



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*



**STATE OF HAWAII  
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- S. February 21, 2024\*
- T. February 28, 2024\*
- U. March 20, 2024\*
- V. March 27, 2024\*
- W. April 17, 2024\*
- X. May 1, 2024\*
- Y. June 26, 2024\*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*
- C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID





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listed at the beginning of this agenda. Meeting recordings and written meeting minutes are posted to OHA's website.

**\* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 97817, OHA's neighbor island offices, and on OHA's website at: [www.oha.org/bae](http://www.oha.org/bae) no later than two business days before the meeting.**

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

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

**Public Testimony will be called for each agenda item and must be limited to those matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board Members from discussing or taking action on matters not listed on the meeting agenda.**

Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via email to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) or via postal mail to Office of Hawaiian Affairs, Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting.

Persons wishing to provide *oral testimony online* during the virtual meeting must first register at:

[https://us06web.zoom.us/webinar/register/WN\\_eGmUdn9JR66lKTQe-5OYxA](https://us06web.zoom.us/webinar/register/WN_eGmUdn9JR66lKTQe-5OYxA)

Once you have signed up, a confirmation email will be sent to you with a link to join the remote meeting, along with further instructions on how to provide oral testimony during the remote meeting. You do not need to provide your name or other personal information other than a valid email address at which to receive the meeting link.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony by telephone/landline **will not** be accepted at this time. Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Persons wishing to provide *oral testimony at the physical meeting location* can sign up the day-of-the meeting at the physical meeting location.



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Oral testimony online or at the physical meeting location will be limited to five (5) minutes.

A handwritten signature in blue ink, reading "Kaleihikina Akaka".

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Trustee Kaleihikina Akaka, Chair  
Committee on Beneficiary Advocacy and Empowerment

**10/24/2024**

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Date



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**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**October 25, 2022 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'aina Lee  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Brandon Mitsuda  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin, IT

**EXCUSED:**

Trustee Leina'ala Ahu Isa

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, October 25, 2022 to order at **10:45 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:45 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	EXCUSED	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	MILILANI	TRASK	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8) Trustees are PRESENT**, thereby constituting a quorum.

## II. Approval of Minutes

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- I. April 26, 2022
- J. May 3, 2022
- K. July 12, 2022

**Chair Akaka:** Let us proceed now to roman numeral #2 the approval of minutes, unless there are any objections, may I get a motion to approve the following BAE Minutes: February 8, 2022, February 15, 2022, February 22, 2022, March 1, 2022, March 8, 2022, March 22, 2022, March 29, 2022, April 12, 2022, April 26, 2022, May 3, 2022 and July 12, 2022.

**Board Chair Hulu Lindsey:** So moved, Chair.

**Chair Akaka:** It's been moved by Board Chair Hulu Lindsey. Is there a second?

**Trustee Alapa:** Second

**Chair Akaka:** I believe I heard a second from Trustee Alapa first. It's been moved and seconded. Is there any discussion members? Seeing none, may I please have a roll call vote to approve the Minutes.

							10:51 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA					X	
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRENDON KALEI'ĀINA	LEE					X	
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			6	0	2	1
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MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

### III. New Business

A. **Presentation:** Native Hawaiian Legal Corporation, Kawika Patterson, Board Chair and Makalika Naholowa'a, Executive Director

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. Trustees we're pleased that the Native Hawaiian Legal Corporation's Leadership could be here. We'll turn that time over to Board Chair and then Makalika as the Executive Director to share the good work that they are doing, Chair Patterson.

**Kawika Patterson, NHLC Board Chair:** Aloha everyone. It's an honor to be here with myself, Keali'i Lopez and Keali'i Reichel. As we looked at the beginning of the Makahiki season, I've asked Keali'i put us all in the same mindset and thought as we move forward and present ourselves today, Keali'i.

**Keali'i Reichel:** Aloha kākou. From the 'Āina Ho'opulapula o Kahikinui ma ke Ahupua'a 'o 'Alena. Anyway, so since it is Lono season, Lonoikamakahiki iā kākou āpau. I'd like to open up with a chant that was first uttered by Hi'iaka, it's one of my favorite, and in this chant she revives Lohi'au and we utilize this chant now to revive ourselves and so hopefully this little zing zing puts us on a good path during this meeting.

**Keali'i Reichel** performs chant

**Chair Akaka:** Mahalo nui for setting the vibe beautifully.

**Kawika Patterson, NHLC Board Chair:** Mahalo and aloha to all the Trustees and the Executive Staff of the Office of Hawaiian Affairs. If I look kind of worn down and tired, I arrived in DC this morning and I had a lot of meetings. It's about 4:00 o'clock in the afternoon and you know I've been lucky, I was asked by the Senate Committee on Indian Affairs to represent them on the Juvenile Justice and Delinquency Prevention Council. Yeah, and so it was an honor that I accepted to represent not just the Native Hawaiians but the Native Alaskans and the Native Americans in juvenile policy recommendations for the President, and I'm only sharing this with you because it's an important role when you have so much responsibility in representing of people, understanding all the relational issues. That in the Department of Interior and with the Indian Affairs Bureau that you know some things that can happen for Native Americans may not happen for Native Hawaiians. Some things for Native Hawaiians cannot happen for Native Alaskans, so it's really how do you balance relationships between such a broad spectrum of indigenous people throughout the nation. I don't know but I'm going to learn. So I'm excited about that and it is as exciting as being able to represent our Native Hawaiians in our legal battles and being OHA's spear in that fight against all the issues and obstacles our people face in the communities with land, water, language, as well as DHHL, and so I say those things with pride that we've done a good job and we have a long history of doing that, and I ask Makalika to come forward at this time and just give a presentation of all the things that we are doing and just to share with you our work at this time.

**Makalika Naholowa'a, NHLC Executive Director:** Mahalo Board and Kawika and Keali'i for being here with us. As staff, we're very excited to share some information about what we've been doing since we last presented to the Board in January. I've got a presentation, so I'll try to share my screen now so you can see it. But while I'm doing that I also wanted to first check in and see if the Board wanted to start with our presentation or if you have questions that you'd actually just like to get into at the outset?

**Chair Akaka:** If you can continue with your presentation, mahalo.



Office of Hawaiian Affairs  
Beneficiary Advocacy and  
Engagement Committee  
October 25, 2022

Mark Kawika Patterson, Board President  
Keali'i Reichel, Board Director  
Keali'i Lopez, Board Director  
Makalika Naholowa'a, Executive Director  
Kauila Kopper, Litigation Director, Community Services  
Kirsha Durante, Litigation Director, 'Ohana Services

**Makalika Naholowa'a, NHLC Executive Director:** What I wanted to do is co-present on our work with two leads of our two practice groups. So one of the things that we have done since we presented in January, which was for me the first month in this role, is look hard at the scope of our work. Which I think this group knows is really broad and it ranges from helping our beneficiaries with their needs for their individual 'ohana's with housing matters, whether it be title defense for privately held lands, or whether it be leases with DHHL, all the way to complex civil litigation having to do with Aloha 'Āina for the protection of traditional and customary practices.

So one of the things that we have done while trying to constantly figure out how we cover that scope efficiently and effectively is we've created two practice groups to look at those two bodies of work. Not separately, in the sense that we don't talk to each other because our rights, you know they lean on each other. These legal doctrines inform each other and so we are not splitting them in the sense that we don't talk to each other, but the flow of the work for 'ohana with their individual property and housing issues and the flow of the work for the more complex multi year civil litigation that we see on Aloha 'Āina and traditional customary practices. Those two bodies it can be helpful to give those two teams some runway to think about how to best serve them because some aspects of those bodies of work are different. So with that I've got Kauila Kopper joining us. He is leading the practice group on the community service work and Kirsha Durante, who is our new Litigation Director, leading the team on the 'Ohana services work which is the Hawaiian housing work.

## 1Q FY22-23 Legal Service Needs

### Inquiries

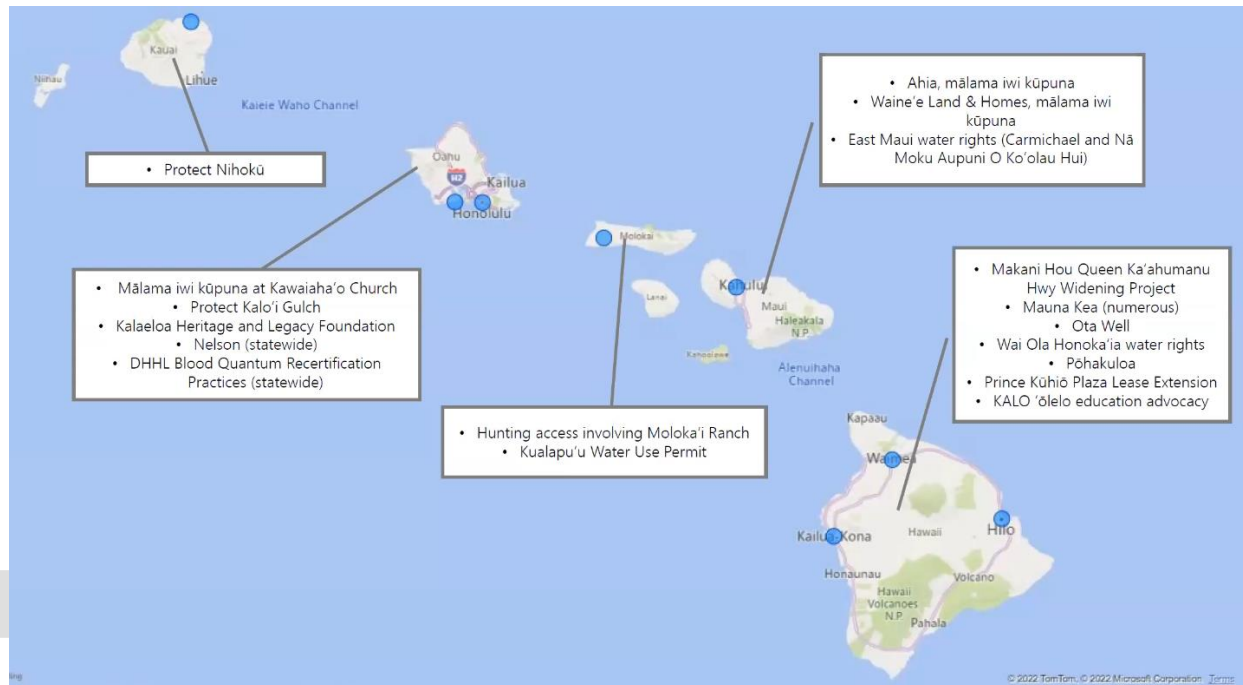
At Start	New	Screened	Total Managed	Closed	Continuing
99	+68	-11	156	-45	111

### Cases

At Start	New	Total Managed	Closed	Continuing
102	+7	109	-5	104

So I'm just going to start with a little bit of an overview on data and where we are present and then want to give them an opportunity to talk about what each of their practice groups has been doing and share some stories of beneficiaries that they have been serving this year. So you know the numbers, I just want to give a brief overview. It continues to be a busy practice in our quarterly reports to OHA. We have been trying to provide granular data to give you a sense for the range of communities that we're serving across the pae 'āina and the different types of legal needs that they have. So this is just one cut of the data and I understand that as pre reads our most recent reports were sent around. So if there's any questions about any of that data I'm happy to answer it. But then that is, you know, this team of six litigators is carrying a heavy load of cases and inquiries come in at a rate of approximately one a day. So we're usually getting one to two calls a day from families or community members who have a new issue. A lot of those are resolved through brief services. But every quarter some of them transfer into cases. Which means that we're committing to provide formal advocacy opposite or involving other parties. Sometimes that is administrative proceedings. Sometimes that's straight into litigation, and it really varies and right now you know that could also include consultation processes and I know there's a lot of excitement around a new consultation process that the DOI has committed to for Native Hawaiians, and so you know, that's another area where it kind of remains to be seen if there's more needs for NHLC to help, but that's also within our scope too and could be counted as a case.





Any questions about the data 'cause if not the next slide I have is just to give a sense for those community cases. So one of the things that we're working on because there's good technology available to us, we just need to harness it is creating maps that would allow people on our website to track where we are. Where are we working on a case and of course we have to be thoughtful about confidentiality and things, and a case has to be in a stage where our representation is public before we can share it on such a map, but we are interested in having that out there to help give people a sense for where our Native Hawaiian issues occurring and what NHLC's role is in those. So this is just a cut of the cases out of that 100 plus on my previous slide that are in the more community Aloha 'Āina, traditional and customary practice and iwi kūpuna space. A different layer would have a lot more dots and a lot more bullet points if we added in the housing because that is quantitatively the bigger part of our practice, so you know depending on the quarter, the calls that we get for help with homesteads in particular can often be between 1/2 to 2/3s of the calls that we get. So if we were to have a map with that there would be a lot more dots. But this gives you a sense for where we are on those cases that tend to be more complex, tend to be multiyear and rather than advocating for a single 'ohana and their housing and land rights is more about protecting an area or a traditional customary practice or iwi kūpuna. Okay, so with that this is the body of work that the Community Services team led by Kauila does and so I'd like to give him the floor if that's okay to talk a little bit more about some specific examples of cases to illustrate what this work really looks like.

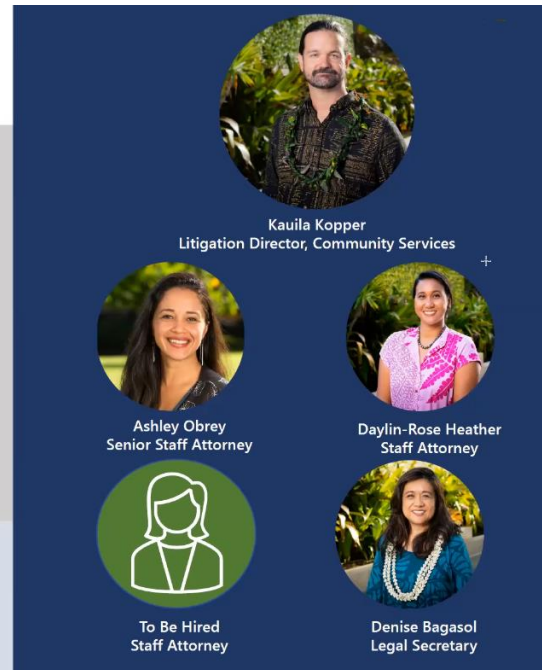
## Community Services

### Current Services

1. Historic property preservation including iwi kūpuna, Section 106
2. 'Ōlelo rights and education advocacy
3. Advancement of traditional and customary rights and practices
4. Protection of trust lands including the Hawaiian home lands and ceded lands trusts
5. Water Rights related to kuleana lands and traditional and customary practices
6. Natural resource protection including HEPA/NEPA
7. Government transparency, accountability, and procedural due process
8. Policy advocacy on related issues and matters including legislative and administrative testimony

### Possible Expansions

- Traditional knowledge and intellectual property protection
- Criminal justice reform advocacy



**Kauila Kopper, NHLC Litigation Director, Community Services:** Thank you Makalika and good morning Trustees. So this is our team of three attorneys that I have the pleasure of working with on these types of cases. Like Makalika said, these are our native rights, natural and cultural resource protection matters, trust lands management, Aloha 'Āina. Usually higher in profile, often contentious, often involving appeal. When successful, these are the cases that can benefit many places, beneficiaries, communities, also something we could receive backlash on because a lot of this work is against the state. But you know, there are cases that we take regardless because of their importance and of course on virtually all of these matters we have historically aligned with the Office of Hawaiian Affairs and beneficiaries when it comes to stances on these issues. We generally take all of these matters when they come to us. Subject to our screening process, of course, something that we can talk about if you have any questions and of course meeting a prospective client, but these are the areas that we practice in. Often these cases are types where there are very few if any law firms other than NHLC who are available to community to take these matters on whether it's because a lot of these areas can be specialized and firms may not be familiar with legal claims or that the ones that are charge market rates which can reach nowadays close to \$400 or \$500 an hour. So it is an expensive service trying to find out there, especially on the market, but it's one that's definitely needed because these are all important issues for the people and communities we serve.

At the bottom there's possible expansion areas, so the current services are all services that fall under our procured OHA contract. Of course we want to be able to pivot as the needs of the community and your beneficiaries pivot, and that's something that we are always thinking about and looking for, so those are just some ideas. But of course others come up and they all deserve consideration for our expansion. If we could go to the next slide and I'll be brief, and this is just to give a taste of some ongoing community impact services matters and beneficiary experience. Again, I'll be brief, but we can definitely stop to discuss specific issues or answer any questions.

# Makani Hou O Kaloko-Honokōhau

*Protecting cultural sites & traditional practices in a Section 106 Consultation*



Practice Area Cultural Resource Protection/NHPA Section 106  
Location North Kona, Hawai'i Island  
Resolution Ongoing

In 2012, Makani Hou O Kaloko-Honokōhau came to NHLC in 2012 to seek guidance and assistance in navigating the National Historic Preservation Act Section 106 project with respect to the Hawai'i Department of Transportation's Queen Ka'ahumanu Highway Widening Project in North Kona, Hawai'i Island. With NHLC's help, Makani Hou a seat at the table in the consultation process and assisted in the execution of a memorandum of agreement in 2015.

Makani Hou returned to NHLC in 2020 to seek further assistance in implementing the MOA and addressing adverse impacts to traditional trails and other cultural sites within the highway right of way.

"Without the NHLC, most iwi would be incapable of challenging government and private wrongdoers due to a lack of legal expertise and/or funds to hire private attorneys."

- Isaac Paka Harp



"The presence of the NHLC added more respect and integrity which we felt were lacking in the Sec. 106 consultations we had with the HDOT and the FHWA."

- Fred Keakaokalani Cachola



**MEMORANDUM OF AGREEMENT**  
Among the  
ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
FEDERAL HIGHWAY ADMINISTRATION, and the  
HAWAII STATE HISTORIC PRESERVATION OFFICE  
Regarding the project in the vicinity of the  
Queen Ka'ahumanu Highway Widening Project  
which is a project in the Queen Ka'ahumanu Highway  
Improvement for the Ka'ahumanu Highway National Park  
and the Queen Ka'ahumanu Highway Widening, Kona to Kailua

WHEREAS, the Federal Highway Administration (FHWA) has funded the State of Hawaii's Department of Transportation (DOT) project to widen the Queen Ka'ahumanu Highway Improvement Project for the Ka'ahumanu Highway National Park, and the Queen Ka'ahumanu Highway Widening, Kona to Kailua (collectively the "Project") and described in a May 2015 Final Environmental Assessment (FEA) which contains a Finding of No Significant Impact (FONSI) determination dated June 10, 2015; and

WHEREAS, the FHWA consulted with the Hawaii State Historic Preservation Officer (SHPO), the Hawaii Department of Transportation (DOT), the State of Hawaii Office of Hawaiian Affairs (OHA), and the Hawaii Historic Preservation Office (HHPO) and the Advisory Council on Historic Preservation (ACHP) regarding the project in the vicinity of the Queen Ka'ahumanu Highway Improvement Project for the Ka'ahumanu Highway National Park and the Queen Ka'ahumanu Highway Widening, Kona to Kailua (collectively the "Project") and described in a May 2015 Final Environmental Assessment (FEA) which contains a Finding of No Significant Impact (FONSI) determination dated June 10, 2015; and

WHEREAS, the FHWA determined, with the ACHP and the SHPO's concurrence, that as of 1999 the Project, considered together, would affect two historic properties identified as State Sites (OCCS, Oahu State Historic Sites and State Sites) and may potentially impact two (2) National Historic Landmarks (NHLs), the Hale Koa Hotel and the Hale Koa Hotel, and

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This is a case where we represent Makani Hou in protecting cultural sites that were threatened and in some case damaged by the widening of the Ka'ahumanu highway. We currently have four iwi kūpuna protection lawsuits or cases involving iwi kūpuna, where we're in the courts. But this is an example of working to protect sites through consultation. We assisted this hui in obtaining a memorandum of agreement. You see, here's some words from the clients that we definitely have the pleasure of working with. Uncle Fred is still going strong. You know, so this is just, I think an example of a case we do that doesn't, you may not hear about because it doesn't make it in the paper because it's not in the courts, but nonetheless is important to protecting historic sites.

## Hui Ola Ka Wai

*Protecting shorelines, ground water, and traditional practices*



Practice Area Water Rights T&C Practices  
Location Kaloko-Honokōhau, Kona 'Ākau, Hawai'i Island  
Resolution Pending CWRM decision on NELHA/HHFDC's request for reconsideration

Hui Ola Ka Wai came to NHLC in December of 2020 with serious concerns about the Ota Well, the first well proposed in Kona since the CWRM rejected a petition to designate the Keauhou Aquifer a water management area. Permit applicants, the Natural Energy Lab of Hawai'i Authority and Hawai'i Housing Finance and Development Corporation, assert that there is no impact from this well to the fresh water on the shoreline despite no assessment.

"Native Hawaiian Legal Corporation has helped protect my rights as a kanaka from mountain on Mauna a Waekea to ocean at Kaloko Loko I'a in Kona. The legal aid provided by Native Hawaiian Legal Corporation helps me spend more time doing the things that I love while ensuring that I have the very best legal team behind me to protect access to these places and the life forces that give life to my practices as kanaka maoli."

-Loke Aloua



In April 2021, the CWRM deferred decision-making to consult with community regarding traditional and customary practices. In August 2022, the CWRM approved the permit with mitigation measures/conditions generated from a year's worth of consultation with the community, including our client, setting a precedent going forward that water permits cannot just be extractive. Developers must invest in the community.

Applicants requested reconsideration and a contested case hearing. The parties are currently discussing mitigation conditions prior to final decision-making expected in November 2022.





If we could go to the next slide, and this is actually in the same area. We represent Hui Ola Ka Wai who's a group of cultural practitioners who restore and protect the fish pond at Kaloko-Honokōhau on Hawai'i Island. They engage in cultural practices in the area and we are helping them contest approval that is pending with the Commission of Water Resource Management for a groundwater well in the area. If you're familiar, the county is not providing water for commercial development in many parts of Kona, and we've seen this in other cases and so that necessarily requires in a lot of instances creating groundwater wells or increasing pumping in existing private wells in order to service those needs and we've seen that as well. So we've seen the issue of increasing pumping in existing wells or creating new ones. But we all know that extracting groundwater can have real serious substantial impacts to near shore environments. You know, not unlike the diversion of surface water it can have the same damage. So we see our work in this area as being important, especially going forward, especially given the concerns in that area when it comes to water and groundwater withdrawal. You know, again and we're lucky enough to work with loke alua in protecting the Loko I'a there, and if we can go to the next slide.

## Mauna Kea Representations

*Multiple matters brought to protect constitutionally protected rights and practices*

Practice Area  
Native Hawaiian Rights  
Land Trust Enforcement

Matter Started  
2015

Location  
Ka'ohe, Hawai'i



NHLC has represented community in multiple past and ongoing cases related to protecting natural and cultural resources on Mauna Kea, as well as the public's right to due process in government decision making. Those matters include:

- BLNR emergency rules (resolved)
- Emergency proclamation (resolved)
- Administrative challenge to master lease renewal
- Appeal regarding Mauna Kea Access Road
- University of Hawaii Administrative Rules challenge
- NSF Section 106 consultation

All these cases seek to vindicate constitutional rights of Native Hawaiians and the public

"We are very grateful to Native Hawaiian Legal Corporation for their time and legal assistance in those court cases that they represented us in. We wouldn't have been able to proceed with these cases without their legal expertise and efforts to protect our Native Hawaiian practices and rights as well as our cultural resources and precious lands. **Without NHLC, who else would assist us as Kanaka in these matters?**"

-E. Kalani Flores, representative of the Flores-Case 'Ohana



We do get a lot of questions about our involvement in Mauna Kea and so we wanted to be open about that and provide you with information. We over the years recently, so in the past seven years have had six cases about Mauna Kea, four of which in court. All of them sought to advance or vindicate some broad right that would be of interest or benefit to all of your beneficiaries, so meaning that trying to advance some kind of interest or goal that yes helps Mauna Kea but goes well beyond. For example, our first case challenged BLNR's emergency rules. We were able to invalidate those rules, and it essentially shut down the Mauna to anyone except telescope staff but also concerningly it was done without public input. They didn't go through the proper public notice, and so we prevailed on that case.

We challenged an emergency proclamation that was going to bring in our military to remove kupuna and cultural practitioners. We're currently involved in four matters, one of which is our Kanakaole Kanahele versus State case, and that's about the taking of DHHL trust lands for the Mauna Kea Access Rd. That's currently on appeal. We have an appeal on the University of Hawai'i's administrative rules and one of our staff attorneys, Ashley Obrey has a Supreme Court argument on that case next week and we are involved in the 106 process for the funding of TMT by NSF and attended all of those meetings along with of course community and Office of Hawaiian Affairs. So these are again just examples. Wanted to show the kind of cases we're involved in and the beneficiary experience.

**Makalika Naholowa'a, NHLC Executive Director:** Mahalo Kauila, for the next section I'm going to hand it off to Kirsha, would anyone like to ask questions of Kauila before we transition into talking about the 'Ohana Services as part of our practice? Okay, I don't see any hands, so I will now turn it over to Kirsha. So Kirsha is the Litigation Director that's leading that practice group and I'll let her talk more about what they do.

## 'Ohana Services

### Current Services

1. Homestead lease cancellation defense
2. Successorship designation assistance
3. Birth certificate amendments
4. Limited creation of family land trusts and conservatorships
5. Limited probate for transfer of title
6. Kuleana tax exemption claims assistance
7. Quiet title defense
8. Title research needed to determine legal rights in active cases
9. Genealogy research needed to determine legal rights
10. Hawaiian language document review/translation in active cases
11. Testimony about these and related topics before state and federal agencies and the HI State Legislature

### Possible Expansions

- Other real property tax exemption claims
- Limited family law for adoption and guardianship
- Basic Estate Planning Services



Kirsha Durante  
Litigation Director, 'Ohana Services



Li'ulā Christensen  
Senior Staff Attorney



Henderson Huihui  
Staff Attorney



Devin Forrest, J.D.  
Title and Genealogy Research



Grace Lee  
Intake Specialist

**Kirsha Durante, NHLC Litigation Director, 'Ohana Services:** Aloha and good morning Members of the Committee and to the Board of Trustees. I'm happy to be settling into this new role at NHLC. I think this reorganization will allow us to provide more efficient services to our beneficiaries, and as Makalika indicated, the 'Ohana Services Team which I lead is really handling a large amount of the inquiries and referrals that our office receives. The focus, as you can see from the list of services, is really about trying to keep Hawaiians in their homes or on their land, even with respect to birth certificate amendments. You see that listed a lot that has to do with being able to position someone in order to get onto the wait list for homestead housing. So we do like to say that this group is about trying to keep our people in their homes, which is such an important part and necessity for anyone.


With respect to possible expansions. You know, we've already done some work in Kuleana tax exemption and assistance. But we're planning to expand into other areas of tax exemption claims, which will enable again individuals to remain on their land because it will help them to afford some of the taxes that have been increasing throughout the more recent years. Expansion into family law for limited purposes and then the basic estate planning services. I just wanted to briefly highlight here because I think through our years of practice in these areas and handling these types of cases, we've evaluated that preventative. A preventative approach is one way to assist the beneficiaries, and that would mean helping for better future planning and succession planning which starts with basic estate planning services. So that is an area that we are hoping to venture into as well, and even though some of the areas of practice on the 'Ohana Services Team side are things that are traditionally handled by other civil attorneys, the overlap with some of the DHHH requirements, their administrative rules coupled with Native Hawaiian rights, those issues actually make this a very niche area as well, so similar to the Community Services side, this is a type of service that NHLC is uniquely positioned to provide to beneficiaries.

## Pua Carpenter

*Securing homestead rights for the next generation*

Practice Area	'Ohana Services Homestead Protection	<p>In June 2021, Ms. Carpenter came to NHLC seeking help to get a subdivision approved for her agricultural homestead lease. She jointly held the lease with her nephew. As joint tenants with undivided interests in the lease, Ms. Carpenter would have challenges passing down her interest in the lease to her children. Ms. Carpenter and her nephew agreed to subdivide the lease, so that she could leave her portion of the lease to her children.</p> <p>When Ms. Carpenter applied for subdivision, DHHL rejected her request citing a cultivation requirement that they never informed Ms. Carpenter of and which was not stated in her lease. NHLC represented Ms. Carpenter and advocated that DHHL and the Hawaiian Homes Commission approve her subdivision request.</p> <p>In response to NHLC's advocacy, Counsel for the Commission acknowledged that the subdivision was wrongly denied and worked to address the issue. In August 2022, the Commission granted a conditional approval of Ms. Carpenter's subdivision request.</p>
Location	Panaewa, Hawai'i	
Resolution	Conditional Approval of Subdivision and Transfer of a Portion of Lease	

"[N]ot only did the NHLC provide legal counseling but, their help has put my concerns, questions, fears and thoughts of just giving up, aside and to focus on our goal. I've always heard of horror stories regarding DHHL and I am grateful that we have people like the NHLC to help us."  
- Pua Carpenter



If we could go to the next slide, I'm going to touch on just three of the many cases that we've handled in the past year, and I think what you'll notice a theme with these particular three that we chose is that they all have to do with DHHL in some way, and that is a large majority of the kinds of cases that the 'Ohana Services Team provides, but I want to note it's not the only type.

So looking first at Pua Carpenter, this was an agricultural lease where she and her nephew had applied for the lease. They had received it, but then when they attempted to subdivide the lease with the interests of really looking forward what was going to happen after they pass, how could they pass it on to the next generation? They submitted that request to DHHL who rejected that subdivision request, but in doing so they had cited to certain conditions that were not outlined in the lease that Ms. Carpenter signed, it also wasn't a part of any type of addendum that she had received, so essentially it was a condition she had no knowledge of about, and they said because she had not complied with it they wouldn't approve the subdivision. Through the efforts of our team, we were able to convince DHHL or bring it to their attention really that she was not made aware that she couldn't be held to that under contracts law, and therefore they should revisit her subdivision application, which they agreed to do and they have now conditionally approved her subdivision requests and this is important because her ultimate goal was to have the ability and the flexibility really to be able to pass down her interests to her children while also reserving her nephew's desires to do what he wanted with his portion of the agricultural lease.



## Estate of Margaret Decambra

### Preventing DHHL lease cancellation

Practice Area 'Ohana Services  
Limited Probate for  
Homestead Protection

Location Nanakuli, O'ahu

Resolution Net proceeds  
distributed in April  
2022



Debra-Lee De Cambra and her daughter, Briana, came to NHLC seeking help to prevent the cancellation of their 'ohana's DHHL lease in Nanakuli. NHLC helped the 'ohana navigate a complicated situation to stop a lease cancellation contested case hearing and ensure Debra-Lee could succeed to her father's homestead lease.

The original lessee, Debra-Lee's father, designated Debra-Lee's mother to receive the net proceeds from the lease after his death. Debra-Lee was later appointed as lease successor by DHHL, but DHHL would not allow Debra-Lee to succeed to the lease until she paid them the net proceeds her mother was entitled to. Meanwhile, Debra-Lee's mother passed away, and DHHL started lease cancellation proceedings when the net proceeds payment was not made.

Ultimately, Debra-Lee had to probate her mother's estate in order to receive the net proceeds, which the heirs then paid back to DHHL to prevent the lease cancellation. NHLC successfully petitioned to open probate and guided the 'ohana through the myriad of issues they faced.

"I really appreciate your guidance with this case and directing us towards what needed to be done!"

- Briana Coleon



The estate of Margaret Decambra was actually an assistance we provided to an 'ohana and this was a somewhat complicated matter, but I think it reflects some of the nuances and intricacies of navigating litigation with DHHL and again, why the services we provide are so important. Debra-Lee De Cambra and her daughter, Brianna, they came to us because there was a lease cancellation process that had been initiated. Debra-Lee's father was the original lessee and he had left his wife, so that's Debra-Lee's mother, left her as the individual who would receive the net proceeds. And as part of the DHHL process, if there's no successor designated and it goes to public notice. So in this particular case, Debra-Lee was actually later determined to be the individual to succeed to the lease. But before they would allow her to succeed to the lease, they wanted her to pay the net proceeds to her mother, because her mother was the one who was to receive it from her father before they would allow Debra-Lee to succeed. So this is all within the family. This is something that aside from the complicated administrative rules governing DHHL's process, could have been easily remedied once her mother got the net proceeds after probate. But DHHL wanted it in advance. So in order to achieve that goal NHLC opened a probate so that Debra-Lee's mother could get the net proceeds and then provide it to DHHL so that then her daughter, sorry excuse me, Debra-Lee's mother received in the net proceed so that Debra-Lee could then receive the lease. So it was a complicated process really to just make sure that this lease stayed within this 'ohana and NHLC was able to navigate that and it involved looking at probate, which I believe this was one of the first times that we ventured into this area and it's also evidence of the ways we're trying to expand to really meet the growing and evolving needs of the beneficiaries.

## Castro v. DHHL (CCH)

### Protecting Homestead Succession Rights



**Practice Area** Successorship Assistance for Homestead Protection

**Location** Ho'olehua, Moloka'i

**Resolution** Decision and Order recognizing successor, Ms. Castro's mother, as the legal lessee

In August 2021, Ms. Castro came to NHLC seeking help in honoring her step-father's wishes that his homestead lease pass down to his wife. DHHL placed unnecessary requirements for Ms. Castro's mother, Mrs. U'u, to finalize her succession to the lease which was further delayed by the COVID-19 pandemic. Unfortunately, Mrs. U'u passed away without finalizing the transfer of the lease into her name and thus, did not have the ability to designate a successor of her choosing.

DHHL initially decided that the lease remained in Ms. Castro's step-father's name. Because the Hawaiian Homes Commission Act does not recognize step-children as potential successors, Mrs. U'u's children, including Ms. Castro, were not able to succeed to her lease interest.

NHLC represented Ms. Castro in a Contested case Hearing before the Hawaiian Homes Commission, which agreed that Mrs. U'u is the legal lessee. Because Mrs. U'u was not able to designate a successor, the Commission ordered that her lease undergo the public notice process and Ms. Castro has the ability to respond to the public notice for the lease.

"NHLC is the very best and talented. We are so grateful. We are still trying to get this all to sink in what you guys did for us. You did what was right. Words cannot describe how I feel about this. I have been thinking about how we can say mahalo to you"

- Ronette Castro

So Castro versus DHHL. This matter, I think probably highlights one of a common theme that we see in DHHL matters where family members have a desire for a lease to be passed on to a certain individual and for various reasons that can't be accomplished. And this was an example of where just a myriad of circumstances prevented the individual, this was Ms. Castro's mother from being able to succeed to her husband's lease so DHHL had conditioned her succeeding to the lease on certain things which could not be accomplished and then in the meantime Mrs. U'u passed away and why this was significant is because Mrs. U'u's husband was actually the stepfather of Ms. Castro and under the rules Ms. Castro would not be able to succeed to the lease directly from her stepfather because the rules don't allow for that, so it was important to have DHHL and the Commission confirm that Mrs. U'u was the actual designee or successor of that lease so that Mrs. U'u, her children could be potentially eligible to receive the lease. In order to do this we had to navigate a contested case hearing, where ultimately it was acknowledged that the lease vested in Mrs. U'u even though she had passed away and wasn't able to formalize that process, that it did vest in her by her being listed as the designated successor by her husband and what that allowed for is that allowed for the lease then to go to public notice which Ms. Castro is applying to be the recipient of that lease. It could not be a direct transfer because Mrs. U'u passed away before she could designate who that successor was. But again, navigating that complicated process to try and ensure that this 'ohana retains this lease. This is another example of the type of work that the 'Ohana Services Team does.



## Education and Training

NHLC regularly presents to legal, student, and community audiences across Hawai'i and on the continent to educate, raise awareness about, and advocate for Native Hawaiian rights, justice, and legal needs.

NHLC is one of few organization where lawyers can build an indigenous rights practice, and the only firm that regularly practices in many areas of Hawaiian rights.

NHLC is a host organization for students every year, training and inspiring the rising generation of indigenous rights attorneys, building the pipeline for the lāhui's legal service needs, and creating allies for the community. This summer NHLC hosted a class of 12 legal interns and college students volunteers.



**Makalika Naholowa'a, NHLC Executive Director:** Mahalo Kirsha, so these are just examples, we could have picked others. Our volumes are such that we just wanted to pick a few, didn't cover all the different kinds of work that we do, and we're happy to zero in on different topics that we cover. If the Board has any questions, but hoping that that gives you really concrete insight into what the impact of the work is and what the needs of the community are. I'd like to just round out by saying that at NHLC, one of the things that we also take on as our kuleana is that as the only legal services organization that is dedicated to Native Hawaiian rights, we think it is important that we are raising awareness and creating ally-ship for Native Hawaiian community legal needs and justice needs. And so what that looks like is we are regularly presenting to legal audiences, to student audiences, to community audiences, we're regularly invited across the pae 'āina and by organizations on the continent, and that work is a part of how we ensure that Native Hawaiian rights and justice issues are included in the conversations about policy and what is important in indigenous rights law. So I think you know what Kawika was saying about coordinating with other indigenous people on the continent that resonates with us too. And so that is something that we dedicate time to and we are probably speaking once or twice a month. So when I say regular, that's pretty much the volume.

NHLC is one of the few organizations where lawyers can build an indigenous rights practice, so we're always trying to keep our eyes open for the other organizations like ours that are focused on indigenous rights, there's not another focused on Native Hawaiian rights we know that. It's not easy to find a source of truth list for other Native American groups, but what we're aware of is for and the Native American Rights Fund is like the largest, but there's one in California, there's one in Oklahoma, but there's not very many, and so this is one of the few places where you can really build that practice, and we host organizations of students every year. We think that is good for the community because it expands our capacity, but it's also good for the community in the sense that it creates a thriving, it contributes to what needs to be a thriving pipeline of future indigenous and Native Hawaiian rights advocates. And so this summer we were happy to host 12 legal interns actually, Kirsha, in addition to leading the 'Ohana Services Team, she also manages our intern program and so that I hope creates future attorneys that come back to work for us, but wherever they go, the feedback is pretty clear that they will never forget what they learned here. What the needs of our beneficiaries and our people are, and they take that with them in the spaces where they walk.

## Mahalo for the Native Hawaiian Legal Program

**Public funds are critically important for our work.**

Last year, half of NHLC's clients meet income qualifications for indigency. None can afford multi-year complex litigation even at "low bono" attorney rates.

**NHLC does not receive LSC funds.**

The largest funder of civil legal aid in the country is the Legal Services Corporation, an institution largely funded by Congressional appropriations and subject to strict legal practice limitations. NHLC used to be an LSC grantee, however, LSC grantees cannot, among other things, participate in class actions, represent in-prisoned people in civil litigation, nor participate in legislative advocacy with narrow exceptions.

**NHLC often can not recover attorney's fees even when our clients prevail in a case.**

Attorney's fees are not awarded in many types of lawsuits against the state, nor in contested case hearings and related appeals. When attorney's fees are available, the amounts claimed are commonly contested and not always awarded in full.

**NHLC's contract with OHA enables the firm's work for beneficiaries.**

Funds from the OHA contract are roughly 55% of NHLC's operating income this year. This year, our largest source of income after OHA is the Christensen Fund, a foundation based on the continent that is dedicated to supporting indigenous sovereignty. Christensen awarded NHLC a 2-year grant for \$300,000 for the first time this year. After that, NHLC's next largest source of support is much less than half that amount. When COVID relief funds are no longer available starting next year, NHLC will need to raise \$400,000/year in additional income to maintain our current service capacity. The firm is focused on development and legal business practices to support the financial health and sustainability of NHLC, including review of the services we provide and fee policies.

So the last thing we wanted to do in terms of prepared content is just really mahalo OHA and this Board for having the Native Hawaiian Legal Program. Public funds are critically important for our work. I think this group knows better than even I, our community does not have the funds at the 'ohana or hui level for even low bono attorney rates when it comes to complex civil litigation and based on our intake process, about 50% of our inquiries last year were by beneficiaries that meet the income qualifications for indigency.

The biggest funder of civil legal aid in the country is an organization called Legal Services Corporation. They're independent from the government, but they're largely funded by congressional appropriations and with those funds come really strict legal practice limitations. So they have a two page small print list of the things you can't do if you get those funds, but just to give you some examples. We're no longer an LSC grantee, in part because you can't participate in class actions, you can't represent imprisoned people in civil litigation. So the work that we've done protecting religious and spiritual practice rights for incarcerated Hawaiians would not be allowed even if we used OHA funds. So they have three different buckets and limitations. But the most strict list says you can't do the work at all, even if you don't use their funds. So long story short, unless we really limited our practice to carve out some of the important areas that we've historically felt Hawaiians needed our help with, we cannot get LSC funds.

We also struggle to recover attorneys fees even when our clients prevail in a case. So there are instances where we can, if our clients win, we can recover fees and we try to do that because we want to be a sustainable organization for our community. But many of the matters that we handle that is actually not an option, it is not an option in contested case hearings, so what you heard Kirsha talking about in 'Ohana Services, and also a lot of the work that Kauila does those go through contested case administrative processes, and if you win you are not entitled to fees in those cases. So the net of it is that OHA's program really enables our work for beneficiaries. Our OHA contract this year is about 55% of our operating income. We're very grateful to be an OHA vendor and then after OHA's support, we are delighted to now be a recipient of funding from a foundation called the Christensen Fund. They are a rare philanthropic foundation that is focused on indigenous sovereignty and indigenous rights. So for the first time they are funding NHLC and that is our second largest source of income and support after OHA, so that we are constantly looking for where can we garner more support for our work for our beneficiaries, but you know it is not easy for these reasons and so it really means a lot to be a vendor for OHA and we are very grateful. That is my prepared content, but all of us, including our board members are here to answer any questions you have and we're really grateful to be here.

**Chair Akaka:** Mahalo. Members are there any questions, comments?

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I want to thank our staff at Native Hawaiian Legal Corp. for the very, very hard work they've been doing for our people, and I know there's not enough money to fund all the people that come to them, but those people that have come experienced the help from NHLC are very, very grateful and I'd like to thank the Board for supporting this staff. The Board that's looking after the Native Hawaiian Legal Corp. All of you on the different islands mahalo nui and we appreciate your service. We'll certainly continue supporting you and see how we can help more in this area because our people need the help. They don't have money for legal service and we count on you to assist them. So mahalo nui for that work.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Aloha Makalika and team. Congratulations on all that you're doing. You're serving the Hawaiian people in a great way, and I want to thank you for helping us at OHA to accomplish our mission. I have a question for you. I think that you're very inspiring to young Hawaiians. What do you see as the direction now for recruiting and encouraging young Hawaiians to go into law in terms of the number of students and the quality of students that are attracted to devote their lives to that?

**Makalika Naholowa'a, NHLC Executive Director:** I'm happy to start, but I hope that others with our group also feel free to raise their hand and answer. Well for us, part of the reason that we want to grow is because the need is there and also because I do worry about what happens, you know, you create this great pipeline of young people going to Richardson School of Law and other educational institutions to get their legal degree and then a big question for them is where do I go put this degree to work? And so you know, I would like NHLC to be in place where I know we're never going to be able to hire everybody, but I'd like us to have more capacity to create a home so that we can connect the needs of the community and the people who want to do the work. When I think about how we get there, we don't anticipate that it's all you know all of our growth is going to come through OHA, but the trick is figuring out what model is going to work because the reality is civil legal aid is dramatically underfunded, so LSC as the largest funder of civil legal aid in the country, they provide reports every year as to how much need there is compared to being met for all Americans and it's drastically underfunded and so much so that I don't even think that they attempt to meet all those needs, right? Whereas here at NHLC, we're doing the best that we can to service every request that comes in from beneficiaries. I can talk more about our screening process because we're not able to do 100%, but about 90% of the inquiries that come in we're able to provide some kind of service.

But that is one of the big challenges and I don't think that the answer to our funding issues is going to be turning in you know beneficiaries are going to produce those hundreds of thousands of dollars that actually we need to bring in to create the practice that we envision. So part of it is figuring out where the other foundations, I mean another issue that I'm sure OHA is well aware of but it's been studied is that indigenous people get about 1% of philanthropic dollars. So the work that I think OHA does, and all Native Hawaiian organizations do to raise awareness about that and figure out how do we change that and how does Hawai'i and Hawaiians get the appropriate share of philanthropy to meet our needs is part of it. But part of it is also looking to see how is our own community thriving and where are their legal needs where maybe we can continue to support community as it evolves. Not just with its needs evolving in the sense of people who don't have resources, and what does it look like to help them in a better way? So Kirsha talked a little bit about preventative medicine, so it's much more efficient and we're probably able to help ten families with basic estate planning for the same amount of time and energy that it takes to help one family when estate planning didn't occur and now we have really messy facts and we're trying to navigate, you know, a contested case or something like that. So trying to figure that out is also part of the strategy. But it's not easy, we're here for it. We've got some ideas, but we also

welcome the ideas from others and truly want to be a place where you know feedback is provided and and we can do this as a community.

**Trustee Akina:** Mahalo, Makalika

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you for that presentation NHLC. I have first some questions for you with regards to your funding. The assessment you give us is that OHA money provides only about 55% of what NHLC needs. So what is the amount that you're getting from OHA?

**Makalika Naholowa'a, NHLC Executive Director:** Our current contract and it's been at the same amount for some time. I can't tell you the exact date, but it's been for some time an annual allocation of 1,000,000 and approximately 50,000. I think the exact number is 1048 something, but it's about 1,050,000.

**Trustee Trask:** Okay. You're saying also that Christensen is funding you for the first time. But that you're anticipating a future need of 400,000? I've worked for years with Christensen. Primarily because I've sit on the Board of American Indian Women Organizations and projects. So I know a little bit of background. How do you feel about the Christensen fund being recurring? You're in a position now with them where they will assist that based on your first award. So I'm asking you this now, you're getting a 300 grant from Christensen for a 2 year period.

**Makalika Naholowa'a, NHLC Executive Director:** Yes

**Trustee Trask:** Do you anticipate that that will be refunded? Are you planning to apply again at the end of this biennium?

**Makalika Naholowa'a, NHLC Executive Director:** We are, it is our hope that we can start a long term partnership with them. This is actually my first quarter doing a report to them on this grant because it's a new grant. They have indicated that they are very interested in being inclusive of Hawai'i and Native Hawaiian needs in their mission. And I mean to be candid and frank, I think because of their CEO Carla Fredericks, and my contact that manages the program that's allocating the funds is, they're both lawyers, so I think for them we have an audience that appreciates how important legal services are to sovereignty efforts for native people, so I'm hopeful that we will earn their continued support.

**Trustee Trask:** The \$400,000 future need that you're giving us here. Does that drop to 100,000 if you get the Christensen confirmation?

**Makalika Naholowa'a, NHLC Executive Director:** It doesn't. So this year that amount is budgeted as hopefully being a combination of fees. Which you know, I've shared that fees can be uncertain, but based on historical ability to recover from some of our lawsuits, quiet titles an area where if you prevail you often can get fees from from the other party not from the beneficiaries and also this year I mean frankly, we're also benefiting from what I think a lot of companies are with COVID relief funds, so we've applied for and believe that we will be eligible for some of these ERC tax credits, and so that's how we're filling that gap and we've, you know, benefited from some other programs over the last couple of years that provide COVID relief funding, and so that's really helped us to absorb the increased cost of providing the service over the years. And you know, retaining staff. But as we look at COVID funds winding down, we are going to have to be really focused on how we raise those funds from alternative places.

**Trustee Trask:** I have another question. When I look at your data, you describe your services to the community as limited probate, limited family law, but I just wanted to know what that means limited probate, I mean does it generally mean families that need the help to get through it, but we don't have ten other family members contesting it. You know what I'm saying when you get to guardianship, and some of those areas with

our children, they're really kind of pro forma to get the guardianship set up. Your periodic appearances to the court as opposed to some real, you know, contested guardianship. I wasn't sure how to understand your definition of limited.

**Makalika Naholowa'a, NHLC Executive Director:** Yeah, that's a really good question. The two are pretty different scenarios, so I'm gonna first address the family law part. If that's okay and then ask if Kirsha could add some on the probate part. So the family law part is the most I would use the word par baked of the possible expansions that we are considering, but what that's getting at is a loud and consistent call that we're hearing from the community at NHLC about the extreme over representation of Native Hawaiian kids amongst kids removed from homes. Some of the that is, it is a very complex area because you got to balance families interest in keeping their kids with of course kids safety and so not every case is going to make sense for NHLC and so we still need to figure out what the parameters are. But we know that there is a percentage of those removed children where there's relatives who would like to step up and who have the capacity and means to do so and need help figuring out how to do it. We also know that there are some removals that are occurring for what's being cast as neglect, which is another way of saying because your families are poor and how do we fairly help those families navigate that so that their kids aren't taken away, and along with being taken away and all the harm that causes, but also the disconnect for their native identity because often they're being put into homes that are not indigenous, not Native Hawaiian. So I mean that way I think our community suffers in a way that's really similar to other American Indian groups on the continent, and we're trying to figure out what can we do. We have not historically ever done that, so I think there's a lot of nuance to figure out. Because it's a tidal wave first of all if you open your doors to it, but also like there's probably a specific subset of types of cases in that area where it would make the most sense, and we need to define that. But it's just something that the call for help had been so consistent and loud over the last year that we're trying to think that through. Kirsha, could I then punt to you on the limited probate?

**Kirsha Durante, NHLC Litigation Director, 'Ohana Services:** Sure, you know I think as we indicated during the presentation, the Cambra case was one of the first times that we ventured into that area, so the limited probate that we, this type of assistance we offer is generally in circumstances where there's no dispute over who is going to be the personal representative, 'ohana is an agreement, and it's largely for the purposes of transferring a specific item as opposed to the entire estate of the individual. So things like transferring the net proceeds to an individual who is the recipient identified by someone who has since passed away and previously had a lease. Also limited probate like in the other cases we have done, where we've done it to assist 'ohana with the transfer of title from one generation to the next generation, again with there not being any type of contesting within the 'ohana, the 'ohana is all in agreement that one individual can serve as the personal representative and then we represent that one individual and assist them with the transfer of those types of assets through that process.

**Trustee Trask:** Thank you.

**Chair Akaka:** Members are there any more questions or comments? Mahalo nui for your presentation.

**Board Chair Hulu Lindsey:** Thank you again. All of you at NHLC, mahalo for being there for our people.

**B. Action Item BAE #22-03:** Approval of Due Diligence Activities in Pursuit of an Executive Order re: Kamokila Hawaiian Village, 5523-5519 Kuamo'o Road, Kapa'a, Kaua'i, Hawai'i

**Chair Akaka:** Do we have any testimony on this?

**BAE Staff - Mark:** No testifiers, Chair.

**Chair Akaka:** No testifiers, but we've received written testimony?

**BAE Staff - Mark:** No written testimony.

**Chair Akaka:** I believe we did. It was sent to the BOT Meetings e-mail and then forwarded to us.

**Trustee Ahuna:** I believe Sean Chun.

**BAE Staff - Mark:** Sorry, Chair, Brandon, just stepped back in.

**BAE Staff Brandon:** Sorry about that. Yes, we did receive one written testimony and this is from Sean Chun and it was emailed out to the Board and its Members.

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair Akaka. If I recall the one e-mail had a number of attachments of multiple attachments to the one e-mail on the topic.

**Chair Akaka:** Thank you

**Ka Pouhana Hussey:** I just want to make sure I got the right e-mail. Trustees, before Administration continues I just wanted to point out a typo on the action item that doesn't affect the action, just the actual action item itself. Starting on Page 3 to 18 in the header, instead of action item 2204, it is actually action item 2203, so just the header doesn't affect the motion or the recommendations being made by Administration. Trustees, as you may recall from our September meeting, Administration brought forward to you information that had started with a beneficiary back in March, as well as additional information from the community including kupuna, as well as beneficiaries came to the Kaua'i meeting to be able to share their mana'o about this and so for clarification Trustees, this action item is not selecting anyone or not pitting any beneficiary over another, but just asking for for approval so that Administration can pursue an executive order with the Board of Land and Natural Resources and the Department of Land and Natural Resources, specifically, the State Parks Division. So if there are any questions, please let Administration know, but what we are asking for is just approval to continue more due diligence activities, which would include a community engagement as well. So I will leave that Chair Akaka, if any Trustees have questions.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I received the letter package from Sean. There's many, many letters of support that came in with it. I also had several pages that I'm not sure came with this report or somehow got stuck in it with our office, along with all of the single page letters I have, all of which are very supportive. I have several pages that are stamped for no reproduction without written permission of the Bernice Pauahi Hawaii Bishop Museum. Is that part of these materials, or was that a mistake? Because none of these when I look at all of these things, I don't know if this is the ethnographical collection that came from Kamokila Hawaiian Village. Is that what it is, or was it just a mistake? I just wanted to check with that to see if anyone had the same materials because I couldn't understand where it fit in. It looks like this.

**Ka Pouhana Hussey:** Trustee, I know the the packet of letters I received included those attachments. I treated them as attachments to the letters. So I'm looking through the several, you know, letters and attachments look like they have information that you're describing.



**Trustee Trask:** Yeah they do, but when I looked at the attachments I mean for instance the lomi stick is recovered at Honaunau on my island so I that's why I was asking is this part of the attachment? But the letters are certainly very good and very supportive of this work going on in Kaua'i, you know, I just wanted some clarification on the other materials that were handed out.

**Ka Pouhana Hussey:** I'm not sure, perhaps Trustee Akaka's Aide maybe can give some context?

**BAE Staff Brandon:** Yeah, so CEO, these it all came in the same e-mail, so we just sent out whatever Sean had attached to his e-mail. Yeah, that was it.

**Trustee Trask:** Okay

**BAE Staff Brandon:** So Sean had his original e-mail and then after that he just put all these attachments onto his e-mail. Thank you.

**Trustee Trask:** Thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. Question for Ka Pouhana, I'm wondering if you could tell us a little bit about the nature of an executive order and in particular will approval of this executive order enable the Administration to make the final decision with regard to Kamokila Hawaiian Village. We're talking about the final decision with respect to land conveyance, which I understand to be a fiduciary kuleana for the Board of Trustees.

**Ka Pouhana Hussey:** So thank you, Trustee Akina for that prompt. My understanding of the executive order process. So the most familiar for the Office of Hawaiian Affairs is the executive order of the Kūkaniloko lands. The .5 acres or that small parcel in which our 511 acres surround that is an example of an executive order recently. We have other executive orders that come from the Department of Land and Natural Resources to OHA, and now they retain ownership, but we have stewardship kuleana. So the process that would involve is the Governor actually does the executive order from DLNR and it's based on the Board of Land and Natural Resources recommendation as put forward by the Department of Land and Natural Resources. In this case, state parks, so the process is ultimately the Governor's to transfer through executive order that parcel to the Office of Hawaiian Affairs. We have examples that sometimes that transfer comes with, you know no lease or a dollar lease, a year lease or a gratis type lease. So we have examples of that, but essentially that is a Governor's action to be able to transfer that and then once it is in OHA's land inventory and kuleana, then it will be the Trustees' kuleana to determine based on, and we plan for the land division to make recommendations as to how best to steward that property, and that probably is an RFP process so that it is fair, open and available, and in that RFP process OHA would describe what is it that we expect of the stewards. Knowing that this area floods a lot, knowing that there are artifacts there, knowing that there are potential for programming there. So we would put in the RFP. But we can't do that until it is our kuleana, right now, it's not. It's sitting in DLNR and in State Parks kuleana.

**Trustee Akina:** At what point do we, as the Board of Trustees, decide that we will receive the transfer of this 'āina?

**Ka Pouhana Hussey:** So I would say that the request Administration is asking now is to do the due diligence and to do more due diligence. Right now we feel the executive order is the mechanism for getting this culturally based property to OHA to steward. However, in our further due diligence which includes community engagement, we may find that perhaps it is not advisable to continue to pursue, but that is the request that Administration is making of the Board to allow us to continue due diligence activities before you know, a final

recommendation is made to the Board and then more importantly to the Board of Land and Natural Resources for the Governor's action.

**Trustee Akina:** Thank you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. Yes, I've received several calls about this and one of the biggest concerns the beneficiaries were talking about was transparency and process and what is really going on. A lot of them didn't feel like things were made clear. Today they thought the meeting was on Thursday. They had no idea it was today. So there's changes, there's things going on, but I wanted to thank you guys because this is not something new. We've acquired land before. Ho'omana is another place right on Kaua'i. Ke Kula Ni'ihau is another place. So this is not something that is foreign to us. I think this is a good choice for OHA to acquire the land. However, the concerns they had was the transparency and how we're going to get the proper stewards on those lands. So thank you so much for saying that.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yeah, if we could just get some clarification here. We're in the process, things look good. Are we moving towards a legacy land acquisition? Is that what we're doing? I'm not sure I understand what we're, we're on the path in the right direction, but when we say that we would like OHA to take it are we talking about legacy lands with our partner on the nonprofit, and if it is the non profit you know to be honest with you, I just would like some clarification. When we were back on Kaua'i there were at least three groups that seemed to me were talking about this and my notes actually showed there might be a fourth group, so you had several speakers. You had Fernandez family. You know, I'm not sure which group we're working with. Has that disappeared and now we only have one group when we talk about it coming to OHA, are we looking at the legacy land program that we have a nonprofit backed up to partner with us? You know, like I'm looking at for Kupukahi, I'm just not sure. I'm just not sure where this thing goes. It's going in a good direction, but where are we going?

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Great question, Trustee Trask. One of the things and speaking to Trustee Ahuna's transparency. One of the things we wanted to be sure is that while as many advocates were there on Kaua'i, like you said various groups and the letters of support have come from predominantly one group, this process is not about OHA choosing beneficiaries one over the other. This is about OHA pursuing an executive order to bring a relatively small parcel of, you know, four acres or so into as you said, Trustee Trask, our Legacy Land Program. And once in the Legacy Land Program, thinking about how best it fits into that and what is required and what opportunities are there to maintain culture economics. One of the due diligence items is what is a permissible use on the river and what kinds of economic, you know could be, certainly education is their, certain preservation. So there are many facets of this but until it's in our inventory to be able to do that, we really don't have any right to do it because it's not in our inventory to be able to do that legacy land planning and programming. So right now it's not about choosing a beneficiary one over the other. It is about pursuing a path to do more due diligence, which includes talking with our communities, our kupuna, those there on the lands.

**Trustee Trask:** Thank you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I did want to offer one more comment. I believe this came to the forefront because I believe the state was taking away the land from the previous people who were stewarding the land and OHA



intervened and we're trying to just make a proper decision and right now the decision that we're making is to have it. To have us be the steward, right. I mean the overall stewards, so I just wanted to just make sure, it just didn't come out of nowhere. It came out through because they were losing the land. Thank you.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Could I add on to Trustee Ahuna's insights there, in the action item one of the alternatives considered is that Trustee Ahuna is correct. The lease has expired for the current family, so we're not looking at we're trying to get their lease back right. The lease has expired. The DLNR has let us know that there are a number of next steps, one of them is they can go out and you know, go ahead and do an open RFP themselves. Another is they can actually direct contract with a nonprofit. The third is OHA can respond to those right. We can go put in our RFP response to that or we can you know work with a nonprofit with them and then the fourth is what we are saying is to pursue an executive order. Again, so that we can manage that on behalf of our beneficiaries and in our community. So again, it's not about choosing a one over the other, although there have been several ideas that have been brought forward for programming and maintenance. And of course there's the long history of the maintenance of the family there on the lease. It is a 60 year lease but this particular action, we are not asking for decision, but more time to explore all of the tendrils before going to pursue an executive order with the BLNR.

**Chair Akaka:** Mahalo Members, any other questions or comments? Can I have the motion put up? Trustee Ahuna would you like to make the motion.

**Trustee Ahuna:** Just one last concern, I'm so sorry and another thing they didn't want is like change in the meetings that they were ready to present and we changed the meeting. So I just wanted to say that.

**Action item BAE 22-03, approval of the due diligence and other activities in pursuit of an Executive Order re: Kamokila Hawaiian Village, 5523-5519 Kuamo'o Road, Kapa'a, Kaua'i, Hawai'i. OHA Administration recommended action, authorize Administration to execute due diligence and other activities in pursuit of an Executive Order for Kamokila Hawaiian Village, 5523-5519 Kuamo'o Road, Kapa'a, Kaua'i, Hawai'i, in accordance with existing policies, processes and procedures.**

**Chair Akaka:** Mahalo, Trustee Ahuna. Is there a second?

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded by our Board Chair Hulu Lindsey. Members, any other questions or comments.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. I'd like to make an amendment to the motion.

**Chair Akaka:** Okay

**Trustee Lee:** I would like to **strike out the word "in" after activities and instead add in "for possible"**. So it would now read, approval of due diligence activities for possible pursuit of an executive order. Just so that it's not misunderstood that we are in fact pursuing an executive order.

**Chair Akaka:** Okay, I believe we would need to vote on this then.

**Trustee Lee:** Well it needs a second first.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other discussion members? Seeing none, can I have a **roll call vote**.

							12:03 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE	1		X			
CARMEN HULU	LINDSEY			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** That motion has passed. Would we like to read that again. Alright, do we need to make a motion to vote on this with it amended. Can I please have a motion.

**Trustee Lee:** No motion is necessary, Chair. The motion is already on the table, we just need a vote.

**Chair Akaka:** Alright, can we have a **roll call vote**.

							12:04 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			

CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**C. Action Item BAE #22-04:** Approval of the 2023 Legislative Package

**Chair Akaka:** Do we have any testimony on this?

**BAE Staff - Brandon:** Chair, we do not have any testifiers that sent in written testimony, we have no testifiers here and we have no testifiers online.

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair Akaka and Trustees, before I hand it over to our Ka Pounui and Capsun, I wanted to call to your attention on page 8 of the action item. The certification signature was missed by the CFO and so the CFO is online to verbally certify that the action here is aligned to all budget related policies. So Trustee Akaka, I just wanted to point that out for the Committee so that it can be recorded in the minutes that the CFO can verbally certify to that section.

**Chair Akaka:** And also, can you make note of administration's entry on page 4.

**Ka Pouhana Hussey:** Correct, so the table on page 4 is table 2, in the orange headed, instead of the 24-25 515,000 that is 615,000. This does not affect the motion because the bill in attachment A is correct at 615,000, so those are the two action item edits that needed to be made, and if you want to have CFO Hinke actually verbally certify she can do so at this time.

**Chair Akaka:** Yes please.

**CFO Hinck:** Good afternoon Trustees. I Ramona Hinck as Chief Financial Officer certifies that no funding is required to approve the 2023 Legislative Package or their coordinated advocacy efforts and that the financial implications of the proposed 2023 Legislative Package items are aligned to fiscal and budget related policies.

**Ka Pouhana Hussey:** Chair Akaka, that's it. If it's okay, we'll go ahead and hand it over to Ka Pounui Casey and Capsun.

**COO Brown:** Mahalo, Chair Akaka and Ka Pouhana. So I'm here with Capsun and we're gonna go through the legislative package again. We came to you folks in September on the 20th to give you folks a preview of the package. It hasn't changed much or you know very much at all. But we have a little more detail there. A little bit more direction to offer as well and so Capsun, if you have the presentation ready to present.

**Interim Chief Advocate Poe:** Aloha and good afternoon Chair Akaka, Trustees. Thank you Ka Pouhana and Ka Pounui for your efforts to bring us here today. As you know, Capsun Poe employed here as in my role as Interim Chief Advocate. As Casey mentioned, I'm here to give the Committee an overview and an update on our leg. package and activities. I do think all of this is pretty straightforward, and as Casey indicated, you know we did sort of cover this with the Committee and the Board previously and I know the attachments are pretty long, but just to help you sort through it, just a quick reminder that attachment A. is a draft of OHA-1,

attachment B is Act 29 from last year's 2021 session and that was about our budget bill and then Act 226 is in attachment C, which is related to the Public Land Trust payments inventory and the workgroup and I know we call it Public Land Trust because that's what it says in the bill. But it's also of course the ceded lands that we are talking about. So let me just go through and get started.

## 2023 Legislative Schedule

- **September 20, 2022** – 2023 Legislative Overview with BAE-RM
- **Late October 2022** – Legislative Package Approval with BAE and BOT for OHA-1 Final and OHA-2 Conceptual
- **December 2022** – Legislative Package Approval with BAE and BOT for OHA-2 Final
- **Late December 2022-January 2023** – Budget and/or Informational Briefings with WAM, FIN, Subject Matter Committees
- **Early January 2023** – Deadline to submit OHA Legislative Package
- **January 18, 2023** – Opening of the 32<sup>nd</sup> Legislature, 2023 Session

You know this schedule was provided to the Committee and the Board last time. There really is only one major update here, and it's talking about this sort of second phase or second step as far as the approval goals for the legislative package. Today we are asking for the Committee's consideration and we do recommend and request that you give final approval to OHA-1 the budget and OHA-2 at least as far as the strategies and concepts which is our Kaka'ako Makai bill.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** I'm sorry to interrupt you Capsun, so you're calling for another approval in December 2022. Our bylaws do not allow for a meeting of the Board after the General Election until the call in January to elect from ourselves new leadership. So that December 2022 call for a BAE meeting and a BOT meeting cannot happen.

**COO Brown:** Madam Chair, can I ask for some help in interpreting that? Is it after the reorganization of the Board, and is that reorganization include election of your leadership?

**Trustee Lee:** That's correct, that's what our bylaws stipulate.

**Chair Akaka:** After December 8.

**COO Brown:** So okay, yeah. So then my follow-up question would be it's currently Administration's understanding that reorganization would take place in December, early December. Is that still correct?

**Trustee Lee:** Okay, thanks for the clarification, Casey.

**COO Brown:** Mahalo

**Interim Chief Advocate Poe:** Mahalo for that as well Casey and mahalo, Trustee, I think you know you are helping us to dot our i's and cross our t's and, you know, at least we keep it in the 'ohana before we get to the

big square building. So we want to make sure everything is, as you've been trying to get us to be, you know, up to snuff, and again, I know we mentioned it, but you know the underlying material and the bill itself was correct despite the little change we had here.

## Package Activities

- Propose a Highly-Focused Legislative Package with 2 Bills
- OHA-1, OHA Budget
  - ▣ Request comparable general fund appropriations for Fiscal Biennium 2023-25
  - ▣ \$3,000,000 annual appropriation for OHA175, Beneficiary Advocacy
  - ▣ No overhead or positions are being requested
  - ▣ Final approval of draft bill recommended/requested today

You know the request is for \$3 million in OHA-1. All of this would be appropriated to OHA-1 prog. ID, OHA 175, which is Beneficiary Advocacy. This request is comparable to previous years. You know, the \$3 million is pretty consistent with recent history. Sometimes it goes down to two point something million. We've gone as high as 4.5 million. As far as general fund appropriations, but we are right in the range where we think we want to be, I would point out that there are no overhead or positions being requested in OHA-1 and also having just heard from NHLC, I did want to point out that our request this year, it does include a modest increase in the appropriation request for legal services.

## Package Activities

- OHA-2, Kaka'ako Makai
  - ▣ Request repeal of residential restrictions in Chapter 206E, HRS
  - ▣ This would allow OHA to realize the promised value of Kaka'ako Makai
  - ▣ Conceptual approval of bill drafting recommended/requested today
    - Informed by outreach activities
    - Informed by master plan activities
    - Address the value and conditions of the land with respect to \$200M settlement amount in 2012
  - ▣ Final approval of draft bill will be recommended/requested in December

Kaka'ako Makai, we will continue to refer to it there, and of course as for OHA's portion of Kaka'ako Makai, Hakuone, but that is the focus of OHA-2. Again, all of these are efforts for us to unlock the true potential of our holdings in Kaka'ako Makai and we would therefore, recommend and we are trying to work on requesting a repeal of the residential restrictions in Chapter 206E Hawaii'i Revised Statutes, that's basically HCDA's portion of HRS, and we are pursuing removing those restrictions on residential development. The conceptual approval that we're offering and recommending today would be to approve it, and as the drafting goes forward, it would include outreach activities or sorry it would be informed by our outreach activities, the master plan



activities we mentioned, and ultimately to address the value of the \$200 million settlement that was now 10 years ago and as we just covered, we would be bringing back the final for approval in the BAE as well as the BOT in December.

## Non-Package Activities

- ❑ Monitoring and Position Recommendations on Bills and Resolutions (Matrices 1-4)
- ❑ Coordinated advocacy on issues affecting Native Hawaiians
  - ❑ Direct impact on OHA
  - ❑ Broad lāhui issues – ‘ohana, culture, ‘āina and wai, educational pathways, health outcomes, quality housing, economic stability
- ❑ PLT Working Group to determine OHA’s pro rata share
  - ❑ Pursuant to Act 226, SLH 2022
- ❑ Partner with other advocates whose work intersects and aligns with OHA’s efforts

Other activities here. This slide has not changed since the last time. I did just want to highlight that coordinated advocacy with the start of the Legislative Session just about two months away. We are starting to organize and hear from other partners, both past and present, and so you know, we continue to work with Native Hawaiian organizations, but I would say I'll specifically call out that the ACLU of Hawai'i on the issue of juvenile justice reform, for example, something that does impact our Native Hawaiian families. So we are trying to partner with them. That's a newer partnership that we did have as well this year, and we're looking to try and continue with that. And then again, you know there are other partners that the Board is aware of and that we could and should work with. We're always open to that, and I know this pau, but I did want to just say one quick reminder that you know for us I want you to know that a whole lot of work s being done on OHA-2 our Kaka'ako Makai residential repeal bill. For I think some obvious and maybe some other reasons. You know, just a reminder that it is a very complex and complicated issue from a legal standpoint, from a political lens as well as the strategy to achieve some of the goals we've laid out here and with that you know that was my quick overview of this. I know we have some others on, but we do want to of course open to questions and I'll just give you a heads up that depending on the question, we may have either Mona or Ka Pouhana for OHA-1 and then Casey in his land director hat for OHA-2 to help answer questions, but with that Chair, very happy to try and get any clarity for members.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. I just want to make sure it's January we're coming up for the Legislative session. You said you were the Interim Chief Advocate. Who is public policy? Who is filling in these roles? Or who is doing all the work, like who is going to be doing everything?

**Chair Akaka** recognizes COO Brown

**COO Brown:** Mahalo, Trustee Ahuna. So Capsun is serving as the Interim Chief Advocate and we've just hired on the public policy side with the state focus we've just hired our public policy manager. Outside of that we are still in mad recruitment mode. We're looking for qualified candidates. So we're a little, we're sort of similarly staffed to last year in that respect. You know with that team, but it's not going to stop us from fulfilling our duties. We're finding a way to manage what Capsun just presented.

**Trustee Ahuna:** One of my biggest concerns last year, HB499 came up and we did absolutely nothing.

**COO Brown:** What was HB499 again?

**Ka Pouhana Hussey:** The land lease, the extension of the land lease.

**Trustee Ahuna:** We gotta make sure we have people in these places if we're going to do this. We cannot go on not knowing and or two guys doing all the work and then we're gonna, you know, the same thing happens, you know, like last year. So I just want to make sure we're doing this right. Thank you.

**Interim Chief Advocate Poe:** Mahalo for the concern, Trustee. You know the burden or sorry, the realization of the nui kahana here is not lost on me. And what I would say is you know, just like we would probably do with, you know, within our own 'ohana, you know we're calling other folks for us to help kōkua where they can so I do want you as well as the Trustees to know that we often have our Community Engagement staff available to help as well. I mean this is OHA wide kuleana and we are all trying to support that and Trustee, for the specific example that you brought up. You know, I do want you to know and all the Trustees to know that if you know, when we do think this is our best read of the situation and if we have missed something please you know, I would encourage you to let us know during the BAE meetings and we can definitely do a better job if we're all being maka'ala about things.

**Trustee Ahuna:** Thank you for saying that, 'cause the last time people were coming, beneficiaries were coming and saying it and we still did like there was nothing connected to it. You know what I mean and it just went on, like we just let it go. Thank you so much, I was just concerned, those are my concerns. Thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you. Colleagues, when I look at what we're anticipating in the coming Leg. Session, a few things come to mind. The Legislative PLT Working Group is supposed to be looking at OHA's pro rata share. I don't think that there's any way this is going to be resolved in one Legislative Session. And if I should be one of the ones from OHA that sit there, I'll tell them. I see it happening, taking at least two to three years. And the reason why is we're already seeing it at OHA in our PLT PIG. Not only looking at current lands and revenues from it, but some areas where we consider that it's greatly, greatly undervalued. Example, our current Advocate Kealoha Pisciotta got one lease for one telescope less than two weeks, millions of dollars paid. Yeah, how much do we get from OHA? \$0.20 a year, so I think that's just one real clear example the problems that we're going to have. But we have disbanded our Public Land Trust PIG group. So I really, you know, I really think before the session opens, better consider putting the PLT PIG group back, including with Sherry. Because things are going to come up in the Leg. and we need to be on it, and we can't be bringing it in every two or three weeks to the Board yeah, so we need to get ready for it.

One thing I had just wanted to ask is I didn't understand the previous statement about we're talking with the ACLU. We're looking at a partnership, that is not in these materials. I'm extremely concerned about it, colleagues. When 60 plus kupuna got arrested on Mauna Kea, two of which are on your current Board, I had gone to the ACLU for no right more critical than the right to worship the Akua, and the ACLU played games for weeks. And then in the last meeting I had with them, they told me, you know, we cannot. We cannot actually work with you folks Hawaiians on this kind right to worship God thing on Mauna Kea because the Attorney General who is now the Executive Director of the ACLU was part of the State AG team to prevent us from

resolving Mauna Kea problems. So you make a mention here of working with ACLU in a partnership. I do not see it. In the Minutes for this meeting, I'm requesting a full disclosure in writing and I'm cautioning you right now. We sought assistance from the American Civil Liberties Union. They couldn't protect our right to worship God. I'm very kānalua, very. They might have some new folks over there, but you better check it because a lot of the people that go to the ACLU are coming from the Attorney General's Office of the State. You know, I just want to object to that and I want some disclosure, who is talking to the ACLU? What is the nature of your discussions? Do you have documents? Do you have emails or documents please send them to me. Yeah and you might wanna discuss with them their previous refusal to assist 60 plus kupuna trying to worship there. They disclosed the conflict, but you know whoever is talking with ACLU now and looking at a partnership, I would like you to disclose it and disclose it fully. Who are you talking to? How long you've been talking to them? I would like to get some paperwork on it, all the emails, all of it.

**Chair Akaka:** Mahalo, Trustee Trask. Capsun.

**Interim Chief Advocate Poe:** Yes, to Chair and to Trustee. I definitely heard you and feel you loud and clear there. I did want to apologize then you know, I didn't mean to maybe push the conversation in that direction. I meant it as just a potential you know partner as far as our advocacy efforts go. I did not want anyone to think that this was in a legal sense. We of course, our primary partners are other Native Hawaiian organizations. The Department of Hawaiian Homelands and Kamehameha Schools come to mind and we do much of our coordinated advocacy there together and Trustee, you know, the ACLU, I know you brought up several issues there, and so that may be more on the legal side. Juvenile justice was an issue that I just specifically brought up because OHA was pushing for that in the past session and so we continue to do that. I don't want you to anyway, I'll just maybe perhaps leave it there and figure out how we can properly notify the Committee and the Trustees and also to maintain your buy in and trust of the efforts that the Administration is taking on behalf of the organization.

**Trustee Trask:** You know it's not a question of trust of my own staff. It is a question of experience with people calling themselves the American Civil Liberties Union and let me tell you, I was a member for years all the way through law school. They're the ones that got me to go work with the folks who were fighting for a fair wage in California. But the ACLU on the continent is not the ACLU here. I would be very cautious with them and I'm going to track it. I'm going to track it because the ACLU also participates in things like legislation and I would not trust them on the protection of any of our rights or advocacy of any of our rights. Thank you.

**Interim Chief Advocate Poe:** Mahalo, Trustee and just Chair and Trustees, I really do appreciate that feedback and that helps us be maka'ala, both with what we're advancing, who we might be opposing or questioning, and also who we work with so we will keep that all in mind, mahalo.

**Chair Akaka:** Mahalo, any other questions or comments? Ka Pouhana, COO, Capsun, is there anything else more you'd like to share?

**Ka Pouhana Hussey:** There isn't Chair Akaka, but what we wanted to point out to the Board is the motions that are there are similar to the motions that were there last year. So we asked for approval of OHA-1 because that's already drafted. You have a copy and the methodology and the amounts are there. OHA-2, we are asking for conceptual approval subject to coming back to the Board for final approval before submission. The submissions are generally at the end of December, and then motion three is again similar to allow Administration to make drafting and editing before final approval. You know making sure spelling, titling, all of that kind of thing. That's normally what we ask for and then motion four is about affirming our coordinated advocacy that even though we only have two bills which are pretty meaty bills, that we still participate in legislative hui, we participate in advocates the NHPI-3 Committee. Any of the other advocates that come to OHA to be able to also advocate, and what we use is the criteria of previous positions that have been taken in terms of that will also be still tracking OHA impacted bills, so these are the motions that are similar to a year ago when we asked for approval.



**Board Chair Hulu Lindsey:** I move that the Board approve the measure entitled **OHA-1 – RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS** Approve the measure entitled **OHA-1- RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS**, to be included in the 2023 OHA Legislative Package as drafted at Attachment A.

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Any other discussion Members? Seeing none, Brandon can we please have a **roll call vote**.

							12:31 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE					X	
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	1	2

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

**Board Chair Hulu Lindsey:** I move that we Approve the drafting and submission of a Kaka'ako Makai residential repeal focused bill for submission to the 2023 Legislature, that considers the: 1) Elements and conditions of the 2012, State of Hawai'i, \$200 million, 30 acres, 10 parcels of the public land trust revenues settlement, for 1980-2012; 2) Outcomes of SB1334 and HB1267 from the 2021 Legislative Session; 3) Additional information obtained during the drafting process; 4) Titling of the measure for strategic and clarifying reasons; and 5) Labeling of the measure as OHA-2 for tracking purposes.

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Any discussion Members? Seeing none, Brandon can we please have a **roll call vote**.

							12:33 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE				X		
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	1	0	2

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

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Approve drafting and editing measures, to: 1) Make, appropriate, technical, ministerial, non-substantive edits for style, clarity, consistency, and accuracy of the final measures; 2) Add preamble language in the measure(s) for framing and editorial purposes, as needed; 3) Title the measures for strategic and clarifying reasons; 4) Label the measure(s) for ease of tracking; and 5) Return to the Committee on Beneficiary Advocacy and Empowerment (BAE) and the Board of Trustees for approval action prior to the bill submission deadline established by the State Legislature.**

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Any comments Members? Trustee Lee.

**Trustee Lee:** Thank you, Madam Chair. Just so the Members know, I'll be voting no on the next two motions. This practice of codifying job descriptions is just crazy to me. This is the job description of our advocacy department. This is the work that they should be doing and as it states in the motion that they'll be bringing all of this work back to the Board. I mean, back to the Committee for approval. Why we need a motion and to vote on approving them doing their jobs. I do not understand, so I will be voting no on the next two motions. Thank you, Madam Chair.

**Chair Akaka:** Members, any other comments? Seeing none, Brandon can we please have a **roll call vote**.

							12:35 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA					X	
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE				X		
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				5	1	1	2

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

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Approve OHA's participation in 2023 coordinated community advocacy efforts in alignment with:** 1) OHA's mission, vision and values; 2) Strategic Foundations ('Ohana, Mo'omeheu, 'Āina); 3) Strategic Directions (Educational Pathways, Health Outcomes, Quality Housing and Economic Stability); and 4) Previously approved Board positions and resolutions; with the understanding that Administration will bring forward to the Committee on Beneficiary Advocacy and Empowerment ("BAE") 2023 State Legislative matters in the normal course of established processes (e.g., matrices, position changes), in addition to informing BAE members, and the Board of Trustees as a whole, regarding status of support(s) of community advocacy efforts.

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments Members? Seeing none, Brandon can we please have a **roll call vote**.

							12:37 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA				X		
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE				X		

CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				5	2	0	2

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

### III. ANNOUNCEMENTS

NONE

### IV. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any discussion Members? Seeing none, can we please have **roll call vote** to adjourn.

							12:39 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **12:39 p.m.**

DRAFT



Respectfully submitted,

---

Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

A. October 25, 2022\*

B. December 12, 2022\*

C. January 25, 2023\*

D. February 1, 2023\*

E. February 8, 2023\*

F. February 22, 2023\*

G. March 1, 2023\*

H. March 8, 2023\*

I. March 15, 2023\*

J. March 22, 2023\*

K. March 29, 2023\*

L. April 5, 2023\*

M. April 26, 2023\*

N. May 3, 2023\*

O. November 8, 2023\*

P. December 6, 2023\*

Q. January 31, 2024\*

R. February 7, 2024\*

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**December 12, 2022 11:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin, IT

**EXCUSED:**

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Monday, December 12, 2022 to order at **11:03 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (11:03 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRICKWOOD	GALUTERIA	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEONI	SOUZA	PRESENT	
TRUSTEE	MILILANI	TRASK	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9) Trustees are PRESENT**, thereby constituting a quorum.

## **II. New Business**

### **A. Action Item BAE #22-04A: Approval of the 2023 Legislative Package as Updated**

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka:** The committee folder was distributed within the 72 hour deadline for board materials thereby requiring a waiver of the 72 hour deadline for board materials.

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. I will go ahead and ask Ka Pou Nui Casey Brown to go ahead and walk us through the action item.

**COO Brown:** Aloha Trustees, congratulations on your reorganization and welina mai to new Trustees Galuteria and Souza. OK, so we're in late October.

**Board Chair Hulu Lindsey:** Excuse me, Casey. Chair, may I recommend that we make an action item and then go into executive session?

**COO Brown:** Chair Akaka, can I respond real quickly to Chair Hulu?

**Board Chair Hulu Lindsey:** Go ahead, Casey.

**COO Brown:** Chair Hulu, I got you, I understand your intent here. Allow me to do a quick intro. I'm going to stay real high level, give an overview and then I'll recommend that timing of when to move into executive session.

**Chair Akaka:** Yes please proceed forward, Casey.

**COO Brown:** Okay mahalo, Chair. So in late October Administration brought you the legislative package for 2023 session, and you folks gave your approval, but as a condition of your approval, we were to bring back a complete draft of OHA-2. OHA-2 is our Kaka'ako Makai Bill and that bill is now drafted and was shared along in your meeting folders and that will be the focus of our discussion today.

Real quickly for the two new Trustees, I know you folks got some introduction on this, but OHA submits a bill package every session. This year we have two bills, our Budget Bill and our Kaka'ako Makai Bill. We also track and monitor OHA named bills and bills that affect Native Hawaiians. It's a big pool of bills and it's a lot of work and we work heavily with you folks, with the Trustees throughout session so that you folks can form your positions. The heart and soul of this work is our Public Policy Team, so mainly this is for the two new Trustees and so you folks will meet them in the coming weeks and they are led by Capsun Poe, who's our Interim Chief Advocate who's on the line. Okay, so let me let me give a quick overview of the bill and then we can dive in and I'll make the recommendation to move into executive.

So the bill outlines Act 15 of 2012 Legislature. This bill is in your meeting folder, I think it starts on page eight of your guys meeting folder and at that Legislature, Act 15 was the act that conveyed the lands of Kaka'ako Makai to OHA to address past due amounts related to income and proceeds of the Public Land Trust. This bill that's drafted that we're going to review, also recognizes a further need to make OHA whole and in the bill it

will propose four ways to go about that. Foremost of those ways are to lift the existing residential on that. So we have asked Kuilei members the consultants, and Sherry Broder to join this discussion today and they will take us and dig into the detail and the main elements of this bill and this measure, with going over the main elements of this bill. Those elements will have pieces that pertain to liabilities due to OHA. So it's for that reason I recommend at this time to the BAE committee that we excuse ourselves into Executive Session.

**Board Chair Hulu Lindsey:** Chair, so moved.

**Chair Akaka:** Is there a second?

**Chair Akaka:** It's been moved by our Board Chair Lindsey and seconded by Trustee Trask. Can we please have a roll call vote, Nathan?

							11:12 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

### III. EXECUTIVE SESSION

**A. Consultation with Sherry Broder, Esq. and Interim General Counsel, Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to legislation related to OHA lands in Kaka'ako Makai, O'ahu. Pursuant to HRS §92-5(a)(4)\***

**The BAE Committee recuses into Executive Session at 11:13 a.m.**

**The BAE Committee resumes open session at 12:31 p.m.**

### II. New Business (CONTINUED)

**A. Action Item BAE #22-04A: Approval of the 2023 Legislative Package as Updated**



**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Madam Chair, I'd like to propose that we approve the measure entitled OHA-2 - RELATING TO HOUSING, to be included in the 2023 OHA Legislative Package, as drafted at attachment A.

