** – We can do it in executive session that would be my advice to you.

**Trustee Leina'ala Ahu Isa** – Ok.

**Chair Colette Machado** – Are there any questions relating to the Maunakea updates?

**Trustee Keli'i Akina** – Sometime ago a beneficiary came and alerted us that there were impolite social media taking place and that was a concern for some beneficiaries. We even proposed a resolution that we stand against it. I have not personally been monitoring social media, what is your assessment on how it is being conducted.

**Mehana Hind** – Since the legislature has opened, a lot of the energy has shifted towards being proactive, especially with the bills that are being introduced regarding Maunakea and the different actions that have been taken. So, I've seen it towards that. A lot of it is pointed towards getting people out, getting people into the hearings to actively testify. I don't see the bickering anymore to much between the different, polarized discussions that were happening toward the middle of last year. That's not a common thing anymore that much any more right now. There has been a lot of effort more focused on rallying people to take different proactive measures. There are a lot of voting talk. As candidates start to avail themselves of running you see a lot of that kind of discussion happening in the community on social media.

**Trustee Keli'i Akina** – Mehana, I was very pleased when I heard from some beneficiaries who actually support the TMT and actually visited the site and camped up there and were treated very well and made use of our provision on porta potty. I was just wondering if you confirm that's the case that our resources are being used by beneficiaries regardless of their positioning.

**Mehana Hind** – Yes, definitely. The lesson on the mauna about that kapu aloha has been tested over the past 6 months or so. When I have been there and there have been people who were present who have shared opposing views or differing views. Because there are a range of views it not just one view up there that is being shared by people. They've always been met with, the basics has always been consistent, everyone is asked if they are hungry, thirsty, need anything. The medics they don't see their political ideology on their head, they help out whomever. That has been the foundational up there.

**Trustee Keli'i Akina** – I am pleased to hear that because I voted in favor of the resolution because it didn't favor any one particular side but it was all beneficiaries. Just one last question. I see that we provided 171.5 hours of staff labor, that's not included in the dollar total here. So, what do you estimate Sylvia is the value of 171 hours of staff labor.

**Mehana Hind** – It would be different because different range of staff, say if I went and I was present or one of my

staff members or and if it was something more coordinated with the Ka Wai Ola article as opposed to a site visit like those kinds of things. It can fluctuate. I don't know if there is an exact.

**Sylvia Hussey** – I would say on average if you take can average staff salary, you put on the labor \$35 an hour, so if you take 35 times the 171 that is about \$6,000 of labor associated with these activities.

**Trustee Keli'i Akina** – About \$6,000?

**Sylvia Hussey** – Yes, based on \$35 an hour.

**Trustee Carmen Hulu Lindsey** – Average.

**Sylvia Hussey** – Much of this is what they do anyway in terms of social media and video.

**Trustee Keli'i Akina**- Mahalo.

**Chair Colette Machado** – The last item that KP wanted to update was legislative opening day.

**Mehana Hind** – Opening day there were thing happening on every level of the captial building. From the rotunda level in the Chambers and up on the different floors. For Community Outreach and Community Engagement and our DPM staff we were engaged in what was going on in the rotunda with an event called Hawaii Rising which was a collaboration which was facilitated amongst numerous groups. Some that have established activities at the Captial. Ku'i at the capital for one, for the last 10 years they have been doing ku'i ai there. Layered on top of that was ceremony that was aligned with the ceremony that goes on with Maunakea. We had a bunch of kupuna who came down and shared along with some other community leaders there. There was an amazing amount of school haumana there. We estimate within the rotunda that at the height of it around the noon hour, because the schools come in around 9 and they start to leave at 1 o'clock. So right between that time at the noon hour one we estimate there were about 5,000 people because it was so full. People started to premeate the levels and go up on the other floors and do hula and chant and all of that.

But OHA was very integral in helping to organize some of the informational tables. There were a lot of community groups including our own table. Which we launched our Aloha Rising Campaign. Which is is our capaign for this upcoming session, this election year. We were very successful, we got 500 people, we know because we gave out 500 lanyards and only if they completed a survey did they get a lanyard. We gave out 500 lanyards, we got 500 surverys asking people basically what where their top issues currently. Then what would basically motivate them to vote. Why, if they do vote and if they don't vote, what would make them to get to the finsih line of voting. We are going to compile that data. Next week we are going to close the survey. We ran it for 4 weeks, we opened it on opening day and we will close it next week and analyze that data and start to go forward with our civic engagement for this upcoming year.

**Trustee Leina'ala Ahu Isa** – What about the census?

**Mehana Hind** – Census is happeing all around. Its going to be the lead discussion all around Hawai'i because the goal date for that is April 1st. Let me just wrap up Hawai'i Rising. So, for our rotunda view of everything it was very successful, peaceful, well organized, well maintained. We had our own security made up of alaka'i of Charter and Immersion School graduates along with some kupuna who were there and just maintained the peace. People were fed. People who never got involved in cultural things were up in the middle encouraged to take part in either ku'i ai, hula, chanting and so forth. From our views it was a well oiled machined. Even from the back end usually that is what it looks like in the front end but the back end there is a lot, we did have to negotiate something early in the morning with the personnel at the Captial. But overall comparatively successful on the ground floor.

**Trustee Dan Ahuna** – It was great to see the private schools there.

**Trustee Keli'i Akina** – I think a wonderful part of it was the day before opening ceremony and the opening day. Daniel Anthony brought together a group of young people and I was able to be part of their preparing mea ai and giving that away free. Were we coordinating with that or did that just happen?

**Mehana Hind** – Yes. So Ku'i at the Capital, we've been very helpful and worked with Daniel on that because there is a real close nexus with that event and the schools. All the ku'i clubs, from Punahou, Kamehameha, at the various schools they will come down and usually help prepare so that is where we saw our involvement gets multiplied when we start adding the kids in.

**Trustee Keli'i Akina** – I like the imu and the construction bit.

**Chair Colette Machado** – Thank you Mehana, anything else Sylvia. Ok members we will not move to V. But before we proceed, I would like to go on to record, the 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

V. New Business

- A. Committee on Beneficiary Advocacy and Empowerment
  - 2. 2020 OHA Legislative Positioning – Matrix 2, February 5, 2020

Which is a referral from BAE from yesterday.

**V. NEW BUSINESS**

**Chair Colette Machado** – We are on item V.A.1. and I'd like to call on Trustee Waihee.

- A. Beneficiary Advocacy and Empowerment Committee
  - 1. 2020 OHA Legislative Positioning – Matrix 2, January 29, 2020

**Trustee John Waihe'e IV** moves to approve Administration's recommendations on:  
**NEW BILLS (Items 1 - 195);**

**ADD bills:**

- HB2011 as COMMENT;
- SB2076 as COMMENT;
- SB2387 as SUPPORT; and

**CHANGE items:**

- 113, SB2249 from ~~Support with Amendments~~ to SUPPORT; and
- 124, SB2417 from ~~Monitor~~ to OPPOSE;

on the OHA Legislative Positioning Matrix dated January 29, 2020, as amended.

