

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

February 22, 2017 1:00 p.m.

ATTENDANCE:

Chairperson Robert K. Lindsey, Jr.
Vice-Chairperson Dan Ahuna
Trustee Leina'ala Ahu Isa
Trustee Rowena Akana – 1:07 pm
Trustee Keli'i Akina
Trustee Peter Apo
Trustee Carmen Hulu Lindsey
Trustee John Waihe'e, IV – 1:02 pm

EXCUSED:

Trustee Colette Machado

BOT STAFF:

Jeremy K. Hopkins
Kauikeaolani Wailehua
U'ilani Tanigawa
Claudine Calpito
Davis Price
Maria Calderon
Melissa Wennihan
Liana "Ani" Pang
Lady Elizabeth Garrett
Lopaka Baptiste

ADMINISTRATION STAFF:

Kamana'opono Crabbe Pouhana / CEO
Anuhea Patoc, PUBL
Deja Ostrowski, PUBL
Kawika Riley, CHIEF
Keith Bukowski, ADV
Momilani Lazo, EA CEO
Jocelyn Doane, PUBL
Monica Morris, PUBL
Wayne Tanaka, PUBL

ADMINISTRATION INTERNS:

Anna Jang
Kalei Akau
Marisa Takemoto

GUESTS:

Dan Purcell
Albrecht Fuuk
Judith Schachter

I. CALL TO ORDER

Chair Lindsey calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 22, 2017 to order at **1:00 p.m.**

Chair Lindsey announces that he has received an EXCUSED ABSENCE memo from **Trustee Machado.**

Chair Lindsey calls for a Roll Call vote. Below is the record of members **PRESENT**:

MEMBERS			AT CALL TO ORDER (1:00 pm)	TIME ARRIVED
VICE-CHAIR	DAN	AHUNA	X	
TRUSTEE	LEI	AHU ISA	X	
TRUSTEE	ROWENA	AKANA		1:07 PM
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO	X	
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO		EXCUSED
TRUSTEE	JOHN	WAIHE'E		1:02 PM
CHAIR	ROBERT	LINDSEY, JR.	X	

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

Chair Lindsey announces that Items II. B. and II. C. are deferred.

Chair Lindsey 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:

- II. Approval of Minutes
 - A. February 1, 2017
- IV. New Business
 - A. 2017 Legislative Positioning - Matrix 1**
- V. Unfinished Business
 - A. 2017 OHA Legislative Package Updates – Matrix 2**

Trustee Ahuna – moved
Trustee Waihee – second

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

TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO							EXCUSED
TRUSTEE	JOHN	WAIHE'E		x	X				
CHAIR	ROBERT	LINDSEY, JR.			x				

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

II. APPROVAL OF MINUTES

A. February 1, 2017

Chair Lindsey calls for a motion to approve the minutes of February 1, 2017.

Trustee Ahuna – moved
Trustee Waihe'e – second

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

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

Chair Lindsey calls for Community Concerns

III. COMMUNITY CONCERNS*

No Community Concerns.

Chair Lindsey says thank you and proceeds on to the next agenda item.

IV. NEW BUSINESS

(c)

Chair Lindsey calls on Kamana'o Crabbe (KC) to move forward on the agenda to item IV. A. New Business

KC – Called upon Jocelyn Doane (JD) and Wayne Tanaka (WT) to share updates on New Bills and Position Reconsiderations on other Bills on the OHA Legislative Positioning Matrix.

JD first mentions how happy she is that the BAE agenda was posted in English and Hawaiian in honor of 'Ōlelo Hawai'i month. She thanks Chair Lindsey and those that assisted in making this possible.

JD mentions that one change needed to be made on the matrix as it was an error, item 829, SB1315. The change is from Support to COMMENT. It is a Bill that came out of the Native Hawaiian Health Task Force and Kawika attended that hearing. It would require that insurance be provided for Native Hawaiian cultural activities such as hula and paddling. OHA administration believes it is a great idea, but the insurance providers, the insurance commission and DCCA believes it would be costly and would probably not be a good idea to pass at this time until more information is gathered regarding cost. OHA administration actually meant to recommend to comment and not support. Right now, Kaiser provides lower memberships for 24-Hour Fitness specifically. It is an example of preventative health-care coverage, but many types of preventative health-care initiatives are not covered. OHA administration believes that shifting towards preventative health-care initiatives is a positive thing and the comments would reflect that and the intention to work with the committee and others to see what is feasible to make this happen.