**Trustee Waihe'e:** I'd like to second that motion.

**COO Brown:** Madam Chair, there is a revised motion on the screen.

**Chair Akaka:** Chair, would you like to read the revised version on the screen?

**Trustee Waihe'e:** I rescind my second.

**Board Chair Hulu Lindsey:** I move that we **Approve the measure entitled OHA-2 - RELATING TO HOUSING, to be included in the 2023 OHA Legislative Package, as distributed at today's 12/12 BAE Committee meeting.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded, any other questions or comments members? Yes, Trustee Akina.

**Trustee Akina:** Is this the text referred to as version 9?

**Chair Akaka:** Yes

**Trustee Akina:** Okay, thank you.

**Chair Akaka:** Mahalo for that clarification.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** E kala mai, Everett reminded us to please let the public know that a copy of this revised item is available for public inspection here at the office.

**Chair Akaka:** Mahalo and one other thing I will read regarding this action. We just came out of Executive Session regarding consultation with Sherry Broder, Esq. and Interim General Counsel, Everett Ohta regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to legislation related to OHA lands in Kaka'ako Makai, O'ahu. Pursuant to HRS §92-5(a)(4)\*

Alright, can we please have a **roll call vote**.

**Nathan - BAE Staff:** Chair Akaka, there are no testifiers for this item.

							12:34 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

#### IV. ANNOUNCEMENTS

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I'm making a request that the minutes of this meeting have included a statement that's fine with me as attributed to myself. If this measure does not pass in this session, or is amended in a manner which diminishes the rights of our people, I will move the Board that we file in Federal District Court a 1983 Action. Just that comment and I will follow up and talk with the Senators and the Members of the House. But when they see this bill and they review these minutes, I want them to know that if they're playing games here with our development rights or our rights to develop our own cultural center that I will move the Board that we go into the Federal Court and at that time demand that we have a full accounting from the state for all Ceded Lands, submerged lands, minerals and every asset that we have in the Ceded Lands and Hawaiian Homelands. Put it in the report, when I go down to lobby I will show them that.

**Chair Akaka:** Mahalo nui our newly chosen Board Vice Chair, Trustee Trask

#### V. ADJOURNMENT

**Board Chair Hulu Lindsey:** Madam Chair, I move that we adjourn.

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments or questions members? Seeing none, I also want to say mahalo nui for this wonderful meeting and for your patience as we move forward with some technical challenges but we're running right on time. So I'm honored to serve again as your Beneficiary Advocacy & Empowerment Chair, mahalo nui. **Roll call vote** to adjourn this meeting.

							12:37 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** The meeting is now adjourned.

**Chair Akaka** adjourns the BAE meeting at **12:38 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

A. October 25, 2022\*

B. December 12, 2022\*

**C. January 25, 2023\***

D. February 1, 2023\*

E. February 8, 2023\*

F. February 22, 2023\*

G. March 1, 2023\*

H. March 8, 2023\*

I. March 15, 2023\*

J. March 22, 2023\*

K. March 29, 2023\*

L. April 5, 2023\*

M. April 26, 2023\*

N. May 3, 2023\*

O. November 8, 2023\*

P. December 6, 2023\*

Q. January 31, 2024\*

R. February 7, 2024\*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**January 25, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Kalima, Aikue / NHRLF Manager  
Aguinaldo, Arlene / IT  
Nakama, Erin / IT

**EXCUSED:**

Trustee Brickwood Galuteria  
Trustee Mililani Trask

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, January 25, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRICKWOOD	GALUTERIA	EXCUSED	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEONI	SOUZA	EXCUSED	10:11 a.m.
TRUSTEE	MILILANI	TRASK	EXCUSED	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

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

## II. New Business

**A. Action Item BAE #23-01:** Approval of the First Term of Juanita Kanehailua Wolfgramm and Second Term of Liane Khim as the O'ahu Island Representatives for the Native Hawaiian Revolving Loan Fund (NHRLF), Board of Directors (BOD)

### NO TESTIFIERS ON THIS ITEM

**Board Chair Hulu Lindsey:** Madam Chair, I so move that we approve those two ladies.

**Trustee Waihe'e:** I will second the motion.

**Chair Akaka:** Mahalo, it's been moved and seconded by our Trustee Waihe'e. Any comments or concerns members? Any discussion? Seeing none, can I please have a roll call vote.

**Trustee Ahuna:** Sorry Chair, who left?

**NHRLF Manager Kalima:** Aloha Trustee Ahuna, Al Tanaka, who served on our O'ahu Board, he left back in June.

**Trustee Ahuna:** Any particular island that we are nominating these people for? They coming from any islands?

**NHRLF Manager Kalima:** Both of them will serve on the island of O'ahu.

**Trustee Ahuna:** Thank you so much.

**NHRLF Manager Kalima:** Mahalo

**Chair Akaka:** Any other concerns members? **Roll call vote,** Nathan.

							10:12 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			

**TOTAL VOTE COUNT**

**7**

**0**

**0**

**0**

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

**B. Presentation by Administration: 2023 State Legislative Update**

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Trustee Akaka. We'll have both Capsun Poe and Casey Brown take us through today's discussion, Casey.

**COO Brown:** Aloha Trustees, just a quick comment. Capsun is here, he's going to take you through the calendar. Today is really a preview. So there may be a bill or two that Capsun mentions that is already becoming of interest, but Administration is in the progress of doing its full analysis and so just to note that next week is the week where we plan to dig in with you folks, but we wanted to come here early just to kind of level set with the calendar and get you guys you know, ready in the groove because we're at the doorstep of legislation. So at this time I'll turn it over to Capsun, mahalo.

**2023 LEGISLATIVE TIMETABLE**

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>JANUARY</b>							
	1	2 NEW YEAR'S DAY OBSERVED	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16 DR. MARTIN LUTHER KING, JR. DAY	17	18 OPENING DAY	19	20 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	21
	22	23 State of the State Address & Admin Bill Package Cutoff	24 RECESS #1	25 State of the Judiciary Address & Bill Intro Cutoff	26 RECESS #2	27	28
	29	30	31				
<b>FEBRUARY</b>				1	2	3	4
					9	10	11
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20 PRESIDENT'S DAY	21	22	23 Mandatory 5-Day Recess Begins	24	25
	26	27	28	29	30		

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
M A R C H				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHIO DAY OBSERVED	28	29	30	31	
A P R I L							1
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
M A Y	30						
		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6

*Ronald D. Kouchi*

Ronald D. Kouchi  
President of the Senate

12/12/22

Date

*Scott K. Saiiki*

Scott K. Saiiki  
Speaker of the House

12/12/22

Date

**Interim Chief Advocate Poe:** Mahalo, Casey. Aloha kakahiaka Trustees, happy session and happy Lunar New Year. We're a few days in and so with that, as Casey said, you know we'll just spend a few minutes maybe highlighting the calendar and some of the other things going on. Before we start, you know I want to say that session is an all OHA undertaking, and so I want to say mahalo in advance to the Trustees as well as to all of our employees. Everyone's gonna be contributing to our collective efforts in ways both big and small. But always in service to our lāhui. Chair, with your indulgence I did want to just quickly acknowledge the team that really helps to get a lot of the work done and ready for BAE's consideration, so to Zuri, Michelle, Kealoha, Grant and Mel, whom we call Maka. They're going to be on the front lines of our advocacy efforts. You know, working the late nights to try and compile everything here and they will be primarily assisted by the community engagement side of the house and that includes people like Kai, Kamakana, Lauren, Shane and Kumaile who help from some other policy perspectives. The teams I've just mentioned bring decades of legislative experience advocating in the public policy world and protecting Hawaiian rights. That's all just a way for me to

tell you that you know we have a lot of good people with lots of good experience who are trying to help in our efforts here today and throughout the entire session.

So with that we can jump into the calendar. Thank you very much for getting that on the screen. So today is Wednesday, January 25th. So this is day five of the 60 day legislative session. I think the calendar is probably gonna be the most consistent thing we will be bringing to BAE for you to see. It's the only visual we're going to share today, and I think it's important because it really is the road map for the session and it helps give you a sense of place through the legislative process, if one is able to establish a sense of place. Upcoming later on in the calendar a little further down back, more in February we've got other big deadlines. You know you're gonna hear about things like lateral, decking and crossover that actually happens twice and lateral is, these are just big deadlines that bills need to move or they die off. Lateral is when a bill must be on its way to its final committee. Decking is when a bill must pass all of its committees, and crossover is when a bill moves from one chamber to the next. And don't worry, we'll always be able to bring that up and help place you on the calendar wherever we are. I know we scrolled down a bit so you can already see that there's also the mandatory five day recess in February there, just in case I need to make the reminder. I don't want anyone to think that there's no legislative business, it just means no floor session and it's actually a very busy time with marathon hearings, especially in the money and judiciary committees.

So as far as the Legislature goes, you know especially in the House things are a little different this year, first of all there are two vacancies in the 51 Member House. We are waiting for the Governor to appoint replacements for former Kaua'i Representative Jimmy Tokioka and former Mililani/Waipio Representative Ryan Yamane. They both took positions within the administration, but the Governor has said that he intends to appoint replacements soon because you know, if he waited until March 1st, as he can, that's pretty far into the session.

So speaking of the session, maybe just to give you a quick snapshot before I kind of mentioned some of the bills. As of yesterday, the legislature was at 1,275 House Bills and 1,509 Senate Bills. That is about on par with 2021, and that's the better year to compare it to, because that's the first year of a two year legislature and that tends to have more bills in that year. I did want to now just spend a few minutes just calling a few things to your attention and as Casey mentioned, you know this is really just for high level overview and introduction. We will of course dive more deeply into the matrices next week, but I did want to let you know that our budget in which we requested \$3 million primarily for the beneficiary services, or I'm sorry, not primarily entirely for beneficiary services that has been introduced. We have both a House Bill and a Senate Bill, House Bill 133, Senate Bill 205. For our efforts in Kaka'ako Makai, for our Hakuone lands, which we hold in Kaka'ako Makai. We actually have five bills, but I just wanted to highlight two of those which are ours and the reason there are five is there are some other Legislators who were seeking to be helpful and wanting to have other vehicles available to us. But the two bills that we are trying to get behind are Senate Bill 736 and House Bill 270, and that was sort of the language that was negotiated.

Like I mentioned, our team is looking at a bunch of, not a bunch, but all the bills. Every single bill gets looked at, and we've already identified several issues that we are paying attention to, there's already a bill that would abolish the Native Hawaiian Rights Fund. There are a couple of bills related to the composition of the Board and not changing the number of Trustees, but you know, somehow creating districts for Trustees? There's a bill dealing with military surplus, land task force and there's also a bill that would amend Act 226 from last session, and that's interesting because it would give the Governor, House Speaker and Senate President one appointment each. Currently the Governor has three and so it would reduce on one end and kind of make up on another and then there's another piece of legislation that would talk about or address OHA maintained Cultural Centers.

So this is just getting started. We will of course have much more detail next week. You know today is the 5th day, but it's also the bill introduction cutoff, so late tonight we'll really have a very good idea. I'm sorry we won't



have a good idea, but we'll know all the bills that have been introduced for this session and our staff has already been working very hard to digest all of that and start making some recommendations.

And Chair, that was, sorry, a little bit longer than I had intended, but you know, just to give some preview and some high level for BAE, for you Chair and the fellow Trustees on BAE and at this point we're available to address any questions, concerns, or wonderings you may have.

**Chair Akaka:** Members any questions? Seeing none if you can please continue Capsun, mahalo.

**Interim Chief Advocate Poe:** Thank you, Chair. I know you said to continue you know, that was really the big high level that we wanted to give you. I did want to just note a few things that you know, please remember that any of the updates we give are always sort of a point in time snapshot and you know it's especially challenging when action changes and deadlines are constantly at odds with each other during the legislative session. And I also do want to highlight if anyone has been on some of our brown bags that we've done internally. You know we really are trying to build up our capacity to be both reactionary and precautionary in our approach to advocacy, reactionary meaning we are playing defense in some of the bills but also precautionary on trying to get ahead of many of the issues, and trying to partner with folks who have like minded or who are like minded in their approach and in their service to our Native Hawaiian beneficiaries.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I want to in advance thank the Advocacy Department that's gonna be working really hard on this session. Those of us that do not work in that department don't know how long hours they have to keep during the session, and I did hear Capsun say that they'll be working in the night and that is very, very true. So in advance, we should please respect the time they put in to reviewing all these bills and bringing it to our attention.

What I would like to ask Capsun is do we have a different process for BAE meetings in presenting the bills that are relevant to OHA. Because in the past you know we've taken quite a few time to review hundreds of bills. I just wondered if there was a change of process.

**COO Brown:** Chair, we hear you and having been part of the prior efforts, we understand how hard it is to get through all of these bills. There will be a different process. There won't be less information, so the plan is to get you folks all the same matrices with all the same information, but to really intentionally focus you folks on the handful of bills that are of essence. So there's more of an intentional effort around really carving out and highlighting what that handful of bills should be and should get your guys most attention. Versus spreading out that attention thinly across 100 bills, so that's gonna be an intentional difference this year and what we're working on. We may not find that sweet spot, you know, on the first go round, but we'll need your guys feedback and so that feedback will help us to zone in on what that sweet spot will be. But yeah, Capsun do you want to add anything?

**Interim Chief Advocate Poe:** Sure, and actually Chair before I answer that question. Board Chair, I did want to just thank you for your kind words and support and you know, just recognition of the time the staff spends getting everything ready, but for the Trustees, just know that as COO has indicated, you know this is a process and we want to try and make it as digestible as possible for the Trustees, and the Administration may make recommendations, but at the end of the day, it is the Trustees and by majority vote who would approve any of the positions and actions.

As far as the process goes. You know, just to reiterate what Casey said, you know, we do want to push where we can where our advocacy would sort of leverage with ourselves and others and that's where we would like to push. Those are of course, all areas that would align with our Mana i Maui Ola strategic plan. So those are all the priorities that we would be pushing. But I'm a big fan of situational awareness, so we will be paying

attention to everything as well. It's just you know, with the limited time, we want to focus on where we can have the biggest impact and where we would recommend the Trustees focus the Office of Hawaiian Affairs' efforts. And of course, like I said, we're going to be leveraging each other so you know we will have a little bit of a back and forth and hopefully, maybe after the first go through we'll kind of try to get to that sweet spot that Casey mentioned and hopefully that works and we are of course always open to additional feedback and suggestions to try and get us to a point to get you enough information so that the Trustees can make an informed decision, but not too much Information that it's hard to sort through what's truly important to OHA, to the Trustees and to the lāhui.

**Chair Akaka:** Mahalo

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair and thank you, Capsun. My question is to the process of I how do we bring issues for that I think would be of concern to OHA, for example, charter schools are getting ready and I think they're going to be putting in Hawaiian focused charter schools is what I'm talking about. They're going to be putting in bills this year. What is the process to at least know about it or how would we understand it and how would we partner up with them? I mean, because I know there's a lot of bills coming out this year.

**Interim Chief Advocate Poe:** Thank you, Trustee. Well, first let me say that charter schools are definitely on our list, especially our Native Hawaiian focused public charter schools. They are definitely on a high priority list for us. Let me answer your question maybe in two ways. If you have any specific action and by the way, Trustee Ahuna not just for you. I mean, if any of the Trustees have specific bills they want us to be paying attention to, please feel free to pass those on to me personally and I'll make sure our staff kind of adds that into the list, that big matrix list. You should be able to find me in Outlook. Otherwise my e-mail address is capsunmp@oha.org. Note the M, sorry it's a little tricky.

But as for us, we have many of our own colleagues here at OHA, have their own children in charter schools, and so we know it's important, not just from the academic side of things, but it's important because that's where people live and work in their educational career for their 'ohana. So we are going to be looking at that anyway. And like I said, if we miss anything, please, please make sure you point it out to us and we do want to be on the front lines. I think of helping to push for adequate funding of our public charter schools. Because, you know, folks don't already know. You know, the charter schools get, yes, they get per pupil, but they don't really get enough to fund more of the physical plant side of their operations and so that can be.

**Trustee Ahuna:** Thank you for answering the question, it was just how does the process work. So I mean we can come to you Capsun, thank you so much.

**Interim Chief Advocate Poe:** Mahalo, Trustee.

**Chair Akaka:** Any other questions, comments members? Alright, seeing none, mahalo Capsun. Just to reconfirm that concludes the presentation for this section?

**Interim Chief Advocate Poe:** Yes, mahalo, Chair, mahalo, Trustees.

**Chair Akaka:** Mahalo

### III. ANNOUNCEMENTS

**Board Chair Hulu Lindsey:** Just a reminder that there is a BOT meeting tomorrow morning at 10:00 o'clock. There's RM this afternoon at 1:30.

**Chair Akaka:** Mahalo nui our newly chosen Board Vice Chair, Trustee Trask

### V. ADJOURNMENT

**Board Chair Hulu Lindsey:** I move that we adjourn, Chair.

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments or concerns members? Seeing none, Nathan, can I please have **roll call vote**.

							12:37 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:32 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**February 1, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**EXCUSED:**

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 1, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9) Trustees are PRESENT**, thereby constituting a quorum.



## **II. New Business**

### **A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\***

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair, and I will lateral to our Ka Pou Nui Casey Brown.

**COO Brown:** Mahalo, Sylvia. Aloha Trustees, so I'm going to keep this real brief. Capsun is here and ready to present. Just a reminder, you folks have all the matrices in hand in your meeting folder and there's approximately 550 bills in front of you across the three matrices, and so our approach this year is to really, you know, we don't want to take you through every single bill, that's not the best use of time. We want to find the sweet spot, we want to be able to boil it down for your attention to be placed on those that are most important and you folks may have ones that you've looked at that are important to you and we gladly want to hear that, and we'll give that attention as well. So the idea is to test out a focused list with you folks and to get your feedback so we can find out what worked, what didn't work and then move forward and continually improve in each succeeding meeting. No further ado I'll kick this over to Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Casey and thank you. Aloha kakahiaka Trustees. I do want to thank Casey for one of these days, Trustee, I'm going to get the tech to work so that I can share the screen and you will actually see something instead of a black screen when I share it, but in the meantime, I am very grateful that Ka Pou Nui is going to help me by displaying a couple of documents for you. As you know today is welcome to Wednesday, February 1st. As you can see from the calendar, this is day nine of the session. As you may know, or if you don't know, hearings are well under way and there are no major deadlines this week until the triple referral deadlines next week, and as Casey sort of mentioned, you know this is the first time we are sharing our recommendations with the Trustees, so we expect today will probably be the most time we will spend. But again, we want to reiterate that we don't intend to go line by line through the matrix. But of course we are happy to discuss in more detail any of the items that the Trustees or individual Trustees may want to focus on. And I know you have the matrices in front of you and you know just a note on the timeliness and currency of the information you know by the time we. In order to comply with the Sunshine Law, we need to get it out to several days in advance and just the way the Legislature works, things can move very quickly, but we can of course update you on the most current status on any measure. If you do want to know anything more. I did want to just say, you know, please know that hours of deep analysis goes into these position recommendations and we know it's a recommendation and we hope to get the Trustees approval on the positioning.

How we approach it is we sort of look at the connect back to the foundations and pathways of our Mana i Maui Ola Strategic Plan, which of course we know have the power to affect the well-being of Native Hawaiians. And you know, just very quickly those are things that are related to 'Ohana, Mo'omehue, 'Āina, of course, and also some of the pathways like education, health, housing and economics. That's where we focus our advocacy activities and all of this in service of our lāhui. I do want to say a special note that we are grateful to the trust the Trustees place in us in Administration, and especially in advocacy to embrace this kuleana and we of course want to bring you the bills that we can talk about.

So maybe before we dive in, I did just want to quickly summarize some of the positions just so you know, you know we generally have it in one of these categories and also the measures are sorted on the matrices this

way. Matrix three is the longest matrix, so that's the one you can actually see the most. But it's going to start with measures that are support, and I think that's pretty straightforward, followed by support with amendments. These are perhaps for bills that we like the general idea, but have a few recommendations that we think if changed we might be able to support more fully. Oppose, I think that's pretty straightforward. Comments can be a little tricky in that sometimes it's comments because we like some parts of the bill and don't like others or we're sort of neutral in just giving context. The last couple positions are not testimony positions, but that's high monitor and monitor. The difference is sorry for both of these high monitor and monitor we are paying attention to what happens. Any amendments a high monitor is one that we expect will likely turn into testimony at some point. But a regular monitor we're thinking only if it's likely to be heard would we need to do anything. Just for a little context, it is a busy session. If I've talked to anyone or I've definitely told a lot of people, it's a busy session just for numbers. I like stats, so 3,132 bills. That's how many bills we've read through that breaks down to 1,514 House bills and 1,618 Senate bills. The last time the House had this many bills was in 2019, so that was four years ago. But the last time the Senate had more bills than this year was all the way back in 2009. So you know almost 15 years ago, so it's definitely a busy year with a lot of new faces in the Legislature, and so some new efforts to get things going.

## Highlights of 2023 Legislation in Matrix 1, Matrix 2, and Matrix 3 February 1, 2023

### PRIORITY LEGISLATION from Matrix 1 (of 2 total)

1. HB133/SB205, Relating to the Budget of the Office of Hawaiian Affairs, appropriates \$3 million in state general funds for OHA beneficiary advocacy, with a \$3.5 million match from OHA, in each of the next two fiscal years. Strong Support recommended.

### PRIORITY LEGISLATION from Matrix 2 (of 19 total)

1. HB270/SB736, Relating to Housing, allows HCDA to approve the residential development on parcels conveyed to OHA in 2012, raises the building height limit, increases the maximum floor area ratio, appropriates funds for repairs of certain structures on those parcels, and for compensation relating to OHA's pro rata share of PLT revenues. Strong Support recommended.

### LEGISLATION OF INTEREST from Matrix 3 (of 531 total)

1. HB1328, Relating to Charter Schools, would fund infrastructure costs, lease or rent assistance of charter schools, and repair and maintenance of network infrastructure. High Monitor recommended as this has been an ongoing ask by charter schools.

2. HB579, Relating to Human Trafficking, establishes a statewide prevention program to provide services and assistance to commercially sexually exploited children and to victims of human trafficking and requires reports. Comment recommended to support some of the findings, work, and next steps of the Missing and Murdered Native Hawaiian Women and Girls Task Force.

3. HB308, Relating to Sustainable Food Systems, would create the Sustainable Food Systems working group to develop an interagency work plan. Support with Amendments recommended to

ask for an OHA seat to ensure better coordination with increased efforts to identify and establish a Native Hawaiian-led food systems economy.

4. SB733, Relating to Hawaiian Culture, would require OHA to establish and maintain Hawaiian Cultural Centers. Support with Amendments recommended for continued state funding support for these centers and to expand for the purpose of economic development.

5. SB521, Relating to Military Land Use, would create a “surplus military land task force” to plan for the “remediation” and “restoration” of lands currently under federal military control to be returned to the state. Comment recommended to ask for an OHA representative to protect Native Hawaiian interests, including eventual return of the land when the leases end.

6. SB100, Relating to the Kahoolawe Island Reserve Commission, would provide funds and 3 staff to KIRC. Support recommended for the necessary work to preserve and protect the island.

7. SB92, Relating to Community-Based Subsistence Fishing Areas, would place a statutory time limit on the very existence of CBSFAs. Strong Opposition recommended as this essentially places a time limit on Native Hawaiian traditional and customary practices.

8. SB52, Relating to the Election of Members to the Board of Trustees of the Office of Hawaiian Affairs, would require OHA Trustees be elected from districts rather than at-large. A Board determination is needed by Administration on a desired position for this and SB32 below.

9. SB32, Proposing an Amendment to the Hawaii State Constitution to Require the Reapportionment Commission to Establish a Reapportionment Plan to Draw District Lines for the Members of the Office of Hawaiian Affairs Board of Trustees, has similar goals as SB52.

So at this point, Casey, if I could ask Casey to switch the documents to the sort of highlights document and maybe just to zoom in on Matrix one and Matrix two. Trustees, I did want to just make sure you know that Administration acknowledges the feedback we've gotten over the last few months, and so, as Casey mentioned, we are trying to be as efficient as possible with the number of items we bring for deep discussion. Please know that the list you see here has taken into consideration things like the introducer, the committee referral, the likelihood of moving and of course the impact on Native Hawaiians in curating this list. This is not meant to be the only issues, especially for Matrix three that we're going to look at and we are always open to any of the suggestions or adjustments that the Trustees would like to do. But we're seeing this as a starting point, so thank you, Casey, for sharing the document. I think we're going to separate it. The plan was to separate and we'll take each matrix independently so I know you can see Matrix two, or at least the summary of Matrix two but I think Matrix one would be the most straightforward.

As you can see here, it's just the two bills. Both the House and its Senate companion. And again, this is related to our budget and we requested \$3 million in general funds to be matched by \$3.5 million from OHA in each of the next two fiscal years. And strong support is recommended. So far there have been no hearings in the House, but the Senate Hawaiian Affairs Committee did hear the bill yesterday, did hear it yesterday, generally supportive, but they did in the draft blank out the amount, which is a very common practice and it's so that the Ways and Means Committee will be able to figure that out. So I think I might pause there for any questions and

I believe the plan would be take this matrix, get this approved, then move on to Matrix two, have a short discussion and then end with probably our longer discussion on Matrix three.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo Chair, first of all, thank you to the Admin for actually dissecting this, all these bills and kind of summing it up for us Trustees and making the recommendations. I kind of wanted to know how do we get notified of the hearings. Is this something that we do as Trustees on our own, try and figure out when these hearings are? We want to definitely support, especially if OHA is taking a stance on it. We definitely want to be at the Capitol when we can. We understand that you guys are probably trying to prioritize the more important bills but if there's a chance for us to show up for you know, most of them, or at least one representative. I think that would be great. So yeah, so that's my question. How do we get notified of these hearings if it's not on our own?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, thank you first of all. Mahalo again for the support and wanting to be helpful in our efforts. We do appreciate that and I do want to say I think the Legislature appreciates when the Trustees also attend in person. It helps demonstrate to them that it's important not just to OHA's Staff, but also two Trustees. Let me answer your question maybe. In a number of ways, but let me start with the basic way is the Capitol has a website at capitol.hawaii.gov. Actually I'm sorry Trustee. Maybe I can pause and step all the way back. You don't need to take notes on any of this. I am happy to work with any Trustee and any of their staffs if you have certain bills that you might want to track on your own. What I would say is that definitely for the priority legislation that we've identified in this document, we will probably work with Ka Pouhana and Ka Pou Nui to make sure we notify you of those, but for the other bills either in Matrix three or just of your own interest. The best way is generally to go to the Capitol's website and sign up for those notifications. I do want to warn you in advance so your advocacy staff sign up for all hearing notices and I want to warn you that you will get tons of emails, and I think I would want to avoid you getting overwhelmed. But like I said, we can definitely go through how to use the capitol website with you and if there are any others it doesn't take long to set up, but you know you can follow along by certain committees. So I'm assuming maybe things like Hawaiian Affairs, Water Land, those tend to intersect with our work. But again, Trustee and all Trustees, we can probably work with you on a system that works best for you and then that way we can have differentiation. You know if somebody wants to pay attention to other issues or other bills and hopefully that answered your question and you know we can work with you specifically, Trustee Souza and your staff. We'd love to be able to help you build up your understanding and your capacity as well and we definitely don't want to be gatekeepers to information, so you know all of the tools we would share with you are tools we also use ourselves.

**Trustee Souza:** Great, thank you, Capsun. Yeah I know there's some hearings that went on yesterday. If we can be notified even if it's just to stand there and support you know, not give testimony if it's not in our own individual capacity. Yeah, I would like to be there as much as can because I know it was pointed out the House Finance that you know they never saw that many Trustees show up before and so I would like to keep that whole thing going. You know, show that presence down at the capitol and so thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo and we definitely want to enable that as much as we can, so mahalo again, Trustee.

**Chair Akaka:** Members, any other questions or mana'o? Seeing none, Capsun if you'd like to continue.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, apologies Chair so that concludes the updates for Matrix one at least. I just wanted to check if the plan was to then approve the matrix now and then move on to Matrix two.

**Chair Akaka:** Yes, mahalo. Mark, can we please have a motion on the screen.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I move that we **approve Administration's recommendations on: NEW BILLS (Items 1 - 2) as listed on Matrix 1 -- Bill Positions Related to Measures in OHA's Package--** dated February 1, 2023.

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or concerns members? Seeing none, Nathan may I please have a **roll call vote**.

							10:19 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

### B. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair, you can go directly to Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** So again, Trustees. As you can see here we have two bills highlighted for you from Matrix two, there are 19 bills. These are the two bills that we have consulted with and have worked with some of our consultants I should say to get the Senate and the House to introduce. These are to get the flexibilities that we've requested to get the most value for our properties in Kaka'ako Makai. In short, these are our Hakuone Bills. There are 19 bills on this matrix, but these are the two that we

believe are the most important. I would say that there actually are a few bills related or similarly related to this and so we appreciate interest and support at the Legislature, but these are the preferred vehicles, and but it's always good to have other options as well. Let me say that for these bills, the House bill has not been heard, and I know there have been efforts to get the House, Water and Land Committee to hear it. And as of now there is no Senate hearing scheduled but on the Senate side, SB736 there were a lot of, I'm sorry, not a lot. The Senate Native Hawaiian Caucus supported it, so that includes people like Senator Michelle Kidani, the Vice President of the Senate, Senator Lorraine Inouye, Senator Drew Kanuha, who's the Majority Leader. So we have a lot of people on there, and so we're hopeful that there may be movement on the bill in the Senate. And with that we can answer questions about these two bills or any of the other 17 bills in the matrix.

**Chair Akaka:** Members, any questions, comments?

**Trustee Alapa:** So in regards to the last sentence where it says here strong support recommended. Capsun, are you referring to people like us, our Trustees to go down to support it, to notify our Legislators getting our kāhea out to everyone. What is the recommendation for that?

**Interim Advocacy Director/Chief Advocate Poe:** Well mahalo for that, Trustee. First of all, I'd say that you know these are our position recommendations you know, and they're contained in more detail in the Matrix, so the strong support means similar to our budget bill, right, these have been OHA ideas, and so that's why we are floating that for strong support. Going back, connecting back to what Trustee Souza was asking earlier, these are bills that we would probably flag the Trustees on, on these four specific bills. If there is any movement we would want to and we would be working with our consultants to try and get some interest. Sorry as well as support amongst lāhui members and lāhui leaders to also come out and support this.

**COO Brown:** Trustee Alapa, it also first and foremost refers to the five or maybe six positions that we take on all bills that we recommend. So that's first and foremost referring to what position Administration is recommending to take in the testimony that we provide.

**Trustee Alapa:** Thank you for that. Also, and the reason why I bring this up is because I received information about an article written I think from one of the Legislators who was totally against, totally against our project and it's in the newspaper. So how do we combat that? How do we address negativity that would affect our bill?

**Interim Advocacy Director/Chief Advocate Poe:** Maybe before we get to how do we combat that, Trustee Alapa let me say that this is all part of the democratic process and the bill making process that just like when we have items come to the Board here you know, there are people that may agree, but there may always be someone who has a different opinion. And I think for us it comes down to the advocacy and the activation of community to support it. And let their own Legislators know as well as Legislators in positions of authority to be able to let the idea and the bill vehicles move forward. But you know, Casey is a lot more involved in sort of the land aspects. I don't know if, Casey, if there's anything else you wanted to.

**COO Brown:** I'll try to be brief but, Trustee, great question and in a nutshell it's a combination of community outreach and engagement with the Legislators. The community outreach entails a number of pieces from advertisements to hosting community meetings with you know, invited meetings, to virtual town halls that are open to the whole public, to digital campaigns. So social media oriented messaging using the paper you know our print media campaigns where you'll see the number of op eds coming. So there's a whole organized campaign. Kuilei our consultants assist us on this, and it's all organized plan from the get go, a couple of months back when we pushed the button on all this. I mean, that's how we combat that, we were expecting this opposition so.

**Trustee Alapa:** Okay, so is there any way that we Trustees can receive the promotional aspect about this particular issue?

**COO Brown:** Sure, there are a number of prints and digital media aspects in terms of promotion, so that might mean a separate meeting or some other way to get it to you folks. We could e-mail you our media kit, which is some of the print background and then we could also work on getting you guys links to the digital stuff and our videos and commercials and all that.

**Trustee Alapa:** That would be greatly appreciated, so at least we know where monies are going in the promotional aspect of this so that the messaging is clear. People are hearing about it, reading about it, and again it's generating the strong support that obviously we want from the public.

**COO Brown:** Absolutely Trustee, why don't we start with the follow up e-mail to the Trustees that will list out some of this media collateral. The digital and print stuff and then from there we can go see how much more you guys want to see and we could do that in a meeting or another format.

**Trustee Alapa:** Great, thank you so much.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Aloha Trustees and staff, I just wanted to say I'm very thankful for the work that has been done. I do have some concerns at this point. I think the work that has been done on the Kaka'ako project and I really want to encourage my colleagues to go and take a look at the outreach. There have been some Zooms. There have been some that had many, many beneficiaries on it, and they're talking about Kaka'ako, our planning. It's really been very positive. I think that this idea that was previously discussed that was brought up by Trustee Luana is an important one because I feel that without that kind of connection the Board doesn't really see how excellent our outreach is and I just wanted to encourage my colleagues on that.

The thing that I'm concerned about, Trustees and Executive Staff is this, I'm looking at Matrix two with 19 bills. I totally agree with what you've identified for priority legislation and because this is priority, I'm gonna request that there be not only emails sent out, but calls from our staff reminding us when hearings are coming up because I do think that Trustee Souza is right. For these priority measures, our budget and other things we should be present physically, and that means that we can't just get a notice saying it's coming up in two days because it's taken me four days to get my travel and my hotel, you know what I'm saying. I wanna come in team, I wanna come in. But I cannot get this kind notice and then I gotta start filling out the travel papers, I'm not going to be in on time. So let's take a look at how we can better coordinate that. That's number one.

Number two colleagues, I'm looking at Matrix two. Some of these we have worked on it and we know our priorities, but you know, when I look at some of this. I mean, I tell you I'm a little bit concerned because in the last column, my Executive Staff is advising me to support, and I'm not sure why you all are doing that. For Kaka'ako I understand. We have a promotional team, we're doing outreach. We have looked at our all of our financing. We are providing a bill in the Legislature to receive that funding, understood. What I don't understand is bills like SR12. Requesting that OHA is now going to set up and maintain cultural centers within the entire state on every single island. Let me tell you what I have gotten calls the last week and a half. Two calls I received, really in support of setting up the cultural centers. The beneficiaries on my island want two. One in Hilo, one in Kona. They're talking about \$1,000,000 facilities. \$1,000,000 facilities and I got the calls. I talked with them. I had to go on the Internet with my poor skills. It took me one hour to find the bills to look at it. I support the concept of cultural center colleagues. But what this bill is saying convinced me to put up cultural centers on every island and there's no budget, no budget. I cannot support that, I cannot recommend it to my colleagues either because my priority is Kaka'ako.



However, in talking with and looking at these measures, I'm thinking maybe there's a way that we can address it. Because you can support with reservations and the reservation I have is I love the idea of cultural center. Legislature where is the budget for me to build the cultural centers? You're gonna support this without a legislative budget. It's a commitment that we will pull out of our portfolio or our reserves. I do not know why the staff recommends blanket support. If at best we should have reserved support, we support cultural center on every island, and my island is already asking for two. But we have to point out that the Legislature does not have a budget appropriation for our office. You know, I'd like to hear some kind of response from the staff. I mean, if you're thinking right now that we can go into the portfolio, pull out a million for each or half a million, I mean tell me now. But when I look at this bill, it's not. These things are not in my current budget. Consequently, I cannot support it. I could support if we're talking about a qualified support, but we need to point out to these guys. And not in a position to put up 7 or 8 cultural centers without the appropriate budget coming along with it. So I just want to say that I cannot agree to support in a blanket way. I would recommend on all of these measures that we say that we can support in principle. But what is lacking is the budget appropriation to bring this to reality. And if we don't ask that question, it's tantamount to saying we support and we're picking up the tab. Colleagues, I can't do it.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo Trustee, if I could start my response perhaps by going back to your earlier point about the hearing notices. Trustee, we do want to commit to you that we will, we will get you the information as soon as we can. I do want to warn you that the staff, even if we get it to you as soon as we can the way the Senate and House rules work, is that they can give the most we'll ever get is 72 hours notice before a hearing, although the House can also do 48 hours and then they have. I mean, just really get into the nuts and bolts. They'll also have notice waivers or floor waivers of notice requirements, and sometimes you can get 5 minutes notice, but I think the commitment you know, from us and staff is to be able to get it to you as soon as possible. Again, these are four, so we will of course highlight the four most important bills or measures and try and commit to do that. And then we can work with Ka Pouhana on making sure the Trustees are actually aware of it and can arrange for themselves to be able to advocate for it. I would also say Trustee, you know especially for those who have to travel and if you have other conflicts the Legislature is still allowing remote testimony, and that's another aspect. If you know you have other conflicts or are traveling. So I just want to make sure you are aware of that. So again, you know, we'll do the best we can, but just hoping the Trustees understand that, you know, we aren't trying to delay here. But if we get it as soon as possible, it may not actually be all that much time.

Maybe to your second concern that you brought up, Trustee. I think please know, Trustee, I'm going to explain a little bit, but the staff is always at the guide of the Trustees and whatever the Trustees approved by majority vote is what the staff will implement on your behalf, and as far as SR12 goes, and I'm getting a little ahead of ourselves, but there is actually a bill that we're going to talk about later. Talking about cultural centers, this is because OHA was specifically named this SR12 and as I'm looking at it, Trustees. I should have started with mistakes will be made and I apologize in advance for any mistakes. We are doing the best we can in a very short amount of time. But I also want to just right here, apologize that line number 9 and line number 10 are the exact same thing. Talking about the exact same thing but, Trustee to your concern. We are aware of the funding issue. Part of the difference is on a resolution it does not have the force of law and it's just oh we want OHA to do this and so we can say yes we support on this side and then later on again maybe I shouldn't get into too much detail on this. But later on when we talk about Hawaiian cultural centers, we have much more nuanced testimony and support. But again, we can go with support with amendments as you've mentioned Trustee, if that's what the Committee decides and noting the very things that you just brought up and that would be discussed in Matrix three anyway. Again to say that if we support the idea, but we would need funding to make this happen.

**Trustee Trask:** Yeah, I think it's better to be clear, I understand the difference between a resolution and a bill, I understand it. But I don't want them to come back in the future saying you supported the resolution. Now you're trying to qualify your support for it because you don't wanna appropriate the funding. Let's be clear from the outset, the resolution, I understand the limited impact of it, but it's never too early to say that we support the

purpose of intent. However, we notice that there's no appropriation or commitment from the Legislature. You know, to be clear. Some of the language in this in this section. For instance, when I look at number 15 which is Haiku. Are we talking about the legacy lands program here? Is this the framework we're looking at? Because we're saying that OHA will provide the policy and management for the Haiku Cultural Reserve. So to the extent we're having other cultural actions taken in the future, I just wanted clarification here. If this is legacy lands, we should state it.

Also, now is a good time to point out support with amendment, blanket support, I don't see support with reservation which I'd like to see, but I don't understand what comment means. I mean when I look at item 13 through 16 on this page, you're telling me that we're making comments? Is there any chance we can find out what the comment is? You know what I'm saying? I mean, it's not even, I'm not sure if the comment is raising a concern asking for an amendment. It's just hard for me to vote on something, you know, here's a bill you're telling me about it, and you're asking me to authorize a comment I never even seen.

**Chair Akaka:** Mahalo, I have the same mana'o as we'll continue on through our matrix. For instance, our Matrix three where there are some that there are comments and amendments, and without knowing that it's easier to support it if you know what the exact language is, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Okay Trustees, sorry I am just making a quick note about that and maybe we can have a way to be able to describe that, at least briefly for you, generally comment is one of those bills that we like some and don't like some or it's one that we sometimes are just providing some context or background information. So Trustee, I know you brought up several bills up and I don't know if, I'm just trying to figure out how we might address those. I didn't know the best ways to go back to them one by one. As far as the reso. goes, you know if there are changes in the SR12 we would just need to make note of that and we can change that in the approval motion and we can change this from support to support with amendments or if we're even more concerned than that we could go comment on these and note that while we are supportive of the idea, we are concerned that without proper funding it would be challenging to get that done.

**Trustee Trask:** I'm open to any kind of corrective or clarification measures, but you know, I understand that you don't put a budget item in a resolution. But you could put a comment for a reservation you know, while we support intent. We know that there is no budget allocation. You know what I'm saying. If we don't make some measure and we support in a blanket way, they'll come back. Community and other, and the Legislature saying well you supported it. Now you provide the budget for it.

**Interim Advocacy Director/Chief Advocate Poe:** Trustee the other note I wrote down here is don't play kōnane with Trustee Trask.

**Trustee Trask:** That's a very good note to put down in writing.

**Interim Advocacy Director/Chief Advocate Poe:** But you know to your comments. Yes, we can do that and anything that would be helpful. I did want to maybe for the edification of the other Trustees. Trustee Trask, I know you're more involved in and more ma'a to it. But you know, just in case it's helpful is you know these in Matrix two, OHA is named or mentioned in these, but these are not necessarily our ideas, but our reaction to what somebody else's idea is and so we're just trying to get us back on track there.

**COO Brown:** Trustee Trask, with the positions we have now, support with amendments or one below that comment. I know you mentioned supported with reservations that would be introducing a new layer of positions and we can do that if that's something that is commonly known out there, but I want us to pin down what the recommendation from the Board is. Which position do you guys want us to take?

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I just really think that we should let Capsun go over the matrix and then he can go explain some of the comments and stuff cause some of the bills we want but we have to make comments just to still keep it positive. Some of it is reaction to bills that they name us into it, but my question is, Ka Pouhana, what is the difference between core and non core? Just so we can all understand. Because my question is gonna lead up to the Finance Committee.

**Ka Pouhana Hussey:** Chair Akaka, in responding to Trustee Ahuna's question. Usually the terminology of core, non core would be our non commercial, non business side of the house so this is Public Land Trust, grants, our regular budget of about 35-40 million and then non core refers to the commercial side, financial assets and things like that.

**Trustee Ahuna:** So what we're saying is, core is like how much they have to give to us every year, right? Do we create those budgets or do they create those budgets?

**Ka Pouhana Hussey:** Are you referring to the budgets for the state that are three million is being asked for?

**Trustee Ahuna:** Yeah

**Ka Pouhana Hussey:** So that's the state is constructing their budget right and they're receiving all of the asks from the departments, including our \$3,000,000 ask so they are constructing the state's budget and considering our ask in there like all the other departments.

**Trustee Ahuna:** Yeah, so would it be safe to say that is a mandated constitutional mandate, core things?

**Ka Pouhana Hussey:** If that is how we interpret our priority and funding. Yes, so If we're talking about OHA's classification of funding and we prioritize core and non core, the state has a different, you know, sort of classification and it comes up a lot when we're funding things like Hawaiian language, things that are in the Constitution but somehow don't get funded. So I would say that's a policy juxtaposition that's there. We're very clear about what we fund, but the state makes different choices.

**Trustee Ahuna:** Okay, so from this standpoint, this is how we make our decisions to support or not support or to comment. Am I correct?

**Ka Pouhana Hussey:** So from when Administration takes the analysis we look at our foundations, we look at the advocacy positions. We also are very mindful because as you have seen the state is very enthusiastic when it comes to who should fund it. We just testified in Water Land yesterday about the committee wanting OHA to fund iwi kūpuna for coastal erosion and our amendments was to put the budget in with the Department of Land and Natural Resources whose kuleana it is. So we are aligning the money kuleana with the kuleana to fund. But as you know there's lots of enthusiastic commitment with OHA's money and as we have said at the table with Legislators. Very respectfully, that is the Trustees decision to make. That's not our decision as Administration, and frankly it's neither the Legislature's decision. That is the Trustees ultimate decision about how those resources are expended. So that's why when there are these cases and you know they put OHA's name we get crazy because it's like this is not you're kuleana, this is the Trustees. You can suggest, you can collaborate, but we get very concerned when they're trying to do the Trustees.

**Trustee Ahuna:** But that's not your kuleana. Okay, so a lot of times with travel, you know we hear Legislators tell us, hey good to see you guys come in, you know, you guys should come in, this is how you guys get your money, is that true? Because people from the outer island we cannot just fly in. So we don't have those opportunities to be here, and the reason why I say this is because that's not our decision to be there, they have to fund that money.

**Ka Pouhana Hussey:** They certainly appreciate when Trustees are in the room, as the Finance Committee and our experiences. They were very appreciative that we were there testifying in person, but the mechanism of Zoom helps our beneficiaries to testify right without flying here and using precious resources to fly in to testify and sometimes it's deferred. So even beneficiary, so it is good, but you can be there by Zoom. Being there by Zoom and a presence is just as meaningful and impactful.

**Trustee Ahuna:** So it's really up to us if we want to attend or not.

**Ka Pouhana Hussey:** Absolutely and you can always sign up for Zoom, right. Be there just for that and then monitor because you can always monitor the hearings as it progresses.

**Trustee Ahuna:** Okay, and then my last question is and with all due respect, what is one Hawaiian cultural center?

**Ka Pouhana Hussey:** So our amendments to one of the measures was to change the language to: if you're going to fund a pilot, a design, one of the measures calls for a pilot on O'ahu. So here we'll give you money to do the design on O'ahu. Well, we know being O'ahu centric is not helpful to our communities. Our cultural centers need to be in our communities, but again, for me it's of concern when somebody else wants to commit OHA dollars and that's not fair.

**Trustee Ahuna:** So my my question is what does it look like? What is it, is it like Polynesian Cultural Center, what is it?

**Ka Pouhana Hussey:** And that's why the pilot and design is important.

**COO Brown:** Yeah, you have to do all that defining as part of the designing.

**Ka Pouhana Hussey:** And you do that at the community level, right. Not at a state level, you do it at the community level with the community.

**Trustee Ahuna:** So cultural sense of place is what we're thinking right.

**Ka Pouhana Hussey:** Right

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, I agree with Trustee Trask and with Trustee Ahuna's concerns and I would like to recommend that we change our position on SR12 and related legislation regarding Hawaiian cultural centers set up and operated by OHA that we change our position from support to comment, and you may include in those comments the comments made particularly by Trustee Trask, and they could include reservation as well. I think that'd be the best position now. In the last year I have been approached by at least three parties with whom I've either spoken or met personally who have proposals and visions for Hawaiian cultural centers I mean across the island, and in particular in Kaka'ako Makai, and I think that before we lend our support to a particular bill, we need to define our understanding of that as OHA and so for now I'm recommending that we change from support to comments.

**COO Brown:** Trustee Akina, so that's change SR12, items 9 and 10 from support to comment and shouldn't we reflect that the same way in the line item 11, HB1434. Do you folks want to change support with amendments to comment?

**Trustee Akina:** That's what I'm recommending.

**COO Brown:** Okay, thank you.

**Ka Pouhana Hussey:** Trustees just building on that, I would also recommend for consistency then line 12, SB733. It's the similar Office of Hawaiian Affairs cultural centers. Report back to the Legislature, comply.

**COO Brown:** It's the companion, right?

**Trustee Trask:** Does item 15 also fit in here, Sylvia? Relating to Ha'ikū Valley and the preserve special fund. Do we have that in house or does this measure require we create a Ha'ikū Valley special fund?

**Ka Pouhana Hussey:** So this one Trustee, if we can hold for a singular conversation. This came from one of our beneficiaries. It apparently is based on a past recommendation that OHA participated in, and so if we can have that conversation before the Trustees determine. We are placing it as common and we can explain why.

**Trustee Trask:** Okay. You know, I just had one other thing, I just wanted to inform the Trustees because the discussion about these cultural centers is moving on my island as I told you. What I learned was that the cat was let out of the bag in December in an article published in the Hawaiian Airlines magazine. That article entitled "Descendants" gave everyone notice about the new approach that is now being pushed for Hawaiian involvement for the tourism authority. It states that Mr. John De Fries, now working with the EKF is moving the new tourism authority approach. I also then learned that the litigation that had been brought by the CNHA because they wanted exclusive control over the tourism funding for the state was resolved in a settlement that divided the baby in half. From what I understand CNHA will have 15 million. Five million each year for the next three years. You know when I hear this, you know, I see this happening on my island and now the cultural centers coming up. But I'm concerned that we look at the move for cultural centers because on my island everything I have found in looking at this is that the move for cultural centers is not for Hawaiian culture or community. The move for the cultural centers is to set up tourism spots on each island to accommodate the new Hawai'i tourism effort under Mr. De Fries, EKF and others, and I would like us to explore that as well.

When we talk about cultural center and there's several bills. I cannot find a definition that shows me that it's a center for our people. Is it a cultural center where you come for health where your hālau can do training? Or we could talk about planting 'awa? But when I look at it, it's not. It's cultural centers we're building because they want to replicate Lā'ie and I'm not about to put my money in that. You know, I'm just saying, I'm very concerned because we're seeing cultural center, cultural center. If you all our neighbor island Trustees, go read the article entitled "Descendants." December and January edition of the Hawaiian Airline magazine. We're not changing tourism here. We're ensuring that Mr. John De Fries from the old tourism approaches online. And on my island they only talk to one group, EKF. They're gonna be on the new American quarter. But when I looked all over and said, what is cultural center. Are we going to be distributing COVID mask, doing education there for our kids, what are we doing? Everything is John De Fries. We're going to be bringing in the tourists. We gotta welcome them. So I'd like to get some clarification on that. With so many measures we're asked to comment on or provide support. I'm not inclined to support it without more detail showing me that it's a cultural center for our people's culture, and it's not going to be what it looks and smells like. Which is money to expand the tourism industry and make it more Hawaiian-ish. I don't want to put money in that, but I don't know what the outcome will be.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, thank you, Trustee. If I could just sort of add briefly, each of the different measures kind of approaches it slightly differently, but you know one of them, for example, does talk about what they would want to see in the cultural center, right where it's Hawaiian cultural history displays, chanting music, language, which I think do go to some of the points you brought up and then of course the last part that was about kind of serving as a space where we can gather and hold celebrations and sort of in kind of tacking on to that what we were, what some of our Advocacy Staff recommended was maybe embracing it, and not saying we need to follow that model, but just for context or for comparison, you know the way the Japanese Cultural Center does it, where you also have it be some sort of an economic, be able to

advance some sort of economic opportunity for people, and that was where the Public Policy Advocates were going with that. But we are taking note, Trustee of all the concerns that the Trustees are sharing and are including that. I mean, we're assuming we're going to have a revised action on the positions, but we are taking note to be able to incorporate your 'ike and your mana'o into that and as we articulate that at the Legislature.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just wanted to suggest in future meetings with BAE that on the comment recommendations that our staff abbreviate what comments instead of just leaving it blank like this, and then we have to come back the next time. I think it would help the Trustees to know what are the comments and without having to write the whole testimony or addition to the bill. Just synopsis of what the Administration is recommending. That would be very helpful I thought.

**Chair Akaka:** Mahalo and as we're talking about this I'm also thinking how we can improve the matrix as we go and we review them. Maybe because the length of the comments or these amendments, maybe it makes sense for us to have a link, how you do for the link for the bills, where you can click on it when we're reviewing it from the electronic folder, click on the comment and then we can view what the comment is. I'm open to recommendations, but some of the other things with the matrix. I think it will be easier for us when we're reviewing these bills, is listing the companion bill numbers and then also the introducer or introducers of these bills, and then also simple like having the page numbers so it's easy for us to reference when we're going over it in the presentation, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you well, first I wanted to thank Board Chair for bringing up that suggestion. We will definitely try to incorporate as much of that as we can, just maybe, just for our our work today. We do still hope we can get the matrix approved with the revised positions as we work on getting those sort of additional details.

**Chair Akaka:** Yeah, for the next set. I know you guys are working so hard with reviewing these thousands of bills.

**Interim Advocacy Director/Chief Advocate Poe:** We will try to do that, the only hesitation I have is just there are only 24 hours in a day, so all I would say is we will probably prioritize the work to maybe have that on either our support with amendments or our comment bills. Or definitely would start that at the priority bills and then maybe for bills that have amendments and comments. For the high monitor and the monitor bills I don't know if we're going to have that sort of capacity, but we do hear the Trustees and we do want to. Please know we're committed to doing it. I'm just trying to.

**Chair Akaka:** I think it's just the concern is when we're going to have a position whether it's comment or support with amendments or so forth, knowing what the amendments are and knowing what the comments are so that we can know if we agree or disagree on that or support or oppose it.

**Interim Advocacy Director/Chief Advocate Poe:** Yes and I think to Board Chair and to you Chair Akaka, I mean we are committed to make the material understandable and digestible, so you know if these things help with that. We want to make sure we help enable the Trustees to be able to make decisions and have discussions before they make those decisions.

**Chair Akaka:** Mahalo

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, Chair, aloha everybody. Cap, I just need some clarity. I want to return back to the Kaka'ako bills and the companions, HB270 and SB736. Those are companion bills, correct?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee. It's the exact same bill being introduced in both chambers.

**Trustee Galuteria:** With regard to the content of both bills, exact same content. At the very end of the bill there is reference to beside anything regarding Kaka'ako it says for compensation relating to the Office of Hawaiian Affairs prorated portion of income and proceeds from the Public Land Trust. Is there a reason why that was placed in there? Does it have anything relating to Kaka'ako, it seems like it's a separate type of subject matter. Is this by design?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, you know this was put in on purpose and that's sort of because of sorry. Let me back up right. That was to cover the original claim right, which is why we entered into the settlement more than 10 years ago with Act 15. So it is meant to be there. Part of this is, if we're and you know I'm sorry if I'm going into more detail or if somebody else wants to chime in please. I don't mean to speak for someone else, but you know, part of the messaging and part of the reasoning for approaching all of this is the idea of restorative justice to make Hawaiians whole, to make OHA whole. And so in doing this we are including all of these things right. Yes, we're asking for the allowances for residential. Yes, we are asking for the floor area ratio. We're asking for several things, but we're also leaving it open to ask for other things as well and that's why that was in there and not to lose sight of why we had the initial settlement which is again, all of this is for the interim amounts, and then some of this is discussed Trustee and I know, you know you're digging straight into the bills. I'm trying to look up the page number, but in some of the history part in the preamble of the Public Land Trust, and then there was some discussion of the pro rata portion for Native Hawaiians.

**Trustee Galuteria:** I do understand the concept. But when you're on the ground it may be confusing, and it could prove to be at the end of the day a poison pill for the bill. I understand these things so I needed some clarity on why it's even in the bill. Okay, so bear that in mind. Secondly, and thank you for that answer, I have one more Chair if you don't mind, it won't take long. This is with regard to HB1228 and SB248 that's companion bills too yeah. That's the one that for HCDA raises the building limit. So one was the residential restriction, the other one is the raising of the 400 feet correct, right?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, apologies, just I'm just trying to make sure I'm bringing up and we're trying to bring up the same document on the screen. So just to make sure that makes it easier for folks following along that's on line 6 of Matrix two that's HB1228. I alluded to this I think in my introductory comments that we do have our preferred vehicles, which are what we identified as priority legislation. But we are grateful for the attention and support that others want to give, and for example, this one is being offered by our former colleague and now State Representative from Representative Souza. And so that's why I say we are grateful for that. We are also trying to be sensitive to which bills are likely to be moved by the House Leadership.

**Trustee Galuteria:** So I just need to understand that it hasn't been referred, and it probably won't be referred at this particular point. What's your sense?

**Interim Advocacy Director/Chief Advocate Poe:** The House was a little behind in making some of the recommendations. My understanding is HB1228 did get a referral and that's to Water Land. It got a triple referral first of all so you know I mean, the only thing worse than a triple referral is a quadruple referral, so it's going to Water Land, Judiciary Hawaiian Affairs and then Finance in the House. Our sense is that it's unlikely that the bill would be heard just because of those hurdles there and Land has already sort of kind of come out with their priority that they're trying to move.



**Trustee Galuteria:** The triple referral and another part of a death knell of a bill is a quadruple joint referral and the Board probably knows this, but I'm trying to refresh myself in terms of process at the Leg. too. Okay, thank you very much, Chair, appreciate it. Thank you, Cap.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you chair. Yeah and this goes to comments towards just commenting back with Trustee Galuteria. So for me, you know, sometimes maybe it might not be good, but where are we with this bill? Is it crossing over? Where are we? Are we still early in the game and the reason why I say this is because I don't wanna just not support things because like for example, there's some things that we really like, like if the Big Island likes cultural centers, then we shouldn't not support it. We should support it with little bit amendments but stay in the game. We wanna be at the table, so how can we be at the table? We cannot be saying no all the time, but if it's early, there's strategy in this and we can be at the table and we can write some of these things. So I just wanna make sure like we're not saying no to things but knowing what to do during the right time. So thank you for that Trustee Galuteria.

**Interim Advocacy Director/Chief Advocate Poe:** If I could just briefly respond, Trustee Ahuna. Thank you again for bringing that up. I hear your point on not always being against things and that's why this year we have a lot of comment and maybe even some support with amendments. But of course there are things that we absolutely have to be against and I'd say anything that touches the Ceded Lands Trust or the Public Land Trust Corpus, we absolutely as OHA oppose any disposition of those. So there are certain ones that we really do need to be strongly opposed to. I have one that I have highlighted in Matrix three.

**Trustee Ahuna:** So Capsun, what you're talking about is the core things?

**Interim Advocacy Director/Chief Advocate Poe:** No, I'm sorry, I just mean in general that we are trying to find ways to move forward, but there are certain items that we have to be. We as OHA have long been on record as being against, but to take what you've said, where are we with the bills. You know our priority bills, the priority legislation we talked about earlier. Only the budget moved in one committee, and so it's got a ways to go. For these bills, the Hakuone bills that we have highlighted for our Matrix two highlight. Neither Chamber has scheduled anything. Like I said, I know I just pointed out to the other version, the other bill that Representative Souza introduced. But even our preferred vehicle has a triple referral, so there's a very narrow path here, and we will continue to try and advance that. Like I said, we're probably most hopeful in the Senate because there are more introducers and also more influential introducers on that side. But you know we can't guarantee that.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. If we've finished discussing these other matters, I'd like to go to one of the bills and recommend that we make a change on our position. May I do so at this time?

**Chair Akaka:** Yes, please.

**Trustee Akina:** Thank you, I'm looking at Matrix two, item number one which is HB157 on 'Ōlelo Hawai'i and I've read the bill. It's very short, it's more like a resolution. It's 3 1/2 pages long and most of it I believe we agree with. We agree that 'Ōlelo Hawai'i needs to be taught more, we believe that this is in keeping with the fact that 'Ōlelo Hawai'i is a state language, and so I think that this bill and its resolution type language lines up well with OHA and the sentiment of it we can support. But unfortunately the bill, in my opinion, is probably not going to pass and lacks the basic content that a well thought through bill should have. When you read it the only mechanism it talks about is requiring Hawaiian language to be taught in the same way that English is required and taught at every grade level, and there are some problems that I think we need to let our educators think through. I have two concerns. One is this might have an unintended consequence of making our Native Hawaiian and non-Native Hawaiian students less competitive. Because it adds a huge level of required

courses at every level, elementary, middle school and high school and our most competitive students who want to take advantage of the opportunities before them are already maxed out on their requirements, so I'm a former educator and I know this in addition to the general curriculum they have to take college prep courses, STEM courses, Advanced Placement courses, and so this bill doesn't take into consideration what many educators feel is already an overload on students and forcing them into another level of requirement could be something that makes them less competitive overall.

The second concern that I have is that although we don't have to weigh in on the specific budget, there's no recognition of the massive budgetary and structural cost in terms of personnel, courses, even facilities that this is going to take, and so my recommendation is that we change our position of support of this bill to comments and in those comments, we do strongly affirm the positive support of 'Ōlelo Hawai'i, as it's expressed in the first page and a half of the bill. But we remain reserved in terms of being able to endorse it yet without further work on the bill.

**Chair Akaka** recognizes COO Brown

**COO Brown:** Trustee Akina, appreciate your perspective. There's an issue for me I think, and maybe if others can chime in. We want to appear. You know, this is something that OHA for the Native Hawaiian people typically would step in to support, and so we wanna balance how we support or not support issues like these with making sure they're not overloading or overburdening our students. Might there be a way to suggest you know, to include this kind of a requirement, but have it be offset by lowering another requirement. If Hawaiian language is very important and it should be in there then maybe it should be superseding another category or another credit hour, but OHA might find it difficult to, and it's Trustees call, to not support something like this, so I'm just trying to find a way if we can support it, but offer an amendment.

**Trustee Akina:** I understand what you're saying, but I'm not sure that we when simply weighing in on a bill should be putting ourselves in the position of the educators themselves when it comes to determining which requirements our students should have. That's something that I think we would want to avoid.

**Interim Advocacy Director/Chief Advocate Poe:** Right, I think part of this is and part of the reason it wasn't highlighted for the Trustees is it's sort of as we differentiate between the theory versus practice. So in theory, everything we've brought up is affirmed and taken into account. I did want to say that we listed as support for some of the reasons that were brought up, and maybe even some of the expectations in the community. But this bill, I would just point out, is introduced by a single freshman minority member, and I don't want to say it has a zero chance of, it has a non zero chance, but it's probably closer to 0 than not of being heard. So as far as keeping the Trustees on track. Basically, what I'm trying to say is I wouldn't want to spend a lot of time on this one when there are other measures that I think might have more of a chance and may need more action, but Trustee to your point about comments you know, if that's the action that the majority of the Trustees want to do we can make that adjustment.

**Trustee Akina:** I feel that comments would be an appropriate way for us to express the value of teaching 'Ōlelo Hawai'i and to let our community know that we're behind this. Hopefully some Legislator in the future will come back with a better bill.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair and thank you, Trustee Akina for your concerns. I think the reason bills are introduced is to introduce dialogue. So if your suggestions make it to a decision, I'll have to decide not to support your position to reduce it to comments and the reason I do that is because OHA has to be good for something. That is, if we cannot support our own Hawaiian language in the schools. We send out a signal, so I would recommend that we keep our position. We include the comments of caution from Trustee Akina you know, if we can find some common ground on the comments and we let the Legislators work it out with the

DOE, and we've taken our position to encourage more Hawaiian language in the schools and however they decide they want to do it, they gotta figure it out, not us. So that's my position on that. Thank you, Madam Chair.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Madam Chair. I just wanted to maybe push back a little bit, Trustee Akina, Nā Hopena A'o is the ends policy. It is up there with education policy of the philosophy of education, the mission vision values. Regardless if this is a freshman Legislators attempt. For us to not go on record in supporting a policy, we have lots of concerns about implementation and I think that's support with you know, comments makes good sense, but I would not recommend to the Trustees that you take a position of less than support. Because our education pathway strategic plan, our official language, our Kaiapuni Schools, our Hawaiian focused charter schools are all based on Hawaiian language. So respectfully, Trustee Akina, I would recommend to the Trustees to retain the support. Add comments if we're concerned about the implementation, but I just offer that.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, I'm an educator myself, I'm a certified teacher in Hawai'i. What public school has 'Ōlelo Hawai'i in the school, high school or what school? Does anybody know the answer?

**Ka Pouhana Hussey:** So Trustee Ahuna are you talking about programming, right.

**Trustee Ahuna:** The non focused charter schools, so I'm talking about the public schools. What high school program has mandatory you gotta take 'Ōlelo Hawai'i in this school, like it's a mandatory thing?

**Ka Pouhana Hussey:** So there's not mandatory, but there are programming that they intentionally put place into 4th grade, 6th grade. Some key you know areas but there isn't a mandatory, you know kind of implementation.

**Trustee Ahuna:** Okay so I just wanted to know like if there's schools that are having problems like if they're, like it's getting in the way of other classes. I just wanna know because this is the first language of our state, of here, you know. So I don't see the problem.

**Ka Pouhana Hussey:** My understanding is when Nā Hopena A'o as an example, the ends policy concerns were from non Hawaiian language speakers, but the policy is very broad and it's inclusive about the whole student. So it was designed to be inclusive that everybody can find themselves in Nā Hopena A'o, even if you were uncomfortable or didn't know the language, it wasn't meant to be an exclusive policy. It was meant to be an inclusive policy. So if we are concerned with the implementation, those are valid, but if it is establishing the policy and then to Trustees point, let the Department of Education figure it out. Our charter schools have.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you very much. I'll just say this very briefly, I'm in complete agreement with the support that has been expressed by my colleagues. Each of you in terms of the importance of teaching Hawaiian language, my concern is only with this specific bill. I think that when we support bills that they should be put together better, but I won't stand in the way of this Board expressing support. I would appreciate the opportunity if someone will at least give me a second on this, the opportunity to bifurcate this so I can place my own vote separately. I would just need someone to support bifurcating this.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yeah, I'm not really sure the outcome of this last discussion. I wanted to raise the point on HB928, the Public Land Trust revenues because when I was in the Senate last week a question was posed to me about when OHA was gonna move to open up the working group on the Public Land Trust revenues. We're supposed to have a working group this session. Looking at the very issue in HB928. So, but I know that 928 is not the working, the Public Land Trust working group, but I don't want to move to another point because I agree, you know, I'm not sure where we are in this last discussion that Trustee Dan and Trustee Keli'i were discussing. I'm not sure if we need an amendment or you know, I think it's important to support it. You know, I'm not sure how we wrapped that discussion up, but I didn't want to leave this matrix because, you know, we're supposed to be in a working group on the Public Land Trust right now. We haven't established it and I've been asked by a Senator when is OHA gonna move to do it? But here I'm looking at opposition on 928. You know, I thought we were going to be in a working group to work out this point.

**Trustee Ahuna:** Chair, I believe the question was, Trustee Akina was looking for a second and I don't believe he got a second so.

**Trustee Akina:** Madam Chair, I didn't make the motion formally. I was just expressing that I'm ready to move on and at the appropriate time I would appreciate it if somebody would support me and at least allowing us to bifurcate HB157 so that I'd have the privilege of being able to vote on it separately from that package.

**Chair Akaka:** Mahalo, we can address bifurcation some when we finish this matrix.

**Trustee Akina:** Thank you very much. I'm finished, thank you.

**Chair Akaka:** Capsun, if you'd like to continue.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Chair. You know, I do think we did have some of the ones to focus on. We're definitely taking note of the Trustees feedback and we're gonna try and incorporate that for next week and to be able to get the Trustees the information that they need. At this point, you know if there are any other questions on Matrix two. We wanted to go over that otherwise Administration does recommend approval of the Matrix as noted, and I do know and just the nod to Trustee Akina's request that we probably have probably one motion and then a second motion for the one bill separately.

**Chair Akaka:** Mahalo and I want to just make sure I'm refreshing my memory properly here with all of us. Trustee Trask has mentioned that she would like to change position as well.

**Interim Advocacy Director/Chief Advocate Poe:** Absolutely Trustee, so I was going to note and please sorry I hope I got the notes correctly, but for SR12, we signified SR12.

**Chair Akaka:** Kala mai. if we can have this put on the screen so we all can look at what the changes would be.

**Interim Advocacy Director/Chief Advocate Poe:** And again, apologies Trustees, you know item 9 and item 10, please don't think those are two separate things. It's the exact same thing, but because we posted it twice, we do need to make sure we adjust it twice in there and then HB1434. So these are all the changes that we believe the Trustees talked about, the position changes.

**Board Chair Hulu Lindsey:** So are we bifurcating these amendments? Bifurcating these bills out and we can move on the other recommendations.

**COO Brown:** Yeah, Madam Chair Administration is working with Trustee Akaka's aides to get that bifurcation language.

**Interim Advocacy Director/Chief Advocate Poe:** But yes, Chair, to your question, the plan is to try and do it with this motion, noting the changes and then doing a separate motion for the one bifurcation, and I hope that's as straightforward as we can get it for you or as simple as we can make it. Noting all of these changes.

**COO Brown:** Everett with what you see on the screen that Mark or Nathan has posted that edit for the bifurcation, will this work?

**Interim General Counsel Ohta:** Yes, good morning Trustees, Chair Akaka. This motion can be brought or can be brought before the Committee and then we can have a separate motion to approve the recommendation on item 1 as support and according to Administration's recommendation and then the Trustees can address that bill separately.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Madam Chair, I'd like to move to approve **Move to approve Administration's recommendations on: NEW BILLS (Items 2 – 19, Excluding Item 1) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated February 1, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

- Item 9, SR12 from SUPPORT to COMMENT
- Item 10, SR12 from SUPPORT to COMMENT
- Item 11, HB1434 from SUPPORT WITH AMENDMENTS to COMMENT
- Item 12, SB733 from SUPPORT WITH AMENDMENTS to COMMENT

**Boar Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Think I'm seeing none here. Nathan, can we please have a **roll call vote**.

**Trustee Ahuna:** Just a comment, I'm gonna be voting no. I just don't feel like this, like we didn't finish the conversation so no.

**Chair Akaka:** Regarding the cultural center?

**Trustee Ahuna:** No, with everything.

							11:37 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA				X		
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			

<b>TOTAL VOTE COUNT</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>
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MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

**Board Chair Hulu Lindsey:** Madam Chair, I'd like to **Move to approve Administration's recommendation on: NEW BILLS (Item 1) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated February 1, 2023, as:**

**BILL POSITION:**

- Item 1, HB 157 as SUPPORT

**Trustee Waihe'e:** Second

**Chair Akaka:** It has been moved and seconded. Any other questions or comments members? I just want to make sure we have it as support currently on our matrix, we're not making any changes I see here, right?

**Boar Chair Hulu Lindsey:** Right, but Trustee Akina has the option of voting no.

**Chair Akaka:** Right, thank you. Alright, any other questions or comments members? Seeing none, Nathan can I please have a **roll call vote**.

							11:40 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA					X	
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	1	0

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

**C. 2023 OHA State Legislature Bill Positions Related to Measures  
Affecting Native Hawaiians – Matrix 3\*\***

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Capsun

**Interim Advocacy Director/Chief Advocate Poe:** Trustees, we're still here with you. I do want to warn you that we have 531 items on Matrix three and so we have highlighted. The top nine and I'm going to, I could just highlight them for you. They're sorted in a weird order. I apologize, we'll probably try and work on this order to make it a little more cohesive, but the sort right now is descending order here. Let me just highlight you know the first HB1328 as you can see there it's charter schools.

**Chair Akaka:** Kala mai, Capsun, just so it's easy for everyone to follow based on how it's listed on the matrix, because we do not have any page numbers. Can you please first list the item number along with the bill number?

**Interim Advocacy Director/Chief Advocate Poe:** Sure thing and I will write another note to myself to make sure I try and do that to make it again more accessible for the Trustees.

**Chair Akaka:** Mahalo

**Interim Advocacy Director/Chief Advocate Poe:** So for the first one number one there that's going to be on line 376, that is charter schools. It's allowing for money and funding for the charter schools. This is a high monitor that we would expect might be converted to testimony. We're sort of standing by to wait to see what some of the Charter network folks and leaders want to do, and so that's why we didn't necessarily have testimony ready to recommend.

HB579 as you can see there, it's #2 in this list, but it's relating to human trafficking, that is item number 315 in the matrix. This would establish a program to help assist with sexual exploitation but related to children and victims of human trafficking. This does sort of advance some of the work of our missing and murdered Native Hawaiian Women and Girls Task Force. There is a reason we are comment. I do want to point out that there are several concerns in that it's #1 focused just on children, which I think is low hanging fruit. But I think that is not the universe of victims and we might want to serve more. Also, it's under the Department of the Attorney General, and I think that gives us some concern in that they're more about enforcement, not necessarily about services. So that's why we have a comment recommended there.

**Chair Akaka:** Kala mai, I just wanted to make comment on that. Mahalo for highlighting this regarding human trafficking, as it is something that has also been a focus of ours federally as well and originally when I did see that it was comment I was wondering how come we wouldn't do support with amendments being that it would be in alignment with a lot of our work in support of this right now. But Mahalo for this clarification.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee it's because and I do wanna you know that sometimes if we say even if we say support with amendment or support with reservations you know as going back to even what Trustee Trask brought up earlier, right. Sometimes people would just take that as oh, you support it and then we don't want to leave out on that one the broader list I guess you know. I mean, it's great that we would focus on children, but there are many more victims than that and we would want to advocate for that appropriately.

**Chair Akaka:** And just for further clarification, I want to make sure so there's a clear understanding. So what you have listed on here is not the full comment that you're making, this is just a synopsis of what the comment is?



**Interim Advocacy Director/Chief Advocate Poe:** Yes, for sure and again we will include more of those notes to make it more understandable for the Trustees. I know I already started going on, but you know just to get us back. You know, HB308 relating to sustainable food systems. I did do a better job, I hope of noting.

**Chair Akaka:** Kala Mai, what item number is this?

**Interim Advocacy Director/Chief Advocate Poe:** It's good luck number 88. So relating to sustainable food systems. You know we have this as support with amendments and you know, we're really asking for an OHA seat to be able to better advocate. There is still no hearing yet it would go to the House Agriculture and Food Systems Committee. It's introduced by a slew of lawmakers. Including Representative Gates, who is the Chair of that Committee so we are expecting that it would probably get a hearing at some point.

As promised Trustees, the next one here is SB733, and that is line number 12 from the Matrix two. We actually already talked about it when we were doing our Matrix two discussion, so I was just going to move to the next one Chair and that would be SB521 that is also from line 18. I wanted to highlight it, this has some big impacts. But again OHA would ask in our comments for an OHA representative to protect our interests and the eventual return of the land when the leases end in, just off the top of our heads, right. You know Pōhakuloa would be the first place that this would apply to.

Just moving to the next one, SB100, that would be item number 57 in Matrix three and it's relating to KIRC, Kaho'olawe Island Reserve Commission. OHA is a member of the Commission and so we did recommend support for just the very necessary work of the Commission. There was actually a hearing yesterday on SB100. The Committees on Water and Land in the Senate, and Hawaiian Affairs in the Senate were supported and did advance that on. Just as a quick note, just to know that it's a fairly standard practice if there are any amounts that the Senate, usually the subject matter committee will remove any appropriation amount and then insert that later if given clearance by the Ways and Means Committee and that's just the way things work in the Senate.

We just have three more bills here. There are many more of course, but SB92 is about CBSFAs, a Community Based Subsistence Fishing Areas. We are recommending strong opposition to this because in limiting, it would place a limit on how long an area can be designated as CBSFA.

**Chair Akaka:** Kala Mai what item number is this?

**Interim Advocacy Director/Chief Advocate Poe:** Sorry, Trustee, I'm going to get it, trust me. So it's item number 235 on Matrix three and if Trustees, if you are following along on your own computer or anything, you're not looking at a hard copy. It's on page 54 of the PDF, so that would be SB92. You know OHA has long supported CBSFAs as a means to allow traditional customary practices to govern specific areas, it's been very successful in many communities and the danger here is of course that if this were to pass, it could somehow put a limit or a time limit on TCP and that would be something absolutely being concerned about. That bill is being heard this afternoon at 1:00 o'clock. We do understand community is mobilizing on it and we will have a Public Policy Staffer there just to observe and share our concerns there.

The last two bills are probably going to take together in talking about them because they seek to do the same thing. So that's SB52, which actually is on Matrix two, as well as SB32 which is regarding the OHA at large. These are actually both on Matrix two, but we brought it here for the larger discussion. These both concerned the election of the Board of the Office of Hawaiian Affairs and so on these Trustees, because of that we are asking for a Board determination on what position the Administration should take. We have, you know, sort of submitted comments that you know, we're trying to figure out what problem we're trying to solve here, but in short, it would change instead of the Trustees being elected on an at-large basis, it's tasking the Reapportionment Commission to divide this. Figure out a way to divide the State into 9 districts, and then Trustees would be elected from one of those nine districts, and just so you know, Trustees both bills were

heard last week in Hawaiian Affairs, they both passed with an amendment and there's a little bit of confusion in the amendment because now at least as it's advancing, this would only apply to the at-large seats. So the at-large seats would not be at-large, they would be elected by, they would have to figure out the districts, or at least that's what we were told. We're actually waiting to see what those changes look like in writing or in written form so we can really tell you more about, but that was that current thinking as of last Thursday or Friday when the Hawaiian Affairs Committee met. So on these ones, Trustees you know, because it concerns the election of Trustees, the Administration thinks that this would be better for the Board to give us a determination on what we should do as far as position going forward, and so Chair and Trustees, this does conclude the nine bills that we wanted to highlight for the Trustees. There are of course, like I said, 522 others in Matrix three, we're open to discussion on these or any of the specific one.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair, appreciate it. Capsun, two questions, items 8 and 9. Hypothetically did the bill cut the lāhui up into 9 districts, 9 Trustee districts all equal in number. Is that what's being recommended?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, or at least in as introduced. Like I said, Trustee, it did change a little or there are going to be changes, but the initial bill was tasking the Reapportionment Commission to figure out nine districts.

**Trustee Galuteria:** So hypothetically, there'd be canoe districts in almost every case except O'ahu perhaps.

**Interim Advocacy Director/Chief Advocate Poe:** Probably yes, probably. And this idea has come up before Trustees, in the past has been concerned about costs because of basically let me call it one man one vote. So one of those cases is Fraser, but there are several other cases. The Reapportionment Commission needs to sort of make districts about the same size, so how we get around that at OHA is because they're elected at-large. There are residency requirements for some Trustees, but then they're elected at-large, but by making it by districts, if we were to extrapolate from the Moloka'i, Lana'i Trustee seat and we sort of extrapolate that you know, that could be a whole lot of Trustee seats to do. So this solution here is instead of increasing the number of Trustees, figuring out districts keeping the nine members of the Board and then figuring out the system that way. Like I said, the new thinking in the SD1 which is the Senate draft one that the committee passed out is to take the at-larges and divide them into districts. Some of the thinking was and again, I said, you know, that's what I mean that the solution actually complicates it even more. Some of the thinking was perhaps to follow our Congressional districts right where you have Urban O'ahu and then everything else, all neighbor islands and non urban O'ahu. So that could divide it. You know if they did that for the at-large seats as they indicated, but again, we are still waiting to digest what that looks like from the Senate committee.

**Trustee Galuteria:** I see, okay. So one more question. I understand all of the horse trading going on behind all of that stuff too, but SB92, who introduced the Community Based Subsistence Fishing Area Bill? Who introduced it?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, you mean if you're speaking of this SB92.

**Trustee Galuteria:** Yeah

**Interim Advocacy Director/Chief Advocate Poe:** Primary introducer was Senator Inouye and Senator Shimabukuro also signed on to that bill. The referral, it has a dual referral or double referral. So the first referral is to Water Land which is chaired by Senator Inouye.

**Trustee Galuteria:** I see, okay, thank you very much. Thank you, Chair.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. I'm just kind of lost in this process trying to get an understanding. So are we voting on this Matrix two, like we can change the matrix?

**Chair Akaka:** So we're on Matrix three right now and Capsun is just going over some of the bills that he wanted to highlight out of the 531 bills that there are.

**Trustee Ahuna:** Okay, so this is just highlighting, we're gonna watch them because they can change at anytime. We're not going to take vote, take a stance.

**Chair Akaka:** He wanted to give, if I have this correct, more emphasis on these specific bills, but we do also have the opportunity if there are any bills that are within this matrix that you would like to change position or get more clarification as to why our position is so, this is the opportunity to do that.

**Trustee Ahuna:** So you guys are asking the Trustees to make position changes on these right now because this could just change like tomorrow.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, so first of all, I just want to thank Chair Akaka for putting I think more clearly what I had tried to say. So thank you for that and then yes, so this is just sort of a high level some things we wanted to highlight for the Trustees and then we do like I said have all 531 items to go through. We continue to take into consideration, so part of it is the ones that we've put here. These are the ones that considering who introduced the bill, considering the referral in the committees and then it's just overall likelihood of moving and then impact. That's kind of what we highlighted, so these are the ones that we think may move, and then of course we have the other or the rest of the 531 bills in Matrix three.

**Chair Akaka:** And just to note too, I do have bills that are not part of this group of nine that I also would like clarification on in terms of positioning and so forth, mahalo.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I wanted to point out I'm very concerned and I'm thankful that OHA is strongly gonna oppose SB92, the Community Based Subsistence Areas. I've had two beneficiary concerns on this. One is from the folks from Miloli'i which is on my island. We have protective status there and it was imposed because there were so many people going down to do recreational fishing but also just scoop netting the fish there to sell for the aquarium trade. There's also a similar problem that arises now with the akule in Hana Bay on the island of Maui, but I think that we need to point out here that we're strongly opposed because in the last several years we actually supported community control for inshore fishing. It was not just environmentally based, but because of our health it has to do with subsistence fishing that took us back to the findings of the Native Hawaiian healthcare study that we're fish and poi people, but what's happening here with Inouye on our island is they're saying, well, the fish in Miloli'i came back. Let's get rid of these protections so that we can bring back the people that want to use the scoop net and take the fish for aquariums and those that wanna, you know, keep it there for snorkelers. So I think we should if this bill gets into trouble, I think we should put that in our testimony. This bill is seeking to undo what previous legislations did, and now that we can see that they're working, the fish are back, the people are able to fish again and feed themselves. Now they're trying to get rid of it and repeat the mistake you know. So I mean, I just have very much in support of this, but good job on this one.

**Trustee Galuteria:** I agree with Trustee Trask.

**Chair Akaka:** Same here, that is one of the ones that I had flagged. Members are there any specific bills that you would like to highlight in terms of position or questions on the position?

**Chair Akaka** recognizes **Trustee Ahuna**

**Trustee Ahuna:** So how would that affect the very first CBSFA on the island of Kaua'i?

**Interim Advocacy Director/Chief Advocate Poe:** In some ways it's to be determined because we're unsure if it's meant to be retroactively applied or just for new CBSFAs that, that would be a concern of ours, but it seems like the intent was to put in expiration on all CBSFAs, it's you know at some point.

**Trustee Ahuna:** So Capsun, it says here essentially places a time limit on Native Hawaiian traditional and customary practices. Is that what we trying to get rid of?

**Interim Advocacy Director/Chief Advocate Poe:** No, Trustee please, we absolutely want to support and empower traditional and customary practices. Our concern is that by putting, like making an expiration for CBSFA, which follows TCP, that doing that would essentially put a time restriction on TCP, right. Like so if you can only have CBSFA for five years or something like that. And by the way I'm sorry I don't mean to confuse things. I just made-up the five. There's actually no year in here. They left it blank so that they can figure out the number of years later, but you know traditional and customary practices and rights are enshrined in our Constitution and in statute, and so we would not want any restriction of that or anything that would diminish that.

**Trustee Ahuna:** I just, I'm really confused. But anyway go on.

**Chair Akaka:** For clarification, I think from what it seems that we are in support of CBFSA, and that any changes, we're not looking at having any changes, and this would change what is currently in place. Is that correct?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, mahalo, Chair for always helping me there. Yes, that is a much simpler version of what I meant to say to Trustees question. Yes, OHA supports. But in our advocacy, we're both, in this case, we're trying to be reactionary, right. Somebody has an idea so we're concerned about it, so that's why we're bringing it up. We do not support this.

**Trustee Ahuna:** So my concern was in the comments. I want to make sure that we understand that we're not against CBSFAs. Am I correct?

**Chair Akaka:** We are not against CBSFAs, we are in support of CBSFAs.

**Trustee Ahuna:** Thank you.

**Chair Akaka** recognizes **Trustee Souza**

**Trustee Souza:** Capsun, I got my hard copies in front of me. What page or what item line number is SB52? I can't find it on my hard copies.

**COO Brown:** You know why that one is on Matrix two. So even though we're covering Matrix three issues. Go ahead Cap you can explain why.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, thank you for clarifying that. Yes, apologies Trustee, that is included in the larger discussion, but yes, it is included in because it is OHA named. It was in Matrix two and so we'll double check to make sure and it is item 17 just to look at Matrix two.

**Trustee Souza:** Okay and off hand do you know what the comments would be at this time? Because I see comments or there's no particular stance on it, just says comments.

**Interim Advocacy Director/Chief Advocate Poe:** So for SB52, right Trustee.

**Trustee Souza:** Correct

**Interim Advocacy Director/Chief Advocate Poe:** So for SB52, the Administration did submit comments here and we basically pointed out that we'd be talking to the Board and that we had some concerns because there was a similar idea and it's about equal representation for our Moloka'i and Lana'i seat. Sorry, it's about equal representation and then because of that we're concerned that you know Moloka'i and Lana'i have long asked for their own seat, so if we do anything that takes that away, it's sort of in a way, it makes the problem we're trying to solve worse, right. And so that's sort of what we're trying to convince them of and that the solution is a little convoluted here and you know, just what I said is they're going to touch the at-large seats, so now they're not even touching the very seats that they were you know, the island specific seats, which is what started the entire discussion.