**Trustee Kalei Akaka** seconds the motion.

**Chair Colette Machado** – With that said any discussion members? Hearing none roll call vote.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:  
 NEW BILLS (Items 1 - 195);  
 ADD bills:  
 • HB2011 as COMMENT;  
 • SB2076 as COMMENT;  
 • SB2387 as SUPPORT; and  
 CHANGE items:  
 • 113, SB2249 from ~~Support with Amendments~~ to SUPPORT; and  
 • 124, SB2417 from ~~Monitor~~ to OPPOSE;  
 on the OHA Legislative Positioning Matrix dated January 29, 2020, as amended.  
 Trustee Kalei Akaka seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			

MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED  
 Motion unanimously passes with nine (9) yes votes.

**2. 2020 OHA Legislative Positioning – Matrix 2, February 5, 2020**

**Chair Colette Machado** – Trustee Waihee V.A.2.

**Trustee John Waihe'e IV** – I am going to make the motion that passed out of the committee yesterday. Afterwards I am going to make an amendment because we need to make another one. But I will make the motion first and offer the amendment.

**Trustee John Waihe'e IV** moves to approve Administration's recommendations on:  
 NEW BILLS (Items 1 – 126),  
 BILL POSITIONS FOR RECONSIDERATION (Item 127), and now list Item 205, HB2520, as OPPOSE,  
 along with the following revisions:

**ADD bills:**

- HB2203 as SUPPORT
- HB2511 as SUPPORT
- HB2587 as COMMENT;

**CHANGE items:**

- 6 and 61, HB1751 and SB2137 respectively, from ~~Monitor~~ to SUPPORT
- 45, HB2673, from ~~Support~~ to COMMENT
- 65, SB2218, from ~~Oppose~~ to COMMENT; and

**CORRECT items:**

- 93, SB2717, to read as SUPPORT; and
- 215, HB2468 to read as COMMENT

on the OHA Legislative Positioning Matrix dated February 5, 2020, as amended.

**Trustee Kalei Akaka seconds the motion.**

**Chair Colette Machado - Trustee Waihee.**

**Trustee John Waihe'e IV moves to amend the motion to also add HB2577 and SB2812 as oppose.**

**Trustee Kalei Akaka seconds the motion.**

**Chair Colette Machado – Would you like to call on staff.**

**Trustee John Waihe'e IV – Jocelyn will explain why we are doing this.**

**Jocelyn Doane –** Aloha Trustees. You approved three bills relating to the transfer of massive acreage from DLNR to the Department of Agriculture. But apparently there were two other bills that, there were two other bills that were very similar that actually named the TMKs so we hadn't had a change to research the TMKs. The Chair of DLNR reached out to us last night because she wanted to see if our Board had taken a position on them. So, after reviewing the TMKs, they are basically the same as the other ideas so we are actually recommending that we oppose these as well. So apparently the TMKs are estimated to encompass 93,000 acres of land. She is concerned about transferring to the Department of Agriculture so it compromises the States ability to protect and promote native forests, watersheds, conservation lands, public access and natural cultural resources on lands that these are adjacent to. So, she actually does have a measure that would provide DLNR with a little bit more flexibility for how they come up with the rents and negotiate with these kinds of leases to better achieve public trust purposes. Our position on that is currently oppose. Because it's a 99-year lease, it would allow them to lease out the land for 99 years. We've been chatting with her about it. We are going to ask them to remove the lease length but we actually kind of like the idea of them holding these lands and being able to potentially provide a discount in the rent if they are actually going to provide other public trust benefits. Like watershed maintenance or stuff like that. One of these bills has a hearing tomorrow so we wanted to be able to provide testimony from the Board and that is why we are here now. Mahalo.

**Chair Colette Machado – Any discussion members? Sounds reasonable for the change.**

**Trustee Carmen Hulu Lindsey – Call for the vote on the amendment.**

**Chair Colette Machado – Roll call vote.**

Trustee John Waihe'e IV moves to amend the motion to also add HB2577 and SB2812 as oppose.  
Trustee Kalei Akaka seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion unanimously passes with nine (9) yes votes.						

**Chair Colette Machado** – We will go back to the original motion as amended.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:  
 NEW BILLS (Items 1 – 126),  
 BILL POSITIONS FOR RECONSIDERATION (Item 127), and  
 now list Item 205, HB2520, as OPPOSE,  
 along with the following revisions:

ADD bills:

- HB2203 as SUPPORT
- HB2511 as SUPPORT
- HB2587 as COMMENT;
- HB2577 as OPPOSE

CHANGE items:

- 6 and 61, HB1751 and SB2137 respectively, from ~~Monitor~~ to SUPPORT
- 45, HB2673, from ~~Support~~ to COMMENT
- 65, SB2218, from ~~Oppose~~ to COMMENT
- 100, SB2812, from ~~Monitor~~ to OPPOSE; and

CORRECT items:

- 93, SB2717, to read as SUPPORT; and
- 215, HB2468 to read as COMMENT

on the OHA Legislative Positioning Matrix dated February 5, 2020, as amended.

Trustee Kalei Akaka seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion unanimously passes with nine (9) yes votes.						

**Chair Colette Machado** – Congratulations BAE Chair and Staff. Let us now move on to V.B. which is the permitted interaction group. The report was distributed at this table right now we will have discussion if there are any kinds of considerations or input people would like to make. I will turn it over to Trustee Brendon Kalei'aina Lee as the Chair.

**B. Deliberation and decision making on the Report by the Permitted Interaction Group re: the investigation of the alignment and update of the existing Board of Trustees By-Laws for OHA's Board Governance Framework. Pursuant to HRS § 92-2.5(b)(1)(C)**

**Trustee Brendon Kalei'aina Lee** – Mahalo Chair. Trustee you've had the report of the permitted interaction group for two weeks now. So is there any discussion before a motion of brought before the body.

**Trustee Keli'i Akina** – Yes, I do have a couple of points I'd like to make and tweaks I'd like to suggest. But first allow me to congratulate you and the committee on good work. It represents many of the things that many of us have urged for us to follow. Thank you, I genuinely (conversation indiscernible). The first area I'd like to suggest

a tweak is article VIII referring to the committee on the Board. These are committees that are primarily PIGS, Ad Hoc and Advisory Committees.

**Trustee Carmen Hulu Lindsey** – What page?

**Trustee Keli'i Akina** – I only have the label article VIII. Committees of the Board, section A and it's kind of lengthy so I'll be concise in terms of what I am referring to.

**Trustee Brendon Kalei'āina Lee** – Hang on Trustee let us all get to that page.

**Sylvia Hussey** – If you take the redline By Laws it's about halfway through.

**Trustee Brendon Kalei'āina Lee** – Just so the Trustees know, so the redline version, the reason there are no numbers on them, page numbers, is because it is redlined so it doesn't actually match up.

**Trustee Carmen Hulu Lindsey** – Actually it was very helpful to see the new and the old together.

**Trustee Brendon Kalei'āina Lee** – Ok Trustee Akina proceed.

**Trustee Keli'i Akina** – Thank you and there is nothing to actually point to. I don't have any problem with what has been written which is very good. I just want to urge us to add one feature and that is for us to require meeting minutes of these committees. Now these meeting minutes should be maintained and should be filed but they don't, but we can decide whether they are confidential depending upon the subject matter. I think each of us as Trustees would benefit, it would be to our benefit to be able to look at meeting minutes as necessary for these committees.