Trustee Apo (T. Apo) – asked if anyone asked, "Why only Hawaiians? Why not others?" He did not think that the legislators would be too keen on the Hawaiians only approach.

KC – commented that OHA did reach out to others to address this possible issue, but the reality came down to the fact that Native Hawaiians had a greater disparity than other ethnic groups and that was the basis for the decision. However, the potential insurers believe that this could be costly and working with a small scale group, Native Hawaiians, first may be beneficial to shed light on the potential economic impact preventative health care measures could have on the insurance and health care industry.

Trustee Akina (T. Akina) – shares who sponsored the Bill and goes on to share that this Bill adds specific Native Hawaiian practices to coverage.

JD – clarifies that the Native Hawaiian legislators who sponsored the Bill worked with the Native Hawaiian Health Task Force and strongly encouraged them to come up with specific recommendations which is why they introduced the measure on their behalf. This is a recommendation that came out of the task force itself.

KC – commented that Kawika tried to clarify OHA's position of comment. To comment does not mean OHA supports or opposes. It merely means that at this time, it is looking for more information to give Trustees everything they need to make a good sound decision on this issue as they move forward and properly position OHA on this issue. Some legislators felt OHA should have automatically supported this Bill, but the Bill has impact for community members and health care providers and needs to be vetted more.

CL – mentions that he noticed that the committee deferred the Bill.

JD – responds and says that a resolution is being developed to look at this issue as an alternative.

T. Akina – commends JD on taking the position of COMMENT due to reasons she shared today. It is a responsible decision.

Kawika Riley (KR) – relates that what he shared with legislators was that it is important to look at what we are trying to do with public policy, but also how we are doing it. He went on to say that OHA has a great track record as an advocate, as a funder and as a researcher in supporting the kind of things the Bill was trying to accomplish, but it also has to be careful about the way it is accomplished and that OHA doesn't have enough information to support the mechanism by which the Bill sought to fund the activities being supported. Ultimately, legislators decided to work on a Resolution instead of a Bill after hearing all the testimony including OHA's.

JD – moving on to New Bills, OHA administration only has one new measure to share with the Trustees. It is item 20, HCR 41.

Trustee Akana (T. Akana) – asked if some of the roadways to be transferred to the City & County of Honolulu from HCDA cross OHA's Kaka'ako property.

JD – responded and let the Trustees know that the roadways surround our property, but they do not cross the property.

CL recognizes Trustee Ahu Isa (T. Ahu Isa).

T. Ahu Isa – asks for the status of SB1303.

JD – responds that it is deferred and dead. She continued on to a new bill, item 20, HCR 41.

WT – this Resolution would ask for an independent assessment of radioactive contamination at Pōhakuloa. OHA and others, beneficiaries and non-beneficiaries, have raised this issue for a long time.

JD – moves on to the next Bill, item 21, HB77. The recommendation was to go from comment to MONITOR.

WT – shared that originally the Bill was designed to consolidate all contested case processes and it would take the final decision out of the Sunshine Law process; outside of the public purview. However, the Bill morphed into a study to learn what the possible benefits and costs would be of such an action. Therefore, the recommendation now is to MONITOR.

JD – moves on to the next Bill. It is item 23, HB169. It originally required that OHA enter into a long-term lease with Next Step Shelter. OHA and the AG expressed concerns and that provision was deleted from the Bill. Right now the idea is to help some of the shelters raise money through donations.

Next is item 24, HB437. OHA administration is recommending changing the position from support with amendments to SUPPORT.

WT – Originally, this Bill would have required a public hearing for any new sea wall and it would have prohibited sea walls unless they would be necessary to protect an existing legal structure. OHA suggested amendments to also protect traditional and customary practice and public access issues and the amendments were accepted. Due to this, the recommendation is changing the position to SUPPORT.

T. Apo – asks if this affects fishponds with construction, repair or renovation.

WT – shares the definition of a sea wall and continues on to say that this Bill does not likely affect fishponds.

JD – shares the next measure, item 25, HB599 which relates to affordable housing. OHA administration is recommending changing the position from monitor to COMMENT. It will begin to amend and define the different levels of affordable housing. The comments may include change in language to make the Bill more consistent with the nature of affordable housing.

T. Apo – asks if there has been discussion regarding 2nd home buyers not being able to buy “affordable housing” because they already own a home.

