

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

March 29, 2017 10:00 a.m.

ATTENDANCE:

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

ADMINISTRATION STAFF:

Kawika Riley, CHIEF
Anuheia Patoc, PUBL
Deja Ostrowski, ADV
Jocelyn Doane, PUBL
Kamaile Maldonado, PUBL
Keith Bukowski, ADV
Monica Morris, PUBL
Wayne Tanaka, PUBL
Zuri Aki, ADV

BOT STAFF:

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

I. CALL TO ORDER

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 29, 2017 to order at **10:05 a.m.**

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

MEMBERS	AT CALL TO ORDER (10:05 am)	TIME ARRIVED
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CHAIR	ROBERT	LINDSEY, JR.	X	
VICE-CHAIR	DAN	AHUNA	X	
TRUSTEE	LEI	AHU ISA		10:07 AM
TRUSTEE	ROWENA	AKANA		10:16 AM
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO	X	
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO		10:10 AM
TRUSTEE	JOHN	WAIHE'E		10:06 AM

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

CL requests a motion:

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

- II. Approval of Minutes
 - A. March 8, 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 Akina (T. Akina) – 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	X				
TRUSTEE	PETER	APO			X				
TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO							X
TRUSTEE	JOHN	WAIHE'E			X				
CHAIR	ROBERT	LINDSEY, JR.			X				

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

II. APPROVAL OF MINUTES

A. March 8, 2017

CL calls for a motion to approve the minutes of March 8, 2017.

Trustee Ahuna (T. Ahuna) – 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							X
VICE-CHAIR	DAN	AHUNA	X		X				
TRUSTEE	ROWENA	AKANA							X
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO			X				
TRUSTEE	HULU	LINDSEY		X	X				
TRUSTEE	COLETTE	MACHADO							X
TRUSTEE	JOHN	WAIHE'E			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.

No one signed up.

CL says thank you and proceeds on to item IV. A. He calls upon Kawika Riley (KR) to share updates regarding the BAE Legislative Matrix.

IV. NEW BUSINESS

A. 2017 OHA Legislative Positioning — Matrix 1**

KR calls Jocelyn Doane (JD) and Wayne Tanaka (WT) to the table to discuss the Legislative Matrix.

JC mentions that WT will be giving the briefing today and she will be available for any questions.

WT begins by sharing that there was one table change they asked for initially, that is SCR86. OHA Administration recommends COMMENT to keep consistent with a companion resolution. The resolution would request the City & County of Honolulu to not approve any rail related development permits that would accept cash in lieu of affordable housing. Common issues arise when this is done and comments from OHA will reflect those issues.

Additional discussion amongst Trustees and staff occurred regarding the trading of credits and the building of affordable housing in Kaka'ako in years past. The issue of EB-5 payments also came up.

WT shares the next measure for position change, item 138, SB601. This measure would create a King Kamehameha Celebration Special Fund and it would add a Lāna'i seat to the Governor appointed members of the commission. OHA Administration recommends COMMENT in order to show the importance of having representation from all the neighbor islands.

A short discussion occurred between Trustees and staff regarding the original creation of the King Kamehameha Celebration Commission and how the legislature zeroed out the budget. As of today, it is not a line item. Furthermore, OHA is wise to just comment so it does not appear in any way to be the funder of the commission.

WT shares that OHA Administration really has only 2 other important measures to highlight. Item 2, SB704. OHA Administration recommends COMMENT. This is a Transient Accommodation Rental Tax Bill. This Bill would allow taxes to be collected by companies like Air BNB on behalf of the operators. OHA's comments would reflect the affect the Transient Accommodation Rentals have had on the housing market. Comments would also request that Brokers are following land use laws.

Extensive discussion occurred regarding this vacation rental/Transient Accommodation Rental issue. The discussion further revealed issues regarding enforcement, knowing who is really paying the tax and to whom the tax will be paid. The other issue raised was the fact that for many owners of the properties, they are not Hawaii State residents.

The next measure is SCR147, item 5. This resolution seeks to request the Legislative Reference Bureau (LRB) to study the decriminalizing of marijuana. It would specifically look at the impacts on state agencies and the State Judiciary regarding creating a civil process for the adjudication of marijuana possession. It would also look at the feasibility for local law enforcement if marijuana use was decriminalized. Furthermore, it would also ask the LRB to look at impacts on youth and minorities regarding the criminal enforcement of marijuana possession. OHA Administration recommends SUPPORT.