**Trustee Brendon Kalei'āina Lee** – So Trustee, pursuant to sunshine law we are required by law to maintain minutes of the committees. So, I'm guessing that is why it's not in the By Laws and none of us thought about that because pursuant to sunshine law we are required to take minutes, which is what we vote on at every meeting.

**Trustee Keli'i Akina** – Trustee Lee, that is my understanding as well. So actually, what I am referring to is not so much the legal understanding but the practice we've had as an organization. As a practice we haven't necessarily had committees doing minutes.

**Trustee Brendon Kalei'āina Lee** – I am going to disagree; I've been here for a year.

**Robert G. Klein, Board Counsel** – Trustee Akina, clarification, are you talking about minutes of the PIG meetings?

**Trustee Keli'i Akina** – It would include all of these PIG meetings, as well as Ad Hoc and Advisory Committees.

**Robert G. Klein, Board Counsel** – PIG meetings are not required to keep minutes. The law does not require them to keep minutes.

**Trustee Keli'i Akina** – Then it is my suggestion that we adopt that.

**Robert G. Klein, Board Counsel** – That is different, I just want you all to know that minutes are not required for PIG meetings.

**Trustee Keli'i Akina** – Thank you I recognize that. But I think.

**Chair Colette Machado** – Let me call on Sylvia to add on to the discussion.

**Trustee Keli'i Akina** – Thank you.

**Sylvia Hussey** – So having been PIG project manager. While it's not required by practice the PIG work is documented by meeting minutes meeting to meeting. So, the PIG in practice does that. So, it's more than what is required.

**Trustee Keli'i Akina**- My recommendation is to make that a policy for all of these committees so that it's not dependent upon whether the Chair of the Ad Hoc Committee or PIG maintains the practice.

**Trustee Brendon Kalei'aina Lee** – Just to respond to that Trustee. As the Chair of these PIGs I did not request that we have minutes. The minutes were kept because the PIG met over an extended amount of time and not only meeting over an extended amount of time, there was extended time in between each meeting so without minutes being taken there is no way to establish continuity from meeting to meeting. That's the reason why the project manager started from the very beginning kept minutes so that when the PIG reconvened it wasn't, ok what did we do the last time, we had minute to refer to so we knew. Your suggestion is noted. Do you want to make such a motion because this document is before the body?

**Trustee Keli'i Akina** – Yes, I would like to. I would appreciate some help in terms of language of such a motion but I think we agree it's a good practice the maintenance of minutes. I propose that, that be part of the By Laws.

**Trustee Brendon Kalei'aina Lee** – So your motion would be?

**Trustee Keli'i Akina** – Again I would request some help with the language, but the essence of my motion is that these committees be required to maintain and file minutes.

**Trustee Brendon Kalei'aina Lee** -So your motion is that all committees are required to keep minutes. Is that your motion?

**Trustee Keli'i Akina** – Yes, it is and again I'd appreciate any help with the language.

**Trustee Brendon Kalei'aina Lee** – Who are you requesting help from Trustee.

**Chair Colette Machado** – People around the table here.

**Trustee Keli'i Akina** – I just want to make sure it is worded correctly, thank you.

**Chair Colette Machado** – Just for a point of personal comments and privilege, I cannot agree to this motion. It's such a cumbersome approach.

**Trustee Brendon Kalei'aina Lee** – Hold on Madame Chair, the motion is not before the body yet. So, there is a motion to require minutes of all the committees, is there a second? I'll call for a second one more time. Ok, moving on. Your next point Trustee.

**Robert G. Klein, Board Counsel** – I just want to advise you that our process is that, this will come back before the board for final approval at another meeting. The next meeting, this is discussion and deliberation. So, this is not final approval just so you folks know that.

**Trustee Brendon Kalei'aina Lee** – And it will also take two approvals.

**Robert G. Klein, Board Counsel** – That is correct.

**Trustee Brendon Kalei'aina Lee** – So when it comes back for a vote the next time it will have to come back twice.

**Trustee Carmen Hulu Lindsey** – And it will also take 6 votes, not 5.

**Robert G. Klein, Board Counsel** – By Laws, two-thirds vote. And the final thing, PIGs are not required to provide notice of meetings to the public. So, no public agenda and I think you also ought to think in terms of what you would do with minutes taken in an investigative PIG and whether your idea is to make such minutes public.

**Trustee Brendon Kalei‘āina Lee** – Actually Judge today would be the first decision making because it specifically says deliberation and decision making.

**Robert G. Klein, Board Counsel** - But it's not the first meeting where he board would adopt the By Laws. That would be the next meeting and then you will have one after that. So today will not be a two-thirds vote.

**Trustee Carmen Hulu Lindsey** – Discussion.

**Trustee Brendon Kalei‘āina Lee** – That is not my understanding. Can you explain to the Chair why that would be?

**Robert G. Klein, Board Counsel** – Because today is discussion and deliberation. It's the third meetings, it's an opportunity for your folks to finalize.

**Trustee Brendon Kalei‘āina Lee** – Then our agenda is incorrect, because it actually does not say discussion, it specifically says deliberation and decision making.

**Robert G. Klein, Board Counsel** – Well you can make decisions, but the Board will make the final decision over the course of two meetings. This is only the first one.

**Trustee Brendon Kalei‘āina Lee** – Go ahead Carol I will recognize you.

**Carol Hoomanawanui** – Madame Chair, so you folks can discuss if you wanted to take an action, you could do it. But the idea and my understanding is when the PIG met in terms of process this was going to be a discussion then the action item would bring forth the amendments to the By Laws which Trustees will have, then you would actually have a motion to formally adopt the By Laws and the amendments. Then you would have two reading and 6 votes. That is the process that is contemplated in other words you don't have to take a motion now. Part of it was, in the past some of the Trustees have expressed that they wanted to discuss, kind of mull over the amendments that are being contemplated and have some time to take that in.

**Robert G. Klein, Board Counsel** – Said it way better than me.

**Sylvia Hussey** – Can I follow up also that the agenda also talks about deliberation and decision making on the report of the PIG, so it's the PIG that is bringing back all of the changes contemplated by the PIG report. So, it's not the action item on the By Laws itself, but the actually proposed changes that the report is doing.

**Trustee Brendon Kalei‘āina Lee** – Mahalo for the clarification. Continue Trustee Akina.

**Trustee Keli'i Akina**- Thank you very much. I respect the fact that today no other Trustees should interest in seconding my motion to require that minutes be kept. I hope we will continue to think that through. I am very pleased however to hear that we have a practice even though it may not be required by our By Laws that we do have the practice of maintaining minutes. I do know that there have Ad Hoc Committee in the past that did not. I am hoping that we all work together to maintain that practice. Thank you for the opportunity to let me express this. Thank you. The secondary item I would suggest a tweak is in Article XVI. Confidentiality. We don't have page numbers here so I'll give you a moment to find Article XVI. It is near the back.