JD – responds with different examples of rules from different counties, but is unsure if the rule T. Apo speaks of is in place. More research needs to be done.

Deja Ostrowski (DO) – added that the constitutionality of such a requirement may pose issues. However, Kaua‘i County defined “Workforce Housing” and that seems to solve that issue. However, as there has not been a challenge to such a definition and execution of the definition, the other counties are hesitant to use that and move forward.

JD – shares the next item. It is item 26, HB804. The Bill died, but OHA administration is recommending changing the position from monitor to COMMENT just in case the Bill is brought back in another form. The Bill refers to establishing a program related to Papahānaumokuākea within DLNR. The comments would be language to reflect OHA’s current role as a Co-Trustee and the role it plays regarding Papahānaumokuākea.

Next is item 27, HB928.

WT – This Bill originally would have exempted affordable housing projects in the urban core from the EIS and EA requirements under Chapter 343, so a position of monitor was suggested. However, this draft of the Bill changes the definition of “Urban Core” and may affect resources in the newly proposed area. Therefore the recommendation is to OPPOSE.

JD – introduces the next measure which is item 28, HB998.

WT – says that originally, this measure would have prohibited any rules that restrict fishing for bottom fish without scientific evidence. This is thought to be almost impossible to achieve. The original recommendation was to oppose. Originally, the recommendation was to oppose, but since the Bill

has been amended by removing 6 of the bottom fish restricting areas, the recommendation now is to MONITOR.

Next Bill is item 29, SB110. Originally, the Bill authorized DLNR to collect fees from permittees under the Clean Water Act and subsequently allow DLNR to use those fees to complete mitigation measures in the small boat harbors. The original draft had a special fund, but this draft does not. Now, it is unclear if the fees collected will be used for mitigation, rehabilitation or restoration regarding resources there. The recommendation now is to go from support to MONITOR.

JD – introduces item 30, SB140 which is related to the Dark Skies committee. OHA's suggested amendments were made, so the recommendation is changing from support with amendments to SUPPORT.

Next is item 31, SB580. This Bill would allow HHFDC to enter into 99-year leases instead of 65-year leases for certain projects. OHA administration recommends COMMENT so it can talk about the lengthiness of the lease and also requesting more information. Also, there is some discussion about making a comment to the amount of units that need to be "affordable".

Next is item 32, SB658. OHA administration recommends OPPOSE as this Bill would exempt the Airport Corporation from Chapter 171. Unfortunately, the recommendation came from the AG.

Various Trustees verbalize that this section of the Bill goes against the settlement. (It is difficult to recognize who is speaking as Trustees are not speaking into the microphone.)

T. Apo – "What is not working now that this thing would make it work better?"

JD – responds that according to the Director of the Department of Transportation, the reason for this structure change is so that they would not have to continuously return to the legislature for appropriations from the Airport Special Fund to do maintenance and special projects at the airport during the time the legislature is not in session that may not have been covered during the legislative session. OHA administration realizes this can be a good thing, but has concerns due to all of the content in Chapter 171, such as lease dispositions and lease rent negotiations. OHA should want the airports to obtain the highest possible rent as this would mean that the state should pay OHA from another pot the 20% of the airport revenue from the ceded land portions.

CL recognizes T. Akana but her voice is inaudible...

Trustee Ahuna (T. Ahuna) – agreed with Trustee Akana and said that this is as important as Maunakea.

CL recognizes T. Akina.

T. Akina – shares that this is a poorly written Bill and suggests that this is a management problem.

T. Akana – suggests speaking with Justice James Duffy (Ret.) about this. She suggested hiring him as the consultant to work with the AG on understanding this settlement.

JD – introduces item 33, SB848. This Bill is related to the entire UH System moving towards a bilingual program. The position has changed as the Bill has changed a few times. The appropriation has been taken out, so the OHA administration is recommending changing the position again from monitor to SUPPORT.

Next is item 34, SB1105. This is another affordable housing Bill that would expand the GE Tax exemption to firms where all of the units are 140% AMI which is quite high and 20% are below 80% if they are part of a collective bargaining unit. OHA administration is recommending COMMENT so they can share language reflecting the results of the housing study.

T. Akina – “What was the specific concern of the exemption from the GE Tax for these projects?”

JD – there is no specific concern, but OHA would like to provide information and data to legislators in order for them to make better informed decisions, to know what the local housing demand is and to determine if they may be giving the right incentives to build housing for local people.

