

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**March 15, 2017 10:00 a.m.**

**ATTENDANCE:**

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

**EXCUSED:**

Trustee Leina'ala Ahu Isa  
Trustee Peter Apo

**BOT STAFF:**

Jeremy K. Hopkins  
Kauikeaolani Wailehua  
Uilani Tanigawa  
Lehua Itokazu  
Claudine Calpito  
Maria Calderon  
Liana Pang  
Alvin Akee  
Lady Elizabeth Garrett  
Melissa Wennihan

**ADMINISTRATION STAFF:**

Kamana'opono Crabbe Pouhana / CEO  
Anuheia Patoc, PUBL  
Deja Ostrowski, ADV  
Keith Bukowski, ADV  
Momilani Lazo, EA CEO  
Zuri Aki, ADV  
Jocelyn Doane, PUBL  
Kamaile Maldonado, PUBL  
Monica Morris, PUBL  
Sterling Wong, MEDIA

**GUESTS:**

Landon Paikai

**I. CALL TO ORDER**

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 15, 2017 to order at **10:01 a.m.**

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

MEMBERS			AT CALL TO ORDER ( 10:01 am )	TIME ARRIVED
CHAIR	ROBERT	LINDSEY, JR.	X	
VICE-CHAIR	DAN	AHUNA	X	
TRUSTEE	LEI	AHU ISA		<b>EXCUSED</b>

TRUSTEE	ROWENA	AKANA		10:18 AM
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO		EXCUSED
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO	X	
TRUSTEE	JOHN	WAIHE'E	X	

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

CL requests a motion:

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

- II. Approval of Minutes
  - A. February 22, 2017
- IV. New Business
  - A. 2017 Legislative Positioning - Matrix 1\*\*
- V. Unfinished Business
  - A. 2017 OHA Legislative Package Updates – Matrix 2\*\*

Trustee Ahuna (T. Ahuna) – moved

Trustee Waihe'e (T. Waihe'e) – second

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

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

**II. APPROVAL OF MINUTES**

A. February 22, 2017

CL calls for a motion to approve the minutes of February 22, 2017.

Trustee Ahuna (T. Ahuna) – moved  
Trustee Waihe'e (T. Waihe'e) – second

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

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

### III.COMMUNITY CONCERNS\*

CL asks if anyone has come to speak under COMMUNITY CONCERNS.

CL mentions for the record that Germaine Meyers submitted written minutes and those minutes are located in the BAE Committee Meeting packets previously distributed to Trustees. ***(Please find this testimony attached to the minutes.)*** CL goes on to mention that the attachments sent in and referenced by Germaine were transmitted to Trustees electronically.

CL says thank you and proceeds on to item IV. A. He calls upon Dr. Kamana'o Crabbe (KC) to share updates regarding the BAE Legislative Matrix.

### IV.NEW BUSINESS

A. 2017 OHA Legislative Positioning — Matrix 1\*\*

KC calls upon Jocelyn Doane (JD) to share updates regarding the BAE Legislative Matrix. JD shares that a few measures didn't make it on the matrix and she would like to address those.

JD shares the first measures to be added are HCR192, HR120, SCR153 and SR74. These are the resolutions speaking to "The Year of the Hawaiian". She goes on to share the origin and the focus of the resolutions. **(REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE JANUARY 2018 TO JANUARY 2019 AS THE YEAR OF THE HAWAIIAN AND REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY AND RECOMMEND TO THE LEGISLATURE A PLAN TO CELEBRATE THE YEAR OF THE HAWAIIAN.)** OHA Administration recommends **SUPPORT WITH AMENDMENTS.**

CL shares his memories of the events of that day and how amazed he was at the amount of Hawaiians that showed up at the Aloha Stadium.

Trustee Akina (T. Akina) – shares his support for the resolutions, but cautions that OHA should not be committing to funding the event as it is a resolution and not a Bill; and OHA should not be endorsing the WHEREAS clauses in the resolutions as other beneficiaries may have differing opinions.

Trustee Machado (T. Machado) – requests JD to briefly share who the other partners are in this effort. She goes on to mention Kamehameha Schools and CNHA.