**Trustee Souza:** Got it and you said so this is moving forward, right with some amendments?

**Interim Advocacy Director/Chief Advocate Poe:** Yes

**Trustee Souza:** And this was reviewed, the hearing was a couple days ago?

**Interim Advocacy Director/Chief Advocate Poe:** It was on the 26th. I think that was last week Thursday.

**Trustee Souza:** Yeah, so I'm gonna bring up what I said earlier. I would have loved to have been emailed or have phone call. This primarily affects my position and three other Trustees on this Board as well, and I would have liked to have been there before it had moved on, at least to give testimony. Even in the individual capacity, even though the Board didn't take a stance at that time, and so yeah, just going back to what I said earlier. Again, this is of great importance. I see the urge or the need to do this, like you said, Moloka'i and Lana'i. They wanted their own seat, but this actually more so affects the at-large. I think this has been brought up probably because beneficiaries are, they're misrepresented in certain areas, right, or not represented at all, and so for me I plan to be on every single island and I don't think there's anything that restricts us as Trustees, all nine, to be on every single island. Maybe not in certain individual communities, that does require a lot more time that sometimes we're not privy to, but I think the concern is just overall just showing up and and being more engaged and I think this is why these kind of bills are brought up, and for me like I said, there's four at-large positions and we definitely need to be more engaged in the community so that they understand that hey, we are working and we're not restricted and all nine represent the best interests of every beneficiary on every single island. And so you know that would have been part of my testimony the other day if I was notified at least, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, thank you. Chair, we will definitely take some of Trustee's comments back. I would just point out that we will do our best, Trustee. Part of this first meeting is to kind of have that sort of level setting right. Figuring out what priorities and what positions the Trustees want to do. I'd also say you know Ka Pouhana does send out updates, so that might be another good way for us to get information out, and then you know, for the Trustees to digest that as we go through and highlight some of the bills. It's a lot Trustee and so I guess for us you know I always err on you know, do we want them, I don't want you to have to track 530 or 550 pieces of legislation, but I do want you to have to or have ready for you some of the more important ones. Anyway, Trustee there were some communications, but we'll try and make sure we work to really highlight it for Trustees and your staff.

**Chair Akaka:** And if I have this understanding correct, is that it is early on in the State Legislative Session, so our Public Policy has been working really hard to look through these 3,000 plus bills to see how this does affect our Hawaiian community and do their due diligence to be able to highlight that and put it in the matrices and then present that here to our Trustees and then go forward so that our Trustees individually can also track it as

need be, and I think the understanding is we move forward is that we do want to have a cohesive and collaborative effort here so that everybody is aware so that we can be present and have a united front. It's just in the meanwhile this is our first go at the matrix and so that we're on the same page and there will be bills that are added along the way. It's just this is what there is at the top of the heap so far. So mahalo nui, Trustee Souza, we do want to be present as much as possible.

**Trustee Souza:** Absolutely, I agree and I just wanna say you guys are doing a great job because this is a lot, especially for me and Trustee Galuteria who we're still kind of on boarding and we're jumping into session as well. So we're right in the midst of it, so it's a lot to take in, but you know if we do have stuff on our schedule we're willing to cancel to be at that Capitol and leverage our relationships at any time. So this again, but thank you for, you know, try to do our best with the amount of time that is given as well, and I'll do my best on my end as well too. Subscribe, I think there's something we can subscribe to the Capitol where we get all the different bills and we've been more aware of it on our end as well. So thank you guys.

**Chair Akaka:** And one thing to note too is the bills do progress. There is more of an opportunity as the bills are heard in the different Committees and if they're going to cross over to the other chamber that there's the opportunity to be present and add a comment as we go and if the bill evolves as well.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Chair and Trustee, I did want to just quickly note you know, part of this was, you know, this moved very quickly. This was the very first hearing of the 2023 session beyond the money committees, and so bills hadn't even finished being introduced and people are already scheduling hearings. So we did catch it and our staff did catch it and we did kind of like I said, have those comments and I believe Ka Pouhana did share that in an update to the Board. So at least you know you knew what position and what we were sharing, and maybe we'll continue to work on ways to inform the Board, I know we make efforts to inform you, but like I say, you know three days in the Senate or 72 hours in the Senate, 48 hours in the House, so there's only so much we can do, and then if you want your testimony to be on time, it needs to be submitted 24 hours prior to the hearing. So in some cases you have 24 hours notice.

**Chair Akaka:** It's a very quick turn around.

**Interim Advocacy Director/Chief Advocate Poe:** It's definitely set up for everyone to react. But we are committed. Please know that Administration is committed to make sure the Trustees are properly informed, especially on these high level or priority bills, and I think we'll continue to work with Ka Pouhana, who I know has sent updates before on this specific bill with this testimony, but then also going forward so that the Trustees are updated. So we'll continue to work and I apologize, Ka Pouhana for making that commitment without you. But I'm sure that's in line with everything we've discussed.

### **Chair Akaka recognizes Trustee Alapa**

**Trustee Alapa:** Mahalo, Madam Chair, I wanted to follow up with Capsun regarding SB52 in how this bill came about in reference to the Moloka'i, Lana'i representation. I read about this article in the Hawai'i Free Press and basically my names in it regarding the vote process there, but also wanted to make note as that there was another aspect of the article that referred to the Attorney General. This perhaps could help, maybe our at-large Trustees understand that it probably won't go through because of what was stated by the Attorney General's Office, so I don't know if I'm free to say that or read it if you'd like to hear it, so in regards to the Attorney General's Office, he had concerns with the bills and asked lawmakers to not advance them. The office is worried that the bills do not comply with US Supreme Court case that said political districts have roughly equal for populations according to the Deputy AG Reese Nakamura. The AG's office is concerned that due to the disparate population sizes on the islands, some Trustees would be representing more residents than others which could possibly expose the state to lawsuits under the Equal Protection clause of the US Constitution

according to the department's written testimony. I don't know if this will hold water or if this is relevant, but that's something to consider, thank you.

**Chair Akaka:** Mahalo, Trustee Alapa. Ka Pouhana

**Ka Pouhana Hussey:** Thank you, Chair. I just wanted to build on Trustee Alapa's reading of the testimony. So for Trustees, the notice for this hearing came to you in message 2023, #12 at 4:20 in the morning on Thursday of the 26th, and the hearing was at 1:00 o'clock that afternoon, and in that testimony, as Trustee Alapa has pointed out, the Attorney General was first up and they actually asked the committee to hold the bill because they had some concerns about all of those protections and clauses. So I just wanted to let the Trustees know about that communication that had been made, and then that testimony is on the website that Trustee Alapa pointed out.

**Chair Akaka** recognizes **Trustee Akina**

**Trustee Akina:** Thank you, Madam Chair. I just have a question over here on item number 132 of Matrix three for Capsun. My question is, how did we determine that OHA would have a position on this matter? What is the relevant issue here for OHA or the Hawaiian people, and we're talking about the Hawai'i Housing Finance and Development Corporation moving from having a Board to instead having an Executive Director? I'm just curious as to what the issue is and how we are stakeholders in this process.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee. What I would say is we want to monitor this. OHA has a long history with our friends at HHFDC in sort of in how they approach their funding and their services. We've actually had several lawsuits with them and so that's why we put it there as a potentially we want to support so that we can better serve or have our beneficiaries better served by some of the instruments of state government.

**Chair Akaka:** What bill number is this, SB52? I see that on the screen.

**Trustee Akina:** It's SB871

**Chair Akaka:** Mahalo

**Trustee Akina:** Now Capsun you mentioned that we want to monitor it. I don't have any objection here, I'm just wondering why we are weighing in on this very specific structural issue that the agency move from having a Board of Directors to having an Executive Director instead. I'm just wondering why we're weighing in on that particular architecture?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, I believe some of the thinking behind that was we might be better able to work with, instead of having it be separate, being able to better work with them and if it's just one person.

**Trustee Akina:** So that's the reason?

**Interim Advocacy Director/Chief Advocate Poe:** Or yes, I mean at least that's some of the hope and you know, but again, that's our recommendation as staff and if we want to take a different position. Because Trustee as you're sharing, I mean I think we can see that perhaps we might want to be just a high monitor on this one. Maybe we see if the bill moves and what we want to do as far as position right as we let others do it. It's got some tricky referrals that Trustee Galuteria spoke about earlier, so it's probably now looking that people are concerned with it and maybe don't want the bill to move so I just mention that as well.

**Trustee Akina:** I'm just trying to interpret what you are advising us as the Administration. If you feel strongly about.



**Chair Akaka:** Are you asking what the amendments are? Please continue Trustee.

**Trustee Akina:** Thank you, if Administration has analyzed this and feels strongly about it, I'm glad to support their recommended position. I'm just trying to feel out whether that is the case.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, Trustee, yeah and so like I said you know, I mean we have just some quick notes but that's where we were. I think the hope is to be able to work with the Executive Director who would just be and because they would be confirmed by the Senate, that also gives us additional opportunities for engagement and to be able to advocate and advance. That's all but maybe if I take a step back it helps us get some accountability and responsiveness in other agencies that sometimes aren't accountable or responsive to our inquiries and advocacy.

**Trustee Akina:** Thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee.

**Chair Akaka** recognizes **Trustee Trask**

**Trustee Trask:** Yes, I just wanted to say that I had heard, my understanding is that this is the Robin Danner bill. Isn't this what they're saying is the Robin Danner bill? That she'll be the one put in charge of HFDC and from that can work on both sides of the housing measure.

**COO Brown:** That's a good piece of info to note and we should look into that.

**Trustee Trask:** Please do, I don't have anything more than that Casey. But when I asked about this you know, I was told kind of off the cuff and walking around on the lanai down at the Legislature that this is you know, the Robin Danner bill.

**COO Brown:** So Trustee Trask, let's say that it might be. Maybe until we find out you know that bit of information and anything else that may have surfaced, maybe we should consider a more neutral position until we find that in info.

**Trustee Trask:** I don't wanna put our team off course, but I think it's something we should examine.

**Interim Advocacy Director/Chief Advocate Poe:** I think after Trustee Trask brought some of that up, as I was sort of alluding to with Trustee Akina, perhaps I mean, I think we'd be very comfortable going high monitor on this, and we need to have some other conversations within government and within advocacy circles to sort of refine the recommendation for the Trustees. But and this high monitor will be high on our list to pay attention to.

**Chair Akaka** recognizes **Trustee Ahuna**

**Trustee Ahuna:** Thank you, Chair. My question is what it's saying is the Senate President will be making this decision right?

**Interim Advocacy Director/Chief Advocate Poe:** Sorry, Trustee, are we on SB871?

**Trustee Ahuna:** The same one, yeah. Who hires the person?

**Interim Advocacy Director/Chief Advocate Poe:** The the entire Senate, so the Governor would appoint and then the Senate would confirm.

**Trustee Ahuna:** So it's a Governor appointed one, just like DHHL and all that.

**Interim Advocacy Director/Chief Advocate Poe:** Yes

**Chair Akaka:** So this would be a GM or governor's message that then would have to go through the Senate for confirmation.

**Trustee Ahuna:** Okay, now I get it. Thank you so much.

**Chair Akaka recognizes Trustee Akina**

**Trustee Akina:** Thank you, I just wanted to express that I appreciate Capsun's recommendation that we move this from support to high monitor and I do want to note that I believe that's appropriate to do simply because we're not prepared, that we need to do more due diligence on that. I'd like that to be our rationale rather than any particulars as to who may or may not get that job.

**Chair Akaka:** Members, any other bills of interest that you want to highlight?

**Chair Akaka recognizes Trustee Trask**

**Trustee Trask:** You know, I just didn't want my last question to fall through the cracks. Last week when I was down at the Legislature I did get that question, when is OHA going to move to set up the working group on the Public Land Trust. You know, all the other bills are coming in, actually deadline for introduction, but I think we're already moving forward on a working group, Public Land Trust. OHA was having three, I don't know, Legislature was appointing three or Governor. What happened to that? The session is already open. We're moving into February. I don't know you know, where we are in that.

**Interim Advocacy Director/Chief Advocate Poe:** Chair, if I could maybe start with that and then you know if others wanna chime in. Trustee, I apologize I did have that as a note to come back to. The Legislature is now in session, so let me say things have gotten a little complicated there, or at least a little less clear is what I should say. Shortly before Governor Ige left office he appointed three members, OHA appointed three members well before that and in that time, as far as we're concerned, I would want to say we're ready to go, but there is some uncertainty as far as the three appointees, because Governor Ige made them and then shortly after that Governor Green came in and we haven't actually gotten confirmation from Governor Green or anyone in the Green Administration that they're going to honor those appointees. One way to do it is if there's uncertainty around it, one way to do it would be for them to just reappoint the same people to the working group. But I'd also say there's legislation moving through that would change the the appointed members. Currently it's OHA appoints three and the Governor appoints three. One bill under consideration would change that to one from the Governor, one from Senate President, one from House Speaker, which is kind of consistent with some of the Judicial Selection Commission and some of those others.

So I think that's pretty much where the status is. OHA is absolutely ready to go and ready to support. I think we need the Green Administration to figure out what they want to do, but then in the meantime even if they do figure it out, until the other bill gets dealt with they may be hesitant to appointing because they're not gonna know if the appointees changed they might need to redo that process all over again.

**Trustee Trask:** You know, I think we need to take the lead on it now. Let me suggest that we consider immediately sending a letter to the Governor, laying out the history and saying this had moved under Ige. These were the appointments made. We now move into the month of February. We have yet to hear from the Governor, OHA is ready to proceed. Is the Governor going to accept the Ige nominations? If he is not, immediately inform us because you know, by the time this thing moves forward, you know we'll be starting out

in March probably which is a six week loss, but I think it's an important one to us and some of the bills we just looked at. We're looking at the PLT revenues so you know what I'm saying, but I think the thing is there's just a hiatus. There was an election, a new Governor is in. Let's send a letter out on behalf of ourselves and our Board just giving the background to him and saying you know we're ready to proceed. Do you confirm that you will accept the Ige nominees. You know, it's just something like that so we can get a move on, that's all.

**Chair Akaka:** Mahalo, good recommendation. I'm thinking that CEO has a response on this as well, also I would like to acknowledge her and then Trustee Galuteria.

**Ka Pouhana Hussey:** Thank you, Chair Akaka. I do want to acknowledge that exactly what Trustee Trask is describing is on Ka Pouhana's to do list and as a result of discussion with Chair, because it is that it's a clarification. Are you going to accept, if not, OHA in Act 226 has the responsibility to project manage if you will, the effort, and so in order for us to be able to start that work we need to know who needs to be at the table. So absolutely affirming what Trustee Trask is describing is for me to do and complete. As well as copy all the Trustees on that correspondence.

**Chair Akaka recognizes Trustee Galuteria**

**Trustee Galuteria:** Thank you, now going forward, this is more process centric and I want to be sure that I'm well aware of the process of a position, a position statement from the Office of Hawaiian Affairs. So prior to this meeting, which is where we reviewed the bills, how does OHA take a position other than the obvious ones for our bills? Is there a formal position taken before the Board votes on acceptance of what we're accepting today?

**Chair Akaka:** Maybe just have some history as to how Administration, Public Policy takes the first look at it and decision based on how we positioned ourselves in them.

**Ka Pouhana Hussey:** So, Trustee Galuteria, in practice, what has happened is that if there is a position that's consistent with prior Board positions, it's consistent with you know, the advocacy that we have, then Administration will submit the testimony and say the Office of Hawaiian Affairs, XYZ. If it is something that hasn't come to the Board yet, which their positions and our testimony says the Administration of the Office of Hawaiian Affairs will be recommending to the Board this action. So it's very clear that we're recommending and that decision hasn't been made yet, but at least we get on the record to ensure that something is on the record instead of silence. But we always caught pre to say we're recommending to the Board because the Board is the one who has the authority and the position.

**Chair Akaka:** Mahalo, and just also to add to along with prior stances that it's based off of. It also falls in line with the stance is based on our mission statement as well as our strategic plan.

**Trustee Galuteria:** I understand and the process will thin out bills as it goes anyway. Alright, thank you for that clarity, I appreciate.

**Chair Akaka:** Mahalo. Members, would anyone like to highlight any bills? If not, I'll go ahead and do so. So some of the bills that you had covered out of the 9, Capsun I won't repeat, but starting with HB589, which is item number 26 on Matrix three, these are all on Matrix three, relating to beaches. Just one of the concerns I had was how that would affect iwi kūpuna in terms of the statewide beach assessment study and it being a beach and shoreline restoration and conservation plan because I didn't see that as a part of the bill. You see that we're in support of that and if that can be taken into consideration what that means for the iwi.

**Interim Advocacy Director/Chief Advocate Poe:** Sorry, apologies Trustee. Let me acknowledge your comments and concerns. I was just making sure I was opening it and looking at the correct one here.

**Chair Akaka:** It is HB589, item number 26.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, we have that down and so I think part of it was the support is, OHA on many fronts supports data collection. I think that's something we really appreciated about the bill, right it's an assessment study and that would help and for sure as you've brought up, you know those impacts on iwi should also be included and we can include that note as well.

**Chair Akaka:** Mahalo and now for item number 142, SB994 relating to uhu. So I see that we're in support with amendments, so I wanted to know what your amendments are and one of my thoughts is that we go to comment or to oppose this because I think that if we refer to SB1036 regarding Native Hawaiian traditional and customary fishing practices, it's a management thing, and I'm hesitant to have it be where we support it where there's a prohibition of removal of all uhu as it is part of our customs and practices of our people, and of course we do want to keep in mind that we want to make sure that the species continues and is thriving for future generations, but perhaps if we look at SB1036 in terms of management with such as size limits, bag limits, closed season, gear and method regulation, place based fishing regulations to increase fish yield and conserve for future generations. So again, I'm hesitant to have it as support, but maybe as comments.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, that's the clarification I was going to ask for.

**Chair Akaka:** Thank you, cause I see support with amendments, but I think comment would be more appropriate.

Chair Akaka recognizes Trustee Ahuna

**Trustee Ahuna:** Yeah, on that comment, are we supporting 'opihi bill too, to not pick any 'opihi? I saw that on the news.

**Chair Akaka:** I didn't see that in our matrix. Is that something that popped up recently that you know of Capsun?

**Trustee Ahuna:** But to reiterate what Trustee Akaka was saying, yeah for me proper management is not to stop everybody from doing it because that is our culture and practice, our right.

**Chair Akaka:** Right

**Trustee Ahuna:** But we should start educating people on why. You know there.

**Chair Akaka:** Proper signage perhaps.

**Trustee Ahuna:** There's reasons why, but I just hope that we know what is good stewardship, good management, you know. I think it's important that we look at that one again.

**Chair Akaka:** Right and the other thing in question would be the enforcement of it as well.

**Trustee Ahuna:** Yeah, and just like 'opihi that's why when you find 'opihi's it's in the dangerous spots. So if you stop people from, I mean people can get hurt, like it's crazy people risking their lives just to catch that those things. So we gotta think about what is does management look like, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** I think that's a great comment Trustee, so we'll make sure we include that with our overall sort of concerns, right for uhu and the importance in just the biodiversity of the area, right and its importance as part of a traditional Hawaiian diet. But again, going from amendments to comment.

**Chair Akaka:** Yeah, and you can look at the language again from SB1036 that's also highlighted here in the matrix which is under item number 154.

**Trustee Ahuna:** And Trustee Akaka, just to be clear the uhu is born both sex, both genders and they usually flock around the male, so there's only one that will turn into male and the rest will be red. So if you kill the one blue one you kill the whole family, so that's the concern right there, what Hawaiians have right, thank you.

**Chair Akaka:** Right, thank you. Okay, now to item number 156, which is SB1039, relating to environmental crime. I see that we're support with amendments and I'm wondering if it makes sense to change it to comments.

Could you please provide what the amendments are for this bill.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee. Thank you, Chair, trying to bring up some of the notes here.

**Trustee Ahuna:** Yeah, we shouldn't be in support of this.

**Interim Advocacy Director/Chief Advocate Poe:** Okay

**Trustee Ahuna:** I mean that's up to everybody but, come on you guys.

**Chair Akaka:** A comment may be more appropriate.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, yeah and so on that the thinking I think there was more about commenting, sorry talking about you know the special funds and what else they could be used for, but considering the underlying ask there perhaps comment would be and just include our normal. Sorry, not our normal, but the comments we would have made. But instead of being supportive, more neutral in it.

**Chair Akaka:** Mahalo and what were the amendments that you were going to provide?

**Interim Advocacy Director/Chief Advocate Poe:** I'm just taking a note from amendments to comments on this one. Like I said, we were going to adjust things on the special funds. The comments were going to be on perhaps some limitations on the special funds, but again, we could still ask for that in a comment position instead of a support with amendments.

**Chair Akaka:** I think that most people look at the bill, it's not necessarily an easy read, you wonder what the basis of the bill is and why it's even brought up.

**Interim Advocacy Director/Chief Advocate Poe:** So I think, Chair that that was part of it too, right. So we like the idea of perhaps an environmental crimes unit and people need to be more responsible in caring for our 'āina, but then it has a very narrow focus and that's something we were less interested or less supportive of. Yeah, but again we're happy to do that one as comments, so I've made a note of that one as well.

**Chair Akaka:** Mahalo, item number 168, SB1221 relating to sex trafficking. I want to make sure, so you had mentioned the section of another trafficking bill but is this the one that you mentioned earlier? Trying to make sure because there were a couple that I flagged here. Is this the one?

**Interim Advocacy Director/Chief Advocate Poe:** No, I didn't cover this one. The one I highlighted was HB579. This one is a little different and this one is, instead of having a whole response program, this one is offering training and it's been an idea that's come up before, but I think.

**Chair Akaka:** Well, I wanted to know what your amendments are on this.

**Interim Advocacy Director/Chief Advocate Poe:** Let me double check before I say.

**Chair Akaka:** Because again I think this falls in line with some of our work that we have with our federal matrix in the most recent past and this falls in line with our.

**Trustee Ahuna:** We gotta make sure that we don't fund it.

**Interim Advocacy Director/Chief Advocate Poe:** The amendments here were going to be on. The bill specifically names DOE and I think we were going to talk about you know what about charter schools? Some parity for charter schools and whether that is have the DOE share their information with charter schools or have some sort of extra for charters to be able to participate and receive.

**Chair Akaka:** Because I would be interested to see as time goes on what the testimony is from, say the AG's Office, or from those that have unfortunately been victims to sex trafficking.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, we would and you know, so Trustee do you think you then feel okay with the recommendation with the amendments or did you bring this one up because you might feel more comfortable with either comments?

**Chair Akaka:** Well, I believe that this is something in alignment with what we're working on, however, I just wanted to know what the amendments are. If we're going to be in support of it.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, so just to reiterate the amendments that I was talking about was the kind of more clearly talking about charters.

**Chair Akaka:** Okay, so it would include charters in there?

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, we haven't quite figured out how we would ask for it. Either it's just require the charters or do we require DOE to share whatever they're doing with the charters. We'd want to probably coordinate that with the charters to see what might work best for them, but it's because it has been an issue in the past where funding is provided or positions are provided. So then DOE does something and then the charters have to ask and then are told they need their own.

**Chair Akaka:** Right, if there's a difference in funding, unfortunately.

**Interim Advocacy Director/Chief Advocate Poe:** And you know, sometimes though the DOE does share it if there's I would say the general practice is if there's no additional cost or it's very little burden, they might just support it, but if there is a bigger cost and usually they ask the charters to get their own appropriation to do it. So that was all we're trying to address there.

**Chair Akaka:** Okay, mahalo.

**Trustee Ahuna:** Trustee Akaka, one real quick thing. Don't you think one of the solutions for this is like updating the Amber Alert. Like they should be, the thing should be clicking on your phone instead of like on the highway signs like when we have bad weather, flash flooding. That's the kind of information we're gonna need cause we don't want them, we want prevention instead of intervention.

**Chair Akaka:** I'm somewhat familiar with the Maile Amber Alert here in Hawai'i based on what happened most unfortunate, most recently on Hawai'i Island, but I think maybe that is one method, but it's also I think what this is trying to do is for those within the education system since they work on a weekly basis with our children that

they're able to spot out if there is the need there to identify that there is, this is happening. I want to make sure I'm saying this correct, Capsun?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, or at least that's the plan, Trustee.

**Chair Akaka:** Yeah, so it's that there is that opportunity for those to be able to have the tools to be able to identify if there could possibly be that.

**Trustee Ahuna:** I understand, Trustee Akaka, I just think in identifying these alerts, it's our administration, it's our government that needs to do more of a job for us, that's all.

**Chair Akaka:** And highlight more those that are missing in other words.

**Trustee Ahuna:** Okay, so now on Indian reservations you ever had a flash forward warning? Your phone beeped, everybody phone beeps. When these things happen, they go off one time and boom everybody gets it. So this could be the difference between getting the person back and not getting them back. Those are the kind of implementations that we support that we should be supporting our keiki. That's all I think, I mean it could be something else. You could be right, I'm just saying I just don't like miss any other child going missing when they have these programs now. So every time you get one flash flood warning have you ever heard your phone vibrate? Usually Amber Alerts you see them on the highway. The thing come real quick on the highway. Now they have it on your phone so everybody will go off when somebody's missing. Everybody will get it. Those are the kind of emergency systems that we need to be implemented. Those are the educations that the government needs to implement for themselves so they can help us.

**Chair Akaka:** I think maybe this might even be another separate bill to be introduced in the near future. I understand that there is very different guidelines that you have to follow and it's pretty strict criteria to be able to even do an Amber Alert to qualify for that and that can take time.

**Trustee Ahuna:** Yeah, well you're asking for amendments, so I just wanted to give you some of the reasons why we would want more, I mean that system works, you know. I mean, it's up to everybody.

**Chair Akaka:** Capsun or Administration, do you think that this would make sense to add to this bill, or perhaps another bill with human trafficking? That we have here on the matrix.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, we could. Do you mean incorporating just the larger concerns that we just have been discussing include that?

**Chair Akaka:** I think what Trustee Ahuna's asking is some of his recommendation if it makes sense to add as

**Trustee Ahuna:** Well is there another bill that we could add it?

**Chair Akaka:** There are about two or three trafficking bills in this matrix.

**Interim Advocacy Director/Chief Advocate Poe:** There are several. HB579 off the top of my head and we can do that, Trustees. Chair, just so the Trustees are aware. Sometimes if we ask for many changes, sometimes we get none. So usually we like to be pretty specific and narrow in recommending amendments but we can definitely. That's not to say when we're specific and narrow that they take our amendments, either because we had very specific and narrow amendments yesterday and they didn't take those. So just making sure part of it is a little bit of a strategy to make it understandable for Legislators and especially Committee Chairs to be able to take some of our guidance.

**Trustee Ahuna:** So Capsun, right now they're asking if they would fund education so people would be aware. Is that what this bill is about?

**Chair Akaka:** Yeah, it's requiring training, but this is for SB1221. I don't think there were appropriations in this measure though, and that would also be another thing we could do in our amendments, right. Because if you're not going to fund, if you're just going to require it and not fund it it's less likely to be successful.

**Trustee Ahuna:** Thank you.

**Chair Akaka:** Okay, item number 194, SB1487, relating to Mamaki tea. There's also a companion for this as well, but I wanted to know what OHA's amendments are in support of this.

**Interim Advocacy Director/Chief Advocate Poe:** The amendment was, I think making a provision for 'ōlelo Hawai'i.

**Chair Akaka:** For Mamaki Tea labeling?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, a lot of people who sell Mamaki tea, or several that I know are Native Hawaiians who might sell it in a farmers market or some sort of thing right, and a bunch of them have Hawaiian labeling on it, so we just wanted to say that you know you do it like this. You know when you do it like this and you require if somebody was as their branding wanted to have it all maka 'ōlelo Hawai'i, why would you now require them to put something in English? So just a provision for that, but generally, Chair I guess I should confirm generally. Are you okay with supporting with the amendment, those amendments, or were you thinking maybe that was too strong? I mean cause I think we like.

**Chair Akaka:** Well, I mean now that I'm knowing what the amendments are and I'm still processing that, it doesn't seem too strong, but I want to be able to feel confident in our positioning of these different bills and just having the clarification on the amendments, I feel more confident once I know to support or not.

**Interim Advocacy Director/Chief Advocate Poe:** Definitely, we acknowledge that. I mean and this is one of those because we have a small issue somewhere else, we don't want to take away from our overall support of protecting, you know, Mamaki as a tea and as something for a crop for Hawaiians to consume or others right, we want them to have commercial success as well.

**Chair Akaka:** Yeah, so just to make sure that we all have this correct, what is the amendment again, it's regarding it to be in the Hawaiian language?

**Interim Advocacy Director/Chief Advocate Poe:** Or yeah, allowing you know or, so I think it's Hawai'i grown Mamaki tea.

**Chair Akaka:** Proper labeling?

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, proper labeling, but you know they had it all in English, right and so we wanted it to allow for the flexibility for somebody to say this in 'ōlelo Hawai'i.

**Chair Akaka:** Oh, in order for it to be considered proper labeling.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, some of the people who do it. You shouldn't have to require somebody who does Hawaiian labeling to have to do it in English.

**Chair Akaka:** Oh, that makes total sense. Okay, thank you. The bill following that item number 195, SB1489 regarding to the Natural Energy Laboratory of Hawai'i Authority, NELHA. I wanted to know what our OHA amendments are on that one.



**Interim Advocacy Director/Chief Advocate Poe:** For many of the ones that are talking about authorities, boards, commissions, a lot of times our amendment is asking for an OHA representative and OHA seat or something like that and that would be one of these. Like if you're gonna amend the authority, while you're at it and it's just part of our overall advocacy that OHA can help or can do the best to help with the overall coordination, the policy coordination there, but we want to make sure that we're okay with that you know, and if there are any more concerns, we can still ask for a seat while just offering comments. Just in case, but that's generally, you know, Chair, I know as a former legislative staffer, you know part of it is they're more friendly to people who support and come in with. They're more friendly to taking your amendments if you're supportive of the overall idea and so part of that is what we're trying to do there.

**Chair Akaka:** Thank you and item number 204, SB1522 relating to economic development. I wanted to know what our amendments are and without knowing the amendments I was wondering if it makes more sense to instead to have it as comments.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** I would support your intuition that it would be better that we provide comments with our particular input. It's a very murky issue the structuring of the Hawai'i Tourism Authority. Lots of politics involved in it and a lot of cooks in the kitchen right now ultimately and so if we simply make comments, we can express what our interests are.

**Chair Akaka:** Mahalo and one of my concerns too is that I see that it dissolves the Hawai'i Tourism Authority. I believe too that there is another bill that I guess would be a companion bill for this as well that mentions this. Maybe more than one.

**Interim Advocacy Director/Chief Advocate Poe:** You know, Chair, maybe looking through the lens that Trustee Akina just brought up, do you think perhaps we should be high monitor on this? I mean, that's also something we'd be comfortable with.

**Chair Akaka:** Well, I think high monitor unless we have a comment that makes sense to have shared. Because if there's something that we should share then that should be comment, but if not then high monitor.

**Interim Advocacy Director/Chief Advocate Poe:** I think perhaps others are going to make some of those points and maybe just to sort of. I would be okay, now that we're talking about it now to be high monitor on this one, and I can write that down, meaning we might still draft these comments. But you know, if it does move or or as it progresses, because we do expect this one will. We can do that.

**Chair Akaka:** Thank you

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I just wanted to ask our staff since you're following up on this. Can you please confirm that the NHLHC who are now saying that the tourism situation is resolved because they got 15 million, 5 million in a settlement for the each of the next three years. And that that is for their Hawaiian version of the Hawai'i Tourism Authority. Have we disbanded the Hawai'i Tourism Authority, which is where this bill is going. But I just learned that there has been a resolution of the problem and that the CNHA has a three-year contract and a \$15 million budget to now begin their Hawaiian version of the HTA approach to tourism. You know, so I I'm not really sure if this is viable, or if we're going to see this turn into the CNHA a settlement or what, you know.

**Interim Advocacy Director/Chief Advocate Poe:** Right, well first of all, Trustee, thank you. That was news to me. I'm sorry I was just getting ready for this and I probably missed everything since last night. I would not

want to speak for CNHA or where they are, but I think this goes back to the earlier point Trustee Akina made about too many cooks in the kitchen here, and maybe we would be best served in being high monitor on this bill.

**Trustee Trask:** You know, I don't have a problem with that approach Capsun, but what I'm suggesting is that you or our CEO call CNHA talk to Joe Lewis and get the confirmation. You know what I'm saying? I mean, this is something that happened a few weeks ago and it's moving and there's an article in the Hawaiian Flight Magazine that came out in December. You know was there a back door deal to wrap this thing up or not? You know what I'm saying, instead of monitoring it for the next seven months. If they got the 15 million for three years, which is confirmed from two sources I have both coming from Joe Lewis, then let's find out. You know, we have hundreds of bills to monitor. If this thing is not accurate we don't want to waste time on it, but I think there's a deal that was worked out and CNHA already has half the contract for three years at 5,000,000 a year.

**Interim Advocacy Director/Chief Advocate Poe:** Well we will. Trustee, maybe we can follow up with them but yeah and then of course you know to Letani or Sterling, just have him call us okay in case you're watching our meeting. I'll just do it just like that, Trustees, but we will follow and try and get some clarity on that. You know there's lots of tendrils, so we need to connect all the dots and so we'll definitely try, and then Chair did you have others we can go with.

**Chair Akaka:** I do, but Trustee Galuteria, do you have something that you'd like to share on this bill?

**Trustee Galuteria:** I think it's been discussed enough. If we're going to just put it on high alert, that would be my preference. Thank you.

**Chair Akaka:** Mahalo. Yes, I do have several more. However, I see that it's 1:10 right now and I think that we're due for a bio break, let's say about 5 minutes if we want to go, I'd say we go into recess and then come back at 1:15

**Trustee Ahuna:** I have a question, how how much more do we have?

**COO Brown:** Madam Chair, from Administration's standpoint I believe Capsun went through his highlights, and so this part is really what Trustees want to highlight for us, to look at stuff and change position so Madam Chair Akaka, I think right now you're the one with your question list. I don't know if there's any additional Trustees that also have.

**Chair Akaka:** Yes mahalo, Casey. So Trustee Ahuna, this opportunity if there any bills within Matrix three that you have questions on, for instance, the questions that I'm asking are what are the amendments because we didn't have those amendments provided to us, so I want to be able to go confidently with the positions that we have and if not based on what the amendments are and based on what I'm reading of these different bills, to change our position or add comments that would make sense in terms of the amendment.

**Trustee Ahuna:** So Trustee Akaka, how long more do we have?

**Chair Akaka:** I have, I mean just doing a rough count, I have about 10-12 or so more, and a lot of it is I want to know what the amendments are.

**Trustee Ahuna:** No, so for me I mean with all due respect, you're the Chair, maybe you guys can talk, you know in your group with the Administration and come to us with good recommendations because listening to you guys talk, I'm getting confused.

**Chair Akaka:** We are speaking about this to provide further clarification in terms of our stances and that if we are not in support that we as a Board are able to vote and decide together if we should be, for instance, in support, in opposition, whether it should be high monitor or support with amendments and so forth.

**Trustee Ahuna:** Okay, I was just asking for how much more time and I never get an answer. But listen, I'll listen to you, you can go ask your questions and what time do you want us to come back?

**Chair Akaka:** I would say 1:20. I'm okay, I don't need to take a bio break, but I'm just trying to be considerate of everybody here.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Before we take a short break, Capsun, do you guys even have the amendments at this time?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee to that question, for some of them we have very detailed notes and for others we just have like one little phrase like oh we need to look at this and that was sort of the support. That's why some I can kind of tell you very quickly and others I have to kind of read through the notes but we have at least a general idea.

**Chair Akaka:** Thank you and I also want to note that I know that this is a lengthy process and I do want to have this moving along efficient, but at the same time because there are so many bills and I think in the future if we're provided the amendments ahead of time that we'll be able to look at that versus asking bill by bill.

**Trustee Souza:** I agree, Chair.

**Chair Akaka:** Thank you. Okay, so we're going to recess and return back at 1:20, mahalo.

BAE Committee recessed at 1:14 p.m.

BAE Committee resumes meeting at 1:29 p.m.

**Chair Akaka:** Okay, the next bill I had a question on is item 238, SB337 relating to HCDA. I see that we're in a position of opposed and this really caught my eye because they specifically list in there ceded lands. But since there are no amendments to this, I'd say we just move on unless there's something that you want to highlight because it does specifically say ceded land.

**Ka Pouhana Hussey:** Chair Akaka, particularly this one, it is extending the leases to 99 years so we definitely oppose any extension.

**Chair Akaka:** Thank you

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, have we officially reconvened and started the recording?

**Chair Akaka:** Yes, we are recording.

**Trustee Akina:** Thank you.

**Chair Akaka:** Thank you. Okay, so the next is item number 256, HB756 relating to land use regarding DLNR. So I see that we are comment and I wanted to know what our comments were gonna be on this, and if it also involves the wording where they say current inventory of all public lands.

**Interim Advocacy Director/Chief Advocate Poe:** So on this one, several things in the comments. But thoughts of you know, we object to disposition of land within the Public Lands Trust. I mean, OHA has been on record for a very long time about any disposition of Public Land Trust holdings because it would reduce the value first of all of the PLT and that's the very thing our beneficiaries get funds from.

**Chair Akaka:** Thank you, okay, item number 279, HB1177 relating to public land disposition. I see that we have it as comments and I would like to know what our comments are. I'm wondering if this is something where it makes more sense for us to have support with amendments.

**Interim Advocacy Director/Chief Advocate Poe:** Trustee this was going to be similar to the other leases, so the comment was probably just going to set up some of that process there. If you would like to change that to support with amendment, we probably could. do you. We'd probably have to figure out the details of the amendments, what we want to do there.

**Chair Akaka:** Well, I was going to say with amendments based on what your comments are, but or maybe just simply support being that this is regarding military leases on public land and the military should be good stewards of these lands to make sure that there is a proper. I read here that to inspect, monitor, test soils, air, surface water and groundwater, I believe that should be done and I feel that we should be in support of that.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, I mean Trustee, we would be okay with that and I'm just trying to read through our notes.

**Chair Akaka:** Thank you.

**COO Brown:** Madam Chair, can I ask a question of the Trustees and of you? I'm just worried, would OHA supporting this kind of a measure, even though it establishes limits and durations, does it also kind of risk perception of us supporting even the occupation of these lands?

**Chair Akaka:** Thank you for that thought because that is in question too. I don't think we're necessarily in support of the continued occupation.

**Ka Pouhana Hussey:** And then Chair may I also build on that, in the spring of 2022 there was a draft military engagement policy that was brought to the Board to you know, at least be aware of an emergent policy. There was no action taken, but Administration brought it forward just so that the Board would be aware of such a policy, since there was no policy on the books.

**Chair Akaka:** Thank you, yeah because some of the things that I noted in this bill is that there's a max term of 10 years. It prohibits the military from renewal or extension.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair, does this have some impact on Pōhakuloa?

**Chair Akaka:** I believe so.

**Trustee Galuteria:** Okay, so this is a direct connect, alright.

**Chair Akaka:** I'd have to look at the bill again, but if not this bill, there was another bill or more bills that specifically referenced the impact made from Red Hill, Pōhakuloa, Kaho'olawe and so forth.

**Trustee Galuteria:** Okay, thanks for the clarity.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yeah, I just wanted to make a comment on this last question from Trustee Brickwood and that is that are we looking here at where they say public lands, is there any distinction that we need to be concerned with for Hawaiian homelands as opposed to ceded lands? I'm only saying this because I didn't read the comment.

**COO Brown:** Capsun, I wonder if we can note Trustee Trask's comment there as well, and maybe in part of our comments we could draw out that distinction as well.

**Trustee Trask:** See, I say this because Pōhakuloa is Hawaiian Homelands, it's like Pahe'ehe'e Ridge. If you look at the bombing problems we have on O'ahu. When they bombed ceded lands at Makua Valley, all the bombs that missed the target went over the ridge and fell in Pahe'ehe'e Ridge, Hawaiian Homelands. In some distinction in our State, Hawaiian Homelands are looked at and treated differently than other ceded lands in the Ceded Land Trust, but I don't have the comment, and I'm not exactly sure where this bill is going, that's why I'm asking the question. In our own Admissions Act is a good example, Section 4 Hawaiian Homelands, Section 5F ceded lands.

**Interim Advocacy Director/Chief Advocate Poe:** I would just say yeah to give credence to Ka Pou Nui's suggestion perhaps we can come back with additional information, but sorry, I'm trying to also read through as folks are asking questions, so part of it is this would affect Chapter 171 in the HRS. Which does not concern Hawaiian homes. So we probably need more information to get back to you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Yes, we have a lawsuit up there too and Pōhakuloa has a lot to do with what is going on with our lawsuit, mahalo.

**Chair Akaka:** Yeah, I guess the question is should we just remain as comment then?

**Ka Pouhana Hussey:** Trustee, if I could offer a suggestion, given the hour and people are probably hungry and maybe getting a little bit hangry as well. I wonder if since this entire section is comment, unless it's a position that's more stringent or more assertive, right. So if you're going from comment to support, then you know let's, but if it's comment and continue to comment or comment to monitor which is a lower you know status, then I would suggest that you know, note it and then keep moving on because in a week we'll be back and as Trustee Galuteria has pointed out, a week is a lot of time for things to change, right. It may not even get introduced. It may just die on its own, so I'm just suggesting that for the Trustees consideration.

**Chair Akaka:** Mahalo, that was looking at all the things that I flagged, that is the last one that I wanted to highlight unless kala mai, with the exception of HB579, is that one that we covered as part of the nine.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee. That was one that establishes a program right. But the program is in Attorney general, which is why we're comment because that agency kind of does approaches things more from an enforcement side of things or enforcement lens as opposed to a service provision lens.

**Chair Akaka:** Thank you, so I just want to make sure we have this correct again, so we'll just leave it as comments, yeah? Mark, can you please put up all the different bills that we would have a change in position. So we could look at the motion. And just to check, that's all of the bills that we went through listed on here.

**BAE Staff - Mark:** Yes

**Chair Akaka:** Okay, so I want to make sure that we're moving forward correct in terms of reading the motion. So this motion can be read and this would be for Matrix three along with these revisions. Yes, okay. I'll entertain a motion for this motion to be read. Trustee Trask would you like to read the motion or I can maybe ask Trustee Galuteria.

**Trustee Trask:** Move to approve Administration's recommendations on: **NEW BILLS (Items 1 - 531) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated February 1, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

- Item 132, SB871 from SUPPORT WITH AMENDMENTS to HIGH MONITOR
- Item 142, SB994 from SUPPORT WITH AMENDMENTS to COMMENT
- Item 156, SB1039 from SUPPORT WITH AMENDMENTS to COMMENT
- Item 204, SB1522 from SUPPORT WITH AMENDMENTS to HIGH MONITOR

**Chair Akaka:** Mahalo, Trustee Trask. Is there a second?

**Trustee Akina:** I second.

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, can I please have a **roll call vote**, Nathan.

							1:44 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA				X		
KELI'I	AKINA		2	X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA			X			
MILILANI	TRASK	1		X			
JOHN	WAIHE'E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>1</b>	<b>0</b>	<b>3</b>

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

III. Executive Session

A. Consultation with Board Counsel Robert G. Klein, Sherry Broder, Esq, and Everett Ohta,

Interim General Counsel re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the State of Hawai'i, Governor's Emergency Proclamation Relating to Homelessness, dated January 23, 2023, pursuant to HRS § 92-5(a)(4).

## NO TESTIFIERS ON THIS ITEM

**Chair Akaka:** Members, this item will be discussed in open session and I will entertain a motion to enter into Executive Session if any of the Trustees would like to after Administration's update. So I'll now yield the floor to our Ka Pouhana at this time.

**Ka Pouhana Hussey:** Trustees, Administration wanted to ask our Counsel to help us understand the Governor's Proclamation, which he signed with a flourish at the State of the State, and then a few days later, you know, amended it, and so we wanted to just analyze and understand. Our communities have indicated there are some very concerning aspects of the suspension, so a difference between acceleration and suspension. And so we've asked Sherry, as well as Everett to help us understand the context of that and then what we can think about in implementing and watching how that implementation. So, Chair if it's okay I'll turn it over to Sherry as well as Everett.

**Chair Akaka:** Mahalo for joining us.

**External Counsel Sherry Broder:** Aloha and good afternoon everybody. I'm sure you all saw the Governor's emergency proclamation on Homelessness and then just a few days later he did amend it. He's not the first Governor to have an emergency proclamation on homelessness and his proclamations are similar to, very similar to the ones that Governor Lingle, Governor Ige and even Governor Abercrombie had issued on homelessness.

You know right now we don't know what the exact plan is for this, and the Governor seems to have responded to criticism about these proclamations as being too broad and not protecting Native Hawaiian rights, iwi, the environment, and so that was why he did the amended proclamation within just a few days and then his head of homelessness who is James Koshiba, who who has really spent decades working on homelessness issues said that they were going to have some rules. The Governor would develop some rules relating to this homelessness situation. I think that the Governor has a lot of authority under statute to issue an emergency proclamation on homelessness. There's a specific statute which allows him to do that and not only the Governor, it also allows the Mayors. So that's HRS 127A-14 and it states the Governor may declare the existence of a state of emergency by proclamation. If the Governor finds that the emergency or disaster has occurred, or that there is an imminent danger or threat of an emergency in any portion of the state, and then it says in Subsection C, the Governor shall be the sole judge of the existence of the danger, threat or circumstances, giving rise to the declaration of the state of emergency.

So as you can see, I mean the Governor's really given a lot of authority to do this and his authority to declare a state of emergency was challenged during COVID and went to the Hawai'i Intermediate Court of Appeals, and they upheld the Governor's authority under this particular statute, and not only did they do that, but also the Legislature last session tried to limit this statute, but discussed limiting this statute and discussed whether or not to proceed with limiting it and that legislation failed. So I think that the Governor has a lot of an incredible amount of leeway, of course you know the Governor still has to follow the Hawai'i State Constitution, that would take precedence over this statute, but you'd have to find a Constitutional violation. Also, the Public Trust Doctrine, I think is something that the Hawai'i Supreme Court has found to be Constitutional and very much protected right in Hawai'i, so that would be another way to challenge such a thing. But at the present time, the Governor hasn't said specifically what he wants to do or where he's going to designate lands to be utilized for this purpose.

So at the present time. It's somewhat of a speculative question and we don't know what the rules are going to be. You know, the statistics certainly show that Native Hawaiians and Pacific Islanders make up more than 50% of the homeless in the State of Hawai'i, even though they only make up a much smaller percentage of the population. So you know, I'm sure this is something of great interest and concern to the Trustees. I think at the present time you know, it's really important to look into this further. These proclamations have been used in the past for several different housing projects. One is in Kona and they just broke ground a few days ago, that's in Kukui Ola and looking at it I see that DLNR did transfer land to HFDC to be able to do this project and there was federal money they obtained to be able to do it. So I think that we should probably be looking at the different projects and how the process worked. For the Kukui Ola Project, there was an environmental assessment done, so that's one of the issues that's been raised. Will environmental assessments be done so for that one, one was done, but that was because these emergency proclamations have a limited time frame, and so the Governor has to reissue them and I think this Kukui Ola Project was discussed and worked on for 10 years before it actually came into fruition. So you know it was an environmental assessment, but it may be that there wasn't an emergency proclamation at the time. I think without knowing exactly what they're doing or planning to do or what lens they're planning to utilize it's premature to really dig in and figure out what OHA would or wouldn't do.

I do think though, that because rules are going to be developed, that it would be reasonable for OHA to have a seat at the table to develop these rules, or to be a part of the process, or to be somehow involved. Especially if we think that such a large percentage of the homeless in Hawai'i are Native Hawaiians. Back to Trustee Trask's comment about the working group pursuant to Act 226. I think she's made a really good point that Governor Ige did appoint his three and the Chair appointed OHA's three and so you know, at the present time, the group is constituted and I think that this kind of dovetails into the homelessness proclamation because are they going to be using you know, Public Land Trust Lands for this, and if so, how is that going to work for OHA?

I mean, if DLNR passes the land to HFDC, then is there any, does HFDC pay anything for it? Can any of those federal monies go to pay for it? You know what happens to OHA's 20 percent. So you know and how does that work with the statute that was passed that the Legislature was supposed to approve this by a two thirds vote. So I think these are things that need to be looked into a little bit further, but if the Act 226 Committee was formed, this could be something that could be important to that process. Number one and number two assignments of the Act 226 Committee are to work on making the inventory and finding out you know, more about just the details of the finances and the resources and the revenues and things like that, and so I think that whether or not it's Governor Ige's appointees or Governor Green's appointees, you know that is a factual activity, and that in and of itself is going to take a lot of time and I think these emergency proclamations show the importance of getting that information and getting those facts and putting everything together.

I guess I would recommend that OHA proceed in following up with the Governor. I mean, OHA according to Act 226 is supposed to be the administrative arm of this Committee, so we think it would be entirely appropriate for OHA to be ready to call the first meeting, and you know, perhaps Trustee Trask had a nice diplomatic way of letting the Governor know and letting him know that we want to proceed. So at the present time, I think all of this. I think we need to look at and get more details on the several different projects that have already been underway. I'm wondering if this is like before 1978 when the Public Land Trust was used for the purpose of public schools, which you know, we all support the public schools of course. But why were Public Land Trust lands and Department of Hawaiian Homelands taken for the schools with no compensation, no consideration to the needs of Hawaiian people, so this is another one of those you know, really high priority societal things, but nonetheless I think it would be good to have the history more at our fingertips and we just heard about this a few days ago and I think it came to everybody's attention more than in the past because the Governor did it with such a big flourish.



So I think that OHA needs to continue to follow this closely. Try to get a seat at the table or you know, make sure that the Governor is aware that OHA wants to be involved in the process and is concerned about how this will go ahead and. I think that it just underscores the importance of getting the Act 226 Committee going. I mean, the bill became law in July and this is already more than six months later. Trustee Trask did you have a question for me?

**Trustee Trask:** Yeah I did, Sherry. You know, when you look at where we are in this, do you have any opinion for me? We have our idea of three, Ige had his idea of three. If we just ignore the fact that Green is in now should we just proceed with it and say we're going to convene it? My thought about sending the letter was we didn't want to move, but when I look at what Green is not doing, I don't know how long it's gonna take the guy to make a reappointment. But part of me is looking at what Ige did, and I feel like it is time to just start. I don't want to lose another six weeks while we wait for Green to try to figure out what he's gonna do and I don't want to give him an opportunity to throw all this out and put one person in there like Robin Danner. But you know, I just wanted to ask you your advice, given the fact that it's already February and I feel like the balls in our park to move to convene this. But I don't want to step around our current Governor. I don't know how to gauge it, that's why I was looking at the letter, send out a letter, wait for a few weeks for a response. If there's none, we just proceed and start with ourselves and the three that were named months ago by Ige. I didn't want to send out a letter and we're waiting for three months and we never get a response, and we're losing the time.

**External Counsel Sherry Broder:** Well, I like the way that you said it before so let me repeat what I thought was my understanding which was yeah, send out the letter and say we're going to meet. We're planning to meet, you know, February 1, that gives them plenty of time. You know, Governor Ige appointed his three, we've set this first meeting February 1 because just in case you wanted to appoint somebody else, I mean all he's gonna do is do a letter he doesn't have to go to the Senate and get Senate confirmation or anything. So then we set a date, we gave him time, we have a meeting, we might even you know, to get the whole ball going, we might you know, look at #1 and #2 in Act 226 and in the letter ask for a few things you know, in preparation for the first meeting we want 1, 2, 3 and 4 or something like that.

**Trustee Trask:** You know, I like that and I would like to see your draft of the letter. See you're saying February 1, which is today. Do you mean March 1?

**External Counsel Sherry Broder:** Yeah, something like that.

**Interim General Counsel Ohta:** Excuse me, Chair Akaka, not to certainly you know, downplay the importance of the ACT 226 Committee, but I just don't want the conversation to move too much in that direction. You know under this agenda item, but certainly it's definitely a matter of importance and can be discussed further by OHA's representatives on the committee.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Thank you, so bringing it back to the proclamation. You know, I know it's gonna be done in a way respectful to our environment, our history, our iwi kūpuna. But you guys can correct me if I'm wrong, Nietzsche, Everett or Sherry, from what I know of whereas clauses really has no effectiveness, the Emergency Proclamation suspends Chapter 171 of the HRS regarding public lands and as a result the Governor has free rein and could give away ceded lands to developers under the guise of addressing homelessness or for persons at risk of being homeless. That could mean anything, so right now it's kind of open to interpretation for us, but I know what Sherry touched on earlier, the Governor has a lot of control and for me that's a huge concern. OHA has an obligation to its beneficiaries to protect the Trust Corpus and to prevent the alienation of public or ceded lands, right. So is your recommendation right now at this time to basically just make those phone calls and see what his intentions are with the current proclamation? I mean, what is your recommendation, Sherry?

**External Counsel Sherry Broder:** Okay, but I think at the present time, because we don't know, I mean you can't file a lawsuit over what you don't know. You have to know something. So yeah, I think that you kind of summed it up which is that I think that OHA should try to do what it can to be involved in the process. They have promised to make rules. So you know, I don't see why OHA couldn't propose that. It had a seat at the table on the development of the rules. You know, I've proposed many times that OHA get a seat on the BLNR. So just because I say that OHA should have a seat at the table doesn't mean they're going to say wow, that Sherry Broder, she's right, let's put OHA there. But I think we should ask, I think this is you know, there's two reasons for OHA to be involved in the rulemaking. One it may well involve the Public Land Trust, and as I pointed out in the Kukui'ula situation on the Big Island. Land did leave the DLNR inventory to go to HCDCH. So I don't, you know I wasn't able to find out the details of what happened, how that happened and everything but you know, I think that we should definitely find out about that so we can see if that would be something that we should be concerned about, I don't know if when that happened, that was 10 or 8 years ago, if OHA has a file that they made at the time or what if OHA was consulted, I just don't know. But anyways, I think that should be, you know there's a few other situations, so you know that would I think we should know the facts of the prior cases so that we can use that in the argument for what might be happening next, and then that was why I thought that I brought up the Act 226 and that working group just because I think that it goes into what my concern you know, your concerns about Emergency Proclamations and I think it underscores the importance of getting that committee going. So without addressing it any further out of respect for Everett's excellent opinion just want to explain that I thought they were connected.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, forgive me I may have missed this in our transition back from our break. Did we move into executive session?

**Chair Akaka:** No, we are doing this in open session. But if a Trustee feels that we need to move into executive session to discuss this, then we can do so.

**Trustee Akina:** I'm not making that recommendation, but I am wondering if we're getting close to receiving counsel from counsel.

**Chair Akaka:** I think that's the gist of it. Unless Everett would like to add more that should be in executive session, but I don't understand that that's the case.

**Interim General Counsel Ohta:** Chair Akaka, I think we're discussing the emergency proclamation in general terms, rather than going to the specific legal you know, liabilities or responsibilities of the Board. However, if the Board again wishes to do so that we can recuse ourselves into executive session for that more client specific discussion.

**Trustee Akina:** Thank you, Madam Chair. I'm not making the recommendation, just a precautionary note, thank you.

**Chair Akaka:** Mahalo, Trustee Akina for checking. Sherry is there anymore that you'd like to share?

**External Counsel Sherry Broder:** I think that's all for the present time.

**Chair Akaka:** Thank you so much. With that then, Members are there any other questions or comments? Seeing none.

### **III. ANNOUNCEMENTS**

**Chair Akaka:** Tomorrow we have our BOT meeting at 10:00 AM and our next BAE Committee meeting is on February 8th at 10:00 AM. Any other announcements members? Seeing none I will entertain a motion to adjourn this meeting.

## **V. ADJOURNMENT**

**Trustee Trask:** I so move.

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments or questions members? Seeing none, Nathan, can I please have **roll call vote**.

							2:10 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA		2	X			
MILILANI	TRASK	1		X			
JOHN	WAIHE'E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

**Chair Akaka:** Mahalo nui again to our Public Policy Team for working so hard on these 531 plus bills that we're monitoring and for the Trustees for hanging in there on taking a thorough look at the bills that we are either in support or opposition or want to provide comment or high monitor on. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **2:10 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\***
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**February 8, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin/ IT

**EXCUSED:**

Trustee Mililani Trask

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 8, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	EXCUSED	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8) Trustees are PRESENT**, thereby constituting a quorum.

## **II. New Business**

### **A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\***

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair Akaka, Trustees and Chair. We will have Casey Brown and our interim Chief Advocate, Capsun Poe take you through the matrices and the rest of the work.

**COO Brown:** Mahalo, Sylvia. Aloha Trustees, so you'll see this week before I hand it over to Capsun, you'll see this week the matrices have a little different look and that's to reflect the responsiveness of our Public Policy team you know, in listening to you folks in the first meeting we wanted to incorporate some of your feedback, some of your suggestions, so that's why you'll see the matrices kind of look slightly different with a little more info packed in there, so we'll continue to find what works best and continue to you know, seek out that sweet spot of information for you folks.

**Chair Akaka:** Mahalo

**COO Brown:** So I'm going to hand it over to Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Casey, mahalo, Sylvia and mahalo, Chair and Trustees. Good morning, today is a big day. Casey is just sharing the calendar now just to navigate. It is day 14 of session. Today is one of the big deadlines, it's the triple referral filing in the House today, triple referral filing in the Senate tomorrow. This just means that any bill that's going to three or more committees have to be on their way to their second to last committee. The reason I said it was our big day is our Hakuone Bill, SB736 will be heard this afternoon in the Senate Hawaiian Affairs Committee at 1:05 in Room 229. So we want to be as efficient as possible to allow time to get there. I just wanted to mention on Hakuone, we know we had several Trustees present, but we did have an event at the Capitol on Monday evening. We had maybe about 75 people attend total, some came in and out and that included 15 Representatives, 4 Senators, 3 former Representatives and some DHHL leaders in attendance and most importantly, I think for us is that Speaker Scott Saiki did attend and he did stay the entire time to hear from all of our presentation.

If we can then just switch up to the matrices, Trustees. I did want to say we'll spend most of our time on the matrices, but I do want you to know Administration is only seeking motions on new bills or changes as well as any adjustments that the Trustees do have otherwise, Trustees have approved all of the other positions there and I just wanted to reiterate my standing offer that if individual Trustees have specific issues or need more information or insights and want to share anything with us, please feel free to reach out to me. We in Advocacy and Public Policy are available to work with you and your staff.

So Matrix one, I think we just need to scroll up just a little bit here. But Matrix one will be I think our fastest time to date. It does still just contain the two bills, but today it's actually provided for information only, Chair, as there is no action needed and that we continue to support these are our budget bills. So we continue to support, as Casey mentioned, we did add the introducer column and based on some other feedback we're going to kind of move that after the status column going forward, so we continue to try and make this a usable document for the Trustees and so that's it on Matrix one, Chair.

**Chair Akaka:** Mahalo and we do have the matrices in the form of the most updated form where we have the introducer following the status so mahalo nui for that.

**Interim Advocacy Director/Chief Advocate Poe:** Chair, so since Matrix one was just for information.

**Chair Akaka:** So no motion to be made for that one, if we can move on to Matrix two, mahalo.

## **B. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\***

### **NO TESTIFIERS ON THIS ITEM**

**Interim Advocacy Director/Chief Advocate Poe:** For Matrix two, we will spend the most time here. Trustees, I do need to note it. This one is a little off today and we're going to work on that. After last week's meeting we did try to add information about the amendments or the comments we were seeking, so that is contained in Matrix two. Unfortunately, I saw we solved one problem and maybe created another issue in that some of our information is a little off, so even though it's supposed to be just the new ones on the top, it's not actually that way, so I'll just call out some specific items to you.

So HB237, that's item 2, it does appear here as support, but actually Administration's recommendation is to go high monitor on this bill. The second one is HB1313, that is item number 17 on Matrix two. So this is related to Haiku Valley. It did say support with amendments, but Administration is actually recommending comments on this one because it would transfer it to OHA. So we do have some comments about that. Trustees, those are actually the only two items that actually are new and need some adjustment on and we'd need to include that in the motion. But I did want to put out my call again regarding the bills related to election of Trustees. Administration is still looking for Board determination on those bills and those are SB52 and SB32. They're related., these are items number 20 and 21 on the matrix here. Then there's also a House bill, HB66, item number 24 on the agenda, but these are all seeking to do the same thing, changing the way the Trustees are elected. The SD1, the Senate draft one of SB52 and SB32. They are now seeking to make the Trustees that now have island representation would be five of the Trustees would be elected by districts that the Reapportionment Commission would determine, and then the four remaining at-larges would mimic the Congressional District areas. So CD1, Congressional District 1, Congressional District 2 and the Reapportionment Commission would be tasked with figuring out how to do that. So that's the current version of things. But again, on all three of these bills, again, item 20, item 21 and item 24, all seeking to do the same thing, maybe in perhaps different ways, but for these we really are looking for Board decision. We currently are comment on it, but we really do want the Board's input and and see what the Trustees would like us to do. The comments that we have submitted were just that, you know, we point out that Moloka'i and Lana'i has fought hard for to have their own representation and that if they expand the Board, there may be some additional costs OHA.

So those are the things I wanted to highlight, Chair. With that, we're available for any questions and like I said, we'll continue to work on the matrix to be more organized and understandable and useful for the Trustees.

**Chair Akaka:** Mahalo, members any questions or comments regarding bills?

**Chair Akaka** recognizes Trustee Waihe'e



**Trustee Waihe'e:** Capsun, would they be able to reapportion the OHA Offices? Would they be able to do it without a Constitutional Amendment? I'm not sure how it is, but I think it's established in the Constitution, right? like.

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, yes, it is a little tricky. So what I would say is SB52 would change the statute, but SB32 would change the Constitution. SB32 is a Constitutional Amendment, and then the composition of the Board is not in the Constitution, that's actually in HRS. The Constitution only says there shall be at least nine members of the Board.

**Trustee Waihe'e:** The one on our website, it says Constitution there shall be not less than nine members, provided that each one of the following islands has one representative. I guess well, maybe the way they wrote it, that still qualifies.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, SB32 would probably have to move. That's really the one that would have to move if they were going to get closer, if the Legislature would get closer to doing that. A Constitutional Amendment would have to go out to the voters at the next General Election for approval.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair, I know the last time we were talking you said Attorney General, same thing you brought up some possible legalities with this situation right, Capsun. I don't know how you guys all feel, but personally, this affects all of us and with how we represent our beneficiaries right now, I don't see a problem with how it's divided with the at-large and the island Trustees, so I personally won't support it. Thank you.

**Chair Akaka:** Members any other comments or questions? Seeing none. Capsun, anymore that you'd like to present.

**Interim Advocacy Director/Chief Advocate Poe:** No Chair, we are taking notes of what the Trustees have said and again just the items that I did bring up, you know the HB237 to high monitor, HB1313 to comments and then for the three bills about the election of Trustees. I don't know if others had it but I think from what Trustee Souza just shared, I don't know if that was opposed under consideration.

**Trustee Souza:** That is correct, Capsun.

**Chair Akaka:** Just to clarify, so currently Public Policy has recommended that we comment on these?

**Interim Advocacy Director/Chief Advocate Poe:** Apologies, Chair, we did submit comments, but we really would want a Board determination on whether the Trustees would want to. I mean, the comment was very late, right. But really, if the Trustees want to oppose it, or if we want to ask for an amendment or anything like that, you know, for us this is I think outside of the realm of Administration and Administration's expertise or I'm sorry, I shouldn't say expertise, but really we're looking for guidance from the Trustees here on what the Administration should do on this.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I agree with Trustee Souza and I would vote to oppose this. I know that this has been brought up in many of the years past to try to do this. However, it is not considered fair and we have an opinion from the Attorney General's Office that comes out to the Legislature every year and saying that it's not Constitutional to have each island vote for their Representative because the difference in population, if there's let's say 500, let's say there's a hundred thousand people on Maui and there is a million people on

O'ahu, it's not fair for the Maui person to be representing only a hundred thousand people and the O'ahu person to be representing a million people. So because of that one voice, one vote that the Attorney General's Office have speculated that that's how it would be ineffective and not fair for us to only represent our island and that's why we have to run statewide, so until that's cleared up, I think we should oppose this and I'll be voting in the opposition.

**Chair Akaka:** Mahalo, Board Chair.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, I would say that I mean personally I do strongly oppose it. Someone might say that I have a conflict cause it definitely affects me greatly, so if we oppose it, I want our reasoning to be very sound and not just the Board opposes this and that it sounds like it's based on you know, sound logic and not my personal feelings, thank you.

**Chair Akaka:** I think so, Trustee Waihe'e based on what our Board Chair just stated.

**Chair Akaka** recognizes Trustee Alapa

**Trustee Alapa:** Same feelings that I would echo with Trustee Souza and Chair Lindsey, and I also read a statement from the Attorney General's Office last week if remember, and so I will totally oppose this because it's already stated there that we don't have to explain anything else. It's right there based on what the Attorney General will state and I will abide by that, thank you.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Just to be clear, Chair, we're moving it from comment to opposition, right, to oppose?

**Chair Akaka:** That is what the Trustees have expressed so far.

**Trustee Galuteria:** For the record, I'll be voting in opposition, if we can change it to opposition.

**Chair Akaka:** Okay, Members, any other comments or questions on this? All right, okay so would that bring us to a close close for Matrix two? Mahalo, so I see that we have the motion up here. I will entertain a motion and a second.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I move that we **approve Administration's recommendations on: NEW BILLS (Items 2 and 17) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated February 8, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

Item 2, HB237 from **SUPPORT** to **HIGH MONITOR**

Item 17, HB1313 from **SUPPORT WITH AMENDMENTS** to **COMMENT**

Item 20, SB52 from **COMMENT** to **OPPOSE**

Item 21, SB32 from **COMMENT** to **OPPOSE**

Item 24, HB66 from **COMMENT** to **OPPOSE**

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other comment numbers? Seeing none, can I please have a **roll call vote**, Nathan.

							10:22 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

### C. 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Trustee, Capsun can continue

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Ka Pouhana and mahalo, Chair and Trustees. So we do have Matrix three in front of you. What I can say is we have a lot of bill position changes recommended and these are not all necessarily new bills. There are a few new bills though, but that's why we have up to 93. First of all, I wanted to mention that we do have some of these were added based on our coordinated advocacy with other advocates who are also trying to work on Native Hawaiian issues, so some of them have called things to our attention, and we're including that here.

I did want to say just very broadly, most of the changes are changing our position to high monitor. Many of these were support with amendments, and we're going high monitor or we're recommending high monitor. In the simplest terms, Trustees, this is for operational flexibility so that we can prioritize our advocacy on the bills in Matrix one and Matrix two, and also for some consistency. Meaning we wouldn't want our broader advocacy activity in Matrix three to conflict with the priority bills we just mentioned and I know that that's a little fluid but you know, I think we would like a certain degree of certainty but the Leg. is a very fluid situation, so the recommended flexibility we have here I think will help us really to advocate hard for on Matrix one and Matrix two and then be able to work with others on Matrix three and get the results for our lāhui, that would help

improve their conditions. And with that, we are available for any questions, comments or to address any concerns.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Chair. Just a quick question on item number one, SB1500. What does it mean to adjust lease rents? Is the intention here to enable the lowering of lease rents or does this give power as well to increase lease rents?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, you know, for us that's actually perhaps, we're less concerned I think about that is what I can say. We do think that this is something that some, especially traditional cultural farmers actually can be supportive of with the measure.

**Trustee Akina:** Okay, I was just wondering if we've looked carefully at the measure itself to ensure that it doesn't backfire in terms of the adjustment of lease rents.

**Interim Advocacy Director/Chief Advocate Poe:** I see. Thank you, Trustee. You know what, Trustee, what I can do is I can commit to we will double check on this and we'll also kind of check in with the Chair and the Introducer of those Committees to say that we're support based on this. But if you have a different understanding then we may need to come with a different recommendation.

**Trustee Akina:** Sure, Capsun. Thank you.

**Interim Advocacy Director/Chief Advocate Poe:** I definitely appreciate the nod that we should spend some time just double checking, dot the I's cross the T's being maka'ala about things.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** I have another question or two. HB1411, requiring the publication of information to be on appropriate state or county department's website rather than in a newspaper. Capsun, what are the reasons we are opposing this?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, so I mean it's very simple, Trustee. You know it sort of changes the notice requirements law. We're sort of concerned not so much about this one, but then what happens, it sort of is it continues to chip away, right and many of our other comments you know here in Matrix three are concerns for traditional and customary practices, Native Hawaiian rights, right, you know where it starts small and so we generally oppose that or are trying to recommend opposing anything that would open the door.

**Trustee Akina:** Are are we talking about HB1411?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, that was the one to amend certain publication procedures.

**Trustee Akina:** So I understand you. Well you're you're talking about chipping away at something. I'm asking specifically about why we would oppose the requirement to post our information on the website.

**Interim Advocacy Director/Chief Advocate Poe:** I apologize, Trustee let me back up then. Sorry, the opposition is because what that would do is it would only require the website and what we don't want to get away from is the normal publication. Not everyone goes to the website. So I apologize for not making that clear but that's the.

**Trustee Akina:** Okay, I didn't know that. So that's what this bill would do, it would say only in the.

**Interim Advocacy Director/Chief Advocate Poe:** We definitely support people posting on their website or the newspaper.

**Trustee Akina:** Okay yeah, that's kind of weird that it would exclude the opportunity for us to put a post in the newspaper as well.

**Interim Advocacy Director/Chief Advocate Poe:** So we would want to keep at least the newspaper, you know, we know still today not everybody looks at a website or knows what website to go to and a lot of people still get public notices in a newspaper or in a physical list that goes out to people. So yes, we support doing it on your website in addition to, but we don't only available on the website.

**Trustee Akina:** And so I hope we can make that clear. So it shows we actually stand for transparency, not in opposition to transparency.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, absolutely. And you know, I mean this is also something that could impact people's lives, right? Not everyone has access to the internet, right? And we know that's many of our lāhui or those in the lāhui who are in rural communities and may not have access. I am making a note of that though, Trustee to make sure we do include that point that we oppose because it's actually making it easier to not notify people.

**Trustee Akina:** Thank you and thank you for catching that, I appreciate it.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. To Trustee Akina's point, the opposition is if you actually go to that Bill 1411, the opposition is to the strikeouts of the various publications. So the strikeouts in the bill is strikeout for statewide publication in a daily or weekly publication or statewide circulation, strike out separate daily or weekly publications and insert only appropriate government agency website. So we oppose the strikeouts. Not the public notice. So if that's helpful that we oppose the strikeouts that are occurring and only making it available at the website which we know is not good, right. It is multiple communications.

**Trustee Akina:** Thank you, Ka Pouhana.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. Just quick, wanted to know more about, so 99 year leases SB1286. Where are they at? Where are they because this is a bad one. This is I know, I strongly oppose but. Where are they on this? Are they passing any of these things? These 99 year leases.

**Interim Advocacy Director/Chief Advocate Poe:** This one, they do have a hearing scheduled in the Senate in the Housing and Water Land Committees, which means they probably want to at least think about pushing the bill on for discussion. It did have several joints, so I think the Senate is aware of the multiple issues here.

**Trustee Ahuna:** Yeah, thank you. I just was worried about those 99 year lease bills, and then the other one, the bill that Trustee Akina was talking about, does that concern when they quiet title too? They need to make sure they post public, does that has anything to do with that?

**Board Chair Hulu Lindsey:** It could have.

**Trustee Ahuna:** Okay, then that's very important.

**Board Chair Hulu Lindsey:** Yeah, that's why we oppose. Yeah.

**Trustee Ahuna:** Thank you very much. That's the reason, okay.

**Interim Advocacy Director/Chief Advocate Poe:** Right and Trustee Ahuna to your thing, right. We know that some of our kalo farmers, right, they're only going to read the newspaper and that's what they're depending on. Not on some hard to find website or they don't even know the right website. So we are monitoring that issue. We are definitely sensitive on 99 or any long term lease period.

**Board Chair Hulu Lindsey:** So I'd just like to add on this 1286, I think there is a difference between Crown Lands and Ceded Lands. Although Crown Lands is considered part of Ceded Lands, but not all Ceded Lands are Crown Lands, and the HCDA is wanting to extend the leases on I want to say could be Ceded Lands to 99 years, but it prohibits them from encumbering lands from the Crown Lands for 99 years, for longer than 65 years. So there is a little differential there as far as the Ceded Lands because Crown Lands is considered part of the Ceded Lands. So I think we have to just be maka'ala. They're trying to build affordable housing and on Ceded Lands and they want 99 years. But at the same time, they're prohibiting HCDA from building on Crown Lands. So kind of tricky.

**Trustee Ahuna:** And Crown Lands previous to August 15, 1895. So that's a double edged sword right there.

**Board Chair Hulu Lindsey:** So we have to know what Crown Lands we have so that when we see announcement of construction on those Crown Lands and the lease is going longer than 65 years. We have to intercede.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, absolutely agree with you, Chair, right. You know, because like you said, we do need to be maka'ala on the Ceded Lands, right. Because we don't want them to touch government lands either, right. The Ceded Lands are the Crown Lands and the government lands. So we would be sensitive and on top of or we would definitely be tracking any of these and that's consistent with Board Policy and OHA stances for probably decades at this point about anything that would, any dispositions of the Public Land Trust, the Ceded Lands.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair. Capsun, who's the Chair of Housing for the Senate?

**Interim Advocacy Director/Chief Advocate Poe:** That's Senator Stanley Chang.

**Trustee Galuteria:** And Water Land is Senator Inouye?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, still Water Land in the Senate.

**Trustee Galuteria:** Okay, thank you. Thank you, Chair.

**Chair Akaka:** Members, any other questions, comments. Seeing none, Capsun, is there any more that you'd like to present on the Matrix three?

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair. No, we don't. I would just repeat that we are asking for approval of positions for items number 1-93 as recommended.

**Chair Akaka:** And just to confirm, we are not changing anything on the matrix, the position that we have to list here on the motion.

**Interim Advocacy Director/Chief Advocate Poe:** Yes confirming, at least from the Administration side, we didn't recommend any changes and I think the Trustees had questions, but we didn't see anything that would change.

**Chair Akaka:** Thank you.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I'd like to move to approve Administration's recommendations on: **NEW BILLS (Items 1 - 93) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated February 8, 2023.**

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan can I please have a **roll call vote**.

							10:39 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

### **III. ANNOUNCEMENTS**

**Trustee Ahuna:** I believe, Capsun, there's a hearing today.

**Chair Akaka:** Yes, we were going to announce that one more time as a reminder. So again, that's the hearing today in conference room 229 at 1:05 PM regarding our OHA-2 Hakuone Bill SB736 and that's the Water and Land, Hawaiian Committee is hearing this today, and we also do not have a BAE Committee meeting next week. Any other announcements?

## V. ADJOURNMENT

**Board Chair Hulu Lindsey:** I move that we adjourn.

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have **roll call vote**.

							10:41 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:42 a.m.**



Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
**OFFICE OF HAWAIIAN AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**February 22, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin/ IT

**EXCUSED:**

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 22, 2023 to order at **10:00 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:06 a.m.
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	EXCUSED	10:20 a.m.
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair Akaka. We will go ahead and have Capsun and then I will be sharing my screen and Capsun can walk us through the materials.

## 2023 LEGISLATIVE TIMETABLE

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
J A N U A R Y							
	1	2 NEW YEAR'S DAY OBSERVED	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16 DR. MARTIN LUTHER KING, JR. DAY	17	18 OPENING DAY	19	20 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	21
	22	23 State of the State Address & Admin Bill Package Cutoff	24 RECESS #1	25 State of the Judiciary Address & Bill Intro Cutoff	26 RECESS #2	27	28
	29	30	31				

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
F E B R U A R Y				1	2	3	4
					9	10	11
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20 PRESIDENTS' DAY	21	22	23	24	25
	26	27 →	28 →	29	30	31	

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
M A R C H				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHO DAY OBSERVED	28	29	30	31	
A P R I L							1
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
M A Y	30						
		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6

*Ronald D. Kouchi*

Ronald D. Kouchi  
President of the Senate

12/12/22

Date

*Scott K. Saiki*

Scott K. Saiki  
Speaker of the House

12/12/22

Date

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and mahalo, Ka Pouhana for that. Aloha kakahiaka, Trustees. It's good to be with you after a one week hiatus and it has been a busy time. Just so you know, today is February 22nd. But you know now that the calendar is in front of you, we are on day 23 of the session and since calendar shared in front of you now I just want you to know that with first lateral occurred last week and that was one of the first big deadlines. So of course that means that bills need to be on their way to the final committee in their original chamber. More importantly, I think for us it means that the volume of bills and the testimony starts to decrease and both we and the Legislature start to really focus in on the bills that are left.

As you can see here, tomorrow is the beginning of the mandatory 5 day recess and that just means there is no floor session. I don't want you to think this is like school and recess means recess. It's actually a very busy time, especially for the money and legal committees to do their work, and as we go through the matrices, you'll

see that some of our things are pending hearings in those sort of committees that I mentioned, and of course the next big deadline is first decking, which will be next week Friday and that really is one of the major deadlines for a bill to stay alive. Anything that makes it pass first decking will usually make it pass crossover, and they need to file all of the reports, and it needs to have finished all of their hearings in the originating chamber.

So with that we can just jump straight into the matrices and I think we are on Matrix one already. Trustees, just so you have it here these are both our budget bills and they are making their way through both of the chambers. So we do appreciate both the Senate and the House did hear that. The House did actually pass it with our \$3 million request intact. The Senate did go with their usual practice, which is to delete the blank out the appropriations and push it forward to WAM for consideration and so we have already made requests to both FIN and to WAM to hear those bills, and we hope that we will continue to be able to discuss that. No action is required, Chair, but you know if there are any questions on Matrix one I can try and answer those.

**Chair Akaka:** Members, any questions, comments? Seeing none. Mahalo, Capsun.

## B. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

### ONE TESTIFIER ON THIS ITEM

**Mahealani Cypher:** Yeah, I'm not sure if House Bill 1313 is on your matrix. I can't see it on my screen so I just wanted to say that I'm not sure it will make the first decking, but it's still alive this year as well as into next session, so we still continue to work on it. House Bill 1313 relates to Ha'ikū Valley. It's very similar to a bill that was part of the OHA package in 2008 and it passed the legislature that year, but the Governor vetoed it because there was a last minute change in agency. Instead of giving the land to OHA, it was given to DLNR, administration did not want it. So we hope that you folks will at least keep your options open regarding Ha'ikū Valley, and if it comes up for hearing in Judiciary or Finance later this session, we hope you'll still stay open to the idea. So thank you for allowing us to testify.

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** We'll go ahead and have Capsun continue. I've started to share Matrix two.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Ka Pouhana. Just to acknowledge the testifier, so Trustees that is item number 14, HB1313 and it is, yeah, we're not quite sure. I mean you know there are some other legislative mechanisms available for it, we continue to monitor it and the change did have, I'm sorry, the Committee did pass an HD1, a House Draft One of this to address some of the concerns that DHHL expressed, meaning DHHL absolutely could not agree to transferring land. So that's why now the current iteration has it at negotiating some sort of lease or license.

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Requires that, for royalties from geothermal resources, ten per cent be paid to the county where the geothermal mining operations are situated, fifty per cent be paid to the Department of Land and Natural Resources, twenty per cent be paid to the Office of Hawaiian Affairs, and twenty per cent be deposited into the University Innovation and Commercialization Initiative Special Fund to be expended by the Hawaii Groundwater and Geothermal Resources Center to further the discovery and development of geothermal resources and for exploratory geothermal wells. Requires the University of Hawaii to submit an annual report to the Legislature. (SD1)	2/17/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EET/PSM/HRE, WAM	SUPPORT WITH AMENDMENTS
1a	SB458 Notes	OHA provided comments, recommending that Native Hawaiians are entitled to the income and proceeds of natural energy resources. Committee amended measure to have OHA receive 20% of royalties. Administration recommends changing COMMENT to SUPPORT WITH AMENDMENTS with recommendation being to increase percentage to 38% based on number of Native Hawaiians in relation to total state population					
2	<a href="#">SB576</a>	RELATING TO GOVERNMENT.	Requires reports of out-of-state and intra-state travel by state employees, officers, or other representatives to be made available for public review on the Comptroller's website. Appropriates moneys. Effective 7/1/2112. (SD2)	2/17/2023 S Report adopted; Passed Second Reading, as amended (SD 2) and referred to WAM.	KANUHA	GVO, WAM	COMMENT
2a	SB576 Notes	OHA Named insofar as this measure will directly affect OHA operations regarding travel for OHA employees and Trustees.  <b><u>BOARD ACTION REQUESTED</u></b>					
3	<a href="#">HB1227</a>	RELATING TO THE PUBLIC TRUST LANDS.	Formally recognizes that the Office of Hawaiian Affairs is not barred from pursuing and may negotiate with respect to public land trust claims not addressed in Act 15, Session Laws of Hawaii 2012.	1/30/2023 H Referred to WAL, JHA, FIN, referral sheet 3	SOUZA, ALCOS, COCHRAN, GARCIA, PIERICK, Amato, Ganaden	WAL, JHA, FIN	SUPPORT

So Matrix two, these of course are the legislation that names OHA. We do have the two new ones indicated in blue and as I said HB1313 was already on here, but the two new ones we have for you are SB458 and SB576 with our recommended position there, before we get into that, I did want to quickly note three bills HB66, SB32 and SB52, and these are items 17, 18 and 19. These all have to do with OHA apportionment and elections. There is a discrepancy, I did want to make sure, but I also wanted to make sure I told you about it first because these are listed here on Matrix two as comment, however, they should be opposed because that is the position that the Trustees approved at the February 8, BAE Meeting. So chalk this one up to I think version control, but I just wanted to bring it up to highlight you know our continuing commitment for continuous improvement, but these are all, the Board has already approved positions of opposed, so there's no action required on those. We're just asking for action on the two new bills.

I keep going back to the two bills, but I did also want to mention that our Hakuone bill, which I think is top of mind for the Trustees. This is SB736 and many of the Trustees were at the initial hearing. Then it was deferred and at the second hearing last week the Senate Committees on Water and Land, and also Hawaiian Affairs did pass it. So OHA is thankful to the leaders and members for their support in advancing the legislation and our ability to maximize benefits for the trust. There were seven changes in the bill, but I just want to highlight that the biggest are some surrounding naming issues too avoid special legislation and then subjecting the properties there to the existing HCDA public hearing requirements and the last big change to highlight was lowering the height limit to 350 feet which is 50 feet below what OHA was proposing in the bill. So with those highlights, Chair, the ask today is just for the positions of the two new bills, but happy to answer any questions or address any concerns you or the other Members may have.

**Chair Akaka:** Mahalo, Capsun. Members, are there any questions or comments regarding Matrix two?

**Board Chair Hulu Lindsey:** I move to approve Administration's recommendations on: **NEW BILLS (Items 1 – 2) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated February 22, 2023.**

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:16 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**C. 2023 OHA State Legislature Bill Positions Related to Measures  
Affecting Native Hawaiians – Matrix 3\*\***

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Capsun, I have Matrix three up.



Matrix 3 – 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB406</a>	RELATING TO HEALTH.	Requires the department of health and Oahu regional health care system to develop a strategic plan for the utilization of all Oahu regional health care system facilities and report to the legislature prior to the regular session of 2024. Extends the assimilation of the Daniel K. Akaka state veterans home to 6/30/2024. Requires the Oahu regional health care system and the department of defense to provide a joint progress report to the legislature regarding construction of and the hiring of an operator for the Daniel K. Akaka state veterans home. Effective 6/30/3000. (HD2)	2/17/2023 H Passed Second Reading as amended in HD 2 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Marten excused (1).	BELATTI	HLT/CMV, FIN	MONITOR
2	<a href="#">HB360</a>	RELATING TO HOUSING.	Increases the deadline for a county council to take action on an affordable housing project's application from forty-five days to an unspecified number of days after receipt of the proposed project's preliminary plans and specifications from the Hawaii housing finance and development corporation. Effective 7/1/3000. (HD2)	2/17/2023 H Passed Second Reading as amended in HD 2 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Marten excused (1).	HASHIMOTO	HSG, FIN	COMMENT
3	<a href="#">SB551</a>	RELATING TO HOUSING.	Clarifies that certain housing projects developed by the Hawaii Housing Finance and Development Corporation on lands that are not within a Special Flood Hazard Area as identified on the current Federal Emergency Management Agency's Flood Insurance Rate Maps shall be exempt from all statutes, ordinances, charter provisions, and rules relating to planning, zoning, and other certain standards, provided that certain conditions are met. (SD2)	2/17/2023 S Report adopted; Passed Second Reading, as amended (SD 2) and referred to JDC.	KANUHA	HOU, JDC	COMMENT
4	<a href="#">SB580</a>	RELATING TO LAND USE.	Transfers the Office of Planning and Sustainable Development from the Department of Business, Economic Development, and Tourism to the Department of Land and Natural Resources. (SD1)	2/17/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	KANUHA	EET/WTL, WAM	COMMENT
5	<a href="#">SB547</a>	RELATING TO THE BOARD OF REGENTS.	Requires the University of Hawaii's Board of Regents to approve by majority vote any designee selected to serve or participate for the chairperson as a voting or nonvoting member of any legislatively established board, commission, working group, or task force. (SD1)	2/17/2023 S One Day Notice 02-21-23.	KANUHA	HRE	HIGH MONITOR

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo Chair and Ka Pouhana. Trustees, as you can see here Matrix three is a mix of new bills, actually just one new bill, which is in blue and then a recommend change in positions are in this orange yellow shade. Most of the position changes concerned bills that were previously short form bills. Those are bills that are basically one sentence and say the purpose of this bill is to effectuate the purpose of this act or something like that. We were monitoring them and now that they have some substantive content, we can better figure out a position and on these, you know, we do have some comment positions on these and then so we're just requesting action on those five items.