**Trustee Brendon Kalei‘āina Lee** – Trustees it looks like this about half a page.

**Trustee Keli'i Akina** – If I may proceed. Take a look at the first phrase. “All information, data and documents that are not public records, and I emphasize not public records, received or reviewed by the member...shall be deemed confidential and shall not be released or utilized by any member for any purpose other than OHA or committee business.” I don't dispute that but I want us to take some time to clarify what public records are because there is no clear definition and we should come up with one. For example, does public records include information reports that OHA submits to other State Agencies and Departments like Department of Budget and Finance or the State Office of the Auditor. Now, UIPA has a minimal definition for us in Chapter 92F of the HRS. The Uniform Information Practices Act states this, defines Government records as information maintained by a Government Agency in written, auditory, visual, electronic or other physical form. So really all I am saying is this, if we as Trustees are to protect things that are not public records that are confidential, we need a very good clear definition as to what constitutes a public record. I am going to recommend a little more work be done on that so that we won't be in question about that.

I also have a second point if you the item in red section “B”, the unanimous vote of all members of the Board after full consultation with Board, and I emphasize unanimous, shall be required before any confidential communication, proprietary or otherwise privileged material received in executive meeting convened may be publicly released, etc. I want to draw your attention to the requirement for a unanimous vote of all members. I am thinking it doesn't help us to be an open organization, confidentiality is not a privilege like Attorney Client Privilege where it makes sense to require a unanimous vote. Confidentiality has to do with judgement calls. I feel that we should not hold such judgement calls hostage to one member or two or three choosing not to comply with a majority. I fell the wisdom of the majority would be enough to determine whether something is confidential and that would benefit our beneficiaries and the public most.

Those are the two points I'd like to recommend. Not a motion now, but this section be bifurcated, if that is the correct term. And that further work be done on number 1, defining what constitutes public records and number two some reconsideration that we not require unanimous vote to release information.

**Trustee Brendon Kalei'aina Lee** – I will refer to Robert G. Klein, Board Counsel as to your point on the original section which will not become the new section A.

**Robert G. Klein, Board Counsel** – Thank you Trustee. I think because this section has not been amended in forever, the term public record is a specific term that is noted in the public records law, UIPA. So, the beauty of that it covers all Government Agencies. You have one definition, it fits all Government Agencies, it defines what public records are and that term was adopted from UIPA and put into the By Laws so we have uniformity among agencies as to what a Government record is. Believe me it's a broad term because it means pretty much everything that this organization receives would be a public record, because we obtain by the agency for agency purposed. It's not meant to be limiting because UIPA is not a limiting statue, it is a broad statue. So when the legislature passed UIPA and made the definition of public record they meant broadly so public record is a very broad term, I don't know how you would redefine it or why because then you would be out of step with other Government Agencies who receive public records. And the law starts with public records, how the public obtains them and they are very, very few exceptions. Very hard to stop the public from receiving these kinds of records. My recommendation would be to keep it because it is in conformity with the existing law.

**Trustee Brendon Kalei'aina Lee** – Sylvia did you want to say something.

**Sylvia Hussey** – I was just suggesting on that point if its related to 92F that we have a definition section right, so we can say public records as defined by section 92F that way it stays consistent if 92F changes then our automatically changes. So, there is a definition section we can add it to.

**Trustee Keli'i Akina** – Trustee Lee I am very pleased to hear what both Counselor and Ka Pouhana has said. I am in complete agreement with that and leave that. My first concern would be resolved if we do precisely what Sylvia

has recommended and that is make reference to HRS § 92F as the definition of public records. I would be very pleased with that with regard to my first point.

**Trustee Brendon Kalei‘āina Lee** – So for your second point on the new added section point B, your concerns are noted and you can bring it up when we take action on the By Laws, unless any Trustees have comments or questions about it at this time.

**Trustee Keli‘i Akina** – Thank you I will leave it to the Trustees to think it through. Thank you very much that is all I have.

**Trustee Brendon Kalei‘āina Lee** – Does any other Trustee have any discussion on the report of the permitted interaction group on the By Laws. Ok that being said, before I turn the Chair back over to Trustee Machado, I will just remind the Trustees of what we were just informed by Counsel and Ka Pouhana and Carol clarified for us. So, the next agendized meeting of the Board we will be taking action on the amendments to our By Laws. Mahalo.

**Chair Colette Machado** – No decision on receiving the report.

**Trustee Brendon Kalei‘āina Lee** – We received it last week.

**VI. EXECUTIVE SESSION**

**Chair Colette Machado** – Thank you Trustee Brendon Kalei‘āina Lee. Trustee Carmen Hulu Lindsey.

**Trustee Carmen Hulu Lindsey moves to recuse into executive session pursuant to HRS § 92-5(a)(4).**

**Trustee Brendon Kalei‘āina Lee seconds the motion.**

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to recuse into executive session pursuant to HRS § 92-5(a)(4). Trustee Brendon Kalei‘āina Lee seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE		x	X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion unanimously passes with nine (9) yes votes.						

**Chair Colette Machado** – We are in executive session, prepare the room.

**The Board resolved into Executive Session at 10:51 am**

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. Pursuant to HRS § 92-5(a)(4).
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities relating to the State Auditor's request for confidential and Attorney-Client privileged materials and information in connection with the legislatively mandated audit per Act 37. Pursuant to HRS § 92-5(a)(4).
- C. Approval of Minutes
  - 1. January 23, 2020

The Board reconvenes in open session at 11:41am.

**VII. COMMUNITY CONCERNS**

**Chair Colette Machado** – We have no community concerns at this time. Anyone out there would like to address the board. Hearing none, Trustee Lee has an announcement.

**VII. ANNOUNCEMENTS**

**Chair Colette Machado** - Trustee Lee.

**Trustee Brendon Kalei'āina Lee** – I have an announcement. Pursuant to HRS § 92-2.5e, I have to announce that on January 31st in the joint committee meeting of Housing and Water and Hawaiian Affairs and Water. Myself, Trustee Akaka and Trustee Waihe'e were in attendance.

*(conversation indiscernible)*

**Trustee Brendon Kalei'āina Lee** – We can we just have to announce it. So announced. Thank you madame Chair.

**IX. ADJOURNMENT**

**Trustee Carmen Hulu Lindsey** moves to adjourn the meeting.

**Trustee Robert K. Lindsey** seconds the motion.

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting Trustee Robert K. Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion unanimously passes with nine (9) yes votes.						

The meeting was adjourned at 11:43 am.

Respectfully submitted,

\_\_\_\_\_  
Dayna Pa, Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_.