JD mentions that Public Policy can return next week to respond to that question, but OHA is requested to be the coordinator of the event(s).

The next items mentioned are HCR198 and HR126. These measures request OHA to convene a Ho'oponopono Task Force. OHA already works with a Kupuna Ho'oponopono group and suggests **SUPPORT** of the measure. KC and JD share more comments about how the Task Force resolution came to be and how OHA has already been at the forefront of the issues due to its involvement in such issues since 2010 and the release of the report entitled "The Disparate Treatment of Native Hawaiians in the Criminal Justice System".

JD shares that GMs are coming out soon and speaks to the applications to the Water Commission. The four names the OHA Administration submitted to the Governor to show support are Commissioner Kamana Beamer, Chip Fletcher (UH Professor), Kekai Perry (Attorney and Professor at UH) and Dean (Denise) Antolini (UH Professor).

JD moves on to HB141. This measure would repeal the planning research special fund established by OHA. OHA Administration recommends **COMMENT.**

The next measure is HCR13, which staff missed adding last week to the matrix. This relates to the sale of the leased fee interest at 41-529 Inoaole Street. OHA Administration recommends **COMMENT** as it is consistent with current policy.

The next sets of measures are HCR94, HR56, SCR85 and SR33. These measures relate to the OHA Trustees being appointed versus elected. The resolutions request OHA to convene a group of stakeholders and create a Task Force that would discuss and potentially give a recommendation to the Legislature on whether or not the OHA Trustees should be appointed or elected. OHA Administration recommends **COMMENT.**

Trustee Waihee (T. Waihee) – asks who would appoint the Trustees. Are there any current ideas?

JD responds that OHA Corp Counsel shared ideas with Public Policy, but these are just ideas right now. One possible way is to mirror how the Kamehameha Schools Trustees are selected.

Trustee Akana (T. Akana) – asks why OHA is just willing to COMMENT and not OPPOSE. T. Akana suggests that appointed Trustees do not represent the people, but elected ones do.

T. Akina – shares that, “... the resolutions put OHA Trustees in an awkward position as fiduciaries in their current role. The Trustees’ role is defined by HAWAII REVISED STATUTES and the State Constitution. It is a role that is established by multiple stakeholders which includes the constituency of the voting public and we are accountable to them. In the resolutions, the only stakeholders that are enumerated are either expert categories or the Hawaiian Community. What is excluded here is the general voting public to which each of us is accountable in our role here. So, we would be in an awkward position to convene a group to discuss the status of this board and its process for election and exclude the general voting public from that. So, while this resolution has no force, in other words, it could be passed by the Legislature and we can ignore it, it probably would be in our interest to OPPOSE it.”

JD shares that the position of COMMENT is recommended as that is the position Trustees have taken on OHA Trustee Election Bills in the past. However, if Trustees desire to OPPOSE it rather than comment, then that can happen as well.

T. Akana – says, “We should OPPOSE.”

A brief discussion occurs to consider bifurcating these items when voting upon the matrix dated March 15, 2017. At the end, CL says the committee will bifurcate when voting.

T. Akina – comments that this resolution’s affect would be as if the Legislators were to ask themselves if they should be appointed or elected and exclude the voting public from the conversation. He believes it could create some problems.

JD responds to T. Akina’s comments and shares that OHA has a beneficiary class it represents and for whom it has kuleana. Trustees are also elected by non-beneficiaries, but the fiduciary duty is to the beneficiaries and not the general public. She goes on further and mentions that should this be the recommendation, it would have to be a constitutional amendment and at that point, the general public would be involved.

T. Akina responds by saying, “Yes, that is correct. However, in the general sense of the term fiduciary, as it applies to our political role that we are elected officials and we have a defined role with the voting public defined by the constitution. And you are correct. It will eventually go to them which is why it would seem strange to exclude them from the conversation at the front end.”

T. Waihe’e comments that he does not want to oppose based on that comment otherwise this may end up on the ballot.

Additional discussion occurs regarding the opening up of Chapter 10 and the representation of the people by the Trustees. T. Akana continues to say that appointed Trustees do not represent the people, but the elected ones do.