Matrix 3 – 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
6	<a href="#">HB105</a>	RELATING TO LICENSE PLATES.	Requires license plates to include â€œokina in the word "Hawaiï€œ. Authorizes the use of all uppercase letters, all lowercase letters, or initial capital letters in the words "Hawaiï€œ and "Aloha State" on license plates. Effective 6/30/3000. (HD1)	2/16/2023 H The committee on JHA recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 10 Ayes: Representative(s) Tarnas, Takayama, Ganaden, Holt, Hashimoto, Ichiyama, Ilagan, Kong, Mizuno, Souza; Ayes with reservations: none; Noes: none; and Excused: none.	SAIKI (Introduced by request of another party)	CAI, JHA	SUPPORT
7	<a href="#">HB1128</a>	RELATING TO SUPPORT FOR TRADITIONAL NATIVE SPEAKERS OF HAWAIIAN.	Provides that, in any island with a population of five hundred or less, Hawaiian language shall be recognized as the sole indigenous language of the Hawaiian islands; public schools may offer a course in Hawaiian language; and every effort shall be made to accommodate Hawaiian speakers. Requires and appropriates funds for the state public charter school commission to study the Hawaiian language, publish resource materials for native speakers of the Hawaiian language, consult stakeholders, and submit a report to the legislature. Effective 6/30/3000. (HD2)	2/17/2023 H Report adopted. referred to the committee(s) on FIN as amended in HD 2 with none voting aye with reservations; none voting no (0) and Representative(s) Marten excused (1).	MORIKAWA, GANADEN, HASHIMOTO, HOLT, ICHIYAMA, KAPELA, MARTEN, MIZUNO, PERRUSO, QUINLAN, TAM, TARNAS	EDN, JHA, FIN	SUPPORT
8	<a href="#">HB1323</a>	MAKING AN APPROPRIATION FOR THE STATE OF HAWAII MUSEUM OF MONARCHY HISTORY.	Appropriates moneys to the State of Hawaii Museum of Monarchy History (Iolani Palace) for operating and maintenance expenses.	1/30/2023 H Referred to CAI, FIN, referral sheet 3	SOUZA, COCHRAN, KAHALOA, WARD, Garcia	CAI, FIN	SUPPORT
9	<a href="#">HB1331</a>	RELATING TO EDUCATION.	Extends the school supply subsidy pilot program established pursuant to Act 142, Session Laws of Hawaii 2022, for an additional two years. Appropriates funds. Effective 6/30/3000. (HD1)	2/13/2023 H Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Kapela excused (1).	WOODSON, AMATO, BELATTI, CHUN, COCHRAN, HASHIMOTO, HUSSEY-BURDICK, ICHIYAMA, KAPELA, KILA, KOBAYASHI, MARTEN, MATAYOSHI, MIZUNO, MORIKAWA, NAKASHIMA, ONISHI, PERRUSO, POEPOE, TAM, TARNAS, TODD	EDN, FIN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** If we could scroll down further, maybe on to these. Trustees, I do want to just make sure you know that with that big first lateral deadline I talked about, technically some of the bills on this list are dead after not meeting that deadline. But we do keep them on here. Just so we everyone knows what we were doing, but also because there are certain legislative provisions that if leadership wanted to activate, that a bill for lack of a better way of saying it can be made undead, meaning you know the referral can be changed and it can have an easier path forward, and so I just wanted to make sure as you go through it there, we do have bills that are technically not alive right now.

Finally, while it's not on here, I did just want to highlight that Senate Bill 1543 is on our radar. It just recently got on our radar and so we are looking to include that in next week's matrix along with we'll take some time for a staff recommendation. Just so you know, this bill establishes a comprehensive system of public financing for all candidates seeking election to State and County Public Offices. So while it doesn't necessarily name OHA specifically, we do realize that OHA candidates for elective office, which include OHA as well as any other Native Hawaiian seeking office would be impacted. So we'll digest it and have a recommended position. Again, Chair and Trustees, the recommended action is to approve items one through five here on Matrix three.

**Board Chair Hulu Lindsey:** I move to approve Administration's recommendations on: **NEW BILLS (Items 1 - 5) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated February 22, 2023.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, can I please have a **roll call vote**.

							10:20 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

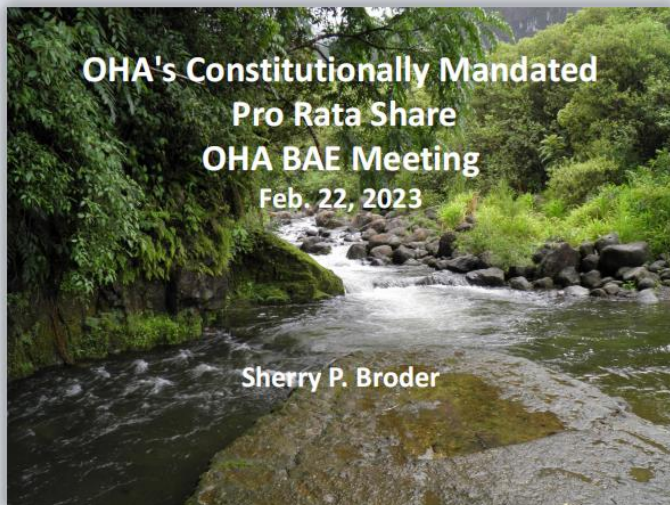
### III. NEW BUSINESS

A. Administration Presentation: Constitutionally Mandated Pro Rata Share and 2022 OHA Public Land Trust Bill

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair Akaka. We'll ask Sherry as well as Everett to turn there cameras on and Everett will be able to move through the presentation as Sherry narrates and provides the overview.



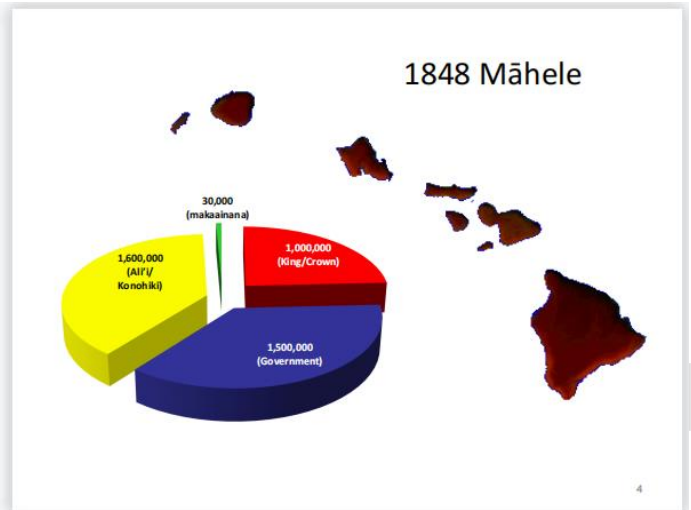
#### Overview

1. What are Ceded Lands? The Public Land Trust?
2. Litigation & Legislation re OHA's Pro Rata Share
3. Act 178, SLH 2006 - set current \$15.1 million cap on PLT revenues to OHA as "interim" funding





**External Counsel Sherry Broder:** Aloha, so I'm going to give an overview of the legal issues and the history behind the pro rata share, and last session OHA was able to be successful in increasing its pro rata share as well as getting a substantial (inaudible). Also, there was a negotiating and fact finding committee set up so I will touch briefly on the latest developments, but I know that Everett has spent a lot of time in comparing things, so he will mostly discuss that.



You know, OHA's Constitutionally mandated pro rata share, the history of it all, you know, started a long time ago. Okay, so the pro rata share really has its genesis in the Māhele because at that time the government and Crown lands, which eventually became the basis for the Public Land Trust, were designated and identified as you all know, there was a million acres of King and Crown lands and 1.5 million acres of government land. Then there were lands that went to the Ali'i and Konohiki, and only 30,000 acres of land went to natives and maka'ainana.

1898  
Republic of Hawai'i "ceded"  
~1.8 million acres to the U.S.



Hawai'i Attorney General Opinion  
03-03 (2003)

"'Ceded lands' are all of the lands ceded to the United States by the Republic of Hawaii under the Joint Resolution of Annexation, not otherwise disposed of by the United States prior to the lands' transfer to the State of Hawaii pursuant to section 5(b) of the Admission Act, including the water, minerals, plants, and other things connected with the lands, and 'every species of title inchoate or complete.'" *State v. Zimring*, 58 Haw. 106, 122-3, 566 P.2d 725, 735-6 (1977).

Then in 1898, after the illegal overthrow and the formation of the Republic of Hawai'i in 1893 when Hawai'i was annexed, 1.8 million acres of lands were transferred to the United States of America and among those lands were the government and Crown Lands that we looked at earlier, and those lands formed the basis for the territory, next slide.

Okay, so there is a difference between the ceded Lands and the Public Land Trust and basically the Public Land Trust is a subset of the ceded Lands, so that's why when we're talking about the pro rata share, it's of the Public Land Trust because that was the phrase that's used in the Hawai'i State Constitution where a portion of the income and proceeds from these former government and Crown Lands were designated to be paid to OHA because before the 1978 Constitutional Convention, all the income and proceeds after statehood were given to the Department of Education and no income and proceeds were set aside for Native Hawaiians. So the AG in 2003 issued an opinion that indicated that the ceded Lands are all the lands ceded to the United States by the Republic of Hawai'i under the joint resolution of annexation not otherwise disposed of by the United States prior to the land's transfer to the State of Hawai'i pursuant to Section 5B of the Admission Act. So that's when Hawai'i became a state, the Admission Act. So during that period of time between the joint resolution of annexation and the Admission Act, the territory did sell you know, many acres of land. So those were not transferred to the State of Hawai'i at the time of admission because they had already been sold or otherwise disposed of. But the important thing about this AG opinion, at least for the Office of Hawaiian Affairs, is that it includes the water, mineral, plants and other things connected with the lands. So that's very important and it's become important to the Department of Hawaiian Homelands and terms of its right to revenues from geothermal.



**Admission Act Section 5(f)  
Public Land Trust created**

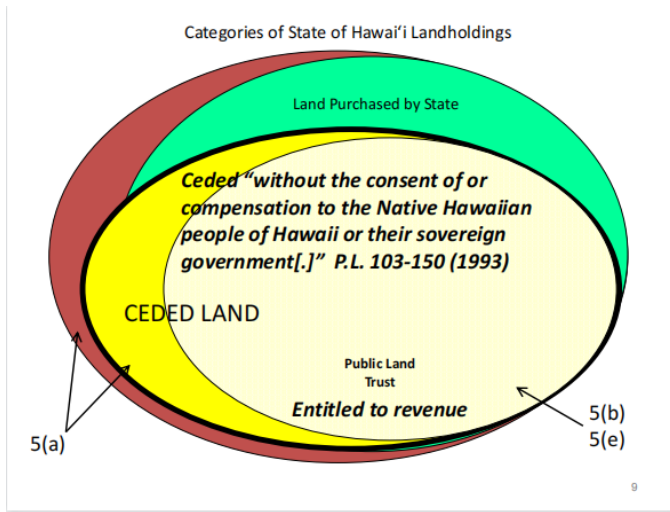
5(a) → title and control held by Territory,  
transferred to State – see eg. Sand Island

5(b) → title held by U.S. but under control  
of Territory, transferred from U.S. to State

5(e) → title and control held by U.S.,  
transferred from U.S. to State if land no  
longer needed by U.S.

A newspaper clipping from the Honolulu Star-Bulletin dated August 21, 1959, with the headline "Hawaii Becomes 50th State; Eisenhower Unveils New Flag". The clipping shows a photograph of President Dwight D. Eisenhower and others holding the Hawaiian state flag.

So then what is the Public Land Trust? Remember I said that the Public Land Trust is a subset of the ceded lands. Okay, so as we went over just a few minutes ago, the Admissions Act is what created the Public Land Trust, and it's specifically section 5F. 5B, are those lands that were held by the United States but under the control of the territory and those were transferred from the United States to the State of Hawai'i. 5E were those lands controlled and held by the United States and transferred from the United States to the State if the land was no longer needed by the United States. So 5B with those lands under the control of the territory in 5E were those lands held by the United States but not under the control of the territory.



### Admission Act Section 5(f) Public Land Trust

The public land trust land together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by the State as a public trust for five purposes:

- (1) Public education
- (2) **The betterment of the conditions of native Hawaiians**
- (3) The development of farm and home ownership
- (4) Public improvements, and
- (5) For public use



5A lands were those title and controlled held by the territory, but transferred to the state upon admission, so that is for instance, Sand Island. Sand Island was transferred to the state just before before admission, and so those lands have not been included in the Public Land Trust. So this slide I think shows nicely how the ceded lands are a bigger trust, bigger grouping of lands than the Public Land Trust. Remember, I was just saying that it's the 5B and the 5E lands that went into the Public Land Trust. But those 5A lands such as Sand Island or other lands that were otherwise transferred prior to statehood. Those lands are not included in the Public Land Trust.

Okay, lands purchased by the state are not included as well, so the Public Land Trust is that smaller inventory of lands than the ceded lands. This is from the apology resolution but all of those ceded lands are referred to in the apology resolution as having been transferred without the consent of or compensation to the Native Hawaiian people of Hawai'i or their sovereign government.

So the designation in the Hawai'i State Constitution today which sets aside to the Office of Hawaiian Affairs its pro rata share of the Public Land Trust income and proceeds comes from section 5F of the Admission Act, which refers to the Public Land Trust. Okay, so the Public Land Trust together with the proceeds from the sale or other disposition of such lands and the income therefrom shall be held by the state as a public trust for five purposes, and one of those is the betterment of the conditions of Native Hawaiians and you can see what the other four purposes are, as explained earlier. Before the 1978 Constitutional Convention amendment designating the a pro rata share to the Office of Hawaiian Affairs. All the funds were used for public education. In many situations, including litigation, the state argues that you know, there are these other purposes for the Public Land Trust and what they're doing is according to law because they fall under these other four categories, public education, the development of farm and home ownership, public improvements and just generally for public use.



1978 Hawaii Constitution  
Article XII, section 4  
Public Trust

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

[Add Const Con 1978 and election Nov 7, 1978]

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1978 Hawai'i Constitution, Article XII  
Sections 4, 5 & 6



Created OHA "to manage all income and proceeds from that [pro rata portion](#) of the public land trust for native Hawaiians."

Clarified Admission "Act 5(b) lands shall be held by the State as a public trust for native Hawaiians and the general public."

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Okay, so the 1978 ConCon added Article 12, Section 4. This was brand new because of course before the 78 ConCon there was no Office of Hawaiian Affairs. So this section was to take those 5B lands that we've been looking at. If I be of the Admission Act and pursuant to Article 16, Section 7 and excluding there from the valuable lands that belong to the Hawaiian Homes Commission. They shall be held by the state as a public trust for Native Hawaiians and the general public. There was a lot of debate at the ConCon about what percentage would go to Native Hawaiians. So was this supposed to mean 50% Public Land Trust for Native Hawaiians and the general public, just two beneficiaries or was it supposed to be something different, and if you read the committee reports you'll see that there was a discussion about this and the other percentage that was looked at was the percentage of the population, which at that point in time was approximately 20% Native Hawaiian. But it was left to the Legislature to make a determination as to whether or not what exactly the percentage share would be. Okay and the ConCon created OHA to manage all the income and proceeds from that pro rata portion of the Public Land Trust for Native Hawaiians.



Act 273, Session Laws Hawaii 1980  
Hawai'i Revised Statutes § 10-13.5

**Twenty percent** of all funds derived from the public land trust, described in section 10-3, shall be expended by this office, as defined in section 10-2, for the purposes of this chapter.

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Examples of Public Land Trust  
Airports

- Dillingham Airfield
- Hana
- Hilo
- Honolulu
- Kalaupapa
- Molokai
- Port Allen
- Upolu
- Waimea-Kohala



Honolulu International Airport



Hilo International Airport

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So in 1980, the Legislature did pass section 10-13.5 and in it, it specifically allocates 20% of all funds derived from the Public Land Trust shall be expended by the Office of Hawaiian Affairs. This of course has resulted in lots of litigation. You know, 20% of what? You know what is it that's 20% of this, you know, is this net revenues or gross revenues. The Office of Hawaiian Affairs has always argued it's gross because the State of Hawai'i is not a for profit entity. That's not its number one job. It's number one job is to take care of the people of Hawai'i. I suppose I could say maybe that's overly optimistic, but anyways it's definitely not a profit making enterprise so

to make it 20% of net revenues would probably result in OHA getting nothing. But this has been subject to a lot of dispute and litigation, OHA sued right away over what the 20% would be, but the Hawai'i Supreme Court although in several different cases has said that the Legislature and the people of Hawai'i have a Constitutional duty to Native Hawaiians nonetheless. The court has consistently ruled that it cannot say how much or what exactly it will be determined on because there are not judicially manageable standards for how much money should be transferred to the Office of Hawaiian Affairs.

Next slide, here are examples of Public Land Trusts. The airports, harbors and housing. So the airports and the harbors are big revenue producers. HCDA is also a relatively big producer, but not like the harbors and the airports.

### Examples of Public Land Trust Harbors and Housing

- DOT-Harbors
- DLNR-DOBOR
- Hawai'i Community Development Authority (HCDA)



Kewalo Basin



Honolulu Harbor



KA'ULU RESIDENTIAL COMMUNITY

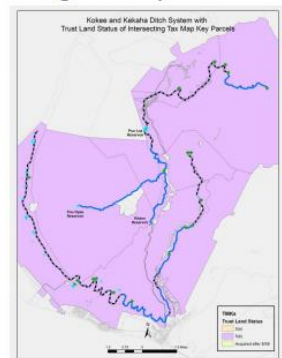
15

### Examples of Public Land Trust Agricultural Land and Irrigation Systems

- Department of Agriculture
- Agribusiness Development Corp.
- DLNR



Kalepa Lands



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These are other Public Land Trust lands, agricultural lands and irrigation systems.

### Apology Resolution, Public Law 103-150 (1993)

*Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;*



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### Apology Resolution, Public Law 103-150 (1993)

*Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;*

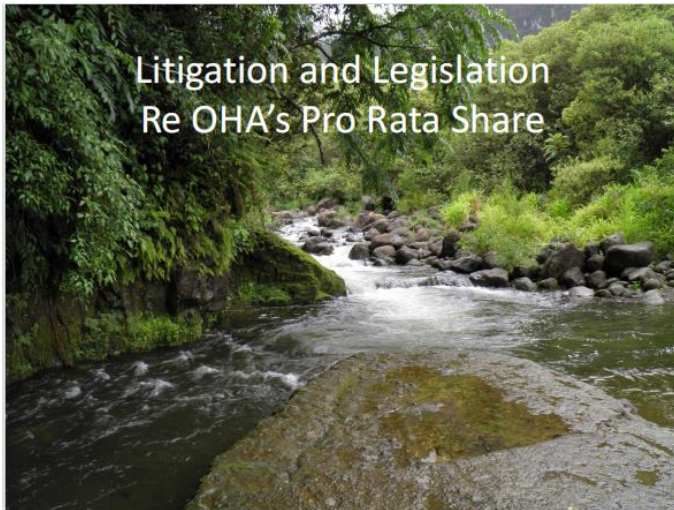


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We referred earlier to the Apology Resolution which the federal government admitted that the 1.8 million acres of Crown, government and public lands that the Kingdom of Hawai'i were taken without the consent or compensation to the Native Hawaiian people of Hawai'i or their sovereign government.



Also acknowledge that indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy, through plebiscite or referendum.



**Pro rata portion of public land trust  
for the betterment of the conditions  
Native Hawaiians**



Yamasaki 1987: Hawai'i Supreme Court: issues are non-justiciable and legislature must make initial policy decisions about OHA's pro rata share.

1990: OHA and State through Gov. Waihee entered into a settlement. Act 304 defined "revenue," set process to determine past due revenue, and segregated revenue from the "actual use" or disposition of trust lands into two categories - sovereign and proprietary.

OHA would not receive **sovereign revenue** - such as taxes, fines, and federal grants or subsidies - generated from the exercise of State sovereign powers.

**Proprietary revenue**, such as rents, leases, and licenses, would be subject to OHA's pro rata share.

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Okay and then a brief review of litigation and legislation relating to OHA's pro rata share. In 1987, so pretty soon after OHA was created and Trustees were elected and a lawsuit was brought right away, and as I explained earlier, the court decided the issues were non justiciable and the Legislature must make the initial policy decisions about OHA's pro rata share. As a result of that, there were years of negotiation when Governor Waihe'e was governor and the law was changed. Act 304 defined revenue and segregated revenue from actual use into two categories, sovereign and proprietary and OHA agreed to that. This was part of a package deal, even though eventually Act 304 was struck down. The state continues to use this definition that was in Act 304 on what is revenue because OHA doesn't get any funds from sovereign revenue and so sovereign revenue includes taxes, fines, federal grants or subsidies. Proprietary revenue is rents, leases, licenses and these are subject to OHA's pro rata share. It does seem that one could argue and it has been so argued that the state kind of cherry picks what they liked from Act 304. It continues to use it, but doesn't use some of the other provisions in Act 304, such as 20% of the airport revenues. So OHA's pro rata share is calculated on the proprietary revenue.

**Act 304, SLH 1990  
State Continues to Use to Today**

OHA's **pro rata share** to be calculated on **proprietary revenue**, or "proceeds, fees, charges, rents, or other income, or any portion thereof, derived from any sale, lease, license, permit, or other similar proprietary disposition, permitted use, or activity, that is situated upon and results from the actual use of lands comprising the public land trust, and including any penalties or levies exacted as a result of a violation of the terms of any propriety disposition"

**Sovereign revenue** was expressly excluded from OHA's pro rata share, including:

1. Taxes;
2. Regulatory or licensing fees;
3. Fines, penalties, or levies;
4. Registration fees;
5. Moneys received by any public educational institutions, including the University of Hawai'i, and the community college system, from educational its programs and ancillary services, such as tuition, registration fees, meals, books, grants, or scholarships;
6. Interagency and intra-agency administrative fees or assessments;
7. Moneys derived from or in support of penal institutions and programs;
8. Grants, carry-overs, and pass-throughs;
9. Federal moneys, including federal-aid, grants, subsidies, and contracts;
10. Moneys collected from the sale or dissemination of government publications; and
11. Department of defense proceeds on state-improved land.

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**No Historical Agreement - Disputed  
Sources - Judge Heely (1996)**

- ▶ 1993: State and OHA agree to revenue streams included in OHA's pro rata share, and \$135 million past due for 1980 to 1991 for certain issues. **DISPUTED SOURCES REMAIN.**
- ▶ 1996: Trial Judge Daniel Heeley rules in OHA's favor.
- ▶ **Hospital revenue**
  - ▶ Patient services fees, cafeteria sales, and lease rent at Hilo Hospital "is clearly a proprietary rather than sovereign exercise of power which does not shield the Hilo Hospital Income from Act 304's definition of 'revenues'". Oct. 23, 1996 Heely Decision at 14.
- ▶ **Public housing developments and rent**
  - ▶ The state's activities of providing affordable housing "which are carried out by private individuals also," are proprietary in nature. Oct. 23, 1996 Heely Decision at 9.
- ▶ **Interest on investment of withheld revenue from public trust land**
  - ▶ "[T]he State is required to pay [OHA] its pro rata share of the interest income earned by the State from ceded land revenues derived from the Public Land Trust." Oct. 23, 1996 Heely Decision at 16.
- ▶ **DOT-Airports Waikiki Duty Free**
  - ▶ Subsequent to **OHA I**, DOT moved all Duty Free Shops operations off public trust land at HNL.

So this is the specific list of what was included in the 1990s statute of what OHA was excluded from getting as part of its pro rata share. I think you should take a look particularly at #5, which you know talks about educational institutions including the University of Hawai'i. and so no grants or scholarships.

There was a dispute between OHA and the state on exactly what Act 304 meant and the state took a position that these four things you see listed here, hospital revenue, public housing development and rent, interest on investment of withheld revenue from the Public Land Trust and the DOT airports, Waikiki Duty Free. OHA argued that these should all be included in the pro rata share of the PLT and after three years of litigation, Judge Heeley, who was the trial judge, ruled in OHA's favor on all those four different issues. These four different categories have continued to be disputed between OHA and the state.

### FAA and Use of Airport Revenues



The FAA viewed such use of airport revenues as contrary to the policies and conditions of grants provided under the Airport Improvement Program 1982, to prevent an airport owner or operator who receives Federal assistance from using airport revenues for expenditures unrelated to the airport.

In a 1996 report, the USDOT Inspector General [IG Report] concluded that the State's payments to OHA between 1992 and 1995 in the amount of \$28.2 million "were a diversion of airport revenue in violation of [the FAA Authorization Act of 1994]" because OHA provided no services for the \$28.2 million and rejected the argument that the payments were for rent/use of the ceded lands.

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### Reef Runway Daniel K. Inouye International Airport



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The airports, the airline industry did not like Judge Heeley's ruling and was very adamantly opposed to paying any pro rata share to the Office of Hawaiian Affairs and so they ran to the US Congress and got a law passed. At first the DOT Inspector General concluded that the state payments to OHA between 1992 and 1995 pursuant to that legislation that was passed Act 304 in the amount of 28.2 million were a diversion of airport revenue and violation of the FAA Act of 1994. They rejected the argument that the payments were for rent use of the ceded lands. OHA did submit its own opinion on this issue, but the Inspector General of the FAA completely ignored it.

### Chair Akaka recognizes Trustee Trask

**Trustee Trask:** Thank you, Chair. You know, I actually had some questions earlier but we've progressed now to a point where I'm not sure we want to go back. I'm gonna request that I have a meeting with Sherry and I'm also going to give notice to the Board now that I may request that we revisit this.

For example, when we just went through the laws, the last several pages, we were talking about the reservation of certain lands for the Native Hawaiian people. In the Apology Bill, the terminology is not used. They went back to indigenous peoples of Hawai'i. The original laws cited all use the small "n" Hawaiian. At a certain point in time, however, the feds changed to a capital "N". It's significant to me as a Trustee because I have two classes of beneficiaries. Hawaiian homelands looks at small ends. Many of these acts, Trustees are looking at small "n" Hawaiians. That is 50% blood or more. But at a certain point in time we begin to use the capital "N's". When we look at the historic development of the laws for our people. How do we come up with a 20%? And that's what we're talking about our budget Trustees, 20%. That was the share of the small "n's" for the Public Land Trust, and this is why I have always claimed and I want our office to look at it, I want the Trustees to look at it. If we have a series of cases and laws that are looking at a division of the Public Land

Trust, which I do not like to use folks, because what's in the Statehood Act and prior measures is the Ceded Land Trust. You can see how that was changed. We lost significant acreage looking at Public Land Trust. But as a Trustee my obligation is not just to the "n's", but to the capital "N's" as well. So we're tracing laws looking at small "n" small "n" and small "n". But we are not just limited to that in our fiduciary obligation. I can agree to look at a 20% for OHA, for small "n's". But I don't think we should ignore the fact that the public share that is 80% happens to include 16-20% for the capital "N's", and that is our obligation Trustees, our obligation.

We are the lead agencies for capital "N's" and small "n's". I understand 20% for small "n's", it's in the Admissions Act and it's elsewhere as well. What I don't understand is why the office has never come forward for a share of revenues for the capital "N's" and I would like to schedule that for a discussion with our Attorney Sherry Broder at a future time, but I hope you're following what I'm saying. We don't just have beneficiaries that are small "n's", we have beneficiaries that are small "n's" and a significant percent of the public are capital "N's". Where are their revenues and why are we not receiving it?

The litigation and the cases we're looking at I buy it. But I would like to have a follow up conversation with you, Sherry, on a follow up to this meeting. Because no board has had the integrity or understanding of addressing this issue to date, it hasn't happened. I understand the law and I was there for 20% for small "n's". It's one of five purposes. It's not a difficult one. But nobody can explain to me where's the additional 16% revenue for the capital "N's" and they are my beneficiaries.

Heads up, Trustees, I think it's time to return to the Federal District Court. Preview of coming attractions. I don't think there's a way we can really work it into this presentation, but I'm just waving a red flag and I will follow up with a discussion with Sherry if you can make some time. We can see how we can bring this back to the Board. But I just want to let you know I'm not, I understand the law and we go forward with the presentation, but I'm not giving up 16-20% of what they're calling the Public Land Trust when it belongs to capital "N" Hawaiians, and I am their Trustee.

**Chair Akaka:** Mahalo, Trustee Trask.

**External Counsel Sherry Broder:** Mahalo for your comments Trustee Trask. I'd be happy to follow up on further discussions with you. I think for today we should just keep going. I mean, there's a lot of litigation as well over, you know, what goes to begin big "N" big "H" and we can talk about that too when we when we have a conversation. But I agree with you on the basic principle, which is never give up and you can see even though this doesn't necessarily fit your bigger global view, nonetheless, you can see that I mean we're not even going over all the cases that have been brought, all the efforts that have been made, so I think that doesn't mean people have given up just that maybe the results you always want doesn't happen at the legislature this year or happen in court right now, but that doesn't mean there isn't a future opportunity.



### Pro rata portion of public land trust for the betterment of the conditions of Native Hawaiians

- **1997:** Act 329 set **"interim revenue" at \$15.1 million/yr**, established committee to address Public Land Trust issues and required inventory



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### DOT-Airports Revenue Under Cayetano Administration (1994-2002)



- ▶ 1996 - Judge Heely finds "the State is required to pay OHA its pro rata portion of all rents or fees collected by the State for the Duty Free concessions at the State's airports, including rents based upon gross sales generated from the Waikiki duty Free shop."
- ▶ Following USDOT opinion that transfer of Airport revenue violated federal law, State halted transfers from Airport special fund to OHA in 3<sup>rd</sup> Q 1996
- ▶ 1997 - Federal Forgiveness Act, OHA retained \$28.2 million transferred from Airport special fund
- ▶ Act 329, SLH 1997 - equivalent payment included amount for landing fees, concession, terminal and ground rent in calculation of past due revenue withheld after 3<sup>rd</sup> Q 1996

Okay, so Act 329. So what happened was the Congress passed what is called the Airport Forgiveness Act, and the reason that it's called forgiveness is the funds that were given to OHA under Act 304 from the airport revenues, Congress forgave that and didn't make OHA pay it back. So that's why it's called the Airport Forgiveness Act. But in fact it actually prohibited any future transfers of airport revenues to the Office of Hawaiian Affairs, so the Office of Hawaiian Affairs did argue that an equivalent amount should be found somewhere else in the general funds to match what should have gone from the airport revenues. But in the meantime, Act 304 was struck down basically by the passage of the Airport Forgiveness Act, and it had what's called a severability clause in it which said that if any part of the act was struck down then the whole act went down.

Governor Cayetano found that after the Airport Forgiveness Act that he stopped all payments to OHA and Act 304 and all payments altogether. Even though Judge Heeley had found that those four categories we looked at were supposed to be the basis on which the Office of Hawaiian Affairs would be getting a 20%. Once the Airport Forgiveness Act was passed, Governor Cayetano stopped making any payments at all.

### Senator Daniel K. Inouye July 29, 1997, 105th Congress Airport Forgiveness Act



However, I would like to make clear that . . . the removal of the Airport Revenue Fund for use by the State of Hawaii as a source of compensating the Office of Hawaiian Affairs for use of ceded lands upon which the airports sit, should not equate to a like reduction in the State's obligation to OHA under State law. This forgiveness provision should not be construed as a forgiveness of the State's obligation to OHA.

The airports continue to sit on ceded lands. The State's obligation to compensate OHA for the use of the land upon which the airports sit should also continue. The only difference would now be the source the State will draw upon to satisfy its obligation.

See Forgiveness Act, § 340(d), 111 Stat. at 1448. CLARIFICATION - Nothing in this Act shall be construed to affect any existing Federal statutes, enactments, or trust obligations created thereunder, or any statute of the several States that defined the obligations of such States to Native Americans, Native Hawaiians or Alaska natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy such obligations.

### DOT-Airports Revenue Under Lingle Administration (2002-2010)



- ▶ Act 34, SLH 2003 - appropriated back payment for pro rata share transfers halted from 2001-2003
- ▶ 2003 - EO 03-03 - resumed pro rata share payments, but no equivalent Airport revenue transferred
- ▶ Act 178, SLH 2006 - pro rata share temporarily set at \$15.1 M; calculation included equivalent payments for "ancillary receipts" from DOT-Airports
- ▶ Act 178 - appropriated \$17.5M for underpayments under EO 03-03

So when the Airport Forgiveness Act was passed, Senator Inouye made a speech. This is just on the floor of the Senate, was not included in the Act itself and he said "I would like to make clear that the removal of the airport revenue fund for use by the State of Hawai'i as the source of compensating the Office of Hawaiian Affairs for use of ceded lands upon which the airport sit, should not equate to a like reduction in the state's

obligation to OHA under state law. The forgiveness provision should not be construed as a forgiveness of the state's obligation to OHA. The airports continue to sit on ceded lands. The state's obligation to compensate OHA for the use of the land upon which the airport sits should also continue. The only difference would now be the source the state will draw upon to satisfy its obligations.”

So and then in that Airport Forgiveness Act there is a section. See my third paragraph there, clarification. Nothing in this act shall be construed to affect any existing federal statute, trust obligations or any statute of several states that define the obligations of such states to Native Hawaiians. Except to make clear that airport revenues may not be used to satisfy such obligation.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just wanted to point out here, colleagues, what really happens there was an overarching agreement for a share to come to OHA. When they looked at the airports, there was a conflict between our share and the federal law because federal law requires in all states that airport revenues must be held by the state solely for the purpose of maintaining the airport. The Feds licensed airports, but they didn't want to pick up the tab for maintaining them, and so there's a revolving fund in a way requirement. Revenues coming in from the airport must be held by federal law specifically for the purposes of the airport. That was not the purpose of this law and that is why in 1997 when Inouye came forward, he came forward specifically because Hawaiians, myself included were pointing out that we could accept the need to have a revolving fund to take airport revenues and keep it to maintain the airport. We could accept that, but where were we going to get our share of those revenues that weren't coming out? And that is why this move, and Dan Inouye himself, if you read his statement, he acknowledges it.

So what was anticipated was the money coming to OHA equal to the amount of 20% would be paid from another pot so that the Federal revolving fund requirement could be maintained. It was never intended that we lose those revenues we were supposed to get it from another pot of funding, it's significant. I mean this is 1997, we're 2023. We're talking about millions of dollars, but we never got it. But here this is very critical this slide I wish there was a number on it because this is Dan Inouye's confirmation that we were entitled to that, and that's why I'm saying I think we need to take a look at it. On this one, I think it's pretty clear and one thing also take a look at the language here and in the previous slide. All the small ends are removed. When you look at this slide with Dan Inouye, we're talking about Capital "N's." So it's not just a question of the 50% bloods, but for all of our people. It's significant at this point. Thank you.

**Chair Akaka:** Mahalo for that historical reference and all your work on this, Trustee Trask. Mahalo for this insight. Please continue.

Okay, so when Lingle became Governor, she then worked hard to make back payments to OHA and to restore some pro rata share payments and so in 2003 there was a back payment for some of the pro rata share transfers that were halted from 2001 to 2003. In 2003, she issued an EO which resumed the Executive Order which resumed the pro rata share payments, but no equivalent airport revenue was transferred. In 2006, Act 178 was passed and you know, we worked with that in the last session, the 2002 Legislative Session in terms of trying to increase the pro rata share, so the pro rata share at that time was temporarily set at 15.1 million. The calculation supposedly included equivalent payments, but for ancillary receipts from DOT airports, so certainly not the full amount, just a small amount and Act 178 also appropriated 17.5 million for underpayments under EO. The Executive order 0303.

### Act 15, SLH 2012

- Settlement addressed **past due** revenue, through June 30, 2012 including unresolved issues from Act 304 settlement in 1993



OHA received 10 parcels in Kakaako Makai

### Act 226, SLH 2022

PLT bill increased annual pro rata share payments to OHA from \$15.1 million to \$21.5 million-, and one-time payment of \$64 million for some past due.

Act 226 assigns three tasks to a working group:

- (1) Account for all ceded lands in the PLT inventory;
- (2) Account for all income and proceeds from the PLT; and
- (3) Subsequently determine the twenty per cent pro rata share of income and proceeds from the PLT due annually to the office of Hawaiian affairs for the betterment of the conditions of NHs.

8/15/22 OHA Chair appointed three: Chair, Trustee Trask, Attorney S. Broder

10/19/22 Gov. Ige appointed three: Neal Miyahira, Department of Budget & Finance, Neil Takekawa, DOT – Harbors, Ryan Kanaka'ole, Department of the Attorney General

So in 2012, Act 15, which you're all very familiar with because this relates to the Kaka'ako settlement. It did address past due revenues through June 30, 2012, including unresolved issues from the Act 304 settlement and legislation in 1993. So this was the 2012 legislation which resulted in the transfer of the Kaka'ako parcels was allegedly as stated in the act itself supposed to cover the past due revenues.

So this is what happened last session and Everett I know was going to make a more in depth analysis but just for a brief overview right now it did increase the annual pro rata share from 15.1 million which had been as you could see in the in the prior slide to 21.5 million and made a one time payment of 64 million for some past due. It did set up a committee, a working group, three to be appointed by the Governor, and in October Governor Ige did appoint three. One from B&F, one from DOT and one from the Attorney General's Office and the Chair appointed the Chair Trustee Trask and myself and we haven't had a meeting yet of this committee. But there's been an effort at the Legislature to do something different already and have a committee where the Legislature appoints people instead of the Governor, the Governor won the Senate one, the House one.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to ask since we're on the slide. You know, this past last session we have our three, they have our three. When do we start? Is the ball in my park to send them out and say get over here let's start having some meetings or you know what I'm saying, I mean.

**Chair Akaka:** Up to the Governor.

**Trustee Trask:** It's up to the Governor. The Legislature says that the Governor convenes it?

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** To Chair Hulu's point and to Trustee Trask's question, based on the last meeting we did reach out to the Governor and ask him if his three appointed names, who was appointed by the former Governor, would still be his selections before getting organized, we have not heard from the Governor's Office on that correspondence that was made about three weeks ago.

**Board Chair Hulu Lindsey:** But in the bill it says that the Governor is responsible administratively to call the meetings.

**Trustee Trask:** Well, Trustees, I think we can see that the Governor is not inclined to do anything. Months have elapsed and what's happening in the Legislature is they're trying to reconfigure the law that came out last year. This is critical for us. This has to do with the guts of the ceded land inventory and all of our assets. Months have elapsed, Trustees. My suggestion at this point is we don't have movement in the next two weeks. I advise you that we go in to the court and request that the court mandate and force the Governor to appoint this committee to get this work done. We need to get the work done. We thought we achieved something last year 33. It's a tremendous job because our own ceded land PIG just looking at the federal holdings was not able to determine the full inventory. This is the inventory of our people's assets and all the state assets. Ige made appointments. What's happening is that the current Governor wants to let it die and replace it with something else. It's time for us to get to work. We've waited for months. We don't get a response back from the Governor in two weeks. Let's go to court for a writ of mandamus to force the Governor to put this together. We're sitting around as Trustees and a bill requiring that we do the inventory of our people is floating dead in the water and the reason why is because the state has never wanted to do it, and neither does the current Governor. But when I hear this, and we all know it's the case, how long are we going to wait Trustees. This Governor is not going to move the ball forward and it's our fiduciary obligation. Give them two weeks, if not put them in court. I look forward to talking with my colleagues on this. That's why I'm giving you the comment, because we can't meet again unless we have. We can't meet as a Board, we can only meet one-on-one. We can't, the law prohibits us from talking with more than one one-on-one. So I'd like to see some action on it, and Sherry, I'd like your opinion because we need to pay some attention to this thing. It's languished for going into a full year. We need the the working group to be established and I don't see any political movement, but my sense is writ of mandamus is required here. It's not lengthy litigation Trustees, but when you have a job to do in your government and you decide not to do the job because you don't want to give land to the indigenous peoples, that's when we need a writ of mandamus to get this working group put together. I understand that the Governor is talking about making some changes, but we haven't seen it and he's been in there for months.

**Chair Akaka:** I think she was asking for your recommendation on how to move forward on this Sherry.

**External Counsel Sherry Broder:** Neal Miyahira was appointed from B&F and he actually came for the bill that is pending right now and testified against it which I thought was quite interesting which would change this makeup and I told him afterwards. Oh, Gee, it's really nice to be in a legislative hearing where we agree, Neal. So I think that the Governor's been in office since December 5, so almost three months. But I think that it would be worth it to make an effort with him. He has, you know, he did make February 'Ōlelo Hawai'i Month. He, you know, proclaimed 'Aha Pūnana Leo day or week or whatever it was, and I think he does have a lot of interest in Hawaiian issues. He's got, you know, a lot of different things on his plate. But I don't see why he wouldn't agree to a meeting, a small meeting with some OHA staff and Trustees just to talk about and make up an agenda and talk to him.

**Chair Akaka:** I think we need to send a follow up request to him.

**Trustee Trask:** You know what, let me suggest this, because it's been weeks, you know, the Governor's doing window dressing resolutions. We're going to have Hawaiian language month in February. This has to do with hundreds of millions of dollars for the ceded land trust. I agree with what Chair Akaka is saying, but bottom line, instead of sending a little reminder, oh Neal, are we gonna get together anytime soon in the next 60 days? I'd like to see something go out to the Governor, Neal, both of the Neals, Takegawa and Miyahara, as well as Ryan Kanaka'ole to tell them that we would like to set the thing up within the next 30 days or we will seek a writ of mandamus to force them to do it. This is not a mistake. We're getting window dressing resolutions for Hawaiian language month and looking the other way when it comes to hundreds of millions of dollars owed to us. You know, we need to move the ball. You know, if he's not gonna follow up on the letter month after month, then let's go get a writ of mandamus and force him to get his people to the table. Thank you.

**Chair Akaka:** Mahalo, so it sounds like we need to send a letter and call to follow up and include all of those that would be participating.

**Trustee Trask:** And please CC me, I think the whole Board needs to be CC'd with the letters.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair, and thank you to Trustee Trask for her comments. This is specific to 226 and the process of payment. So Sherry, I've noticed that over the years the lead agency that would come out with the first amount of money towards the payment, and this is regardless of how much, 15.1, 21.6 or even if we lifted the cap, is there an order by which every agency is supposed to come in first, second, third, or is this? As I recall speaking with Machida long ago when he was B&F Chair, and I asked him point blank, is this an honor system? And basically it is. Is that correct?

**Chair Akaka:** That's correct.

**Trustee Galuteria:** Okay, so when the first guys come in and I recall the first guys always seemed to have been DOT and they plop down maybe 7 or 8 mil. Maybe up to 10 and the other agencies would be watching and then they'd come in with a little bit of pot and then the next one. So eventually you're just kind of it's a waiting game for all of the agencies to come in.

**Chair Akaka:** There's not proper reporting, and they don't have the right recordation, and it's based on an honor system, so it's whatever their interpretation or what they feel like paying is what they've been paying all these years.

**Trustee Galuteria:** That's what they've been paying, right. So there's actually no formula or significant processes. So that's something that I think should be addressed as well.

**Chair Akaka:** Well, that's part of our work with the pro rata share, to get a proper inventory.

**Trustee Galuteria:** And a proper formula by which to attain that number?

**Chair Akaka:** To hold everyone responsible for the proper amount that they should be paying.

**Trustee Galuteria:** So do we have a current formula by which that is applied? Okay.

**Trustee Trask:** No

**Chair Akaka:** We don't have the inventories.

**Trustee Galuteria:** Alright, I just needed that clarity. Thank you very much.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. What I wanted to offer to Trustee Galuteria's point is in Everett's section of the presentation about PLT. He can describe the actual mechanism that was in place from Executive Order 0606, to the current Executive Order and can go through the specifics of how the dollars come in, you know, what the accountabilities. So if that's okay, we have Sherry finish her presentation and whenever Everett transitions to his Public Land Trust, that particular mechanism can be described to elaborate on Trustee Galuteria's question.



**UNGA Declaration on the Rights of Indigenous Peoples  
adopted 2007, US endorsed Dec. 2010**

**Article 3**

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**Article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.



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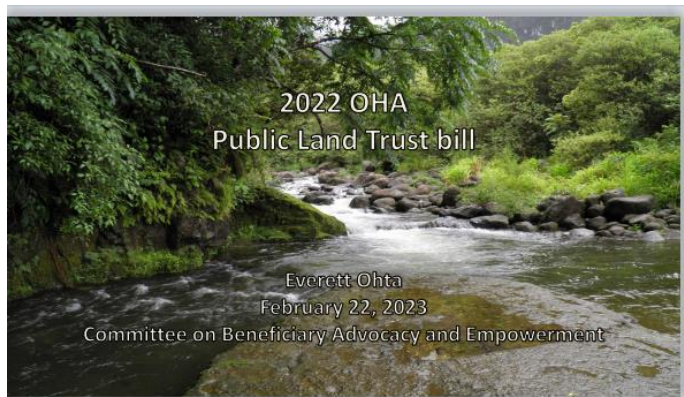
# Mahalo Nui Loa Questions??

**External Counsel Sherry Broder:** Okay, let's just show my last slide. I think that Everett's presentation is very helpful to address Trustee Galuteria's questions that he just made. So I'm going to have Everett really give it a more detailed answer to your question, Trustee Galuteria. I just have here the UN General Assembly Declarations that was passed on the rights of indigenous peoples, some of the sections that are relevant to the Office of Hawaiian Affairs and the Native Hawaiian people. Okay, so I'm ready for any other questions or we can have Everett get started.

**Chair Akaka:** Members, any other questions or comments for Sherry Broder? Looks like they were asked and said earlier. Mahalo nui for your presentation.

**External Counsel Sherry Broder:** Mahalo nui for the opportunity to make this presentation and always work ahead on the pro rata share.

**Board Chair Hulu Lindsey:** Thank you, Sherry.



## Presentation Outline

- I. Refresher on Act 178 (2006) and OHA's PLT work
- II. OHA's PLT bill as introduced (SB2122/HB1474)
- III. 2022 PLT bill, as enacted (Act 226)

**Interim General Counsel Ohta:** Okay, good morning, Trustees, Everett Ohta, Interim General Counsel at OHA. I'll be presenting on the 2022 OHA PLT Bill. Both in terms of what OHA introduced at the beginning of the 2022 Legislative session, as well as what came out of that session that resulted in a significant increase to our PLT annual amount as well as a general fund appropriation. But also show how that is different from what OHA had asked, both in the 2022 session as well as past sessions and the basis for OHA's ask. My presentation will cover kind of a basis for you know, how we've received payments in the past and what's changed with this new legislation. But I'll also go over some of the background that we've used about you

know, where we come to these amounts and how we've been able to claim those amounts is being justified to satisfy the state's obligations to Native Hawaiians.

**I. Refresher on Act 178 (2006) and OHA's PLT work**

Act 178 (2006) was to:

"(1) Provide interim measures to ensure that an adequate amount of income and proceeds is made available to the office of Hawaiian Affairs from the pro rata portion of the public land trust, for the betterment of the conditions of native Hawaiians; and . . ."

**I. Refresher on Act 178 (2006) and OHA's PLT work**

Act 178 (2006) – accounting of receipts



- "A single accounting will provide the Legislature, OHA, the general public, and even the state administration with a clearer financial picture of the public land trust"
- SECTION 5 - DLNR, "with the cooperation of any other agency that uses or manages public lands", shall provide "an accounting of all receipts" from lands described in Admission Act section 5(f)

So as a refresher, up until last year or this actual beginning in this fiscal year, OHA has been receiving its PLT monies under Act 178, which was passed in 2006 and under that act it established an interim amount of \$15.1 million to satisfy the state's obligation under the Admission Act and State Constitution and State Law as to the PLT monies due to Native Hawaiians that were transferred to OHA. That \$15.1 million were split into quarterly payments that were transferred to the office by the individual agencies under Executive Order 06-06, which kind of implemented the mandates of Act 178. In addition, Act 178 established an accounting of receipts for the Public Land Trust monies that were collected by the state. Both those receipts that were collected by the state and whole from PLT sources. As well as the amounts actually transferred to OHA and this was with the idea that, you know, all parties needed a better sense of the amount of money that the PLT, the Public Land Trust generated, which would then be the basis for a update or a longer, even a longer term solution. The state satisfying its obligations to Native Hawaiians. So with that, Act 178 established this annual reporting that was to occur coordinated through the Department of Land and Natural Resources. Which was to collect and compile the receipts that were reported from the various agencies and then compile those into an annual accounting of the Public Land Trust receipts.

**I. Refresher on Act 178 (2006) and OHA's PLT work**

**OHA Financial Reviews**

- Tested FY2012 and FY2016 Act 178(2006) reports for accuracy and completeness
- Investigate and identify gaps in reported receipts
- Explain methods used by agencies to determine and report gross receipts

**I. Refresher on Act 178 (2006) and OHA's PLT work**

FY16 Financial Review - Overview

- Beginning January 2017, N&K CPAs contacted agencies and provided each with an agency-specific PLT Inventory Report that lists the PLT parcels for that agency
- N&K reviewed audited financial statements and revenue schedules for revenue sources on the agency's PLT Inventory Report
- N&K reconciled audited financial statements and revenue schedules with Act 178 (2006) report info

Since its implementation, OHA noted that there were inconsistencies across the agencies in terms of what was transferred or even reported in these annual reports, and therefore we commissioned our own financial reviews of these reports to see how accurate and comprehensive or complete they were and what OHA undertook were these financial reviews through third party accounting and consulting firms that looked at these reports and compared them to the actual books of the agencies to see where there may be gaps or inconsistencies or incomplete reporting. You know, again to inform what is the real amount of PLT receipts being generated from these parcels.



The most recent report was conducted for FY16, completed in 2018, and that was conducted by the N&K CPA's firm that was based on a PLT inventory report that OHA had compiled from various past studies and reports on the PLT parcels, as well as our own review of those PLT reports that were being generated by the state. So we identified those lands that were actually generating receipts you know, that would be subject to OHA's pro rata share and then put them into an inventory again combining multiple sources to say these are the PLT sources that we want N&K to investigate. They then took those inventories and then found the receipts associated with those various parcels or revenue sources and then you know, provided their report about whether or not these were being fully captured in those annual reports from DLNR, and what we found of course is that there were significant shortfalls in what was reported by the agencies and that based on that report by N&K, we then reviewed those sources, both reported and underreported and then used that as a basis for PLT bills that we've been introducing over the recent years in the form of legislation.

## II. OHA's PLT bill as introduced (SB2122/HB1474)

- **Annual Payments Due (Section 2)** - Increase the amount of the state's annual transfer of PLT revenue to OHA to \$78.9 million, from its Act 178 amount of \$15.1 million.
  - Processes to transfer PLT receipts (Sections 3 and 4).
- **Obligation re Past-Due Monies to OHA (Section 5)** – A \$638 million payment for back due amounts of underpaid PLT revenue that have accrued from July 1, 2012 to June 30, 2022 (ten fiscal years).

## II. OHA's PLT bill as introduced (SB2122/HB1474)

**Annual Payments Due - \$78.9 million/yr.**



OHA's most recent, well in the 2022 session, the Board approved the introduction of OHA's bill package that had bills that were seeking to increase substantially the amount of PLT revenues that were to be transferred to OHA in the amount of \$78.9 million, which was a significant increase to what we had also claimed in the past. I'll go through the basis for that again as a review. But again, this was a significant increase to what we had been receiving under Act 178. You know in the order of \$15.1 million. In addition, we were looking for an increase, a lump sum payment for under payments that were made since Act 15 was passed in 2012, which was intended to satisfy past due payments that were not made to OHA up until the end of fiscal year 2012.

## Public Land Trust Revenue Sources

PLT Revenue Sources with:	FY2016 Act 178 gross receipts	20% of gross receipts	Cumulative Share of receipts
1. Historical Agreement			
A. Receipts that State currently transfers to OHA, per Act 178 (2006)	\$173,874,929	\$34,774,986	\$34,774,986
B. State accounting errors			
C. Inconsistent transfers (some/same agencies transfer similar revenue sources, some do not)			
D. Past Precedent (agency transferred from exact revenue sources in the past)			
2. No Historical Agreement -- "Newly" Identified Sources	\$941,291	\$188,258	\$34,963,244
3. Healey revenue sources (hospital patient service fees, public housing revenue, interest)	\$219,505,943	\$43,901,189	<u>\$78,864,432</u>

## II. OHA's PLT bill as introduced (SB2122/HB1474)

Historical Agreement revenue sources	
Currently transferred revenue	\$18,147,098
+ 20% of State accounting errors	\$50,588
+ 20% of inconsistent transfers	\$1,594,958
+ 20% of "Past Precedent" sources	\$14,982,342
No Historical Agreement sources	
+ 20% "Newly" identified sources	\$188,258
Healey Revenue Sources	
+ Hospital patient revenue	\$41,978,937
+ Non-commercial public housing revenue	\$1,893,741
+ Interest on accounts	\$28,510
TOTAL	\$78,864,432*
ROUNDED TO	\$78,900,000

\*Based on FY2016 Act 178 reported receipts, plus receipts from FY2016 identified in N&K Financial Review; because significant reporting gaps still exist, these figures represent OHA's minimum pro rata share

So the basis for this \$78.9 million that OHA claimed in its bill as introduced in the 2022 session were generally classified into these different types of sources. Those where there is a historical agreement or basis for OHA's claims, including monies that have been already transferred to OHA by the various agencies and that for various reasons, analogous sources were also being captured or included, and then also past precedent for transfers that the state had made, namely the airport revenues, which you know, as shared by Sherry's. presentation had stopped back in the 90s as a result of the airport. Well, the interpretation of the Federal Airport Improvement Act and in the subsequent Forgiveness Act. But given that there's still a claim to those

PLT sources, they were under this first category of historical agreement categories. We also included as the basis for OHA's claimed amount, new sources identified within N&K CPA's report and that we also included sources that were subject to Judge Heeley's decision and that included significant revenues attributable to the state hospitals and public housing. So that was a new part of OHA's bill last year and resulted in a significant higher amount that OHA claimed Native Hawaiians were entitled to under state law.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Actually number one, Everett. These materials are not in my folder. So please following this presentation, please bring them to me. I don't know if they were left out of other Trustee's binders as well. But I don't have them and this is a critical part of what I'm concerned about in pushing the Board to move forward in. I wanted to just also give you one example of how this actually plays out in reality. We have certain Public Land Trust and I don't like using the term. I would rather use ceded lands. There is a law saying that you have the highest and best appraisal to pay your rent. These agreements we're looking at are a subterfuge and a lie. What happened was that certain revenues were going to be shared. Revenues from the ceded lands. No assessment was done of the actual ceded lands themselves or the value of the lease and I'll show you how it turned out. Thousands of acres of ceded lands on my island. I'm Trustee for Big Island were taken for commercial science. Those are the lands that we refer to as sacred Mauna Kea. Thousands of acres for years. 13 permits given for commercial astronomy but 22 buildings built. Working here with our OHA staff, Kealoha Pisciotta, I looked just at one lease, for one telescope, for one contract, for under 2 weeks the revenues paid in exceeded 10 million. When we went to get the revenues for Mauna Kea we got laughed out of the room by Bob Matsuda, who reminded us that we only get a share of a percentage of revenues yeah, 20%. So they had a little meeting with science and decided to take all of Mauna Kea, put it into a science reserve and pay \$1.00 a year. That's why we only get \$0.20 a year for Mauna Kea and we lose hundreds of millions of dollars. That's how this plays out, Trustees. You can go and check it out yourself. But we're supposed to be getting fair market rental from every telescope, from every contract on that Mauna and all we get is \$0.20 a year. So when you look at how this plays out, remember Mauna Kea. Hundreds of millions in revenues lost. They put it into a reserve and we get \$0.20 a year. Time to correct it right now.

**Interim General Counsel Ohta:** Thank you, Trustee Trask, and Chair Akaka, this presentation has been provided to the BAE staff and it will be included as part of the presentation materials included in today's minutes but they were not part of the Board packet. I did not transmit them in time to make it as part of the Board packet under Sunshine Law. So I apologize for not getting it to the Trustees sooner or making it part of the packet, but it will be part of the minutes.

So to move on, again these sources or what comprised OHA's amount that were claimed under our PLT bill at the beginning of 2022 Legislative session and it was this Heeley sources that significantly increased, almost doubling the amount. Over doubling the amount claimed as part of OHA's annual pro rata share.

These are generally how those same amounts that I showed on the prior slide broke down in terms of actual numbers that contribute in the various sources how much you could see is attributable to generally speaking what OHA had received under Act 178 as of FY16, at the \$18 million amount is what we were receiving in the annual transfers, with the overage going into the carry forward trust holding account that was being managed by the State Department of Budget and Finance. Additional amounts are relatively small, aside from those past precedent sources which are again attributable to the airport revenues or OHA's percentage of the airport revenues. Other sources newly identified again are relatively small. We see a significant increase when we add in the hospital patient revenues, which again were found to be subject to OHA's pro rata share under the Judge Heeley decision and additional amounts related to public housing revenues on PLT lands.

II. OHA's PLT bill as introduced (SB2122/HB1474)

Back Due Lump Sum - \$638 Million



II. OHA's PLT bill as introduced (SB2122/HB1474)

Back Due Lump Sum - \$638 Million

Back due PLT amounts = New annual amount minus \$15.1M, multiplied by years since FY13 (i.e., 10 years)

Back due calculations based on FY16 sources:

$\$78,900,000 - \$15,100,000 = \$63,800,000 \times 10 =$

**\$ 638MM**

Includes transfer of funds in the PLT Carry-Forward Trust Holding Account - \$29,060,008

The other main component of OHA's legislation, as it has in the past, was a back due lump sum payment for the difference in what had been claimed as OHA's pro rata share versus what was actually transferred multiplied over the numerous years that have passed since the last time the state addressed this back due some. So that resulted in this lump sum amount of 638 million that OHA is entitled to under our calculations, again based on the FY 16 numbers. The amounts that OHA claim is a lump sum were also to be paid out of the carry forward trust holding account, which has been discussed, was the amount that was transferred into this trust holding account for monies transferred to OHA that exceeded the \$15.1 million annual amount that we were entitled to under Act 170. But these were monies that were initially transferred by the various agencies to OHA, but OHA that was responsible for transferring that overage into this holding account in any amounts above that \$15.1 million or really the quarterly amount of 3.775 million.

III. 2022 PLT bill, as enacted (Act 226)

- Annual Payments Due (Section 2) - Increased the amount of the state's annual transfer of PLT revenue to OHA to \$21.5 million (\$5.375 million per quarter)
  - Compare to \$78.9 million in OHA PLT bill
  - Amended Act 178 (2006)
- Appropriation to OHA (Section 4) - A general fund appropriation to OHA of \$64 million
  - Compare to \$638 million payment in OHA PLT bill
  - From general funds, not the CFTHA

III. 2022 PLT bill, as enacted (Act 226)

- Working group established:
  - Account for all ceded lands in the PLT inventory
  - Account for all income and proceeds from the PLT
  - Determine the 20% pro rata share of income and proceeds from the PLT due annually to OHA
- Composition:
  - 3 appointees of the Governor
  - 3 appointees of the OHA BOT
  - OHA to provide administrative support, including preparation of a report of its findings and recommendations (including proposed legislation)

As enacted, Act 226 increased the amount of OHA's annual pro rata share payments and also resulted in a lump sum payment to OHA from general funds. But of course, these were nowhere near what OHA had asked for in its initial legislation. Nevertheless, this still resulted in a increase that OHA had been fighting for, for over a decade, since the passage of Act 178, and this is how this amount is broken down in the amount of \$5.375 million per quarter. Versus again, what we had asked for under our legislation, it did so by amending Act 178 and changing the amounts that were due to OHA, again as an interim measure to satisfy the state's obligations under the law. As I mentioned earlier, Act 226 also had an appropriation of \$64 million in general funds that were made to OHA and this amount was paid through general funds rather than the CFTHA transfer that OHA had sought in its initial bill.

Act 226 also established a working group to look at certain issues relating to PLT, namely the inventory, an accounting of those proceeds and income from PLT and then also determining OHA was entitled to of those PLT sources. I'll stop here for some questions I believe were coming from the Trustees.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Thank you, Chair. For our new Trustees, Everett, if you could please explain what the CFTHA account is and I personally want to know the status of it because I haven't heard that word CFTHA in two years, but in relationship to the question that was asked by Trustee Galuteria, if there was a structure in paying out to OHA, I think you should share that we found out that they were kind of lulling around the 15.1 million and sometimes it went over that and when it did, it went into this CFTHA account. I'm sure you can be more eloquent than me, so if you'd please explain that to them.

**Interim General Counsel Ohta:** Yes, Chair and Trustees. So under Act 178, OHA was receiving quarterly payments and PLT monies. We were entitled to a quarterly payment in the amount of \$3.775 million. This payment was made through individual transfers of monies from the various agencies that managed or oversaw PLT lands and collected receipts from those lands. So the agencies under a process established by Executive Order 06-06, the agencies were to transfer these PLT monies directly to OHA and at the end of the quarter both OHA and the Department of Budget and Finance would total the amounts transferred by the various agencies and if those amounts exceeded \$3.775 million in a quarter, OHA was responsible for transferring the overage into this carry forward trust holding account or the CFTHA account that was managed by the Department of Budget and Finance. So initially the amounts transferred to OHA following Act 178's passage in 2006, the amounts transferred to OHA were under the \$3.775 million amount with the Department of Land and Natural Resources often being called on to make up the difference, but through OHA's efforts to ensure that the various agencies were transferring monies and later reporting correct amounts, we saw those amounts of funds increase, and in approximately 2012, we saw the amounts that were transferred to OHA consistently happening with the state exceeding its quarterly transfer obligations, resulting in consistent overages and transfers into the CFTHA account. So that CFTHA account began to grow and over the year it had accumulated a significant amount of money in excess of \$25 million that were held in that account. I'm sorry, I think the amount actually might be a little bit bigger. Excuse me, \$35 million.

So of course these funds represented amounts that had accrued in that fund that were from PLT sources and you know, there really wasn't a way for these funds to get transferred out of the account under the Executive Order that established the CFTHA account. There's been a change in how that CFTHA account is to be operated under Executive Order 22-04 which I'll get to a little bit later in these slides, but that's the background on the transfer process. As well as Executive Order 0606 and CFTHA account.

**Board Chair Hulu Lindsey:** Thank you.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Everett, I was wondering, you know when the Carry Forward Trust Holding Account was established because we were getting more money than 15 million reported. How much were we getting over the 15 million and were we getting more than 21.5 million during that period?

**Interim General Counsel Ohta:** No, we were not, Trustee Waihe'e. It increased slowly over the years from, you know, some real slight overages, you know, under \$1,000,000, you know, closer to 2012, but we began to see consistent overages, you know, in the order of \$1 to \$3 million and I think more most recently we've seen I think we had seen overages about \$2,000,000 each year.

**Trustee Waihe'e:** What was the highest we were getting a year?

**Interim General Counsel Ohta:** I don't have that kind of info.

**Trustee Waihe'e:** But it was less than the 21.5?

**Interim General Counsel Ohta:** It was less than the 21.5, correct

**Trustee Waihe'e:** Okay, thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Let me make a request of you, Everett. I would like to get all of the EO's and other secondary documents to this presentation, but they're primary to a Trustees review, the EO EO 22-0, 06-06 and all of those that you have mentioned. I would like to see those and have a discussion with you about them. I also think that you know my impressions, Trustees, it might be valuable if you're not familiar with the CFTHA. To go and take a look at it, in my estimation, the CFTHA was a backup mechanism that was created by the state and the legislature to diminish anything that our office should have received, but we're not really looking at in detail, I think we need to take a look at it and I think you can see here. The huge discrepancies, OHA has really restrained itself and asked for pennies on the dollars for years this has gone on, and that's why I'm saying that there's hundreds of millions of dollars. But OHA as a state agency has never gone to seek the assistance of the Court to obtain an accounting. Either of the resources and lands, the minerals, the submerged lands, the fisheries, never has OHA pursued that and it's our obligation. But since we do not control these resources, I believe we would necessarily have to bring in all of the agencies. They were supposed to be doing this reporting, but as we can see with Mauna Kea. In the end, we didn't get the millions we were entitled to and we continued to get \$0.20 a year. At a certain point, our Board delaying going in for full accounting becomes a breach of trust on our part.

One last flag I want to raise is that we don't control the maps, the data, the receipts, the accounting for all of the ceded land trusts, we do not. There's been an ongoing effort to say, well, OHA you pay for it, you get all the lands, you do all the inventory, just as we had to do with our federal ceded land PIG. On this one Trustees, I am reluctant to do it because we simply don't have the data, do not and this is why I'm prevailing upon you now. Thank you so much, Everett, Sherry and our staff, excellent job in underscoring and black lining where our office is deficient in obtaining a final accounting, both of land and money before there's even a fair distribution. Good job on bringing this to the attention of the Board. Now Board Members, we need to fully appraise ourselves of our obligation and make some determinations and you know I've spoken with several of you about my belief that we will need to have the assistance of the Federal District Court in obtaining and accounting not only of the lands but the revenues therefrom, the proceeds of revenues therefrom, and I think that this presentation really underscores the problems and the direction we have to go in. Really good job staff, I'm happy and also Sherry's assistance too.

**Interim General Counsel Ohta:** Thank you, Trustees, and actually Chair Akaka, if I could just return to something that had been raised by Trustee Waihe'e earlier just to correct myself in my miss remembering kind of the history, but we actually would be since about 2012, we have actually received or the CFTHA has received transfers that were higher approximately \$3 million or averaging about \$3 million and a significantly higher payment last fiscal year and up by 22, nearly \$7 million, which actually takes us near that 21 or actually over that \$21.5 million amount that OHA is now entitled to under Act 226. So thank you for the opportunity to correct myself and thank you for the other support from OHA Admin staff for helping with that information.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Okay, well then I have a, wait so how much is that? You mean 7 over 15.1. So that would be about 22, about about 1,000,000 over. That being the case maybe, I hope I didn't miss this part, but are they going to now put the excess back into another carry forward account or do we just lose it from now on? And the other question I have is that then, whatever reporting method they were using, they were using something.

**Chair Akaka:** There should be more in the CFTHA.



**Trustee Waihe'e:** I don't think they were simply using. They had some system of reporting that wasn't necessarily just whatever they wanted to because otherwise they could report less. I mean, they could just end up reporting enough to fill the minimum amount and that would be it.

**Chair Akaka:** That's what they've been doing.

**Trustee Waihe'e:** Well see, Everett, let me give you an example. When the harbors. When the carry forward account was established, the harbors testified that they had a hard time, they were burdened by having to pay out the gross versus net and they wanted to get money from the carry forward account since it's above the 15. So that means whatever they're reporting wasn't what they wanted to, it was what they felt they had to report because they were following a formula of some kind and what I'm afraid of is, even as bad as whatever formulas they were following, I would rather them keep doing that because it does go over sometimes where it does go over 21.5 million. I would rather than keep following that than to simply think well, we just need to report up to 21.5 million and that's our obligation and the rest we keep. So how do we keep those systems in place?

**Chair Akaka:** There needs to be. Bottom line, there needs to be a proper inventory so we know what falls under that and then secondly, there needs to be enforcement for them to do proper reporting.

**Trustee Waihe'e:** Right, but until then, I still want the carry forward account to exist so we capture at least that in the meantime. I don't want them to get too comfortable just reporting up to the 21.5 because even if it's a million more a year that's still going to you know, add up over the years.

**Chair Akaka:** We definitely need that anyway, because if the state's not going to pay us the full amount that we're supposed to receive, then it needs to go somewhere as a back payment to us.

**Trustee Waihe'e:** But do we know what their plans are with that account, Everett?

**Interim General Counsel Ohta:** Yes, Trustee Waihe'e and that actually goes to kind of the new Executive Order that was established just before the end of the first quarter in FY23. This explanation will hopefully respond to your questions, but I'm gonna go into a little bit of background first if that's okay.

<p><b>III. 2022 PLT bill, as enacted (Act 226)</b></p> <p><u>Executive Order 22-04 (Receipts Collected from the Use of the Public Land Trust), dated September 27, 2022</u></p> <p><b>NEW STEPS</b></p> <ul style="list-style-type: none"><li>• W/in 10 days of quarter end - Each agency transfers 20% of PLT receipts to Dept. of Budget and Finance (previously direct to OHA), with OHA copied on a B&amp;F transmittal form documenting receipts collected and amount of PLT funds transferred to B&amp;F</li><li>• W/in 30 days of quarter end - B&amp;F transfers \$5.375M to OHA</li><li>• W/in 90 days of fiscal year end - B&amp;F transfers excess above \$21.5M in CFTHA to agencies in amounts proportionate to total contributions</li></ul>	<p><b>III. 2022 PLT bill, as enacted (Act 226)</b></p> <p><u>Executive Order 22-04 (Receipts Collected from the Use of the Public Land Trust), dated September 27, 2022</u></p> <ul style="list-style-type: none"><li>• Implements PLT collection and transfer process post-Act 226 (2022)</li><li>• Retains EO 06-06 method of segregating receipts from PLT, then determining if there is anything precluding transfer to OHA (e.g., airport revenue)</li><li>• Transfer of 20% of PLT receipts to Dept. of Budget and Finance (previously direct to OHA),</li><li>• then B&amp;F transfers \$5.375M w/in 30 days of end of quarter</li></ul>
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So of course, under Act 226, the amounts that OHA was to receive increased and that needed to then change the amounts that were to be transferred, how they were transferred under Executive Order 06-06. Those were specific to certain amounts, so that Executive Order needed to be updated and we saw well, we learned that that Executive Order had been updated via Executive Order 22-04. But in addition to changes to the transfer amount, there were also changes to the process by which those transfers occurred. So under Executive Order 22-04, which is again issued under the Ige Administration just before the end of the first quarter, when OHA is to start receiving those payments from the various agencies, Executive Order 22-04 established a new process



for transfers of PLT receipts to OHA. Under this new process, the agencies instead of transferring monies to OHA, were to transfer monies directly to B&F and B&F was responsible for then consolidating the amounts and then transferring the amount that OHA was entitled to under Act 226 within the end of the quarter. You know OHA received these monies from B&F directly as opposed to receiving it from the various agencies. The difference is that rather than OHA transferring monies into the CFTHA, that whole process of the overages is now handled by the Department of Budget and Finance and Executive Order 22-04 now sets a hard cap on the amount that is to be kept in the carry forward trust holding account at \$21.5 million, the amount that's also the annual transfer amount that OHA receives under Act 226.

So where previously the CFTHA account would just continue to accumulate funds it has over the last well, 10 or a little bit over 10 years. The CFTHA is now capped at \$21.5 million and at the end of each fiscal year the agencies are to receive monies that they transferred into the account or they're to receive monies back from the CFTHA account proportionate to the amount of contributions from each agency, so we're no longer going to see a CFTHA account in the amount of 35 some odd million dollars. There's going to be a cap and the agencies are going to receive back the amount of money of the CFTHA proportionate to their contributions.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I think Trustees when you hear this presentation, you can see how as time passes they continue to jack us around at this office. We shouldn't be talking about the purpose of the CFTHA account was to provide what was owed to the office, and now we're cutting back on that and diminishing it. But by their own calculation we're \$638 million down and it is not, that in my estimation is a low number. When you take a look at what happened with what was supposed to be the PLT working group, it went nowhere. It was somewhere Ige left it to the last minute. Our current Governor is trying to ignore it and we're basically talking about pennies. I follow what Trustee Waihe'e is talking about, but when we look at the final figures, Trustees. We're nowhere near what is owed to us. We are now approaching \$1 billion and that's why talking about the CFTHA account is really talking about a political accounting mechanism that was created in the Legislature to further diminish what we were getting, not to increase it.

That's why I want to see the Executive Order 22-04, as well as the others, but the full binder, Everett, the full binder of all Executive Orders. I would have it in chronological order. You know, we're taking a look at hundreds of millions of dollars that we are not receiving and a structure including the CFTHA structure that was actually created to allow for them to withhold and cap funding at a very low figure. So I think that we're really looking at a situation that is untenable. It does not provide the funding for our beneficiaries. Small "n" and capital and it has gone on for years. There's never been an accurate accounting system in place. It wasn't there in 1959 and the PIG that looked at the ceded land trust found that same conclusion. I think it's time to reconvene the ceded land PIG so that we can focus and kūkā on this, and I think that we need to give ourselves, ourselves a time limit so that we will make a collective decision. I see no progress with the state, the current or the past Governor and we are not implementing our fiduciary obligation, I don't think we can when you look at every effort that is made. We have not come anywhere near resolving these issues and that is why I'm saying we are at a point now that we need the assistance of the Federal District Court to mandate the state agencies, every one of them. To present an accounting of the ceded lands, submerged lands, the mineral rights including the submerged minerals and the proceeds and assets therefrom.

I do not believe that we are capable of doing it in the current arrangement and it is because the State Legislature, the State Agencies and a series of Governors have prevented it. So Trustees, let's take a look at our fiduciary obligations. I don't know if we need to have an executive session with our BoardCounsels, both Sherry and Klein, but I'm not inclined to allow it to continue like this even for another 60 days. I'll give ourselves that amount three months. But I will seek counsel with Sherry and Klein and I'm hoping that you will join me. If not, I am inclined to proceed on my own. I will do it individually and name the office because we have a fiduciary obligation to address this now. So let's have some discussions, Trustees, we can only meet one-on-

one because of Sunshine Law, but I would like to talk with you all about it and then let's bring it on the agenda with advice of Counsel, thank you.

**Board Chair Hulu Lindsey:** I have a question, maybe I didn't hear you, Everett. But I asked where is the CFTHA right now? That money, that 35, especially since this process has changed so the Budget and Finance are receiving the monies from the different agencies. What happens to that basic account that we had 35 million in?

**Interim General Counsel Ohta:** Chair Lindsey, the short answer is we don't know the current status of that account. It is held by Department of Budget and Finance. They have reporting obligations to the State Legislature that we're able to follow, but we don't have direct access to, you know, the ballots or transfers in and out of that account. I think we have what's in front of us, the changes under Executive Order 22-04 that we've reviewed, but we don't have oversight, direct oversight anyway of that account.

**Board Chair Hulu Lindsey:** So are we expecting more information as we move to the next order of business under new business because it's about the same subject matter? I just wondered if you had, does this roll over into that subject matter? Chair, maybe you can answer me.

**Chair Akaka:** I'm sorry, can you repeat that question.

**Board Chair Hulu Lindsey:** I wanted to know if our discussion would roll over into the new business item of Constitutionally mandated pro rata share and 2022 OHA Public Land Trust bill.

**Chair Akaka:** This is the presentation.

**Board Chair Hulu Lindsey:** Yeah, I wanted to know if this subject matter we're discussing right now would roll over into that because it's the same subject matter. Everett, maybe you can answer.

**Interim General Counsel Ohta:** Chair Lindsey, I believe that, I mean this is the agenda item that you're referring to. Our current presentation is covering those.

**Board Chair Hulu Lindsey:** Okay.

**Chair Akaka:** We're in it right now. We're past the matrices already.

**Board Chair Hulu Lindsey:** Okay, so has a bill been introduced?

**Interim General Counsel Ohta:** No, although there is that pending bill that affects the working group and the scope of its purview that I think has been discussed by this Board previously, or at least at the last BAE Committee, I don't recall the bill number offhand, but it was to limit the work of the working group to really the inventory of lands as opposed to the other items in terms of the PLT receipts or the pro rata share. I'll say that you know, in the past we've, not to discount of course the importance of a comprehensive ceded lands or PLT inventory. But you know as the Trustees are aware, we've spent significant resources towards identifying the high revenue generating parcels that are PLT parcels and have made that the basis for our prior bills. So although a comprehensive inventory is important, it's not inherently necessary for us to engage in conversations or negotiations with the state to increase the amount of PLT monies for Native Hawaiians because it's a potential delay and it's seeking that increased amount while we create this comprehensive inventory. We already know the lands that are generating the most PLT monies across the state and it's really just a matter of negotiating with the state what OHA and Native Hawaiians are entitled to from those monies.

**Board Chair Hulu Lindsey:** Okay, so I think we should at least check where is that CFTHA money, the 35 million. Because maybe we can ask the Governor to release it before they move on to the new process. I'm done, Trustee Waihe'e.

**Trustee Waihe'e:** Thank you. Everett, I want to contextualize the concerns I raised earlier and say that in addition to everything else we're doing, we should also, in light of the fact that now that the trust holding account is now gonna be capped at 21 million, we should still keep track of what the state is reporting anyway, and just to put it into context, you know, when they first decided to pass \$15 million a year, at the time what the state was reporting in ceded land revenues, 20%. It amounted to about 9.5 million a year. So the 15 was you know, it was above that by quite an amount. Well even with that it now rolls up to I guess 22 million beyond the 15, right and that was with them being I mean. Like right now we're like \$1,000,000 less and we're not even ahead \$5 million for one million less. There's no reason to think that amount can't raise another 10 million in the next few years, even though like now maybe we're only getting shortchanged 1,000,000. That amount could end up going another 12 million in the next decade or so and we're still getting paid only 21 and they're not even keeping the excess in an account, you know beyond 21 million. So that's information if it gets to that, we have that we can use and say according to your own reporting, which is not even accurate you should be getting paid more than 21 million a year.

**Chair Akaka:** And that cap was during a different climate.

**Interim General Counsel Ohta:** Yes, I completely agree, Trustee Waihe'e. The Executive Order does provide for reporting by the agencies, both of what they transferred as well as what they actually collected. So you know, there's oftentimes a difference between what is reported by the agencies as being the overall pot that was collected versus what they're transferring to OHA and there's also, you know, various reasons that the agencies have provided that they don't transfer a strict 20% of the amounts collected. That information is to be at a base level reported to the Department of Budget and Finance and copied to OHA on a quarterly basis. But under this new Executive Order, we haven't been receiving those reports, so that's another area for follow up from OHA to the Governor's office and the various agencies.

Moreover, the annual report that was established under Act 178, the accounting of receipts collected by the state as well as the amounts transferred to OHA. That obligation under Section 5 of Act 178 remains. So even under these new processes that have been implemented under Act 226 and Executive Order 22-04, we can still expect to receive those or be able to review those reports by the DLNR as to what receipts have been collected from PLT and that is another means of reviewing what the state transfers versus what they collect from the PLT lands.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I'm requesting from you now as Interim General Counsel, I would like a legal memo from you on these points. You just gave us some very, very good suggestions as to next steps and what we need to do. What I'm requesting of you is a legal memorandum that sets that forth. Why you recommend it and setting the appropriate Executive Orders and actions. and I want it to be in a legal format because I'm going to move the Board for corrective action. Both in the courts and also in the in the Legislature. I am not sure that I agree with what Trustee Waihe'e proposed. I'm not sure I understand it clearly, but I can speak with Trustee John, we have a mechanism in place now that is not functioning or being used appropriately. I'm not sure that we want to reconfigure the Public Land Trust Working Group because the State's Governor has decided he's not going to implement it. Why do we play along and defer instead of forcing him to implement what we all thought and were prepared to work on for going on a year now. They just ignored us. We won't do it and so now we're saying, okay, well maybe we should change it. I disagree, we're supposed to have a PLT, certain people were designated, including Budget and Finance which is supposed to be giving me some reports that we don't see. So I think that I mean, I'm willing to speak with you, colleagues one-on-one if you want to talk about it, but I don't know what we're doing here. We need to be in the Federal District Court for writ of mandamus, bringing

them to the table and insisting that they come with the data we need to account for our people's trust funds, and when I see something that's historic bordering on 700 million that we're not getting and going back to talk to about a CFTHA account. I feel like we are not being aggressive as we should be to protect and inventory our people's trust assets. Too much time has passed. I'm requesting this of you, Everett. I'm not trying to make work, but I need to see the broader picture that you're talking about and I need to compare it to the Executive Orders and to the extent that we're touching upon historic cases, please attach them as well and I likely will follow up with a request for Executive Session on this. But Trustees, I'm not, I'm not inclined to talk about it for another Legislative session. I think it's time we move with assistance of the Federal Court. To get a full accounting of the Ceded Land Trust and the revenues and the proceeds, the minerals therefrom. I mean, if there's one thing that will get them to the table, I think that will be it. But it's not a question of negligence, it's just a question of getting the data up and an agreement on where our trust assets are. It's in the nature of a lawsuit for an accounting. You know, I understand, I think you you would understand it as well, Everett, but I really don't see that we have the critical components to resolve these kind of problems, Trustees ourselves, we can't. You know, and I'm not frankly inclined to accept anything from the state agencies on use of our ceded lands and the revenues. I went through it. When you look at hundreds of millions we're losing for commercial science research on Mauna Kea. Telling me to accept \$0.20 a year. That's a very good example of what's happening with these problems now and we need to stop it and get them to the table. But my sense is that it's the kind of problem you have where you can see historically, you can't deal with it because the state, the agencies, the political players, respond in bad faith, that's when you need the assistance of the Federal District Court to get an accounting of land, submerged lands, assets, resources and the proceeds of revenues therefrom.

**Chair Akaka:** Mahalo. Everett, do you have more on your presentation?

**Interim General Counsel Ohta:** Yes, a few more slides just to continue on, you know actually, I think we kind of covered this in terms of the process for transfer. This remains the same under what was previously Executive Order 06-06, just the mechanisms for transfer, but just an increase to the amount and the slide previously showed that the changes that had been made to that process. Other than that, that concludes my presentation, so thank you. If there are any other outstanding questions, I'd be happy to answer them now.

**Chair Akaka:** Mahalo. Members, any other questions or comments?

**Board Chair Hulu Lindsey:** Madam Chair, may we ask Everett for a hard copy of this PowerPoint?

**Interim General Counsel Ohta:** Yes, of course, and again I apologize for not getting this to the Trustees as part of the Board packet.

#### **IV. ANNOUNCEMENTS**

**Chair Akaka:** I understand that we have an RM Meeting at 1:30 p.m. today.

**Board Chair Hulu Lindsey:** And we have a BOT tomorrow at 10:00 a.m.

#### **V. ADJOURNMENT**

**Board Chair Hulu Lindsey:** I move that we adjourn.

**Chair Akaka:** Mahalo, is there a second?

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have **roll call vote**.

							12:18 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **12:18 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*



**STATE OF HAWAI'I  
OFFICE OF Hawaiian AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**March 1, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**EXCUSED:**

Trustee Dan Ahuna  
Trustee Brickwood Galuteria

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 1, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	EXCUSED	
Trustee	BRICKWOOD	GALUTERIA	EXCUSED	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. We'll ask Casey Brown, as well as Capsun Poe to take over this part of the agenda.

## 2023 LEGISLATIVE TIMETABLE

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>JANUARY</b>							
	1	2 NEW YEAR'S DAY OBSERVED	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16 DR. MARTIN LUTHER KING, JR. DAY	17	18 OPENING DAY	19	20 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	21
	22	23 State of the State Address & Admin Bill Package Cutoff	24 RECESS #1	25 State of the Judiciary Address & Bill Intro Cutoff	26 RECESS #2	27	28
	29	30	31				

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>FEBRUARY</b>				1	2	3	4
	5	6	7	8	9	10	11
			12	13	14	15	16
	12	13	14	15	16	17	18
			17	18	19	20	21
	19	20 PRESIDENTS' DAY	21	22	23 Mandatory 5-Day Recess Begins	24	25
	26	27	28	29	30		

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
M A R C H				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHO DAY OBSERVED	28	29	30	31	
A P R I L							1
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
M A Y	30						
		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6

*Ronald D. Kouchi*

Ronald D. Kouchi  
President of the Senate

12/12/22

Date

*Scott K. Saiki*

Scott K. Saiki  
Speaker of the House

12/12/22

Date

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Ka Pouhana. Thank you, Casey, for always being my helper here when we come to BAE. Aloha kakahiaka, Trustees. You see in front of you the calendar, as you know today is March 1st. This is the last day of the five day recess which you know was actually pretty busy with a lot of committee work going on. That means tomorrow is Day 24 of session and so we're just sort of showing you the sort of map and for wayfinding where we are on the calendar. This Friday is a big deadline. It's called first decking. So a bill has to pass out of all of its committees and also be filed with the clerk's office in order to move to floor votes next week, and so actually because of that next week we're going to be heading toward first cross or crossover. And that's when the House has to pass all their bills and send to the Senate. Senate has to pass their bills and send to the House, and so next week will probably be very busy as far as legislative activity on the floor. But for us, barring any sort of position changes, we're really expecting mostly updates to the matrices. So with that, we can jump into Matrix one. Chair, I did want to point out that you know Matrix one is for information only. We're not requesting any action and we do have our

two bills here. Our House bill and our Senate bill of our budget that requested \$3 million in general funds. Trustees, barring any extraordinary measures that any of the committees might take, it seems that our preferred vehicles for our budget bill do appear dead. But that doesn't mean the advocacy or the push is over. We do have potential avenues and potential options. For example, one option is incorporation, or perhaps include this request in another vehicle or another bill that's still alive, as well as maybe perhaps general appropriation bills. So we'll continue to push for the three million, but the two bills that we were using to push that are not moving. That's not necessarily a bad thing. In fact, it's actually pretty normal because the way WAM and FIN tend to like to do it is to include that in the larger budget bill. So that's the quick summary there of what's going on there on our two bills and of course Administration is available to answer any questions or address any concerns.

