



**STATE OF HAWAII'  
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE COMMITTEE ON  
BENEFICIARY ADVOCACY AND EMPOWERMENT**

**DATE:** Wednesday, October 24, 2018  
**TIME:** 10:30 a.m.  
**PLACE:** OHA Boardroom  
Nā Lama Kukui  
560 N. Nimitz Highway  
Honolulu, Hawai'i 96817

**AGENDA**

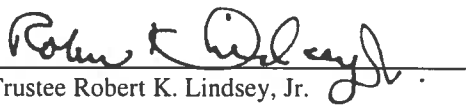
- I. Call to Order
- II. Approval of Minutes
  - A. September 26, 2018<sup>†</sup>
- III. Public Testimony\*
- IV. New Business
  - A. Action Item BAE 18-03: 2019 OHA Legislative Package\*\*<sup>†</sup>
- V. Community Concerns\*
- VI. Announcements
- VII. Adjournment

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

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

\*\*Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 10/23/18. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

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

  
Trustee Robert K. Lindsey, Jr.  
Chair, Beneficiary Advocacy & Empowerment

10/17/18  
Date

Ke Kōmike Beneficiary Advocacy and Empowerment  
Kahu Waiwai Robert K. Lindsey, Jr., Hawai'i, Luna  
Ho'omalū  
Kahu Waiwai Dan Ahuna, Kaua'i/Ni'ihau, Hope Luna  
Ho'omalū  
Nā Lāla  
Kahu Waiwai Leina'ala Ahu Isa, Pae'āina  
Kahu Waiwai Rowena Akana, Pae'āina  
Kahu Waiwai Keli'i Akina, Pae'āina  
Kahu Waiwai Peter Apo, O'ahu  
Kahu Waiwai Carmen Hulu Lindsey, Maui  
Kahu Waiwai Colette Y. Machado, Moloka'i / Lāna'i  
Kahu Waiwai John Waihe'e, IV, Pae'āina



**KA MOKU'ĀINA 'O HAWAI'I**  
**KE KE'ENA KULEANA HAWAI'I**  
560 N. NIMITZ HIGHWAY, LUMI 200  
HONOLULU, HAWAI'I 96817

KA HĀLĀWAI O  
KE KŌMIKE BENEFICIARY ADVOCACY AND EMPOWERMENT

LĀ: Pō'akolu, 24 'Okakopa 2018  
HOLA: 10:30 a.m.  
KAHI: Ka Lumi Hālāwai Nui 'O Maui Ola  
Nā Lama Kukui  
560 N. Nimitz Highway  
Honolulu, Hawai'i 96817

Papa Hana

- I. Ke Kāhea no ka Ho'omalū
- II. Ka 'Āpono 'ana mai o ka Mo'olelo
  - A. 26 Kepakemapa 2018<sup>†</sup>
- III. Ka 'Ōlelo Hō'ike a ka Lehulehu\*
- IV. Ka Hana Hou
  - A. Ka Mea Ho'āpono BAE 18-03: Nā Pila no OHA ma ke Kau 'Aha 'Ōlelo -2019<sup>\*\*†</sup>
- V. Nā Mana'o Laulā o ka Lehulehu\*
- VI. Nā Ho'olaha
- VII. Ka Ho'oku'u 'Ana

Inā ua koi ke kōkua ma muli o kekahi 'ano kīnā, e ho'omaopopo aku iā Albert Tiberi i ke kāhea 'ana iā ia ma kēia helu kelepona: (808) 594-1754 ā e lekauiila paha iā ia ma albertt@oha.org ma mua o 3 mau lā hana ma mua o ka lā o ka hālāwai.

\* He 'Ōlelo Ho'olaha: Ua noi 'ia nā mea e 'i'ini nei e hā'awi i ka 'ōlelo hō'ike i kākau 'ia ihola e hā'awi ā ho'ouna paha mai i nā kope he 'umikūmākolū (13) o ka 'ōlelo hō'ike i kākau 'ia ihola i ka Pouhana o OHA ma 560 N. Nimitz Hwy., Suite 200, Honolulu, Hawai'i 96817, e kelepa'i paha i 594-1868, ā lekauiila paha iā BOTmeetings@oha.org he 48 mau hola ma mua o ka hālāwai. 'O nā mea e 'i'ini nei e ha'i mana'o ma ka hālāwai, hiki ke hana ma loko o 'elima (5) minuke.

\*\* He 'Ōlelo Ho'olaha: Hiki i nā Kahu Waiwai ke ho'okumu ā ho'ololi paha i ke kūlana o ke 'ano kōko'o o OHA i nā Pila 'Aha 'Ōlelo e ho'olale 'ia nei / nā 'ōlelo ho'oholo / nā palapala kia'āina e holomua nei ma ka 'aha 'ōlelo moku'āina ā kekahi papa alaka'i paha i koho paloka 'ia. 'O nā Papa Palapala ma ka lumi hālāwai nui e waiho nei no ka heluhelu 'ana, hiki ke 'ike ā maopopo paha ka mo'olelo pōkole o kēlā me kēia pila, ka helu o ka pila, ka inoa o ka pila, ka pahu hopu o ka pila me ke 'ano kūlana kōko'o o OHA i nā mea ā pau, ā hiki i ka lā 10/23/18. Eia na'e, hiki i nā Kahu Waiwai ke kūkākūkā ma ka hālāwai kōmike me ka hālāwai Papa Kahu Waiwai kekahi i nā pila ma ka Papa Palapala a me nā pila 'ē a'e i hiki 'ole ke kākau 'ia ma ka Papa Palapala no ka ho'okō 'ana o nā kuleana mālama o ka Papa Kahu Waiwai o ke Ke'ena Kuleana Hawai'i.

† He 'Ōlelo Ho'olaha: No ka ho'omalele 'ana o nā mea hou a ke kōmike, e kāpae 'ia ka lula 72-hola e like me ka mea i pa'i 'ia ihola i loko o kā OHA BOT Operations Manual, Paukū 49.