Additional discussion occurred regarding pros and cons of supporting even a study of decriminalizing marijuana possession. It was mentioned that perhaps Congresswoman Gabbard introduced a measure in Congress to decriminalize marijuana possession/use. Staff also reminded Trustees that this is only a study. If the law was to be changed, it would require much more vetting and research into the issue. A request was made by Trustee Machado (T. Machado) to bifurcate as she would be voting "no" on this measure.

WT continued on to the next measure, item 16, HB121. This Bill would establish a Papahānaumokuākea program within DLNR. Previously, OHA provided comments, but OHA Administration would now like to recommend a position of MONITOR.

The next measure is HB1135, item 17. This measure relates to the Justice Reinvestment Initiative. It has been amended with new language and OHA Administration recommends COMMENT to share its support on the repeal of the sunset date.

The next measure is HB1246, item 18. OHA Administration recommends COMMENT. It relates to Alternatives to incarceration, but now takes away the ability of the Director of Public Safety to administer what he deems appropriate.

The next measure is HB1469, item 19. The measure relates to public land redevelopment districts. Originally, OHA opposed, but in now recommends MONITOR due to certain provisions being removed.

The next measure is SB1292, item 20. This was a gut and replace Bill that put provisions back in to allow the state to lease public land to a private entity for more than 100 years. OHA Administration recommends OPPOSE as this does not follow the Public Land Trust doctrine and the state would not meet its fiduciary obligations.

The next item is SCR70, item 21. This is a resolution to urge the state to abide by the Paris Climate Change agreement. The OHA Administration recommends COMMENT to share the potential effects of climate change on islands.

WT shares that those are the recommended position changes. There are Bills that name OHA or talk about OHA for which staff has been monitoring and would like to share related updates. The KIRC PLT Bill and the OHA Collective Bargaining Bill look like they may be done for this session. OHA still needs to monitor even though these missed their deadlines. They may miraculously reappear.

The resolution regarding the Task Force on OHA Appointments vs. Elections, SCR85, is moving on to WAM.

HCR192, the YEAR OF THE HAWAIIAN resolution, passed. The HCR and the SCR both passed. Language was changed to move the date to June 2018 to allow for fundraising efforts and to coincide with the arrival of the Hōkūle'a.

Invigorating discussion occurred amongst Trustees regarding HCR94. OHA's comments pointed to the fact that the appointment of Trustees would not address the issue of beneficiaries voting for their Trustees.

The next measure to be highlighted is SCR150, item 328. This is the measure that asks OHA to convene a study group to figure out how to best honor Robert Wilcox. OHA supports this measure and it is moving in the Senate.

Further discussion ensued amongst Trustees and staff regarding this measure and significant things Robert Wilcox did.

WT wanted to update Trustees on measures that OHA opposed. The first is SB895, item 149. OHA primarily opposed this Bill regarding trespassing on state lands because of the pressure it places on the houseless community. There are also potential issues with cultural practitioners who may need to traverse on state land from time to time to reach cultural resources or sites.

The next measure is SB658, item 142. This is the airport corporation Bill. The blanket exemption to HRS Ch. 171 is still the reason OHA opposes the Bill.

CL calls for a motion to approve:

IV. New Business

A. 2017 Legislative Positioning Matrix 1

Motion IV. A.:

To approve NEW BILL item 5, SCR147 as SUPPORT on the OHA Legislative Positioning Matrix dated March 29, 2017.

T. Ahuna – moved

T. H. Lindsey - 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		X			
TRUSTEE	COLETTE	MACHADO				X			
TRUSTEE	JOHN	WAIHE'E			X				
CHAIR	ROBERT	LINDSEY, JR.				X			

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

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
			New Bills	

5	SCR14 7	REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE POTENTIAL IMPACT ON THE ADMINISTRATIVE AND JUDICIAL SYSTEMS OF STATE GOVERNMENT AND ON LOCAL LAW ENFORCEMENT IF THE ILLEGAL POSSESSION OF MARIJUANA FOR PERSONAL USE IS DECRIMINALIZED IN HAWAII.	SUPPORT
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CL calls for a motion to approve:

IV. New Business

A. 2017 Legislative Positioning Matrix 1

Motion IV. A.:

To approve Administration's recommendations on NEW BILLS (Items 1-4, 6-15) and BILL POSITIONS FOR RECONSIDERATION (Items 16-21) on the OHA Legislative Positioning Matrix dated March 29, 2017, as amended along with the following changes:

- SB 601 from MONITOR > COMMENT
- SCR 86 from SUPPORT > COMMENT

T. Ahuna – moved

T. 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			X				
TRUSTEE	JOHN	WAIHE'E		X	X				
CHAIR	ROBERT	LINDSEY, JR.			X				