**Chair Akaka:** Members, any questions, comments?

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Just to clarify, so we do have the hearing in Judiciary and WAM on Friday? Sorry, they are gonna hear the bill, that is confirmed, right? On the Senate side, Donovan Dela Cruz.

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, if I could, we can talk about that perhaps when we get to Matrix two because I think you're talking about SB736, but we can definitely give some updates.

**Trustee Souza:** I am referring to 736.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, we have some other updates on that as well.

**Trustee Souza:** Thank you, appreciate it.

**Ka Pouhana Hussey:** Chair, if there's no other questions by Trustees, Casey and Capsun can continue on Matrix two.

## **B. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\***

### **ONE TESTIFIER ON THIS ITEM**

**Mahealani Cypher:** Aloha mai kākou, aloha kakahiaka. So nice to see all of your faces again. I'm sorry can't be in person, but that's okay, we'll see each other soon someday in person. But anyway, I'm here to testify about a house Bill 1313 that I'm not sure is on your agenda, but I think it is because I couldn't get a copy of the list of bills under that category. But anyway that was a bill that was originally introduced as part of the OHA package in 2008. It was passed by the Leg. and vetoed by Governor Lingle, but we didn't realize that our Representative was going to reintroduce a similar bill this year, and we apologize for not coming to see you folks before the bill was prepared and introduced. We did send it by your staff to have them work on changes before it was introduced by our Representative, Lisa Kitagawa. The purpose of the bill was to change the ownership of the land in Ha'ikū Valley so that we could move forward on establishment of a cultural preserve. It's a valley that is filled with several heiau that all connect with each other and we think it's an important cultural resource so we've been working on that for quite a long time. This is the Ko'olau Foundation and we've also been working with the federal government and the state because we feel the cultural areas should have been mitigated by the building of H-3 and has never been mitigated, and federal highways insist they don't

have to mitigate. Your staff member have been really helpful with us trying to convince the feds to do the right thing, but anyway, that's where we hope some of the funding will come for work on the culture preserve, but we did not want to create any humbug for OHA with the introduction of this bill. Apparently it was revised by the 1st Committee hearing to have OHA do a lease with Hawaiian Homes and Hawaiian Homes I guess is complaining that they don't want to let go of the land, but they have had the land since 1998 and they have done nothing to mālama this 'āina. So we've been working in there since 1998 with community volunteers and we've been trying to honor and respect our wahi kapu and that's all we want to do is mālama this 'āina.

So it's really sad that all this time has passed. We have been working to get a license or a lease from Hawaiian Homes, we applied over a year ago. They are supposedly working on that lease or license and have not responded yet as to when it's going to be put on their agenda. So that's where we are today and I just wanted to explain to you some of the history behind this bill and we understand that it can carry over into the next session next year. And if it doesn't get all of its three hearings in time, and it probably won't do that. So this, you really don't have to take action right now. We appreciate the concerns and we don't know exactly what your concerns are yet, but hopefully we can talk story sometime soon and address whatever needs to be done.

Aaron wanted to speak this morning also, but Aaron is at a doctor's appointment. He was going to try to log in from his phone because he usually said he has a long wait when he's at the doctor's, but he may be having problems finding the link.

**Chair Akaka:** Mahalo and I understand we received written testimony from you folks. So we can distribute that after this meeting, mahalo. Capsun, if you'd like to continue with Matrix two.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair. Matrix two is also for information because Administration is not requesting any action. However, if the Trustees would like to change any of the positions, then that would require action. I think we'll just jump right into it and talk about our Hakuone Bill. I think we've known for some time our House vehicle HB270 has has been dead for a while as it missed first lateral.

SB736 and I think this goes back to Trustee Souza's question. That is item 2 here on this list. So let me say a few things about it and to acknowledge, yes, the point that Trustee Souza brought up that there is a hearing notice for this bill that came out last night and we are encouraged to have our Hakuone Bills scheduled for decision making in the Joint WAM and Judiciary Committees, but I do want to note, Chair, for you and the Trustees that Administration is aware that there is some uncertainty on that hearing. So if we hear any changes, we will of course alert the Trustees. That said, I think we know we remain steadfast in our commitment contained in our initial ask and that is of course to maximize benefits to the trust for our beneficiaries and beyond that I think Administration will continue to discuss and push for this bill. Whether this bill is heard or not and whether it's passed or not, you know there are other avenues available to us and that similar to the budget bills I mentioned, you know we can incorporate into another vehicle that is still alive, anything with the title like Housing or Hawaiian Affairs could be used or even incorporation into the overall budget bill. I think it's safe to say there are a lot of unknowns here, but you know, we'll continue to have our advocacy and meet with decision makers to advance this as much as we can.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair. Capsun, what does uncertainty mean? What does that mean? Is there a chance it might not get heard?

**Interim Advocacy Director/Chief Advocate Poe:** There is, we have heard that it may not be heard, even if it is heard sometimes a bill that they didn't really mean to schedule and sometimes oh well because it's scheduled. I'm not saying that's what is going to happen in this case but it's not uncommon to schedule a bill and they're like, oh, I really wasn't wanting to schedule that bill, and so sometimes you'll show up to a hearing and at the very beginning of the hearing, the Chair will say we're going to be deferring this bill so that you

know, and that's why I say, we will remain steadfast in our commitment and try to stick to our initial requests with as much fidelity as possible and you know, but that's the uncertainty that we have heard that the bill may either be removed from the agenda or deferred later.

**Trustee Souza:** Okay, so I just want to kind of on a side note. We're all hearing feedback and we all kind of know you know, potentially where certain votes are going, right, for our bills. Are there any plans to amend the bill in any way at this time before it ends up being dead, I guess? Or do we kind of wait to see if we're gonna incorporate it into something else, another bill that's still alive and we can kind of get it on another bill package, right? Because the point that I bring up is that for SB736, there's like three different parts if I'm not mistaken, right. One is asking for the monies from the state for the groundwork at Hakuone, and then there's the height limits, so there's different parts to the bill. Once the bill dies that's it, right. Now basically, between now and next week, is it we have an opportunity to amend certain parts of the bill. Is there any plans to amend anything based on the feedback we've been getting?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, let me maybe try and unpack in different phases your question there, let me start perhaps with the easiest and that is as long as it involves something that the money committees might work out, you pretty much have till the end of session to get some sort of movement on it because they have a lot of different vehicles that can be there. Sorry, when I say vehicles, I just mean bills that are available that have the correct title and they could insert and use that. But that I think, Trustee is a matter of mechanics. I think in a more general or global sense what I would advise you and the rest of the Trustees is that in all my years the thing is bills die left and right, legislation dies left and right. It's ideas that endure and I think that's what we're trying to do here. We're trying to advance the idea of our Hakuone requests.

**Chair Akaka:** Mahalo for eloquently sharing some enlightenment for Trustees on the how this legislative process. Do not give up hope, thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I'd like to hear this conversation conclude and then I'll ask my question because I actually had some, I wanted to hear of a better presentation. Keoni is saying we're all tracking the bill, we hear this and that. My staff is telling me the same thing. I would like to know what we are hearing, where is Fevella? Where is Shimabukuro? What are people hearing? You know it's not just our bill, but who in the Legislature is supporting it and who is not. So if you've heard something Keoni, if you've heard something staffers, I'd like to know who it is. That way I can pick up the phone and call them. Do we need to call Jarrett Keohokalole? Does he have a reservation? Tell me you know, but it's hard for me to respond to Legislators if I don't know what you all are hearing, thanks.

**Board Chair Hulu Lindsey:** I just want to say that in the first hearing before Senator Inouye and Senator Shimabukuro, all of the people listed on this matrix under that bill, except Aquino and Kidani all voted favorably for our bill in that first hearing, I was there.

**Trustee Trask:** And the reason for the two Aquino and Kidani?

**Board Chair Hulu Lindsey:** They were not part of those committees.

**Trustee Trask:** Okay, so what you're saying Chair, is that all of those who are part of the committees supported the measure?

**Board Chair Hulu Lindsey:** Yes

**Trustee Trask:** Got it.

**Board Chair Hulu Lindsey:** And Senator Kidani as you well know, introduced our bill so she is in favor.

**Trustee Trask:** Yes, that's why I didn't understand the comments being made by Trustee Souza and the staff. My reading on this was that we had full support. But what I'm hearing today is that we're hearing this and that, but nobody's telling me who you're hearing it from.

**COO Brown:** I think when when Capsun mentioned that there's an air of uncertainty around the bill from Administration's interactions. What we see is really based on the vehicle. So we do sense that the support is there as Chair Hulu has pointed out and you guys saw in the hearings that the support of this idea is there. But we think that the uncertainty is circling around the vehicle. So maybe SB736 may, if it gets a hearing or not it, it won't be because the idea isn't supported. It will be because that vehicle is not supported. That's Administration's observations. We also know that Trustees are there and hear things as well. But that's just coming from Administration.

**Trustee Trask:** What is the other vehicle?

**COO Brown:** Nothing's confirmed yet Trustee. We just hear that there's potentially other vehicles, you know, that are being looked at.

**Trustee Trask:** Okay, let me make this request of staff and Trustees. I would like to get a memo or something from you in writing. You know, I don't live on this island. I can't just go down so what I have to do at home is I'm tracking it from the Big Island. That's why I'm saying who's supporting and who is not so that I can get on the phone and call those that are not and talk to them. But if there is another vehicle, when I talk with people I need to know what it is. To tell them if we lose this bill, can I count on you Jarrett Keohokalole to support the other bill. But I don't have enough to do that now. You know, I'm just saying for some of us that don't live on this island we can't just talk to people and go down. So I need a little bit more to carry the ball from my island when I'm not here, thank you.

**COO Brown:** Understood Trustee, makes sense.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chairman. Capsun, I think what my colleagues are asking, or at least wondering is if our vehicle is not getting support for whatever reason. Okay, are there plans to either amend that vehicle to get something out of it or are there plans to use another vehicle? Are we working on either of those things to at least get something out of this session and if so what is our plan? Or do we not have it and we're working on it or where are we with those kind of things? As you're reporting the current vehicle itself is not being supportive. So how are we pivoting to get something out of the session? I'm asking a question. Would amending the vehicle be a way to do something or would using another vehicle be something we're looking at? Or if we're not right now we can't answer that because we're just working on it, then that's an answer too, but I'm just wondering how would you answer that question?

**Chair Akaka** recognizes Ka Pouhana

**Ka Pouhana Hussey:** Could I try to address Trustee Waihe'e's and then of course, Trustee Trask and Sousa. So Trustees, I would say that Administration's approach is to work with what we have. We have right now our budget bills and we track that, what we have for the OHA-2 residential, the most active is the SB736. So as Capsun has indicated we will continue to track that bill. That measure, those ideas, those concepts until we become aware of other vehicles. At this point we are not aware on paper in a committee report or, you know, a version SD, HB1, we are not aware of another vehicle in which concepts are being moved, considered or contemplated. So for now SB736 is the vehicle. We are also watching if tendrils of things come up in other bills. There are other bills that have short form titles that we may track and see oh, there's something going in,

this tendrill is coming in this way, so I will say Trustees, the approach that we are taking is what we know, what's on record, what is there and then as it manifests itself, so even if people are talking to us or reaching out and saying, hey, can we talk to you, until we see it in the actual measure, we're going to continue to track SB736 plus all the tendrills, and then when it becomes, you know, manifest, you know physically. Then we can be able to say that. So that's the approach that we Administration are taking and if there are other suggestions, Trustees certainly for you know other strategies please let us know because right now that's the approach we're taking.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Sylvia. I'm not solely just focused on the residential part of it. Like for example, I I don't know how HCDA gets the money to fund the things they want to fund, but in the past I know they've been trying to, even before we were trying to do this, they were trying to get funding to fix the bulkhead on the lot. Now, if that's a thing that they're wanting to do also, are we trying to support that so we can get it fixed through that kind of means or are there other things like that we can support our use so we at least get something out of the session. If we don't get our residential or our height restrictions removed.

**Chair Akaka** recognizes Ka Pouhana

**Ka Pouhana Hussey:** Trustee Waihe'e, that's a continuing great point and what I would call tracking all the tendrills of things because one of the concerns is as they go in and ask for bulkhead repair or any major maintenance and repair people are gonna conflate the two asks as the same and they're not. And so when we look at legislation that says that we will say, okay, let's be really clear. They're asking for X amount for this portion of the work. We are highlighting that portion of the work and we are monetizing that portion of the work in our effort, but it's separate. It's the same site, but it's separate and that's part of the tendrills of work that Administration does to clarify not only for our beneficiaries and ourselves, but certainly for the legislators because, you know well that legislators will conflate concepts and dollars. And part of our advocacy is be really clear what the ask is.

So let's be really clear, HCDA is asking for this over here and OHA's bills are calling out that over here, they're in the similar area. They have to do with major repair, but they are different. Different sources and different asks of that. So thank you, Trustee Waihe'e for pointing that out because that is part of the advocacy that Administration is working really hard to do, the conflating that occurs.

**Chair Akaka** recognizes COO Brown

**COO Brown:** Chair Waihe'e, just want to let you know that Administration is also very aware of the idea that we should come away with something, so we understand that idea. We understand the idea that, you know, we could end up with nothing and so how do we look at the situation, where we can, you know, come away with something that's sensible to us. But even though Administration is very aware of that, that definitely will be a Trustee thing. So you folks as a Trustee body need to give us that direction as well. So you know as a Trustee group, if we're gonna change anything in any bill that's in our package, the Administration is here and ready to do that. If you guys want to be flexible, we'll be flexible. We'll take your guys direction, but I just wanted you to know, Trustee Waihe 'e, that Administration is aware of that concept.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** I was trying to say well put Trustee Waihe'e. That's why I had brought up the whole thing about amending our current bill right now because yes, just like other Trustees and other admin, we are having conversations down at the Capitol because we are being encouraged to do so, especially by our consultants Kuilei Consulting. They're telling us to call our friends, encourage them. They're putting it out in the public, call your Legislators. So there are conversations happening, so to say that we don't know what's going on, I think



we all have a pretty good read on what's going on to address Trustee Trask's comment. But so all I want to say is we have an opportunity now and maybe like Casey was saying, we do have an opportunity now based on the feedback we are getting to potentially amend this bill and you know, with the residential restrictions and everything like that, I mean we could take it in pieces and we don't have to go after everything in one time. And I'm just saying we're putting all our eggs in one basket right now and I think it's going to take a while even once we get, say we do get the clearance to develop. It's gonna be years before we can, permitting to even knock down certain buildings, to start this process.

So I think we need to maybe have a conversation as Trustees and try and talk about what we can do to possibly amend the bill and that's how I feel right now because, like Trustee Wahihe'e was saying, what can we get out of this session and that's why we're participating and that's why we go to them every year. Besides the budget bill, when it comes up, you know we're asking for certain stuff for beneficiaries and to get the job done and to get everything all at one time. From what I've been hearing, and I know most of you been hearing the same thing, it may not happen, and because we're asking for everything one time, we may not get our bills heard. And I'm just being straight up and I think it's coming to that point. We're getting closer and closer to certain deadlines and I think for us we need to make smarter decisions at this point. So if we need to call a special meeting or something to have this conversation I'll encourage that, thank you.

**Chair Akaka:** We wouldn't need to call a special meeting, but we could go into executive session if need be to discuss certain matters.

**Trustee Souza:** Thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I think that all of these comments have been extremely helpful and and they show a certain frustration and a process that we're all committed to and we're certainly on the same side. It's like a playing field in football. There are several things going on. First, there are multiple players, so we have Administration doing lobbying, we have Trustees doing lobbying and we also have hired lobbyists as well. And we also have multiple strategies to choose in order to get the right vehicles to get our basic needs and asks out there and to get them accomplished. But we also have a ticking clock and we meet only once a week or once every two weeks in order to deal with this, so I think we need to clarify who the point person is that we go to and who informs us in real time so that we can stay alert to the information and so that we're all on the same page and that would be very helpful for us to know with whom we talk in Administration or who's really carrying the ball here with whom we talk and who informs us. That would be very helpful.

**Board Chair Hulu Lindsey:** Chair Akaka, may I suggest that we go into Executive Session to just talk about this subject matter for a short while and then come out and continue. I so move.

**Chair Akaka:** Is there second?

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Nathan, can I please have a **roll call** to go into Executive Session.

							10:39 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

The BAE Committee recuses into Executive Session at 10:40 a.m.

The BAE Committee resumes open session at 11:10 a.m.

Chair Akaka yields the floor to Ka Pouhana Hussey and Capsun Poe

**Interim Advocacy Director/Chief Advocate Poe:** I know we had some talk about SB736. I do want you to know in Matrix three we'll also be covering a related but different bill. As far as Matrix two goes, the only other thing I wanted to highlight for is that there were three bills that would have altered the elections for Trustees. As of today, all three bills look like they're dead. And by the way it begins on the next page with item 5. And so that was SB32, which was a Constitutional amendment, SB52, which would have just changed the statute and HB66, which is actually item 25 on this list. We were opposed on this and we did do some additional advocacy. pointing out that if there was a perceived issue or problem that the potential solution was actually perhaps more complicated than the problem it sought to solve, and at least for now it seems that the proponents have have taken that. So these bills are dead for now. But we will monitor to see if these issues come up again and maybe to my earlier comment about bills die or legislation dies left and right, but these three bills will be in the exact same place they were when we come back next year for next session so we'll have to continue to monitor there. Otherwise those are the only things I needed to highlight on Matrix two and we are available. Administration is available to answer any questions or address any concerns.

### C. 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

Chair Akaka yields the floor to Ka Pouhana Hussey and Capsun Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB1469</a>	RELATING TO THE FIRST RESPONDERS TECHNOLOGY CAMPUS AND CYBERSECURITY DATA CENTER.	Appropriates funds for the development of the First Responders Technology Campus and Cybersecurity Data Center.	2/23/2023 S The committee(s) on WAM has scheduled a public hearing on 02-27-23 10:35AM; Conference Room 211 & Videoconference.	KOUCHI	WAM	HIGH MONITOR
2	<a href="#">SB1543</a>	RELATING TO PUBLIC FINANCING FOR CANDIDATES TO ELECTED OFFICE.	Establishes a comprehensive system of public financing for all candidates seeking election to state and county public offices in the State of Hawaii, to begin with the 2024 general election year. Requires the Campaign Spending Commission to submit a progress and final report to the Legislature. Appropriates funds. Takes effect 03/22/2075. (SD1)	2/22/2023 S The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 13 Aye(s): Senator(s) Dela Cruz, Keith-Agaran, Aquino, DeCote, Inouye, Kanuha, Kidani, Kim, Lee, Moriwaki, Shimabukuro, Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	RHOADS, CHANG, FUKUNAGA, KEITH-AGARAN, LEE, MCKELVEY, Ihara, Kidani, San Buenaventura, Shimabukuro	JDC, WAM	HIGH MONITOR
3	<a href="#">SB1264</a>	RELATING TO COMMERCIAL FISHING.	Authorizes the Department of Land and Natural Resources to establish limited entry commercial fisheries where appropriate or necessary to ensure certain commercial fisheries throughout the State remain healthy and sustainable while balancing the important economic role of commercial fisheries in the State. Effective 7/1/2050. (SD1)	2/24/2023 S The committee(s) on CPN/WAM will hold a public decision making on 03-01-23 9:30AM; Conference Room 211 & Videoconference.	INOUE, AQUINO, CHANG, MCKELVEY, Dela Cruz, Shimabukuro, Wakai	WTL, CPN/WAM	HIGH MONITOR

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees, Matrix three is a mix of new bills in blue as well as some position changes in orange. These have come about because the contents of the bill have changed, and so now that they've updated some of the guts or some of the language in the bill, we are asking for us to adopt a high monitor position. It's bordering on perhaps we might need to comment in the future, but we just want to make sure we're getting ahead of things to be able to potentially switch to some sort of testimony at some point. So those are the three we're asking for up here on items 1, 2 and 3.

But I also want to bring up, like I said, SB1235 that's item 86 on this list, and so that is a bill that yesterday the Senate Ways and Means Committee amended SB1235 and inserted some things that are very much in our favor. So although at the time this was generated, we were at comment, the Administration would recommend and request that we are support on this. However, I do wanna note that the support is based on what Chair Dela Cruz verbally noted in the hearing yesterday, and that was \$65 million for the bulkhead, by the way, that is language he took directly from SB736. It would also include \$6 million for an EIS and then \$13 million for Kūkaniloko and again we are in support of those, but provided that those are the details that appear in the SD2, the Senate draft two of that bill. That would be the basis of our support so if those did not appear, we would probably just go with comment. But I did want to add then. So in addition to the three that we were asking for and have already highlighted items 1, 2 and 3. We would recommend and request that the Trustees and BAE go from on SB1235 and move from comment to support. And then also as previously mentioned, once we do that now that it does concern OHA, it would be included in Matrix two because it now is naming OHA and appropriating funds.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you. You know, Trustees, I'm really very much thankful for the Admin work on this, I totally agree. I think we need to move this into the second matrix to support. When I took a look at this measure, initially I was looking at it primarily because of the inventory matter. But I'm very, very supportive of the funding that Senator Dela Cruz is putting in for Kūkaniloko, and when you look at this bill you can see that it's part of it is allocating funding to us. I think we're entitled to it when that Kaka'ako deal move. It was supposed to be valued at 400 million then down to 200. Now we know it's less than 50 million. But I think the Legislature knows, and I was thankful in talking with Senator Dela Cruz, that he realizes, that they all recognize that it was a bum deal back then and those Trustees didn't bother to really look at it. When I saw the Kūkaniloko addition, I was wondering what it was doing here, but I took a look at it. Kūkaniloko is in Senator Dela Cruz's district and it was saved because it's a very important historic area, it's birthing stones. In fact, it's one of the best remaining birthing stone areas that we have and it's in the first stage of protection but not much was ever done for it. To preserve it or to open it up for Hawaiian educational uses, tourism or whatever. So

when I saw that, I then understood it, but I think that we should support 13 million. I think we need to fix up and save Kūkaniloko and I don't really see a problem with us using it for cultural purposes and also having tourism there. Those two things are are not diametrically opposed in my mind. But that's why I support this and I'm happy to see the recommendation because it really now belongs in Matrix two.

**Interim Advocacy Director/Chief Advocate Poe:** Chair, I think we definitely are appreciative of Trustee Trask's support and comments there and so that would be the recommendation we have. I did want to just sort of add a process note about SB1235. Again, we are trying to separate the discussions between SB736 and SB1235, but SB1235 has, as you can see, has a title of relating to the Office of Hawaiian Affairs. So this does give us enough flexibility, right. We need to send something over. We need to try and get the Senate to send something over to the House and this does allow us to continue our advocacy related to Hakuone as well as some of the related asks there and so that's why we recommend support and we'll continue to see. Going back to a couple of Trustees previous points right, trying to see what else we may be able to be successful at getting from the Legislature this year, mahalo.

**Chair Akaka:** Mahalo, members any other questions or comments regarding Matrix three? Seeing none, we have a motion up.

**Board Chair Hulu Lindsey:** Madam Chair, I move to approve Administration's recommendations on: **NEW BILLS (Items 1 - 3) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated March 1, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

Item 86, SB1235 from COMMENT to SUPPORT

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan can I please have a **roll call vote**.

							11:20 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

#### IV. ANNOUNCEMENTS

NONE

#### V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** Madam Chair, I so move.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have **roll call vote**.

							11:21 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:22 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
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**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\***
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**March 8, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Nakama, Erin / I

**EXCUSED:**

**Trustee C. Hulu Lindsey**  
Trustee Keoni Souza

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 8, 2023 to order at **10:02 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:05 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.



## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to COO Brown

**COO Brown:** Mahalo, Madam Chair. Trustees we're focused in this meeting on our matrices and our matrices only, and so I'm gonna kick this over to Capsun who will take you through the new positions that we're asking approvals for.

## 2023 LEGISLATIVE TIMETABLE

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>JANUARY</b>							
	1	2 NEW YEAR'S DAY OBSERVED	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16 DR. MARTIN LUTHER KING, JR. DAY	17	18 OPENING DAY	19	20 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	21
	22	23 State of the State Address & Admin Bill Package Cutoff	24 RECESS #1	25 State of the Judiciary Address & Bill Intro Cutoff	26 RECESS #2	27	28
	29	30	31				
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>FEBRUARY</b>				1	2	3	4
	5	6	7	8	9	10	11
			12	13	14	15	16
	12	13	14	15	16	17	18
			17	18	19	20	21
	19	20 PRESIDENTS' DAY	21	22	23 Mandatory 5-Day Recess Begins	24	25
	26	27	28	29	30		

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
M A R C H				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHO DAY OBSERVED	28	29	30	31	
A P R I L							1
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
M A Y	30						
		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6

*Ronald D. Kouchi*

Ronald D. Kouchi  
President of the Senate

12/12/22

Date

*Scott K. Saiki*

Scott K. Saiki  
Speaker of the House

12/12/22

Date

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Casey and thank you for sharing the attachments as always, Aloha kakahiaka Chair and Trustees. Always good to be here with you this morning as today is March 8th. It's the 4th recess as you can see on the calendar there. But that does mean tomorrow will be day 27 of sessions. We're almost at the halfway point. We do have the calendar here for you just to sort of briefly orient yourself. As I mentioned last week, this week is a big week for the legislature because it's crossover, so all the bills that the Senate wants to send over to the House, they need to pass tomorrow and all the bills the House wants to send over to the Senate, they need to pass.

We do have several position changes, but mostly we're expecting to update matrices, not so much adding new items. I did also want to note as far as this week goes for Friday it's the substantive reso. cut off, and that's important to note because often when a bill does not advance at the legislature, the introducer or the supporters will pursue a resolution. Now that doesn't have the effect of law, but resolutions can get some

action. Number one, it can urge an agency to do something. It can request a report from an agency and really when the legislature requests reports via a concurrent resolution that passes both Chambers, most agencies treat that as a requirement, and then the last thing they can do is convene a working group via a resolution.

Next week is crossover for budget bills and you know, as Casey mentioned, you know, Ka Pouhana is there now at the House Finance Committee testifying on our budget bill. Before I get into the matrices Trustees, I did want to just mention because, you know, some may have asked or may have wondered but some of the Governor's Messages or GM's, which are the nominations that are subject to the Senate's advise and consent process, meaning Senate confirmation are being scheduled. There are many that are not being scheduled yet, but of those being scheduled today, this afternoon, there are actually two, one is the Director of the Office of Planning and Sustainable Development, which we expect will probably have more interaction with OHA going forward now that they have sort of new expanded kuleana. So that's Scott Glenn and on that same agenda for DLNR the Deputy has been scheduled, but not the Chair of the DLNR. So the deputy is Laura Ka'akua, and both she and Scott Glenn will be on this afternoon's Senate Water Land hearing. We haven't heard word on when Dawn Chang may be scheduled for DLNR.

The other GM that you may be interested in is for Hawaiian Homes and Kali Watson is scheduled for next week on the 16th, so that'll be next week Thursday, and that will be in the Senate Hawaiian Affairs Committee. So far only one director received the recommendation of the their committee. But that's actually because most haven't been scheduled, so I'll just leave it there and then now jump into the matrices for you.

Matrix one is provided for information only today, this is of course the OHA package and so no action is required and requested, but as Casey shared we do have good news. As we speak, the House Finance Committee is hearing HB133, which is item 1 here on Matrix one and that is our House vehicle for our budget bill. We really like that one because it has all \$3 million that we requested in it whereas the Senate bill actually blanked the appropriation amounts and Trustees I do want you to know that I did communicate to the committee and their staff that they do understand that we are triple booked today with the Senate Committee on Indian Affairs, with this BAE meeting and with Finance so that Ka Pouhana would be present to answer any questions and so that's why we're divided. And so if there are no questions, Chair that was it for matrix.

**Chair Akaka:** Mahalo, Capsun. Trustee Trask, did you have a question?

**Trustee Trask:** I wanted to ask you Capsun, you said so far none but one had been confirmed. Who was the one that was confirmed? What department?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, I was supposed to mention it was Cathy Betts over at Department of Human Services, and she has been approved by her committee, but not by the full Senate yet.

**Trustee Trask:** Okay, got it.

**Interim Advocacy Director/Chief Advocate Poe:** So they're getting started. Just a note on that is the Governor has, so if the Senate were to vote down anyone, the Governor actually has until the end of the month to name anyone else. Generally, the practice would be anyone who may still be voted down after that would probably serve on an interim basis anyway until next year's legislature. Cathy Betts, DHS.

**Trustee Trask:** Got it, thank you.

**Chair Akaka:** Mahalo, Capsun. If you can please continue.

## B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

### NO TESTIFIERS ON THIS ITEM

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the department of agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the department of agriculture. Effective 6/30/3000. (HD1)	3/3/2023 S Passed First Reading.	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AGR, FIN	SUPPORT
1a	<a href="#">HB308 Notes</a>	Legislature adopted OHA's recommendation to include a representative from OHA on the Sustainable Food Systems Working Group and measure now names OHA in that regard.					
2	<a href="#">SB1235</a>	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Establishes a temporary public land trust working group within the Office of the Governor for administrative purposes only. Provides that the working group's sole purpose shall be to compile a definitive inventory of public land trust lands. Authorizes the working group to hire staff. Appropriates moneys to the Office of Hawaiian Affairs to be used for making repairs to bulkheads and revetments located in certain parcels conveyed to the Office and for certain construction costs for the development of Kūkaniloko. Requires and appropriates moneys for the Office of Hawaiian Affairs to conduct a programmatic environmental impact statement for any development projects within the Kakaako Makai area of the public land trust. Effective 7/1/2050. (SD2)	3/3/2023 S 48 Hrs. Notice 03-07-23.	DELA CRUZ, AQUINO, CHANG, INOUE, KEOHOKALO, SHIMABUKURO, Kidani	HWN, WAM	SUPPORT
2a	<a href="#">SB1235 Notes</a>	Measure will be used as new vehicle for Hakuone related policy initiatives.					
3	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Establishes the renewable energy resources development special fund. Requires annual reports to the Legislature. Requires that, for royalties from geothermal resources, ten per cent be paid to the county where the geothermal mining operations are situated, fifty per cent be paid to the Department of Land and Natural Resources, twenty per cent be paid to the Office of Hawaiian Affairs, and twenty per cent be deposited into the renewable energy resources development special fund. Effective 7/1/2050. (SD2)	3/3/2023 S 48 Hrs. Notice 03-07-23.	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EET/PSM/HRE, WAM	SUPPORT
3a	<a href="#">SB458 Notes</a>	Legislature amended measure to determine that 20% of geothermal royalties should be apportioned to OHA.					

**Interim Advocacy Director/Chief Advocate Poe:** Trustees, Administration is requesting action on these three bills that you see here. But I did want to just clarify for you that none of these bills are actually new. It's just we're now putting them on Matrix two. HB308 was previously on Matrix three, as was SB1235. SB1235 is the one I really want to call to your attention. I do want you to know that it does have some of the funding that we requested in SB736, which was our Hakuone Bill. It does have actually about \$84 million in funding, 65 million for bulkhead repair, 6 million for EIS and 13 million for Kūkaniloko. I think from some of our discussions we have said that this can, now that SB736 has not passed, that this can now be a potential vehicle for Hakuone as we continue that conversation in the House.

SB1235 was passed by the Senate yesterday and so it is on its way to the House and that's where we will be advocating for it. In addition to the money, I did want to point out though that one of the big things that SB1235 does is it amends the ACT 226 working group that was passed last year. Currently that working group has three appointees from the Governor, three from OHA. In its current version SB1235 changes that, So Governor gets one, President gets one and Speaker gets one.

And then SB458, this was just to be consistent. They had taken some of our, or they didn't quite take all of our recommended amendments, meaning that based on population OHA might be considered for additional, but we did want to at least express our support because it does indicate that 20% of the geothermal royalties should be apportioned to OHA. So this is just a change in position. We were previously comment on SB458.

So those are the three bills, the only three additions in new movement for this BAE meeting and then Chair if you or the Trustees have any questions, we can try and address those.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair. Capsun, SB1235, establishing a temporary Public Land Trust Working Group. What does temporary mean?

**Interim Advocacy Director/Chief Advocate Poe:** Our understanding from the way the introducer meant that is that it's not going to be a permanent, you know, like a long term working group. It's meant to convene, address the issues that it's been tasked with, submit its report, and then we can build from there.

**Trustee Galuteria:** So there's an end date to temporary. So what does temporary mean?

**Interim Advocacy Director/Chief Advocate Poe:** Right, I believe now it's still blank in the date.

**Trustee Galuteria:** So for all intents and purposes, that makes it permanent then doesn't it?

**Interim Advocacy Director/Chief Advocate Poe:** True, probably until conference when they do put in a real expiration date.

**Trustee Galuteria:** Who introduced this? Dela Cruz?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, this is Senator Donovan Dela Cruz.

**Trustee Galuteria:** Okay, so it's somewhere along the line whether it be in the Senate or the House, temporary will be substituted with the drop dead date then perhaps, right? As we keep our eye on this I think that's gonna be critical to establish some type of end game to that group, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, agreed Trustee.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Yes, I don't know if you noticed, Chair, I was just knocked off the Zoom and I've just returned but I do have a question on the so-called temporary PLT working group. What's the status of the Governor's original PLT working group? Has there been any meeting or any communication from the Governor? And then my second question is, what's the difference between the temporary PLT group and the original one and what is the same?

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee for the question there. Let me start with the last part. So the working group established was under Act 226 last year. That was again three appointees from Governor, three appointees from OHA, OHA did name ours, and Governor Ige in the waning days of the administration did appoint three. As of today, the working group has not convened. I think Administration has had conversations with the Governor's office. They are aware and we are trying to get, even regardless of the outcome of SB1235, we have urged them to try and convene sooner rather than later. And if Governor Green wants to change who the appointees are they can. But Trustee, let me tell you that whenever somebody from the Governor's office sees me, they know exactly what I want to ask them for. And they're like, yes, Capsun I

know Act 226 working group, and I don't want to say that it's not important to them, so I do keep putting it on their radar. One of the reasons I mentioned the GM's earlier is I do know a lot of the staff attention. Governor's office staff attention has been on that, perhaps with the result of the Ikaika Anderson nomination. They did want to try and make sure they properly supported their people to get through, but as of today we haven't heard any. We haven't received any sort of communication about that and whether the Governor would either name new people and then can we proceed to convening the working group.

**Trustee Akina:** Thank you and what's the amount that we're seeking in terms of support for administering the group and would we as OHA be putting any funds into that?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, that's unspecified, but I would also think that is, I mean we're expecting probably minimal because the people serving on the group would bring their expertise to the process and that you know, beyond meeting location and maybe some materials and some staff support. You know, we didn't necessarily see it being cost prohibitive to do this and like I said, actually take perhaps taking just nominal amounts of funding. I think perhaps once the group is formed and convenes, then they might have a better idea of what any the potential costs could be. But as of right now, that's sort of where I see it and maybe that was, I don't know if any other specific financial projections have been generated for this.

**Trustee Akina:** Well, I would imagine that the group might want to do some research as well.

**Chair Akaka:** I also do want to note that when I spoke to the Governor, want to say the week before last, I did put in a friendly reminder about convening our working group for PLT and to which he did oblige and he did sound very interested in doing so. So I don't think it's a lack for wanting to do it, but I did tell him that our office would do a friendly follow up as well to check on that.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, just from listening to the conversations, I just wanted to remind the Trustees where we are on the longer road. For the last several years, OHA goes to the legislature and it's gone on forever. OHA's going in for a budget. They're supposed to be a percentage share of the revenues of the Public Land Trust. The legislature depends on it for 80% of the funding that they use for all public allocations. But year after year there's a disagreement over how much money came in for the ceded lands. OHA began to look at this a few years back before I came to the Board. They determined at that time that there was disagreement not only with OHA and the state agencies, but among the state agencies themselves. Example, Department of Transportation came in with a figure for land that differed from what DLNR said and they were looking at the ceded lands used for the airport. Ceded lands used for the airport. How many acres and where are they and the DLNR figures and the DOT figures were different. What happened at that time was they decided to begin to look at and try to gather an inventory of a comprehensive inventory of the ceded lands with the revenues. This was done by the state legislature colleagues and in 1921 there was a report to the legislature. It's a couple of inches thick. It has very tiny print but purports to list the ceded lands by acreage and parcel as well as the revenues that come from them. That's something that all Trustees can get and should have. Came out in 2021, the inventory of it.

There is not a clear picture when the inventory comes out because there are lands that are ceded lands, but they're not really being used for commercial or other purposes. Because this was such a huge problem the legislature this past year created a working group to look specifically at this problem. Three were to be appointed by OHA. It passed, OHA appointed their three, Ige put on three of his people. They were all people that had a background in state accounting from different areas. Ige steps out, the current Governor steps in but he will not appoint. He will not convene the working group. We're ready to go. The Ige appointees are in. But people in the Green Administration don't like them. The Green Administration isn't sure that they want to go forward with an inventory of the Public Land Trust. Green is hesitating at this time. The OHA bills, one of our bills killed, but they moved it into Senate Bill 1235.

Now Capsun, I'm looking at the January 25th edition of 1235. In the future, when we talk about bills, it would help me if you would just give me the date stamp because I don't know if there's another bill that came out since January 25th, but this is what it is for colleagues. The working group and also our fiduciary obligation. We were working to have the sole purpose of compiling a definitive inventory of the lands that comprise a public trust under Section 4 and 6 of the State Constitution. We pushed for this and so did other agencies of the state because nobody has a definitive inventory of the Public Trust lands and that's why we can't get a definitive figure for how much money is coming in. So this was pretty important, but Green won't convene the working group so here we are. It's hard to get your budget out a percentage of revenues from Public Land Trust when you don't have the inventory of the land trust and we don't have a reliable inventory of the proceeds and revenues of the land trust either.

So when you look at 1235, it only has one purpose and that's to compile a definitive inventory of the lands that comprise the Public Land Trust under Article 12 of the State Constitution. I'm reading it to you now. From Senate Bill 1235, January 25 edition. So the reason why there's no drop dead date on this, Brick, is because they intended to continue this work until we had a definitive inventory of the ceded lands as well as the revenues. Some people were saying you can't do it in one leg. session, but let's start, let's start. Maybe it'll take a couple of years, we don't know. We have what we have. The legislature cranked out the first draft of what they thought was gonna fly came out in 2021 but it did result, not only in us having questions, but several state agencies themselves came up and said things like you're wrong. This parcel is our parcel, not DLNR's. You know, these kinds of things occurred, but I wanted to comment on that because I think that Senate Bill 1235 continues to move that initiative we were trying to move. And for the new Trustees, there's also some other news. When I first came in, we created a ceded land PIG to look at the federal government records of the Public Land Trust they turned over, we met for a few months. We cranked out a report. We sent letters to all the feds saying can we see your maps you turned over to the state, the time of statehood. Didn't get much of a response, Trustees. So you either get your inventory records from the feds or the state. So far, feds very little, state, at least old administration was saying this is a problem for all of us, but I'm not sure where the Green Administration is going. One thing is they haven't appointed anybody to the working group that's for sure. In the meantime, I'm glad to see staff that we are looking to use this measure for our Hakuone funding, it's still a vehicle, but I would like to have more updates, Capsun, I would like to track this a little bit closer cause it's hard for me to do it up in Hilo, yeah. Anyway, thank you for that comment. I don't know if you have questions, but there's a background to this, but I'm very happy to see that our funding initiatives go forward.

In terms of the cost for the Public Land Trust inventory and accounting. You know, I have told them in my preparing we thought the working group was going to move, but I had announced to our colleagues a few months back that you know, it's my inclination to do the best we can to help get the inventory and to help get the inventory of the funds. But I told you, colleagues, if we do not persevere with anything this session I will remove back to the Board the issue of filing in the Federal District Court. I mean, we're Trustees and it's 2023, for god's sake we need to get the inventory of the land and the revenues now and if we cannot do it with the legislature, maybe the federal court can facilitate. But it's not just our house and the state. It's many state agencies contesting who has title to resources and it also includes minerals, the manganese nodules under the sea and it's very complicated, thank you.

**Chair Akaka:** Mahalo and also as a reminder, our Board Chair is currently in the Senate Committee on Indian Affairs and one of the top priorities that she is expressing to that Committee this morning is regarding the Public Land Trusts, our ceded lands and how that needs to be a priority to be addressed.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Millie. Thank you for that explanation, I appreciate it. There's also one more layer that I'd like to just put in front of the Board. When I was in the Senate, I asked a very simple question of the B&F Chair at the time who was Wes Machida. I said Wes, is there any current formula for the revenues, this is over and above when we do get the final inventory whenever that happens. The second

question is, is there a formula by which one is each a very consistent formula that each agency uses right across the board to come up with a number that they come up with or is this an honor system? To which he replied, it's an honor system. I wasn't very pleased at that notion, but it is what it is. So an extension of the working group's job if possible, to put into legislation at the appropriate place, whether it be conference or before that. Would be, if possible, to expand the notion of beyond the inventory. A consistent formula across the board in all agencies so that they can all follow the same thing. Cause I mean there's ways of rolling funding over so that it doesn't look like it should on the books. So if there's a consistent formula, I think that's something we should also be concerned about.

**Chair Akaka:** Yeah, absolutely we do need proper reporting.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair if I can respond. Mahalo, Chair and Trustees for that context, background and guidance. So we will take note of some of those requests and especially perhaps to Trustee Trask's comment about the bill. Trustee, you are correct with what you read from that version of the bill and we will step up our efforts to make sure you're aware of the most current version. So let me just say and to clarify on that very briefly that for the current version of SB1235, it's an SD2. So Senate Draft 2 and in relooking at that just very recently, you know that the working group does have 24 months from the effective date of the bill, which is currently July 1st 2050. So it does have a defective date that would need to be corrected at some point. It also does going back to the funding, it does have, it doesn't have any money in it but it has a blank amount. So an amount could be inserted into the bill as it goes through over in the House and then the last comment going back all the way to our ACT 226 Working Group that we were talking about. I think Trustee Trask definitely framed a lot of the current situation correctly to us and some of the challenges.

What I would say is Governor Green hasn't convened it yet and it is my goal to get and it is Administration's goal to get the Governor to either confirm the appointees that Governor Ige made or update it with new appointees, and to absolutely convene the working group sooner rather than later and regardless of the result of SB1235, you know, trying to get things started and get the ball moving here. So please know we will continue to advocate for that. In fact, when I wrap up here at the office today, I'll probably be spending my afternoon at the Capitol and I will definitely make sure to speak directly to the policy folks on that if there's any sort of update, and again repeating our, or maybe even imploring and reminding about our request and to get people named and get the group convened so that we can start doing this long overdue and important work.

**Chair Akaka:** Mahalo nui, Capsun.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just wanted to thank you for that comment, Brick and we did get a very clear response. Is this based on the numbers or an honor system and the response was it was based on an honor system, Brick, and that has been what they've been saying for the last several months and as soon as they said that, I advised the Board that we need to move into the federal court, our first obligation as Trustees is to marshal and inventory the trust assets. And it's not just what we have invested in the portfolio, but every parcel of land and this has been the case since 1959. The state keeps asking us to just go on a honor system. Whatever DOT says they're making, just take it. Whatever they say they're getting from the airports, we have to put it in the revolving fund under federal law so they'll give you something else, just accept it. DLNR the same. But our legal fiduciary obligation does not allow us to do that and that's why I'm saying it may be time to go in the federal court.

But thank you for pointing that out, because that's exactly where we are. The idea of trying to do an honor system and that's why we were going to give it the scouts try with both sides, 33, but that's not going anywhere. The other thing about the time stamp, I'm not being critical of the staff, good job on this and the other matrices. But when it comes time for our meetings, I just get nervous and I need to know if we have the current time, date stamp document, you know, I mean I'm just one Trustee that looks for that first, but good job



staff. Very good job and I think Brickwood just nailed it right on the head, honor system or trust accounting and you know, for us it's pretty clear. Mahalo.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, mahalo Chair and Trustees. Again, the Administration does request the committees approval on these three bills. And like I said, these three bills are just new. The first two are new only to this matrix. They used to be a Matrix three and then the third item is just going from comment to support.

**Trustee Ahuna:** Chair, I move to approve Administration's recommendations on: **NEW BILLS (Items 1 – 3) as listed on Matrix 2 – Bill Positions Related to Measures Naming OHA – dated March 8, 2023.**

**Trustee Waihe'e:** Second

**Chair Akaka:** Mahalo, Trustee Ahuna. It's been moved and seconded by our Trustee Waihe'e. Any questions or comments members? Seeing none, Nathan, can we please have a **roll call vote**.

							10:43 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to COO Brown and Capsun Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB1301</a>	RELATING TO CANCER.	Appropriates funds to the University of Hawaii cancer center to conduct a multi-ethnic cohort study focusing on the social determinants of health, lifestyles, environmental exposures, and resilience factors of Native Hawaiians, Pacific Islanders, and Filipinos. Effective 6/30/3000. (HD1)	3/3/2023 H Reported from FIN (Stand. Com. Rep. No. 1184), recommending passage on Third Reading.	CHUN, AMATO, BELATTI, COCHRAN, GANADEN, HASHIMOTO, HOLT, KAHALOA, KAPELA, KILA, KITAGAWA, KOBAYASHI, MARTEN, MARTINEZ, MATAYOSHI, MIZUNO, MORIKAWA, NAKASHIMA, NISHIMOTO, TAKAYAMA, TAKENOCHI, TAM	HLT, FIN	SUPPORT
2	<a href="#">HCR26</a>	REQUESTING THAT THE DEPARTMENT OF HEALTH CREATE A FORMAL PLAN TO IMPLEMENT CERTAIN RECOMMENDATIONS WITH RESPECT TO ORAL HEALTH CARE FOR NATIVE HAWAIIANS.		3/3/2023 H Referred to HLT, FIN , referral sheet 16	MIZUNO, AMATO, COCHRAN, GANADEN, GARCIA, HASHIMOTO, KAHALOA, LAMOSAO, MARTEN, MORIKAWA, PIERICK, POEPOE, TAM	HLT, FIN	SUPPORT
3	<a href="#">HR28</a>	REQUESTING THAT THE DEPARTMENT OF HEALTH CREATE A FORMAL PLAN TO IMPLEMENT CERTAIN RECOMMENDATIONS WITH RESPECT TO ORAL HEALTH CARE FOR NATIVE HAWAIIANS.		3/3/2023 H Referred to HLT, FIN , referral sheet 16	MIZUNO, AMATO, COCHRAN, GANADEN, GARCIA, HASHIMOTO, KAHALOA, LAMOSAO, MARTEN, MORIKAWA, PIERICK, POEPOE, TAM	HLT, FIN	SUPPORT
4	<a href="#">SB449</a>	RELATING TO THE FESTIVAL OF PACIFIC ARTS.	Appropriates funds to the Department of Business, Economic Development, and Tourism for the Commission on the 13th Festival of Pacific Arts and Culture to plan for the Festival of Pacific Arts and Culture to be held in Honolulu from 6/06 to 6/16/2024. Requires the Department of Business, Economic Development, and Tourism to submit, prior to the release of the funds appropriated by this Act, a report detailing how previous state funds that were appropriated for the festival were expended and, no later than 20 days prior to each Regular Session until the funds appropriated by this Act are fully	3/3/2023 S 48 Hrs. Notice 03-07-23.	KEOHOKALOPE, MCKELVEY, RHOADS, Ihara, Keith-Agaran, Wakai	TCA/EET, WAM	MONITOR

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees, Administration is requesting approval on items 1 through 13 here on Matrix three. The few that are in blue had some changes to them that now we have a position to recommend to the Trustees. More than half are also we're changing to oppose and you'll notice those are maybe the last 2/3 of the bills. That's from item 5 on. I did want to note just generally the reason for the recommendation there is OHA has previously testified on these bills and noted our concerns. Primarily through submitting comments, not taking an official position, but submitting comments. Comments that noted our concerns and even recommended in some cases changes. In many of those cases they were not accepted or they went perhaps in even more in the direction that gives us even more concern, and so now that these bills are crossing over, we are now recommending opposition in our testimony as we continue to advocate for it. And so with that, Chair, you know, we are available to answer any questions or address any concerns.

**Chair Akaka:** Members, any questions, comments?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just had a question about number four at the bottom of page one, the Festival of the Pacific Arts. We do have a representative on that Commission. Do we know anything else about that? Are they seeking funding from OHA? My understanding was that the state legislature was going to pick it up. But is it accurate that we have a representative on the Commission?

COO Brown: Yeah, Trustee Trask, I believe Ka Pouhana is our member, our representative on that and I think in the past OHA has contributed some funding, but I'll have to check up on that to see what makes sense. And of course it's up to you folks with whatever resources you want to contribute.

**Trustee Trask:** That's my understanding as well that it's our CEO Sylvia, who's sitting on this for us. Thanks for confirming it.

**Interim Advocacy Director/Chief Advocate Poe:** And then if I could add to Casey's comment, it's a little misleading because it does say appropriates funds to DBEDT, but the amount is blank so they need to fill in the amount later for that. Sorry, they being the legislature.

**Chair Akaka:** Any other questions or comments members or Capsun if you had any more that you wanted to add regarding Matrix three?

**Interim Advocacy Director/Chief Advocate Poe:** No, Chair that was it and thank you.

**Chair Akaka:** Mahalo, I'll entertain a motion to be read on the screen.

**Trustee Waihe'e:** Madam Chair, I'd like to **Move to approve Administration's recommendations on: NEW BILLS (Items 1 - 13) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated March 8, 2023.**

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved by Trustee Waihe'e and seconded by Trustee Ahuna. Are there any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:48 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

#### IV. ANNOUNCEMENTS

**Chair Akaka:** We do have our RM today as well at 1:30 p.m.

#### V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have **roll call vote**.

							10:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:50 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**March 15, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee Keoni Souza  
Trustee John Waihe'e, IV

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Nakama, Erin / IT

**EXCUSED:**

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 15, 2023 to order at **10:02 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:02 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:37 a.m.
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	10:20 a.m.
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair and I'll lateral over to Ka Pou Nui.

**COO Brown:** Mahalo, Ka Pouhana. We're gonna do a quick, immediate handoff to Capsun, Trustees. We're focused today on just the matrices in a few positions that is going to be recommended.

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>M A R C H</b>				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHIU DAY OBSERVED	28	29	30	31	
<b>A P R I L</b>							
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
	30						



M	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
A		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6
Y			59		60		

*Ronald D. Kouchi*

Ronald D. Kouchi  
President of the Senate

12/12/22

Date

*Scott K. Saiki*

Scott K. Saiki  
Speaker of the House

12/12/22

Date

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Sylvia. Mahalo, Casey. Aloha kakahiaka, Chair and Trustees. As always, we'll start off with our leg. calendar just to help give us a sense of place where we are. As you know, today is March 13th. It's day 31 of session Trustees and so we have officially passed the halfway point of the 60 legislative day session. Hopefully that is reflected in some of the materials that we bring to you, you know, definitely there's a lot less, a lot fewer bills moving through and so the legislature can really focus and because of that, we can also focus more on what's left and what's possible with the remaining 30 days of session. Today is crossover day as you can see it says budget crossover for budget bills and tomorrow is triple referral filing. So that means any bill that is going to three or more committees needs to be at least on their way to their penultimate or second to last committee.

As always, before going through the matrices just for situational awareness, I wanted to mention about Governor's messages or GM's. These are, of course, nominations subject to the Senate's advise and consent process. There are several moving, but the one I think that's most important for us to be aware of is GM524, that's for Kali Watson as Chair of the Hawaiian Homes Commission, slash director of the Department of Hawaiian Homelands, the Senate Committee on Hawaiian Affairs is going to hear that tomorrow and I think we are hopeful that the Senate will be able to accept someone so that we and DHHL beneficiaries and partners can start working together with the new chair and the chair's leadership team. You know, there were other GM's that we mentioned in the past, but again, this is provided for information only as OHA usually does not take a position on GM's. But I do know Trustees are usually interested and if anyone wanted to, on their own individual accord, I wanted to follow up with that. So with that, we can switch right now to the matrix, so Matrix one.

**Ka Pouhana Hussey:** Chair Akaka, as Capsun is switching to the matrix. I just wanted to also let the Trustees know that in the GM process my name is there for filling the OHA seat on the Kāne'ohe Bay Regional Council there, there's a carryover GM for June 30th, 2023, and then there's another GM for the three-year period after that. So we just wanted to let all the Trustees know that that GM is there and it's because OHA has a name seat on the Regional Council. And it was included in your update of all the GM's moving.

**Chair Akaka:** Mahalo, Ka Pouhana. Capsun, before you continue, I understand that our Board Vice Chair Trustee Trask would like to share something.

**Trustee Trask:** Yes, I just wanted to point out when I'm looking at the schedule, because we're talking about the GM's, we have on our list GM544. This is bringing for confirmation the nomination of Kamana Beamer for the Mauna Kea Stewardship Committee and I wanted to flag this to the Trustees, I believe that we should either object to this or we should point out that Mr. Kamana Beamer's transactions have been flagged with a red flag in all three of the audits we have. This is the case Trustees, where we have numerous checks month after month after month, signed by Kamana'o for Beamer and this was flagged. And then it came up again in Plante Moran. At this time if he you recall, OHA procedure allowed Kamana'o to sign any check up to \$25,000 without any kind of confirmation at all, and this occurred time and time and time again over 200,000. But I think when it comes to this measure, GM544, OHA should not remain silent and should point out to the legislature that this name submitted has currently been flagged as an item for fraud, waste and abuse. You know, I don't want it to come out that our own audits showed us this and we did not make a comment, or worse yet we sat

silent while the guy was gonna be confirmed. You know, I think this thing requires that we make a comment and that we say that for this reason we cannot support it. Thank you.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair. Millie, what was he getting paid, do we know?

**Trustee Trask:** Well, that's the thing, Brick, in the initial investigation, when Hanagami was still online, he actually spoke with and interviewed Kamana Beamer. Beamer had his own business on the side. He was doing Hawaiian related research. But check after check went out and that is what the auditor found. There was some interview with him, but there wasn't a research document worth \$200,000 that ever came in. When I spoke with Mr. Hanagami at the time he said that they had interviewed him and he had indicated that he had picked up a paper that somebody else had written. I only pass this on as hearsay. I didn't do my own investigation, but when I saw the name, I mean this name is one of the glaring findings and especially now we've had three audits, but this is one of the 22 flagged for fraud, waste and abuse and I think we should at least be saying that. You know, rather than sitting silent.

**Trustee Galuteria:** Can I ask another question, Chair? For that particular authority on Mauna, various entities submit names. What entities submitted Beamer's name, do we know?

**Chair Akaka:** Would anyone be able to answer that question?

**Ka Pouhana Hussey:** Trustee, the process we understand for filling the Stewardship Authority was outlined in the Act and so the Governor's Office I understand, is taking the applications in and making sure that it fits the criteria outlined in the Act and then putting forward the GM. There's seats for practitioners. There's seats for island residents, there's different seats. So my understanding is through the Governor's Office and this process, they are filling and putting forward the nominations based on the criteria of the Act 266 I believe.

**Trustee Galuteria:** No I do, I understand that part. I just wanted to know if we decide as a Board to oppose Beamer, whose name put him there? So that would be in a direct response to their choice. So I just wanted to kind of you know, get some background, that's it.

**Chair Akaka:** Any other questions or comments members? Otherwise I'm going to ask Capsun to continue.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and mahalo, Trustees. So just to get into Matrix one, let me start with, but I have some good news to share today, which is not always the case, but at least for now let's celebrate the good news. HB133, which is the House vehicle for our budget bill will be voted on by the full House in today's session at 12 noon and it is expected to pass and just as a quick reminder, HB133, the way it was passed, it does include the \$3 million we requested in it for each of the next two fiscal years, and it does come with \$3.5 million match from OHA. So this is a good thing to celebrate. I think you know, it's moving along very nicely. But again, that's it for Matrix one. Trustees and Chair, there is no action requested, but Administration is available to answer any questions.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just found the information here in the Hilo office to answer Brickwood's question. There's a news article on it. It was Governor Ige. Early on he had appointed Noe Noe Wong-Wilson who's at GM537. Her name is Michelle Wong-Wilson, but we know her as Noe Noe. The other was Lanakila Mangauil. He's also cited in GM539, and then the last one that Ige appoints is Kamana Beamer. So that was done by Ige. I can send it over to your office, Brick, we just found the article. Thank you.

**Trustee Galuteria:** No problem, I just wanted to know. It's from a previous administration. Okay, thanks, Millie.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, thank you. In response to an earlier question raised by Trustee Mililani Trask and Trustee Brickwood Galuteria. I'm going to read just very briefly from the Clifton Larson Allen review that we commissioned, which reported to us numerous instances of red flags. #6 is exempt contracts related to HRS103D-102B. Kuauli Based Insights LLC, Kamana Beamer \$250,000, the scope of services for this contract was to examine the original source deeds of former Hawaiian Kingdom Government and Crown Lands sold for the period 1845 through 1859 and document each sale on an Excel spreadsheet. This contract should not have been procured as an exempt contract. Only partial evidence was provided to show that the vendor completed the work required under the scope of the contract and amendments. Madam Chair, I'm not aware that this situation has been resolved and it's included in the work that we have handed over through the Plante Moran review to the state or a plan to hand over to the state authorities to look at. Thank you, I just wanted to add that information.

## B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB295</a>	RELATING TO THE CHILD WELFARE SERVICES.	Establishes within the Office of Wellness and Resilience, the Malama Ohana Working Group to seek, design, and recommend transformative changes to the State's existing child welfare system. Allows the Office of Wellness and Resilience to contract with an administrative facilitator to provide necessary support for the Malama Ohana Working Group in carrying out its duties. Requires the Malama Ohana Working Group to report to the Legislature prior to the Regular Session of 2025 and be dissolved upon the adjournment thereof. Appropriates funds. Effective 12/31/2050. (SD2)	3/10/2023 H Bill scheduled to be heard by HUS on Tuesday, 03-14-23 9:00AM in House conference room 329 VIA VIDEOCONFERENCE.	DELA CRUZ, AQUINO, CHANG, KANUHA, KEITH-AGARAIN, LEE, MCKELVEY, MORIWAKI, RHOADS, Kidani, Richards, Wakai	HUS, FIN	SUPPORT
2	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the department of agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the department of agriculture. Effective 6/30/3000. (HD1)	3/9/2023 S Referred to AEN, WAM.	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AEN, WAM	SUPPORT
3	<a href="#">SB1235</a>	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Establishes a temporary public land trust working group within the Office of the Governor for administrative purposes only. Provides that the working group's sole purpose shall be to compile a definitive inventory of public land trust lands. Authorizes the working group to hire staff. Appropriates moneys to the Office of Hawaiian Affairs to be used for making repairs to bulkheads and revetments located in certain parcels conveyed to the Office and for certain construction costs for the development of Kukaniloko. Requires and appropriates moneys for the Office of Hawaiian Affairs to conduct a programmatic environmental impact statement for any development projects within the Kakaako Makai area of the public land trust. Effective 7/1/2050. (SD2)	3/9/2023 H Referred to WAL, JHA, FIN, referral sheet 17	DELA CRUZ, AQUINO, CHANG, INOUE, KEOHOKALO, SHIMABUKURO, Kidani	WAL, JHA, FIN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair, hopefully this is pretty straightforward. Matrix two as you can see has one new measure that we do look to support, the Office of Wellness and Resilience is trying to undertake some initiatives and so we think this aligns with the overall work of OHA as outlined in our Mana i Maui Ola Strategic Plan. So that's the reason we're recommending support. I did also want to point out, Chair that item 14, that's SB576, if the Trustees notice, there's nothing there in the position column. I did wanna ask, sorry, apologize for the mistake because there was a glitch in the tracking system we use. Please note that the Trustees previously approved the position of comment on this bill and it was noted on last week's Matrix two as item 8. So no action is necessary here and the correction will be noted on a going forward basis. I just wanted to make sure the Trustees were aware of that.

I did want to point out item 3 here, although we're not changing any positions on it, I did want to make sure the Trustees are aware that this was SB1235. This was something we previously identified as a potential vehicle for Hakuone and did include \$84 million in appropriations for OHA. We have requested a hearing. It has a triple referral in the House, so it would need to be heard by the House Water and Land Committee tomorrow and filed with a recommendation for passage. As of maybe an hour ago there was no hearing notice, so I do want to make sure Trustees are aware that barring any extraordinary measures which would need the endorsement or approval of House leadership, it is very likely that this bill may not make it out of committee in time tomorrow and although we've mentioned some other potential actions that we could do, this is definitely one vehicle that may not be available to us after tomorrow. So with that, Chair and Trustees, Administration is available to answer any questions or address any concerns on Matrix two. But we do recommend approval of the matrix with this one bill on there as well.

**Chair Akaka:** Members, any other questions or comments from Matrix two? Trustee Galuteria.

**Trustee Galuteria:** With regard to 1235, Capsun. Now that all of the eggs have been tossed into this one bill, what's the early read on this? Anyway, because everything's been placed on this. If it doesn't move, then the working group doesn't move. Would that be correct?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, maybe if I could take a step back and say that the working group technically already exists in Act 226, which was passed last year. This bill would have adjusted the working group. Currently, the working group has three OHA representatives and three that the Governor can appoint. However, SB1235 did seek to change the composition of the working group to one from Governor, one from Senate President and one from House Speaker. I would say that I think Trustee as far as what other options are open to us, as a former Legislator, I'm sure I don't need to tell you that all options are on the table and that we continue to be open to discussions, but I think we're very much at the point that we need to have less on the discussion happening and more on actions happening. But for sure all things are possible with the caveat that if leadership wants and supports it.

**Trustee Galuteria:** No, I do and I appreciate that response and you know, for us hope springs eternal, it has too. But knowing the legislature, I just wouldn't want the Public Land Trust Working Group not to exist because this bill does not move. That was my main concern.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo for that and actually maybe I should just to circle back on that. You know after some of Trustee Trask's advocacy within our BAE meeting last week, we used it as yet another opportunity to personally push the Governor's Office to name people so that we can go ahead and convene the group. I think they are having some internal discussions and, you know sooner is better is what I think we've communicated to them, and that OHA is ready to go with our three we haven't wavered from our three and you know, once the Governor can settle on his three, we are ready, willing, able to meet.

**Trustee Galuteria:** Okay, thank you for that clarity. Thank you, Chair.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Thank you, Madam Chair. Capsun, I initially raised my hand because that was gonna be my question. What are our other options? The likelihood of 1235 being heard tomorrow is very slim as far as what I'm hearing. Are we aware of any other bills or any other situations besides 1235 at this point? Have we heard anything, anybody implementing anything into their bills? I'm just curious as to if 1235 doesn't go through because that's where the verbiage is, right that has to do with Kaka'ako and Office of Hawaiian Affairs. Is there anything in anyone else's bill and if there isn't, how do we get that done at this point?

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee. Let me say that sort of what I said earlier, right, if leadership supports it we can get things moving. There's no current plans that we're aware of for these provisions to be included in any other bill, however, if there's a bill general enough, either a bill related to, it doesn't necessarily need to be related to OHA, it could be a bill related to housing, related to land, related to the laws of the State of Hawai'i. But there are several bills that could potentially be vehicles, but at this point, like I said, all those are potentially possible, but it's improbable that they would move without leadership support or leadership encouragement at this point.

**Trustee Souza:** Thank you, Capsun.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I wanted to check with you, Capsun and with our team. This measure, the Public Land Trust measure requires that the working group be convened by the Governor. Is that correct?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, that is our understanding and Trustee I think you mean based on the current one in existence regardless of whatever action is taken or not taken in SB1235, right. So as Act 226 stands now, yes. SB1235 did change the composition but it also did make potential funding available, but I think this goes back to something that came up previously. That last week, right about potential costs here and you know the potential costs are probably not extreme here. So again, we continue to push for the Governor to name his three people and then that will allow us to be able to convene the group. And we really see it as perhaps OHA helping to take a lead I think in getting those logistics set up.

**Trustee Trask:** That's the reason why I'm asking this question, because my recollection and my notes show that the Public Land Trust bill passed last year, it passed. What was required was three things, Ige or the Governor, whoever it is appoint three. OHA appoint three and number three, the Governor convenes the working group and says start the work. It passes last year, immediately Ige appoints his three. All three are asian, and all three are coming from state agencies that follow accounting of revenues from the ceded lands. Ige moves first, he appoints his three, OHA follows and appoints our three. Nothing happens, Ige does not convene the Public Land Trust Working Group. He defers so that the new Governor can come in. The new Governor comes in, Mr. Green. He does not appoint three people to replace Ige's. But what he does is he sits on his 'ōkole and does not convene the Public Land Trust working group. So if the Public Land Trust working group had met months ago when we opened, we might have a bill that we could move forward. But right now we can't because crossover date is gone. So what happened with this bill was that Governor Green refused to convene the Public Land Trust Working Group. And that's the point I wanna make because for years OHA has been saying the state has to work to create the Ceded Land Trust Inventory. All the land, all the submerged lands, shoals, reefs, atolls, all the revenues and proceeds there from all the minerals. We still don't have the inventory of the Public Land Trust period and our office started in 1978. So what happened here was Governor Green killed the bill that would start our state working with OHA so that we would know what the Ceded Land Trust is. Green refused to convene the working group. But he didn't even waste time appointing three people to it, which at least Ige did.

So this is our effort once again to try to get for the first time in our state a Ceded Land Inventory and once that's done we can look at the revenues coming from the Ceded Land Inventory. But this fails now and this is

why I want to remind the Trustees that we still don't have a comprehensive inventory. I was willing to wait this session, work with them. The time has passed and it's lost. We will not see anything this session, so I'm prevailing upon the Board now to consider and I'm requesting that the Chair set for the Board to discuss the need to seek Federal Courts assistance in obtaining a full inventory of the Ceded Land Trust, the Public Land Trust for our own people and also for the public. But this is the measure right here, and it's not going to go anywhere. Today is crossover. So I mean, we might have had a chance if we had two bills in, but I don't think we do. I think it's pretty much gone for this session. I don't know if staff has additional comments. But I don't see any other vehicle, Capsun and Sylvia, I don't see any other vehicle. If there is one let me know, but I've been trying to track it. I don't find anything.

**Interim Advocacy Director/Chief Advocate Poe:** Chair, if I could respond briefly. Trustee I think let me start by acknowledging your and I think our frustration and concern about the lack of urgency here. I also want you to know that I've specifically communicated your concern and that you were the one bringing it up. Chair and Trustees if I could maybe unpack too a little more. I did want to note that the Act 226 Working Group does exist. OHA did appoint our folks right away, I think shortly after my arrival. So sometime in August or so. Governor Ige appointed his folks later that year I think sometime in October. But that group did not convene as we all know. I think from the conversations that we've had with the Governor's Office. In their minds, they are trying to work on this in Governor Green's Office, but I remind them about the sense of urgency and why we need it and the larger public policy issues at play here and that we need this to move first. Regardless of the outcome though of SB1235, the working group still exists with the composition that was outlined in Act 226 and anytime I see something from the Governor's Office they know what I'm coming to ask and we will continue to push and be diligent and be maka'ala on it Trustees. But definitely, Trustee I do want to acknowledge some of the frustration there and so I have been trying to highlight for them the sense of urgency and that you know we've been patient and I think it's safe to say we're getting less patient with where we are and for example, so knowing they were still getting onboarded, you know OHA did communicate with them on some potential again about please convene the working group and then some potential other members. And I think that goes to the composition and who they were. So there was one member, Ryan Kanakaole, who is a Deputy Attorney General and so he is a kanaka. And so we would have at least that one voice. But you know, we do have others and we do hope they will move forward with appointing and convening. Not just appointing, appointing is the first part, but the second and more important part is to convene so that they can get, you know, working on this post haste really, right.

**Trustee Trask:** You know, Trustees, and I'm gonna request now for Trustee Kalei. We just talked recently that the Board of nine request a meeting with the Governor. We had just talked about this, this past week yeah. I think it's time right now, the appropriate response right now. We wish to have a discussion with the Governor, all nine of us to talk about the Public Land Trust and where we're going to go with it and the inventory and I'm not talking about when the session ends, I'm talking about right now because it just killed the only vehicle we had and he knows it very clearly. He deliberately waited to contact us until after crossover was done and this thing was started last session, passed into law with all members appointed just waiting for Green to convene it, and he refused to do it. But just last call, Trustees and you know what, there's only one exception to the rule that two Trustees can't meet with three and that is when 9 Trustees go to the Governor. Three Trustees, four, five, up to nine. We can go to see the Governor, whatever and I think the time has come right now for our Chair of this Committee and our Chair of the Trustees to notify the Governor. The Board of OHA requests a meeting with you. What is happening with the Public Land Trust? Why is the state not proceeding with an inventory of our people's assets? I'd like to avoid Federal Court. But maybe he wants to call people's bluff. Maybe it's time that we use the exception we have in the law that allows all of us 9 to go talk to the Governor, it hasn't ever happened to my knowledge. But I think this is the time to do it and my sense is that for me it's just the last straw. You know, it is the last straw that we cannot get the state. We thought we won something last time. We're finally gonna move for Ceded Land Trust for our people since 1959 and now dead in the water and no other vehicle. Trustees, let's go see the Governor. Alo ahe alo and put it on the table because I am prevailing upon you now. That following this session we proceed to the Federal Court. Somebody has to do it. But I don't think that this Governor should be allowed to sit behind a closed door and say, well, I'm killing all the

discussion on the Ceded Land Inventory. I can do it, so I'm going to do it now by not appointing a working group whose job it is to work on and find a solution. That's what the Governor is doing, and I think it's time to meet with them. Alo ahe alo and put it on the table. mahalo.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair. Capsun, I want to be very laser like in my question, okay. This is specific to the Public Land Trust Working Group. So you explained that there is a working group. Do the names that Governor Ige forwarded, do they carry through to this particular moment or is Governor Green required to add three more names? I just would like to know if it's, you know, if he can convene a meeting, whether the working group is in place? What's the answer?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, our understanding is that they could technically convene the working group with the Ige appointees. However, the Governor Green's policy folks have communicated they wanted to send their own names before getting the group to meet. So again, they pose it as we're getting through the process. I keep you know, as Trustee Trask has brought up and we definitely express our concerns with how long it's taking but we remain committed to bringing it up and advocating on it, but again, technically, we believe unless it's superseded right by some other action, that they could convene with those appointees. But I do think they wanted perhaps, folks who maybe were a little more committed to it and to get perhaps more Native Hawaiians involved on the working group. At least that's what we're hopeful in them doing. You know, I'm not privy to all of the internal discussions. You know that the Governor's office has. I hope that answers your question, Trustee on where we're going and how we are approaching it.

**Trustee Galuteria:** What I gather from your answer is that they want to put their own names up. Which in and of itself is problematic because it's kind of stops the work and that hasn't even started yet. Okay, I just needed to have that clarity. Thank you very much. Thank you, Chair.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just wanted to point out there's nothing that stops them from putting in their own names. Ige appointed three, he's out of office. Green could appoint three more and convene the working group. Green has talked about he doesn't like the three people he gave put in, but what Green has not done is appointed three new people he can work with and convene the working group. That is what he has not done. Even if he put in three people he did want, as long as he doesn't convene the working group, we don't have one and that's what the two problems are.

**Chair Akaka:** Members, any other questions or comments? Capsun, do you have anything more that you wanted to share on this?

**Interim Advocacy Director/Chief Advocate Poe:** No, Chair. Mahalo for that and for the robust discussion. I think I just wanted to reiterate that we are just requesting approval of the matrix with the one new addition.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I move to approve Administration's recommendations on: **NEW BILLS (Item 1) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 15, 2023.**

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan can I please have a **roll call vote**.

							10:45 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

**C. 2023 OHA State legislature Bill Positions Related to Measures  
Affecting Native Hawaiians – Matrix 3\*\***

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe



Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB669</a>	RELATING TO CANNABIS.	Establishes regulations for the cultivation, manufacture, sale, and personal use of small amounts of cannabis. Decriminalizes and regulates small amounts of cannabis for personal use. Establishes taxes for cannabis sales. Takes effect 03/22/2025. (SD2)	3/9/2023 H Referred to JHA/AGR, CPC, FIN, referral sheet 17	SAN BUENAVENTURA, CHANG, KEOHOKALO, MCKELVEY	JHA/AGR, CPC, FIN	COMMENT
2	<a href="#">HB365</a>	RELATING TO SPECIAL MANAGEMENT AREAS.	Expands exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities. Effective 6/30/3000. (HD1)	3/9/2023 S The committee(s) on WTL has scheduled a public hearing on 03-13-23 1:00PM; Conference Room 229 & Videoconference.	ICHIYAMA, HASHIMOTO, POEPOE	WTL, JDC	HIGH MONITOR
3	<a href="#">HB712</a>	RELATING TO RECORDINGS OF PUBLIC MEETINGS.	Exempts licensing boards under DCCA from the requirement that board meetings be recorded. Encourages boards to maintain recordings of board meetings on the board's website regardless of whether the written minutes of the meeting have been posted. Requires boards to provide the state archives with a copy of any recording of a board meeting before removing the recording from the board's website. Requires the written minutes of board meetings to include a link to the electronic audio or video recording, if available online. Effective 10/1/2023. (HD1)	3/10/2023 S Referred to GVO, JDC.	SAIKI	GVO, JDC	HIGH MONITOR
4	<a href="#">SB739</a>	RELATING TO DESECRATION.	Reduces the requisite state of mind for the criminal offense of desecration from "intentionally" to "knowingly". Simplifies the definition of "desecrate".	3/10/2023 H Bill scheduled to be heard by JHA on Tuesday, 03-14-23 2:00PM in House conference room 325 VIA VIDEOCONFERENCE.	DECOITE, AQUINO, INOUE, MCKELVEY, SHIMABUKURO, Fevella, Kidani	JHA	SUPPORT
5	<a href="#">HB202</a>	RELATING TO HISTORIC PRESERVATION REVIEWS.	Authorizes the department of land and natural resources, through the state historic preservation division to contract its review of proposed state projects, projects on privately owned historic property, and projects affecting historic properties to third-party consultants if the department will not be able to complete its review within sixty days. Appropriates funds. Effective 6/30/3000. (HD2)	3/10/2023 S The committee(s) on WTL added the measure to the public hearing scheduled on 03-13-23 1:00PM; CR 229 & Videoconference.	ICHIYAMA, AIU, HASHIMOTO	WTL, WAM/JDC	COMMENT
6	<a href="#">SB875</a>	RELATING TO THE COUNTIES.	Authorizes counties, after adoption of an ordinance, to sell private property after all notices, orders, and appeal proceedings are exhausted and to use those revenues to pay unpaid civil fines related to that property; provided that the county sells the property at not less than the market value of similarly situated properties and that all revenues received from the sale that exceed the amount of the unpaid civil fines are refunded to the property owner. (SD1)	3/10/2023 H Re-referred to CPC, JHA, FIN, referral sheet 18	CHANG, MORIWAKI, Dela Cruz	CPC, JHA, FIN	OPPOSE

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
7	<a href="#">HB307</a>	RELATING TO AGRICULTURAL PARK LEASES.	Allows the department of agriculture to extend the agricultural park lease of any lessee who holds a lease with a remaining term of fifteen years or less; provided that the land covered by the lease is twenty-five acres or less and located in a county with a population of less than five hundred thousand. Effective 7/1/3000. (HD1)	3/10/2023 S The committee(s) on AEN has scheduled a public hearing on 03-13-23 1:15PM; Conference Room 224 & Videoconference.	GATES, HASHIMOTO, HOLT, KILA, LAMOSAO, MATAYOSHI, MIZUNO, ONISHI, TARNAS, TODD	AEN, WAM	COMMENT
8	<a href="#">SB426</a>	RELATING TO CESSPOOLS.	Implements the recommendation of the cesspool conversion working group to accelerate the dates for required upgrades, conversions, or connections of priority level 1 cesspools and priority level 2 cesspools by requiring priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2030, with certain exceptions, and priority level 2 cesspools to be upgraded, converted, or connected before 1/1/2035, rather than before 1/1/2050. Effective 7/1/2050. (SD2)	3/10/2023 H Bill scheduled to be heard by EEP/WAL on Thursday, 03-16-23 9:00AM in House conference room 325 VIA VIDEOCONFERENCE.	GABBARD, CHANG, KANUHA, KEOHOKALO, LEE, MORIWAKI, SHIMABUKURO, McKelvey, Wakai	EEP/WAL, CPC, FIN	COMMENT

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
57	<a href="#">SB1286</a>	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Increases options to build affordable housing in Hawaii Community Development Authority districts by increasing the permissible lease term to 99 years. Prohibits the Hawaii Community Development Authority from encumbering lands that were classed as crown or government lands prior to 8/15/1895, in leases longer than 65 years. Effective 7/1/2050. (SD1)	3/10/2023 H Bill scheduled to be heard by WAL on Tuesday, 03-14-23 9:30AM in House conference room 430 VIA VIDEOCONFERENCE.	KOUCHI (Introduced by request of another party)	WAL, JHA, FIN	OPPOSE

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Trustees. You know, for the approval and mahalo, Chair for moving us to here. For Matrix three it's pretty straightforward. Again we have a little more movement here, but it's a mix of three new bills which are in blue and five changes in position on the bills after that, and in addition to that, while I let the perhaps the Trustees digest on the 1st 8 items, I did want to ask if we can go to item 57 on this list. So in addition to the 8 changes we have here, I did want to point out item 57 here, which is Senate Bill 1286, the position that was recommended was opposed, but we are recommending that we now go comment and the reason for this last minute change is it's just a reflection I think of how fast things move at the legislature. After the dust settled and after the material was pulled and distributed, we now know that they did take OHA's comments we made in our testimony when we originally opposed it and those have been incorporated into the latest Senate draft of this bill, and that's why we now would go comments. So our comment was asking the legislature to exempt crown and government lands, which are the ceded lands from 99 year leases. And they did accept that, but we do still have some concerns about the bill. But so that would be why we would now recommend item 57 the position changed from opposed to comment.

And then if we could go back up to the beginning. One of the first bills there, item 3, HB712, this is a high monitor bill that we're recommending is high monitor. This does have some additional sort of process things for us to have to handle as far as keeping recordings and making them available of public meetings. But I think for now we can just monitor. OHA is not specifically named, but all boards and commissions that are subject to the statute are mentioned here. And so with that, you know, Administration is available to answer any questions or address any concerns and again we do recommend approval of the matrix with the 8 updates here as well as the 9th one being on item 57, SB1286.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to ask what does high monitor actually mean? And the other thing is, is that are we monitoring it? When I looked at this measure it requires that we would have to provide recordings to the state archives of all materials removed from the website. Did we get a dollar figure for that? Do we know what the cost would be to our office if we had to provide the state archives with copies of all recordings of board meetings that we ourselves are not going to continue to post on our website? I mean, is one of the things we're monitoring looking at the cost of this thing or not really?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee Trask, maybe I think there are two parts to your question. So maybe if it's possible I'll start with the easier one and what is a high monitor. So monitor means we kind of just check on it from time to time. A high monitor really is we really make sure we follow up on it and and I'd even say in a high monitor sometimes we may have conversations with either the people pushing the bill or the people who are going to be hearing the bill. So we're a little more involved with high monitor and you know, it's kind of those opportunities for us to ask is this you know, how will this affect us? What do you mean? Are you meaning this to impact OHA? So that's what a high monitor is. I think in the most simplest form, we're paying extra attention to it for impact.

And then as to your cost questions, I'm not aware of any cost concerns but if our Interim General Counsel is on, I'm not sure if there's anything that he needs to chime in on, but just wanting to make sure Everett has a chance and if not, we can move on.

**Interim General Counsel Ohta:** Good morning, Trustees. The work to transfer any kind of meeting recordings, I think it's at this point relatively, it would be relatively inexpensive it as much as a lot of these files could likely be transmitted to the state archives electronically or through some other you know, document drop type system. I think it would probably be more of a concern for the state archives to all of a sudden be responsible for receiving and retaining a significant amount of data that's associated with these recordings from any agency that holds interactive meetings, so I think the the cost concerns will really be coming over to the state archives side, and then of course setting up a system to receive all of these recordings and organize

them. But for OHA's purposes, you know the space requirements aren't really that much where we would be you know, transmitting them and then likely deleting the the meeting recordings. If we are encouraged to retain the meeting recordings online then we could make a decision as an organization with of course input from our Committee and Board Chairs about how we would do so. But at this point you know, these are things that are within the capabilities of OHA. It would take up a little bit more operational time to conduct. I think it would also be handled, the transmittal to the archives would likely be handled by our policy and records management officer, but you know, these concerns would be the same across any agency or Public Board or Commission that holds virtual meetings or meetings by interactive conference technology. And it would really be more of a concern in my mind to boards that lack the type of administrative and operational support that our Board of Trustees and Committees enjoy. Thank you.

**Interim General Counsel Ohta:** So, Chair, I just wanted to mahalo Everett for letting me toss that perhaps a little more difficult question to him and otherwise Chair you know, again, we do recommend approval with the the updates, but if there are any final questions we can try and address those.

**Chair Akaka:** Members, any other questions or comments? Seeing none, Mark can I please have the motion put on the screen.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I move to approve Administration's recommendations on: **NEW BILLS (Items 1 - 8) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated March 15, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

**Item 57, SB1286 from OPPOSE to COMMENT**

**Trustee Souza:** Second

**Chair Akaka:** Mahalo, it's been moved and seconded. Any other questions or comments, members? Seeing none maybe can I please have?

							10:55 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			

<b>TOTAL VOTE COUNT</b>	9	0	0	0
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MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

#### IV. ANNOUNCEMENTS

NONE

#### V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** So moved

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have **roll call vote**.

							10:57 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:57 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\***
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**March 22, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

**Trustee Brickwood Galuteria  
Trustee Keoni Souza**

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 22, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:02 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	<b>10:13 a.m.</b>
Trustee	KELI'I	AKINA	EXCUSED	<b>10:05 a.m.</b> (connectivity issues)
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	EXCUSED	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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

## **II. Unfinished Business**

### **A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\***

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

#### **ONE TESTIFIER ON THIS ITEM**

**Erika Moritsugu:** Madam Chair, thank you so much, and Trustees, it's an honor. It's an honor to share this space with you. Trustee Lindsey, thank you for letting me know that this was an opportunity. I'm humbled and honored to join you. My name is Eric Moritsugu. I'm the Deputy Assistant to President Joe Biden and I'm visiting O'ahu today from Washington, DC, on behalf of the White House, doing a lot of meetings and happened to have the opportunity to talk to Trustee Lindsey last night when she invited me to submit a request to appear before you today. I serve as the White House's Senior Liaison to the Asian American, Native Hawaiian and Pacific Islander communities. And if you don't know what a senior liaison to the Asian American Native and Pacific Islander communities do, that's okay because it's a brand new position that President Biden created after he was sworn in for the first time ever. I sit as a member of his senior staff, managing policy and engagement portfolio and Madam Chair, I think you can appreciate that my training was at the at the feet and standing on the shoulders of Senator Akaka, who was my boss during his last term in the US Senate, and he would always make sure that any policies that we would promote or weigh in on or try to block needed to be informed and censored by the people that we mean to impact and so that's what I do. And I think that it makes a lot of sense to you all about why it's important to do that, because we run the risk of doing, you know, making harm if we're not actually asking the people that we mean to impact.