\_\_\_\_\_  
Colette Y. Machado, Chairperson  
Board of Trustees

**Attachments:**

1. Board of Trustees Action Item #19-11 – Beneficiary Resolution as of January 21, 2020
2. Report of the Permitted Interaction Group re: the investigation of the alignment and update of the existing Board of Trustees By-Laws for OHA's Board Governance Framework. *(Entire report will be attached to the final and approved minutes.)*

**Board of Trustees**  
**Action Item #19-11 - Beneficiary Resolution**  
**As of January 21, 2020**

<u>Description</u>	<u>\$ Amount</u>	<u>Resolution Alignment</u>
<b>A Puuhonua o Puuhuluhulu - Beneficiary Support</b>	<u>\$ 76,148.57</u>	[b], [c], [d], [f], [g], [h], [i]
Restroom Facilities, Servicing	\$ 53,912.76	
Dumpster Removal & Landfill Disposal Fees	\$ 5,905.21	
Tent Rental & Lighting	\$ 16,330.60	
Sub-total	<u>\$ 76,148.57</u>	
<b>B Legal Observers</b>	<u>\$ 2,246.36</u>	<b>Resolution Alignment</b>
Training Travel (Air, Ground)	\$ 2,054.72	[c], [d]
Workshop supplies	\$ 191.64	
Sub-total	<u>\$ 2,246.36</u>	
<b>C Travel re: Site Visit/Beneficiary Needs Assessment/Ad-Hoc Committee Meeting</b>	<u>\$ 9,241.84</u>	<b>Resolution Alignment</b>
Staff - Air	\$ 2,275.60	[c], [d], [f], [g], [h], [i]
Staff - Ground	\$ 1,374.86	
Staff - Subsistence	\$ 990.00	
Staff - Parking	\$ 45.00	
Staff - Hotel	\$ 326.60	
Sub-total	<u>\$ 5,012.06</u>	
Trustees - Air	\$ 1,516.33	
Trustees - Ground	\$ 591.19	
Trustees - Subsistence	\$ 1,130.42	
Sub-total	<u>\$ 3,237.94</u>	
Volunteers - Air	<u>\$ 991.84</u>	
Total	<u>\$ 9,241.84</u>	
<b>D Digital Print Media</b>		<b>Staff Hours</b>
Output: Digital/Social Media (e.g., posts, livestreams, videos, photos)		72
Monitoring: Social Media		40
Media Support: Jam4Maunakea, Mana Maunakea		19.5
Workshop		40
Video Editing: Jam4Maunakea		<u>171.5</u>
<b>Out-of-pocket as of 01/21/2020 - Grand Total</b>	<u><b>\$ 87,636.77</b></u>	<u><b>171.5 HRS</b></u>

**Source: Community Engagement, Advocacy and Financial Services**

**Beneficiary Resolution Mapping Key**

**authorizes the OHA Administration to:**

- [f]-advocate for the rights, safety, and well-being of OHA beneficiaries;
- [g]-engaging in peaceful protests of the state's decades-long pattern of mismanagement of Maunakea,
- [h]-perpetuating their constitutionally protected Native Hawaiian traditional and customary practices, and
- [i]-exercising their constitutionally protected rights of freedom of speech and assembly, ---DELEGATION OF ACTION

**including but not limited to:**

- [a]-the negotiation of rules of engagement;
- [b]-the establishment and maintenance of pu'u honua or safe spaces;
- [c]-the observation and documentation of actions by law enforcement, government, university or community personnel;
- [d]-an assessment and provision of health, safety, and legal needs; and
- [e]-any other actions as may be reasonably necessary or appropriate;

Office of Hawaiian Affairs  
Board of Trustee Meeting  
February 20, 2020  
10:00 am

V. New Business

A. Committee on Beneficiary Advocacy  
and Empowerment

1. 2020 OHA Legislative Positioning –  
Matrix 2, February 12, 2020
2. 2020 OHA Legislative Positioning –  
Matrix 2, February 19, 2020\*

*\*- The committee report for this item will be distributed after  
the BAE Committee meeting on February 19, 2020.*

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Beneficiary Advocacy and Empowerment (BAE)**

**COMMITTEE REPORT**

February 13, 2020

The Honorable Colette Y. Machado, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Machado,

Your Committee on Beneficiary Advocacy and Empowerment, having met on February 12, 2020 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

**To approve Administration's recommendations on:**

**NEW BILLS (Items 1 – 83) and  
BILL POSITIONS FOR RECONSIDERATION (Item 84),  
along with the following revisions:**

**CHANGE items:**

- 76, HCR12, from ~~Monitor~~ to **COMMENT**;
- 149, HB2119, from ~~Monitor~~ to **SUPPORT**; and
- 378, SB3164, from ~~Support~~ to **SUPPORT WITH AMENDMENTS**

on the OHA Legislative Positioning Matrix dated February 12, 2020, as amended.

**\*\*\* NOTE:** *In an effort to save paper please refer to:*

*Attachment A:BAE Roll Call Vote Sheet - for a full detail of measures included in motion*

Relevant attachments are included for your information and reference.

Attachment(s):

A) BAE Roll Call Vote Sheet – 2020 OHA LEGISLATIVE POSITIONING – Matrix 2\*\*†

Respectfully submitted:



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Trustee John Waihe'e, IV, Chair



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Trustee Kaleihikina Akaka, Vice-Chair



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Trustee Leina'ala Ahu Isa, Member



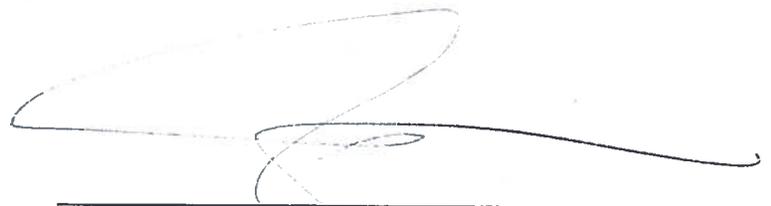
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Trustee Dan Ahuna, Member



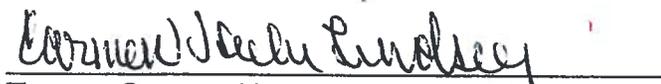
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Trustee Keli'i Akina, Member



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Trustee Brendon Kalei'aina Lee, Member



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Trustee Carmen Hulu Lindsey, Member

EXCUSED

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Trustee Robert K. Lindsey, Jr., Member

EXCUSED

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Trustee Colette Y. Machado, Member

**Roll Call Vote Sheet**

<b>COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)</b>	<b>DATE:</b> February 12, 2020 <b>MOTION:</b> 11:13 a.m. <b>VOTE:</b> 11:14 a.m.
<b>AGENDA ITEM:</b>	
<b>V. New Business</b> <b>A. 2020 OHA Legislative Positioning – Matrix 2**†</b>	

**MOTION:**

To approve Administration’s recommendations on:

**NEW BILLS (Items 1 – 83) and BILL POSITIONS FOR RECONSIDERATION (Item 84), along with the following revisions:**

**CHANGE items:**

- 76, HCR12, from ~~Monitor~~ to **COMMENT**;
- 149, HB2119, from ~~Monitor~~ to **SUPPORT**; and
- 378, SB3164, from ~~Support~~ to **SUPPORT WITH AMENDMENTS**