Kahu Waiwai Robert K. Lindsey, Jr., Luna Ho'omalū  
Ke Kōmike Beneficiary Advocacy and Empowerment

10/17/18

Lā

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**October 24, 2018 10:30 a.m.**

**ATTENDANCE:**

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

**ADMINISTRATION STAFF:**

Anuheia Patoc, PP  
Jim McMahon, ADV  
Jocelyn Doane, PUBL  
Miles Nishijima, LPD  
Kamaile Maldonado, PUBL  
Wayne Tanaka, PUBL

**EXCUSED:**

Trustee Leina'ala Ahu Isa  
Trustee Rowena Akana

**GUESTS:**

**BOT STAFF:**

Kama Hopkins  
Kauikeaolani Wailehua  
Lopaka Baptiste  
Davis Price  
Claudine Calpito  
Lady Elizabeth Garrett  
Alvin Akee  
Maria Calderon  
Paul Harleman  
Liana Pang

## **I. CALL TO ORDER**

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting to order on Wednesday, October 24, 2018 to order at **10:33 a.m.**

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

MEMBERS			AT CALL TO ORDER ( 10:33 am )	TIME ARRIVED
CHAIR	ROBERT	LINDSEY, JR.	X	
VICE-CHAIR	DAN	AHUNA	X	
TRUSTEE	LEINA'ALA	AHU ISA	X	EXCUSED
TRUSTEE	ROWENA	AKANA		EXCUSED
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO	X	
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO	X	
TRUSTEE	JOHN	WAIHE'E		10:35 am
			6	

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:**

## **IV. New Business**

### **A. Action Item BAE 18-03: 2019 OHA Legislative Package**

Trustee Ahuna (T. Ahuna) – moved

Trustee Machado (T. Machado) – second

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

TRUSTEE	KELI'I	AKINA			X			
TRUSTEE	PETER	APO			X			
TRUSTEE	HULU	LINDSEY			X			
TRUSTEE	COLETTE	MACHADO		X	X			
TRUSTEE	JOHN	WAIHE'E						X
CHAIR	ROBERT	LINDSEY, JR.			X			
					6			3

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

72-Hour waiver passed at 10:35 am.

## II. APPROVAL OF MINUTES

### II. Approval of Minutes

A. September 26, 2018

CL calls for a motion to approve the minutes of:

September 26, 2018

T. Ahuna – moved

T. Machado – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEINA'ALA	AHU ISA							EXCUSED
VICE-CHAIR	DAN	AHUNA	X		X				
TRUSTEE	ROWENA	AKANA							EXCUSED
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO			X				
TRUSTEE	HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO		X	X				
TRUSTEE	JOHN	WAIHE'E			X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					7				2

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

Item II. A. passed at 10:35 am.

## III. PUBLIC TESTIMONY

No public testimony.

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

#### **IV. NEW BUSINESS**

##### **A. Action Item BAE 18-03: 2019 OHA Legislative Package**

CL calls on Miles Nishijima (MN) to present item IV. A.

MN calls Jocelyn Doane (JD) and Wayne Tanaka (WT) to the table to present item IV. A. Action Item 18-03: 2019 OHA Legislative Package. ***(Please see attached – Action Item BAE 18-03: 2019 OHA Legislative Package.)***

Trustees asked clarification questions regarding the package and discussed some of those clarifications. Trustees thanked JD and WT for the presentation.

Trustee Akina (T. Akina) asked if it would be beneficial for OHA to hire a lobbyist. Discussion followed amongst Trustees and staff regarding this question. T. Akina asked if this could be an item that could be further discussed in the new year. CL agreed to put the item on the agenda.

T. Akina notes that this does not have an effect on his potential vote on the Action Item, BAE 18-03. He looks forward to the discussion in a subsequent BAE Committee meeting.

CL calls for a motion to approve Action Item BAE 18-03: 2019 OHA Legislative Package:

T. Ahuna – moved

Trustee Waihe'e (T. Waihe'e) – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEINA'ALA	AHU ISA							EXCUSED
VICE-CHAIR	DAN	AHUNA	X		X				
TRUSTEE	ROWENA	AKANA							EXCUSED
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				
					7				2

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

Item IV. A. passed at **10:51 am.**

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

**V. COMMUNITY CONCERNS**

None

**VI. ANNOUNCEMENTS**

BOT Meeting tomorrow.

**VI. ADJOURNMENT**

CL asks for a motion to adjourn.

Trustee H. Lindsey – moved

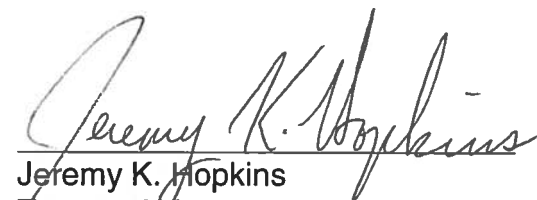
T. Machado – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEINA'ALA	AHU ISA							EXCUSED
VICE-CHAIR	DAN	AHUNA			X				
TRUSTEE	ROWENA	AKANA							EXCUSED
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO			X				
TRUSTEE	HULU	LINDSEY	X		X				
TRUSTEE	COLETTE	MACHADO		X	X				
TRUSTEE	JOHN	WAIHE'E			X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					7				2

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

BAE Committee meeting adjourns at **10:53 am.**

Respectfully submitted,

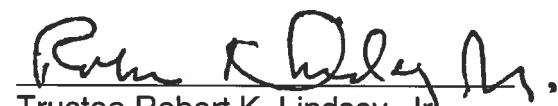


Jeremy K. Hopkins

Trustee Aide

Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 1/30/19.



Trustee Robert K. Lindsey, Jr.

Chair

Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Excused Absence Memo – Trustee Leina'ala Ahu Isa
- Excused Absence Memo – Trustee Rowena Akana
- Action Item BAE 18-03: 2019 OHA Legislative Package





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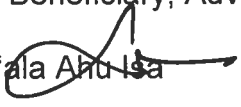
OFFICE OF HAWAIIAN AFFAIRS  
Interoffice Memorandum

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DATE: October 24, 2018

TO: Trustee Robert Lindsey  
Committee on Beneficiary, Advocacy and Empowerment, Chairperson

Trustee Dan Ahuna  
Committee on Beneficiary, Advocacy and Empowerment, Vice Chairperson

FROM: Trustee Leina'ala Ahi'ala 

RE: **BAE Meeting – October 24, 2018**

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Aloha,

Please excuse my absence for the upcoming BAE meeting scheduled for Wednesday, October 24, 2018. Should you have any questions or concerns please feel free to contact my office staff.

Mahalo.



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**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana 'o a ke Ke'ena Kuleana Hawai'i*

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To: Trustee Robert K. Lindsey, Jr., Chair  
Committee on Beneficiary Advocacy and Empowerment  
From: Trustee Rowena Akana  
Date: October 23, 2018  
Re: Excused Absence

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Please be advised that I am unable to attend the BAE committee meeting on Wednesday, October 24, 2018 at 10:30 A.M.

Mahalo!