JD continues on and begins to update Trustees on other measures that impact OHA and one related to DHHL. The first is item 63, HB118. The Bill has been amended to not allow for the OHA candidate to be currently registered as a lobbyist.

Item 226, HB622 is the KIRC Public Land Trust Bill. OHA is OPPOSING this measure. It did get a hearing on Friday in FIN. Staff will be at the hearing to share the inappropriateness of the measure and the possible unconstitutionality of the inclusion of OHA in the measure.

Item 305, HB865 is the OHA Collective Bargaining Bill. It will also be on the Friday agenda for FIN. JD believes there are discussions amongst House members that the Bill automatically subjects employees to Collective Bargaining. It does not give the employees a choice of whether or not to unionize. It also would make the employees civil service employees. The issue of the control of OHA in spending its money is a concern.

T. Akina – “Jocelyn, what do you know about the motivation behind this Bill?”

JD – responds that this Bill has popped up for a few years now and it is side-by-side with another Bill that would unionize certain graduate students at UH.

T. Akina – “Is it perceived as an advocacy measure on behalf of OHA employees?”

(Another Trustee responds, but it is inaudible.)

T. Akina – asks the Trustee what the motivation is behind this.

(It appears as if the Trustee responds, but the response is in audible.)

CL recognizes Trustee Hulu Lindsey (T. H. Lindsey) and T. Akana.

T. H. Lindsey – says that 2 years ago it was believed that HGEA needed more revenue and the Trustees were not willing to do that and give them more revenue.

T. Akana – says that this Bill actually gives the power to the employees to administer the trust. She says that this Bill would destroy the trust.

JD – shares that the OPPOSE position is really against the fact that the employees do not have a choice to unionize. It is automatic according to this Bill and that is the reason to OPPOSE.

CL recognizes T. Ahu Isa.

T. Ahu Isa shares that she spoke to Rep. Johansson, Chair of the Labor Committee in the House, about this Bill. She shares that he said there was a lot of support for this Bill and that even a few OHA employees testified in support of the Bill.

T. Apo – asks the question, “Are we an agency or are we a trust fund?” He goes on to say that if OHA is a trust fund, then this is a bad bill. If it is a state agency, then the Bill is right on track.

CL recognizes JD to continue.

JD – introduces the last measure, item 703, SB849. This is the DHHL blood quantum reduction Bill for successors. The Bill in its current form mentions not allowing those who transfer the lease to go back on the list and to not allow the same to buy a lease.

T. Akina – appreciates the stance OHA takes, but cautions everyone to be mindful of those still on the waitlist as they may view this as a diminishment of their rights.

IV. New Business

A. 2017 Legislative Positioning Matrix 1

Motion IV. A.:

To approve Administration’s recommendations on NEW BILLS (Item 1-20) and BILL POSITIONS FOR RECONSIDERATION (Items 21-34) on the OHA Legislative Positioning Matrix dated February 22, 2017, as amended along with the following revisions:

- **CHANGE Item 829, SB1315 from Support-> COMMENT**

T. Ahuna moves

T. Waihe'e seconds

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEI	AHU ISA			X				

VICE-CHAIR	DAN	AHUNA	x		X				
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO			X				
TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO							EXCUSED
TRUSTEE	JOHN	WAIHE'E		x	X				
CHAIR	ROBERT	LINDSEY, JR.			X				

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

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
			New Bills	
1	HB87 4	RELATING TO HOUSING.	Requires use of an unspecified percentage of funds in the Mental Health and Substance Abuse Special Fund to provide housing for residents who qualify for Social Security disability benefits and are diagnosed with a life-long serious mental illness. (HB874 HD1)	MONITOR
2	HB91 2	RELATING TO NURSING.	Allows advanced practice registered nurses to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers. (HB912 HD1)	MONITOR