**on the OHA Legislative Positioning Matrix dated February 12, 2020, as amended.**

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>New Bills</b>					
1	HB442	RELATING TO HAWAIIAN AFFAIRS.	Appropriates funds to establish two part-time project-based research archivist positions in the Hawai’i state archives to provide research services and digitization of records. (HD1)	MONITOR	
2	HB933	RELATING TO CRISIS INTERVENTION.	Creates a crisis intervention and diversion program in the department of health to divert those in need to appropriate health care and away from the criminal justice system. Sunsets on 6/30/2023. Effective 7/1/2050. (HD1)	MONITOR	
3	HB1075	RELATING TO BAG LIMITS.	Repeals the statutory prohibition of taking or killing female spiny lobsters, Kona crabs, and Samoan crabs.	MONITOR	
4	HB1616	RELATING TO PAROLE OFFICERS.	Gives parole officers, within the scope of their duty, the powers of a police officers. Provides parole officers with the authority to arrest paroled prisoners without a warrant when there is probable cause of a violation of parole. Authorizes parole officers to use electric guns and subjects parole officers to the authority of the law enforcement standards board.	MONITOR	

5	HB1773	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to enact and enforce ordinances regulating the operation of hosting platforms that provide booking services for transient accommodation operators located within that county. Defines "booking service" and "hosting platform."	MONITOR
6	HB1847	RELATING TO ENVIRONMENTAL PROTECTION.	Requires the Department of Land and Natural Resources to adopt rules to protect herbivorous fish in all state waters.	MONITOR
7	HB1949	RELATING TO HOUSING.	Establishes an affordable homeownership revolving fund within HHFDC to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects. Makes an appropriation into and out of the affordable homeownership revolving fund. Effective 7/1/2025. (HD1)	MONITOR
8	HB2014	RELATING TO HOUSING.	Establishes the affordable homeownership revolving fund to be administered by HHFDC to provide loans to qualified nonprofit community development financial institutions, qualified nonprofit housing trusts, and nonprofit housing development organizations for the development of affordable homeownership housing projects. Appropriates funds for the purposes of the affordable homeownership revolving fund.	MONITOR
9	HB2017	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Allows the Hawaiian homes commission or the department of Hawaiian home lands to retain independent legal counsel as needed. Authorizes the Hawaiian homes commission and the department of Hawaiian home lands to use the services of the attorney general as needed and when the interests of the State, Hawaiian homes commission, and department of Hawaiian home lands are aligned. Provides that funds paid to independent legal counsel shall be paid by the State.	MONITOR
10	HB2062	RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.	Establishes a statewide coordinator and program within DHS to address the needs of sexually exploited children. Establishes the commercial sexual exploitation of children steering committee. Requires the steering committees to submit reports to the legislature by July 1, 2021, and July 1, 2022. Appropriates funds. Takes effect 12/31/2059. (HD1)	MONITOR
11	HB2183	RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM.	Increases the Hula Mae Multifamily Revenue Bond authorization ceiling amount to continue financing affordable rental housing statewide. Effective 7/1/2025. (HD1)	MONITOR
12	HB2208	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Appropriates funds to DHHL for the acquisition of land to be developed by DHHL for affordable housing units.	MONITOR

13	HB2241	RELATING TO GENERAL EXCISE TAX EXEMPTIONS.	Exempts certain foods, medical services, and feminine hygiene products from the general excise tax.	MONITOR
14	HB2259	RELATING TO AFFORDABLE HOUSING.	Exempts workforce development projects from paying school impact fees for the development of workforce housing if at least 90% of the residential units that are set aside for purchase or rent for residents in the low-income or moderate-income ranges are set aside specifically for public school teachers.	MONITOR
15	HB2296	RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM.	Increases the Hula Mae Multifamily Revenue Bond authorization ceiling amount to continue financing affordable rental housing statewide.	MONITOR
16	HB2429	RELATING TO HUMAN TRAFFICKING.	Establishes training requirements for employees of transient accommodations in human trafficking awareness and response. Requires operators of transient accommodations to display National Human Trafficking Resource Center hotline information to employees, establish written human trafficking prevention policies, and implement procedures for reporting known or suspected human trafficking. Requires the Hawaii Tourism Authority to monitor compliance with this Act.	SUPPORT
17	HB2430	RELATING TO FEMININE HYGIENE PRODUCTS.	Promotes menstrual equity by providing an exemption from the GET, beginning October 1, 2020, for the sale of feminine hygiene products in the State. Appropriates funds to the DOE to make feminine hygiene products available to students for free on public secondary school campuses.	MONITOR
18	HB2449	RELATING TO AFFORDABLE HOUSING.	Requires that when developers make cash payments in lieu of providing the required reserved housing units in the development of residential projects for the Hawai'i Community Development Authority, the cash payments shall be deposited into the rental housing revolving fund.	MONITOR
19	HB2454	RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.	Establishes the offense of criminal trespass on critical electrical infrastructure. Takes effect on 7/1/2050. (HD1)	MONITOR
20	HB2469	RELATING TO EMPLOYMENT.	Clarifies that Hawai'i's anti-discrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer or from discharging an individual for reasons unrelated to unlawful discriminatory practices.	MONITOR
21	HB2473	RELATING TO COUNTIES.	Makes explicit the counties' authority to enact ordinances to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification. Includes swapping, bartering, or exchange of a residential dwelling, or portion thereof, in definition of "short-term rental" for this purpose.	MONITOR

22	HB2516	RELATING TO AFFORDABLE HOUSING.	Requires that projects under chapter 201H, HRS, in a county having a population of more than 100,000 but less than 1,000,000 be consistent with the county general plan or require that all units of the project shall be affordable housing in perpetuity.	MONITOR
23	HB2588	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Prohibits lessees who sell or transfer land from obtaining subsequent leases of the same class of land unless the subsequent lease is acquired pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, or the prior lease interest held by the lessee was a partial interest held with another lessee or lessees. Effective 7/1/2050. (HD1)	MONITOR
24	HB2651	RELATING TO SHORT-TERM RENTALS.	Prohibits bans on dwelling unit rentals having a term between 1 and 5 months for inter-island relocations and visiting workers. Authorizes county councils to adopt any ordinances necessary to implement the prohibition by 6/30/2021.	MONITOR
25	HB2658	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.	MONITOR
26	HB2731	RELATING TO THE DISTRIBUTION OF LEASES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	Requires Hawaiian Homes Commission to distribute leases to all beneficiaries within 10 years. Removes financial consideration in obtaining a lease. Requires the construction of pu'uhonuas or communal living arrangements by the department.	MONITOR
27	HB2732	RELATING TO FINANCING HOMES ON HAWAIIAN HOME LANDS.	Provides that the value of the remaining term of a Hawaiian Home Lands lease can be used as an asset to help a lessee obtain a loan to build, repair, or renovate a structure on the leased lot. Clarifies that this does not constitute alienation of the land and requires strict compliance with all mortgage conditions contained in the Act.	MONITOR
28	SB70	RELATING TO THE ENVIRONMENT.	Short form bill.	MONITOR
29	SB2032	RELATING TO RENTAL DISCRIMINATION.	Prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.	COMMENT
30	SB2036	RELATING TO PUBLIC LANDS.	Clarifies that lands set aside to the HHFDC by the governor or leased to the corporation by other state departments and agencies are excluded from the definition of "public lands" and require approval from the legislature upon disposition. Requires that lands set aside by the governor or leased to the HHFDC be returned to the public trust or to the leasing agency if the HHFDC is no longer needed by the HHFDC. (SD1)	COMMENT