But it's also how the President expects me to execute and build upon and expands his commitment to the Native Hawaiian community. His reverence for this body and for the Native Hawaiian people is informed by his very close and long standing relationship with Senator Akaka and Senator Inouye, with whom he served for a long time in the US Congress. And I think that you can appreciate that even the cornerstone policies that you hear about on cable news or you read about in the paper are impactful to the Native Hawaiian community and they're meant to be. But they're also better informed with the input of the Native Hawaiian community, which is why we host along with the White House initiative on AANHPI's in the Office of Public Engagement, a monthly hui with the Native Hawaiian and Native Hawaiian serving organizations. Capsun and Sylvia Hussey join us on a monthly basis, I mean in fact our next meeting is on Tuesday and I'll be very honored to report back that I was given the graciousness to join you today and just a couple of little things that we've been able to do specifically in the Native Hawaiian space. One of the first things that I did when I was appointed in April of 2021 is I changed my title. It was originally API and I consulted with many of you and others and including congressional staff and congressional members in the US Congress about adding an explicitly naming Native Hawaiians as a part of my title. And so now I'm the Senior Liaison to the Asian American, Native Hawaiian, Pacific Islander communities. Shortly afterwards, the President issued a proclamation honoring Asian American, Native Hawaiian and Pacific Islander Heritage Month again for the first time ever, including explicit reference to the Native Hawaiian community. The White House Initiative has been a traditional part of every Administration since President Clinton in different iterations, is now the White House Initiative on Asian Americans, Native Hawaiians and Pacific Islanders, and in July of 2021, again shortly after we were sworn in to office and serve, we appointed the first ever Native Hawaiian to be the Executive Director of this historic



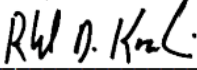
initiative. Her name is Krystal Ka'ai, she's a KS grad. She is actually an OHA fellow from past lives before Senator Akaka picked her up to serve as an intern on the Senate Committee on Indian Affairs when he was Chair. A couple of other just things that I'd like to share with you with your indulgence is in addition to the monthly hui, we did a first ever campaign to elevate Mahina Olele Hawai'i last month under the leadership of Summer Sylva, who is over at the Department of Interior and with the partnership of Keone Nakoa, who's the Deputy Assistant Secretary at the Department of Interior and also a former Akaka staffer and a former OHA Officer. So you can see that our pride in our Native Hawaiian community and our celebration of the heritage and our recognition and naming of the differences and the specialness of the the challenges and needs, but also moments of joy to celebrate or replete throughout, there are a lot of policy areas that I would love to follow up with any of you if you were interested, but I feel like I've taken up plenty of your time and I'm very, very grateful, mahalo nui.

**Chair Akaka** yields the floor to Ka Pou Nui.

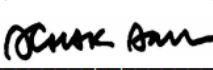
**COO Brown:** Mahalo, Chair Akaka. Trustees, we'll move on to get into the matrices, but start with the calendar as normal and I will kick this directly to Capsun.

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
MARCH				1 Last Day of Mandatory 5-Day Recess	2	3 First Decking (Bills)	4
	5	6 RECESS #3	7	8 RECESS #4	9 First Crossover (Bills)	10 Substantive Reso Cutoff	11
	12	13 Budget Decking	14	15 Budget Crossover	16	17	18
	19	20	21	22	23	24	25
	26	27 KUHIO DAY OBSERVED	28	29	30	31	
APRIL							1
	2	3	4	5 First Crossover (Concurrent Resos)	6 Second Decking (Bills)	7 GOOD FRIDAY	8
	9	10 RECESS #5	11	12 RECESS #6	13 Second Crossover (Bills) & Disagree	14	15
	16	17	18	19	20	21 Constitutional Amendments	22
	23	24 Second Crossover (Concurrent Resos)	25	26 RECESS #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
	30						

M	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
A		1 RECESS #8	2	3 RECESS #9	4 ADJOURNMENT SINE DIE	5	6
Y			59		60		

  
\_\_\_\_\_  
Ronald D. Kouchi  
President of the Senate

12/12/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Scott K. Saiki  
Speaker of the House

12/12/22  
\_\_\_\_\_  
Date

**Interim Advocacy Director/Chief Advocate Poe:** Aloha Chair and Trustees. As always, you know we shared the Leg. calendar with you just so you have an idea of where we are for wayfinding purposes. Today, as you know is Wednesday, March 22nd, it's Day 36 of session and as you can tell from the calendar, Friday will be a major deadline of second lateral, but committee reports actually need to be filed tomorrow. This is another one of the major deadlines that we talked about and this usually results in bills dying and as the legislature culls bills or cannot get enough support to advance bill. The past couple, maybe a week and half has seen hearings in the non originating chamber, so house bills have been heard in the Senate and Senate bills have been considered in the House. Just FYI, there have been 10 bills that are enrolled to the Governor. That means that those are bills that pass both the House and the Senate within the same version, and because they were passed prior to 10 days before the adjournment, Governor has only 10 days to act on them. So sign, veto, allow to become law without signature.

So with that we'll jump right into Matrix one and consistent with previous BAE meetings, Matrix one is provided for information only, no action is being requested here on Matrix one. But I did want to highlight for you that item one there, HB133, that is the House vehicle of our budget. It was heard in the Senate Hawaiian Affairs Committee yesterday. We do thank them for hearing it and for passing it. I did want to note though, up until now that version of our budget did actually include the \$3 million requested, but consistent with Senate practice, the amounts were blanked out. So we do have a budget bill going through just with blank amounts. So again, no action is requested on Matrix one, Chair, but Administration is available to answer any questions or address any concerns on the Matrix one bills, mahalo.

**Chair Akaka:** Mahalo, Capsun. Are there any other questions or comments numbers regarding Matrix one? Trustee Trask, did you have a question?

**Trustee Trask:** I did have a question. Actually it's a request because I know that our two Committee Chairs yourself and Trustee John had gone down and had a discussion with Mr. Saiki and I just had wanted to get some feedback from you as to how that went. We can do it in executive session if that would be more appropriate. I'm not really looking for a big report, I just wanted to get your impressions of how that discussion went with Scott Saiki.

**Chair Akaka:** Can you please repeat the question, I couldn't hear clearly.

**Trustee Trask:** What I was asking was could we get a little update and reflection from yourself and Trustee John, because we had talked about your visit with with Mr. Saiki and what your impressions were. At our last meeting we had heard from Chair Hulu what her impressions were, but I just wanted to get the impressions of yourself and Trustee John, because I understand you had a discussion with him as well.

**Chair Akaka:** Trustee Waihe'e, would you like to take the lead on that? Or would you like me to open it?

**Trustee Waihe'e:** Yeah, well. He said that well we know how it went because you know the SD1. I'm not sure what the exact number was. The bill that had the repairs to the infrastructure on Lot A&B, as well as the money for Kūkaniloko that bill, I mean it didn't get heard so I guess we failed to appeal to him to hear it. He did say at the time he was going to talk to his Committee Chairs and they might, they would consider hearing it. But I

don't know how serious that was in light of the fact that they didn't hear it. I mean, he was nice enough to us, but ultimately they didn't hear the bill so there's that.

**Chair Akaka:** Yeah, there didn't seem to be a strong urge or inclination towards hearing any of the bills that OHA would be benefiting, and our people would be benefiting with.

**Trustee Waihe'e:** I got the impression that he wants to. I mean that they want to somehow include that as part of the, what our entitlement settlement, which I don't think it should be but we need to convince them you know, to keep those things separate, but it seems like they were, do they keep discussing it as part of the same thing. So, I guess we have our work cut out for us.

**Trustee Trask:** Thank you.

## B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB733</a>	RELATING TO HAWAIIAN CULTURE.	Requires the office of Hawaiian affairs to conduct a feasibility study on establishing Native Hawaiian cultural centers within the State. Requires the Office to submit a report of its study findings and recommendations to the legislature. Appropriates funds for the study. Effective 6/30/3000. (HD1)	3/17/2023 H Bill scheduled to be heard by JHA on Tuesday, 03-21-23 2:00PM in House conference room 325 VIA VIDEOCONFERENCE.	FEVELLA, AQUINO, AWA, DECOITE, SHIMABUKURO, Inouye	CAI, JHA, FIN	SUPPORT WITH AMENDMENTS
2	<a href="#">SB576</a>	RELATING TO GOVERNMENT.	Requires reports of official out-of-state and intra-state travel by state employees, officers, or other representatives of state departments or agencies, including the Judiciary and University of Hawaii, to be made available for public review on the Comptroller's website. Appropriates moneys. Effective 7/1/2112. (SD3)	3/16/2023 H The committee on LGO recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Matayoshi, Garrett, Kapela, Martinez, Sayama, Tam, Alcos; Ayes with reservations: none; Noes: none; and Excused: none.	KANUHA	LGO, FIN	HIGH MONITOR

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
5	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Establishes the geothermal energy resources development special fund. Requires annual reports to the Legislature. Requires that, for royalties from geothermal resources, twenty per cent be paid to the county where the geothermal mining operations are situated, under certain conditions; fifty per cent be paid to the Department of Land and Natural Resources; twenty per cent be paid to the Office of Hawaiian Affairs; and ten per cent be deposited into the geothermal energy resources development special fund. Effective 6/30/3000. (HD1)	3/17/2023 H Passed Second Reading as amended in HD 1 and referred to the committee(s) on CPC with Representative(s) Garcia, Hussey-Burdick, Kahaloa, Kapela, Onishi, Perruso, Ward voting aye with reservations; none voting no (0) and Representative(s) Cochran excused (1).	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EEP/WAL, CPC, FIN	SUPPORT to OPPOSE

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo again, Chair and Trustees. Matrix two, as you can see is here. It does have no new measures which are usually in blue for us. And then we do have two position changes recommended and requested. I did want to note item one, SB733 was actually heard in the House Judiciary and Hawaiian Affairs Committee. It would have funded a feasibility study for Hawaiian Cultural Center, but the bill was deferred yesterday, but we did still want to come back to the Trustees to request the

position change of support with amendments, and then we also have SB576 that we want to go a high monitor on. In addition to these two items, Chair, I did also want to mention that we had one other change that we also wanted to include and that I believe is item 5 on here, SB458. So item 5, SB458, in our original recommendation it is support, but we are now requesting that the Trustees approve the position of opposed. This bill was granting geothermal royalties and we previously supported the bill, but the latest draft actually removed any mention of share revenues for OHA, which was one of the big things the introducer initially sought to do, and that's the reason and the basis for our opposed position.

**Chair Akaka:** Mahalo. Any questions or comments members regarding this?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I have a question on 458. Did you find out why that language, those changes were made in that OHA was deleted?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, we have not been able to determine that yet, but we are in the process of trying to get clarification.

**Trustee Trask:** Capsun and staff when you folks track this thing down, please let me know because I'm monitoring it as well and it will be on my island, yeah. There's no other island this would proceed on other than the Big Island. Thank you.

**Interim Advocacy Director/Chief Advocate Poe:** We'll take note of that, Trustee.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I'm wanting to ask some questions about SB1235, but I may be locating it in the wrong matrix. I didn't see it on the screen for Matrix one. Is it part of Matrix two, 1235?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, it is on Matrix two.

**Trustee Akina:** Shall I wait for you to cover it or ask my question now?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, we weren't going to have any additional updates because of what Trustee Waihe'e and Chair Akaka shared that you know, the bill was not scheduled, but we can try and address that for you.

**Trustee Akina:** Yes, I have a question about it, actually a couple of questions. As you know, it's featured in the Star Advertiser today based upon our news conference yesterday and one of the things that the Star Advertiser reports is that we presented to Speaker Saiki an appraisal that we have recently had done stating that the land at Hakuone is now worth only under \$50 million and that would be by an appraisal of the Washington, DC based FTI Consulting. I was curious about this, what was the background and reasoning for us to go after this appraisal?

**Chair Akaka** recognizes COO Brown

**COO Brown:** Trustee Akina, the reason for obtaining an appraisal was just for one, we didn't have any data point in hand that speaks to the current value with the current conditions that we learned about. So that's one, no current value by a reputable third party in hand. The second reason, the reason why we went with FTI was because they had a very, very strong background across the nation in valuation and they have extensive experience in valuing Hawai'i and on Oahu real estate, extensive.

**Trustee Akina:** How is it procured? Was this through an RFP?

**COO Brown:** No, this was procured through our Kuilei contract and the work was managed via that vehicle.

**Trustee Akina:** So that's why it wasn't a matter before the Board. It was part of the authority and budgeting given to Kuilei.

**COO Brown:** Correct

**Trustee Akina:** What was the development model that was used or did it use the potential robust 200 foot height development all across the property?

**COO Brown:** Yes, so the development scenario that they used was they used existing heights scenario. The second scenario assumed residential under existing heights. The first scenario assumed no residential and I do see Everett just raised his hand.

**Trustee Akina:** I defer to Everett.

**Interim General Counsel Ohta:** Thank you, Trustees. I would just maybe caution against an extensive discussion as to Kaka'ako matters at this BAE meeting given the existing agenda.

**Trustee Akina:** Alright, I'll take that advisement and save my questions for another time. Is it possible for us to get copy a copy of the appraisal?

**Board Chair Hulu Lindsey:** No. Casey, I think our Trustees are welcome to review the appraisal, but we're not allowed to give out copies.

**COO Brown:** Okay, understood. So Administration can make the appraisal available to come and be viewed and you know review it and take as long as you need, Trustees and then we'll withhold any hard copies and we won't be sending any soft copies out. But I'll make sure it's available for whenever a Trustee wants to see it or review it.

**Trustee Akina:** Thank you, Casey and thank you, Madam Chair.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** I wanted to ask a question about the geothermal bill, but I wanted to also if we're going to, can we come back to this later because I have questions on this one too. Anyway, I'll just ask, on that geothermal bill, where they took the percentage going to OHA out of it. Did they take all the different parties that were getting percentages out of it as well? Or is it conspicuously just us that was taken out of that bill?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, I'd have to actually double check that for you, but I think what the issue kind of came down to is the committee, the House Committee sort of thought that they were streamlining things, sort of perhaps from you know, and talking to our Public Policy Manager. There's perhaps a misunderstanding where OHA gets income from and you know people are thinking all of our income derives from ceded land revenues and you know, they kind of saw it more as a cleaning up and I don't want to say housekeeping, but streamlining things with the unintended consequence of sort of barring us from that.

**Trustee Waihe'e:** I'm wondering if they just were either zeroing it out because according to that description, there was a percentage going to several different things. If they were all taken out, like you said, maybe it's just a simple you know, like a house cleaning or an unintended thing that they took us out of with everybody else because they were going to, I don't know work on that. But if they only took us out of it and left everything else

in right, then they're sending the message they're intentionally not wanting to pay us, but they're keeping everybody else in. So I'd be interested to know what their motivation was there?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, I think some more conversation is going to be necessary on our part. What I can tell you is that again, going back to why we think they were streamlining it. I mean, we kind of took it as more it was well intended, but not executed in a way that is not as helpful as we wanted because they specifically wanted it to ensure the portion of geothermal royalties that are paid to OHA is consistent with existing law.

**Trustee Waihe'e:** We should make it clearer then if we oppose it that that's why we're, you know, if they put us back in then we're fine with it.

**Interim Advocacy Director/Chief Advocate Poe:** Just so you know, Trustee, we have several bills that we've actually had to flip flop on because of little tweaks like this that now find us you know, really against something or really in support of something, and so in addition to our testimony, we'll also try and have perhaps meetings or conversations if we can to at least try and quickly clarify for those involved.

**Trustee Waihe'e:** Okay, I have questions about SB1235 but I'm going to wait in case there are more questions on the geothermal bill. I'll just wait till, let other people speak and then get back to it.

**Chair Akaka:** Mahalo for your mana'o.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to ask on this one, Capsun. You know, Trustees, it's my understanding that only the language relating to OHA's royalties was deleted from this but that the county and the DHHL continue to receive revenues, but I may be wrong. So I'd like to request if the staff can check on this and let me know because there's a significant, if there's a significant implication. If everyone is removed as the bill goes, or if it's just OHA, but my understanding on this is that only OHA was removed, so let's check on it. I mean, I don't think you have to if others are not interested, but I'd appreciate getting some follow up after this meeting on this and I'll go try take a look at it, thank you.

**Chair Akaka:** Mahalo for your work on this Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** Yeah, for Trustee and Chair, we'll make sure we look into it, make sure we also have the most current versions of things and go off of the latest committee reports, which would have the latest information. Sometimes it takes a little while for all of that to be posted, so we can't, you know, we can go just what was verbally said, but we have to wait for the written reports to come out.

**Chair Akaka:** Mahalo, any other questions or comments on Matrix two?

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. I'd like to discuss SB1235 also and this is based on the contents of that bill. I'm getting more and more concerned about the problems we're trying to address with this bill. The more I learn about like reclamation land and how it works. There's a lot of politics I think being played, not just with our properties but with the properties on the whole Kaka'ako Makai reclamation land area. That by Legislators who don't understand the science behind those kind of properties and we may have to talk to the Governor or someone to say you know, this is not something that you want to fool around with because Kewalo Basin might fall into the sea and then it's you know, going to be, unless you don't care about those kind of things. We need to address this soon and it's bigger than just trying to get OHA to, trying to have the state save money by getting OHA or I don't know Howard Hughes or someone else to repair everything. Repair the

reclamation land for them. You could do damage that might be beyond what anyone's ever gonna be able to fix. I heard rumors that by next week HCDA is going to put up a sign on the pier saying that it's not safe for people to even go through there anymore because of how bad things are getting with that property and all that affects, because we're adjacent to it, I mean it's gonna affect us too and eventually it affects more and more parts of it. I mean, maybe we should talk to the Governor or someone higher than the Legislators who don't seem to be concerned about this to address this issue that's bigger than you know, the politics behind it.

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, I think we can say we agree that more conversations are necessary. We'll have to see who we can and should have them with. Maybe just you know, as a former BAE Chair, I mean, I also know you realize that sometimes the challenge is we have a broader issue that needs to be addressed, but the bill in front of us, it just has one specific part or one component and that sometimes is the challenge. But definitely other conversations can and need to be had.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Significant and I'm joining Trustee John with his concerns. What I'm gonna do is request the staff, yourself Capsun and also Sylvia to follow up with HCDA right now. I mean, if we have a Trustee sitting at this Board that has heard that HCDA is now going to post a sign on the property saying it's unsafe, it sure looks like a political move by people who don't want to see us to have a full development right there and I wouldn't at all be surprised if HCDA is already involved in it. But what Trustee John has just given us notice of is something we can verify. So I'm making that request for Capsun and Sylvia, follow up with HCDA. Put your request in writing and request a written response from them now so we could see where this is going. Thank you.

**Chair Akaka** recognizes COO Brown

**COO Brown:** I can confirm, Trustee Waihe'e's information. HCDA did verbally tell us in a meeting months ago that not only were they going to put up signage, but they're also going to put up fencing along the wharf, which is going to be bordering their you know, where their ownership starts and where our ownership ends. That fencing in combination with this warning signs has already been procured and already scheduled to be installed. I don't know when they're going to put the fencing up or the signage, but I know it's sometime soon and it's purely in the spirit of safety because it is absolutely a safety issue. We have sinkholes near that area that have formed and we've had to you know, address them and it's because of the condition of the bulkhead and the wharf where some of the soil is seeping out.

**Trustee Trask:** Let me let me ask you something on that then, Casey, because that did not come up earlier. This information, did this information go to FTI?

**COO Brown:** Yes, FTI was aware.

**Trustee Trask:** Okay, good. Okay, got it.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** I just wanted to clarify, I don't think HCDA is playing politics. I think that the Legislators who are for some reason refusing to address the infrastructure issues there are the ones doing it. I think they're putting up, like Casey said, they're putting up the sign and the fence because the property there is genuinely getting that unsafe and so is ours and for whatever reason, I mean it's been going on for a long time and I personally think that when HCDA first requested repairs to that bulkhead on the pier, at the time the repairs cost was less than \$10 million, maybe half of that and now it's over 20, and in the meantime OHA's property now has \$45 million worth of damage and I don't doubt that it's all connected because it's all part of the same reclamation land and that's my concern is that it's getting worse and worse every year, and rather than fix it

they're playing games for reasons I don't really know everything about, but if they know how serious it is maybe they'll think okay, this is not worth whatever politics we were trying to get out of it and we gotta fix it, thanks.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** The reason why I raised this, Trustees is because as you know, I've prevailed upon the Board to go into the Federal District Court now. What is transpiring is that as we go further, to look at how we can utilize the one piece of property OHA has received since 1978. The news gets worse and worse and that's why I asked about our most recent appraisal FTI because we need to keep them informed as these incremental discoveries occur so that we can continue to adjust this appraisal downward. Now we have HCDA putting up signs. There's no doubt that HCDA knows about it. Yeah, and all of these things are now evidence and will be evidenced when we go into court on this matter. It's going to continue to degenerate until the property is going to be worth 100 bucks and they know it and they're putting up a sign right now. So Casey and Capsun, let's get our staffers down there, take some photographs of the signs because we will need it when we get to court. It's absolute, hands down evidence that HCDA knows exactly what's going on and as the condition of the property declines, so is its value and so is our burden increasing to try to restore it, but I think these things are perfect examples for the federal court to take a look at, thanks.

**Interim Advocacy Director/Chief Advocate Poe:** Chair, I did want to just confirm that we did take note of the feedback and the requests that the Trustees have made, and I'm not sure when you know, just to clarify, you know some of those requests do fall outside of advocacy, but we'll be working with who we need to, to be able to have some sort of update at a future meeting.

**Chair Akaka:** Mahalo, Capsun. Any other questions or comments before we move on, seeing none.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Items 1-2) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 22, 2023, along with the following revisions:**

**BILL POSITION CHANGES:**

**Item 5, SB458 from Support to Oppose**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It has been moved and seconded any other questions or comments members? Seeing none, Nathan can we please have a **roll call vote**.

							10:51 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			



CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB1303</a>	RELATING TO WATER CONSERVATION.	Appropriates moneys to the city and county of Honolulu board of water supply to create a pilot program that incentivizes residential homeowners in certain dry areas to replace landscaping and irrigation with alternatives that reduce water use. Requires report to the legislature. Effective 6/30/3000. (HD1)	3/17/2023 S The committee(s) on PSM/WTL has scheduled a public hearing on 03-20-23 3:00PM; Conference Room 225 & Videoconference.	LOWEN, AMATO, CHUN, COCHRAN, GANADEN, HASHIMOTO, HUSSEY-BURDICK, ICHYAMA, KAHALOA, KAPELA, KILA, LAMOSAO, MARTEN, MARTINEZ, MATAYOSHI, MIZUNO, PERRUSO, POEPOE, TAM, TARNAS, TODD	PSM/WTL, WAM	SUPPORT WITH AMENDMENTS
2	<a href="#">HB1089</a>	RELATING TO A STATE BOATING FACILITY LEASE PILOT PROGRAM.	Establishes a state boating facility lease pilot program within the department of land and natural resources. Clarifies that a private partner under lease or contract with the department may assist with development, management, and maintenance of a state small boat harbor. Effective 6/30/3000. (HD1)	3/16/2023 S The committee(s) on WTL has scheduled a public hearing on 03-20-23 1:05PM; Conference Room 229 & Videoconference.	SAIKI (Introduced by request of another party)	WTL, WAM	HIGH MONITOR
3	<a href="#">HB719</a>	RELATING TO PUBLIC RECORDS.	Beginning 7/1/2024, imposes a cap on charges for the reproduction of certain government records; waives the cost of duplication of government records provided to requestors in an electronic format; imposes a cap on charges for searching for, reviewing, and segregating records; and provides for a waiver of fees when the public interest is served by a record's disclosure. Appropriates funds for positions in the office of information practices. Effective 6/30/3000. (HD1)	3/15/2023 S The committee(s) on GVO has scheduled a public hearing on 03-21-23 3:00PM; Conference Room 225 & Videoconference.	SAIKI	GVO, WAM/JDC	MONITOR
4	<a href="#">SB106</a>	RELATING TO EDUCATION.	Authorizes the Department of Health to require the Department of Education to report coronavirus disease 2019 potential outbreaks and other related information in a manner most appropriate to public health and safety, as determined by the Department of Health. Repeals the requirement to publish the report on the Department of Education's website. (SD2)	3/17/2023 H The committee on HLT recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 6 Ayes: Representative(s) Belatti, Takenouchi, Amato, Ilagan, Kobayashi, Mizuno; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Nishimoto, Garcia.	KIDANI, KANUHA, Fevella, Kim, Richards	HLT, EDN	SUPPORT

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
5	<a href="#">SB420</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the Department of Agriculture. Requires the working group to submit an interagency food systems plan, any recommendations for implementing the plan, and any proposed legislation to the Legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions within the Department of Agriculture. Effective 7/1/2050. (SD2)	3/17/2023 H The committee on AGR recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 6 Ayes: Representative(s) Gates, Kahaloa, Cochran, Lowen, Perruso, Ward; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Woods on.	GABBARD, AQUINO, CHANG, KANUHA, KEITH-AGARAN, LEE, MCKELVEY, SHIMABUKURO, Awa, Ihara, Keohokalole, Richards, Wakai	AGR, FIN	SUPPORT
6	<a href="#">HB364</a>	RELATING TO TRESPASS.	Clarifies that when trespass involves public land, all state and county law enforcement officers may enforce trespass laws, without regard to whether the land is owned by the State or by a county. (SD1)	3/16/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to JDC.	ICHIYAMA	WTL, JDC	COMMENT
Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
68	<a href="#">SB298</a>	RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.	Authorizes the Hawaii Emergency Management Agency to acquire any real, personal, or mixed property for immediate or future use; own, hold, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or dispose of any real, personal, or mixed property acquired; and acquire by condemnation real property for immediate or future use. Amends the definition of "public lands" to exclude non-ceded lands to which the Hawaii Emergency Management Agency holds title. Effective 6/30/3000. (HD1)	3/17/2023 H Bill scheduled to be heard by JHA on Tuesday, 03-21-23 2:00PM in House conference room 325 VIA VIDEOCONFERENCE.	DELA CRUZ, AQUINO, CHANG, KANUHA, MORIWAKI, Keith-Agaran, Kidani, Richards, Wakai	WAL, JHA, FIN	OPPOSE to COMMENT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees for your approval of our recommendations. For Matrix three, we do have three new bills here in blue as well as three changes in position in orange, and then I did want to say as you're quickly reviewing that we also have another change. If I could go to item 68, that should be Senate Bill 298 on Matrix three. In the matrix we had a position of oppose, but we'd like to change that to comment and the main reason for that is the last committee when they heard it did take OHA's suggestion about excluding former government and crown lands of the Hawaiian Kingdom from the bill, and that's been pretty consistent with a lot of our testimony that either expresses some sort of concern. We wouldn't want to alienate any of those lands that are either part of ceded lands or part of the Public Land Trust. So we do note that and just yesterday a couple of committees did take our recommended comments into consideration. So because of that, on this one, we are looking for opposed to comment and Chair, if I could just as a quick aside, I did want to thank the BAE Committee staff for helping keep us straight on this one. We originally had this in the wrong place, I did want to thank your staff for helping us make sure we're straight there.

**Chair Akaka:** Mahalo, Capsun. Mahalo, Nathan and Mark.

**Interim Advocacy Director/Chief Advocate Poe:** And otherwise, thank you, Chair and Trustees. Administration is available to answer any questions or concerns on Matrix three, and we do recommend approval of the matrix as laid out and with that additional change of SB298 that I mentioned.

**Chair Akaka:** Mahalo, members any other questions or comments? Not seeing any.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Items 1 - 6) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated March 22, 2023, along with the following revisions:**

#### BILL POSITION CHANGES:

**Item 68, SB298 from Oppose to Comment**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:55 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

#### IV. ANNOUNCEMENTS

**Board Chair Hulu Lindsey:** Board meeting tomorrow at 10:00 a.m.

**Chair Akaka:** We have our RM at 1:30 p.m. as well.

#### V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** So moved

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have **roll call vote**.

							10:56 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:57 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\***
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**March 29, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa

**Trustee Brickwood Galuteria**

Trustee C. Hulu Lindsey  
Trustee Mililani Trask

**Trustee Keoni Souza**

Trustee John Waihe'e, IV

**EXCUSED:**

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 29, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9) Trustees are PRESENT**, thereby constituting a quorum.

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Ka Pouhana

**Ka Pouhana Hussey:** Thank you, Chair. We'll go ahead and lateral right over to Ka Pou Nui, Casey Brown as well as Capsun, our Chief Interim Advocate Director.

**COO Brown:** Mahalo, Ka Pouhana. We'll punt it right to Capsun. Capsun will go through the matrices.

MARCH			1 Last Day of 5-Day Mandatory Recess	2 Single Referral (Senate Bills) Filing	3 First Decking (Bills)	4
5	6 Recess #3	7	8 Recess #4	9 First Crossover (Bills)	10 Substantive Resolution Cutoff	11
12	13 Budget Decking	14	15 Budget Crossover	16 Triple Referral Filing (Bills)	17	18
19	20	21	22	23 Second Lateral Filing (Bills)	24 Second Lateral (Bills)	25
26	27 HOLIDAY Kuhio Day	28 First Lateral (Senate Concurrent Resos)	29	30 First Lateral Filing (House Concurrent Resos)	31 First Lateral (House Concurrent Resos)	
APRIL						1
2	3	4 First Crossover Filing (Concurrent Resos)	5 First Crossover (Concurrent Resos) Single Referral (House Bills) Filing	6 Second Decking (Bills)	7 HOLIDAY Good Friday	8
9	10 Recess #5	11	12 Recess #6	13 Second Crossover (Bills) & Disagree	14 Second Lateral Filing (Senate Concurrent Resos)	15
16	17 Second Lateral (Senate Concurrent Resos)	18	19	20	21 Constitutional Amendments & Second Crossover Filing (Concurrent Resos)	22
23	24 Second Crossover (Concurrent Resos)	25	26 Recess #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29



**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair, Ka Pouhana and Ka Pou Nui. Good morning, Chair and Trustees. We will just briefly share the legislative calendar with you to give you, just to sort of ground you and where we are in the process in our sixty day session. So today is March 29th and it's now Day 40 of session. As you can see here, Friday is our next major deadline for resolutions and that's going to be first lateral where bills need to be on their way to their last committee. It's another major deadline where the Legislature does sort of cull the number of measures. And we've seen this before in some of the bills. So that's sort of where we are as of today. We have some pretty straightforward recommendations for approval on new resolutions when we get to the matrices. But before we get to the matrices I did want to point out while they aren't on the matrices, also going on, I do tend to sort of mentions where we are on GM's, the Governor's messages, which are notices for the Senate advise and consent process. I did want to give a quick shout out that GM580 and GM581 will be heard in Senate Hawaiian Affairs later this afternoon, and those would appoint Sylvia Hussey, who is probably familiar to the members of the Board, to fill OHA's seat on the Kaneohe Bay Regional Council. And this seat has gone without an OHA representative for a little while, but we're now back on track and I just want to mention that it's two GM's because the GM580 is for the remainder of the current term that ends in June of this year and GM581 is for the full term that ends in 2027. So just wanted to start off with maybe some celebratory good news and then we can just jump right into Matrix one.

Matrix 1 - 2023 OHA State Legislature Bill Package							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB133</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023 and ending on 6/30/2025. Effective 6/30/3000. (SD1)	3/23/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	SAIKI (Introduced by request of another party)	HWN, WAM	SUPPORT
2	<a href="#">SB205</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023, and ending on 6/30/2025. (SD1)	2/3/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	KOUCHI (Introduced by request of another party)	HWN, WAM	SUPPORT

So as we switch the gears on the display there, Matrix one is provided for information only, no action is requested and no action was taken by the Legislature since last week's BAE meeting. I do want to point out first of all that gray means you know, as you see grayed out items in the matrices. Those indicate that a measure is dead and we do wait until it's usually really dead before making it gray. But making sure Trustees are aware of that distinction. As you can see HB133 which is the House version and vehicle of our budget is still pending. It's referred to the Senate Ways and Means Committee and we are awaiting action on that. The amounts of our budget was originally \$3 million for each year of the next two years, each of the next two fiscal years. But consistent with Senate practice, the amounts were blanked out. So with that, again, no action is requested on Matrix one. It's for information only, but Administration is available to answer any questions.

**Chair Akaka:** Members, any questions or comments regarding Matrix one?

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Senate Bill 205 is dead, dead?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Chair, SB205 missed all of the deadlines on the Senate side after it was heard in the Senate Hawaiian Affairs Committee, and then it did not cross over from the Senate to the House and that definitely is not necessarily cause for concern.

**Board Chair Hulu Lindsey:** Yes, because the House is still alive.

**Interim Advocacy Director/Chief Advocate Poe:** Yes and also a lot of times with the budget bills they usually, it's pretty standard for them to go. So them being the Legislature, to go with the House bill as the vehicle.

**Board Chair Hulu Lindsey:** So can I ask you if it comes across to the Senate, that House bill. Is that the end of that bill?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, so HB133 did cross over from the House to the Senate, the Senate Committee on Hawaiian Affairs did hear that bill and did recommend passage, although they did take, not they took out, but they blanked the appropriation amounts which is pretty standard practice in the Senate, it's not what we prefer but it's pretty standard for the Senate to do that. So it's very much alive and awaiting scheduling by the Senate Committee on Ways and Means.

**Board Chair Hulu Lindsey:** Okay, so the Senate could add stuff if they want to?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, they could, Chair. They can add or they can change it to the degree to as so long as it fits within the title of the bill. But it's a pretty broad title, right relating to the budget of the Office of Hawaiian Affairs, and so anything that would convey money or positions would generally be considered germane to the title of that bill and possible.

**Board Chair Hulu Lindsey:** Okay, thank you, Capsun.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Let me ask this because we have only one vehicle now. One house has killed and the other remains. So if we go now, if we move forward and there are changes made to this bill, will we then expect a conference committee?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee to answer that question. Well, first of all Trustee we do need to work on getting Ways and Means to hold a hearing on it and to affirmatively pass that out. And yes, it's very likely that there would be a conference committee on it. I mean, unless the Senate were to just put in exactly what the House had in their version.

**Trustee Trask:** Not much chance of that though. Okay, thank you.

## **B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\***

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HCR108</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/15/2023 H Referred to JHA, referral sheet 20	KILA, CHUN, KAHALOA, POEPOE, TAKENOUCHI	JHA	SUPPORT
2	<a href="#">HR114</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/15/2023 H Referred to JHA, referral sheet 20	KILA, CHUN, POEPOE, TAKENOUCHI	JHA	SUPPORT
3	<a href="#">SCR191</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/21/2023 S The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 5 Aye(s): Senator(s) Shimabukuro, Fevella, Ihara, Keohokalole, Richards; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	SHIMABUKURO, CHANG, GABBARD, RICHARDS, WAKAI, Moriwiki	HWN	SUPPORT
Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
4	<a href="#">SR196</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/15/2023 S Referred to HWN.	SHIMABUKURO, CHANG, GABBARD, RICHARDS, WAKAI, Moriwiki	HWN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo again, Chair and Trustees. So just to jump into Matrix two, as you can see, and thank you to Ka Pou Nui for always helping me display these correctly. As you can see there are four items here as indicated in blue. These are only resolutions, but I would also point out they're actually virtually the same content but different vehicles and just to take a step back. You know, this is pretty common for us to have concurrent resolutions and single chamber resolutions. So concurrent resolutions, those are the SCR and HCR. Those must be passed by both chambers. Both the Senate and the House, while single chamber resolutions, that's either the Senate resolution SR or the HR, House resolutions, those only need to be passed by one chamber.

It's pretty common to have both concurrent and regular resolution versions of the same idea, and that's actually what's represented here. And so it's four line items, but it's actually just one idea. And just a quick note also for Matrix two and also upcoming in Matrix three. As you can see the description column is blank. I do want you to know that that's not an error. The descriptions for resolutions are basically in the title itself or themselves and so there is nothing in the description box and that's actually also consistent with the way that information is presented on the Legislature's website. It can be a little confusing when you see it and that doesn't quite work with how things are displayed for bills for us. But I just wanted to mention that to clarify that for the Trustees if

you needed that. And so with that, Chair, Administration is available to answer any questions on the items on Matrix two and we do recommend approval of the Matrix as presented.

**Chair Akaka:** Mahalo. Any other questions or comments members regarding Matrix two? I'm not seeing any at this time. Mark, can you please put the motion on the screen.

**Board Chair Hulu Lindsey:** Madam Chair, I'd like **move to approve Administration's recommendations on: NEW MEASURES (Items 1-4) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 29, 2023.**

**Trustee Souza:** Second

**Chair Akaka:** It has been moved and seconded, any other questions or comments members? Seeing none, Nathan can we please have a **roll call vote**.

							10:15 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HCR143</a>	E HOOKIKINA AKU ANA I KA OIHANA HOONAAUO I KA APONO ANA I KOMIKE E HOOPUKA ANA I KA HOOLALA E HIKI AI KE KA ANA IA MA KA HOOULU ANA I KE AO OLELO HAWAII I NA HAUMANA A PAU LOA.		3/23/2023 H The committee on EDN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 8 Ayes: Representative(s) Woodson, Marten, Evslin, Kapela, La Chica, Matayoshi, Perruso, Quinlan; Ayes with reservations: none; 0 Noes: none; and 3 Excused: Representative(s) Martinez, Todd, Garcia.	PERRUSO, AMATO, COCHRAN, GANADEN, HUSSEY-BURDICK, KAPELA, MARTINEZ	EDN, FIN	SUPPORT
2	<a href="#">HCR147</a>	REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT TO THE LEGISLATURE ON THE NUMBER OF PUBLIC SCHOOL PLAYGROUNDS THAT INCLUDE PLAYGROUND EQUIPMENT ACCESSIBLE TO STUDENTS WITH PHYSICAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITIES.		3/23/2023 H The committee(s) on EDN recommend(s) that the measure be deferred.	COCHRAN, ALCOS, AMATO, GANADEN, GATES, HUSSEY-BURDICK, KAPELA, LA CHICA, LAMOSAO, LOWEN, MARTEN, MARTINEZ, MIZUNO, ONISHI, PERRUSO, PIERICK, POEPOE	EDN, FIN	SUPPORT
3	<a href="#">HR145</a>	E HOOKIKINA AKU ANA I KA OIHANA HOONAAUO I KA APONO ANA I KOMIKE E HOOPUKA ANA I KA HOOLALA E HIKI AI KE KA ANA IA MA KA HOOULU ANA I KE AO OLELO HAWAII I NA HAUMANA A PAU LOA.		3/23/2023 H The committee on EDN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 8 Ayes: Representative(s) Woodson, Marten, Evslin, Kapela, La Chica, Matayoshi, Perruso, Quinlan; Ayes with reservations: none; 0 Noes: none; and 3 Excused: Representative(s) Martinez, Todd, Garcia.	PERRUSO, AMATO, COCHRAN, GANADEN, HUSSEY-BURDICK, KAPELA, MARTINEZ	EDN, FIN	SUPPORT

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
4	<a href="#">HR149</a>	REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT TO THE LEGISLATURE ON THE NUMBER OF PUBLIC SCHOOL PLAYGROUNDS THAT INCLUDE PLAYGROUND EQUIPMENT ACCESSIBLE TO STUDENTS WITH PHYSICAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITIES.		3/23/2023 H The committee(s) on EDN recommend(s) that the measure be deferred.	COCHRAN, ALCOS, AMATO, GANADEN, GATES, HUSSEY-BURDICK, KAPELA, LA CHICA, LAMOSAO, LOWEN, MARTEN, MARTINEZ, MIZUNO, ONISHI, PERRUSO, PIERICK, POEPOE	EDN, FIN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees for the approval of the recommendation on Matrix two and so as we get Matrix three displayed, I just want to point out similar to Matrix two, we have several new measures and these are all resolutions as indicated in blue and I did wanna maybe proudly say that as you can see, two of these are maka 'ōlelo Hawai'i. So they are in the Hawaiian language and so we would like to celebrate that seeing that this is sort of being normalized at the Legislature. Just for context you know, before OHA had located for mahina 'ōlelo Hawai'i 10 years ago, that was the first time that a legislation appeared entirely in the Hawaiian language and so as we see this normalized over at the Legislature, it's an important celebration for the efforts of OHA and others who have pushed for that for many years. And so I did want to just state how proud I was to see that. Similar to Matrix two, the four measures that are new to the matrix are listed there and Administration is available to answer any questions on Matrix three and we do recommend approval of the matrix as presented, mahalo.

**Chair Akaka:** Mahalo, Capsun. Members, any questions or comments on Matrix three? Don't see any. Okay, can I please have a motion up on the screen?

**Trustee Alapa:** I'd like to move to approve Administration's recommendations on: **NEW MEASURES (Items 1 - 4) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated March 29, 2023.**

**Trustee Souza:** Second

**Trustee Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan can I please have a **roll call vote**.

							10:18 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA	1		X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

#### IV. ANNOUNCEMENTS

NONE

#### V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Trustee Ahuna:** So moved

**Trustee Akina:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have **roll call vote**.

							10:20 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA	1		X			
KELI'I	AKINA		2	X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:20 a.m.**

Respectfully submitted,

---

Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment





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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\***
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**April 5, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa

**Trustee Brickwood Galuteria**

Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

**Trustee Keoni Souza**

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, April 5, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8) Trustees are PRESENT**, thereby constituting a quorum.

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Ka Pouhana

**Ka Pouhana Hussey:** Thank you, Chair. We will immediately go to our duo of Casey Brown and Capsun Poe.

**COO Brown:** Mahalo, Ka Pouhana. Straight to Capsun. The agendized topic is matrices and it should be a straight forward meeting but we're here to answer any questions.

APRIL						1
2	3	4 First Crossover Filing (Concurrent Resos)	5 First Crossover (Concurrent Resos) Single Referral (House Bills) Filing	6 Second Decking (Bills)	7 HOLIDAY Good Friday	8
9	10 Recess #5	11	12 Recess #6	13 Second Crossover (Bills) & Disagree	14 Second Lateral Filing (Senate Concurrent Resos)	15
16	17 Second Lateral (Senate Concurrent Resos)	18	19	20	21 Constitutional Amendments & Second Crossover Filing (Concurrent Resos)	22
23	24 Second Crossover (Concurrent Resos)	25	26 Recess #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
30	MAY					
	1 Recess #8	2	3 Recess #9	4 Adjournment Sine Die	(Session pau!)	

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Casey and Mahalo, Ka Pouhana. Aloha kakahiaka Trustees. Always good to be with you on a weekly basis as we kind of do the hana kākou through legislative session. So we will just briefly share the legislative calendar with you. I think we always start there so that we can kind of give you a little bit of some place setting and wayfinding throughout session. It's Wednesday, April 5th. As you can see, it is day 45 of the session. The first crossover is today for resolutions, and so it's the

deadline to send them over from one chamber to the other. But it's also single referral filing in the House, so these are pretty significant deadlines as we approach the end of consideration in individual chambers, you know, second decking is tomorrow and that does mean we'll be in conference fairly shortly. And so with fifteen session days remaining over the next four weeks and one day. Now we're getting to grind time here in the legislative calendar.

As Casey mentioned, we are going to be pretty straightforward with the recommendations today. Just a couple of new resolutions, but also any discussion or question answering on any of the matrices. Before we get into the matrices though I did want to just mention because I know sometimes we pay attention to GM's or Governor's messages, although they're not on the matrix they are definitely part of the legislative process, so just some quick updates that you know, Dawn Chang, who was up for Chair of the Board of Land and Natural Resources did pass out of the Water and Land Committee and will go to a full Senate floor vote later this week.

Also being considered by Senate Water and Land. They're gonna have a hearing this afternoon I think at 1:00 to consider several of the Mauna Kea Stewardship and Oversight Authority members. Some were previously heard earlier this week or earlier last week, and all of those have been recommended for advise and consent, so I'm hoping for the same. Today's nominees for that authority are familiar to us. Folks like Noe Noe Wong-Wilson, Lanakila Mangaul and Pomai Bertelmann.

Matrix 1 - 2023 OHA State Legislature Bill Package							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB133</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023 and ending on 6/30/2025. Effective 6/30/3000. (SD1)	3/31/2023 S The committee(s) on WAM will hold a public decision making on 04-03-23 9:30AM; Conference Room 211 & Videoconference.	SAIKI (Introduced by request of another party)	HWN, WAM	SUPPORT
2	<a href="#">SB205</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023, and ending on 6/30/2025. (SD1)	2/3/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	KOUCHI (Introduced by request of another party)	HWN, WAM	SUPPORT

And so with that, the last note there is one has not had a hearing and that was the John Komeiji appointment. There is still time for hearings, and so if you are tracking any other GM's, committees actually have until May 1st to actually file their committee reports for those Governor's Messages, so some of them will do their hearings as late as May 1st. But as with most things leg. earlier is usually better. So with that, that's it on the quick updates on GM's and then I was just gonna jump right into Matrix one and so as that switches, I'll just you know, remind the Trustees that Matrix one is usually provided for information only and there is no action being requested today. But I did wanna at least give some good updates about our HB133, which was the House vehicle of our budget. It received favorable action by the Senate Ways and Means Committee. And I should say very favorable action in WAM. The SD2 from WAM resulted in an \$87 million appropriation for OHA, so that includes our original \$3 million request or beneficiary services and then some of the SB1235 language for the 65 million for bulkhead improvements, \$6 million for an EIS of our Kaka'ako Makai Land Holdings, as well as \$13 million for Kūkaniloko. This does still have to go to conference and so the Senate and House will be working out their differences in the versions of this bill, but it is definitely a very good position to be in going into negotiations during conference and at least we are still in the game, still in the running and still very much hoping to get if we can all of these considerations approved.

So with that Chair and Trustees, again no action is requested on Matrix one, but Administration is available to answer any questions.

**Chair Akaka:** Mahalo, Capsun. Members, are there any questions or comments regarding Matrix one? Seeing none, mahalo Capsun.

## B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

**Interim Advocacy Director/Chief Advocate Poe:** Okay, so Chair and Trustees again, Matrix two today as we're getting towards the end is provided for information only. We have no new additions and no new changes requested and recommended.

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the Department of Agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the Legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the DOA. Effective 6/30/3000. (SD1)	3/31/2023 S The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Keith-Agaran, Aquino, DeCote, Inouye, Kanuha, Kidani, Kim, Lee, Moriaki, Wakai, Fevella; Aye(s) with reservations: none; 0 No(es): none; and 1 Excused: Senator(s) Shimabukuro.	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AEN, WAM	SUPPORT
2	<a href="#">HCR108</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/31/2023 H The committee on JHA recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Tarnas, Takayama, Ganaden, Holt, Hashimoto, Ichiyama, Souza; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Ilagan, Kong, Mizuno.	KILA, CHUN, KAHALOA, POEPOE, TAKENOUCI	JHA	SUPPORT
3	<a href="#">HR114</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		3/31/2023 H The committee on JHA recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Tarnas, Takayama, Ganaden, Holt, Hashimoto, Ichiyama, Souza; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Ilagan, Kong, Mizuno.	KILA, CHUN, POEPOE, TAKENOUCI	JHA	SUPPORT

Right here on the first page though I did wanna highlight some positives here and this HCR108 about the Native Hawaiian intellectual property working group and there's also a Senate concurrent resolution version of it. This is one that it's really starting to gain a whole lot of traction and a lot of Hawaiians and non Hawaiians are interested in it and we OHA hope to be apart and be able to work with consultation with others to make sure that this issue can move forward and you know that there may be some proposed legislation, possibly.

Other than that, there are no changes on this Matrix two, the measures as always that appear in gray are those that appear dead for the session, and so we will only continue to track those that are white and continue to be alive. We do still have a little bit more time to have maybe perhaps some resolutions being added to the matrix. But barring that, we're not really expecting many positions. So again, Chair and Trustees, there is no action requested on Matrix two, but we are available to answer any questions or address any concerns.

**Chair Akaka:** Mahalo, Capsun. Members, any questions or comments on Matrix 2? Seeing none, let's continue on to Matrix three.

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HCR55</a>	URGING THE UNIVERSITY OF HAWAII AT MANOA JOHN A. BURNS SCHOOL OF MEDICINE TO PRIORITIZE EFFORTS TO STRENGTHEN HAWAII'S REPRODUCTIVE CARE WORKFORCE, PARTICULARLY FOR RURAL AND REMOTE AREAS OF THE STATE.		4/3/2023 S Received from House (Hse. Com. No. 517).	KAPELA, AMATO, COCHRAN, EVSLIN, GANADEN, GARRETT, HUSSEY-BURDICK, LOWEN, MARTEN, MARTINEZ, NAKASHIMA, PERRUSO, POEPOE, TARNAS	HET	SUPPORT
2	<a href="#">SCR104</a>	URGING THE UNITED STATES CONGRESS TO PASS THE HAWAIIAN HOME LANDS PRESERVATION ACT, H.R. RES. 9614, 117TH CONG. (2ND SESS. 2022), TO LOWER THE REQUIRED MINIMUM BLOOD QUANTUM FOR CERTAIN DEPARTMENT OF HAWAIIAN HOME LANDS SUCCESSOR LESSEE BENEFICIARIES FROM ONE-QUARTER NATIVE HAWAIIAN BLOOD TO ONE THIRTY-SECOND.		3/29/2023 S The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 3 Aye(s): Senator(s) Shimabukuro, Fevella, Keohokalole; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Ihara, Richards.	DELA CRUZ, AWA, CHANG, MORIWAKI, SHIMABUKURO, Wakai	PSM/HWN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Okay, Chair and Trustees, as you can see we do have two items in blue here. So Matrix three has just these two new additions here and they're both resolutions. I did want to highlight item number 2, that's SCR104 and just to note that this is really trying to push for the blood quantum at DHHL, and I did want to note that it builds on previous work and positions of OHA as well as DHHL and our joint beneficiaries and advocates, and on the note on advocates, several did reach out to make sure we were going to make sure OHA was supportive of this effort, and just to make sure Trustees are aware of the larger thing context going on, you know, I think this would have to take federal action, but that's why they want to have Hawaiian organizations, as well as the State Legislature trying to support this and it's very important that we I think join that conversation. So I did want to just make sure that was all I wanted to highlight and that as we go through conference you know, hearings will probably tend to stop. But you know we'll continue to position as needed and make changes to the matrices and as always Chair, you know, Administration is available to answer any questions on Matrix three and we do recommend approval of the matrix as presented.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. I just wanted to let the Trustees know that on that line two, that particular item. In 2021, when the Congressman Kai Kahele was there, he had introduced this resolution to codify the Act. I just met with Congresswoman Tokuda yesterday and so she is also, you know, wanting to reintroduce that and so we are reviving our statements of support for that which we provided, which builds on

the state legislation and now we're just elevating this up to the federal level. She knows of our support and so we'll work with her as she works to introduce this at the federal level. So I just wanted the Trustees to know that workings was going on.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Thank you, I just want to reiterate and remind our Trustees that this particular Act from 1/4 down to 1/32 is only for the heirs of Hawaiian homelands and not for applicants. Because I would imagine the applicants sitting on a list of 28,000 would be very aggravated if they're gonna have to give in to a people of less blood quantum. So this 32nd is for the heirs of the existing homesteaders. Thank you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. So what we're talking about is Hawaiian homes, the blood quantum. When we say for the heirs, is that the successors?

**Board Chair Hulu Lindsey:** Yes

**Trustee Ahuna:** So right now as the rule stands doesn't the successors, they don't even have to have a blood quantum, you just have to determine a successor, right?

**Board Chair Hulu Lindsey:** No, you have to have 1/4 Hawaiian now.

**Trustee Ahuna:** 1/4 right now. So now because I just don't, I mean the only reason why I'm saying it is if they can change any of those, how come we're not, maybe we should start fighting for just get rid of it because we're the only ones who have it.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you, I've had a couple of calls on this measure and that's why I'm asking for some help from the staff because one of the callers had contacted me with the message saying he did not know why the Office of Hawaiian Affairs was supporting this when the majority of Hawaiian Homestead Associations opposed it. Then I got a second call from someone saying thank you and the Trustees for standing behind the position that the SCHHA and the other homestead associations are taking in support of this measure. I didn't know what to respond, so I'm asking the staff, Capsun, if you folks can let me know. I started looking at the various testimonies, but to be honest with you I just didn't have the time and I wanted to ask the staff if you could just double check me. My understanding in talking with the beneficiaries here is the position is of support, so I was just confused when I got a call saying why is OHA supporting it when the majority of our homestead associations are against it? Could you please check on it and let me know, you know, what the outcome is because I don't know. But I am firmly in support with the rest of the Board on this. I just need clarification to follow up with my beneficiaries. Thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Trustee. We'll take note of that and thank you also for your support. I think you know, as you know from those calls that sometimes there are mixed sentiments in our community and so we'll try and get some additional context and background information and also just to keep on top of it.

**Chair Akaka:** Mahalo, members any other questions or comments for Matrix three?

**Trustee Ahuna:** Chair, so my understanding is we're in support of it?

**Board Chair Hulu Lindsey:** Yes



**Chair Akaka:** Mahalo. Capsun did you have any other bills that you wanted to continue on?

**Interim Advocacy Director/Chief Advocate Poe:** No Chair, thank you and just maybe just one quick point is that the items in blue are the Administration recommendations to the Trustees.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** My question is where are we in the game right now? This is the first crossover, right? I mean, how long more do we have? I mean, should we be supporting or should we be, I mean I don't know if we should be on either side. I'm just asking you guys, we have beneficiaries on both sides right now. I just don't understand why we're taking on just one side on this.

**Ka Pouhana Hussey:** Chair, if I could maybe respond to Trustee Ahuna and provide some context for this particular Senate concurrent resolution. So Trustee Ahuna, this is taking a state position and action that was enacted in 2017. So by the time it went through the state and then it went to the 117th Congress. So that's the congressional period before and then, you know, COVID and all of that. So it got kind of put on. So OHA's position originated with the state action of this and so we can in that information that we provide, we can go back and demonstrate where OHA's positions were on the state level. Because that's the basis for the support for this Congressional level action. This is just a reminder and an updating of that action that was taken by the state via act. I want to say Act 80 in 2000. So act 80 from 2017 was the Act that codified the recommendation to the feds to lower to 1/32nd. It went to the 117th Congress through Congressman Kahele and then it stayed there. So what is being reactivated is the same position of Act 80 from 2017 and then Congresswoman Tokuda is now picking up where Congressman Kahele did, and reintroducing this 132nd at the federal level. So hopefully that's helpful that the position has already been taken via Act 80 back in 2017 and this is just the federal act that's being carried forward.

**Trustee Ahuna:** Thank you, Sylvia. That was a great explanation, thank you.

**Chair Akaka:** Any other questions or comments members? Can I please have the motion up on the screen. May I please have a motion to approve?

**Board Chair Hulu Lindsey:** Madam Chair, I move to approve Administration's recommendations on: **NEW MEASURES (Items 1 - 2) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated April 5, 2023.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan may I please have a **roll call vote**.

							10:24 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED



MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

#### IV. ANNOUNCEMENTS

**Chair Akaka:** Members are there any announcements at this time?

**Board Chair Hulu Lindsey:** Madam Chair, we're so happy to hear that OHA received a unanimous decision on the Supreme Court case against Kondo.

**Chair Akaka:** Mahalo for announcing this, I was very happy to see that news come in just a bit ago. This is great news, justice prevails. Any other announcements members? I'm very happy to see the smiles on your faces.

**Trustee Ahuna:** Let's announce it to the world.

**Board Chair Hulu Lindsey:** Madam Chair, I'd like to move that we adjourn.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes I did and I just wanted to make this comment. You all know, colleagues, that the Merry Monarch comes now. I haven't heard from a single one of you as far as who's coming and who's not coming. I just need to know, you know, Trustee from this, because many people here have been asking me and, you know, initially I didn't know and I was thinking about what was happening last year. We had a few of us there, the cars, but I haven't really got clarity back. And I have been telling people for the last few months that our team will come. Part of it is that dancers from all islands will come I just haven't heard yet from Lāna'i. But I understand that even Moloka'i will be coming, but their questions from some of your beneficiaries. So if you could just let me know if you're coming, then when people continue to ask and stop by I can let them know. But I hadn't heard anything that's the only request I have. Good job, good job team.

**Chair Akaka** recognizes Trustee Alapa

**Trustee Alapa:** Mahalo, Trustee Akaka. I know we mentioned we talked about it and I know that we did say we're going to come up. Well, I know I am. I do have a reserved car and hopefully it's going to be there when I get there. So that's available. I don't know who else has a car. Obviously we're gonna have to share it, which is fine, which is great. So I just wanna let you know Trustee Trask that I will definitely be there.

**Chair Akaka:** Mahalo and I am making efforts to be there as well.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Yeah, just one final thought and Millie, I'm sorry I won't be able to make the Merry Monarch Festival. So could you please do my 'uwehe 'ami and slide for me? I'd really appreciate it. OK, alright. Mahalo, Chair.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Millie, thank you for reminding us. I regret that I'm not able to come this time, but I definitely would like to come in a future year and Edith Kanaka'ole is one of my family, so my heart will be there. It's gonna be there, right?

**Trustee Trask:** Yes

**Ka Pouhana Hussey:** And Trustee Akaka, just building on Trustee Akina, the Edith Kanaka'ole Quarter was just also released as well, which is such a tremendous honor on all levels. So a very timely place and time to be celebrating, so mahalo Trustee for that warm invitation.

## V. ADJOURNMENT

**Chair Akaka:** Okay, now going back to adjournment. Checking back did we get a motion for adjournment?

**Board Chair Hulu Lindsey:** I moved and Trustee Waihe'e seconded.

**Chair Akaka:** Right thank you, that's what I recall. Can I have **roll call vote** to adjourn.

							10:29 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:30 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\***
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**April 26, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee C. Hulu Lindsey  
**Trustee Keoni Souza**  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Luana Alapa  
Trustee Brickwood Galuteria

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, April 26, 2023 to order at **10:08 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	EXCUSED	
Trustee	BRICKWOOD	GALUTERIA	EXCUSED	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to COO Brown

**COO Brown:** Mahalo, Madam Chair. Trustees, we're about a week away from the end of session and we have an important day this Friday but I will turn this over to Capsun who will walk us through and update us on the matrices.

APRIL						1
2	3	4 First Crossover Filing (Concurrent Resos)	5 First Crossover (Concurrent Resos) Single Referral (House Bills) Filing	6 Second Decking (Bills)	7 HOLIDAY Good Friday	8
9	10 Recess #5	11	12 Recess #6	13 Second Crossover (Bills) & Disagree	14 Second Lateral Filing (Senate Concurrent Resos)	15
16	17 Second Lateral (Senate Concurrent Resos)	18	19	20	21 Constitutional Amendments & Second Crossover Filing (Concurrent Resos)	22
23	24 Second Crossover (Concurrent Resos)	25	26 Recess #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
30	MAY					
	1 Recess #8	2	3 Recess #9	4 Adjournment Sine Die	(Session pau!)	

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Ka Pou Nui. Aloha kakahiaka Chair and Trustees. It's been a while since we've had a BAE Meeting, so we are very glad to be able to jump back into things as usual. We do have the calendar up just to help with wayfinding purposes, as you can see, you know we know today is April 26. As Casey said, we've got just over a week left, tomorrow is Day 57 of session and the big deadlines we're looking at, tomorrow's the deadline final decking, meaning bills need to be in final form to be

voted on by their Chambers next week. So if it's a not non-money bill, that deadline is tomorrow for final decking, and if it's a money bill that has some sort of appropriations, that deadline is Friday.

So since last week we have been in conference where the legislature works out differences in their versions of the bills and just when we get there, we'll have some pretty straightforward recommendations for approval on new resolutions on Matrix three. But before the matrices, I was just going to spend a little time just refreshing our memory on conference. You know, as I just said theoretically, this is the time to work out the differences, but I think in practical terms, I like to describe conference more as this is where bills go to die and we have to work to advocate, negotiate and save what we really want right. There are lots of pitfalls for a bill to die. You know, if either Chamber does not appoint conferees a bill dies. Even if they do appoint conferees, if they don't actually schedule a hearing, a bill dies.

So anyway, just on multiple ways that a bill can die, right, you know, even if they do schedule a conference meeting on it, they don't agree on some sort of language, the bill dies and then very common at this point in conference they just literally run out of time to come up with a compromise or to get approval. One thing that sort of messes with the calculus there is that when you open as it's called conference, you have to provide 24 hours notice for the initial meeting. So with 2-1/2 days left to get all this done with the deadline looming, if people don't even show up, things will die. Just so you know there are 455 bills that were eligible for conference. Of those all, but maybe forty of those got conferees assigned from both Chambers, and only half, not even half of them, have actually had hearings scheduled. So only about 200 have had hearings scheduled.

You may have heard already either last night or this morning the legislature did come to agreement on the main executive budget bill HB300 last night. We are awaiting budget worksheets to determine if perhaps HCDA may have received an appropriation that could positively impact our land holdings in Kaka'ako Makai. And so that's some very high level before we sort of jump into the matrix.

+Matrix 1 - 2023 OHA State Legislature Bill Package							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB133</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023 and ending on 6/30/2025. Effective 6/30/2023. (SD2)	4/19/2023 H Received notice of Senate conferees (Sen. Com. No. 910).	SAIKI (Introduced by request of another party)	HWN, WAM	SUPPORT
2	<a href="#">SB205</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023, and ending on 6/30/2025. (SD1)	2/3/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	KOUCHI (Introduced by request of another party)	HWN, WAM	SUPPORT

Matrix Shading Legend		
New Track	Bill Number, Title, and Position	
Measure Update	Bill Number, Title, and Position	
Conference	Bill Number, Title, and Position	
Dead Measure	Bill Number and Title	
Governor Action	Bill Number, Title, and Position	

But I think now we can just jump into Matrix one and while we pull that up, I just want to point out that Matrix one and Matrix two will be for information only and no action is being requested. I did wanna note that we do have the legend here and hopefully that will help everyone remember what the different shading means. We have a couple of new colors. Pink being any measure that is in conference and green being for a bill that received Governor action. So most likely something that was signed into law. So as you can see, Trustees I know we've been talking for a while. HB133, our budget bill is still alive and is still technically in conference. The Senate very quickly named conferees, but the House just named conferees this week. I have to say we are now working on getting the Conference Committee to try and schedule a hearing and like I said it was to work out the differences. So the last House version had \$3 million in beneficiary services, but the last Senate draft included about \$87 million in additional appropriations. So that's what we are working with. I think there's no easy or gentle way to say it, so let me just say that we are in a pretty precarious serious situation with our budget bill, Trustees. Because of that 24 hour initial notice requirement that I mentioned, tomorrow is basically the latest day they can even send out a meeting notice and if they do, that actually assumes both sides would come together and agree to a CD1 on that. So we're in serious concern situation there. There is a very small chance that we have already also requested, which is that the House agree to the Senate version, which included the \$87 million that we've mentioned earlier. So with that, Chair again, there is no action requested on Matrix one, but Administration is available to answer any questions or try to address any concerns, mahalo.

**Chair Akaka:** Mahalo, Capsun. Members, are there any questions or comments?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you, colleagues. I wanted to address the Board and request that the Board now move to support our initiative. We're down to the last week. What I am going to do and what I'm asking the Board to assist in doing is following this discussion we have I will be calling and texting to Mr. Scott Saiki and also to Kyle Yamashita. Those are the two that are critical in the House and those are the two that in my estimation are killing our bill. So I'm going to call their offices and I'm also going to text them and I'm requesting that they support the OHA Bill, House Bill 133, I'm putting it in writing. I'm requesting that they support also our budget for the 84 million. At least in this way we can let them know that we are watching what is happening, but my sense is that we've done a very good job this session. We all know the politics behind it. But I think now is the time that we need all Trustees to come online and I think executive staffers, any others that have stood with us as well to get the word out, but the two the target is Mr. Scott Saiki and also Kyle Yamashita. They're in the leadership positions. In my texts I will send to the Trustees will be their phone numbers so that you can use it, but it's also in our little book too that has the directory of public officials, and I think we need to all come online for this, thanks.

## **B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\***

### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe



Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB90</a>	RELATING TO COMMITTEE FUNDRAISERS.	Amends section 11-342, Hawaii Revised Statutes, to increase transparency by requiring candidate committees and noncandidate committees to file fundraiser notices regardless of the price or suggested contribution for attending the function.	4/3/2023 S Act 004, 03/31/2023 (Gov. Msg. No. 1104).	SAIKI (Introduced by request of another party)	JDC	MONITOR
2	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the Department of Agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the Legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the Department of Agriculture. Effective 6/30/3000. (SD2)	4/21/2023 H House Conferees Appointed: Gates, Kahaloa Co-Chairs; Poepoe, Ward.	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AEN, WAM	SUPPORT
3	<a href="#">SB295</a>	RELATING TO THE CHILD WELFARE SERVICES.	Establishes within the office of wellness and resilience the malama ohana working group to seek, design, and recommend transformative changes to the State's existing child welfare system and allow the office to contract with an administrative facilitator to provide necessary support for the working group. Requires the malama ohana working group to report to the legislature. Appropriates funds. Effective 6/30/3000. (HD2)	4/19/2023 H Received notice of Senate conferees (Sen. Com. No. 911).	DELA CRUZ, AQUINO, CHANG, KANUHA, KEITH-AGARAN, LEE, MCKELVEY, MORIWAKI, RHOADS, Kidani, Richards, Wakai	HUS, FIN	SUPPORT
4	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Establishes the geothermal energy resources development special fund. Requires annual reports to the Legislature. Redistributes geothermal royalties to the counties for specific purposes, geothermal energy resources development special fund, department of land and natural resources, and office of Hawaiian affairs. Effective 6/30/3000. (HD3)	4/13/2023 H Received notice of disagreement (Sen. Com. No. 888).	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EEP/WAL, CPC, FIN	OPPOSE
5	<a href="#">SB299</a>	RELATING TO BUDGET-RELATED SUBMISSIONS TO THE LEGISLATURE.	Authorizes the legislature, upon the agreement of form by the speaker of the house of representatives and the president of the senate, to specify the form in which the proposed budgets of the executive branch, judicial branch, and office of Hawaiian affairs are submitted to the legislature. Requires the executive branch, judicial branch, and office of Hawaiian affairs to conform no later than 12/1/2023. Effective 6/30/3000. (HD1)	4/18/2023 H Received notice of Senate conferees (Sen. Com. No. 904).	DELA CRUZ, AQUINO, CHANG, DECOITE, INOUE, KANUHA, KEITH-AGARAN, KEOHOKALO, LEE, MCKELVEY, RHOADS, Kidani, Kim, Moriwaki, Richards, Wakai	LGO, FIN	HIGH MONITOR

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair. So for Chair and Trustees, Matrix two, as I mentioned is provided for information only and no action is requested. As you can see, there are several measures that OHA did support that are technically in conference, but from my checks with the appropriate Chairs, it does appear that they're unlikely to move and so they will probably come back. However, I'd also note that there is one bill on here, item 4, SB458, that we initially supported. But because OHA was taken out and was no longer part of geothermal royalties, we did not and that bill does not appear to be moving, and those were probably the only highlights for Matrix two. So for Chair and Trustees, no action again is requested on Matrix 2, but we are available to answer any questions or address any concerns.

**Chair Akaka:** Mahalo, Capsun. Members, any questions or comments?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Capsun, could I ask for a little clarification on what happened with the geothermal measure?

**Interim Advocacy Director/Chief Advocate Poe:** Sure Trustee, so it got sort of amended and ultimately OHA was excluded from participation, which for several reasons you know, we had strong concerns about.

**Trustee Trask:** The bill number, you said the SB458. The discussion on this that resulted only in OHA being excluded. My understanding is that there were other matters outside of geothermal that impacted this. Is that correct?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, I think without knowing or hearing exactly or specifically from some of the folks involved, and I think first of all, let me say I think there are always outside influences on every measure. You know, it's sort of like spaghetti over there, right. You touch one thing and it's connected to another and you know, sometimes we get dirty. Maybe I shouldn't have said it like that, but you know things are a little messy and a little convoluted sometimes.

The Senate was supportive though. I do want to make sure we say that right. From the beginning Senator Wakai, who was pushing it, was very supportive and was open to some of our changes, and it was when it went to the House that the House did take it away, the share for OHA.

**Trustee Trask:** You know, I understand that and I myself talked with Wakai about this matter. He was very supportive. That's why I'm looking to find out what happened on the House side. Is this one of the measures that Saiki was trying to manipulate in order to get us to back off on our Hakuone bill. Where was Yamashita on this?

**Interim Advocacy Director/Chief Advocate Poe:** The way they tried to frame that was that the change was made, it seemed to be that they sort of misunderstood OHA's revenue streams, right and that we are entitled to the income and proceeds from the Public Land Trust. The \$21.5 million is an interim amount and that anything that's different should go into the carry forward trust account. But part of that was a little misunderstanding I think or at least that's what was claimed that they thought that they wanted us to go through regular channels and try and get it from there. But you know, this bill does not preclude us doing both right. Meaning we would still have the normal income and proceeds and we could also have this revenue, right. And I think that's what some of the advocacy that some of our Public Policy Team was trying to push for.

**Trustee Trask:** Okay, Capsun this is what I'm requesting of the staff now. I would like to have a brief one page memo about what happened with this measure in the House. My view of it is that it's legislative blackmail because they couldn't get what they wanted on Hakuone and so they are now taking away our share of royalties that should be coming from the Ceded Land Trust. I'm requesting a copy. A copy of our legislative record relating to the House activities on this Senate measure and I will have it to take to Washington so that I can use it as an example of how the State Legislature prevents our office from receiving payments from ceded land revenues as part of political blackmail that is going on in the state. Do you understand what I'm requesting?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, absolutely, Trustee. So let me say that to Chair Akaka, Administration can work on that and our normal practice Trustee is to provide a response to the Chair and she can share.

**Trustee Trask:** You know, I don't have a problem with that, Capsun. I'm making this request and I want it on the record as the Vice Chair of the Board. I have no problem working with Chair Kalei. I have no problem and we have been working together for months. But I want the record to show that when I make a request you will respond and the appropriate response is not that you'll talk to the Chair of the Subcommittee and leave it there. I'm the Chair of the Board. I'm making a direct request get it to me, sir.

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee.

**Trustee Trask:** Thank you, Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** We will be working on it and that was just the communication channel we were going to use to communicate that, so I did want to assure you we will be working on that.

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">SB731</a>	RELATING TO HAWAIIAN INDEPENDENCE DAY.	Designates November 28 of each year as La Kuokoa, Hawaiian Independence Day, to celebrate the historical recognition of the independence of the Kingdom of Hawaii.	4/20/2023 S Act 011, 04/19/2023 (Gov. Msg. No. 1111).	KEOHOKALO, AQUINO, DECOITE, FEVELLA, INOUE, KANUHA, LEE, RICHARDS, SHIMABUKURO, Kidani	CAI, JHA	SUPPORT
2	<a href="#">SB179</a>	RELATING TO ADVISORY COMMITTEES.	Renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees. Recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.	4/20/2023 S Act 014, 04/19/2023 (Gov. Msg. No. 1114).	KOUCHI (Introduced by request of another party)	JHA	HIGH MONITOR
3	<a href="#">HCR192</a>	URGING THE HAWAIIAN CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION TO DEVELOP A PROACTIVE AND COMPREHENSIVE COMMUNICATION STRATEGY TO EDUCATE HAWAII'S RESIDENTS ABOUT THE HEALTH IMPACTS OF THE CLIMATE CRISIS.		4/21/2023 H Returned from Senate (Sen. Com. No. 941).	LOWEN, AMATO, COCHRAN, EVSLIN, GANADEN, GARRETT, GATES, HASHIMOTO, HUSSEY-BURDICK, ICHIIYAMA, KAHALOA, KAPELA, LA CHICA, MARTEN, MIZUNO, NAKASHIMA, PERRUSO, POEPOE, TAM	AEN	SUPPORT
4	<a href="#">HCR50</a>	REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROVIDE UPDATED STATISTICS AND FACTS RELATING TO THE DECLINE OF PALILA ON MAUNA KEA AND INVESTIGATE THE FACTORS CAUSING THE DECLINE OF THE PALILA POPULATION.		4/18/2023 H Returned from Senate (Sen. Com. No. 895).	NAKASHIMA, KAPELA, ONISHI	WTL/AEN	SUPPORT
5	<a href="#">HCR80</a>	DESIGNATING HAWAII'S CORAL REEFS AS CRITICAL NATURAL INFRASTRUCTURE AND STRONGLY SUPPORTING NATURE-BASED SOLUTIONS SUCH AS CORAL REEF RESTORATION FOR RISK REDUCTION.		4/21/2023 H Returned from Senate (Sen. Com. No. 934).	ICHIYAMA, AMATO, COCHRAN, EVSLIN, GANADEN, GATES, HASHIMOTO, HUSSEY-BURDICK, KAPELA, LA CHICA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, MIZUNO, NAKASHIMA, PERRUSO, POEPOE, SAYAMA, TAKAYAMA, TAKENOUCHI, TARNAS	AENWTL	SUPPORT
27	<a href="#">HB364</a>	RELATING TO TRESPASS.	Clarifies that when trespass involves public land, all state and county law enforcement officers may enforce trespass laws, without regard to whether the land is owned by the State or by a county. (SD1)	4/11/2023 S Received notice of disagreement (Hse. Com. No. 666).	ICHIYAMA	WTL, JDC	COMMENT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and for Chair and Trustees and for the BAE Committee's consideration, we do have three items for your consideration on resolutions that we are asking for support positions on. And like I said, it should be pretty straightforward. I did want to point out first of all though,

that because we highlighted those in green, it's only items three, four and five that need approval as to the position. And then just for your FYI, I did want to call out item 27 on this matrix, which is HB364. I do want you to know that we do consider this one of our successes. There are others, but I thought we just had a recent conversation about this with the public policy advocacy staff and this is a success because the legislature took several of our amendments in this definition of trespass and one of the biggest things they listened to us on was incorporating language that would say that this change of trespass would not apply to Native Hawaiians engaging in traditional and cultural practices on public lands, so you know, it's continuing to both enshrine, site as well as protect these provisions in the law for Native Hawaiians and so you know, again, it's okay to do the definition of trespassing, but making sure we protect Native Hawaiian rights here.

And so those were the two that I was gonna just highlight for you, Trustees and so I would just say that Administration does again request and recommend approval of Matrix three as presented and is available to answer any questions or try to address any concerns.

**Chair Akaka:** Mahalo, Capsun. Members, any questions or comments regarding Matrix three?

**Board Chair Hulu Lindsey:** I'll make a motion to **move to approve Administration's recommendations on: NEW MEASURES (Items 3 - 5) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated April 26, 2023.**

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members on Matrix three? Seeing none, may I please have a **roll call vote**.

							10:31 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

#### IV. ANNOUNCEMENTS

**Chair Akaka:** Members are there any announcements at this time?

**Board Chair Hulu Lindsey:** There's no more Board Meetings this week. There's Board Meetings next week Wednesday and Thursday.

**Chair Akaka:** Mahalo, one thing I did want to share is for Lā Kū'oko'a. We did have some of our Trustees there at the Governor's office present for the signing and that was a nice momentous occasion to attend. Thank you everyone for their participation in that.

**Board Chair Hulu Lindsey:** Thank you to the Trustees that attended that for us.

**Chair Akaka:** Yes, we're grateful to have been included in that ceremony.

## **V. ADJOURNMENT**

**Chair Akaka:** I will entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Can I please have a **roll call vote**, Nathan.

							10:33 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:34 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**May 3, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Luana Alapa  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

**Trustee Keoni Souza**

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, May 3, 2023 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	EXCUSED	10:02 a.m.
Trustee	LUANA	ALAPA	EXCUSED	10:02 a.m.
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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



## II. Unfinished Business

### A. 2023 OHA State Legislative Bill Package – OHA-1 – Matrix 1\*\*

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

#### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. We'll go ahead and have Ka Pou Nui and Capsun take the agenda items.

**COO Brown:** Mahalo, Ka Pouhana. Straight lateral to Capsun. We're gonna wrap this session up and so Capsun will walk us through where all the measures ended up.

APRIL						1
2	3	4 First Crossover Filing (Concurrent Resos)	5 First Crossover (Concurrent Resos) Single Referral (House Bills) Filing	6 Second Decking (Bills)	7 HOLIDAY Good Friday	8
9	10 Recess #5	11	12 Recess #6	13 Second Crossover (Bills) & Disagree	14 Second Lateral Filing (Senate Concurrent Resos)	15
16	17 Second Lateral (Senate Concurrent Resos)	18	19	20	21 Constitutional Amendments & Second Crossover Filing (Concurrent Resos)	22
23	24 Second Crossover (Concurrent Resos)	25	26 Recess #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
30	MAY					
	1 Recess #8	2	3 Recess #9	4 Adjournment Sine Die	(Session pau!)	

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Casey and Sylvia. Aloha kakahiaka, Trustees. We will just briefly, as normal, we'll just briefly share the leg. calendar. So just so you see like I said last week, we were approaching the end and we are basically at the end today is May 3rd. As you can see recess #9 the very last recess and tomorrow's day 60th session the last day of what's proven to be a pretty busy session. So as

we are at the end of the process and the legislature has been meeting in conference, all of the matrices that are being presented to you today are for information only and no motions are being requested, so with that we'll just jump into Matrix one.

+Matrix 1 - 2023 OHA State Legislature Bill Package							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB133</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023 and ending on 6/30/2025. Effective 6/30/2023. (SD2)	4/28/2023 S 48 Hrs. Notice (as amended CD 1) 05-02-23.	SAIKI (Introduced by request of another party)	HWN, WAM	SUPPORT
2	<a href="#">SB205</a>	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2023, and ending on 6/30/2025. (SD1)	2/3/2023 S Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	KOUCHI (Introduced by request of another party)	HWN, WAM	SUPPORT

Matrix Shading Legend		
New Track	Bill Number, Title, and Position	
Measure Update	Bill Number, Title, and Position	
Conference	Bill Number, Title, and Position	
Dead Measure	Bill Number and Title	
Governor/Final Action	Bill Number, Title, and Position	

I did want to make a quick note about the matrix shading legend. Green was updated to include Governor or final action just because resolutions do not need the Governor's signature and the pink did indicate conference. I did want to make sure you knew we didn't miss that. That pink shading was accurate at the time of preparation and distribution because late Friday night, the legislature extended the final decking deadline to Monday at noon, with both the Senate President and Speaker agreeing to it and I want you to know that that's a pretty rare occurrence for them to do that. In fact, even more rare is that on Monday they actually extended the deadline until 6:00 PM, so there's a lot of stuff that was still floating. Normally, all bills would have died if they didn't meet that Friday deadline, but they did continue to be alive and that was helpful for us because while the conference committee decided on our bill, they hadn't filed the paperwork for it. So other adjustments are that the legislature did a large number of floor amendments in both the Senate and the House yesterday. So they're just pushing through to the end.

So as you can see, we've been talking the only bill that's been alive here for a while is item number one on Matrix three, which is HB133. This is our budget bill, the final conference draft, it only has the \$3 million of our initial request in HB133 which we OHA will also match for each of the next two years of the biennium. Let me just say, I know it's always good to finish session with something, but the \$3 million that are contained in the CD1 is far below the amount that was in the SD2, the Senate Draft two that included money for bulkhead repairs and environmental impact study as well as Kūkaniloko. It wasn't certain at the end. The legislature had a rare procedure known as a cattle call on Friday night. I think some folks did come to our Thursday hearing in conference and then they rolled that over very quickly to Friday. And so the Friday was a cattle call. It's basically every bill that's left and hasn't been decided gets put in one conference room and you literally have to just get up there and start calling meetings together. So it's a big mess and like we call it is the cattle call before they could make their decisions by 6:00 PM was their deadline on Friday.

One other note about HB133, the state is expected or will exceed the general fund expenditure ceiling. It's set in the Constitution and by law, and so it's supposed to keep up with, spending is supposed to keep up with revenues and so because of the big surplus that the Ige Administration left, everything that passes after the executive budget, HB300 will exceed the general fund expenditure ceiling and every bill that does that has to have language in it noting that. So in total, the state is well over a billion dollars over the expenditure ceiling and it does require a 2/3 vote in both the House and the Senate. Our bill was originally scheduled to be voted on yesterday, but because the state budget was not passed yet our bill is deferred to tomorrow, floor vote tomorrow, and as of conversations I had this morning, it is expected to be passed tomorrow as planned and with the 2/3 vote in each of the chambers, so both the Senate and the House. So with that, that was kind of a long one for Matrix one, but we are available, Administration is available to answer any questions on Matrix one.

**Chair Akaka:** Mahalo, Capsun. Members are there any questions or comments?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you. Thank you, Capsun. Prior to this time we were carrying a bill with significant more funding in it. So I'm just asking you now for the short of it. How much money did we get, do we have now? And of the remaining funds, because I think it was 65 million for the bulkhead, etc., what did Saiki get gutted out from our bill? How much money remains and we've lost significant, I mean we've lost the vast amount of the funding we were seeking. Let me have the figures.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, it's going to be very straightforward. The amount we're getting is \$3 million. And as you've noted, that is \$84 million less than the SD2 version of HB133.

**Trustee Trask:** Right, can I have the breakdown of the 84 million that we didn't get. We had some of it allocated for bulkhead.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, that was 65 million was for the bulkhead repairs revetments, 6 million was for the EIS and 13 million was for Kūkaniloko. So yes, that should add up to 84 and you know as we've said the three million we are left with now is significantly less.

**Trustee Trask:** Yeah, it sure is but we still don't have the three million, do we? We won't really know until tomorrow.

**Interim Advocacy Director/Chief Advocate Poe:** We won't know for sure till tomorrow and definitely we, you never know until it's signed, sealed, delivered. But all indications for me are that the legislature will pass it tomorrow.

**Trustee Trask:** Thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Sure thing. Mahalo, Trustee.

**Chair Akaka:** Mahalo, I just wanted to note, you know, to acknowledge those that have been really pushing for us during this conference committee time, Rep. Tarnas, he really has been fighting to make sure that we at least get that \$3 million funding, which is very admirable being that even that was looked at to not come through and as well as Senator Fevella and Senator Michelle Kidani, as well as Senator Maile Shimabukuro for all of their efforts to advocate for us.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Chair Akaka. Capsun, I'm wondering if I should even bring this up. I heard rumors that the repairs to the bulkhead would be funded through different departments and that might be something that was happening. Is that just rumors or do we know anything about that?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, let me respond to that, that was always a possibility. There were conversations, Trustee and I think the most explicit one was about if not giving it to OHA, then perhaps the money could be appropriated to the Hawaii Community Development Authority, who also had their own separate ask of about \$25 million in there to do repairs. That did not get approved and neither did there. So our 65 million did not get approved either in OHA's budget or someone else's budget, and neither did the 25 million that HCDA was requesting. So right now there does not seem to be any state investments in the wharf or bulkhead areas. Our understanding of the budget is that HCDA is going to get some money to do either some street repairs in the area. But yes, nothing in the water, nothing in the bulkhead, nothing in the wharf.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just have a comment, colleagues, because we're right at this point that we had discussed a few times earlier the outcome, what would we anticipate to be the outcome of finally having our office come forward to advocate for property or value exceeding 600 million, and what we're seeing right now is Scott Saiki and these settlers that have seized our property. And now I'm referring you to the article that came out from Jonathan Okumura, asian settler colonialism explains why OHA should be allowed to develop Kaka'ako. But as you could see, the legislature and the power brokers will not be doing that. So I just want it to prevail upon the Board now and I want it on the record that I would have something placed for the Trustees executive discussion in terms of initiating litigation with regards to the state for the inventory of our ceded lands and assets and also for the value of this property.

You know, I think we did the right thing as Trustees with fiduciary obligation, but it's pretty clear. I do very much support what Trustee Kalei is saying. We have a press statement to write for this week and we need to be clear and strong that what they do here is nothing more than I think you know and example of settler colonial racism, but that we will now have to contemplate proceeding in the Federal Court. I think we need to make a statement that thanks Rep. Tarnas, Fevella, that thanks Michelle Kidani and Maile because they knew what they were up against. It wasn't just us against us Saiki. They all knew, and they all knew his power, but they still helped us. So I would like to see that thanks and mahalo in our press conference statement at the end of the week and the commitment that we will go forward now and also now must consider review with the assistance of the Federal District Court. It'll be a conversation we'll have in the future Trustees, but I would like to see it within the next month or so, and we head now to Washington, so it's appropriate for us to put it on the agenda. Thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. First, I'd like to say thanks to everyone who is involved in our lobbying efforts for our bills this legislative session, both formally and informally. I appreciate that greatly, including Trustees who were directly involved. What I would like to ask is for an opportunity for us to hear an evaluation of our strategy and our messaging in the lobbying efforts that took place this year. I think as we holomua, as we go forward, which we definitely are going to do. It would stand us well if we would look at the strategies and specific messaging that we use and examine them. I would love to hear from those qualified in Administration what the evaluation would be and I'd love us to discuss that together as we go forward. So, Madam Chair, if we can do that in some venue I'd appreciate that.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** What Trustee Akina is asking is on tomorrow's agenda.