3	HB968	RELATING TO AFFORDABLE TEMPORARY HOUSING.	Gives property owners the ability to lease yard space or driveway space for temporary residential purposes, subject to certain conditions, including allowing lessees to camp in a temporary structure on a property owner's yard or a vehicle designed for camping on a property owner's driveway. (HB968 HD1)	MONITOR	
4	HB983	RELATING TO CHILD VISITATION.	Amends the guidelines for the court to consider in awarding reasonable visitation rights to a grandparent or the grandparents of a minor child. Clarifies procedures for an order awarding reasonable visitation rights to grandparents and that a violation of the terms and conditions of such an order is subject to sanctions or contempt of court. (HB983 HD1)	MONITOR	
5	HB1009	RELATING TO THE LANDLORD TENANT CODE.	Requires a landlord to provide tenant access to a dwelling unit for a period of 24 hours solely for removal of the tenant's possessions when the tenant quits the premises or fails to pay rent. Provides that after the 24-hour period, the tenant's property shall be deemed abandoned and may be immediately disposed. (HB1009 HD1)	MONITOR	
6	HB1240	RELATING TO APPROPRIATIONS TO ADDRESS HOMELESSNESS.	Appropriates funds to the Department of Human Services for the coordinated statewide homeless initiative, subject to certain conditions. (HB1240 HD1)	MONITOR	

7	HB13 35	RELATING TO THE LOW- INCOME HOUSING TAX CREDIT.	Specifies that certain provisions of the Internal Revenue Code related to at-risk rules and deductions and to passive activity loss do not apply with respect to claims for the state low-income housing tax credit. Appropriates funds to establish one position in the Hawaii Housing Finance and Development Corporation to oversee the Low-Income Housing Tax Credit Program. (HB1335 HD1)	MONITOR	
8	HB14 47	RELATING TO HOMELESSNESS.	Directs DHS to develop and implement residential campgrounds for the homeless.	MONITOR	
9	HB14 54	RELATING TO EDUCATION.	Exempts remote schools from the weighted student formula. Provides that remote schools will be funded based on categorical allotments that guarantee the funding of a minimum number of instructional and support staff positions to ensure that at least minimum course requirements are maintained. Defines "remote school." Makes appropriations.	MONITOR	
10	HB15 00	RELATING TO CRIMINAL TRESPASS.	Provides for minimum prison sentence of forty-eight hours, or \$150 fine, or both for the second act of criminal trespass in the second degree of commercial premises within a seven-day period.	MONITOR	
11	HB15 36	RELATING TO IRRIGATION.	Clarifies that the BOA has the power to acquire property by eminent domain for the construction and maintenance of water facilities that convey, distribute, and transmit water for agricultural uses, but not for domestic use. Amends the definition of "public utility" to exclude entities that convey, transmit, and distribute nonpotable water. (HB1536 HD1)	COMMENT	

12	SB2	RELATING TO HOMELESSNESS.	Beginning January 1, 2018, requires all health plans in the State, including EUTF health plans and medicaid managed care programs, to provide coverage for the treatment of homelessness.	MONITOR	
13	SB8	RELATING TO MEDICAL ASSISTANCE.	Requires providers and health plans to gather data regarding homeless individuals' use of medical assistance programs.	MONITOR	
14	SB107	RELATING TO MINIMUM WAGE.	Increases the minimum wage to \$10.50 per hour in 2018 and \$12 per hour in 2019, \$13.50 per hour in 2020, and \$15 per hour in 2021. Increases the tip credit to an unspecified amount of cents in 2018. Requires the department of labor and industrial relations to annually calculate the adjusted minimum wage rate to the nearest 5 cents using the Honolulu region CPI-W. Takes effect 1/7/2019. (SD1)	MONITOR	
15	SB202	RELATING TO SERVICE AREA BOARDS.	Amends statutory provisions relating to quorum and voting requirements for service area boards on mental health and substance abuse. Designates service area boards on mental health and substance abuse within the department of health for administrative purposes.	MONITOR	
16	SB203	RELATING TO STATE COUNCIL ON MENTAL HEALTH.	Amends the membership of the State Council on Mental Health, defines quorum for the Council, and specifies number of votes required to constitute valid acts of the Council. Designates the State Council on Mental Health within the department of health for administrative purposes.	MONITOR	
17	SB553	RELATING TO EDUCATION.	Requires remote schools to be allocated funds using categorical allotments, rather than through the weighted student formula. Defines a remote school as any public school that is a high school located at least a one-hour drive away from the next nearest high school or a high school located on the island of Lana'i, Moloka'i, or Ni'ihau. Specifies minimum number of teachers for Hana high and elementary school.	MONITOR	