MOTION: UNANIMOUS PASSED DEFERRED FAILED

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
			New Bills		
1	HB783	RELATING TO AGRICULTURE.	Requires the department of agriculture to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the county of Hawaii. Appropriates funds. (SD1)	MONITOR	
2	SB704	RELATING TO VACATION RENTALS	Allows transient accommodations brokers to register as tax collection agents to collect and remit general excise and transient accommodations taxes on behalf of operators and plan managers using their services for vacation rentals. Ensures that the subject property is in compliance with applicable land use laws. Allocates \$1,000,000 of TAT revenues to each county for FY 2017-2018. Sunsets on 12/31/2022. (SB704 HD1)	COMMENT	
3	HCR116		REQUESTING THE OFFICE OF ELECTIONS TO CONVENE A TASK FORCE ON AUTOMATIC VOTER REGISTRATION.	MONITOR	
4	SCR108		REQUESTING THE CHIEF ELECTION OFFICER TO CONVENE AN AUTOMATIC VOTER REGISTRATION TASK FORCE TO EXPLORE THE FEASIBILITY OF ESTABLISHING AND IMPLEMENTING AN AUTOMATIC VOTER REGISTRATION SYSTEM IN HAWAII.	MONITOR	
6	SCR165		REQUESTING THE DIVISION OF STATE PARKS AND ATTORNEY GENERAL TO PREPARE LEGISLATION FOR THE AHUPUA'A 'O KAHANA STATE PARK TO ADDRESS THE RESIDENTIAL UNITS AS PART OF THE PARK'S INTERPRETIVE ELEMENT.	MONITOR	

7	SCR170		URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE A PLAN TO DEVELOP THE WEST OAHU CREATIVE LAB AND TO RELOCATE THE HAWAII FILM STUDIO TO WEST OAHU AND URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO APPROVE A CERTAIN TRANSFER OF LAND.	MONITOR	
8	HR24		RECOGNIZING KUANA TORRES KAHELE " KUMU HULA, AWARD WINNING SINGER AND SONGWRITER, TRADITIONAL AND CULTURAL PRACTITIONER FOR ALL HIS ACCOMPLISHMENTS, ACCOLADES AND EFFORTS TO PERPETUATE HAWAIIAN CULTURE.	SUPPORT	
9	HR70		REQUESTING THE OFFICE OF ELECTIONS TO CONVENE A TASK FORCE ON AUTOMATIC VOTER REGISTRATION.	MONITOR	
10	HR72		REQUESTING THE CITY AND COUNTY OF HONOLULU TO RENAME WEST LOCH COMMUNITY SHORELINE PARK IN EWA BEACH, OAHU, TO KAPAPAPUHI POINT PARK.	MONITOR	
11	HR102		REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO INCLUDE SITES THAT ARE 4.5 ACRES OR LARGER IN THE ENVIRONMENTAL IMPACT STATEMENT PROCESS FOR THE OAHU COMMUNITY CORRECTIONAL CENTER RELOCATION.	MONITOR	
12	HR118		REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE ALL HIGH SCHOOL HEALTH ACADEMIES TO DEVELOP FERAL CAT OVERPOPULATION PROGRAMS THAT WOULD PROVIDE STUDENTS WITH REAL-WORLD LEARNING EXPERIENCES TO BETTER PREPARE THEM TO TRANSITION OUT OF THE HIGH-SCHOOL ACADEMIC EXPERIENCE.	MONITOR	
13	SR64		REQUESTING THE UNIVERSITY OF HAWAII AT MANOA CENTER FOR PHILIPPINE STUDIES TO CONVENE A WORKING GROUP TO DETERMINE THE NEED FOR REDRESS FOR THE DISPROPORTIONATE CONVICTION AND EXECUTION OF PEOPLE OF COLOR DURING THE TERRITORIAL HAWAII PERIOD.	MONITOR	