31	SB2040	RELATING TO TAXATION.	Establishes a surcharge equal to twenty-five per cent of the net proceeds from the sale of certain residential property within a period of five years after the date of purchase if the owner is ineligible for a county homeowner's exemption on property tax.	MONITOR
32	SB2041	RELATING TO HUMAN TRAFFICKING.	Includes transient accommodations operators among the employers required to post National Human Trafficking Hotline information. Increases penalties for violations of posting requirement and requires deposit of penalties and interest into the human trafficking victim services fund. Allows DLIR to contract with state or county departments or agencies for enforcement.	SUPPORT
33	SB2043	RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND.	Authorizes the Hawai'i housing finance and development corporation, Hawai'i community development authority, and Hawai'i public housing authority to sell leasehold units in residential condominiums located on state lands. (SD1)	COMMENT
34	SB2087	RELATING TO THE CONVEYANCE TAX.	Raises the conveyance tax rates for residential investment properties with a value of at least \$2,000,000. Exempts affordable housing qualified by the Hawai'i Housing Finance and Development Corporation from the conveyance tax.	SUPPORT WITH AMENDMENTS
35	SB2113	RELATING TO HAWAIIAN HOME LANDS.	Requires the department of Hawaiian home lands to negotiate with native Hawaiians before offering Hawaiian home lands for lease to the public by auction. Requires annual report regarding negotiations.	MONITOR
36	SB2156	RELATING TO THEFT IN THE SECOND DEGREE.	Amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.	MONITOR
37	SB2164	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to enact and enforce ordinances regulating the operation of hosting platforms that provide booking services for transient accommodation operators located within that county. Defines "booking service" and "hosting platform."	MONITOR
38	SB2216	RELATING TO TAXATION.	Establishes an empty homes conveyance tax against certain residential property owners who own a vacant residential unit in the State. (SD1)	MONITOR
39	SB2223	RELATING TO RENT CONTROL.	Prohibits landlords from increasing rent above a certain percentage over any twelve-month period. Establishes provisions for rent control. Excludes certain properties from rent control. Requires a report regarding the effectiveness of rent control in the State. Repeals on 12/31/2030.	MONITOR

40	SB2265	RELATING TO HAWAIIAN HOMELANDS.	Establishes the micro enterprise assistance program on Hawaiian home lands revolving fund to provide grants and loans through the implementation of the micro enterprise assistance program to qualified native Hawaiians, native Hawaiian-controlled homestead associations, homestead association community development corporations, and Native Hawaiian community organizations with a demonstrated ability and history of making and administering loans and providing support to qualified native Hawaiians. Appropriates funds. Takes effect on 7/1/2050. (SD1)	MONITOR
41	SB2308	RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.	Establishes within the Department of Human Services a sexually exploited children statewide coordinator and program and a commercial sexual exploitation of children steering committee to address the needs of sexually exploited children in the State. Requires the sexually exploited children statewide program and the commercial sexual exploitation of children steering committee to provide annual reports to the Legislature. Establishes within each county a commercial sexual exploitation of children multidisciplinary team to facilitate the sharing of information and to immediately respond to cases of sexually exploited children. Appropriates funds.	MONITOR
42	SB2309	RELATING TO TAXATION.	Makes the state earned income tax credit refundable and permanent. Effective 7/1/2050. (SD1)	SUPPORT
43	SB2349	RELATING TO CRIMINAL JUSTICE.	Requires all state correctional facilities to allow family members to engage in contact visitation with inmates at any state correctional facility during official visiting hours. Provides that the correctional facility shall provide each inmate with the opportunity for a minimum of two in-person, contact visits per week, with each visit lasting at least one hour.	MONITOR
44	SB2386	RELATING TO WASTE MANAGEMENT.	Prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. Requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.	SUPPORT
45	SB2396	RELATING TO HOUSING.	Requires inclusion of an unspecified minimum percentage of affordable housing units in state agencies' development and redevelopment plans along the rail transit corridor. Allows the Office of Planning to make exceptions to the affordable housing requirement.	SUPPORT

46	SB2400	RELATING TO AFFORDABLE HOUSING.	Appropriates funds into and out of the rental housing revolving fund and dwelling unit revolving fund.	MONITOR
47	SB2403	RELATING TO RENT TO BUILD EQUITY.	Requires developers of housing projects that are exempt from certain laws to enter into profit-sharing agreements with the tenants of those properties.	MONITOR
48	SB2409	RELATING TO DOWN PAYMENTS.	Encourages qualified former Hawai'i residents to move back to Hawai'i by establishing the returning resident down payment program to provide matching funds for the down payment on a residence. Appropriates funds. (SD1)	MONITOR
49	SB2475	RELATING TO SEX TRAFFICKING AND SEXUAL ABUSE PREVENTION TRAINING.	Authorizes DOE to provide sexual abuse and sex trafficking prevention training to certain staff. Requires DOE to make available to certain staff explanatory information about protocols that DOE has approved for providing services to victims of sexual abuse and sex trafficking.	SUPPORT
50	SB2520	RELATING TO CORRECTIONAL FACILITIES.	Establishes procedures for the use of administrative and disciplinary segregation in correctional facilities.	COMMENT
51	SB2523	RELATING TO PUBLIC SAFETY.	Authorizes the Director of Public Safety to withhold certain information regarding deaths at correctional facilities or community correctional centers. Requires the director to include in the report regarding the death that is submitted to the governor a description of the circumstances and cause of death of the individual and ensure that the description does not contain any details that could identify the deceased individual.	MONITOR
52	SB2524	RELATING TO SENTENCING.	Repeals mandatory minimum periods of imprisonment for certain offenses or under certain circumstances.	MONITOR
53	SB2525	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Defines "beneficiary consultation". Prohibits the department of Hawaiian home lands from disposing or extending a general lease to non-beneficiaries, unless there are no applicants seeking to enter into a general lease to the use and occupancy of a tract of Hawaiian home lands. Requires the department to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands. Allocates the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions. Requires the department to submit a quarterly report to the legislature and beneficiaries. Authorizes the department to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions.	MONITOR

54	SB2526	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Amends the Hawaiian Homes Commission Act to require appraisals of improvements to identify the replacement cost or the leasehold market value. Grants authority to DHHL to authorize second position loans on homestead leases by approved lenders. Requires DHHL to develop and implement a loan servicing manual, subject to commission approval, to standardize loan loss mitigation policies, procedures, and methods. Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual.	MONITOR
55	SB2551	RELATING TO HUMAN TRAFFICKING.	Requires transient accommodations operators to provide training, signage, and reporting policies to employees regarding human trafficking awareness.	SUPPORT
56	SB2601	RELATING TO LAW ENFORCEMENT.	Authorizes any county, under certain conditions, to collect up to fifty per cent of costs associated with providing law enforcement services for the construction of a project from the developer of the project.	MONITOR
57	SB2616	RELATING TO HOUSING DEVELOPMENT.	Exempts affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawai'i Public Housing Authority from fifty per cent of school impact fee requirements.	COMMENT
58	SB2625	RELATING TO HOUSING.	Establishes an Affordable Homeownership Revolving Fund within the Hawai'i Housing Finance and Development Corporation to provide loans to nonprofit housing development organizations, and community development financial institutions for the development of affordable homeownership housing projects. Makes an appropriation into and out of the Affordable Homeownership Revolving Fund. Effective 1/1/2021. (SD1)	MONITOR
59	SB2640	RELATING TO HOUSING.	Adds a section to the Hawai'i Revised Statutes which promotes the construction of high density housing within a one-half mile radius of a rail station along the Honolulu rail transit system.	MONITOR
60	SB2643	RELATING TO SEX TRAFFICKING.	Removes the criminal statute of limitations for sex trafficking and promoting prostitution. Specifies that sex trafficking of a minor is a strict liability offense. Repeals the offense of solicitation of a minor for prostitution.	MONITOR
61	SB2644	RELATING TO CORRECTIONAL FACILITIES.	Repeals the authorization for the governor to negotiate with any person for the development or expansion of private correctional facilities. Prohibits the establishment of private correctional facilities in the State.	MONITOR