OHA

Action Item

Committee on Beneficiary Advocacy and Empowerment

October 17, 2018

BAE #18-03

**Action Item Issue:** To support the inclusion of new legislative proposals in the 2019 OHA Legislative Package

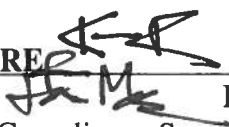
**Prepared by:**

  
Jocelyn M. Doane  
Pou Kāko'o Kulekele Aupuni, Public Policy Manager

10/12/18

Date

**Reviewed by:**

  
~~NOT AVAILABLE FOR SIGNATURE~~  
John James McMahon  
Ka Pōhaku Kihi Paia Kū, Counsel for Policy and Compliance Services

10/12/18  
Date


**Reviewed by:**

  
Kawika Riley  
Ka Poukihi Kū, Chief Advocate

10/12/18

Date


**Reviewed by:**

  
~~NOT AVAILABLE FOR SIGNATURE~~  
Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

10/15/18

Date

**Reviewed by:**

  
Trustee Robert Lindsey  
Luna Ho'omalua o ke Kōmike BAE  
Chairperson, Committee on Beneficiary Advocacy and Empowerment

10/15/18

Date

## **I. Action**

To support the following new legislative proposals and approve their inclusion in the 2019 OHA Legislative Package (See referenced attachments for text of the proposals):

**OHA-1 OHA Biennium Budget Bill Fiscal Year 2019-20/2020-21:** OHA's budget bill requests \$3,980,579 in state general fund appropriations each fiscal year to support OHA's budget plans for the upcoming biennium. This request is \$942,700 more per fiscal year compared to what OHA received in the previous fiscal biennium, and includes \$562,130 more for personnel. While still maintaining the three historical provisos (social services, legal services, and education improvement), OHA-1 also requests \$500,000 in general funds for housing improvement programs. This bill proposes matching OHA trust fund resources with the requested state general funds. By passing this measure, the state would reaffirm its commitment to address the needs of Native Hawaiians by supporting programs and operations that will directly benefit OHA's beneficiaries. (Attachment A)

**OHA-2 Criteria and Prioritization of Facilities Funding for Public Charter Schools Resolution:** Addressing public charter schools' facilities needs has been a critical and longstanding issue for the charter school community and its supporters. Currently, start-up charter schools must pay for their substantial facilities lease and rental costs, and conversion schools may have to pay for substantial maintenance, repair and facilities costs, using their already-stretched per-pupil operational funds. These costs are not borne by schools under the Hawai'i Department of Education. Despite strong support and demonstrated need, efforts to seek appropriations for charter schools' facilities costs have not been successful. In recognition of the need to provide facilities funding for charter schools, an existing statute already contemplates legislative appropriations and bond authorizations to cover charter school facilities costs, tasks the State Public Charter School Commission with the development of criteria for the distribution of appropriated facilities funding, and further establishes and tasks the Facilities Funding Working Group to advise on the prioritization of funding distribution, pursuant to such criteria. This concurrent resolution highlights the charter school facilities funding statute, and urges the State Public Charter School Commission to prepare a report to the 2020 State Legislature on its criteria for facilities funding distribution, as well as the prioritization of funding as advised by the Facilities Funding Working Group. This resolution would also urge the Commission, with input from the Working Group, to provide to the legislature proposed recommendations and legislation, including recommendations relating to funding expenditures for lease and rental payments. (Attachment B)

**OHA-3 Annual PLT Accounting:** Act 178 (Session Laws 2006) requires the state, through the Department of Land and Natural Resources ("DLNR"), to provide an annual accounting of the total revenues generated from the use of Public Land Trust lands. The annual reporting must include the amount of revenues transferred to OHA and the amount retained by the state. However, reporting and transferring has been inconsistent, and no one in the state is actively verifying the accuracy of individual agencies' reporting and transferring of revenues to OHA. This measure would codify Act 178's reporting requirements, with supplementary provisions to 1) explicitly reaffirm that all state Public Land Trust revenues must be accounted for and reported on, regardless if such revenues

are subject to OHA's pro rata share; 2) explicitly reaffirm that UH is also subject to Act 178's reporting requirements; and 3) require the DLNR to identify and provide a rationale why for any instance where 20% of the revenues received from Public Land Trust lands are not transferred to OHA. (Attachment C)

**OHA-4 Membership on Hawai'i State Mental Health Council:** This measure would require three of the 21 members of the Hawai'i State Mental Health Council ("Council") to have demonstrated knowledge or work experience involving Native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices. Data shows that the Native Hawaiian community may suffer from significant mental health-associated challenges, with Native Hawaiians demonstrating high rates of childhood abuse, suicidal ideation and suicide attempts by both adults and keiki, feelings of hopelessness, self-harm, postpartum depression, kūpuna depressive disorders, and negative self-health assessments by wāhine. Unfortunately, many Native Hawaiians facing mental health challenges may find that culturally-grounded mental health programs or treatment opportunities are not consistently available, despite the recognized potential of such mental health approaches to significantly improve their mental and emotional well-being. As an advisory body to the Department of Health on the state's mental health policies and infrastructure, the Council has the potential to promote the development and implementation of culturally-grounded mental health policies and programs that can systemically address the mental health-associated challenges of the Native Hawaiian communities as well as the broader public. Accordingly, requiring three members of the Council to possess expertise or experience in Native Hawaiian cultural concepts, mental health methodologies, or traditional healing or health practices may help to significantly improve the mental health status of the Native Hawaiian and broader communities. (Attachment D)

**OHA-5 Unsecured Bail Short Form Bill:** In 2018, all of Hawai'i's jails were overcrowded and operating over capacity from at least 27%, and in more cases 50-85%; Native Hawaiians disproportionately bear the burden of Hawai'i's jail overcrowding issues. Many of those awaiting trial are in jail simply because they are too poor to afford bail, even when they pose little to no potential flight risk, and pose no threat to individuals or the community. Such individuals may lose their jobs, homes, and even custody of their children, due solely to their inability to post cash bail. This measure would seek to provide relief to Hawai'i's jail overcrowding issues while mitigating the unnecessary harms that cash bail may inflict on indigent individuals awaiting trial. OHA-5 is still being refined in close consultation with legal experts and others, and preliminary Board approval of this "short form" bill is being requested to move forward with these efforts; the measure will be brought back for Board review and approval once final language has been prepared. (Attachment E)

## **II. Issue**

Should the OHA Board of Trustees support the new legislative proposals and approve their inclusion in the 2019 OHA Legislative Package?

## **III. Discussion**

From July through September 2018, OHA Public Policy staff collected more than 70 legislative proposals from staff, key stakeholders, experts, and community leaders. These proposals were vetted, filtered, and developed into the legislative proposals offered in this Action Item for inclusion in the 2019 OHA Legislative Package.

**Editing note:**

With this Action Item, we also ask the Board of Trustees to authorize staff (1) to make, as appropriate, technical, non-substantive changes for style, clarity, consistency, and accuracy to all of the legislative proposals in the 2019 OHA Legislative Package and (2) to add or amend preamble language in the measures for framing and editorial purposes.