JD continues on with the next measure, item 18, HCR99. This Bill would create a Remnant Parcel Task Force. OHA would be a member and the action of the Task Force would be to determine the disposition of the remnant parcels. OHA Administration recommends SUPPORT.

JD shares that those were the NEW BILL positions. Now she begins to update Trustees on the suggested Bill position changes.

The first is item 44, HB1012. This is related to tax exemptions to Real Estate Investment Trusts. The thought is to maybe not provide the tax exemption because many of the shareholders do not live in Hawaii and the state does not capture those taxes. The measure would temporarily repeal that exemption for 15 years to see what happens. OHA Administration recommends changing OHA's position from MONITOR > COMMENT.

Additional discussion continues regarding this Bill and examples were shared of what is done now in terms of taxes and what may potentially occur regarding taxes should the Bill pass.

JD moves on to item 45, HB1246 which talk about the alternatives to incarceration. The current version now weakens the draft. OHA Administration recommends changing OHA's position from SUPPORT > COMMENT. The comment essentially would be to go back to the previous draft.

The next items are items 46, 47 and 49 which are HB1591, HB1594 and SB1162. These Bills relate to UH's Promise program, their scholarship program. This is an exception to OHA's practice, but OHA Administration is recommending changing OHA's position from MONITOR > SUPPORT. Typically, OHA does not SUPPORT Bills with appropriations, but as OHA does give money for scholarships and this is similar to what OHA does, the administration felt it was a good idea to support this measure.

The next measure is item 48, SB643. This Bill requires all newly created, replaced, or reprinted state and county letterheads, documents, symbols, and emblems to include accurate, appropriate, and authentic Hawaiian names and language. It establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. All the testimony so far has been in support and OHA Administration believes that the cost is minimal. Therefore, OHA Administration recommends changing OHA's position from COMMENT > SUPPORT.

The next measures are items 50 and 51, SCR31 and SR6. OHA Administration is recommending changing OHA's position from MONITOR > COMMENT. It urges DLNR to conduct a statewide habitat inventory on the pueo. It is important because there is very little information on the existing pueo population. It is important to know that DLNR has many other responsibilities and not always enough resources to fulfill those responsibilities, thus the reason to just provide comments.

JD continued by giving updates on two other measures. These measures are the KIRC PLT Bill and the OHA Collective Bargaining Bill. The two Bills did crossover to the Senate. Public Policy staff has been speaking with Senators especially chairs of the subject matter committees with the exception of WAM. The hope is that the Bills will not get hearings. In the event there are hearings, it will give

OHA a chance to share where it is with its negotiating committee and to share that the portion of the Public Land Trust revenue that OHA receives is already less than what it should be receiving. Also, OHA will be able to share some of the realities about what the Collective Bargaining Bill could mean.

Additional discussion occurred regarding the KIRC PLT Bill and trying to clarify whether or not OHA is legally mandated to pay if this Bill is passed by the legislature.

CL calls for a motion to approve:

IV. New Business

A. 2017 Legislative Positioning Matrix 1 - ***Bifurcation***

- Change items 14, 25, 36 and 39, HCR94, SCR85, HR56 and SR33 from COMMENT > OPPOSE

T. Waihe'e – moved

Trustee Hulu Lindsey (T. H. Lindsey) – second

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

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

CL calls for a motion to approve:  
IV. New Business

A. 2017 Legislative Positioning Matrix 1

T. Ahuna – moved  
T. Waihe'e – second

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

MOTION:  UNANIMOUS  PASSED  DEFERRED  FAILED

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
<b>New Bills</b>					
1	HB100	RELATING TO THE STATE BUDGET.	Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2017-2018 and 2018-2019. (HB100 HD1)	MONITOR	
2	HB141	RELATING TO NON-GENERAL FUNDS.	Repeals and abolishes various non-general funds of GOV, OHA, and DOE, as recommended by the Auditor in Auditor's Report Nos. 16-09, 16-10, and 16-11, and transfers unencumbered balances. (HB141 HD1)	COMMENT	
3	SB683	PROPOSING AMENDMENTS TO ARTICLES VII AND X OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE LEGISLATURE TO	Proposes amendments to the Constitution of the State of Hawaii to advance the State's goal of providing a public education for the children of Hawaii by authorizing the legislature to establish, as provided by law, a surcharge on residential investment property and visitor accommodations. (SD2)	MONITOR	