18	SB671	RELATING TO LANDS CONTROLLED BY THE STATE.	Authorizes the department of land and natural resources and the Hawaii community development authority to negotiate and execute ninety-nine year leases on the department's and authority's lands located within one mile of the city and county of Honolulu's planned rail transit stations, provided that all housing in the mixed-use development for the lands to be leased is reserved for residents and families earning up to sixty per cent of the area median income. Effective 3/15/2050. Sunsets on 6/30/2050. (SD1)	COMMENT	
19	SB1165	RELATING TO MINIMUM WAGE.	Allows the counties to set a county minimum wage at a rate higher than the state minimum wage rate and a reduced county minimum wage rate for minors under eighteen that is at least 80 percent of the county minimum wage rate. Increases the minimum wage by \$1.00 each year until 2023 to reach \$15.10 per hour.	MONITOR	
20	HCR41		URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO CALL FOR COMPREHENSIVE, INDEPENDENT TESTING AND MONITORING TO DETERMINE THE EXTENT OF RADIOACTIVE CONTAMINATION AT THE POHAKULOA TRAINING AREA.	SUPPORT	
Bill Positions for Reconsideration					
21	HB77	RELATING TO AN OFFICE OF ADMINISTRATIVE HEARINGS.	Requires the Legislative Reference Bureau to study the feasibility and cost effect of establishing an Office of Administrative Hearings that conducts administrative hearings for the State's executive branch agencies. A report of findings and recommendations, including proposed legislation shall be presented to the Legislature prior to the Regular Session of 2018. (HB77 HD1)	COMMENT > MONITOR	

22	HB121	RELATING TO OCEAN MANAGEMENT.	Establishes the Papahānaumokuākea Marine National Monument Program within DLNR-DAR to coordinate and fulfill the State's co-management role with federal authorities. Establishes a goal of effective management of thirty per cent of nearshore waters by 2030 under the Coastal Zone Management Program. (HB121 HD2)	MONITOR > COMMENT	
23	HB169	RELATING TO HOMELESSNESS.	Establishes a working group in the Department of Human Services to solicit donations and services and to assist in the regulation and development of policies relating to the Next Step Shelter facility and its residents. Requires the working group to submit a report to the Legislature prior to the 2018 Regular Session. Appropriates funds for the working group. (HB169 HD1)	COMMENT > MONITOR	
24	HB437	RELATING TO COASTAL ZONE MANAGEMENT.	Prohibits variances for installation of shoreline hardening structures in shoreline areas, unless a public hearing is held, the applicant demonstrates that the shoreline hardening structure is necessary to protect an existing legal object, structure, or activity from damage due to seawater inundation or shoreline erosion, and no reasonable alternative locations exist. (HB437 HD1)	SUPPORT WITH AMENDMENTS > SUPPORT	
25	HB599	RELATING TO THE HAWAII STATE PLAN.	Amends Hawaii State Planning Act to prioritize housing opportunities for extremely low- to above moderate-income households, require periodic updates to functional plans, and amend member nomination process for advisory committees for the functional plans. (HB599 HD1)	MONITOR > COMMENT	

26	HB804	RELATING TO THE PAPA HANAUMO KUAKEA MARINE NATIONAL MONUMENT.	Establishes the Papahanaumokuakea Marine National Monument Program within DLNR-DAR to coordinate and fulfill the State's role and responsibilities in co-managing the Papahanaumokuakea Marine National Monument with federal authorities.	MONITOR > COMMENT	
27	HB928	RELATING TO AFFORDABLE HOUSING.	Exempts the development of affordable housing projects developed in the urban core by the Hawaii Housing Finance and Development Corporation from environmental assessment and environmental impact statement requirements. (HB928 HD1)	MONITOR > OPPOSE	
28	HB998	RELATING TO BOTTOMFISH.	Requires the DLNR to allow bottomfish fishing in six of the Bottomfish Restricted Fishing Areas and to amend any administrative rules to provide that any restriction on fishing shall be based on scientific evidence of environmental necessity. (HB998 HD1)	OPPOSE > MONITOR	
29	SB110	RELATING TO AQUATIC RESOURCES.	Authorizes the Department of Land and Natural Resources to use in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation. (SD1)	SUPPORT > MONITOR	
30	SB140	RELATING TO DARK NIGHT SKIES PROTECTION.	Establishes a Dark Night Skies Protection Advisory Committee to assist the University of Hawaii in developing a statewide dark night skies protection strategy.	SUPPORT WITH AMENDMENTS > SUPPORT	