**IV. Recommended Action**

To support the new legislative proposals and include those new proposals in the 2019 OHA Legislative Package.

**V. Alternative Actions**

- A. To support only selected new legislative proposals and include only those selected new legislative proposals in the 2019 OHA Legislative Package.
- B. To not approve any of the new legislative proposals and not include any of the new legislative proposals in the 2019 OHA Legislative Package.

**VI. Funding**

No funding is required.

**VII. Timeframe**

Immediate action is recommended.

**VIII. Attachments**

- A. OHA-1 (Attachment A)
- B. OHA-2 (Attachment B)
- C. OHA-3 (Attachment C)
- D. OHA-4 (Attachment D)
- E. OHA-5 (Attachment E)

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

**PART I. GENERAL PROVISIONS**

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the Office of Hawaiian Affairs Appropriations Act of 2019.

SECTION 2. DEFINITIONS. Unless otherwise clear from the context, as used in this Act:

"Means of financing" or "MOF" means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. Such letter symbols, where used, shall have the following meanings:

A general funds

T trust funds

"Position ceiling" means the maximum number of permanent and temporary full-time equivalent positions authorized for a particular program during a specified period or periods, as denoted by an asterisk (\*) for permanent full-time equivalent positions and a pound (#) sign for temporary full-time equivalent positions.

1 "Program ID" means the unique identifier for the specific  
2 program and consists of the abbreviation for the Office of  
3 Hawaiian Affairs (OHA) followed by the organization number for  
4 the program.

5 **PART II. PROGRAM APPROPRIATIONS**

6 SECTION 3. APPROPRIATIONS. The following sums, or so much  
7 thereof as may be sufficient to accomplish the purposes and  
8 programs designated herein, are hereby appropriated or  
9 authorized from the means of financing specified to the Office  
10 of Hawaiian Affairs for the fiscal biennium beginning July 1,  
11 2019, and ending June 30, 2021. The total general expenditures  
12 and the number of positions in each fiscal year of the biennium  
13 shall not exceed the sums and the numbers indicated for each  
14 fiscal year, except as provided elsewhere in this Act, or as  
15 provided by general law.



## P R O G R A M   A P P R O P R I A T I O N S

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL YEAR 2019-20	APPROPRIATIONS	
					M O F	FISCAL YEAR 2020-21 O F
1						
2		Hawaiian Affairs				
3						
4		1. OHA150 - OFFICE OF THE TRUSTEES				
5					0.47*	0.47*
6					0.00#	0.00#
7		OPERATING	OHA	89,045A	89,045A	
8				4.53*	4.53*	
9				0.00#	0.00#	
10			OHA	275,687T	275,687T	
11						
12		2. OHA160 - ADMINISTRATION				
13				5.03*	5.03*	
14				0.00#	0.00#	
15		OPERATING	OHA	1,559,749A	1,559,749A	
16				31.97*	31.97*	
17				0.00#	0.00#	
18			OHA	2,861,727T	2,861,727T	
19						
20		3. OHA175 - BENEFICIARY ADVOCACY				
21				1.47*	1.47*	
22				0.00#	0.00#	
23		OPERATING	OHA	2,331,785A	2,331,785A	
24				18.53*	18.53*	
25				0.00#	0.00#	
26			OHA	3,172,863T	3,172,863T	

1                   **PART III.   PROGRAM PROVISIONS**

2           SECTION 4.   Provided that the general fund appropriations  
3   in part II of this Act shall be expended by the Office of  
4   Hawaiian Affairs.

5           SECTION 5.   Provided that of the funds appropriated for  
6   beneficiary advocacy (OHA175), the sum of \$415,000 in general  
7   funds and \$415,000 in trust funds for fiscal year 2019-2020 and  
8   the same sums for fiscal year 2020-2021 shall be expended to  
9   provide for social services, including referral services and  
10   case management, to at-risk Office of Hawaiian Affairs  
11   beneficiaries to immediately address unexpected crises; provided  
12   further that program activities shall be designed with an  
13   overall objective to provide financial assistance to improve  
14   stability during emergency situations; and provided further that  
15   notwithstanding section 10-17(e), Hawaii Revised Statutes, any  
16   funds expended for the purposes of this section shall be in  
17   accordance with chapter 103D or 103F, Hawaii Revised Statutes,  
18   or a competitive grants process, as appropriate.

19          SECTION 6.   Provided that of the funds appropriated for  
20   beneficiary advocacy (OHA175), the sum of \$615,000 in general  
21   funds and \$615,000 in trust funds for fiscal year 2019-2020 and  
22   the same sums for fiscal year 2020-2021 shall be expended to

1 provide for educational improvement programs for Native Hawaiian  
2 students; provided further that program activities shall be  
3 designed to help Native Hawaiian students succeed academically;  
4 and provided further that notwithstanding section 10-17(e),  
5 Hawaii Revised Statutes, any expenditures for the purposes of  
6 this section shall be in accordance with chapter 103D or 103F,  
7 Hawaii Revised Statutes, or a competitive grants process, as  
8 appropriate.

9 SECTION 7. Provided that of the funds appropriated for  
10 beneficiary advocacy (OHA175), the sum of \$524,400 in general  
11 funds and \$524,400 in trust funds for fiscal year 2019-2020 and  
12 the same sums for fiscal year 2020-2021 shall be expended to  
13 provide for legal services and legal representation to Office of  
14 Hawaiian Affairs beneficiaries for:

- 15 (1) The assertion and defense of quiet title actions;
- 16 (2) Assistance with ahupua'a and kuleana tenant rights,  
17 including rights of access and rights to water;
- 18 (3) Land title assistance, including review of title and  
19 genealogy;
- 20 (4) Preservation of traditional and customary practices;
- 21 (5) Protection of culturally significant places; and
- 22 (6) Preservation of Native Hawaiian land trust entitlements;

1 provided further that notwithstanding section 10-17(e), Hawaii  
2 Revised Statutes, any funds expended for the purposes of this  
3 section shall be made in accordance with chapter 103D or 103F,  
4 Hawaii Revised Statutes, as appropriate.

5 SECTION 8. Provided that of the funds appropriated for  
6 beneficiary advocacy (OHA 175), the sum of \$500,000 in general  
7 funds and \$500,000 in trust funds for fiscal year 2019-2020 and  
8 the sum of \$500,000 in general funds and \$500,000 in trust funds  
9 for fiscal year 2020-2021 shall provide for housing improvement  
10 programs to assist Native Hawaiians, including those that are  
11 homeless, at-risk of homelessness, in transitional housing, in  
12 unstable or unaffordable rentals, and/or in pursuit of  
13 homeownership to increase their capacity to attain housing  
14 stability. Programs shall be designed with an overall objective  
15 to address barriers that hinder Native Hawaiians from obtaining  
16 stable housing; provided that notwithstanding section 10-17(e),  
17 Hawaii Revised Statutes, any funds expended for the purposes of  
18 this section shall be in accordance with chapter 103D or 103F,  
19 Hawaii Revised Statutes, or a competitive grants process, as  
20 appropriate.