		<b>ESTABLISH A SURCHARGE ON RESIDENTIAL INVESTMENT PROPERTY AND VISITOR ACCOMMODATIONS TO INCREASE FUNDING FOR PUBLIC EDUCATION.</b>			
<b>4</b>	<b>SB686</b>	<b>RELATING TO EDUCATION FUNDING.</b>	<b>Establishes an education surcharge on residential investment properties and visitor accommodations for the purpose of funding public education. Effective July 1, 2050. (SD2)</b>	<b>MONITOR</b>	
<b>5</b>	<b>HCR13</b>		<b>APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-529 INOAOLE STREET, WAIMANALO, HAWAII.</b>	<b>COMMENT</b>	
<b>6</b>	<b>HCR61</b>		<b>REQUESTING EACH OF THE SEVERAL COUNTIES TO ASSESS THE ROLES AND RESPONSIBILITIES OF COUNTY POLICE COMMISSIONS, ESPECIALLY WITH REGARD TO POLICE MISCONDUCT ISSUES.</b>	<b>MONITOR</b>	
<b>7</b>	<b>HCR70</b>		<b>REQUESTING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF ALFRED AKA.</b>	<b>MONITOR</b>	
<b>8</b>	<b>HCR71</b>		<b>REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE COUNTY OF HAWAII TO DETERMINE WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE KING KAMEHAMEHA THE GREAT STATUE IN NORTH KOHALA.</b>	<b>MONITOR</b>	
<b>9</b>	<b>HCR73</b>		<b>URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT STATEWIDE PUBLIC OUTREACH REGARDING THE ESTABLISHMENT OF A NONCOMMERCIAL MARINE FISHING REGISTRY, PERMIT, OR LICENSE SYSTEM IN HAWAII.</b>	<b>MONITOR</b>	
<b>10</b>	<b>HCR78</b>		<b>AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.</b>	<b>MONITOR</b>	
<b>11</b>	<b>HCR82</b>		<b>AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING CONCRETE SEAWALL, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS</b>	<b>MONITOR</b>	

			<b>CONSTRUCTED THEREON.</b>		
12	HCR8 4		<b>REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A TASK FORCE TO DOCUMENT AND COLLECT DATA IDENTIFYING ECONOMIC, ENVIRONMENTAL, AND REGULATORY CONSEQUENCES OF CROP DEGRADATION CAUSED BY INVASIVE AND ENDANGERED SPECIES IN HAWAII.</b>	MONITOR	
13	HCR9 1		<b>AFFIRMING THAT ACCESS TO CLEAN DRINKING WATER, EDUCATION, AND HEALTHCARE ARE INHERENT AND INALIENABLE RIGHTS OF ALL INDIVIDUALS.</b>	MONITOR	
14	HCR9 4		<b>REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE OF HAWAIIAN LEADERS, LEGAL SCHOLARS, AND A BROAD REPRESENTATION OF MEMBERS OF THE HAWAIIAN COMMUNITY TO REVIEW AND CONSIDER WHETHER ITS FIDUCIARY DUTY TO BETTER THE CONDITIONS OF HAWAIIANS AND MANAGE ITS RESOURCES TO MEET THE NEEDS OF HAWAIIAN BENEFICIARIES WOULD BE BETTER SERVED BY HAVING TRUSTEES APPOINTED RATHER THAN ELECTED.</b>	COMMENT	
15	HCR9 5		<b>REQUESTING THAT THE UNIVERSITY OF HAWAI'I PROVIDE INFORMATION TO THE LEGISLATURE ON POSSIBLE TECHNIQUES TO ELIMINATE MOSQUITOS FROM HAWAII.</b>	MONITOR	
16	HCR9 7		<b>AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED AND RECLAIMED (FILLED) LANDS AT KUAU, MAKAWAO, PAIA, MAUI, FOR ROCKWALL, REVETMENT STAIRWAY, AND LAWN MAINTENANCE PURPOSES.</b>	MONITOR	
17	HCR9 8		<b>URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH STAKEHOLDERS TO DEVELOP GUIDELINES FOR BEST PRACTICES FOR THE OPERATION OF MARINE MAMMAL TOURS.</b>	MONITOR	
18	HCR9 9		<b>REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH THE REMNANT PARCEL TASK FORCE.</b>	SUPPORT	
19	HCR1 02		<b>REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING STATE STATUTES THAT MAY BE ENHANCED OR STRENGTHENED TO PROTECT WATERS IN THE STATE IF THE FEDERAL CLEAN WATER RULE IS REVISED TO BE LESS STRINGENT OR IS RESCINDED.</b>	MONITOR	
20	HCR1 08		<b>AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-</b>	MONITOR	