14	SR83		REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THE RECOMMENDATION OF THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM, TO DELAY PLANS TO BUILD A NEW CORRECTIONAL FACILITY ON OAHU UNTIL THE TASK FORCE ISSUES ITS FINAL REPORT THAT WILL PROVIDE A COMPREHENSIVE ROAD MAP FOR REFORMING HAWAII'S CORRECTIONAL SYSTEM.	SUPPORT	
15	SR84		URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE A PLAN TO DEVELOP THE WEST OAHU CREATIVE LAB AND TO RELOCATE THE HAWAII FILM STUDIO TO WEST OAHU AND URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO APPROVE A CERTAIN TRANSFER OF LAND.	MONITOR	
			Bill Positions for Reconsideration		
16	HB121	RELATING TO OCEAN MANAGEMENT.	Establishes the Papahānaumokuākea Marine National Monument Program within the Department of Land and Natural Resources Division of Aquatic Resources to coordinate and fulfill the State's co-management role with OHA and federal authorities. Makes an appropriation. Effective 7/1/2030. (SD1)	COMMENT > MONITOR	
17	HB113 5	RELATING TO PUBLIC SAFETY.	Amends Act 139, Session Laws of Hawaii 2012, to make permanent certain provisions of the Justice Reinvestment Initiative relating to pretrial risk assessments, parole, and parole hearings. Creates standards and procedures for income-withholding for purposes of enforcing restitution orders. Clarifies the priority of income withholding orders. Amends the definition of "debt" relating to the recovery of money owed to the State to include court-ordered restitution subject to civil enforcement. Extends victims' access to adult probation records to include access to payment compliance records. Requires that any bail posted by a defendant be applied toward payment of any court-ordered restitution in the same case. Takes effect 7/1/2050. (SD1)	SUPPORT > COMMENT	
18	HB124 6	RELATING TO ALTERNATIVES TO INCARCERATION.	Authorizes electronic monitoring and surveillance of offenders, separate from curfew, in programs that offer alternatives to incarceration. Takes effect 7/1/2050. (SD1)	SUPPORT > COMMENT	

19	HB146 9	RELATING TO PUBLIC LANDS.	Establishes procedures for designating public land redevelopment districts, planning committees, district redevelopment plans, and designated redevelopment district revolving funds. Establishes powers and duties of planning committees. Modifies public land lease restrictions. Appropriates funds. Establishes the Waiakea Peninsula Redevelopment District, Planning Committee, and Revolving Fund until 6/30/2027. Effective 7/1/2117. (SD1)	OPPOSE > MONITOR	
20	SB129 2	RELATING TO THE HILO COMMUNITY ECONOMIC DISTRICT.	Provides for the redevelopment of the Hilo area by establishing the framework, requirements, and conditions for redevelopment districts and specifically designating the Waiakea Peninsula Redevelopment District, appropriates funds for the implementation of the redevelopment district program, and makes conforming amendments to lease restrictions on public lands to facilitate the implementation of redevelopment districts. (SB1292 HD1)	COMMENT > OPPOSE	
21	SCR70		URGING THE STATE TO ABIDE BY THE STANDARDS ADOPTED IN THE PARIS AGREEMENT ON CLIMATE CHANGE.	MONITOR > COMMENT	

CL calls upon KR, JD and WT to share updates regarding item V. A.

V.UNFINISHED BUSINESS

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

JD shares that both the Konohiki and Charter School resolutions made it out of its first committee and it needs to make it out of its second committee and over to the other house by next week Thursday. The OHA Budget Bill has a hearing today in WAM.

KR shares that this represents the end of the updates.

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

VI. BENEFICIARY COMMENTS*

None.

VII. ANNOUNCEMENTS

T. H. Lindsey asks who will be attending the RM Committee meeting in the afternoon. T. Machado mentioned that she will be attending the WAM hearing and her office would send in an Excused Absence Memo.

VIII. ADJOURNMENT

CL seeks a motion to adjourn the BAE meeting.

T. H. Lindsey - moved
T. Ahuna - second

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

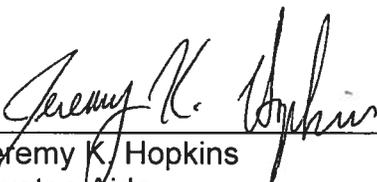
CL asks if any members vote NO or ABSTAIN. There are no dissenting votes.

						10:57 AM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA				X			
VICE CHAIR DAN AHUNA			X	X			
ROWENA AKANA				X			
KELII AKINA				X			
PETER APO				X			
CARMEN HULU LINDSEY		X		X			
COLETTE MACHADO				X			
JOHN WAIHE'E				X			
CHAIR ROBERT LINDSEY				X			
TOTAL VOTE COUNT				9	0	0	

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

CL adjourns the BAE meeting at 10:57 AM

Respectfully submitted,

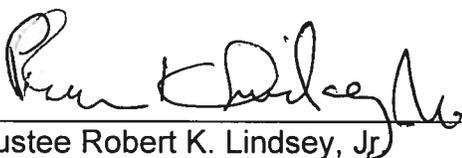


Jeremy K. Hopkins

Trustee Aide

Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 4/26/17.



Trustee Robert K. Lindsey, Jr.

Chair

Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- None