21 PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

1           SECTION 9.     Provided that whenever necessary, the board of  
2 trustees of the Office of Hawaiian Affairs or the board's  
3 designee may transfer sufficient funds and positions between  
4 programs for operating purposes; provided further that these  
5 transfers shall be consistent with legislative intent; and  
6 provided further that the Office of Hawaiian Affairs shall  
7 submit a report to the legislature of all uses of this authority  
8 for the previous twelve month period from December 1 to November  
9 30 no later than twenty days prior to the regular session of  
10 2020 and 2021.

11           SECTION 10.   If any portion of this Act or its application  
12 to any person, entity, or circumstance is held to be invalid for  
13 any reason, the legislature declares that the remainder of the  
14 Act and each and every other provision thereof shall not be  
15 affected thereby.   If any portion of a specific appropriation is  
16 held to be invalid for any reason, the remaining portion shall  
17 be expended to fulfill the objective of such appropriation to  
18 the extent possible.

19           SECTION 11.   In the event manifest clerical, typographical,  
20 or other mechanical errors are found in this Act, the board of  
21 trustees of the Office of Hawaiian Affairs is authorized to

1 correct these errors. All changes made pursuant to this section  
2 shall be reported to the legislature at its next session.

3 SECTION 12. This Act shall take effect on July 1, 2019.

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_\_.C.R. NO.\_\_\_\_

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## CONCURRENT RESOLUTION

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REQUESTING THE PUBLIC CHARTER SCHOOL COMMISSION TO REPORT ON THE  
CRITERIA DEVELOPED AND PRIORITIZATION ADVISED FOR CHARTER  
SCHOOL FACILITIES FUNDING PURSUANT TO SECTION 302D-29.5,  
HAWAII REVISED STATUTES.

1 WHEREAS, there are thirty-seven public charter schools in  
2 Hawaii serving nearly twelve thousand students statewide; and  
3

4 WHEREAS, these public charter schools are a part of the  
5 state public education system under the authority of the Public  
6 Charter School Commission and the Board of Education; and  
7

8 WHEREAS, public charter schools provide unique and valuable  
9 educational opportunities by exploring, developing, and  
10 implementing innovative education strategies, such as the  
11 integration of Hawaiian language, values, and history into  
12 culturally enriched curricula; and  
13

14 WHEREAS, public charter schools such as Ke Kula 'O  
15 Nāwahīokalani'ōpu'u Iki Lab Public Charter School have earned  
16 international recognition for their incorporation of indigenous  
17 language and values into high-quality academic programs, and  
18 have ranked among the top-performing public schools in student  
19 American College Testing scores, graduation rates, and rates of  
20 college matriculation; and  
21

22 WHEREAS, the role of public charter schools as "innovation  
23 labs" for public education informs their potential to improve  
24 education standards in schools throughout Hawaii's public  
25 education system; and  
26

27 WHEREAS, there are two types of public charter schools in  
28 Hawaii: start-up charter schools that must procure their own  
29 operating facilities, and conversion charter schools that were

1 converted from traditional Department of Education schools with  
2 pre-existing facilities; and  
3

4 WHEREAS, according to the Public Charter School  
5 Commission's past testimonies to the Legislature, lease or  
6 rental payments constitute a substantial portion of the  
7 facilities expenses incurred by public start-up charter schools,  
8 who collectively spent over \$5.3 million on rent or lease  
9 payments for school facilities in school year 2015-2016; in  
10 2016-2017, both public start-up and conversion charter schools  
11 spent an approximate total of \$10.4 million on rent and lease  
12 payments, repair and maintenance, and utilities payments; and  
13

14 WHEREAS, while section 302D-28, Hawai'i Revised Statutes,  
15 mandates that non-facility general fund per-pupil funding amount  
16 for public charter school students be equivalent to the non-  
17 facility general fund per-pupil base funding amount provided for  
18 traditional Department of Education schools, there is no  
19 provision to ensure equitable state funding for public charter  
20 schools' unique facilities expenses; and  
21

22 WHEREAS, public charter schools, and start-up public  
23 charter schools in particular, have accordingly had to use a  
24 significant amount of their already stretched per-pupil  
25 operational funds to pay for their facilities expenses; and  
26

27 WHEREAS, the lack of consistent state funding for public  
28 charter schools' facilities expenses may significantly limit  
29 their capacity to develop and provide innovative curricula for  
30 their students, as well as serve as "innovation labs" for  
31 traditional Department of Education schools; and  
32

33 WHEREAS, section 302D-29.5, Hawai'i Revised Statutes,  
34 requires the Legislature to consider making an appropriation and  
35 bond authorization to the Public Charter School Commission for  
36 the design, planning, construction, repair, and maintenance of  
37 public charter school improvements; expand or improve  
38 instructional space; provide for food services; and provide  
39 restroom facilities; and  
40

41 WHEREAS, despite the plain language of section 302D-29.5,  
42 which contemplates appropriations for the costs of instructional  
43 space, restroom facilities, and other improvements necessary or  
44 incidental to a public charter school's educational mission,



1 questions have been raised regarding whether the scope of  
2 section 302D-29.5 includes appropriations for lease or rental  
3 payments; and  
4

5 WHEREAS, section 302D-29.5 tasks the Public Charter School  
6 Commission to develop criteria to determine the distribution of  
7 any funds appropriated for public charter school facilities  
8 expenses, to include distribution based on the need and  
9 performance of the charter schools, overall benefit to the  
10 surrounding community, amount of risk and availability of  
11 recourse to the State, and whether a particular charter school  
12 received facilities funding through other state funding,  
13 including grants-in-aid or a separate appropriation; and  
14

15 WHEREAS, section 302D-29.5 further establishes a Charter  
16 School Facilities Funding Working Group within the Department of  
17 Education, to act in an advisory capacity to prioritize the  
18 allocation of general fund appropriations and bond proceeds for  
19 public charter schools to expend based on the criteria  
20 established by the Public Charter School Commission; and  
21

22 BE IT RESOLVED by the [originating chamber] of the  
23 Thirtieth Legislature of the State of Hawai'i, Regular Session of  
24 2019, the [non-originating chamber] concurring, that the Public  
25 Charter School Commission is requested to report on the criteria  
26 developed by the Commission, and prioritization advised by the  
27 Charter School Facilities Funding Working Group, for charter  
28 school facilities funding pursuant to section 302D-29.5, Hawai'i  
29 Revised Statutes; and  
30