			<b>11:7; WAIOHULU-KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII.</b>		
<b>21</b>	<b>HCR1 10</b>		<b>ENDORING AND ADOPTING, AND URGING THE SEVERAL COUNTIES TO ENDORSE AND USE, THE UNITED NATIONS SEVENTEEN SUSTAINABLE DEVELOPMENT GOALS AS COMPONENTS OF A FRAMEWORK FOR ADDRESSING AND ASSESSING HAWAII'S EFFORTS TOWARD SOCIAL JUSTICE AND SUSTAINABILITY.</b>	<b>MONITOR</b>	
<b>22</b>	<b>SCR70</b>		<b>URGING THE STATE TO ABIDE BY THE STANDARDS ADOPTED IN THE PARIS AGREEMENT ON CLIMATE CHANGE.</b>	<b>MONITOR</b>	
<b>23</b>	<b>SCR74</b>		<b>AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING CONCRETE SEAWALL, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.</b>	<b>MONITOR</b>	
<b>24</b>	<b>SCR79</b>		<b>AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIPOULI, KAWAIHAU, KAUAI, FOR A PORTION OF A SEAWALL AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.</b>	<b>MONITOR</b>	
<b>25</b>	<b>SCR85</b>		<b>REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE OF HAWAIIAN LEADERS, LEGAL SCHOLARS, AND A BROAD REPRESENTATION OF MEMBERS OF THE HAWAIIAN COMMUNITY TO REVIEW AND CONSIDER WHETHER ITS FIDUCIARY DUTY TO BETTER THE CONDITIONS OF HAWAIIANS AND MANAGE ITS RESOURCES TO MEET THE NEEDS OF HAWAIIAN BENEFICIARIES WOULD BE BETTER SERVED BY HAVING TRUSTEES APPOINTED RATHER THAN ELECTED.</b>	<b>COMMENT</b>	
<b>26</b>	<b>SCR88</b>		<b>URGING THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COLLABORATE TO CREATE A MECHANISM FOR GENERATING WATER CIRCULATION IN POKAI BAY ON LEEWARD OAHU.</b>	<b>MONITOR</b>	
<b>27</b>	<b>SCR96</b>		<b>REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUPPORT THE USE OF AUTONOMOUS UNMANNED SURFACE VESSEL TECHNOLOGY TO DETECT AND CLEAN UP OCEAN DEBRIS BEFORE IT REACHES HAWAII'S REEFS AND BEACHES.</b>	<b>MONITOR</b>	