**Chair Akaka:** Yes, that is correct. Trustee Akina, did you have anything further that you wanted to share?

**Trustee Akina:** No, thank you. I appreciate that we're gonna discuss this and look forward to that process.

## B. 2023 OHA State legislature Bill Positions Related to Measures Naming OHA – Matrix 2\*\*

### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HR114</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		4/5/2023 H Resolution adopted in final form.	KILA, CHUN, POEPOE, TAKENOUCI	JHA	SUPPORT
2	<a href="#">HB90</a>	RELATING TO COMMITTEE FUNDRAISERS.	Amends section 11-342, Hawaii Revised Statutes, to increase transparency by requiring candidate committees and noncandidate committees to file fundraiser notices regardless of the price or suggested contribution for attending the function.	4/3/2023 S Act 004, 03/31/2023 (Gov. Msg. No. 1104).	SAIKI (Introduced by request of another party)	JDC	MONITOR
3	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the Department of Agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the Legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the Department of Agriculture. Effective 6/30/3000. (SD2)	4/28/2023 S Conference committee meeting to reconvene on 04-28-23 4:30PM; Conference Room 309	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AEN, WAM	SUPPORT
4	<a href="#">SB295</a>	RELATING TO THE CHILD WELFARE SERVICES.	Establishes within the office of wellness and resilience the malama ohana working group to seek, design, and recommend transformative changes to the State's existing child welfare system and allow the office to contract with an administrative facilitator to provide necessary support for the working group. Requires the malama ohana working group to report to the legislature. Appropriates funds. Effective 6/30/3000. (HD2)	4/28/2023 H The Conference Committee recommends that the measure be Passed, with Amendments. The votes were as follows: 3 Ayes: Representative(s) Mizuno, Kobayashi, Alcos; Ayes with reservations: none; 0 Noes: none; and 0 Excused: none.	DELA CRUZ, AQUINO, CHANG, KANUHA, KEITH-AGARAN, LEE, MCKELVEY, MORIWAKI, RHOADS, Kidani, Richards, Wakai	HUS, FIN	SUPPORT
5	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Establishes the geothermal energy resources development special fund. Requires annual reports to the Legislature. Redistributes geothermal royalties to the counties for specific purposes, geothermal energy resources development special fund, department of land and natural resources, and office of Hawaiian affairs. Effective 6/30/3000. (HD3)	4/13/2023 H Received notice of disagreement (Sen. Com. No. 888).	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EEPWAL, CPC, FIN	OPPOSE

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
6	<a href="#">SB299</a>	RELATING TO BUDGET-RELATED SUBMISSIONS TO THE LEGISLATURE.	Authorizes the legislature, upon the agreement of form by the speaker of the house of representatives and the president of the senate, to specify the form in which the proposed budgets of the executive branch, judicial branch, and office of Hawaiian affairs are submitted to the legislature. Requires the executive branch, judicial branch, and office of Hawaiian affairs to conform no later than 12/1/2023. Effective 6/30/3000. (HD 1)	4/18/2023 H Received notice of Senate conferees (Sen. Com. No. 904).	DELA CRUZ, AQUINO, CHANG, DECOITE, INOUE, KANUHA, KEITH-AGARAN, KEOHOKALO, LEE, MCKELVEY, RHOADS, Kidani, Kim, Moriwaki, Richards, Wakai	LGO, FIN	HIGH MONITOR
7	<a href="#">HCR108</a>	URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY WORKING GROUP TO DISCUSS POLICIES AND LEGISLATION WITH RESPECT TO NATIVE HAWAIIAN INTELLECTUAL PROPERTY.		4/28/2023 S Received notice of Agreement and Adoption in House (Hse. Com. No. 891).	KILA, CHUN, KAHALOA, POEPOE, TAKENOCHI	JDC/HWN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees for your ‘ike and mana’o on Matrix one and taking note of that as well. As I said, Matrix two is for information only, but I did want to highlight item 7, which I believe is. On the next page and that's HCR108 about Native Hawaiian intellectual property rights. There were several performers and others involved in this effort and so OHA was very supportive of this and it is adopted because the House finally agreed to the Senate's changes and so that's one I just wanted to sort of highlight for the Trustees this morning. Otherwise, you've seen Matrix two and if there are any questions or concerns on any of the items on Matrix two, we can discuss those.

### C. 2023 OHA State legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Interim Advocacy Director/Chief Advocate Poe

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair. Again, the last matrix provided today, Matrix three is provided for information only, and the Trustees did have it and an opportunity so we can discuss any of the questions or comments you may have. I did want to very quickly if I could, though highlight item 11.



Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
11	<a href="#">HB819</a>	RELATING TO LIMU KALA.	Designates limu kala (Sargassum echinocarpum) as the official Hawaii state limu. (SD 1)	4/28/2023 S Received notice of House agreement and passage on Final Reading (Hse. Com. No. 890).	KAHALOA, AIU, AMATO, BELATTI, CHUN, COCHRAN, GANADEN, GARCIA, GARRETT, GATES, HASHIMOTO, HOLT, HUSSEY-BURDICK, ICHYAMA, KAPELA, KILA, KITAGAWA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, MIZUNO, MORIKAWA, NAKASHIMA, NISHIMOTO, PERRUSO, POEPOE, QUINLAN, SOUZA, TAKAYAMA, TAKENOUCHI, TAM, TARNAS, TODD, Alcos	TCA, JDC	SUPPORT

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I have a question that I'd like to ask, but it's not pink or green. You know, I know the process that we use when we're going through this because we have hundreds of bills, but I am concerned about what happened with the Public Land Trust measure, House Bill 1227. It's on the third page of the matrix, #11.

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
10	<a href="#">SR12</a>	REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO ESTABLISH AND MAINTAIN HAWAIIAN CULTURAL CENTERS WITHIN THE STATE.		3/3/2023 S Report and Resolution Adopted.	FEVELLA, CHANG, KIM, Awa	HWN	COMMENT
11	<a href="#">HB1227</a>	RELATING TO THE PUBLIC TRUST LANDS.	Formally recognizes that the Office of Hawaiian Affairs is not barred from pursuing and may negotiate with respect to public land trust claims not addressed in Act 15, Session Laws of Hawaii 2012.	1/30/2023 H Referred to WAL, JHA, FIN, referral sheet 3	SOUZA, ALCOS, COCHRAN, GARCIA, PIERICK, Amato, Ganaden	WAL, JHA, FIN	SUPPORT

**Interim Advocacy Director/Chief Advocate Poe:** Apologies, so Trustee, I'm glad we were able to go back and cover the question. That bill has been dead for quite some time in that it was never, I mean it did get a referral but it did not get any hearings.

**Trustee Trask:** When it had come up before, I had wanted to look at what the referrals were. I am watching this bill because it had some important implications for the office. It was taken out early on but I wanted to track to see what their concern was because this bill related to our larger budget bill, which now has been gutted and that's why I wanted to get some input from staff on this thing. Following this meeting let's take a look at it.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, we can do that. We'll definitely try and decipher what's going on.

**Trustee Trask:** Yeah, because we have a working group that the legislature was creating specifically on the Public Land Trust and that's what I'm looking at and comparing it with. But I'm also very concerned with the language in this bill and the PLT Working Group because my beneficiaries are not limited to Public Land Trusts, are not and the Constitution and the overarching statutes referred to the Ceded Land Trust. Public

Land Trust is a small fraction of that. But I have a fiduciary obligation to look broader. Okay, we can follow it up and I'll be back next week too, aloha.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Trustee and just to confirm Trustee, yes, we are aware of the issue. You know it was very similar to our budget bill and even our Hakuone bill, you know it got referred to some of the same committees. So this was supposed to go to the House Water and Land Committee, then the Judiciary and Hawaiian Affairs and then to Finance. This of course is a bill that was introduced by a minority member, and it's never say never, but it's not often that the majority will schedule minority member bills, at least not in the House, in the Senate that can happen sometimes. But in the House, that's not been very common. And so unfortunately, I think we didn't get a chance to publicly discuss and hear from people what their concerns were because no hearing was ever scheduled.

**Trustee Trask:** You're so right, Capsun and thank you for making that point. And Trustees, we see how our legislature works. But let me tell you one thing. When you file in the Federal District Court there is no power in the legislature, there is no bill that prevents us from moving forward with our position for our people. We will not be silenced when we get an accounting there and I'm really looking at full ceded land accounting, but we may need to also have the court facilitate review of what the legislature is doing under this new Public Land Trust approach which takes out all our minerals, all our water, all our land, all removed, only brings it down to receipts from rent that they receive. So we take it to the next step. Good work, Capsun.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo for your vigilance Trustee. So, Chair, if it's okay we can go back to Matrix three. Item number 11 and Matrix three, which I think is on page three of the matrix. So item number 11 is HB819, I know several of the Trustees were able to attend the bill signing for Lā Kū'oko'a. So we are trying to make inroads in other advocacy and this is a small but symbolic one, but it does designate Limu Kala as the official Hawai'i state limu and my most recent conversations are Governor is excited to sign this and you know, we're hoping that other advocates will also be embracing the idea here. And so I just wanted to bring that up and highlight that. It is one we do hopefully expect we'll be signed by the Governor and we can continue to build on some of the recognition of issues that are important to Hawaiians as we continue to advocate for some of the other important issues like Public Land Trust, like ceded lands and or OHA's correct amount of the income and proceeds of all of those.

And then also noting for those that were in green, that are heading to the Governor. This bill also included. The Governor is going to have until June 26 to place them on the intent to veto list. The Constitution does require the Governor has to give the legislature 10 days notice before the veto deadline if he intends to veto a bill, and he can only veto a bill that is on the intent to veto list. But anything on the list does not have to be vetoed. So the intent to veto deadline is June 26th and the actual veto deadline is July 11th. If the Governor does not sign or veto a bill by then it will automatically become law without his signature, and then usually if the legislature is going to override, they'll usually vote that same day to override the Governor's veto. Back in the day it was less common, but the legislature, at least the Senate, has already overridden the Governor's first veto of one bill, so it does show that I think they may have an appetite if you know, especially if a bill passed by a large amount and had a lot of support, it's very likely that if it is vetoed, the legislature may very well override the Governor's veto.

And then Chair, sorry as always, if there are any questions on this matrix for Matrix three, Administration is available to answer any of those questions or address any concerns.

**Chair Akaka:** Mahalo, Capsun. Members any other questions or comments or Matrix 3? Not seeing any.

**Interim Advocacy Director/Chief Advocate Poe:** If there are no questions or comments, Chair with your indulgence and the Committee's indulgence I wanted to take a few minutes to make some acknowledgments, if that's okay with you, Chair.



**Chair Akaka:** Yes, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo. Well, first to Chair Akaka, mahalo to you on behalf of me, my gang and Administration for your leadership of the Beneficiary Advocacy and Empowerment Committee. It has been enjoyable and fruitful I think and I also wanted to thank Mark and Nathan of your staff who have really supported our collective efforts and have helped helped us get there to wherever we needed to go and help take care of the little things so it is appreciated and I know we don't have all the Trustees on, but I did want to thank all the Trustees, including those who are not on today. I do want you to know that we appreciate your oversight, direction, 'ike and mana'o in our advocacy, especially at the legislature, but throughout all of the efforts we have going on.

While I have been the main presence at the BAE meetings, I did start I think the first one talking about the team of hard working individuals behind all of this work and I wanted to recognize a few of them. I do have some on and I was going to just ask them to turn on their cameras for now, but I'm going to perhaps start with those who aren't here. I did want to thank from Community Engagement, Public Policy, Shane Nelsen and Kamaile Puluole-Mitchell, who are our moku o keawe staff and they've infused their efforts in several issues. Especially those that affected homestead communities. From compliance Kamakana Ferreira contributed on historic preservation, iwi issues, environmental review and really helped fine tune some of our advocacy. From Advocacy, we also have Kealoha Pisciotta and Michele McCoy, who helped at the beginning of session and then got some special assignments from every level above them let's say but continue their advocacy, especially related to Papahānaumokuākea and some of our federal efforts, which you know, just to sort of pin that for you Chair and Trustees, Administration will be probably bringing back to the Board later this summer.

And so I think all of my folks have their cameras on, so I'm going to just one by one kind of introduce you to those who have joined us on the Zoom this morning. First to Keli'i Nixon that you see here. He is our newest hire to our team and has already contributed much of his health background to some of our immediate needs and discussions on either resolutions but also in some of our planning and next steps for what we're going to work on during interim and perhaps for next Legislative Session. So welcome, Keli'i, I know you're the newest but definitely just jumped right in there and is always willing to help so appreciate it. Next you'll see it says Zuri Aki, but next to Zuri is Maka Masuda. You know, Maka is just are all around utility person. He helps with research and you know, maybe we shouldn't tell too many secrets but Maka brings a lot of legislative experience. You know, he was a longtime staffer at the legislature and that is some much needed legislative and policy experience to our policy shop, you know, and also a great bill drafter sometimes is hard to find and Maka can just make it in no time at all, so thank you, Maka. I'd also point out that you know Maka, no matter how early I come in or how late I leave, he's always here before me and he usually stays after me. So I want to thank you, Maka, for that time.

Next is Grant Nakaya and I want to thank Grant, first of all for always being available and around when needed. Hopefully Grant you won't you know, file anything about the HIPAA violation I'm about to commit right now, but Grant is actually not supposed to be here today. He's taking a sick day but didn't want to miss the opportunity to come here, so I do want to thank you for that dedication grant. He has been phenomenal at building systems and linking some of our work together and maybe most visibly for the Trustees, I want you to know that Grant is the workhorse behind the matrices, and he spends pretty much his whole weekend tweaking every little thing I want changed or updated for the Trustees and you know, as we kind of make our commitment to getting information presented as clearly as possible to the Trustees. So Grant, thank you again for being here. Grant has even cut short his wife's birthday party celebration because Capsun was bugging him on one Saturday night and so sorry for that Grant and thank you for that Grant but you know, don't let me do that going forward.

And finally, Trustees, I did want to highlight Zuri Aki. You know "Z", our Public Policy Manager in Advocacy, who, like me, is experiencing his second tour of duty here at OHA, and I think making every day count and really realizing some of the opportunities, but some of the challenges, but also trying to approach it with

commitment to our lāhui. “Z”, I want you to know I don't think I could have done it without you in bringing this gang together. Trustees, I want you to know that “Z” was instrumental in getting all of these people hired, onboarded. When he came I just told him “Z”, we need more people here before session. Do whatever you have to do to get them here and he did and I want to thank you for that. I also want to make sure people know that “Z” has really made sure OHA has been fierce in our advocacy effort. Sometimes I take a more gentle approach and sometimes “Z” is like no, this one we got to push on Capsun. So I want to thank you for that because I think it's really helped I think in our efforts to reestablish OHA's primacy as the principal public agency in Hawai'i, responsible for the performance, the development and the coordination of programs and activities for our lāhui. So I thank you and “Z”, you know, just a quick joke here for everyone. I want to thank “Z” for the one time I gave him about 65 minutes to write testimony on Hakuone and he managed to do it with 15 minutes to spare. So Trustees, I do want you to know that and Ka Pou Nui, I know you have your hand up. I was just going to wrap up really quickly if that was okay. And so again, Trustees and team I did want to mahalo this awesome team of advocates for their tireless efforts. Who are supporting the Trustees and their guidance and Ka Pouhana and Ka Pou Nui as they oversee OHA. I also wanna thank Ka Pouhana for her guidance and always being available. She sometimes is on vacation but you wouldn't realize that from how quickly she approves some of my things and Ka Pou Nui also for the guidance as well as also helping to help present the documents through each of these meetings and to everyone I do appreciate the opportunity for allowing me to serve as Interim Chief Advocate and I hope that despite some of the setbacks we see this session as being fairly productive for all of that. So with that, Chair Akaka, mahalo for letting us provide this update. I know Ka Pou Nui had something he wanted to say as well.

**Chair Akaka:** Mahalo and before you do so, Ka Pou Nui, I also want to acknowledge you Capsun for all of your work and dedication, your daily visits to the legislature. As we know at the legislature days roll into the nights and oftentimes the next day, and I really appreciate this time where we can acknowledge all that are involved from the background to the forefront and everyone in between. I also want to acknowledge our Board Chair, our Board Vice Chair, Ka Pou Nui, Ka Pouhana, those that have helped us in Kuilei, everyone that have and those that have testified for our people and for our efforts, it's very important that we're able to acknowledge all that are seen and unseen in this process. As you're saying Capsun you know, in terms of productivity, there has been a lot of traction as always and it's just a matter of timing. Often the timing and placement of things, but we continue to move forward and I'm looking forward to seeing more positive results with our work and it moves forward even beyond the State Legislative Session through the year, Ka Pou Nui.

**COO Brown:** Yeah, really quickly I didn't want to let Capsun go without recognizing Capsun. You know, as a reminder, the team that you see in front of you now wasn't in place you know, even a month before session started, right and so for the team to come together and for things to be led in the way they've been led it couldn't have happened without Capsun as well. One thing we also focused on in responding to your needs, Trustees and your desires from last year, putting into place lessons learned, the ability to bring you folks just the essence, the matrices, the reviews that you guys go through, the evaluation that you guys go through each week really it was a task to focus on what the essence ought to be, and that's what we attempted to do and under Capsun's leadership. I think we succeeded, you folks let me know if we didn't, whether or not the outcomes of this session were what they were. I think the way that the meetings were focused and allowed you folks to really have the time on the matters that mattered the most. I think we were successful, so just wanted to mahalo, Capsun. Yeah, thanks, Capsun.

**Chair Akaka:** Absolutely, the smile and grace is always appreciated, Capsun. Yes, and mahalo nui to all our Public Policy Team, we really truly appreciate all your folks work.

**Interim Advocacy Director/Chief Advocate Poe:** Chair then one last thing, not as a thank you, but just as a heads up. I did want to make sure, Chair that you knew and that the Trustees know that Administration does expect to come back on a final wrap up of the session probably later this summer after the veto deadline.

**Chair Akaka:** Mahalo.

#### **IV. ANNOUNCEMENTS**

**Board Chair Hulu Lindsey:** Madam Chair, I just want to announce if the Trustees did not see the memo from Administration that we are having a press conference on Friday at 10:00 o'clock to recap the legislature. The results or the not results. So if you could be present here at Na Lama Kukui, it would be appreciated.

And also if you haven't seen the memo I sent out shortly before the meeting. I'm saddened to announce that Pouhana will be leaving us on June 30 and I do want to thank her for all that she has contributed to the Office of Hawaiian Affairs. The craziness that she gotta have been going through, it's not an easy job for anybody and it'll be very difficult to replace her. So I want her to know that we let her go with full aloha as she has been a part of our 'ohana here at OHA. Sylvia, thank you very much for all your service to our people.

**Ka Pouhana Hussey:** Thank you, Chair.

**Chair Akaka:** Mahalo, Board Chair and Ka Pouhana, you know, minds can be changed. So before that time that you said, should you change your mind, we are here and we could certainly use kōkua here. But until then, we shall move forward.

#### **V. ADJOURNMENT**

**Board Chair Hulu Lindsey:** I'd like to move for adjournment.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:45 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:46 a.m.**  
Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\***
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
**OFFICE OF HAWAIIAN AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**November 8, 2023 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Keli'i Akina  
Trustee Keoni Souza

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, November 8, 2023 to order at **10:10 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:10 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	EXCUSED	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	EXCUSED	<b>10:12 a.m.</b>

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

## **II. New Business**

### **A. Presentation by Administration: 2023 Legislative Recap**

#### **ONE TESTIFIER ON THIS ITEM**

**Germaine Meyers:** Aloha Chair Akaka, Trustees, Administration, staff and lāhui. My name is Germaine Meyers, I'm a beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli Hawaiian Homestead lessee. I'm here today to share my data, views and arguments regarding today's agenda items. 2023 Legislative Recap and 2024 Legislative Update. The administration presentation uploaded in today's meeting documents begins with slides outlining our advocacy strategy, the University of Hawaiian Affairs and education campaign strategies. As a beneficiary, I'm looking forward to see and hear how administration will administer within there 2024 legislative proposal OHA's 15 year strategic plan and how it will execute the strategic plan's three foundations, family culture, land and water, its four focused directions, education, health, quality housing and economic stability, which are further defined into 8 strategies and 26 strategic outcomes.

I shared with our new CEO by e-mail this morning the community concerns I shared three months ago at OHA's Board Meeting on August 17 that I came into contact with the gaming proposal to OHA by the California-based Morongo Band of Mission Indians Tribe. Gaming was never included in OHA's strategic plan, its foundation, direction, strategies, or strategic outcomes, and that each of the four focused directions need sufficient time, efforts, monies and resources. Administration's presentation does include a resolution proposal titled Culturally Appropriate. The proposal would urge OHA to develop a report on the scope of what it means to be culturally appropriate across every major sector, education, healthcare, housing, economic development, etc. It further proposes OHA amplifies and elevate Native Hawaiian voices and perspectives in policy and governance.

I appreciate administration's proposal to amplify and elevate my voice and the voices of other Native Hawaiians in regards to policy and governance. Another reso. proposal, titled Rural Resiliency Strategies, is also included in administration's presentation. As I've shared, I'm a lessee of the rural community Nānākuli Hawaiian Homestead. Every month this year I've participated with a group of leaders in Wai'anae Moku that's been working with the cities DPP to update our 10 year Wai'anae Sustainable Communities Plan which identifies and addresses various elements in our Wai'anae Moku. Tonight we have a workshop from 5:00 to 7:30 p.m. to continue dialogue on these important elements. Separately on October 24th, myself and five other Wai'anae Moku community leaders attended an invitation only meeting and site tour with the Army and Navy leadership and staff along with State and City officials to discuss and update and MOU between the Army, Navy and the State to use Kulekole Pass for emergency response vehicles to get to the Wai'anae Moku communities should access be blocked on Farrington Highway. But also the possibilities of residents of Wai'anae Moku to use Kulekole Pass for life saving emergencies during a disaster, natural or man made. Wai'anae Moku has the highest concentration of Native Hawaiians in the world. I'm grateful for administration identifying the needs of Native Hawaiians and rural communities in the state, and I look forward to working with OHA on addressing our specific needs, ke akua pu, god bless all of you.

**Chair Akaka:** Mahalo nui, Germaine. I also wanted to let you all know that an updated presentation was sent earlier this morning from Public Policy, and that has been distributed out following the start of this meeting.

**Chair Akaka** yields the floor to COO Brown

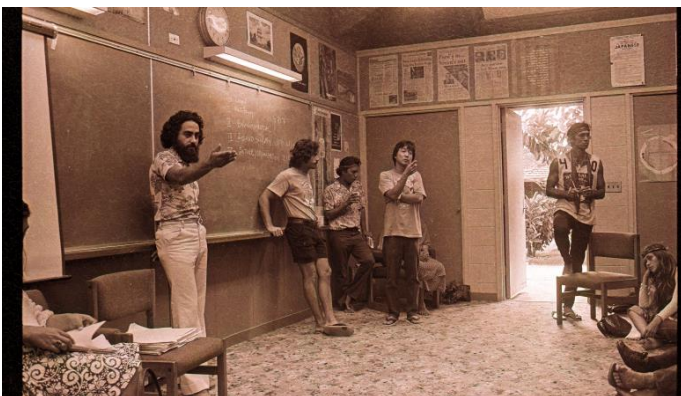
**COO Brown:** Mahalo, Madam Chair and just to note, the only changes to the deck is to add pictures of the

staff and to add strategic directions just to label for our proposed measures how they align. So there's no material change to the decks. So mahalo, Madam Chair. So we're going to get started and to take us through this material I'm going to introduce Zuri and he has his Public Policy Team with him as well and I want to also mention to Trustees and to everyone listening that Zuri, Aki and the Public Policy Team were instrumental in getting us through the last session. Of course, we missed our prior Chief Advocate, Capsun Poe, who was also instrumental, but without Zuri and the Public Policy Team and without Zuri's leadership, we would have stumbled through session. We may not have made it through covering all of the bills that we did. So really, really wanna congratulate Zuri and hats off to him and now I think it's time to unleash him and bring him forward and you'll see him start to present and handle the matrices going forward as we move through this upcoming ledge session. So please everybody welcome Zuri and the Public Policy Team.

**Public Policy Manager Aki:** Aloha Chair Hulu, members of the Board. Aloha mai kākou, mai ka la hiki a ka la kau, mai ka ho'oku'i a ka halawai. I'm going to do a little intro being very mindful of your time here and I'm going to try to breeze through this whole process, but please bear with me and if you at any time have any questions, please stop me. I'll take you right to it. I'll have one of my advocates, Keli'i Nixon, share the slide deck right now.



Okay, I'm going to do a lot of reading here and providing additional details. So this is going to be the 2023 legislative recap and we're going to provide a little bit of the 2024 updates looking forward. That's going to carry us into 2025 and beyond.





I want to introduce my team. These are my people, they assist me in carrying OHA's advocacy for the betterment of conditions of Native Hawaiians. I'm very proud of these people and you know, there's not enough time that I have available to talk great things about them, but here's some background. So I was on boarded in October 2022 and we had to rebuild advocacy, so I put out a call on social media and all my networks and we had a response from our first advocate here. Grant comes to us from Hilo, he has a JD, a Jurist Doctor. He's a graduate of William S. Richardson School of Law, the second advocate to answer our call, another advocate, on boarded in January of 2023 is Maka Masuda, by way of Pu'unēnē, Maui. He is a graduate of Yale Law School, he has a Jurist Doctor. He's a practicing attorney and he's also the editor of the Bar Journal, I think I got that right. And our final advocate that was on boarded in March of 2023 is Keli'i Nixon. He comes to us by way of Honouliuli and these are part of my team.

A little background about me because I think it's important to share with you what perspectives, what lens is being filtered through your policy endeavors and OHA's advocacy efforts. He Hawai'i au no Waipi'o mai o kapuni O'ahu maiau. The 'āina to whom I belong is the ahupua'a of Waipi'o, I'm an Aki through my father via Lahaina, Maui through Kaua'i. My grandfather was the first Mayor, Chairman of Kaua'i. So kālai'āina is kind of in my blood. I'm a kālai'āina practitioner much like yourselves. I'm also a mahi'ai, I'm a Ka'apana on my mom's side via Ka'ū. Having grown up kanaka maoli with that perspective, I carry that in everything we do and to hold up your own policy and our advocacy efforts.

This is a little background information, a little historical context here. I love this picture. My guys are probably getting sick of it. This was taken by Ian Lind, circa 1976, right. We have George Hill on the left, Kimo Mitchell, Dr. Emmett Aluli and over on the far right, we have Uncle Walter Ritte looking as shredded as ever. Right there in the middle is our very own Maka Masuda looking very young, he says. We just wanted to share this with you.

Here's a structural overview of our team here. Because we have a smaller team, out of a total of nine, we kind of took a different approach. I think traditionally Public Policy iterations were subject matter experts, right, and they took specific subject matter experts, subject matter areas and they kind of carried that. Because of our small team we wanted to spread that out across and have everybody lift all together, but we're going to show, as displayed here our tactical roles. So when it comes to advocacy and at the Legislative Session, my main role is lead, drafting, editing and providing basically OHA testimony, public testimony. We have Grant here helping us with the matrices, right. So if anybody's gonna be blamed, we'll blame him. I'm just kidding. But he's. very good at Excel. He's our Excel pro so we also have him doing data aggregation, so he's taking control of all the data that flows through us, all the information. So he's compiling that. He's an expert at that.

Keli'i, everywhere we go, people love his smile, people love his attitude. He's charming, very charming. So he's going to be assisting me over at the ledge when we provide oral testimony, so he's providing some oratory there. He's also great at logistics.

Maka Masuda, he's a research powerhouse. He's the most eloquent on our team. He's got the greatest grammar, it's amazing. So he provides our technical editing. He even edits me all the time. So I just wanted to share that slide and then we'll return you to Keli'i's presentation.

**Chair Akaka:** Before you continue, Zuri, I see that our Trustee Trask has her hand up. Would you like to say anything, Trustee Trask?

**Trustee Trask:** I just had some questions because I see the layout here and you know, on my island I have Kealoha Pisciotta who is not only an advocate, but for years she's the one that we've been working on with ocean policy, and I'm just concerned when I look at this number one, that she is not here to brief us on ocean policy which is significant not only in the state but also on the federal side. And also I'm not sure why she is not presented as an advocate. When I look at who has come in and all pretty short hires, I'm concerned about it. Let me ask you something, when you when you have someone here who's a new staffer in charge of oratory. I would like to know what that means? In terms of staffers short term that have just been here. Who reviews the

testimony you present and why is it that you presume that you and a team of these three and the only one I know is Mel Masuda and he's online, but I don't know where the review of your executive team is with regards to the Trustees.

I was concerned last session we see testimony going in. Nobody even saw it and the perspective that was put forward did not represent my island. Now we have a legal advocate on my island who serves the office. Her name is Kealoha Pisciotta. She's been here and is an expert for all things marine. I don't know why she is not in this team and when that is the case and the previous advocate was Na'u Kamali'i and I look here, all recent hires, all male. Why is the female advocate of this office from my island not included? And I would like to get clarification because last session we had significant meetings set up for ocean. We're following up with NOAA and Westpac under the US Department of Commerce and I couldn't get Kealoha on the line because she was spending eight hours a day doing legislative review as the advocate. So I would like to know where the Chief Advocate for ocean policy is from my island and I would like to know why she is not listed here. Has she been removed from her position? Who's tracking the ocean policy?

**COO Brown:** Trustee Trask, it starts simply with there was a structural move here. So Kealoha is very much involved. But she was moved to focus her scope level on the federal area by previous CEO. So her scope was to be federal and Papahānaumokuākea. The work there sits in the federal arena. We are absolutely connected with Kealoha. We absolutely will be bringing all the necessary federal level updates to this Committee. But Zuri and his team focus on state level issues and the ledge session package in particular right now. So that's the team.

**Trustee Trask:** That is incorrect, Casey. That is incorrect. It's true that she follows the federal and it's also true that she has the work with Papahānaumoku, but our fisheries that come from the northwest into Hawai'i are being severely depleted. And that becomes an inshore resource that ties to our nutrition. It's the basis of the Hawaiian diet. It's significant, it's not a question of Zuri is the advocate with his new team on state matters, when it comes to fisheries and things such as that, we cannot separate them. The fisheries are fished out in the northwest, including by US fishermen and now they're doing offshore deep sea mining off my island and I would like to have the ocean advocate included. There is no division in this office between state and federal advocacy because they overlap. I'm raising a concern, do I have to put it in writing? I'd like to see my advocate from my island participating and if this advocacy team is telling me now they can only do state then we're going to need to make some changes because we have significant bills moving in the federal side.

**COO Brown:** Trustee Trask, no, their focus area is state, but every bit of our advocacy from federal down to county, we even have the scope levels of county being monitored by our community engagement, they all have to connect the dots together.

**Trustee Trask:** They sure do, Casey. The slide we're stopped on is our advocacy strategy. Whose advocacy? Whose advocacy and where is our ocean advocate? Why was she not included? I would like to get a response from you. this is inadequate. Where is my state and federal advocacy plan and I would like to see, you know, I would like to see more gender balance here and acknowledgement of the advocacy on my island and inclusion. That is all.

**COO Brown:** We you Trustee Trask and this is just something, the way we've always has done it. So you're putting a new idea on the table and we're definitely gonna take it in and we're gonna try to respond you know so.

**Trustee Trask:** I'm happy to hear that, Casey and I would like to have a meeting with yourself and Mr. Zuri Aki relating to this. Not gonna have female advocates who have extensive background in ocean and fishing left out because we have a new male team. I'm requesting this meeting as soon as possible.

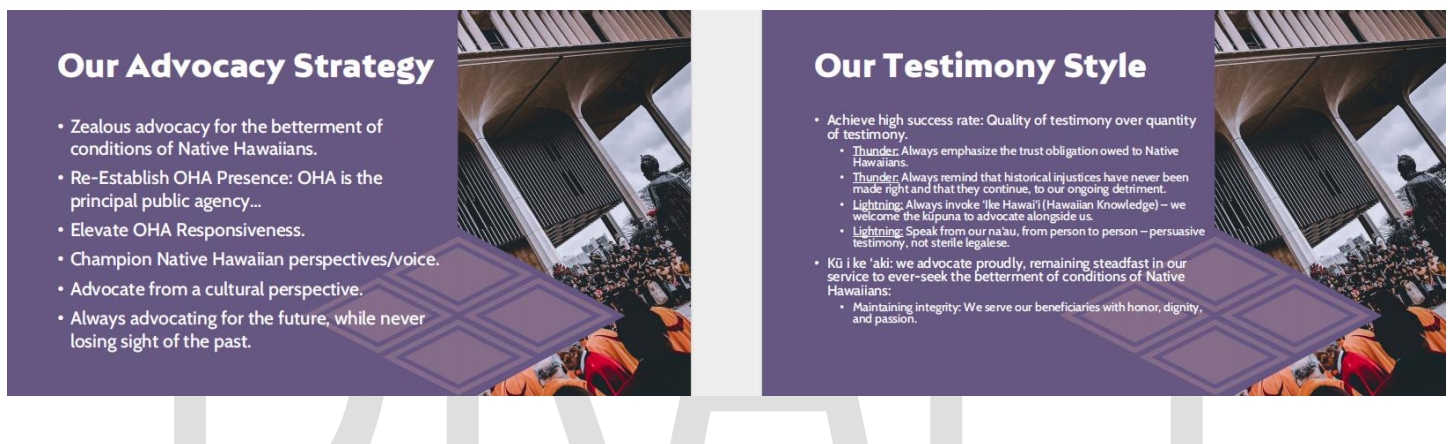
**COO Brown:** Sure, no problem Trustee.

**Chair Akaka:** Mahalo, Trustee Trask and Ka Pou Nui. I see that our Ka Pouhana would like to speak as well.

**Ka Pouhana Ferreira:** Mahalo, Chair. Trustee Trask, please know that your concerns are noted and I agree that we have to take a look at how the advocacy group is comprised because there should be no difference between federal and state as we think about what our overarching OHA strategy should be regarding our policies. We will set up that meeting with you and we will make sure to address this. I do have a meeting set up with Kealoha already and I will be setting up time with Zuri and his team and Casey so that we are looking at policy much more holistically and making sure that Trustees are looped in so you're not seeing policy after the fact.

**Trustee Trask:** You see, I really appreciate that.

**Chair Akaka:** Mahalo, I do want to note too that we have a new Chief Advocate coming on who is wahine as well and she will be introduced in our next BAE meeting, Trustee Trask and all the rest on this meeting, mahalo. Alright, Zuri, if you'd like to continue. Thank you very much.



**Public Policy Manager Aki:** Mahalo, Chair. Mahalo, Trustee Trask for your mana'o and your questions. I should probably clarify. Since we've been sitting on this our advocacy strategy team. You are the policymakers of OHA, the Trustees. You know this and we certainly know that. We carry your policies forward. Policies, of course, for everyone is the underlying principles that form the foundation upon which we govern ourselves, right. Which society creates laws. We want the betterment of conditions of Native Hawaiians. All the principles involved in that rooted, seeded, established and enshrined, crystallized in the laws that govern ourselves here in Hawai'i and even beyond. Our advocacy strategy here is how the OHA Public Policy team takes all the policies that you develop. All the positions that you make and we carry them forward at the Legislature in the work that we do. The previous slide, that's our current makeup of the team and carrying on with this particular slide our advocacy strategy, I wanted to kind of emphasize the fact that we are trained zealous advocates and our mission here is the betterment of conditions of Native Hawaiians. We take that absolutely seriously. We carry this in every bit of our work, everything that we do. For me, I'm kanaka maoli, I'm a beneficiary of OHA. For me the work doesn't ever stop, right. I don't ever switch off being Native Hawaiian and that's part of my zealous advocacy. So moving forward in how we approach every situation in our advocacy efforts beyond zealous advocacy are apart of it. We want to reestablish OHA's presence. OHA's presence as a principal public agency in the state responsible for Native Hawaiians that ever seeks the betterment of conditions of Native Hawaiians. We wanna elevate OHA's responsiveness, OHA's been very responsive. We can always achieve better and that's kind of where we're at, we always strive for better, right. We always seek the summit. So we want to elevate OHA's responsiveness and by doing that, we'll get into the details of that and how we actually approach that, we want to Champion Native Hawaiian perspectives and voices. We want to amplify those voices and we know that our own community, our own Native Hawaiian community, the general lāhui, is

so diverse and every community is unique in their own right and we want to take those perspectives. We want to envelope them into our analysis, into our narratives, and we want to champion them. We want to elevate them and we want these communities to speak for themselves. We also want to advocate from a cultural perspective. Prior to me coming on board as the Public Policy Manager, I also served as an OHA Public Policy Advocate. I didn't often see cultural perspectives rooted in the testimonies that we delivered, we produced. Maybe a little bit of a missed opportunity. This is something I've always kept in the back of my mind. Moving forward, we have to share these because these are the principles that end up becoming laws, right. They have to understand that 'ike and so we always want to advocate for the future while never losing sight of the past. We've been taught these lessons nānā i ke kumu, 'ōlelo noeau, the knowledge of our kūpuna at play here.


Part of our job here at OHA is advocating through testimony, we provide written testimony, public testimony as often as we can we try to be there to show that OHA is represented. That's only a fragment of what we do. We got to get into the communities, we talk to communities, we build support, we galvanize support, develop critical mass, that's also part of what we do. But over at the ledge we get slammed by thousands of bills and you know, we're churning out testimony like crazy, so going in I had a kind of notion of how we should deliver our testimony. This is our testimony style. So we want to achieve a high success rate, right. So there's a slippery slope that many advocates everywhere you are kind of fall into which is when this becomes a job or it's part of your job and you're getting slammed by thousands of bills. You kind of want to like check those boxes. You want to get that advocacy out there. But for me and for us, we want to improve the quality of that testimony, right. Every single thing that we submit on your behalf has to land. It has to have a high success rate and the way we do this is we call this the thunder and the lightning approach. So we want to bring some thunder. We always emphasize the trust obligation owed by Native Hawaiians. We want all policymakers to always know that they're running here with some trust obligations that Native Hawaiians deserve, right, and they should be held accountable to that. Part of the thunder is always reminding the historical injustices have never been made right and they continue to our ongoing detriment, right. It's not water under a bridge and we should forget about the past. It's the past continues to affect all of us today, continues and until it's resolved, these issues are going to continue to exacerbate. So we want to remind them that the past is still here. Our lightning approach, we always invoke 'ike Hawaiian knowledge. We welcome the kūpuna to advocate alongside us. We bring them with us, we bring their voices with us. We want them to be a presence when we're delivering this advocacy. Also part of the lighting approach we want to speak from our na'au from person to person. We want our testimony to be persuasive, right. We want it to be successful. So rather than throwing out some kind of sterile legalese and I want to emphasize that we do keep the legal fortification in there. But we also want to speak with some persuasion. We carry things like kū i ke 'aki. We advocate proudly right, we're holding the banner of the Office of Hawaiian Affairs. It means something, we should be proud of that. This is a premier organization championing Native Hawaiian betterment. So we walk in there with pride. We can't hold our heads low, right. This is the thing that maybe in the past we've kind of tiptoed around. But we want to maintain our integrity in doing it, we want to represent best and that's kind of our testimony style here.

### Stats

Year	2023	2022	2021
Total Tracked	890 (testified 253)	811 (testified 115)	929 (testified 390)
Support	99	N/A	262
Support with Amendments	43	N/A	8
Comment	80	N/A	78
Oppose	31	N/A	42
Team Size	4	7	8

### Challenges

- OHA Advocacy is rebuilding.
- External Confusion: Between OHA and DHHL (and sometimes CNHA).
- Need to restore and establish relationships: in the community and among policymakers.



OK, so some stats. Really briefly, there's a bunch of N/A's right there in the middle of the list. That's only because we haven't been able to disaggregate the data from previous teams yet. We're working on it. It's a mountain of an issue, but our 2023 team, we tracked a total of 890. Now we're going into the second biennium. So this number is likely to double or even more than that, right. We provided testimony and support on 99. 43 support with amendments. We commented on 80. We opposed 31. Please also note the team size right. So I think we did pretty good. I think there's also room for us to be more accountable, more representative and we'll shoot for that in the 2024 Legislative Session.

Some challenges as we previously mentioned, we're rebuilding. We're getting there, we're getting back on our feet. We're learning from little mistakes that we made in the past or deficiencies and we're ever evolving and we're driven to do our best. We're also noting that there's an external confusion out there between OHA and DHHL, sometimes CNHA. We've been asked when organizers like CNHA take a position, OHA maybe taking some other position, who should we listen to and these are coming from members of the lāhui. Part of this is we gotta do an educational campaign. We gotta let them know, policymakers, community members, know what OHA's function is. What OHA's primary function is and that's something that will help us in our advocacy efforts. But that's a major challenge that we're noticing even at the ledge, who should listen to and who's speaking for Native Hawaiians.

**Chair Akaka:** If you could just pause, I see that we have Trustee Galuteria and then Trustee Alapa that would like to say something.

**Trustee Galuteria:** Mahalo, Chair. Mahalo for your work Zuri and the team. In the last slide you had in support of and supporting with amendments, comments. So what in your opinion, what is the most glaring opposition that we had in terms of a bill, be more specific, for opposition.

**Public Policy Manager Aki:** Thank you, Chair. Thank you, Trustee Galuteria, one of the most glaring oppositions is and I kind of categorize them in a group. We have the Public Land Trust, potential alienation bills, right. We have a lot of them. They appear in 99 year leases. Those are pretty egregious ones, so off the top of my head and we'll kind of address that as we go along is our Aloha Holmes Bill and that was the SB865, that was a big opposition bill for us. It's long term leases associated with that and we know from history that these long term leases ultimately lead to the alienation of Public Land Trust lands, right and that impacts OHA's income and proceeds from the ceded lands.

**Trustee Galuteria:** How effective was your opposition testimony? Did it kill the bill?

**Public Policy Manager Aki:** We did, we did.

**Trustee Galuteria:** What about in support very quickly? I'd like to know an example of support. What was it besides budget?

**Public Policy Manager Aki:** A big one for us, support bill is SB759. It's the rural health bill introduced by Senator Kanuha and others. This is a big one in terms of economic development potential, right, coming out of the COVID-19 pandemic, the realization that there was supply chain vulnerabilities and a big push for kind of aggro economic development. That was a big support for us and it passed it. It was enacted into law.

**Trustee Galuteria:** Got it. Thank you very much, mahalo.

**Chair Akaka:** And Trustee Galuteria, he will also cover that later on in this presentation as well.

**Chair Akaka** recognizes Trustee Alapa

**Trustee Alapa:** Aloha, Zuri. So I just noticed at the very bottom of the team size and how it's cut in half. Is



there a reason for that? Is this how we normally operate or you're literally in a rebuilding stage regarding this particular aspect?

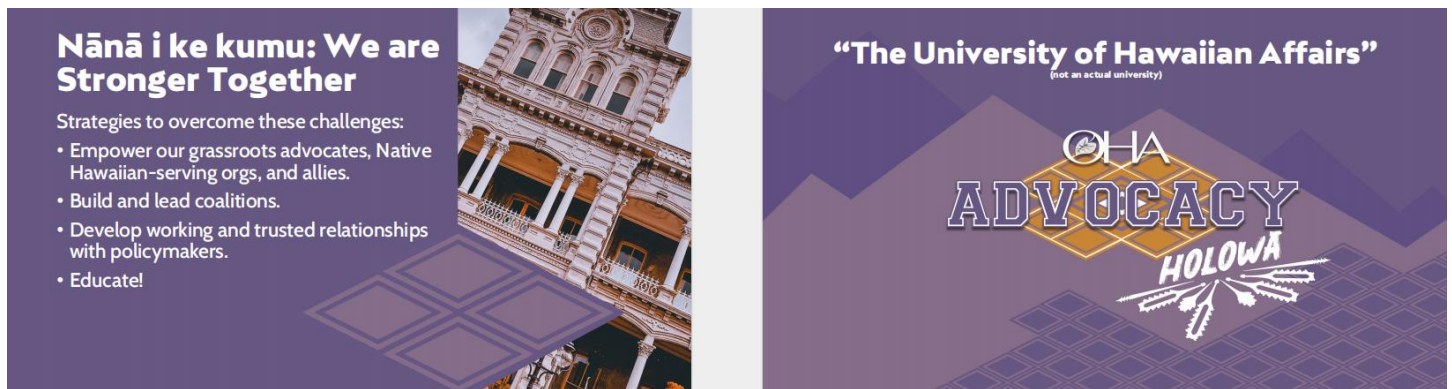
**Public Policy Manager Aki:** Yes, I think we're literally rebuilding. I think OHA was not immune to what they call the great resignation coming out of the COVID pandemic and it really dismantled the Public Policy team.

**Trustee Alapa:** Right, okay. I was just curious as to such a small team, but gosh, you guys pack of power in what you're trying to do and I'd love to see our team rebuilt to what the capacity should be at and to be able to make a huge impact in next year's Legislative Session. So the best of luck to you guys. Thank you, mahalo.

**Public Policy Manager Aki:** Mahalo, Trustee

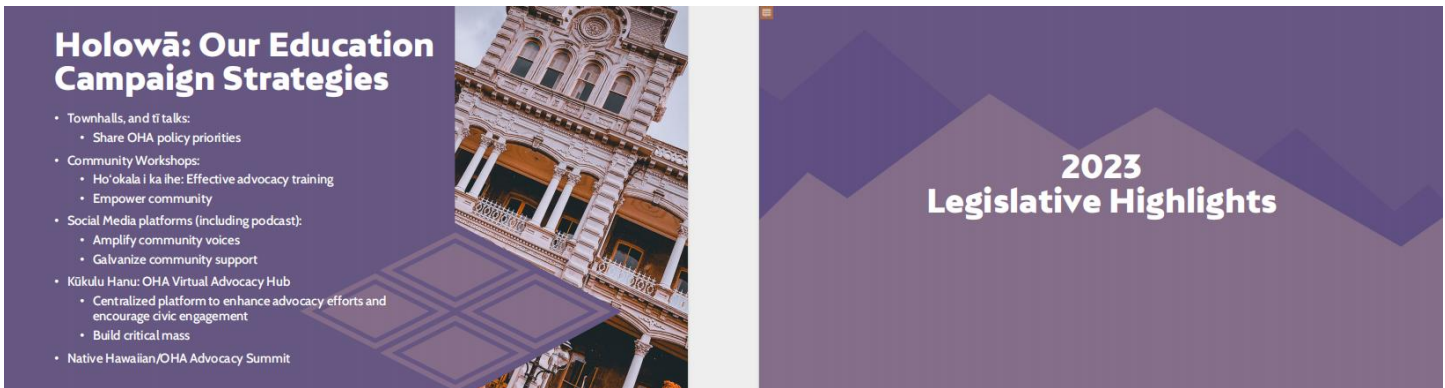
**Trustee Alapa:** Thank you, mahalo.

**Chair Akaka:** Mahalo, Trustee Alapa. We do advocate that we do need more kōkua within OHA in general, including in our Public Policy team. So we are putting the word out there and we welcome those to apply to join our team, mahalo. Zuri, if you can please continue.

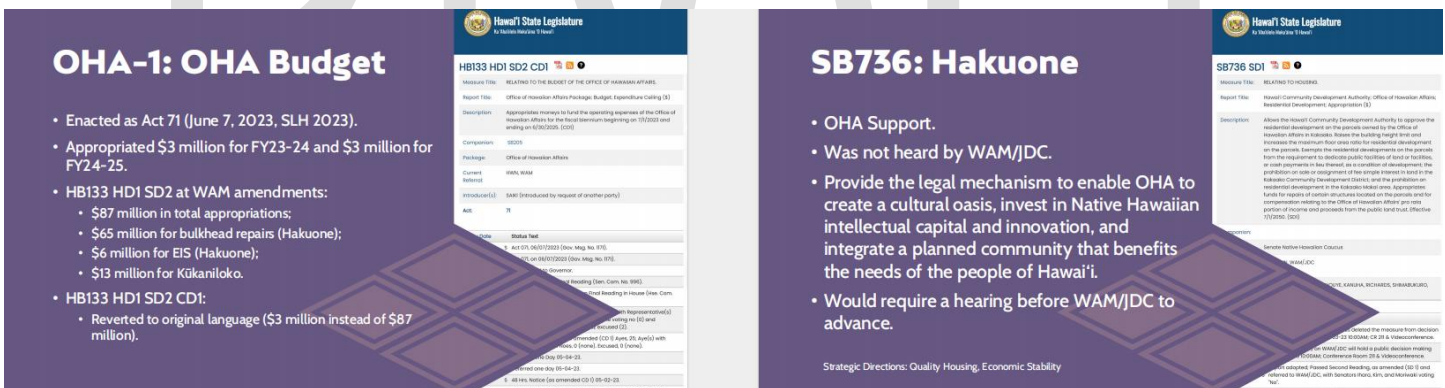


**Public Policy Manager Aki:** Mahalo, Chair. Okay, let's go beyond this challenges slide and I just wanted to put in a little bit more foundation before we get to kind of more meat of it. Nānā i ke kimu, we are stronger together, that's this idea that, you know, the lāhui is fairly huge, right and so our team may be small but the army is big and we gotta tap into our lāhui. They are a force. So our strategy is to overcome our challenges. That involves empowering our grassroots advocates, Native Hawaiian serving organizations and allies. We want to build these coalitions, these alliances and charge forward together. We also want to develop working and trusted relationships with policymakers. It's critical, right, even though there's a changeover from time to time. I think these relationships go beyond even their service, their public service, wherever they land, being able to keep those ideas with them, especially if we're persuasive in our advocacy. I feel like they'll take that wherever they go, whether it's more public service or private sector, and that helps us out, right. And we want to really focus on education and we're going to get right into that on the next slide.

So whimsically, we're calling this within our department, the University of Hawaiian Affairs, we're taking this approach to get out there in the community to teach everyone from every walk of life. We're in negotiations right now with various high schools all the way up to the policymakers, right, and we have different strategies at play in terms of how we wanna teach them what OHA does. And we also want to teach people out there how to be advocates, how to have the skill sets that we have and how to be responsive to legislation and to be able to show up. This also helps us in the long run right with forming these alliances and coalitions and just bringing thunder and lightning to the deck whenever, wherever we're advocating.



So we're calling this the strategy of ours Holowā and just a little snapshot of kind of where we're taking this, but we want to do town halls, tea talks. We want to be able to share OHA policy priorities. So the policies that you develop, the priorities that you identify, we want to be able to share that with the community far and wide so everybody knows the great work that you're doing. We also want to do community workshops. This is where we teach the lāhui how to be professional advocates to carry the skill sets that we have and we want to empower the community that way. We also want to engage more on social media, including doing podcasts if possible, being able to provide additional insight into legislative issues, bills, I think that would be just monumental in terms of just educating people and garnering interest on these particular issues. We wanna do an OHA advocacy hub, right. We're calling it Kūkulu Hanu. We wanna be like kind of a one stop shop for all issues. All advocacy awareness issues, right. If we could just have one central hub where people can click into and get all the information they need on a particular subject area or a bill coming through. I mean this would be a powerful tool, powerful mechanism and I think OHA's the perfect place to launch this thing. We also want to create ultimately in the end we want to shoot for maybe an annual Native Hawaiian or OHA advocacy summit where we bring every advocate to the table in an event where we can kind of capture them and then talk to them about what OHA does and what our strategies are. Imagine every advocate in the state, right and no matter what department you're at or what walk of life, having that knowledge and being able to take that to wherever they go, it would be a powerful thing. But that's a lofty goal, an ambitious one, and we're kind of shooting for that eventually at some point in time.



So let's get to the 2023 legislative highlights and thank you, Trustee Galuteria for asking these questions earlier. We're going to revisit them in a little bit more detail. So everybody's concern OHA-1. This is the only bill that we introduced as part of our package. This was our budget bill. Some highlights on this. So this was enacted, we requested originally \$3,000,000, we got that in the end. I want to note the amendments to HB133, HD1, SD2 at WAM, Chair Dela Cruz at the time, he bumped us up to 87,000,000 in appropriations. This accounted for 65,000,000 for bulkhead repairs over in Hakuone, 6,000,000 for the EIS and 13,000,000 for Kūkaniloko and unfortunately the House reverted this. Well a disagreement between the House and Senate


versions over in conference reverted the original language back to 3,000,000 and that was what ultimately passed, was enacted.

The next big one is the SB736. That's the Hakuone, we're all aware of what kind of went down with this one. So this was just, it was stifled because it wasn't heard by WAM and Judiciary over in the Senate. This would obviously provide the legal mechanism to enable OHA to create a cultural oasis, invest in Native Hawaiian intellectual capital and innovation and integrate a planned community that benefits the needs of the people of Hawai'i. For this to move forward it would require a hearing before WAM and JDC in the 2024 Legislative Session. And of course, please note the strategic direction that this particular advocacy effort carries. Quality housing and economic stability.

### SB865: 'ALOHA Homes' to Disposition of Public Trust Lands

- OHA Oppose > Comment.
- Enacted as Act 97 (June 21, 2023).
- OHA Oppose on Senate Draft: Began as 'ALOHA Homes' and was gutted by HSG/WAL.
- OHA Comment on House Amendment: OHA supports affordable housing for residents in need, so we asked for an exception to "ceded lands."
- Legislature accepted OHA's recommendations (similar to SB1286 – 99-year lease pilot).

Strategic Direction: Health Outcomes



“This measure misappropriates the most iconic expression of the Hawaiian Language as a marketing ploy for the perpetuation of rampant urbanization that has led to the severing of Native Hawaiians from their homeland and the systemic erasure of Native Hawaiian culture and identity.”

As previously mentioned, SB865. So this was a pretty popular proposal by Senator Chang. Aloha Homes got a lot of media attention, there were a lot of flaws associated with this particular measure. Including potential disposition and alienation of Public Land Trust lands. So what we do is as part of our style, we usually go in with what we're calling a little soft hammer, right. A soft hammer is we don't wanna fend, but we do wanna make it a point to say that, you know, this doesn't agree with our own mission and our own interest. So we opposed this bill. It was a pretty lengthy testimony, one of our longer more developed ones. And as previously mentioned, it was essentially killed. It was gutted by the House and it was turned into a 99 year lease pilot program. Now for me, 99 year leases is still triggering. So we didn't want to come up swinging and opposing the House gut right and replace. We wanted to kind of thank the House for taking our comments into consideration. But at the same time, we wanted to let them know that we still have concerns with the 99 year lease and the potential for alienation of Public Land Trust lands. So we asked them to exempt all ceded lands and they did. So the House accepted that amendment. This was enacted as Act 97. So we don't have to worry about this resurfacing in 2024. So even though a nine year lease is kind of is a bad thing, they did amend and provided an exemption. So we're out of there. So this is a success for us.

So what we want to do and I know you don't often get a chance to see the testimonies of being kind of shot through, so please allow me to kind of read snapshots from it. So this is part of our testimony on the measure. This measure misappropriates the most iconic expression of the Hawaiian language as a marketing ploy for the perpetuation of rampant urbanization that has led to the severing of Native Hawaiians from their homeland and the systemic erasure of Native Hawaiian culture and identity. Just want to share the kind of testimony and the kind of narrative that we're developing as we go along with these particular positions.



- OHA Strong Support.
- Enacted as Act 104 (June 22, 2023, SLH 2023).
- Requires Office of Primary Care and Rural Health to oversee and support community efforts to collaboratively address the health and wellness needs of historically underserved rural communities.
- Requires OPCRH to produce a report prior to 2024 Legislative Session.
- Further empowers OHA's commitment to impeding Native Hawaiian erasure, while amplifying the voices of and empowering Native Hawaiian rural communities.

[illegible]

“OHA is deeply concerned with Native Hawaiians being driven out of Hawai‘i by economic instability stemming from socio-political-economic upheaval, which has largely disconnected Native Hawaiians from their ‘āina for more than a century. Today, more Native Hawaiians live outside of the Hawaiian Islands, far beyond the boundaries of their own homeland. While Native Hawaiians, generally, must endure socio-economic disparities, Native Hawaiians residing in rural communities, especially those in remote areas outside of O‘ahu have even greater challenges.”

Figure 1. Schematic representation of the experimental design. The figure shows a timeline of the experiment. The timeline starts with a 10-minute rest period, followed by a 10-minute rest period, and then a 10-minute rest period. The timeline ends with a 10-minute rest period.

- OHA Strong Support.
- Resolution passed and sent
- Urges the establishment of a Native Hawaiian Intellectual Property Rights Working Group.
- OHA named as one of the nine organizations to recommend candidates for selection by the Governor, Senate President, and Speaker of the House.

	<b>Hawaii State Legislature</b> House of Representatives
<b>SR196 SDR</b>   	
<b>History</b> 	ADOPTS THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLIGENCE REPORT WORKING GROUP TO CONDUCT POLICE AND COORDINATION WITH RESPECT TO NATIVE HAWAIIAN INTELLIGENCE PROPERTY
<b>Report Title</b> 	<i>Native Hawaiian Intelligence Property Working Group: Intellectual Property, Protection and Legislation</i>
<b>Description</b> 	
<b>Companion</b> 	<a href="#">HRS, SCDR1</a>
<b>Packaging</b> 	None
<b>Current Version</b> 	<a href="#">HRSN 1/2/20</a>
<b>Introducer(s)</b> 	<a href="#">SHAMAMURU, CHANNA DABBERS, RICHARDS, WAKA MANU'U</a>
<b>Bill to Date</b> 	<b>Status</b> 
	 <b>Final</b> 
	 <b>Final</b> 
	 <b>Final</b> 
	 <b>Final</b> 
	 <b>Final</b> 
	 <b>Final</b> 
	 <b>Final</b> 

“The State of Hawai‘i, on the condition of its admission to the Union, was obligated with an extra duty of care to the Native Hawaiian people, as a result of these historical injustices. The State reinforced that extra duty of care for the betterment of conditions of Native Hawaiians by enshrining this founding principle within the Hawai‘i State Constitution. The State has continuously acknowledged its extra duty of care to the Native Hawaiian people through additional statutory obligations vested in OHA and in recognition of Native Hawaiians as the only indigenous, aboriginal, and maoli people of Hawai‘i.”

this point in time. We provided strong support. The resolution passed and it was submitted to the Governor. So where it's at right now, the resolution itself calls for nine different organizations, OHA is one of them, to recommend a list of candidates who could sit in this working group. The selectees will be the Governor, Speaker of the House, and the President of the Senate. I believe letters have been sent out to all three entities to convene this group. As we move forward in this and I hope those three entities do choose. There's going to be a potential funding concerns, right. There's no money behind this obviously. This may be an area for OHA to champion, to step into. I believe every single one of the organizations listed carry that mana'o that they also feel that OHA should provide support. So that's kind of where we're at right now and we'll provide you with updates as they come along.

And here's our testimony associated with that, State of Hawai'i on the condition of its admission to the union was obligated with an extra duty of care to the Native Hawaiian people, as a result of these historical injustices. The state reinforced that extra duty of care for the betterment of conditions of Native Hawaiians by enshrining this founding principle within the Hawai'i State Constitution. The state has continuously acknowledged this extra duty of care to the Native Hawaiian people through additional statutory obligations vested in OHA and in recognition of Native Hawaiians as the only indigenous, aboriginal and maoli people of Hawai'i.

### HB1128: Support for Native speakers of 'Ōlelo Hawai'i

- OHA Kāko'o Loa (Strong Support)
- Crossed and awaiting Senate intro.
- Clarifies the type of support needed for native speakers of 'Ōlelo Hawai'i from Ni'ihau to support the perpetuation of the language.
- Preserving and protecting intact regionally-rooted Native Hawaiian culture and practices.

Strategic Direction: Educational Pathways, Health Outcomes, Economic Stability

"I ka 'ōlelo no ke ola, i ka 'ōlelo no ka make – ua 'ōlelo 'ia kēia 'ōlelo no'eau kaulana i ka wā kahiko no ke kālele mana'o ai ā no ke kuhikuhi 'ana he mea ko'iko'i loa ka 'ōlelo. I kēia mau lā, aia ke kauna no kēia, i kupu mai nā hana kaulike 'ole me nā pono 'ole ma o ka paiha'akei 'ili i ha'akoi i ke ola o Kānaka Maoli i nā lā āpau. Ua pāpā kānāwai i ka 'Ōlelo Hawai'i e ho'opau ai i ka piko'u Hawai'i. 'A'ole e hana hou 'ana i ua mau ho'imāino lā.

[I ka 'ōlelo no ke ola, i ka 'ōlelo no ka make (in words/language there is life and in words/language there is death) – this 'ōlelo no'eau (wise saying) was used i ka wā kahiko (in a time long ago) to emphasize the importance of words, in teaching that "words matter/what you say, matters." Today, there is an added meaning to this adage, one that stems from the historical injustices, which established systems of oppression and institutions of racism that force Native Hawaiians to endure inequities in every facet of their lives. 'Ōlelo Hawai'i was outlawed in an attempt to annihilate Native Hawaiian identity. Such atrocities shall never happen again.]

Our next highlight is HB1128, support for Native speakers of 'Ōlelo Hawai'i. This did not pass, so this is one of the highlights that didn't pass but we have 2024 to continue to advocate for this. So this gives specifically support services for 'Ōlelo speakers on Ni'ihau, so 'Ōlelo Hawai'i, 'Ōlelo Makuahine. This would preserve and protect the intact regionally rooted Native Hawaiian culture and practices, so this kind of runs tandem with our interest in preserving rural communities, elevating rural communities because we see them kind of as the last bastions of really intact Native Hawaiian traditional cultural practices, customary practices still rooted in 'āina.

So a little highlight from this one. This one's kind of pulled out and highlighted because we also want to normalize 'Ōlelo Makuahine Hawai'i. So we try to incorporate that in our testimony as often as possible. So please bear with me as I kind of go through this.

I ka 'ōlelo no ke ola, i ka 'ōlelo no ka make – ua 'ōlelo 'ia kēia 'ōlelo no'eau kaulana i ka wā kahiko no ke kālele mana'o ai ā no ke kuhikuhi 'ana he mea ko'iko'i loa ka 'ōlelo. I kēia mau lā, aia ke kauna no kēia, i kupu mai nā hana kaulike 'ole me nā pono 'ole ma o ka paiha'akei 'ili i ha'akoi i ke ola o Kānaka Maoli i nā lā āpau. Ua pāpā kānāwai i ka 'Ōlelo Hawai'i e ho'opau ai i ka piko'u Hawai'i. 'A'ole e hana hou 'ana i ua mau ho'imāino lā.

Such atrocities shall never happen again and we kind want to support 'Ōlelo Makuahine, 'Ōlelo Hawai'i. We want our Legislators to see that often and we want to normalize 'Ōlelo. So that's a highlight for us here.

## SB755: Disability Health Disparity

- OHA Strong Support.
- Almost puka: Needs to go to Conference.
- Requires State Council on Developmental Disabilities to submit a report to the Legislature prior to 2025 Legislative Session.
- Native Hawaiian overrepresentation: Also a significant education issue.

Strategic Direction: Educational Pathways, Health Outcomes, Quality Housing, Economic Stability

SB755 SD2 HD1  
RELATES TO DISABILITY HEALTH DISPARITY

Report Title: Disabled individuals, Developmental Disabilities, Intellectual Disabilities, Health Disparities, Report Equity, State Council on Developmental Disabilities, Report, Appropriation (2)

Description: Requires the State Council on Developmental Disabilities to submit a report to the Legislature prior to the convening of the regular session of 2025 focused on the health disparities experienced by persons in the State with developmental or intellectual disabilities. Appropriation funds. Effective 12/01/2025. (2023)

Companion: None

Package: HCLT FR

Author(s): KAWAIA, KIMBERLY, CHAN, KATHY, AGABRIEL, MICHAEL, RICHARDS, PHILIP, KAWAIA, KIMBERLY

"One of the greatest fears that a parent can have, will always be for the health, safety, and well-being of their children. For a parent with a child with a disability, that fear can become crushingly debilitating in the face of seemingly insurmountable barriers that they must overcome – barriers that disparately impact their financial stability, personal health, and overall quality of life. Most importantly, for our people with developmental or intellectual disabilities, our extra aloha (our love), care, and support will always be needed because of the vulnerabilities they have and the greater challenges they face. Ua ola loko i ke aloha (love gives life within)."

Another highlight SB755, disability health disparity. So one of our major campaign focus areas right now is on intellectual developmental disabilities. We're finding that this is a gap area that we don't have services, services are slim and the State of Hawai'i is still one of those states that isn't at the forefront of addressing the needs in the disabilities community, especially in the IDD community and as you can imagine, Native Hawaiians always facing these kinds of disparities and inequities are over represented among those in IDD community right. So we see this coming out of education, health generally, education mostly coming out of special education. So we know this is happening. We don't have the data, we're collecting mountains of it. We're convening an internal working group here in Public Policy, bringing our beneficiaries and beneficiary serving organizations to the table to discuss this. So we wanted to be very representative here in this area, providing strong support. For this to continue on it needs to go to conference.

Here's part of our testimony associated. One of the greatest fears that a parent can have, will always be for the health, safety and well-being of their children. For a parent with a child with a disability, that fear can become crushingly debilitating in the face of seemingly insurmountable barriers that they must overcome. Barriers that disparately impact their financial stability, personal health, and overall quality of life. Most importantly for our people with developmental or intellectual disabilities, our extra aloha, our care and support will always be needed because of the vulnerabilities they have and the greater challenges they face. Ua ola loko I ke aloha, love gives life within.

Again, this is a pull out for we want to speak human to human, heart to heart, na'au to na'au, right. We want very persuasive testimony, we want testimony that's passionate and so that's an example of that.

**Chair Akaka:** Mahalo, Zuri. I see that Trustee Trask has a question or comment.

**Trustee Trask:** Yes, I wanted to ask what the internal working group on public policy is?

**Public Policy Manager Aki:** Mahalo Trustee for that question. We're in the process of convening it. So we have organizations like 'Apoākea who is I believe a recent recipient, a grant recipient from OHA. They're kind of leading the charge in a particular area regarding IDD for Native Hawaiians, specifically culturally appropriate services and programs. We also have various different individuals from the community, beneficiaries at the table. So we're currently in the process of convening this group and we've been putting some calls to action and call outs to join this particular working group in various different Ka Wai Ola issues.

**Trustee Trask:** I've seen it in the Ka Wai Ola issue. When I went to take a look to see I couldn't find an OHA budget appropriation for the internal working group on public policy. Is there a budget implication or are we pulling funding out to support the work of this new working group? Where's the funding coming from?



**Public Policy Manager Aki:** Mahalo for that question, Trustee. It's really we're taking it directly out of our programmatic budget for public policy. So we've been doing that and we've also been kind of giving our own love and attention to it. Personal love and intention.

**Trustee Trask:** Can you tell me how much funds were utilized for this by OHA?

**Public Policy Manager Aki:** Currently, no programmatic funds have been spent, particularly on this group. Just to be honest to anything that we have spent so far has come out of my pocket.

**Trustee Trask:** You know, staffer, you know, Zuri that if this occurs in the course of our work, there is the question of reimbursement. It's not just for Trustees, but staff as well, so we should keep an eye on that too, colleagues, because sometimes our staffers are out there doing work and the need arises. But I think it's important that we look at this. We know there's gonna be some budget ramification, but we need to anticipate it so that our own staffers can be reimbursed, thank you.

**Chair Akaka:** Mahalo, Trustee Trask. Mahalo, Zuri for your work on this.

**SB295: Mālama 'Ohana Working Group**

- OHA Support.
- Enacted as Act 86 (June 14, 2023, SLH 2023).
- Established within the Office of Wellness and Resilience, the Mālama 'Ohana Working Group (OHA is a member) to recommend transformative changes to the State's child welfare system.
- Native Hawaiians are overrepresented within the system: one of the most vulnerable Native Hawaiian communities.

Strategic Direction: Health Outcomes, Economic Stability

**Hawaii State Legislature**  
H. Kōkua Session 1997

**SB759 SD2 HD2 CD1**

Measure Title: RELATING TO HEALTH

Report Title: Office of Primary Care and Rural Health, Rural Residents, Family Health Services Division, Department of Health, Report

Description: Requires the Office of Primary Care and Rural Health to oversee and support community efforts to collaboratively address the health and wellness needs of the State's most underserved rural residents to develop plans that align with appropriate priorities, goals and objectives. Requires the Office of Primary Care and Rural Health to include a year-time summary of community plans with the report that is to be submitted to the legislature prior to the Regular Session of 2024 (2024).

Companion:

Package: None

Current: HLT, FN

History: KANALI, AGUIRO, CHANG, KITH-HAMMON, MCKEY, RICHARDS, AND, CHAMBERLAIN, YOUNG

First Reading in House (Date, Chap. No. 999)

First Reading as amended in CD (with some voting age with amendments, none voting no (0) and none opposed (0))

Passed First Reading as amended (CD 15, June 20, April 2024) with amendments: none, 0 (passed) none, 0 (opposed) none

**Public Policy Manager Aki:** Mahalo, Chair, mahalo, Trustee for that. Okay, another highlight, SB295, the Mālama 'Ohana Working Group and I'm going to give a shout out to our Ka Pouhana who introduced this bill, so she could probably speak a lot more, not to put her on the the seat or anything, but we provided support for this. This was enacted as Act 86 and it essentially convenes a working group to consider overhauling the entire states child welfare system to make it a cultural focus to have a cultural focus attached to this, we're finding that Native Hawaiians are over represented in the child welfare system. So this is another key area for us. I'll probably talk a little bit more about this and in our strategy session, our upcoming session, our updates moving forward for the 2024 session. But this is kind of involved in a greater campaign of public policy and our advocacy efforts to lift the pro rata cap, right. We're trying to identify major, major areas that Native Hawaiians are over represented in that are running into funding issues, funding issues across the board, and this provides us an opportunity to do dedicated funding and to even ask for pro rata cap lift and gain support from various different agencies in the process who are asking for financial support in this endeavor. With that said, I'll go right into our 2024 legislative updates.

## B. Presentation by Administration: 2024 Legislative Update

**NO TESTIFIERS ON THIS ITEM**

## 2024 Strategy

- Systemic Change – First Steps: seed concepts/legislation that we can water, nurture, and cultivate into sweeping systemic change for the betterment of conditions of Native Hawaiians.
- Rebuild and Fortify OHA Advocacy.
- Empower beneficiary advocates and allies, establish and strengthen collaboration, galvanize monumental support.

## Proposal: OHA on the Board of Agriculture

- Native Hawaiian hānai'ai were the first ag-producers of Hawai'i: economic opportunities for cultural practitioners.
- OHA has 511 acres of agricultural lands (around Kūkaniloko).
- OHA offers Mahi'ai Business Loans.
- USDA recognizes Native Hawaiians as socially disadvantaged farmers and ranchers, but DOA does not make that distinction.
- Income and Proceeds: Act 90 (SLH 2003) now being implemented: transfers PLT from DLNR to DOA.
- Income and Proceeds: DOA in charge of State aquaculture program controls submerged lands leases affecting PLT.
- OHA would be the 1<sup>st</sup> member of the BOA.
- Greater and more effective Native Hawaiian representation in agriculture.

Strategic Director: Educational Pathways, Health Outcomes, Quality Housing, Economic Stability

**Public Policy Manager Aki:** So going into the 2024 legislative updates, I'm going to provide you with a little bit of our strategy. We want to target systemic change, right. This is something that we want the overall big picture look. We want to look right at it and say what are those problems that kind of trickle down that ends up becoming disparities phase across the board, right. We want systemic change so for us the first steps in addressing this specifically is to see concepts. Now we're moving into the second part of the legislative biennium, so we only have half the amount of time, right. So we don't want to launch big, big, heavy lifts. We want to increase the chance of success. So we want to do what we're calling seeding the ground. That we're going to water over time. In 2025, bring a lot of that thunder and lightning to the table. The bigger, heavier hits right. So right now, we've got some proposals lined up and then we'll get right into those. We're more about the strategy. We want to rebuild and fortify OHA advocacy. We want to strengthen ourselves here. We want to move in. Taking the experiences that we've learned figuring out where we can move from there, building our team up even bigger. With the necessary diversity, that'll benefit us greatly here at OHA and OHA's advocacy, we want to do that and we want to go into 2024 hitting hard. We also want to empower our beneficiary advocates and allies, establish and strengthen collaboration, galvanize monumental support. So a lot of educational opportunities for us in between building those alliances, getting everybody to the table alongside us. So knowing that we have a smaller team, we want to bring our grassroots advocates out there to the table, make sure that they're on board with everything that's going on. They're updated, we got to be more responsive through advocacy to let them know what's going on to get them to that table and that's what we want to do going into this 2024 Legislative Session.

So our first fairly heavy proposal is we kind of want OHA on the Board of Agriculture and I'll get into that. So Native Hawaiian hānai'ai food producer practitioners were the first agricultural producers of Hawai'i, so why aren't we leading the charge in this aggro economy, right. OHA has direct interests in the authorities and the activities of the Board of Agriculture, the Department of Agriculture, so before that, OHA has 511 acres of agricultural lands surrounding Kūkaniloko. OHA offers Mahi'ai Business Loans. The United States Department of Agriculture recognizes Native Hawaiians as socially disadvantaged farmers and ranchers, but the State Department of Agriculture does not make that distinction. This is important because USDA has grant opportunities for socially disadvantaged farmers and ranchers that we can't really, our people can't really capitalize on because it's just not available through the state level. So this also provides another opportunity for OHA to kind of be the pastor for that, for a lot of that federal grant money, hundreds of millions of dollars. More directly connected to OHA's interest, direct connection, immediate connection is income and proceeds. So Act 90 which was passed 20 years ago is only now being implemented and we're starting to see the hearings before the Board of Land and Natural Resources. So this would transfer agricultural lands currently held by DLNR to the Department of Agriculture. Now the problem with this is potential alienation of Public Land Trust lands, also infringement on Native Hawaiian rights as that transfers from one agency to another and then now we have to see the accountability attached to it. So our immediate concerns with DOA having all these agricultural lands, these PLT lands, is DOA also has a different process for disposition of PLT lands, right. Whereas DLNR, it's gotta go before the board. We can provide a check on that. DOA can actually have the director stamp that approval. So that's just one person, right. Without hearings and things like that. So we're

still figuring out the actual authorities and the structures associated with, but that's a concern for us. So another thing is if OHA sits at that table, it's another check that we can put, right. We also want to elevate this concept that the original creators of OHA kind of carried with them, which was the Office of Hawaiian Affairs should be that fourth branch of Government. Hawaiian affairs, Hawaiian interests should be everywhere in the state. This kind of follows that notion, right, that we should be at these tables. This is an opportunity for OHA to advocate for Native Hawaiians in this sphere and it's also an economic interest area, a major one that our food producer practitioners can actually capitalize on, right. If we're part of these kinds of discussions.

Another thing to point out is that the income and proceeds issue, so the Department of Agriculture is in charge of the state aquaculture program, right. So when it comes to actually providing the leases to who gets to lease these things, it's DOA that that handles all aqua cultural issues on submerged lands. So we kind of want to be at that table. We're finding that, you know, our PLT interests are associated with this and there's accountability issues, so more so we want to be there.

**Chair Akaka:** Zuri, before I call on our Board Vice Chair Trask, I also want to put a focus on as we go forward and we do our testimonies and we advocate regarding our ceded lands that we gently and friendly in a friendly way remind them that these, the state refers to this as a Public Land Trust. However, I think we need to do a gentle reminder that these are formerly Native Hawaiian Crown and Government land, so that those that are paying attention, those currently and in the future and those that are at the helm of this are reminded of that, thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Zuri, I had wanted to ask you on this. I really support this putting us on the Board of Agriculture. One of the things that is arising on the Big Island is that development of geothermal in our state policy is not tied to agriculture and food security and there's a lot of people who do not understand why that's coming from the Big Island farmers. But what is happening there is that we've looked at the island that will feed the state in the future when we go off and win our renewable energy. The outcomes show that the Big Island will be the place to develop this food and this is why I wanted to ask you, Zuri, because we're looking at the lands that OHA has on O'ahu. But I'm wondering if you and your team considered this because there's a call coming from the agriculture community on the Big Island and they are saying we're entitled because of agriculture to a share, an additional share of funding so that we can set up plants to dry banana, papaya and mango for our food self-sufficiency. I would like you folks to take a look at it because I think it's time OHA to food security and the likely location will be the ceded lands of which we're owners, but this proposal on the OHA Board of Agriculture I think is a really good one and I don't know if we need to, that was the other thing, I had a few squawks from the Legislature last year why The trustees never came down to talk with them. And I just told them it's a big cost to us for Neighbor Island Trustees to fly down. We have a good team on O'ahu, but this is one I just wanted to flag because this could be a very important one for my island and food self-sufficiency if it's tied to renewable energy, thank you.

**Chair Akaka:** Mahalo, Trustee Trask and I also want to note that we here in Hawai'i used to be the food basket of the world and we do need to put more focus on agriculture and have our people from keiki to kūpuna have a connection of where their food comes from.

**Public Policy Manager Aki:** Mahalo, Chair. Mahalo, Trustee Trask. I just want to note too that part of our underlying strategy here for this proposal is we want to dive right into food systems, right and that's also part of our strategy for our rural resiliency and rural development. We want to empower those communities right to be able to have this economic momentum behind them and so that's the thrust, is definitely food systems, food systems development oriented. So mahalo for that. Just to round that off is OHA would be the 11th member, right. It's currently a 10 member board. It's nice to have those odd numbers and of course greater and more effective Native Hawaiian representation in agriculture and food systems. Please note the strategic directions encompasses it all.



## Reso Proposal: Culturally Appropriate

- Would urge OHA to develop a report on the scope of what it means to be culturally appropriate across every major sector: Education, Healthcare, Housing, Economic Development, etc.
- Prioritizes Native Hawaiian Knowledge.
- Amplifies and elevates Native Hawaiian voices and perspectives in policy and governance.

Strategic Direction: Educational Pathways, Health Outcomes, Quality Housing, Economic Stability

## Reso Proposal: Rural Resiliency Strategies

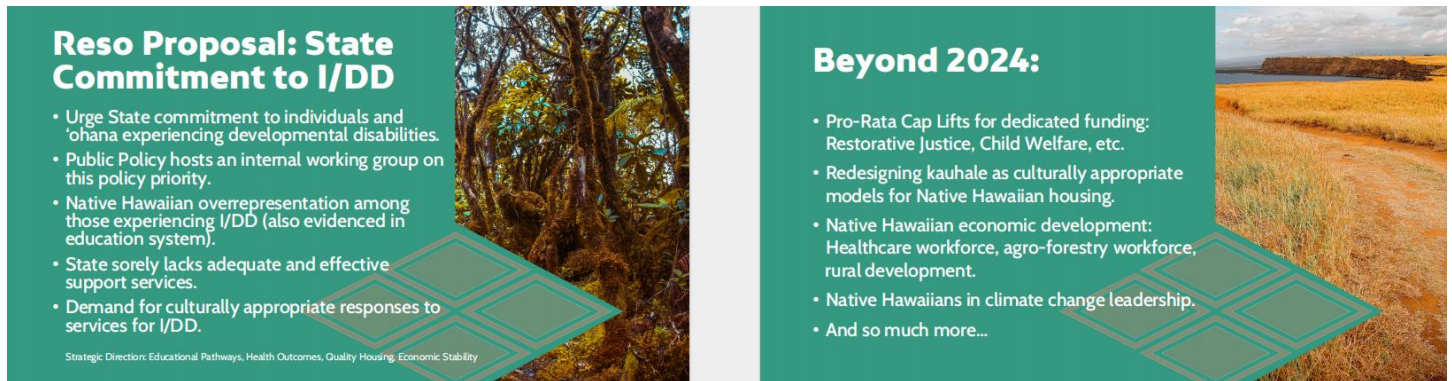
- Urge State and Counties to develop rural resiliency strategies.
- Public Policy hosts an internal working group on this policy priority.
- Stop Native Hawaiian erasure from rural and remote communities.
- Greater protections for Native Hawaiian cultural and spiritual resources.
- Empower Native Hawaiians in rural and remote communities with economic capacity.

Strategic Direction: Educational Pathways, Health Outcomes, Quality Housing, Economic Stability

Our reso proposal, so the rest of our proposals are going to be resolutions. Again, a little lighter lifts, but they're seeds. These things will, when watered, they're going to grow and so we want to propose this reso, this culturally appropriate reso. This is kind of an ambitious task. So this would ultimately urge OHA to develop a report on the scope of what it means to be culturally appropriate across every major sector, education, healthcare, housing, economic development, etc., on and on. We could do this internally for sure, and we've also been working on parts of this, but we also want the Legislature to acknowledge its responsibilities in identifying what is culturally appropriate to Native Hawaiians, right. So we want the Legislature to urge OHA to do it. If you can imagine the scope of what this task would require, it's huge, right. Because even when we're talking about agricultural practices, the agricultural practices of one ahupua'a right next to its neighboring ahupua'a could be totally different. The culturally appropriate way to address the situation differs and so diverse. But we also want to use this opportunity to celebrate our diversity, to start creating almost a compendium of all of our interest. This would kind of help us get there. This would also provide the guidance to how we address issues, how the policymakers at the state, federal and even county levels should approach various different communities in addressing all of our culturally rooted interest. So this would also provide guidance as you can imagine, education, what's culturally appropriate education look like for Native Hawaiians? What does it look like in healthcare? What does it look like in housing? We're definitely running into a housing issue right now and I think the current model isn't really appropriate to most Native Hawaiians. So we want to change the dialogue. We want to change the narrative. We want our narrative to be the one, right. So that's the idea behind this proposal right here in this resolution. I should also note that this prioritizes our Native Hawaiian knowledge and it amplifies and elevates the voices of all Native Hawaiian communities. That's the stretch and that's what we're trying to try to go for with this.

Okay, our next resolution, rural resiliency strategies. We want to urge state and counties to develop these rural and resilience strategies. In our current work across the state in various different counties we're finding that Hawai'i Island is very primed for this. Many of the policymakers are moving on this, so they are a shining example at this time. We're also finding that those in Maui, unfortunately after the wildfire disaster these voices are being amplified. The need for rural resiliency. Changing the ways that we develop Hawai'i, more sustainability too. I want to note that we've been working with various rural communities, rural and remote communities across the state. We're trying to have conversations currently with Moloka'i. We've been there in Ka'u working with various different members of the community to inform us. I want to point out Ka'u specifically, even though we have so many, because Ka'u is one of the most food insecure districts. It is also the largest district in the State of Hawai'i. This district is bigger than the island of O'ahu, right. When you have such a huge district, a huge land area, but you're food insecure and you traditionally were producing food, there's a disconnect going on, but we can empower our Native Hawaiian communities in this area. We can uplift their traditional food producer practitioner practices and we can put them at the forefront of new economic development. The way that these communities want. Another part of this rural resiliency strategy is again going back to the idea that these communities sometimes are the last bastions of intact 'āina rooted practices and they're vanishing. Native Hawaiians are facing erasure at an insane rate. We want to be able to have them have opportunities in their districts so they're not vanishing from it. And what happens when we vanish? Other communities move in. They change the character of the place and when the character of the place starts

changing then our culture resources rooted in those lands, they start becoming increasingly vulnerable to devastation, destruction. So this is also part of our strategy to protect what we have still left and to create this kind of land base and fortification for us to launch out from. And again, as Trustee Trask had pointed out, the state is turning and looking to who's going to be producing, who are the ones who are gonna feed everybody in the future and it's going to be our rural communities that do it. And we don't want any external intervention into these communities to kind of take advantage of them and take them in a direction that is contrary to what they want.



Our next reso is a commitment, urges the state's commitment to individuals and 'ohana experiencing intellectual and developmental disabilities, right, this is the gap area. We also want to take a culturally appropriate angle. We strongly believe that individuals facing IDD also have a right to cultural expressions, to cultural identity. This is often overlooked in IDD communities and we've been kind of working with Aotearoa on this. Whaikaha, they're at the forefront of addressing IDD and from a cultural lens and cultural perspective, right. So we've been having conversations with Whaikaha and Maori counterparts over there to kind of inform us as to how their strategies work and what we can do for Native Hawaiians here. So we want this resolution to kind of urge the state to commit to address the cultural needs, culturally appropriate ways to providing services and programs for our IDD community.

**Ka Pouhana Ferreira:** I just wanted to first off thank Zuri for providing us a list of the proposed bill and resolutions for the upcoming session. I do want to just reassure Trustees and specifically Trustee Trask, I will be meeting with Kealoha tomorrow and she and I will go over any potential ocean policies or anything that's related to Papahānaumokuākea so be assured that if that's generated in our conversation tomorrow, that will be elevated to Trustees for consideration, mahalo.

**Trustee Trask:** I just had a couple of questions. In terms of the resolution for what is culturally appropriate, if we pass the resolution, Zuri, do we have a budget implication right there. Some of the resos I can see where the direction is going, but I'm not sure we have the budget in there if the reso passes. That's my question. If some of these resos pass and we have to pick up an outcome, do you anticipate revisiting the budget? You know, I think this is very important and culturally appropriate, but you know, this kind of a report who would do it and what would be the fiscal impact for the office? Do I have it in the budget?