31 BE IT FURTHER RESOLVED that the Public Charter School  
32 Commission, with input from the Charter School Facilities  
33 Funding Working Group, provide any proposed legislation and  
34 recommendations, including any recommendations related to  
35 funding expenditures for lease and rental payments under section  
36 302D-29.5, to the Legislature no later than twenty days prior to  
37 the convening of the Regular Session of 2020; and  
38

39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the Chairperson and  
41 Executive Director of the Public Charter School Commission, the  
42 Board of Education, the Director of Budget and Finance, the  
43 Comptroller, the Superintendent of Education, and the

\_\_\_C.R. NO. \_\_\_

1 Chairperson of the Board of Trustees of the Office of Hawaiian  
2 Affairs.

3

4

5

OFFERED BY: \_\_\_\_\_  
By Request

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_\_.B. NO.\_\_\_\_

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## A BILL FOR AN ACT

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RELATING TO STRENGTHENING THE FOUNDATION FOR ENSURING A FAIR AND  
JUST PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO  
RATA SHARE OF THE PUBLIC LAND TRUST.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that in 1978, the state  
2       constitution was amended to include article XII, sections 4, 5,  
3       and 6, which established the Office of Hawaiian Affairs and its  
4       board of trustees.

5       Sections 4, 5, and 6 of article XII of the state  
6       constitution provide:

7               Section 4. The lands granted to the State of Hawaii  
8       by Section 5(b) of the Admission Act and pursuant to  
9       Article XVI, Section 7, of the State Constitution,  
10      excluding therefrom lands defined as "available lands" by  
11      Section 203 of the Hawaiian Homes Commission Act, 1920, as  
12      amended, shall be held by the State as a public trust for  
13      native Hawaiians and the general public.

14             Section 5. There is hereby established an Office  
15      of Hawaiian Affairs. The Office of Hawaiian Affairs  
16      shall hold title to all the real and personal property  
17      now or hereafter set aside or conveyed to it which

\_\_\_\_.B. NO. \_\_\_\_\_

1 shall be held in trust for native Hawaiians and  
2 Hawaiians. There shall be a board of trustees for the  
3 Office of Hawaiian Affairs elected by qualified voters  
4 . . . as provided by law. . . . There shall be not  
5 less than nine members of the board of trustees;  
6 provided that each of the following Islands have one  
7 representative: Oahu, Kauai, Maui, Molokai and  
8 Hawaii. The board shall elect a chairperson from its  
9 members.

10 Section 6. The board of trustees of the Office of  
11 Hawaiian Affairs shall exercise power as provided by  
12 law: to manage and administer the proceeds from the sale  
13 or other disposition of the lands, natural resources,  
14 minerals and income derived from whatever sources for  
15 native Hawaiians and Hawaiians, including all income and  
16 proceeds from that pro rata portion of the trust referred  
17 to in section 4 of this article for native Hawaiians; to  
18 formulate policy relating to affairs of native Hawaiians  
19 and Hawaiians; and to exercise control over real and  
20 personal property set aside by state, federal or private  
21 sources and transferred to the board for native Hawaiians  
22 and Hawaiians. The board shall have the power to exercise

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1 control over the Office of Hawaiian Affairs through its  
2 executive officer, the administrator of the Office of  
3 Hawaiian Affairs, who shall be appointed by the board.

4 Act 273, Session Laws of Hawai'i 1980, enacted section  
5 10-13.5, Hawai'i Revised Statutes, to implement the Office of  
6 Hawaiian Affairs' pro rata share and provide that "[¶]twenty per  
7 cent of all funds derived from the public land trust . . . shall  
8 be expended by the [Office of Hawaiian Affairs] . . . for the  
9 purposes of this chapter."

10 Following a series of lawsuits concerning the Office of  
11 Hawaiian Affairs' constitutional pro rata share of all funds  
12 derived from the public land trust, the legislature enacted Act  
13 178, Session Laws of Hawai'i 2006. Act 178, which took effect on  
14 June 7, 2006, specifically acknowledged that "the State's  
15 obligation to native Hawaiians is firmly established in the  
16 state constitution. (See Haw. Const. art XII)" and included a  
17 stated purpose of providing "interim measures to ensure that an  
18 adequate amount of income and proceeds is made available to the  
19 [Office of Hawaiian Affairs] from the pro rata portion of the  
20 public land trust, for the betterment of the conditions of  
21 native Hawaiians."

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1       Act 178 carried out this interim purpose by requiring "the  
2 income and proceeds from the pro rata portion of the public land  
3 trust under article XII, section 6, of the state constitution  
4 for expenditure by the office of Hawaiian affairs for the  
5 betterment of the conditions of native Hawaiians for each fiscal  
6 year beginning with fiscal year 2005-2006 shall be \$15,100,000."  
7 Specifically, Act 178 noted this interim amount was "[until]  
8 further action is taken by the legislature for this purpose."  
9 This \$15,100,000 was based, in part, on certain ancillary  
10 receipts from the state airports.

11       The second purpose of Act 178 was to identify "revenue-  
12 generating public trust lands and the amounts derived from those  
13 lands by requiring that the department of land and natural  
14 resources provide an annual accounting to the legislature."  
15 Accordingly, section 5 of Act 178 requires that no later than  
16 January 1 of each year, the department of land and natural  
17 resources, with the cooperation of the department of budget and  
18 finance and any other state department or agency that uses or  
19 manages public lands, provide an accounting of all receipts from  
20 lands described in section 5(f) of the Admission Act for the  
21 prior fiscal year. Section 5 of Act 178 also requires that with

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1    respect to each receipt, the department of land and natural  
2    resources must identify:

- 3            (1)    The total gross amount;
- 4            (2)    The amount transferred to the Office of Hawaiian  
5            Affairs;
- 6            (3)    The amount retained by the State;
- 7            (4)    The account or fund into which the amount specified in  
8            paragraph (3) was transferred or deposited;
- 9            (5)    The parcel of land subject to section 5(f) of the  
10           Admission Act that generated the receipt, whether by  
11           tax map key number, department of land and natural  
12           resources inventory number, or other recognizable  
13           description; and
- 14           (6)    The state department or agency that received the total  
15           gross amount identified in paragraph (1).

16           In addition, section 5 of Act 178 requires that the  
17    accounting indicate whether any parcel of land described in  
18    section 5(f) of the Admission Act was sold or exchanged in the  
19    prior fiscal year and, if so, the amount of consideration that  
20    the State received for the respective parcels. Section 5 of Act  
21    178 also requires that the department of land and natural

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1 resources consult the Office of Hawaiian Affairs in determining  
2 the method in which the accounting must be conducted.