28	SCR98		REQUESTING STATE AND COUNTY AGENCIES TO UPDATE ADMINISTRATIVE RULES TO ADOPT ENVIRONMENTAL PROTECTION STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE FEDERAL STANDARDS AS OF JANUARY 1, 2016, OR JANUARY 1, 2017, WHICHEVER ARE MORE STRINGENT.	MONITOR	
29	SCR99		REQUESTING THE DEPARTMENT OF HEALTH TO UPDATE HAWAII ADMINISTRATIVE RULES REGULATING UNDERGROUND STORAGE TANKS CONSISTENT WITH THE ENVIRONMENTAL PROTECTION AGENCY REGULATIONS, EFFECTIVE AS OF OCTOBER 13, 2015.	MONITOR	
30	HR36		REQUESTING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF ALFRED AKAKA.	MONITOR	
31	HR37		REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE COUNTY OF HAWAII TO DETERMINE WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE KING KAMEHAMEHA THE GREAT STATUE IN NORTH KOHALA.	MONITOR	
32	HR38		URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT STATEWIDE PUBLIC OUTREACH REGARDING THE ESTABLISHMENT OF A NONCOMMERCIAL MARINE FISHING REGISTRY, PERMIT, OR LICENSE SYSTEM IN HAWAII.	MONITOR	
33	HR46		REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A TASK FORCE TO DOCUMENT AND COLLECT DATA IDENTIFYING ECONOMIC, ENVIRONMENTAL, AND REGULATORY CONSEQUENCES OF CROP DEGRADATION CAUSED BY INVASIVE AND ENDANGERED SPECIES IN HAWAII.	MONITOR	
34	HR53		AFFIRMING THAT ACCESS TO CLEAN DRINKING WATER, EDUCATION, AND HEALTHCARE ARE INHERENT AND INALIENABLE RIGHTS OF ALL INDIVIDUALS.	MONITOR	
35	HR57		REQUESTING THAT THE UNIVERSITY OF HAWAI'I PROVIDE INFORMATION TO THE LEGISLATURE ON POSSIBLE TECHNIQUES TO ELIMINATE MOSQUITOS FROM HAWAII.	MONITOR	
36	HR56		REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE OF HAWAIIAN LEADERS, LEGAL SCHOLARS, AND A BROAD REPRESENTATION OF MEMBERS OF THE HAWAIIAN COMMUNITY TO REVIEW AND CONSIDER WHETHER ITS FIDUCIARY DUTY TO BETTER THE CONDITIONS OF HAWAIIANS AND MANAGE ITS RESOURCES TO MEET THE NEEDS OF HAWAIIAN BENEFICIARIES WOULD BE BETTER SERVED BY HAVING TRUSTEES APPOINTED RATHER THAN	COMMENT	

			<b>ELECTED.</b>		
<b>37</b>	<b>HR59</b>		<b>REQUESTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH THE REMNANT PARCEL TASK FORCE.</b>	<b>SUPPORT</b>	
<b>38</b>	<b>HR64</b>		<b>ENDORING AND ADOPTING, AND URGING THE SEVERAL COUNTIES TO ENDORSE AND USE, THE UNITED NATIONS SEVENTEEN SUSTAINABLE DEVELOPMENT GOALS AS COMPONENTS OF A FRAMEWORK FOR ADDRESSING AND ASSESSING HAWAII'S EFFORTS TOWARD SOCIAL JUSTICE AND SUSTAINABILITY.</b>	<b>MONITOR</b>	
<b>39</b>	<b>SR33</b>		<b>REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE OF HAWAIIAN LEADERS, LEGAL SCHOLARS, AND A BROAD REPRESENTATION OF MEMBERS OF THE HAWAIIAN COMMUNITY TO REVIEW AND CONSIDER WHETHER ITS FIDUCIARY DUTY TO BETTER THE CONDITIONS OF HAWAIIANS AND MANAGE ITS RESOURCES TO MEET THE NEEDS OF HAWAIIAN BENEFICIARIES WOULD BE BETTER SERVED BY HAVING TRUSTEES APPOINTED RATHER THAN ELECTED.</b>	<b>COMMENT</b>	
<b>40</b>	<b>SR34</b>		<b>URGING THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COLLABORATE TO CREATE A MECHANISM FOR GENERATING WATER CIRCULATION IN POKAI BAY ON LEEWARD OAHU.</b>	<b>MONITOR</b>	
<b>41</b>	<b>SR40</b>		<b>REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO SUPPORT THE USE OF AUTONOMOUS UNMANNED SURFACE VESSEL TECHNOLOGY TO DETECT AND CLEAN UP OCEAN DEBRIS BEFORE IT REACHES HAWAII'S REEFS AND BEACHES.</b>	<b>MONITOR</b>	
<b>42</b>	<b>SR42</b>		<b>REQUESTING STATE AND COUNTY AGENCIES TO UPDATE ADMINISTRATIVE RULES TO ADOPT ENVIRONMENTAL PROTECTION STANDARDS THAT ARE AT LEAST AS STRINGENT AS THE FEDERAL STANDARDS AS OF JANUARY 1, 2016, OR JANUARY 1, 2017, WHICHEVER ARE MORE STRINGENT.</b>	<b>MONITOR</b>	
<b>43</b>	<b>SR43</b>		<b>REQUESTING THE DEPARTMENT OF HEALTH TO UPDATE HAWAII ADMINISTRATIVE RULES REGULATING UNDERGROUND STORAGE TANKS CONSISTENT WITH THE ENVIRONMENTAL PROTECTION AGENCY REGULATIONS, EFFECTIVE AS OF OCTOBER 13, 2015.</b>	<b>MONITOR</b>	
			<b>Bill Positions for Reconsideration</b>		
<b>44</b>	<b>HB10 12</b>	<b>RELATING TO REAL ESTATE INVESTMENT</b>	<b>Temporarily disallows the deduction for dividends paid by real estate investment trusts for a period of 15 years, but with an exception for dividends generated</b>	<b>MONITOR &gt; COMMENT</b>	