62	SB2646	RELATING TO THE LANDLORD-TENANT CODE.	Prohibits landlords from recovering possession of a dwelling unit from tenants if habitability of the premises is significantly impaired. Sets a tenant's liability for rent if habitability of the premises is significantly impaired. Provides remedies for retaliatory evictions.	MONITOR
63	SB2647	RELATING TO THE HAWAI'I PUBLIC HOUSING AUTHORITY.	Establishes the landlord incentive program special fund to reimburse land owners who participate in the section 8 housing choice voucher program for repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposit. Makes an appropriation. (SD1)	MONITOR
64	SB2650	RELATING TO REAL PROPERTY.	Specifies that only government buildings and buildings that are on the Hawai'i or national register of historic places shall be subject to historic review. Specifies that private property shall not be subject to historic review. Exempts revenues received from buildings on the national register of historic places from state income tax.	MONITOR
65	SB2651	RELATING TO CORRECTIONS.	Requires that a committed person and committed youth be paid no less than the federal minimum wage when working in the State.	MONITOR
66	SB2653	RELATING TO THE STATE HISTORIC PRESERVATION DIVISION.	Requires the state historic preservation division to use a program comment approach in its duties. Appropriates funds for the state historic preservation division to conduct a study on buildings built between 1945 and 1970 that would be exempted from a program comment process.	MONITOR
67	SB2674	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Authorizes counties to levy a county surcharge on transient accommodations tax in their respective counties pursuant to certain conditions. Sunsets on 12/31/2036.	MONITOR
68	SB2684	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.	MONITOR
69	SB2785	RELATING TO EMPLOYMENT.	Clarifies that Hawai'i's anti-discrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer or from discharging an individual for reasons unrelated to unlawful discriminatory practices.	MONITOR
70	SB2826	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual. Requires DHHL to develop and implement a loan servicing manual.	MONITOR
71	SB2918	RELATING TO PUBLIC SAFETY.	Appropriates funds to purchase the Honolulu Federal Detention Center.	MONITOR

72	SB2933	RELATING TO CRIMINAL HISTORY RECORD CHECKS.	Adds the University of Hawai'i to the list of agencies that are authorized to conduct criminal history record checks on current or prospective employees, including student employees and contractors and their employees, whose positions or duties are related to public safety.	MONITOR	
73	SB3126	RELATING TO PRISONS.	Establishes a four-year pilot program to reduce recidivism through educational programs and initiatives. Appropriates funds.	MONITOR	
74	SB3152	RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.	Defines "cultural assessment" and "cultural impact assessment". Requires cultural assessments to be available for public review and comment in connection with draft environmental assessments. Requires a cultural impact assessment if an agency determines a proposed action may have a significant effect on the environment.	MONITOR	
75	HCR6		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
76	HCR12		REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ASSESS THE OUTSTANDING CLAIMS RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	MONITOR	Monitor >>> COMMENT
77	HCR37		REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON RECONCILIATION COMMISSION TO EXAMINE AND FORMULATE A RECONCILIATION PROCESS RELATING TO ISSUES OF PAST, PRESENT, AND FUTURE IMPORTANCE TO THE NATIVE HAWAIIAN PEOPLE, THE STATE OF HAWAI'I, AND THE UNITED STATES OF AMERICA.	COMMENT	
78	SCR2		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
79	HR4		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	

80	HR10		REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ASSESS THE OUTSTANDING CLAIMS RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	COMMENT	
81	SR2		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
82	GM511		Letter dated 01-17-2020, correcting the title on GM507, Gubernatorial Nominee Tyler I. Gomes as the Deputy to the Chairperson of the Department of Hawaiian Home Lands, for a term to expire at noon on 12-05-2022, title amended to Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands.	MONITOR	
83	GM548		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, DAN GIOVANNI, for a term to expire 06-30-2021.	MONITOR	
<b>Bills that were discussed</b>					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>Bill Positions for Reconsideration</b>					
84	HB2443	RELATING TO HISTORIC PRESERVATION.	Makes it a civil and administrative violation for any person to engage in certain archeological activities without obtaining the required permission or approval from the department of land and natural resources.	SWA > SUPPORT	
<b>Bills that were discussed</b>					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
<b>2020 Legislative Session (All positions previously approved)</b>					
149	HB2119	RELATING TO VOTING.	Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Allows an applicant to affirmatively decline to have any of the applicant's information electronically transmitted. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 7/1/2050. (HD1)	MONITOR	Monitor >>> SUPPORT

378	SB3164	RELATING TO THE STATE SURFING COMMISSION.	Establishes the state commission on surfing.	SUPPORT	Support >>> SUPPORT WITH AMENDMENTS
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**AMENDMENT:**

**MEANS OF FINANCING:**

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

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

DISCUSSION:

Office of Hawaiian Affairs  
Board of Trustee Meeting  
February 20, 2020  
10:00 am

V. New Business

A. Committee on Beneficiary Advocacy and Empowerment

3. Action Item BAE #20-01: Approval of Nominees for the O‘ahu Island Burial Council, Kaua‘i & Ni‘ihau Island Burial Council, Maui and Lāna‘i Island Burial Council, and Hawai‘i Island Burial Council

*\*- The committee report for this item will be distributed after the BAE Committee meeting on February 19, 2020.*

Office of Hawaiian Affairs  
Board of Trustee Meeting  
February 20, 2020  
10:00 am

V. New Business

B. Action Item BOT #20-01: Approve the Office of Hawaiian Affairs, Board of Trustees' Updated By-Laws\*

*\* - Item was not received at the time of folder distribution. It will be distributed once it is received.*

Office of Hawaiian Affairs  
Board of Trustee Meeting  
February 20, 2020  
10:00 am

VI. Executive Session\*

- A. Consultation with Legal Counsel Shanlyn Park, Esq., Corporation Counsel Raina Gushiken, Esq., and Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to additional requests by the State Attorney General's office for OHA documents. *Pursuant to HRS § 92-5(a)(4).*
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Declaratory Relief action filed in Circuit Court. *Pursuant to HRS § 92-5(a)(4).*

***\*- Any material that is relevant to this section will be distributed at the table during Executive Session.***