3 In order to effectuate Act 178, the then-governor of the  
4 state issued Executive Order No. 06-06, which established the  
5 procedures by which all state agencies collecting receipts for  
6 the use of public land trust lands must account for, set aside,  
7 and transfer to the Office of Hawaiian Affairs receipts from  
8 public land trust lands, subject to enumerated exceptions.

9 Based on the annual accountings of the amounts derived from  
10 the public land trust conducted pursuant to Act 178, and as  
11 supplemented by additional research commissioned by the Office  
12 of Hawaiian Affairs of receipts from the public land trust in  
13 fiscal year 2015-2016, the minimum amount of total gross public  
14 land trust receipts from sources to which the Office of Hawaiian  
15 Affairs has made a past or current claim was found to be  
16 \$174,816,220 in fiscal year 2015-2016. Twenty percent of this  
17 amount from fiscal year 2015-2016 is \$34,963,244, considerably  
18 more than the \$15,100,000 that the Office of Hawaiian Affairs  
19 receives annually pursuant to Act 178. However, despite its  
20 "interim" nature, Act 178, Session Laws of 2006, remains in  
21 effect setting the Office of Hawaiian Affairs' annual income and  
22 proceeds from the public land trust for the betterment of the



\_\_\_\_.B. NO. \_\_\_\_\_

1 conditions of native Hawaiians at \$15,100,000, pending further  
2 legislative action on the subject.

3 While accounting information gathered pursuant to Act 178  
4 has already proven valuable to illustrating the need to revisit  
5 and revise the \$15,100,000 amount transferred annually to the  
6 Office of Hawaiian Affairs, full compliance with Act 178 is  
7 critical to informing future discussions and determinations of  
8 what constitutes a fair, revised amount of native Hawaiians'  
9 share of all funds derived from the public land trust. However,  
10 deficiencies in reporting and accountability have been  
11 identified by the Office of Hawaiian Affairs and its contractors  
12 over several recent years, including the State's failure to  
13 fully account for gross receipts from the public land trust, and  
14 the State's apparent reluctance to completely report public land  
15 trust receipts of certain agencies, including the University of  
16 Hawai'i. Such deficiencies will likely continue without further  
17 clarification, supplementation, and codification of the  
18 reporting requirements of Act 178.

19 Accordingly, the legislature finds that it is now in the  
20 best interests of the Office of Hawaiian Affairs, its  
21 beneficiaries, the State, and all citizens of Hawai'i to amend  
22 the Hawai'i Revised Statutes to clarify, supplement, and codify

\_\_\_\_.B. NO. \_\_\_\_\_

1 the reporting and accountability foundation established by Act  
2 178.

3 The purpose of this Act is to:

4 (1) Codify the accounting and reporting requirements set  
5 forth in Section 5 of Act 178, Session Laws of Hawai'i,  
6 with modifications to:

7 (a) Emphasize that the University of Hawai'i is  
8 subject to the requirements;

9 (b) Emphasize that all public land trust revenues  
10 must be accounted for, including those revenues  
11 that a department or agencies believes may not be  
12 subject to the Office of Hawaiian Affairs' pro  
13 rata share; and

14 (c) Require the department of land and natural  
15 resources to consult with the Office of Hawaiian  
16 Affairs to ensure that the accounting is accurate  
17 and inclusive;

18 and

19 (2) Require certain explanations and determinations  
20 regarding the amount of revenues transferred to the  
21 Office of Hawaiian affairs.

\_\_\_\_.B. NO. \_\_\_\_\_

SECTION 2. Chapter 171, Hawai'i Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§171- Public land trust; reporting. Notwithstanding the provisions of section 5 of Act 178, Session Laws of Hawai'i 2006, no later than January 1 of each year, the department of land and natural resources, with the cooperation of the department of budget and finance and any other department or agency that collects receipts from lands within the public land trust that is described in section 171-18, including the University of Hawai'i, shall provide an annual report with an accounting of all receipts from lands described in section 5(f) of the Admission Act for the prior fiscal year. With respect to each receipt, the department of land and natural resources shall identify:

(1) The total gross amount of revenue generated from the use of the public land trust, regardless of whether the revenue is subject to the Office of Hawaiian Affairs' pro rata share;

(2) The amount transferred to the Office of Hawaiian Affairs;

(3) The amount retained by the State;

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1       (4) The account or fund in which the amount specified in  
2       paragraph (3) was transferred or deposited;

3       (5) The parcel of land subject to section 5(f) of the  
4       Admission Act that generated the receipt, whether by  
5       tax map key number, department of land and natural  
6       resources inventory number, or other recognizable  
7       description;

8       (6) The state department or agency that received the total  
9       gross amount identified in paragraph (1); and

10       (7) For each receipt where the transferred amount  
11       identified in paragraph (2) was less than twenty per  
12       cent of the total gross amount identified in paragraph  
13       (1), an explanation of why the state department or  
14       agency identified in paragraph (6) did not transfer  
15       the full twenty per cent of the total gross amount of  
16       revenue; for example, that federal or state law  
17       precludes any portion of the receipts from being used  
18       directly to better the conditions of native Hawaiians,  
19       or the transfer of any portion of the receipt will  
20       cause the State to renege on any pre-existing pledge,  
21       rate covenant, or other pre-existing obligation to

1                   holders of revenue bonds or other indebtedness of the  
2                   State.

3       The accounting shall also indicate whether any parcel of  
4       land described in section 5(f) of the Admission Act was sold or  
5       exchanged in the prior fiscal year and, if so, the amount of  
6       consideration that the State received for the respective  
7       parcels.

8       The department of land and natural resources shall consult  
9       the Office of Hawaiian Affairs in determining the method in  
10       which the accounting shall be conducted and in ensuring that the  
11       accounting is accurate and inclusive of all receipts generated  
12       by the public land trust. Prior to finalizing its annual report  
13       described in this section, the department of land and natural  
14       resources shall provide the Office of Hawaiian Affairs a draft  
15       of the report and shall allow no less than thirty days for the  
16       Office of Hawaiian Affairs to provide a written response, which  
17       shall be published as an addendum to the report."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

21 INTRODUCED BY:

22

By Request

\_\_\_\_.B. NO. \_\_\_\_\_

THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE COMPOSITION OF THE STATE COUNCIL ON MENTAL  
HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that there is an urgent  
2   need to promote community-centric and culturally-integrated  
3   mental health policies for Native Hawaiians. The legislature  
4   further finds that Hawai'i's exceptionally diverse population  
5   also has the potential to benefit significantly from mental  
6   health programs and approaches that incorporate cross-cultural  
7   values, practices, and understandings, including in particular  
8   those of Hawai'i's host culture.