		<b>TRUSTS.</b>	<b>from trust-owned housing that is affordable to households with incomes at or below 140 per cent of the median family income. (HB1012 HD2)</b>		
<b>45</b>	<b>HB12 46</b>	<b>RELATING TO ALTERNATIVES TO INCARCERATION.</b>	<b>Authorizes electronic monitoring and surveillance of offenders in programs that offer alternatives to incarceration. (HB1246 HD2)</b>	<b>SUPPORT &gt; COMMENT</b>	
<b>46</b>	<b>HB15 91</b>	<b>RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM.</b>	<b>Establishes the Hawaii Promise Program to provide scholarships for the unmet direct cost needs of qualified students enrolled at a University of Hawaii community college. Appropriates funds to establish and implement the program. (HB1591 HD2)</b>	<b>MONITOR &gt; SUPPORT</b>	
<b>47</b>	<b>HB15 94</b>	<b>RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM.</b>	<b>Establishes the University of Hawaii Promise Program to provide scholarships for the unmet direct cost needs of qualified students enrolled at any campus of the University of Hawaii system. Appropriates funds to establish and implement the program. (HB1594 HD1)</b>	<b>MONITOR &gt; SUPPORT</b>	
<b>48</b>	<b>SB643</b>	<b>RELATING TO THE HAWAIIAN LANGUAGE.</b>	<b>Requires all newly created, replaced, or reprinted state and county letterheads, documents, symbols, and emblems to include accurate, appropriate, and authentic Hawaiian names and language. Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. Effective 3/9/2092. (SD2)</b>	<b>COMMENT &gt; SUPPORT</b>	
<b>49</b>	<b>SB116 2</b>	<b>RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM.</b>	<b>Establishes the University of Hawaii Promise Program to provide scholarships for the unmet direct cost needs of qualified students enrolled at any campus of the University of Hawaii system or any community college campus. Appropriates funds to establish and implement the program. Effective 7/1/2050. (SD2)</b>	<b>MONITOR &gt; SUPPORT</b>	
<b>50</b>	<b>SCR31</b>		<b>URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN EXTENSIVE STATEWIDE PUEO HABITAT INVENTORY.</b>	<b>MONITOR &gt; COMMENT</b>	
<b>51</b>	<b>SR6</b>		<b>URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN EXTENSIVE STATEWIDE PUEO HABITAT INVENTORY.</b>	<b>MONITOR &gt; COMMENT</b>	
<b>n/a</b>	<b>HCR1 92</b>	<b>REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE JANUARY 2018 TO JANUARY 2019 AS THE YEAR OF THE HAWAIIAN AND</b>	<b>n/a</b>	<b>SUPPORT WITH AMENDMENTS</b>	

		REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY AND RECOMMEND TO THE LEGISLATURE A PLAN TO CELEBRATE THE YEAR OF THE HAWAIIAN.			
n/a	HR120	REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE JANUARY 2018 TO JANUARY 2019 AS THE YEAR OF THE HAWAIIAN AND REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY AND RECOMMEND TO THE LEGISLATURE A PLAN TO CELEBRATE THE YEAR OF THE HAWAIIAN.	n/a	SUPPORT WITH AMENDMENTS	
n/a	SCR153	REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE JANUARY 2018 TO JANUARY 2019 AS THE YEAR OF THE HAWAIIAN AND REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY AND	n/a	SUPPORT WITH AMENDMENTS	

		RECOMMEND TO THE LEGISLATURE A PLAN TO CELEBRATE THE YEAR OF THE HAWAIIAN.			
n/a	SR72	REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION TO DESIGNATE JANUARY 2018 TO JANUARY 2019 AS THE YEAR OF THE HAWAIIAN AND REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY AND RECOMMEND TO THE LEGISLATURE A PLAN TO CELEBRATE THE YEAR OF THE HAWAIIAN.	n/a	SUPPORT WITH AMENDMENTS	
n/a	HCR198	REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE STAKEHOLDERS OF NATIVE HAWAIIAN-CULTURE-BASED HOOPONOPONO SERVICES.	n/a	SUPPORT	
n/a	HR126	REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE STAKEHOLDERS OF NATIVE HAWAIIAN-CULTURE-BASED	n/a	SUPPORT	

CL calls upon KC and JD to share updates regarding item V. A.

## **V. UNFINISHED BUSINESS**

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

JD shares that there are updates. The first update is for the OHA Budget Bill. The Senate version died as is customary. The House Bill should cross over today after the 3<sup>rd</sup> reading on the floor. The appropriation was slashed from \$4.5 million to \$2.49 million. Moving forward, Public Policy will be working hard to get the measure restored in Hawaiian Affairs in the Senate.

Additional comments were made by various Trustees regarding the importance of this Bill and acknowledging that tough financial times are ahead for the state this fiscal year. Nevertheless, OHA needs to request that these funds be put back in.

The next measures are the Charter School measures. Public Policy is going to request a hearing on the Charter School resolution(s). Chairmanship for the House Committee on Education has changed and it is important to reach out to the new Chair. It will be good for the Charter Schools to engage with the new Chair, Chair Woodson.

The Konohiki resolution got a hearing in the Senate and Public Policy will be contacting the House to pursue a hearing there as well.

CL thanks everyone for their participation in today's updates.

## **VI. BENEFICIARY COMMENTS\***

CL calls Landon Paikai forward to share his mana'o. He refers to the resolutions regarding the appointed vs. elected board. He mentions that many times, appointed members of a board need to have certain expertise in certain areas. If this would become the case, then he would likely not be able to run for Trustee and that would not be fair to others who want to help OHA.

## **VII. ANNOUNCEMENTS**

None.

## **VIII. ADJOURNMENT**

CL seeks a motion to adjourn the BAE meeting.

T. H. Lindsey - moved  
 T. Machado - second

CL asks if there is any discussion. There is none.

CL 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			
COLETTE	MACHADO		X	X			
JOHN	WAIHE'E			X			
CHAIR ROBERT	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>0</b>	<b>0</b>	

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

CL adjourns the BAE meeting at 11:29 AM

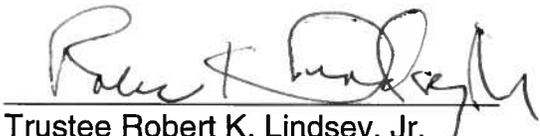
Respectfully submitted,



Jeremy K. Hopkins  
Trustee Aide

Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 4/5/17.



Trustee Robert K. Lindsey, Jr.  
Chair

Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Testimony of Germaine Meyers
- Excused Absence Memo – Trustee Leina‘ala Ahu Isa
- Excused Absence Memo – Trustee Peter Apo