31	SB580	RELATING TO HOUSING AND MIXED-USE DEVELOPMENT.	Allows the department of land and natural resources to enter into housing, commercial, and mixed-use leases for terms in excess of sixty-five years but not exceeding ninety-nine years. Gives the lessee a right of first refusal following a public auction at the termination of the lease; provided that the lessee shall match the highest lease rental bid offered.	MONITOR > COMMENT	
32	SB658	RELATING TO AN AIRPORT CORPORATION.	Authorizes the establishment of the Hawaii airport corporation within the department of transportation for administrative purposes on July 1, 2018. Sets out appointment of members to the board of directors and powers and duties of the Hawaii airport corporation. Transfers the aeronautics functions of DOT to the Hawaii airport authority.	COMMENT > OPPOSE	
33	SB848	RELATING TO HIGHER EDUCATION.	Establishes the Hawaiian language university college as an autonomous entity within the University of Hawaii system to be located at the University of Hawaii at Hilo. Implements an indigenous university college model by transferring the University of Hawaii at Hilo Hawaiian language college's rights, duties, powers, and functions to the Hawaiian language university college. Mandates the Hawaiian language university college and University of Hawaii at Hilo to enter into a memorandum of agreement by the end of the 2017-2018 academic year to establish shared operations and administration.	MONITOR > SUPPORT	
34	SB110 5	RELATING TO HOUSING.	Expands the types of rental housing projects that can be exempt from general excise taxes. Allows the terms of collective bargaining agreements and associated provisions to be deemed the prevailing wages and terms serving as the basis of compliance with chapter 104, Hawaii Revised Statutes, for the construction of certain rental housing projects. Sunsets on an unspecified date. (SD1)	MONITOR > COMMENT	
829	SB131 5	RELATING TO HEALTH.	Requires all health benefits plans to include coverage for Native Hawaiian culture-based activities, including but not limited to canoe paddling, hula, and lua, that have empirically shown to be effective in the management of weight, cardiovascular health, diabetes, and chronic kidney disease.	SUPPORT > COMMENT	

V. UNFINISHED BUSINESS

A. 2017 OHA Legislative Package Updates — Matrix 2**

KC – Called upon JD and WT again to share updates on the OHA Legislative Package Matrix.

JD – shares briefly what needs to occur regarding the OHA Bills before crossover. She mentions that the OHA Budget Bill. The Charter School Bill moved on the Senate side, but the Bill on the House side has been drafted into a Resolution. Chair Takumi is willing to listen to OHA's amendments. He also expressed that he may be willing to hear the Senate's Bill, should it cross over to the House. Some have shared that if funding is to be attached, then it needs to be in the form of a Bill. JD also shares that the Resolutions are still a ways away, but when it comes time to update the Trustees, staff will be here to do so.

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

CL shares that he is planning on mapping out the rest of the year for BAE Committee meetings. He has items he would like to bring forward for discussion and invites trustees to share their requests with him regarding items they would like to hear at the BAE Committee Meeting. CL will try to accommodate all requests.

CL thanks the staff for their hard work and updates.

VIII. ADJOURNMENT

Chair Lindsey seeks a motion to adjourn the BAE meeting.

Trustee H. Lindsey moves.

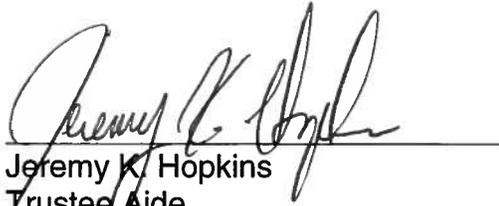
Trustee Waihe'e seconds the motion.

Chair Lindsey asks if there is any discussion. There is none.

Chair Lindsey asks if any members vote NO or ABSTAIN. There are no dissenting votes.

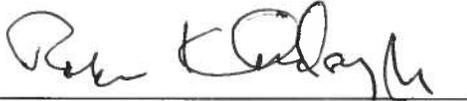
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA			X			
VICE CHAIR DAN	AHUNA			X			
ROWENA	AKANA			X			
KELII	AKINA			X			
PETER	APO			X			
CARMEN HULU	LINDSEY	X		X			

Respectfully submitted,



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

As approved by the Committee on Beneficiary Advocacy and Empowerment on 3/15/17.



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

ATTACHMENT(s):

- Excused Absence Memo – Trustee Colette Machado
- BAE Committee Meeting Minutes – February 1, 2017
- 2017 OHA Legislative Positioning — Matrix 1 dated February 22, 2017
- 2017 OHA Legislative Package — Matrix 2 dated February 22, 2017