9       Today, Native Hawaiians are born into and are raised  
10   against a backdrop of historical injustice and social,  
11   political, and cultural disruption. The physical decimation of  
12   entire communities, alienation from the land, the deprivation  
13   and destruction of natural and cultural resources and sites,  
14   linguistic suppression, cultural devaluation and  
15   misappropriation, and systemically biased socioeconomic  
16   structures have impacted generations of Native Hawaiians over  
17   the past two centuries. Unfortunately, the resulting

1 disintegration of ancestral knowledge and disconnection from  
2 culturally-grounded understandings and relationships have  
3 perpetuated and exacerbated the serious negative mental health-  
4 associated outcomes now seen in the Native Hawaiian community,  
5 including: high rates of suicide and suicide attempts,  
6 including alarmingly high rates of suicidal ideation and suicide  
7 attempts among 'ōpio, or youth; high rates of alcohol and drug  
8 abuse; child abuse; school adjustment problems; disproportionate  
9 interactions with the criminal justice system; and certain  
10 specific psychological and psychiatric mental illnesses.

11       The legislature finds that a growing and well-established  
12 body of literature, as well as case studies and highly  
13 successful examples of culturally-grounded mental health  
14 programming, shows that the promotion and integration of  
15 cultural traditions and sacred places, access to lands and  
16 natural resources, a strong indigenous identity, and cultural  
17 participation may be necessary for improving Native Hawaiian  
18 mental health stability and success. In addition to providing  
19 Native Hawaiians with culturally based curative methods,  
20 traditional Hawaiian healing practices benefit Hawai'i's  
21 ethnically diverse population as well by offering alternative  
22 treatment options. However, Hawai'i's current approaches to



1 improving mental health do not provide Native Hawaiians or  
2 others with consistent opportunities to participate in holistic  
3 mental health programs that incorporate such culture-based  
4 knowledge, values, and activities. The legislature finds that  
5 encouraging the systemic exploration, development, and  
6 implementation of such opportunities throughout the State's  
7 mental health infrastructure may be critical to providing  
8 substantial and much-needed relief to the mental health-  
9 associated burdens that impact the Native Hawaiian community in  
10 particular, as well as many other residents of the State.

11       The legislature finds that the state council on mental  
12 health is responsible for advising, reviewing, and evaluating  
13 the allocation and adequacy of mental health services in the  
14 State. Accordingly, requiring the council to include members  
15 with knowledge of or work experience involving Native Hawaiian  
16 concepts of well-being, culturally-grounded mental health  
17 methodologies, or traditional healing or health practices can  
18 help to systemically advance the culturally-grounded policies  
19 and programs that are critical to meeting the dire mental health  
20 needs of Native Hawaiian community members and others.

21       Therefore, the purpose of this Act is to require at least  
22 three members of the state council on mental health to be

\_\_\_\_.B. NO. \_\_\_\_\_

1 reserved for individuals with demonstrated knowledge of or work  
2 experience involving Native Hawaiian concepts of well-being,  
3 culturally-grounded mental health methodologies, or traditional  
4 healing or health practices.

5 SECTION 2. Section 334-10, Hawai'i Revised Statutes, is  
6 amended to read as follows:

7 "§334-10 State council on mental health. (a) There is  
8 established a state council on mental health. The council shall  
9 consist of twenty-one members appointed by the governor as  
10 provided in section 26-34. In making appointments to the  
11 council, the governor shall ensure that all service area boards  
12 of the State are represented, and that a majority of the members  
13 are nonproviders of mental health or other health services, and  
14 that a majority of the members are not state employees. The  
15 number of parents of children with serious emotional  
16 disturbances shall be sufficient to provide adequate  
17 representation of such children in the deliberations of the  
18 council. The council shall be composed of residents of the  
19 State, including individuals representing:

20 (1) The principal state agencies with respect to mental  
21 health, education, vocational rehabilitation, criminal  
22 justice, housing, and social services;

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(2) Public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

(3) Adults with serious mental illnesses who are receiving, or have received, mental health services;

(4) The families of such adults or families of children with serious emotional disturbances; and

(5) The Hawaii advisory commission on drug abuse and controlled substances who shall be a person knowledgeable about the community and the relationships between mental health, mental illness, and substance abuse.

(b) The council shall elect a chairperson from among its members. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the council.

(c) At least three members of the council shall have demonstrated knowledge of or work experience involving Native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices as evidenced by:

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- (1) A college or university degree in a relevant field, such as psychology, social work, public health, nursing, Hawaiian studies, health administration, or medicine, with a focus on Native Hawaiian and indigenous health, transgenerational trauma, or traditional healing or health practices such as ho'oponopono, la'au lapa'au, or lomilomi;
- (2) Work history that demonstrates an appropriate level of knowledge of or involvement in Native Hawaiian and indigenous health, transgenerational trauma, or traditional healing or health practices such as ho'oponopono, la'au lapa'au, or lomilomi;
- (3) Health, social, or legal work history addressing Native Hawaiian inequities; or
- (4) Substantial community experience as a Native Hawaiian traditional and customary practitioner in healing treatments, techniques, services, or practices.

~~[-e-]~~ (d) The council shall advise the department on allocation of resources, statewide needs, and programs affecting

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1 two or more service areas. The council shall review and comment  
2 on the statewide comprehensive integrated service plan and shall  
3 serve as an advocate for adults with serious mental illness,  
4 children with serious emotional disturbances, other individuals  
5 with mental illnesses or emotional problems, and individuals  
6 with combined mental illness substance abuse disorders.

7 ~~[(d)]~~ (e) If the department's action is not in conformance  
8 with the council's advice, the department shall provide a  
9 written explanation of its position to the council.

10 ~~[(e)]~~ (f) The council shall prepare and submit an annual  
11 report to the governor and the legislature on implementation of  
12 the statewide comprehensive integrated service plan. The report  
13 presented to the legislature shall be submitted at least twenty  
14 days prior to the convening of each regular session."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval,  
18 provided that the composition of the state council on mental  
19 shall comply with the requirements of section 2 of this Act  
20 beginning on July 1, 2020.

21

22

INTRODUCED BY: \_\_\_\_\_

\_\_\_\_.B. NO. \_\_\_\_

By Request

TWENTY-NINTH LEGISLATURE, 2019  
STATE OF HAWAII

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

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RELATING TO BAIL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to effectuate the  
2 title of this Act.

3       SECTION 2. The Hawai'i Revised Statutes is amended to  
4 conform to the purpose of this Act.

5       SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

By Request