**COO Brown:** Trustee Trask, thank you, that's a great catch. That's a good, good point and we'll take that back and try to forecast what budget needs might be required, mahalo.

**Trustee Trask:** Yeah, I think this is a very important one for us and I'm thankful to see it, but it's like the rural resiliency, all are good, but you know, sometimes when you throw a reso in and you win we have to go forward, but I'm not sure good resos. I'm just worried about the budget implication if we have it passed, but just keep me posted and also I just wanted to say that I got a couple of complaints from Legislators. They want to



know why they're not seeing Trustee faces. I don't know if it's worth putting out all the money to fly in neighbor islands, but we have plenty trustees on O'ahu, you know. Anyway, good job on this.

**Chair Akaka:** Mahalo, Trustee Trask and I also want to say mahalo nui, Zuri for eloquently during this presentation and mahalo nui to our Public Policy for their hard work and support in this and in the work that we have going forward.

**Public Policy Manager Aki:** Mahalo Trustee for that question, I do want to address that. That's a thought of mine and it kind of connects to this greater picture, bigger picture multi year campaign approach to the way that we're kind of carrying our advocacy efforts at the Legislature this time around, this iteration of public policy. So we're thinking in the far future, right. Of course, these resos are not going to have any appropriation request, but 2025 might be a different story for us, right. We want to be able to utilize this time here that we have to get out into communities. This also kind of doubles up with our mission to kind of elevate and be more responsive to our community. So we're going to be out there anyways. But we want to also have these conversations. Many of us here, public policy, this is a labor of love for us so we're already working on all of these things. We're compiling all, we're taking, we even have a document from the Department of Transportation about culturally appropriate. So we know that it's out there, it's scattered. There's going to be gap areas, but we want to fill those gap areas and we want to kind of amalgamate all that in information and churn out something great. You are absolutely correct, it would be a financial undertaking too but we want to be able to kind of use 2024 to grow our roots into other areas where we can bring in our allies and other advocates out there to assist us in advocating why it's important for OHA to actually, to endeavor this particular request. Same with our rural resiliency forward thinking. So this slide for the Beyond 2024. It kind of goes off of what we just proposed. So we want pro rata cap lifts. We think that there's definite areas for dedicated funding. We're having conversations right now with the correctional reform working groups. We have meetings lined up with the Director of the Department of Public Service and various different advocates in that sphere of restorative justice. So this is another area where there's need for funding and people are looking at Native Hawaiian over representation and all OHA's leadership potential. Again, the child welfare system. So these are just areas that we can start asking the ledger. Hey, there's a great need out there. Everybody recognizes it, OHA has a role, but we should also say that Native Hawaiians, as victims shouldn't be responsible for carrying the burden of finding solutions to our problem that everybody else has this trust obligation as well. So let's get some allies together and ask for dedicated funding lifts.

We also want to address this housing issue. It's an ongoing crisis here in the state. We're starting to see this use of kauhale and it's kind of getting muddled in the water and people are seeing it as tiny homes, but we had traditional kauhale, right. We had a Hawaiian way of seeing housing. We wanna use these kinds of terms and create native Hawaiian appropriate models of housing, different Native Hawaiian groups, right, different brackets of society would have different models. We want to explore that too. We want to dive right into Native Hawaiian economic development. Part of our people's plight is that we're facing disparities in economic stability, right. It's one of our strategic directions. We want to make sure that our people have great jobs and the means to get these great jobs and even the development of economic sectors, even not available currently, that we can actually explore, we know we have a doctor shortage in the state, a crisis in itself, 720 minimum. What if we were to empower Native Hawaiians as the next healthcare workforce, right. So Native Hawaiian healthcare workforce development, that's a big one. Again agro forestry workforce development for all the green jobs that are are being proposed and thrown around right now. Those kinds of ideas.

Climate change, it's one of the biggest things, potential existential threats to our existence. Human kind's, right. So how do we amplify Native Hawaiian knowledge in this sphere? How do we champion and become leaders in this sphere as it relates to Hawai'i? These are going to be big areas that we approach from here on out and so much more right. And mahalo nui loa for everything that you do, we really appreciate it.

**Chair Akaka:** Mahalo, Zuri. Members, any other questions or comments?

**Board Chair Hulu Lindsey:** I want to thank Zuri and his team for this beautiful presentation and new ideas that can be presented to the Legislature this next session. I certainly look forward to bills being drafted and testimonies being drafted and made by staff. Thank you, Zuri and all you guys and of course our lady up in Hilo, we do value her with Papahānaumokuākea and all ocean uses.

**Public Policy Manager Aki:** Mahalo. Chair

### **III. ANNOUNCEMENTS**

**Chair Akaka:** Members are there any announcements at this time? Okay, well I would like to share that we had a very well attended O‘ahu Island Community Meeting, one of four here on O‘ahu specifically targeting our Hawaiian Homestead areas and we ended it in Waimānalo last night at the Waimānalo Hawaiian Homestead Association Halau. So mahalo nui to them for providing this space for us and we had excellent site visits earlier that day with Mālama Honua Public Charter School and Hui Mālama and at CTAHR to see the work that the children do there in agriculture as well.

And we also have the 22nd Annual Native Hawaiian Convention, November 14 through 17, 2023 at the Maui Arts and Cultural Center in Kahului, Maui. I understand that our Ka Pouhana and our Board Chair and Administration will be there. I will be there as well and it would be a great opportunity for us to further kūkā kūkā with those that have been affected by the wildfires in Maui and how we can collectively further continue our work in this and I'm also happy to share that OHA is one of the sponsors of this event.

### **IV. ADJOURNMENT**

**Chair Akaka:** I will now entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** So moved

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments members? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

							11:39 a.m.
Trustee		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI’I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK		2	X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			5	0	0	4
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MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:40 a.m.**

DRAFT

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. **Approval of Minutes**

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\***
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
OFFICE OF Hawaiian AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)  
**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

December 6, 2023 10:00 a.m.

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Ferreira, Stacy / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Ke'öpū, Reelitz / Advocacy Division Director  
Zuri, Aki / Public Policy Manager  
Aikue Kalima / Loan Manager RMFA - NHLRF Program  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, December 6, 2023 to order at **10:06 a.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (10:06 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	10:10 a.m.
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7)** Trustees are PRESENT, thereby constituting a quorum.

II. New Business

- A. **Action Item BAE #23-03:** Approval of the First Term of Sherwin Kaleo Perez as the Kaua'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF), Board of Directors (BOD)

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

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**COO Brown:** Ka Pouhana, I recommend we kick it to Mona first.

**Chair Akaka:** Mahalo

**CFO Hinck:** Good morning, Chair. Good morning, Trustees. I'm going to pass that over to Aikue Kalima who will speak about the first item on the docket.

**Aikue Kalima:** Aloha Trustees, just some background information on this action item, former NHRLF Board President Mike Tressler finished his second and final term serving on the board on September 30th. The NHRLF would like to mahalo Mike Tressler for his six years of service to the NHRLF program and to the lāhui. We are recommending Sherwin Kaleo Perez as his replacement as the Kaua'i board representative. The NHRLF feels that Kaleo will bring the same experience and expertise in finance and management to the board and in addition to that, he also is a Vice President of Gather Federal Credit Union who is the NHRLF programs biggest competitor on the island of Kaua'i. So this will allow the NHRLF program to establish a working relationship with Gather Federal Credit Union as well, which would be a win win for both OHA and the NHRLF program. At this time I'd be happy to answer any questions from the Trustees to assist with making your decision.

**Chair Akaka:** Mahalo, members any questions or comments?

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Approve the First Term of Sherwin Kaleo Perez as the Kaua'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD).**

**Trustee Souza:** Second



							10:12 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**B. Action Item BAE #23-02: Approval of the 2024 OHA Legislative Bill Package**

**ONE TESTIFIER ON THIS ITEM**

**Makalani Kupau:** Aloha Chair Akaka, members of the Board, mahalo for having me today. My name is Makalani Kupau. I'm a Native Hawaiian beneficiary, the Executive Director of a Native Hawaiian serving nonprofit who is an OHA grant award recipient and I'm mother of two children with IDD. I'm here to express my strong support for the IDD resolution proposed by your public policy team in this legislative package. On a personal level, I have two keiki with IDD and many 'ohana both keiki and adults living with IDD. It is such a difficult, challenging and sometimes beautiful thing to live with. My children are wonderful, but they have so many challenges that aren't being met or addressed, especially at a cultural level. I see it everywhere in healthcare, in education, in public services. So I feel that this resolution is a good start to getting us to be more at the forefront of what needs to happen for these children and other individuals with IDD

As the Executive Director of a Native Hawaiian serving nonprofit with a major focus area in IDD, I am keenly aware that IDD is a significant gap area where Native Hawaiians are overrepresented, under diagnosed and underserved, severely underserved. I cannot tell you how appreciative I am that OHA's Public Policy Manager, Zuri Aki and the Public Policy Team has taken an interest in IDD, especially at a cultural level. The time and efforts that Zuri and his team have invested in consideration of this very important and sensitive gap area means so much to me personally and at a community serving level. Mahalo nui to the Board for supporting Zuri and his team and putting forward this critical IDD resolution to the Legislature in the coming session. I look forward to providing public testimony on this when it comes out, mahalo again.

**Chair Akaka:** Mahalo nui, Makalani.

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair. So at this time I will ask Casey Brown to share and tee up our OHA Legislative Package.

**COO Brown:** Mahalo, Ka Pouhana. Good morning Trustees. So we're going to go through the package at a very high level. Your materials begin on page 9 for this topic. I'm also going to invite Keopu and Zuri, our Director of Advocacy and our Public Policy Manager. We're here to ask for the approval of the package. We came to the BAE about a month ago on November 8 to present the proposed measures and to get your folks feedback. The feedback was really good and it helped us to inform the drafting of the measures. So that's what we did, we took your feedback. Zuri and the team drafted these measures. We put it out for your folks to review. Nothing has changed materially in the direction of these measures. Nothing's changed in the overall thrust of the package. The team, the Public Policy team simply drafted the measures, so we're here to get any more additional feedback now that you've had the measures in front of you and answer any questions. I'd like to throw it back to you folks if you have any particular area you want to question or, you know, terminology use or anything, and I can also ask Zuri to give a quick highlight as needed.

**Chair Akaka:** Mahalo and Zuri, if you can also, I believe you'll probably be doing this. First of all if we can start off with the legislative calendar and info briefing dates, mahalo.

**Public Policy Manager Aki:** Aloha Chair Akaka, Chair Lindsey, members of the Board. Zuri Aki here, Public Policy Manager and I'm joined by my Public Policy Advocates. In terms of the calendar, the official calendar has not released yet, but we can anticipate the start of the ledge opening day the third Wednesday of January. That's when they'll open.

In terms of the timeline of events, we don't have that solid yet, but we'll certainly apprise you of that information when it does come out. If I may and please feel free to stop me at any time, I'll give you a quick overview of the proposed package. We have four measures being proposed here. The theme is to empower the lāhui to stop Native Hawaiian erasure, out migration and to stop Native Hawaiian identity erasure. And so the strategy, the overall strategy is these are seed bills. They're the idea is we seed them now, we water them and then we grow into all different kinds of things in the future, right. So we're looking ahead far into the future for many, many different ideas that are branched off of these and this is where we'll start.

So OHA-1, this is going to be the heaviest lift of this package and this requests that OHA has a seat on the Board of Agriculture, the Board of Agriculture currently right now has ten seats. So this ask would put us at an odd number, right, more ideal for boards. The other agencies represented on this board are the BLNR, Board of Land and Natural Resources, the Chair, the Department of Business Economic Development and Tourism, it's Director, and we also have the University of Hawai'i CTAHR. So we're asking for the Office of Hawaiian Affairs to have a seat on this. We have many, many intersecting interests in agriculture, right and this is an opportunity for us to have a seat at the table and to speak in terms of one of the largest economic sectors here in these islands. This is a way for us to be able to elevate and uplift our rural communities and our Native Hawaiian traditional customary food producer practitioners. There's also an economic component and a component attached directly to OHA's interest and that's in Public Land Trust lands, income and proceeds. So in 2003, just to go really quick, 20 years ago, Act 90 was passed, which transferred all these agricultural lands held by DLNR to DOA and they've only started implementing that now. We've been watching measures at the BLNR and these are lands and swaths of tens of thousands of acres being transferred in one fell swoop. There's traditional customary practitioner issues attached to these kinds of things. There's also income and revenue issues attached to it. When it comes to the disposition and sale of crown and government lands, we can track it in a certain way at DLNR, but it becomes a lot more difficult at DOA, right. They even have disposition at the director level without board hearing, no public testimony, things like that. So we want a better seat at this table to be able to control that discussion.

Another major facet of this before I move on and should be said is there's a submerged lands component to this. So DLNR has an MOA with DOA regarding the aquaculture industry and the leases of submerged lands, we're not in these conversations concerning the lease, tracking them, tracking OHA's pro rata portion, things like that. So this is also another angle for our CBSFA's to get into the aquaculture industry and we want to be

able to be at that table and to have these discussions. So that forms the impetus for this particular ask here.

OHA-2, the rest of these proposals are going to be resolutions. Again, ideas, seed ideas that we put in place right now, just going to the second-half of the biennium we know we don't have much time, right. So we want ideas that we can shepherd in, we can put all of our guns behind essentially and make sure that they get put in place and implemented. These are high rates of success kind of proposals so we're hoping for that. OHA-2, request the Office of Hawaiian Affairs to identify the scope of Native Hawaiian cultural appropriateness for the purpose of addressing Native Hawaiian disparities. As you can imagine this is kind of like a catch all in terms of consolidating what it actually means to be responsive to Native Hawaiian identity, Native Hawaiian culture, Native Hawaiian aspirations, that's everything wrapped up in here. We can talk about what it means to be culturally appropriate in education, in economic development, housing, everything you can think of, healthcare right. It puts the conversation and the narrative kind of in OHA's hands where it really should be. We should be able to reach out to our communities and to generate these kinds of ideas and concepts and be able to report back at the Legislature. We can do these things on our own, but we also want the Legislature supporting this and them to acknowledge its importance and be able to tell us that this is something that they can get behind. So far it seems to be largely accepted and appreciated.

OHA-3, this is going to be urging the state's commitment to providing culturally appropriate resources, services and programs for Native Hawaiian individuals and families experiencing intellectual and developmental disabilities. Native Hawaiians are largely overrepresented within the IDD community and the ID community just generally, it doesn't receive the attention that it probably should and when we get into all the nuances of the problems, the hurdles, the challenges that families and individuals face, we start identifying things like when it comes to IDD, no one's really, really thinking about the fact that individuals who have IDD have the need to express themselves, have the need to engage in their cultural practices. These are super gap areas and these are areas that OHA can actually take a leadership role in and in identifying and it again wraps back into our OHA-2, right, the cultural appropriateness and to be able to control the narrative of these conversations while addressing the needs of disadvantaged communities.

**Ka Pouhana Ferreira:** Chair, before Zuri moves on. Zuri, can you also share with the Board because it does have an ask of different state departments, the conversations that you've had in terms of getting support from these agencies.

**Public Policy Manager Aki:** Yes, thank you, Ka Pouhana. It's kind of a broad ask right. As we can imagine the lives of those with IDD, it affects us as anyone else would. So there are health issues, there's educational issues, there's even employment issues associated. You know, across the board right, this is so broad. We didn't want to focus specifically on this is a health issue so let's talk to the Department of Health, let's talk to DHS, right. We wanted to keep it broad and we wanted to open this up for more discussions with community members, with beneficiaries, with stakeholders, with serving organizations, things like that. This is basically a conversation piece and this is where we're gonna start that conversation basically.

Okay, if I may move on to the last proposal OHA-4. This requests the Office of Hawaiian Affairs to report on strategies for Native Hawaiian rural resiliency. So our Native Hawaiian rural communities are facing disparities at a greater rate than everyone else. They're facing erasure at a much faster rate. They lack economic opportunities, health opportunities, many who come from these kinds of communities see it as their mission is to escape these places, right. They're seen as almost traps, but they love their homeland. They love their 'āina, they want to return and we're finding that the younger workforce, the younger people are moving out for economic opportunities elsewhere and they're leaving kūpuna behind, they're leaving parents behind, they're leaving more vulnerability behind and in their place we have almost a transplant population coming in under the face of gentrification and things like that, they're rapidly being pushed out. But we also see this as an opportunity to uplift, empower, elevate our rural communities that they can be a force unto themselves, right. This is everybody else looking into these communities and seeing economic development potential and we're seeing it as our community should be the ones to decide for themselves how they want to want to build

themselves up and we're willing to support. So that's where this strategy comes in and it plays in to a whole lot of agricultural interest, agricultural economy interests, and we even can branch off from this in being able to determine even things like appropriate housing for Native Hawaiians. What does that look like? What does it look like in rural communities? So these are the things that we're kind of using as seed ideas to expand and grow into something further in legislative sessions to come, mahalo nui.

**Chair Akaka:** Members, any other questions or comments? Okay, I see Trustee Akina and then Trustee Galuteria.

**Trustee Akina:** Thank you, Madam Chair. This is perhaps for Zuri or for Ka Pouhana or for yourself. We certainly had an ambitious package last legislative session and I understand, of course, that we want to shoot for targets that we can actually hit and win and that would be a good thing terms of moment. But I was wondering what the thinking is about limiting our package to this really small amount of proposed legislation and would really appreciate just hearing what the thinking is and what the strategy is behind that because there are many other issues including aspects of our development on Kaka'ako Makai as well as other issues that have had in the past been important for us to go forward with and so I just would appreciate knowing what our strategy is.

**COO Brown:** Mahalo, Trustee Akina, in the past few years we actually had very focused packages. So I just want to make sure the context is correct, very focused. This package actually has more measures as well as coordinated advocacy than we've had in the last couple of sessions. It was very focused and it was very hot, high on the radar issues like PLT, like Hakuone and so those took a lot of focus from the teams. We do expect this session for our prior years Hakuone Bill which has the funds in it to repair the bulkhead, it has funds in it for Kūkaniloko lands for an EIS study. We do expect that bill to be reintroduced as part of their normal process and so that's something we will track on and monitor and as it gains steam we are prepared to support that as well. So that is the current planned outlook for the public policy work that we expect.

**Trustee Akina:** Well I recognize that not every matter appears as a formal legislative bill. What is our position on going forward with our legislative intent and goals with regard to Public Lands Trust and with Hakuone, especially aspects that we looked at very carefully last term.

**COO Brown:** Well, I'll take first stab, but I'd also like to invite others, especially Trustees who are involved in some of the discussions with Hakuone. Well, last year everything in terms of Hakuone, it was anchored around residential and so given that some of the same hurdles exist, there's some taking stock that needs to happen that has already happened. And there is potential, you know, relooking at strategies which we may want to take. So in terms of the Administration team was informed, you know, was working with Trustees who are involved, heavily involved in the Hakuone topics and discussions and where we're at is to support the Hakuone Bill that's going to get reintroduced that I just mentioned, the structural repairs as something that we would focus on. And then I believe Trustees took up topics to discuss Hakuone to look at our of right plans. So our of right plans there is, you know, commercial uses and so the focus has switched there while we form our strategies in the future for Hakuone.

**Chair Akaka:** Yes, and also regarding too, the Public Land Trust, the working group was assembled to continue that conversation and our Board Chair Hulu Lindsey and our Board Vice Chair Trustee Trask sit on that and those meetings still continue.

**Trustee Akina:** Thank you.

**Chair Akaka** recognizes Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair. Trustee Akina, I just wanted to speak more at a general level for Mana i Maui Ola and knowing I've just come on board with the agency, part of my work has already been looking at

the current strategic plan and the indicator work that has occurred. We are setting targets and baselines and our next step is to create more focused targets and tactical plans. When those tactical plans are created, I'll have a much better sense as I look at the different focus areas, what our policy agenda will be, because those have to be aligned and so I'm happy to give Trustees an update as we move through that implementation process.

**Trustee Akina:** That sounds very good Ka Pouhana, thank you.

**Chair Akaka:** Mahalo and our Board Vice Chair Trask, did you have a comment regarding the question that was asked?

**Trustee Trask:** You know, I have some questions on these bills. When I looked at for instance, the addition of the seat to the Department of Agriculture. We're adding three seats here which I think is good. But I don't understand the language of the bill at page 3. We're trying to correct the problem with Act 90. We're saying that it placed an extra burden on the interests of OHA by narrowing the focus of income generating activities with regard to the pro rata share. Now right now we have a working group that is looking at that. But I don't really understand the language here. When we look at what this measure is doing, we're increasing the number by three on the Board of Agriculture. But we aren't changing anything in the law that requires the Board of Agriculture as a collective group to recognize Hawaiian food systems, to support the propagation of culturally appropriate foods. We're going to put one person on a board that will have 13 and I agree with the purpose and the scope, but do we see that we're not altering the breadth of the work of the Department of Agriculture. We will have one representative there, but it's one out of 13 and what we're missing is culturally appropriate foods and food systems that should be coming through the management of the Department of Agriculture. I know that this is a preliminary proposal but I feel that the language that's on page 4. It should have been inserted so that we're clear that this is for culturally appropriate foods and food systems and it will also then impact the land awards I would think. I don't see how this is going to be, how are they going to do this? If three people come forward for a piece of land with the one planting Native Hawaiian diet have a preference? How does it work?

The second thing I wanted to ask is we're looking at some changes in the following legislation but I don't see the budget ramification. Has that been undertaken, the budget ramification for this?

**Ka Pouhana Ferreira:** I think the one that has the major financial or any kind of financial impact would be the disabilities resolution because it does require for additional funding to be provided to Hawaiian families and my understanding is that Zuri is working with the Department of Human Services to get that budget implication.

**Trustee Trask:** Is the intention that when that comes in, the Trustees will have to go back and expand the budget? When I look at the other measures as well, we're going to have budget impact. What we're saying in one of the resolutions is we want the Legislature to pass to us the rural resiliency obligation for culturally appropriate housing. We don't have a housing division, neither do we have a housing policy. We're trying to move it forward now for the rural kūpuna housing project but we're not there yet.

**Ka Pouhana Ferreira:** Thank you, Trustee. The intent of these resolutions are for OHA to provide reports to help inform definitions or frameworks. There should be no obligation of the OHA to provide any budgetary resources going forward. Zuri, did you want to add anything to that?

**Public Policy Manager Aki:** Yes, Ka Pouhana and Mahalo, Chair. Mahalo for these questions, Vice Chair. Let me take it in part and to clarify some things that I heard for the Board itself. The OHA-1 proposal, if you if you turn to page 5, the underline, that would be the amendment to the statute, the existing statute, Chapter 2616 itself. So we're only recommending the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, if you look at the bottom of that, which is already written in or they're designated representatives who shall serve as ex officio. So that's already written in. So it's basically the Chairperson or their designee, right. So

we're only proposing to add one more seat and that's the Office of Hawaiian Affairs. As far as I know, and as far as I have been aware, none of these proposals have any appropriation requests and no corollary budget. I mean maybe down the line as these issues grow, they will turn into measures that we can propose that maybe we will ask the Legislature to make appropriations or find different ways to fund them, but immediately in this proposed package there is none of that. I want to recognize what Vice Chair was saying and we can add language involving what culturally appropriate food sources that benefit health, we can include that all in the preamble to this. So if this Board determines that there should be a language that should be inserted, we could definitely do that, and it definitely resonates and I agree with it.

**Trustee Trask:** I'm directing and requesting that the Board look at not page 5, but page 4. Second paragraph, accordingly the Office of Hawaiian Affairs would provide crucial oversight concerning the impact, involvement, aspirations of Native Hawaiians in the food system and agricultural economy of the state. Recognizing the paramount benefit of culturally appropriate foods and better Hawaiian health and well-being. So OHA in this bill will pick that up. We don't have a division in the office for this. It's like the housing, there is a financial ramification. This measure that we're looking at now is a bill for an act. It's not a resolution, folks. So when we say here it doesn't have any fiscal ramification to the Legislature, that's right. But our number page 4, it says accordingly, OHA will provide crucial oversight, impact, involvement, aspirations of Native Hawaiians and food systems. I don't know a single division we have that's looking at this or the agricultural economy of the state. But I also wanted to point out. That we ourselves then knowing that there's no fiscal appropriation will have to provide the financing for it. So are we going to revisit our budget before the session goes in because this bill will be introduced mid January.

**Ka Pouhana Ferreira:** Chair, if I may respond to Vice Chair's questions. So basically what we're looking at here, Vice Chair, is that this oversight is more through the ex officio seat that we would have on the board versus us administratively doing this work through OHA.

**Trustee Trask:** You know, I'm asking you to look at the language on page 4. Accordingly, the Office of Hawaiian Affairs would provide crucial oversight concerning the impact, involvement, aspirations of Native Hawaiians in the food system. Where is that in my current budget? Which division of the office is doing this?

**Ka Pouhana Ferreira:** Yeah, you're right and so to clarify we'll insert language that will be very clear that it's through the seat as an ex officio versus administratively through the Office of Hawaiian Affairs. We can make that clarification because your point is well taken.

**Trustee Trask:** And when are we going to see this Stacy, after you folks introduce it?

**Ka Pouhana Ferreira:** No, Vice Chair.

**Trustee Trask:** You know, this thing has a critical impact on our fiscal budget here.

**Ka Pouhana Ferreira:** Mahalo and this is the important discourse that we need and the multiple pair of eyes and 'ike. So mahalo, we can make that clarification in pretty quick order.

**Trustee Trask:** I'd like to see the outcome before the staff proceeds with it, because this is a bill, it's not a resolution.

**Ka Pouhana Ferreira:** Hiki nō, we have that noted.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, I understand Trustee Trask's concern. As we move forward, these bills and correct me if I'm wrong, Zuri, but they're quite cerebral in nature and they're meant to begin discussions, right.

Because my question was gonna have to do with a funding ask as well and the value added attached to each and every one of these bills. But I'm fine with it. I'm glad we discussed it. I would want to know how are the bills going to be introduced? Do we take them through the subject matter Chairs, does the Senate President introduce them, does the Speaker introduce? How are we gonna be proceeding specifically with the bills and with who?

**Chair Akaka:** Okay, so it has been offered to us to kōkua us with the introduction of some bills. Ka Pouhana, would you like to elaborate on that?

**Ka Pouhana Ferreira:** Yes, so we've met with two Senators thus far. So there's a list of Representatives and Senators that we will be doing meet and greets and sharing the advocacy package with. Senator Keohokalole has expressed his interest in wanting to introduce specifically OHA-2, which is identifying the scope of Native Hawaiian cultural appropriateness. I think it would be appropriate to have subject matter chairs to introduce for us. You know, if we did have something fiscally related, we may would have, you know, considered the Finance and WAM Chair as well. But at this point, if we do have a Native Hawaiian Legislator who is interested in being a champion for us we certainly would welcome that. And again, Senator Keohokalole has put forth that he would introduce number 2 and Senator Fevella said he would introduce all of them. So I think that as we share out our advocacy package, I don't foresee us having any real pushback. In fact, I think we're going to see lots of support and probably more offers to introduce, so I think we're going to have an opportunity to kind of pick and choose who we think is most appropriate to introduce.

**Trustee Galuteria:** I see, okay and we can introduce it on both sides?

**Ka Pouhana Ferreira:** That would be great. Yes, that always increases the chances, yes.

**Trustee Galuteria:** Okay, thank you for that.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. Last year as we approached the Legislature with our package, we engaged commercial lobbying and I have two questions about that. One, have those contracts run their course and are they complete? And secondly, are we thinking of doing the same this year?

**COO Brown:** Mahalo, Trustee Akina. The contracts have run their course for what was done in prior sessions. For anything new to start, Trustee Akina, it would require more funding, which would require approval by you folks, so I do expect a proposal to be coming and so you folks will be hearing that and you'll see what the proposal entails.

**Trustee Akina:** Thank you

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I was just wondering how does the last year bill come back on this year's agenda? Like the bulkhead and the revetment bill for Hakuone. Does it automatically come back? Does somebody have to introduce it back in? Because I kind of feel like it automatically comes back, but I don't know how it comes back.

**Ka Pouhana Ferreira:** It does and it will pick up with the committee that it was left off at.

**Board Chair Hulu Lindsey:** And do we know what committee that was?

**Ka Pouhana Ferreira:** Zuri, do you have that off hand?

**Public Policy Manager Aki:** I do, Ka Pouhana. Mahalo for the question, Chair Lindsey. We're talking about SB1235, it made crossover. What happened was it got stifled, it got referred to WAL, JHA, FIN. So in the House right, triple referral, but it didn't actually get heard in any of the House Committees. So essentially it would have to pick up in the House where it left off this 2024 Legislative Session. So we might want to have conversations with Speaker Saiki and the various different Committee Chairs.

**Board Chair Hulu Lindsey:** Thank you

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I'm looking at the attachment number four that relates to Native Hawaiian rural resiliency. The Office of Hawaiian Affairs does not, does not have a policy in place that defines or prioritizes what this bill is setting as a rural resiliency priority. And this bill does not come from the office, but rather from the State Legislature. I tried to find the definition of rural resiliency anywhere, I can't find it. If you have one, I'd like to see it, but again, when I look at this page number five folks. Be it resolved, OHA is requested to report on strategies for Native Hawaiian rural resiliency, which should include strategies for culturally appropriate housing, culturally appropriate health care. We do not have any such a policy or resiliency on the books. If we're going to adopt one, we should do it before so that it's OHA's definition of resiliency. This is a legislative measure. OHA is the agency in charge, but I don't really know what we're talking about because we don't have any program for rural resiliency, it's not in our policies, but we are committing to innovative, culturally appropriate housing. Is that gonna include the housing that we have a kūpuna pig established for? Is there a Trustee that can tell me what culturally appropriate housing models are? Because we don't have a housing division in OHA anymore. Culturally appropriate healthcare solutions, we don't have a health division in OHA, so who's doing this work and what is the budget ramification?

**Chair Akaka** recognizes COO Brown

**COO Brown:** Trustee Trask, that's a really good point and I think the spirit of this resolution resonates but the execution of how OHA writes the report will need to be worded in a way that gives us the right amount of time, gives us the right amount of players and I want to invite Z to see if Z had some thoughts to add about how the report would come about.

**Public Policy Manager Aki:** Mahalo, Chair and Vice Chair for the question. Just to give a little extra insight into this, on its face it's vague enough, right, that should this thing pass and should it be certified and passed on. It kind of allows us to control the conversation, to control the scope of the reporting itself, right. To determine what that report actually looks like. So there's no parameters that are constraining the scope of which we have to dive into that particular subject matter that's highlighted here. This also again, it begins the conversation. As you highlighted there's really no concept what is culturally appropriate housing and what are those needs associated with the housing. This allows us to kind of have that conversation and to be able to shape it in a way. It allows us to reach out to our communities and have them contribute to the development and the conceptualization of what it means and then we can report back to the Legislature and say, hey this is what our Native Hawaiian communities, all the different ones out there, what they want. Rural resiliency, it doesn't have a definition, right. So this also allows us to define the scope of what it actually means to be resilient and to have rural resiliency in itself. Public Policy has been reaching out. We've created internal working groups and we've actually been visiting. We have to travel to remote and rural communities to have these discussions and this rural resiliency resolution kind of manifested as a result of speaking with many Native Hawaiian communities in rural areas. Especially on Hawai'i Island and it forms basically the foundational structure upon which we will start elevating and amplifying their voices and kind of targeting their needs in a broader scope, mahalo.

**Trustee Trask:** Trustees, I just am not buying it. I'd like a straight answer here, page number five, the Office of Hawaiian Affairs is requested to report on strategies for Native Hawaiian rural resiliency, which must include,



which should include innovative, culturally appropriate housing and culturally appropriate healthcare. We do not have policies on this and I would like to know what we're going to do on it and also the budget ramification. Who in my office is going to develop the strategy for rural resiliency for cultural appropriate housing models? Who is going to do it and who can tell me now the budget impact, because I know one thing for sure, Trustees, we already did the budget and these items are not included, but we're going to the Legislature asking them to tell us to report on these things. I'm not scared of doing my job, but somebody tell me in my office who does the Hawaiian rural resiliency strategy? When will I see the Board adopting the strategy? And what will be the budget ramification? Because we're still carrying a huge battle for Hakuone. A huge battle and we also know that we still don't have a ceded land inventory for the trust, our first trust obligation. Are we appropriating any funding for that? I mean, this is the whole legislative packet. We're gonna pick up the bills we didn't move last year which have budget ramifications of hundreds of millions when you look at Kaka'ako. You know, I was hoping that when we looked at the legislative strategy, we could talk about how we're gonna move our bills for Hakuone in the session. We didn't get it out last session, did not. So we have to pick those bills up and move it. They're not included in the package. You know, I don't know why we're seeing this. We don't have a definition of rural resiliency. We don't have an overarching policy. We don't have a staff to do culturally appropriate housing. We're supposed to be in a dialogue with DHHL and others on becoming a partner with kūpuna housing. Yeah, is that innovative culturally appropriate housing? When I brought it to the Board a few weeks ago, I was told looks good, but we don't have the \$1,000,000. When I look at these bills, these bills will cost big money, not 1,000,000. We couldn't come up with 1,000,000 out of 30 for this. I don't know how we're going to develop innovative, culturally appropriate housing without a housing division and a budget. But also Casey, I would like to know the strategy from the team for moving our Hakuone legislation. We have bills in the hopper. Yeah, critical bills. It's not in the package, when can we see it, Casey? We're a few weeks away from opening the session. When can we see the strategy for moving our bills for Hakuone?

**COO Brown:** Got you, Trustee. So I'll quickly, let me take the first question. So the spirit of this reso, the intent of this reso is to bring the players together and put OHA in the driver's seat. So while we don't have policies that you pointed out around appropriate healthcare and housing, affordable housing. The idea is to bring the people together to form those together, but to put OHA in the driver's seat. So we work with community, our team here works with the community and brings the essence back to the Board, and then we shape that proposal with the community for your Board approval. And so we will be setting this together, so this is really to get the ball rolling. So maybe I think to your point too Trustee, we can write this to be even more clear in trying to capture what we're trying to achieve here and we're happy to bounce this off of you because you point out some really good areas that need improvement.

**Ka Pouhana Ferreira:** Casey, before we move on for that because I want to make sure we answer Trustee Trask's other question about is it going to, the resources that's going to take to do this work that we're proposing. So because there will be no additional resources, it will be incumbent upon the team, as Zuri has explained and going out to communities. That's going to be current cost that we are going to have to bear with the team, right. So that's going to just have to be part of their their workload, no additional resources are going to be requested by the advocacy team to do this policy development for future Board discussion.

**Trustee Trask:** I disagree with it, you're asking us to put together a rural housing resiliency program for culturally appropriate housing models. We need funding for it. You know, when I look at this, it looks like a lobbying package for the Executive Team to take to the Legislature is what it looks like, but we are not getting any funding. Who in my office is prepared to do this? Is this your Executive Team who's doing it? Can I have the names of the staffers who are gonna do this work, who?

**COO Brown:** Trustee Trask, I think in terms of the budget, we also don't know the scope, right. We can't form a budget unless you know the scope of the work and we're going to need the work to begin, we're going to need these partners at the table, the community partners at the table with us to determine how deep a scope this needs to go, right and so that step has to happen. We have to start somewhere and then we can build the scope together. Once we have the scope, then the budget can be formed. So I think this probably just needs

more clarity to ensure that it doesn't pin OHA to shoring up additional resources. It doesn't pin OHA to coming up with immediate policy right away, it probably needs the clarity to demonstrate more that this is about getting it going. This is just about getting it going and being in the driver's seat, right.

**Ka Pouhana Ferreira:** So Casey, you're saying I just want to make sure that we're all on the same page. So this convening, the facilitating of this report, all of the conversations that need to happen to help inform this report is going to be based off of current resources with the Policy Advocacy Team.

**COO Brown:** Correct, we wouldn't wanna go too far down the path on our own just OHA by itself without connecting with community and spending our resources without being formed by the key partners. We want them involved while we can drive. Let them help us form this scope, then we know how much we're talking about and we also shouldn't be the ones footing the bill every time. We need to ask others to help us foot this bill like the state.

**Trustee Trask:** You know, that's the very point I'm making, Casey. That's the very point I'm making. You're creating work for the office but you're not getting me a legislative budget for it and you know darn well it's not in the current budget. How are we going to do this? This is a bill to the Legislature. They will pass it and when they do they're going to say OHA you get us that report next year. On strategies for rural resiliency, culturally appropriate housing, healthcare. I don't have the divisions in my office to do it and I don't have the budget and I don't know why we need the Legislature to tell us to do it. We're the lead state agency folks. Why don't we do it ourselves? Why do we go to the Legislature? And if we're going there where's the fiscal allocation? Because I can't find it in my budget and this is the case for other measures in this package. We have a huge fight we're expecting on Hakuone. We didn't get any briefing on that from the legislative team today. We're looking at aspirational measures we're not even set up in our office to handle and we don't have a budget for it.

**Chair Akaka:** I'd also like to ask that when these visits are happening in the rural communities that the Trustees are made aware and there be the opportunity to participate as well so that we can be a part of that conversation.

**Chair Akaka** recognizes Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Zuri, I just want because I was not here when the budget was formulated for your particular program. Can you please provide Trustee Trask with the details of how this particular work was going to be supported through your budget request?

**Public Policy Manager Aki:** Mahalo, Ka Pouhana. So we have all of this pre planned in our programmatic budget for the 2024-2025 fiscal year previously approved already. We anticipated these kinds of campaigns on these specific issues. We anticipated the costs associated with determining these kinds of reports, reaching out to communities. We factor this all into our budget. All the services that we may need associated with it. We can't say this captures everything, but we definitely anticipated and we have this currently in our budget. So we're not thinking that there's going to be any extra asks, at least immediately right now.

**Trustee Trask:** Documents, I would like to see it before we go to the session. The money in the budget, folks, we're a state agency and it is appropriated according to the vote of the Board taken at the time the funds are appropriated and I know very well that no funds are in the current budget for innovative culturally appropriate housing models. Neither is there any for culturally appropriate health care. It's not in our policy. It's not. I would like to know from admin when we will have the legislative briefing for Hakuone.

**COO Brown:** Madam Chair, I can answer the Hakuone. Whatever Hakuone push that comes out this session is there is a proposal coming that will encompass that. So that proposal is being scheduled for later in December, Trustee Trask, and that proposal will encompass all of the push required for anything related to Hakuone.

**Trustee Trask:** When can I expect it? Later in December, session will open in mid January.

**COO Brown:** The outside team that's going to be making the proposal has their presentation ready and so it's just a matter of getting it on our OHA agenda.

**Trustee Trask:** Casey, is it coming in a bill form or resolution? What do we expecting here?

**COO Brown:** No, it's not a measure, it's not a measure, Trustee. Sorry if I was confusing, it's a proposal that's going to support the reintroduction of that Hakuone Bill that has to pick up where it left off last session. Anything beyond that ventures into our asks of residential and that's not where admin is told we should be heading. Based on what we heard in prior discussions with the Board that the commercial mixed-use, the of right plans are front and center.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Madam Chair. First of all, Zuri and your team, thank you very much for all the hard work you've been putting in and Keopu, nice to have you on board. Casey, I want to go back to something you mentioned earlier, our lobbying contract has ended. Who are we looking at to represent us besides ourselves because I believe the Trustees are the biggest advocates, I can be the biggest advocates and lobbies for these bills that we're representing, we're putting in, right, especially Hakuone. So what is the process of securing our new lobbyists? When is the budget coming to us? I think you talked about December, sometime in late December. So how does the process work because the contract has ended, propose new lobbyists, RFP, how does that happen? Thank you.

**COO Brown:** Mahalo, Trustee. So Kuilei is going to come back to the Board to present a proposal. They were the entity that procured the lobbyists last session and so they're going to present a proposal. That proposal will include all of the objectives that will include what they intend, how the members of their team they intend to form and the budget.

**Trustee Souza:** And was our budget for this session to procure new lobbyists for this upcoming 2024 session?

**COO Brown:** No, not for this package we're presenting. We have our own teams in place to do our own push for our own OHA package.

**Trustee Souza:** So where did Kuilei get the budget to present our lobbyists?

**COO Brown:** They do not have the funding, they will be coming.

**Trustee Souza:** Okay, so they're really just recommending our new lobbyist?

**COO Brown:** Yeah, they do not have the funding. In their proposal, they will be presenting a budget and that budget would need to be approved if the Board so chooses.

**Trustee Souza:** So basically you're saying that there's an opportunity for other lobbyists to approach OHA and say hey, I want to represent you this year or OHA to go outside and seek other lobbyists who can be effective in representing us this year, is that what you are saying?

**COO Brown:** Yes

**Trustee Souza:** Thank you, Casey, appreciate it.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Casey is the proposal, is it based on our administrative recommendation?

**COO Brown:** No, this proposal is something that a contractor, the vendor is proposing to the Board, right and being that it's going to be Kuilei, they're definitely informed having worked with us in the past. So they have, you know, a certain benefit of seeing what was done, knowing the context. So their proposal is their proposal. Admin does not influence a potential contract. So they they have to make their own pitch.

**Trustee Waihe'e:** Is admin going to do an evaluation or due diligence on the proposal or is it just a pitch that we have to decide in the meeting itself?

**COO Brown:** Yes, so we certainly can do that. Trustees, we're moving, I mean there's a lot of things moving. So we're trying to move a lot of things in parallel. So if the Board listens to the proposal and wants to approve it, they certainly can. If if they do not want to approve it right away, if they request that they want further information or an evaluation from admin. The admin is here to perform whatever you folks direct.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Thank you, Madam Chair. I agree time is of the essence at this point being that session will start in a few weeks. Are there other proposals coming in? How are we going out to seek those proposals? What can we do to make sure we're very effective this time around at the Capitol besides all of the Trustees getting involved and advocating and lobbying and pushing as much as we can within our bounds? I'm very concerned because I want to be a part of the winning team this session for sure. That doesn't mean going in there and asking for everything that we, you know, kind of understand that we may not get. You know and a lot of these referring back to the bills or resolutions whatever we want to call it. Going back to that, I think this is a great start and it's going to gain us traction which is super important. So a little premature I guess once we start getting traction, then I think the talks of the budget and stuff like that can be brought out. But like I said before, I want to be a part of a winning team and I want to make sure whoever represents us this session is very, very good in getting us what we need within a reason and to gain traction in order to develop. Because we've been coming with this attitude that it's all or nothing and, you know, certain Trustees that worked at the ledge before, even referring to our Ka Pouhana Stacy, she understands that, you know, I mean it's a give and take, it's a two way street. So sometimes we don't, the conversation doesn't get back to us and we don't get to talk about it as a Board and we all have back end conversations because that's what we need to do right in order to kind of feel them out, eh how is this going to go? That's the reality of things and so I just want to make sure whoever represents us and there is an opportunity for us to get the best of the best to represent us. And so I just want to know even though time is of the essence, what is the process and how long will that take and yes, I agree with Trustee Waihe'e, admin needs to vet whoever that is and not just take it for granted, like okay, we're going to do the same thing over and over, you know business as usual. So I just want to be clear on that and that's where I'm coming from. Thank you, mahalo for your time.

**Chair Akaka:** Members, any other questions or comments? Trustee Trask.

**Trustee Trask:** I need to know when are we going to be getting the legislative strategy for the bills we have in the hopper. What is the date today? December 6, session will open in January. We have bills in the hopper and we haven't received any input from the staff yet and we have changes going on in some of the committees, House and Senate both. And I'd like to get some feedback on that. I know that leadership is organizing. I haven't heard of too many significant changes in leadership, but there's going to be some and we need to get on it. You know, I'd like to see the presentation from the team on the bills we have in the hopper from last year.

**Chair Akaka** recognizes Advocacy Division Director Reelitz

**Advocacy Division Director Reelitz:** Thank you, Trustee Trask. We will make sure that we get that information together for you, recognizing that there are some of the bills that are going to be reintroduced. As has already been mentioned, they'll sort of start where they left off. So they've made crossover. So we do have a little bit of time, but I absolutely understand that time is of the essence and so we will be sure to gather the information on the bills that are still viable for this next session that can pick up where they left off during the session so that we do make sure that we have a strategy in place to move them forward when they do pick up again.

**Trustee Trask:** Keopu, I would like to get some input from you following this meeting on how the Trustees will participate in the Legislature this year. It's not my intention to allow staff to do it for my island and I work with members of the House and Senate there and others will come in to assist us in our lobbying, including Senator Malama and others. So I'm requesting that so we can get some clarification here and I'd like a response from you by the end of the day today, I'm on the 2nd floor because I'm going to have to arrange for flying back here, you know there isn't any process for you to ever come to our island. So the only way these meetings can be held is if we do it by Zoom or fly in, but we don't really have a budget for it. You know, but you are advocacy now, the Director of it, thank you.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I'd just like to share with the Trustees that we're looking at meetings on December 20 and 21<sup>st</sup> to address some of the things we're discussing now. 20th would be the RM and possibly the BAE and the 21st would be the BOT. So I just wanted to give you folks a heads up that you know and I'm sure it can be done virtually. It is going to be close to Christmas, but we're trying to get this done before the end of the year, so we've looked at the calendar about the questions that we have and I think the 20th and 21st would be the closest time.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** I'll keep it brief. Madam Chair, I think that several of us have expressed concern about how late we are in preparation for the upcoming Legislative Session with respect to our ongoing Hakuone efforts and I just want to express along with my colleagues, how important it is for us to get up to speed on that and while the focus of today's meeting was specifically on legislation that we will be introducing, our package is more than just that and our package most definitely has to keep the momentum going for us to win on our initiatives in Hakuone and the Public Lands Trust. Thank you, Madam Chair. We'll appreciate all of the push you can give to that, mahalo.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I'd just like to reiterate that in our previous discussions in the last two months, I think we decided that we would not consider a residential this year in the Legislature, but we would definitely consider commercial and in order to move forward with commercial we gotta get that Hakuone revetment and bulkhead fixed. So I think that bill is topmost and we have been informed that that bill from last year will move on to this year. So that would be our focus this year is to get that bill passed and we all need to, you know, work towards that Us as Trustees, our Administration, whatever it'll take to get that passed.

**Chair Akaka:** Members, any other questions or comments? Seeing none, I'll entertain the reading of motion one.

**Trustee Waihe'e:** Madam Chair, I'd like to move to **Approve the measures included in OHA's 2024 Legislative Package, as provided in Attachments A-D.**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded and before we carry on to do this vote, I just also want everybody to take a moment to read motion two so you can vote with confidence in motion one. Nathan, may I please have a **roll call vote**.

**Trustee Trask:** I'm voting no and I want the record to reflect that no editing has been presented to this Board to approve for any measure, whether legislative, resolution or in the testimony of this Board. I would like to see the edited language. I vote no.

							11:23 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK				X		
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	1	0	1

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

**Chair Akaka:** Motion two, I'll entertain.

**Trustee Waihe'e:** Madam Chair, I'd also like to move to **Approve editing of measures, as needed, to make appropriate technical, ministerial, non-substantive edits for style, clarity, consistency, and accuracy for final submission to the 2024 Legislative Session.**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, may I please have a **roll call vote**, Nathan.

**Trustee Trask:** No, for reasons previously stated.

							11:25 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK				X		
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	1	0	1

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

### III. ANNOUNCEMENTS

**Board Chair Hulu Lindsey:** Board Meeting tomorrow morning 10:00 a.m. in the Boardroom.

**Chair Akaka:** And we also have our RM Meeting coming up as well, 1:30 p.m. today.

**Board Chair Hulu Lindsey:** Trustees and staff, just reminding you that we do have Board luncheon after the Board Meeting tomorrow.

### IV. ADJOURNMENT

**Chair Akaka:** Can I get a motion to adjourn?

**Board Chair Hulu Lindsey:** So moved

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Can I please have a **roll call vote** to adjourn, Nathan.

							11:26 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			

CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				8	0	0	1

**MOTION:**   ☐ **UNANIMOUS**   ☒ **PASSED**   ☐ **DEFERRED**   ☐ **FAILED**

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:27 a.m.**

DRAFT



Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**January 31, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Ke'öpū, Reelitz / Advocacy Division Director  
Chantelle, Belay / Public Policy Manager  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, January 31, 2024 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA		EXCUSED
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8) Trustees are PRESENT**, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **ONE TESTIFIER ON THIS ITEM**

**Makalani Kupau:** Thank you for having me today. My name is Makalani Kupau. I'm a beneficiary, an OHA grant recipient through my Native Hawaiian serving nonprofit Apuakea and mother of two children with intellectual developmental disabilities. As a beneficiary, I would expect that all OHA grant recipients give back to the lāhui and OHA's mandate to ever seek the betterment of conditions of Native Hawaiians. As the part of fulfilling my kuleana to the lāhui I brought families with IDD to the table to contribute to the development of OHA's policy for IDD. On behalf of the individuals and families which my organization serves and represents, I worked with the 2023 Public Policy team led by the previous public policy manager Zuri Aki on the development of OHA-3, a resolution urging the state's commitment to providing culturally appropriate resources, services and programs for Native Hawaiian individuals and families experiencing intellectual and developmental disabilities. Matrix 1 does not contain this resolution that was supported and approved by the Board of Trustees on December 9th. This resolution was to be a critical piece of legislation to support individuals and families living with IDD. Each day that passes presents new problems and challenges for these families, and this legislation was going to be a ray of hope for Native Hawaiians with intellectual developmental disabilities. I'm here to testify in requesting information for why a Board approved package item is not in the matrix. I'd like a status update on that and additionally, since the previous Public Policy manager Zuri Aki has been gone, I haven't received any information about the status of this package item which was approved. So that's all I have to say about this action item. I will be back to testify on action item C. Mahalo Trustees for your time.

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** I will have our Chief Advocate who will address the agenda item and going over our Bill Matrices.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana and aloha Trustees. I hope you're having a wonderful start to your day. We wanted to start first by going over the session calendar if possible, so the session calendar for folks to be aware to show you where we are. So we are currently at January 31st, which is one of the blank days and what you'll see is that there is quite a lot of blank spaces here but if you look at each of the Senate and the House, each of the Chambers internal timelines, what we see is on the 7th and the 8th is what is called the triple referral deadline. So that means that any legislation or bill that has essentially triple referral meeting like that, it needs to have three hearings in a given Chamber, must be heard depending on the Chamber and have a decision made by either the 7th or the 8th. So that is a critical timeline piece for folks to remember. One of the reasons I want to give you this sort of line of sight is that for a lot of the Legislators, they are very concerned with getting bills that have those triple referrals to have hearings, typically by that Monday or Tuesday, again depending on the Chamber. So we are about a week out from that deadline and so there are lots of, you may have heard a lot of hearings happening pretty swiftly. Any of the ones with what we call the triple referrals having to be heard by three, have three committee hearings will need to be heard and decided on by next Wednesday. So I will stop there and next we will move to Matrix #1.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Ke'ōpū, there's dates within this calendar that I'm not seeing tagged that move from committee to committee then eventually cross and go back down to the floor. When is the earliest of the, because it appears we got two stops on every one of these.

**Chief Advocate Reelitz:** Right

**Trustee Galuteria:** So when does it moved from one committee to the next committee, so we know where we're lobbying.

**Chief Advocate Reelitz:** Sure, so thank you for that question, Trustee. So the House referral deadline, triple referral deadline is the 7th. So all decisions have to be made on things with three hearings on the 7th, so next week, Wednesday, and for the Senate it's next week Thursday. Next time I'll make an integrated calendar for you folks, I apologize for that. And then following that, we have another week until the double referral deadline. So our two bill measures need to have a hearing and decision making essentially by the week of February 12th.

**Trustee Galuteria:** Okay, and then just to set the tone on everything that you'll be discussing, it's all, there's no companion bills on the other side that we're trying to move, which is the exact same bills but in the other House, only one side?

**Chief Advocate Reelitz:** So the matrix was a work in progress this time. So next week what we're going to do is streamline the matrices a little bit better. So I appreciate your patience. For Matrix 1, the one and two are actual companion bills. So we'll combine those next week so it's more streamlined for the Trustees. But there are companions and we'll make sure we note them for the next week and then when we eventually get to Matrix 3, there's some that we were able to put them down and make notes of where there were companions.

**Trustee Galuteria:** Okay, thank you for that. Thank you, Chair.

**Chief Advocate Reelitz:** So for matrix items one and two as we were just discussing that is OHA-1. So this is the bill that would add the Chairperson of the Board of Trustees to the Board of Agriculture. This is the House and Senate versions of it. So they are tagged as companion bills. They each have essentially a double referral, so they'll need to have two hearings in each of the Chambers to move forward. I did do a check in with both House and Senate Agriculture Vice Chairs yesterday and so they are, as I had mentioned trying to get through that triple referral. So at this point, we are not anticipating a hearing in the next few days, but we'll continue to follow up with those those Legislators and I do want to mention so we did on this matrix put only the bills that have been introduced, the resos are continuing to move forward. We are having conversations with Legislators. We do have a Senate introducer for OHA-2 which was the cultural appropriateness reso and we're working on a House introducer for that. I will let you know that despite having secured a Senate sponsor on a reso, a lot of the Legislators are looking to hold on introducing resos because the deadline isn't until March 8th. So as they get introduced, we will add them to the matrix. If the Trustees would like, we can add them now, but we will not have a bill number or reso number until they get formally introduced by a Legislator.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to ask on these first two bills, is there language in them that says that if the Chairperson cannot attend meetings that she may designate a replacement? Because there's so much work that the Chairman has to do and I'm asking for this language because I'm not asking that if the Chair can't make it, the Vice Chair steps in. What I'm saying is that if the Chair can't make it let her designate her replacement.

**Chief Advocate Reelitz:** Yes, thank you for that question Vice Chair, we are looking for the Chairperson as the, currently there is no language with the designee, we can seek further clarification, but as an ex officio

member, typically the ex officio members are allowed to designate somebody in their stead. But I can speak with the introducers, in particular Representative Kahaloe, who has been a champion on this to make sure that is clarified and if not we will ask for an amendment to make sure that is clarified.

**Trustee Trask:** Thank you

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Chair. Mahalo, Ke'ōpū. I have a question on item 3, SB1235. What's the difference between the PLT Working Group that's referred to in this bill and the PLT Working Group that OHA currently is participating in?

**Chief Advocate Reelitz:** So my understanding was that it was introduced last year, sort of in the interim as the the PLT Working Group was moved forward. As we are having discussions with Legislators on moving the item number three forward. We are actually only asking them to move forward that one or more of the appropriations. So we would request an amendment to strike out the PLT Working Group because we have a functional PLT Working Group right now doing great work.

**Trustee Akina:** So we support the current PLT Working Group?

**Chief Advocate Reelitz:** Yes

**Trustee Akina:** Okay, thank you.

**Chief Advocate Reelitz:** I will say that that is a carryover bill. So there's a lot of different things that happened last session.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just had some questions on this, the language you're saying would be stricken out would be the the first top half of the paragraph in description. I'm just trying to find out because we don't really have draft copies of the bill yeah.

**Chief Advocate Reelitz:** Yes, so we if you look at the actual bill in the part 2 and part 3 there is language about the appropriations for the bulkheads, Kūkaniloko and the environmental impact study. So we would strike out as you had mentioned, Trustee Trask the the early parts. If you'd like we can mock up what that strikeout would look like and the request for amendment would look like so that we preserve those appropriations.

**Trustee Trask:** Please send me a copy when the staff does that work, thanks.

**Chief Advocate Reelitz:** Okay, thank you. So I wanted to make sure we had time for the bills that the Board had approved for this session and then I was actually gonna go over just a couple of the carryover bills. So one we already started to discuss SB1235. So we will continue to see if we can get some movement on that. Just for Trustees' recollection, this item will need to be moved in the House, so the House Committee on Water and Land would be the first committee. We do have a couple of weeks, a few weeks, I should say, to have some discussion on it. There are additional measures that continue to have some appropriations, but we'll continue to monitor those and see where we can see movement to the benefit of those appropriations. And then finally, I wanted to highlight on this Matrix Item 7, SB3336. So this measure was introduced by Senator Keohokalole after some great work by the Public Land Trust Working Group. So this bill was put together by the Public Land Trust Working Group and we were able to get it introduced. Currently it does not have any committee assignments. So we'll be following up on that to see if we can get some committee assignments released for

those. And that concludes the highlights I wanted to make for the Trustees on Matrix 1.

**Chair Akaka:** Mahalo, members are there any other questions or comments regarding Matrix 1?

**Trustee Souza:** Chair, Matrix 1, Item 5 and 6, the carryovers. Ke'ōpū, to my understanding we're not asking for residential, do we amend this bill, how does that work?

**Chief Advocate Reelitz:** So at this point what our staff have been trying to do is start to feel out some of the Legislators to see how do we get some of these things moving. So at this point, I'm still sort of trying to feel out what all of these carryover bills, what can we get moving in which committee. So that's where we are on this. We could look into some of the draft language of what that looks like and move forward with that. I will say that at this point given the HCDA rules we'll probably have to provide the Board with some additional information to provide such a recommendation because when this bill was introduced, the HCDA had not finalized their rules banning residential development and so the amendment when we were first considering this would have to be different than what we initially intended.

**Trustee Souza:** Okay, are all the carryovers listed here?

**Chief Advocate Reelitz:** Of our OHA package, yes.

**Trustee Souza:** Okay, thanks Ke'ōpū.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I just wanted to ask you, Ke'ōpū, what are we really anticipating on these measures? Lifts the current restriction against residential. You know, these things we're supporting, but when I heard your presentation, I'm not sure if this is something that requires additional lobbying on the part of Trustees this year, you know what I'm saying. I just don't have a feeling for this and this is really an important one for us.

**Chief Advocate Reelitz:** So thank you for that question, Vice Chair. In the initial conversations that we've been having with Legislators, we have seen more sort of positive reactions to possibly fulfilling the appropriations requests, less the relinquishing of the ban on residential and again, you know, a lots changed from an admin rule and administrative rule perspective since the last session ended with HCDA passing their rules that ban residential development. So the fixes are gonna have to be a little bit different, but as far as the lay of the land, in our conversations with Legislators, it has felt like there has been a little bit more receptiveness to having appropriate some of the appropriations in Item 3, we've had a little bit more receptiveness to seeing if we can get one or more of those appropriations passed. That has been where we've seen more receptiveness.

**Trustee Trask:** I have one other question. You know, when I look at Bill #5, I don't understand the requirement relating to potential aircraft related nuisances and the reason why I'm asking this is because when I look at the bill it requests the Office of Hawaiian Affairs or any developer to provide written notice to any tenant and then it says or resident of potential aircraft related nuisances. When we went down to Kaka'ako, Trustees, we went on that shuttle and we came to the lease, which is also under this, you know, we're looking at it. It was the corner lot where they were doing some kind of fishing, you know, they were using it as a lab in a way. Is this included here because it only refers to potential aircraft related nuisances. The reason why I'm raising it is because I've talked with some of you and I think it's time for us to give notice to the people who are using that lot. That we will not renew their lease so we can get that land back from Kaka'ako. You know, when I went in there and looked at it, I was shocked at that and that's beachfront property. So I would like for us to consider that, but I'm not sure why this language is in here. Developer to provide written notice to any tenant or resident of potential aircraft related nuisances. The first half is our giving notice to third parties and we've got at least one third party

down there with a lease. It's going to expire in five years and I'd like to cancel that lease and start considering who are going to be our new tenants because when I saw how they were using that land, it was disgraceful.

**Chair Akaka:** Trustee Trask, is there anything else that you wanted to say?

**Trustee Trask:** No, that's it but I want to track this measure. I don't have a problem authorizing our office to give tenants notice. I don't have a problem with that, but I don't like limiting it to aircraft related nuisances, it just doesn't make any sense to me because what we have down there on that land doesn't relate to aircraft, but it sure does relate to their fisheries studies and lab that UH has used for years, thank you.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair. Ke'ōpū, this doesn't have to do with any specific piece over here on the matrix, but just as a sidebar, since you're down there at the Capitol and you can feel the vibrations coming out of that building, has there been any blowback or any response to the recent suit, Mauna Kea?

**Chair Akaka:** Well, in our meetings, we had two Legislator meetings yesterday and in one of them, that question or clarification was asked of and so it does come up because sometimes it's simply on clarification on the meaning and reasoning why the suit was brought up.

**Trustee Galuteria:** And in your opinion, they can separate it out from our efforts at the Capitol because it is a, I mean it's a double track going on, but we still gotta do what we gotta do at the Capitol. So does this in any way affect our ability to bring these things to succeed on this matrix in your opinion? Anybody, Ke'ōpū or Chair? I'm curious.

**Chair Akaka:** I think it depends on the various Legislators on their mana'o on the approach and so forth, whether it be regarding this subject matter or anything else but the beauty in us meeting with our various Legislators and Committee Chairs and so forth is to shine a light on our kuleana as the Office of Hawaiian Affairs and our mission in the reasonings why we have these bills and why we support/oppose and also to see how we can collaborate with these various Legislators with their bills that they're introducing or they're supporting where it makes sense for us to do so.

**Trustee Galuteria:** Okay, so we're on track?

**Chief Advocate Reelitz:** Yes and if I may add, Trustee Galuteria, one of the things Chair Akaka started to share, but I wanted to add a little bit more is one of the things that has been a good opportunity is sharing not just our kuleana, but the way in which we are impacted by proceeds from Crown and Government lands or ceded lands. So all of the conversations have been pretty positive and productive. So I did want to share that it has been a good opportunity to start to develop that conversation for a little bit deeper understanding of that. That's at least the sense we've been getting so far, but it has come up in a couple of Legislator meetings.

**Chair Akaka:** So what Ke'ōpū is speaking on is specifically regarding our ceded lands and prefacing it by sharing and educating that these are our Native Hawaiian Crown and Government lands also known as the ceded lands of the Public Land Trust and as stakeholders, it is our kuleana to speak on if there are any land transfers or any language in bills or conversations where there's discussion to dispose or sell of these lands and like it has been shared previously that we are advocates for our lands and for our people, and that when it comes to these ceded lands that we as the state agency of our Hawaiian people, we need to be included in these conversations.

**Trustee Galuteria:** So essentially we're educating them because you got a bunch of freshmen over there who I'm sure don't.



**Chair Akaka:** Friendly reminders for those that have been there.

**Trustee Galuteria:** Mahalo for that, thank you.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just wanted to add to Trustee Galuteria and our Trustees, there is going to be a discussion in executive session tomorrow our Board Counsel that introduced that lawsuit, so if you have any questions, please share it with him and get your answers to your satisfaction.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, may I ask the staff to put the language on for the motion to adopt Matrix 1?

**Chair Akaka:** Yes, mahalo.

**Trustee Akina:** Madam Chair, I **Move to approve Administration's recommendations on: NEW BILLS (Items 1 - 7) as listed on Matrix 1 – 2024 OHA State Legislature Package– January 31, 2024.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved by Trustee Akina and seconded by our RM Chair Waihe'e. Any other questions or comments members? Seeing none, can I please have a **roll call vote**, Nathan?

							10:31 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA	1		X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

## NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair Akaka. We'll go ahead and get Matrix 2 up on the screen, so matrix two are the pieces of legislation that are naming OHA, so I'll go over just for a quick overview. There's just a handful that we found that are new this year and are offering some recommendations on the position and then there are still some carryovers that we're watching as well.

So I'll start with the first is SB2021. So this was introduced by Senator Chang and it essentially introduces legislation that would create a study by Hawai'i Public Housing Authority for transit oriented development. It includes lands, so the it's for transit oriented development and would include lands owned by the Office of Hawaiian Affairs, but excluding lands for the Department of Hawaiian Homelands. So our recommended position for this is to oppose. We are very concerned about the way that this could strip away OHA Lands and we would consider opposing and asking instead for an amendment that would exclude the Office of Hawaiian Affairs lands in a similar way to the DHHL lands. So that is SB2021 and I can pause for any questions that folks might have on this.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Agree with this recommendation and I think Ke'ōpū when we respond, we need to point out to them that we've worked very hard to create a partnership with our sister agency DHHL and there are two special agencies in this state that work for beneficiaries with a small "n". I really do oppose this measure, but I think that when we respond to the Legislature, we need to remind them that they're two sister agencies here and we're trying to work together on many things, including affordable housing. So it doesn't make sense to separate us. We're trying to work together and merge resources and potential lands as well. Good job on this one, we oppose.

**Chief Advocate Reelitz:** Thank you, Trustee Trask and we'll make note of those comments.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, Chair. Ke'ōpū, did Chairman Chang or any of the introducers explain why and I'm on the same track as Trustee Trask by the way, why the two are separated, one is included and one is not included, what is the rationale behind that?

**Chief Advocate Reelitz:** You know, I have not had a chance, Trustee Galuteria to connect with Senator Chang. But my hope is that I can stop into his office. We did similarly with the House Committee on Housing, we stopped in and had a conversation with that Chair. So I'm hoping that we can set up a similar meeting with Senator Chang because I don't actually know the answer to that question.

**Trustee Galuteria:** Okay, so Chang is still running Housing Committee? Is he still Housing Chair?

**Chief Advocate Reelitz:** Yes

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you. You know, I'm not really understanding what exactly this bill does besides conduct a study. So let's say they conduct a study and then they say that the OHA properties are in fact suitable for constructing housing units. Then what happens? Like what's beyond that, is that just all it does,

and if that's the case can we use that to say, well, your own study said we can put residential there because it's very suitable for such a thing so give us that entitlement. Or do we not, I mean so that's my question. What is the intent of the study after it's completed? And if you don't know yet, can we at least get a copy of this bill. I don't know if we need to oppose it yet. I don't know what the intent is that's why.

**Chair Akaka:** Well the concern is that it would strip away OHA lands.

**Trustee Waihe'e:** Why? And that's what I'm asking. Why do we think that? What does it say in this bill that makes us believe that the study will lead to them stripping, taking the land away. Is it saying that and what is it saying then? And that's what I'm trying to figure out. I only have this description, that's why.

**Chief Advocate Reelitz:** Thank you, Trustee Waihe'e, to answer your question very plainly it does not say that, it does not give the authority. I think when our team was reviewing this bill and considering our position, we were concerned in which the ways in which mass transit has been used to, you know, recommendations for mass transit has led to eminent domain actions and so the concern is that we're worried about it getting started down the road, but to your specific question, you're right and that it does not actually give any authority to take public lands. So I leave it at that. But you know, I think that's a very important question and I do want to clarify for folks that it does not give the authority to take lands in that way, it is strictly a study. So you're right in that it is strictly a study. We are worried as sort of the downstream impacts of what what would happen if there is a report that goes to the ledge that says these are some prime lands for mass transit and whether or not that might lead to degradation of our Land Trust given that oftentimes with transit oriented development or mass transit construction, it has led to eminent domain or those kinds of takings of land. So that's sort of you're right in that it does not give the authority and our recommendation is based on what we foresee might be inevitable and conclusion of the study.

**Trustee Waihe'e:** If they have a study that says our land is in fact suitable for housing, I don't see how they make an argument next, therefore we'll take it away from you and build housing. We're trying to build housing now and they won't give us that right to build housing. That's my only comment on that, thank you.

**Chair Akaka:** Good perspective though, thank you.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just wanted to add that according to this synopsis that's written here that it would include lands for constructing at least 100,000 housing units. OHA does not have lands that can construct 100,000 units. So I just wanted to say that and it does appear that they're looking at around the rail mass transit stations. Would be interesting for us to read the whole bill, thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to remind Trustees that it looks like we're revisiting something that happened a while back. When we learned that one of our executive staffers had set up a meeting with some Republicans, and they were actually working on trying to get OHA to agree to relocate or consider this because when you look at this measure, what is the priority is the mass transit plan and their idea for 100,000 homes? But what bothers me is that we encountered something like this before. It was not to the benefit of our trust, but the other thing is they're talking about 100,000 housing units, period. It was not a mistake that they left out affordable housing and when we look at the high rises from town, all the way to Waikiki, no affordable housing. So I just wanted to flag that. You know, in the past I've looked at both sides. If we put up housing and we charge rent like Macau or what we see in Asia, it could be extremely valuable as a revenue stream. But I just would like some clarification, I think. And I think that some of John's concerns, I wasn't really looking at it that way. But now that you bring it up, we did encounter this before.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair. I'm just wondering if anyone was able to talk to Senator Kidani about this. You know, I know she supports and advocates for OHA, so I'm kind of wondering if there may be an angle and that's where she's supporting it. And also you know when you draft up a bill like this, you've obviously maybe potentially identified certain parcels that you're thinking of, you have in mind to create something like this. So I'm just wondering, if not we'll have our own conversations as well. But Chair or anybody was able to speak to Senator Kidani?

**Chair Akaka:** I can speak on it, but Chair, did you want to speak first?

**Board Chair Hulu Lindsey:** Thank you, I just wanted to say that I'll be happy to talk with her and find out what the bottom line was for this bill.

**Trustee Souza:** Perfect, thank you, Chair.

**Chair Akaka:** And also we did meet with Senate Vice President Kidani regarding our OHA package and so forth. But I want to say at the time, our Public Policy team was still working on the matrices and prepping for this session so this didn't come up at the time, mahalo.

**Trustee Waihe'e:** I guess maybe I'm repeating myself again but everything the study is trying to identify, we have already, we've literally used the proximity to the rail mass transit station as a reason for why we want to build housing there. So I don't understand if their study just clarifies what we've been saying all along. Why that should hurt us. Unless, like you said, they're going to use that to say, therefore, we need to take it back from OHA so we can build housing because well, because we're not. We've been making this argument all this time and they're not letting us do it. So it would seem very weird that they would now have a study that says the same thing we have and therefore, we need to take this land away from them through eminent domain or whatever. I feel like I almost want to see them try to do something that asinine because it would be so stupid. I think that's a fight we could win easily anyway, but anyway, I'm just voicing my frustration and not understanding this bill at all.

**Chair Akaka:** I think part of the concern is historically lands along where mass rail transit has been placed, there's concern of the properties being seized.

**Board Chair Hulu Lindsey:** I think that we can also look at it in a more positive light in that this study is for all the lands around the rail mass transit station station, state and whatever, and they're excluding Department of Hawaiian Homelands because they have no jurisdiction over it. So that's why Department of Hawaiian Homelands is mentioned. But maybe they're including Office of Hawaiian Affairs in case we come forward for approvals to build housing in those areas. That we were included in this bill and why are you leaving us out like they leave us out at Kaka'ako? So that's another way to look at it. But I will talk to Senator Kidani and get her input.

**Trustee Waihe'e:** Sorry, something just occurred to me. It's also possible and this just occurred to me, that the study could come out saying that our lands are very inappropriate for housing and then they have that study to use against us later when we try to get housing there. So that could be also a thing they're trying to pull that makes more sense to me now that I think about it.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I just wanted to also explore a little bit more with John, when I look at this, what bothers me is that they say affordable housing, but they don't say for Native Hawaiians. You know, we have certain restrictions Trustees in that we're restricted to ensure that it's for our beneficiaries, capital and small "n"

Hawaiians and here you know it's not included. I'm support, I've always supported building affordable housing. But what this is doing is it's not prioritizing. It includes our office, but it doesn't prioritize affordable housing for Native Hawaiians. We know that the majority of Native Hawaiians on the waiting list have a difficult time qualifying for a standard mortgage. So that being the case, you know, if they're looking for affordable housing, they should make clear that it is affordable housing for capital and small Native Hawaiians and then I think you know, I would feel a little bit better but, you know, the quandary I'm in, if we're part of the group that's doing the study. Whoever is in there for us has to carry that weight and ensure that our answers are addressed. But if we're not part of the group then we just have to wait for the study after it's done and then comment. You know, I just don't trust them, but also Hulu, when you speak with Michelle Kidani, could you please ask her for some clarification on these points. Because it's hard for me to oppose affordable housing with 29,000 on the list. But it's also there's some questions raised and I understand what John is saying. The thing is, Michelle will help us clarify it and if she gives you some language, let us know. But she's the right one to talk with on this thing, thank you.

**Board Chair Hulu Lindsey:** I will.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I think the comments from colleagues have been excellent on this bill and so I believe that as of today, we're not in a position to oppose or support. So I would suggest that we do neither. We may want to issue comments or even wait to issue comments. But I would say we should not oppose or support today.

**Chair Akaka:** Mahalo, so that's a good thought and continuing to what you're saying in terms of our full and free discussion here, I think it's really good given that we are covering the matrices for the first time with this round where we're able to get a better understanding of our positions and on how we want to go forward and at the same time, I'm keeping in mind that we have Matrix 3, which is a more lengthy after this so again, but I understand that this is our matrix to specifically naming OHA. So it's important to discuss how we want to go forward, but just want to keep in mind our time and also that because we have our RM meeting after this. Mahalo, everyone and yes, Board Chair.

**Board Chair Hulu Lindsey:** Chair, maybe because this is the first meeting on Matrix. We can just instead of oppose until we find out what this is really like maybe we can just comment. So in our approval at the end of reviewing this particular matrix, we can take this particular Senate Bill 2021 out.

**Chair Akaka:** Mahalo, we can have that in the motion.

**Board Chair Hulu Lindsey:** Thank you

**Chief Advocate Reelitz:** The second item on Matrix 2 is relating to burial sites. So this is a program that would be an interdivision program that would address iwi that may be exposed in near coastal areas, particularly important with the rise of sea level and climate change moving at the pace that it is. Our recommendation to the Board is that we support this program. We overall are supportive of this program. The one thing that we wanted to recommend that the Board include in our request for an amendment that would essentially have appropriations in the general fund to support the relocation of the iwi as a result of the collaboration. That kuleana actually falls completely to OHA, according to the bill as it is written right now and so I think it makes sense for OHA to take on that kuleana but that we would ask sort of for the state to invest in OHA's capacity to be able to take on that kuleana. So that is the amendment that we would be asking for as a request for appropriations and that we overall support this collaborative approach.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I'm very concerned with this measure. The reason why this measure is coming forward is because of the protection that we're demanding on Big Island for Kumukahi, that is why it's here. And what I have told them is I don't mind having a collective working group. But when we get to the point of this bill that addresses the location movement, restoration of Hawaiian burial sites they should have the language in that requires according to state law which places the obligation on the property owner and the other thing that I think that we need to look at is the fact that under state law you have to have the burial treatment plan followed by the historic preservation plan and the management plan. And what they're telling us that Kumukahi where they have done the University of Hawai'i has half of the land, the other half is under DLNR. But the sacred burial area is all traditional Hawaiian and it was named many years ago. The Homelani Burial Area. So they've known about it, DLNR and DHHL. U of H hired someone to do a burial treatment study. In the report I just got the last few weeks in the letter to DLNR, she said we've done the burial study, but where it terminates, we can still see burials. So we know in that study and it's a DLNR and U of H study. So I want to have language added here. I don't mind working together, but it is for the establishment pursuant to law of the burial treatment plan and the historic preservation plan and then the management plan. I don't mind us stepping in. When DLNR and U of H have paid for and done the burial treatment plans and have also put together a historic preservation plan and we already forced them to do it. They tried to grab these lands and do tourism so that people could come and see a Hawaiian traditional burial. They actually conducted this years ago and then after those walking tours were held, the sacred marking stone disappeared. Photos of this are on the U of H website.

So when I look at this bill I would like to have some language added here that we're not making a sidebar agreement with state agencies over who's going to do the burial. Who's going to take the land right now, DLNR and the University of Hawai'i. We've had two hour long conference calls with more than 15 people and what they're saying is the land belongs to U of H and the DLNR. But it's not our job to take care of burials, it's yours OHA. So we're going to give you the land and you take care of the burials. You do the historic preservation plan and then you do the management plan. And I think it's time to say no to that and to say what our amendments are. I want to see these amendments. Is the staff proposing what the DLNR is proposing, or are we saying that the burial plan must be completed, burial treatment and historic preservation, as well as management plan.

**Chair Akaka:** Ke'ōpū, did you want to share on the amendments for that specific bill?

**Chief Advocate Reelitz:** Sure, so we at this point our recommendation is to request an appropriation only. That was the amendments, I do want to mention for our Trustees and in particular Vice Chair Trask. This measure has actually been introduced for the last two years. So at this point our recommendation is to continue on the position that we have held, which was support. The only change this year is the request for appropriations. That's the recommendation at this point. Of course, we're always open to hearing from the Board and what you decide or shifting the amendments, we wanted to put the amendments out front so that the Trustees could consider and amend the amendments so that we're getting it sort of spot on. But at this point our recommendation is only to request appropriations.

**Trustee Trask:** That's what I have a problem with Ke'ōpū. We shouldn't be saying we just want money. We should be saying that this work will be done pursuant to state law in order to ensure that we have a burial treatment plan, a historic preservation plan and a management plan. That is what the law requires. But right now, the University of Hawai'i and DLNR is trying to circumvent this law and we've already had four hours of discussion with them and they're basically saying, hey you want to protect burials, we'll give you the land, you do it and I don't want to see this proceed. Keep me posted on this Ke'ōpū and I'll give you a briefing. But this thing is not as simple as it looks because all of these agencies know after years we fought for burial treatment plan as part of law, we got it. Followed by historic plan, we got it. Why aren't we putting it in here? It's two sentences I'll work with you on it, thank you.

**Chief Advocate Reelitz:** Thank you and we'll also continue to look into that as well, Vice Chair Trask and work with you. The next couple of ones we just wanted to flag for you. So our recommendation for SB2210 is just to monitor right now. OHA is named so that's why it is on this matrix. This is just shifting the the campaign financing adjustments and then the other one I wanted to flag is HB1712, which is similar to a measure that was introduced last year, which essentially removes the cap for pro rata and gives us the pro rata share that we are entitled to. We are going to continue to recommend support on this measure as we did last year.

There is one more measure that we were made aware of between Board materials going out and today, so I'll ask our Public Policy Manager Chantelle Belay to put that up. So this is HB2762. It is related to gaming. This is an OHA named bill in which it would grant a 40 year gaming license for single integrated resort property on lands under the control of OHA that could not be West of Ko'olina and it establishes there's sort of a number of other provisions within it establishing sort of the structure that would be needed, including a Gaming Commission and you know, tax and revenue and setting the license amounts for the gaming. Our apologies for not getting it on the the matrix sooner, but we wanted to make sure that we brought it to the Trustees attention and for your conversation because there is a hearing on Friday and we would like to provide comment if possible. Our recommendation for a position at this point is comment. You know there is for us as we analyze this issue, it's a complex issue with a lot of nuance. On the one hand, when we look at the way in which gambling and gaming has impacted Native Communities and the ways in which gambling addictions have impacted Native Communities, there are some concerns that we would like to sort of put into writing. There is, I do think a little bit of pause in that it would be so new, so sort of making sure that the structures and the enforcement and everything that needs to go in to having some kind of gaming enterprise on OHA lands is a pretty significant undertaking in a way that we want to make sure it's done in a pono way. But on the other side of things, you know we have seen many Native Nations on the Continental US have seen some pretty positive impacts to gaming on their lands. Some of them have been able to turn that gaming into public good for their people, for their citizens. Others of them have spun off, you know, started with gaming and then moved into other enterprises, including entertainment, that has proven, you know, quite prosperous for their people. Personally, I've seen it myself in the ways that it can positively and negatively impact Native Nations on the Continental US. So at this point our recommendation is to comment and to share with the Committee sort of the nuanced and complexities of what it means to have this kind of enterprise on Office of Hawaiian Affairs Land.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, Chair. You know, Board, I'm inclined to agree with Ke'ōpū's strategy of not taking a position, but coming up with a very thoughtful comment on the history of gaming and with regard to indigenous peoples. But this thing is gonna work its way one way or the other and so I would for one, want to watch the strategies of the introducer and how he intends to move the bill to the next, certainly the next committee, because it's a 3 stopper here and the more stops you put on a bill the percentages of it moving are quite low. So just for the sake of listening to the conversation and how it advances, I would go with Ke'ōpū's recommendation. Thank you, Chair.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I'm very concerned about this bill Trustees given what just happened to OHA with gaming Indians coming in, getting pushed by some Hawaiians, only interviewing the women Trustees, and you can read it in the OHA newspaper because that's what my article is about. I don't mind the bill and I have told them for months of going back and forth on this thing. If you want to do a study, if you want to look at gaming, let's do it for everybody in the state. But it comes back to the same old thing. OHA has to do it. Gaming has been fought by the entire Ecumenical Council of our state for more than 40 years. They killed the initiative of the HSTA, Hawai'i State Teachers Association, and prior to that Wong had put in a bill 15 years earlier. If we're going to look at gaming and the impact of it then it should be addressed in that manner. But they don't want it addressed in that manner. They want to put it on the lands of OHA. They want to ensure that it's on O'ahu and

on our commercial lands. I disagree and when the comments go in, I find it very interesting that they pigeonhole OHA again. I don't want to be there. There's significant opposition in our state, go look at the history. Why are we carrying water for people who want gaming and why would they only look at our lands? Why aren't they looking at the most appropriate lands for gaming? Something that's where the tourists live. Something that's going to be money making that we can count on. But gaming is a very, it's an issue in Hawai'i that causes rife fighting and I don't see any reason for OHA being pigeonholed as this. Why give a 40 year gaming license to somebody to put gaming on lands under the control of the state. I could consider that. But don't put on our lands before we have finished our master planning for our lands. This is just a revisitation of what the Morongo Indians wanted. You want gaming? Put it in. But don't put it on my land. I got 29,000 homes to build. I'm willing to look at it but I'll tell you it comes out this way. I will myself go and testify against it. Remember Trustees if the Office of Hawaiian Affairs supports by majority vote or opposes by majority vote, it does not prevent me from going in as an individual beneficiary and opposing it. So if we're going to look at gaming, let's look at it and let's do it statewide and look at the best area and not say only, we're going to only restrict it to lands under OHA because you know what, we got a development plan moving for years and it doesn't include gaming and it sure looks like there's some people that want us to put a casino on our lands, but they don't want it on their state agency lands. So let's monitor this and Ke'ōpū I will work with you on it, but I just want to let the Board know OHA can make a comment, any individual Trustee is allowed to get up and say my Board voted for this, but I'm opposed to it and let me tell you why. Just remember that.

**Chair Akaka:** Before I call upon our RM Chair Waihe'e, I do want to note that it would make sense to request a meeting with the introducer, Representative Holt on this to discuss. We did meet with him, but I don't recall this bill coming up at all in our meeting. Thank you so much.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. I'm wondering, so this again, I'm only getting the description in this abbreviated format. You could put this anywhere on property that we control, meaning that if you wanted to acquire land somewhere else, you could put it there too as long as it's not West of Ko 'olina?

**Chief Advocate Reelitz:** Yes, that's how I'm reading it.

**Trustee Waihe'e:** And this is just as it says and not in lieu of ceded lands, like it's not in lieu of other entitlements? They're just giving us the license and after 40 years the license, I guess expires. Can we get it renewed or is it just done after 40 years and then we're stuck with all this infrastructure for gambling that no longer is illegal. Is the intention that we have to at that time get, like we could get it renewed though if, that's not a chance that we'll have?

**Chief Advocate Reelitz:** Just full transparency, I'm still sort of digging through this bill. But the way I read it does not foreclose the ability to renew. I did not see it speaking to the renewal of OHA's license or of the license on OHA's land. There is language on the renewal of when we license an entity to take on the enterprise. But the way I read it is that it is silent on that, but I will have to continue to dig into this bill. It's a pretty lengthy bill because it does have to put all that infrastructure in. But and then to your earlier question, my reading of it is that it has to be on OHA land. It does not designate that it has to be, if my memory serves me correctly in my reading of it as I was analyzing last night, is that it does not say it has to be land owned at this exact moment.

**Trustee Waihe'e:** Thank you, Ke'ōpū.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** You know, it stands to reason that this is like a step that is like one step beyond, because at this particular point the state has to agree to have gaming period. Okay, so this is like designated where the



gaming is gonna be once we approve, I'm talking about the Legislature, gaming in Hawai'i, signed by the Governor. Couple of steps and then this comes into play. So the recommendation that Ke'ōpū is doing is okay, comment on the bill, but there's got to be another movement going on for gaming in Hawai'i. Full stop on that one. So I don't know where that is, if it's at all within the body of the bills that have been introduced, I don't know, Ke'ōpū, but it stands to reason that that would probably be the path, right. You got to approve the gaming first.

**Chair Akaka:** Right, it's currently not legal.

**Trustee Galuteria:** Yeah, it's currently not legal, so you gotta make it legal and then of course, you can designate where it's going to be. So I just wanted to kind of make that clear. Ke'ōpū, tell me if I'm wrong, that's the pathway correct?

**Chief Advocate Reelitz:** That's my understanding, yes.

**Trustee Galuteria:** Thank you, chair.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair. Ke'ōpū, I wanna recommend if we are gonna comment, I wanna comment and support, can we change it to 50 year gaming license and maybe suggesting putting it on ceded lands which are not OHA lands currently. Thank you.

**Chair Akaka:** Members, any other comments or questions? Okay, we'll move forward then.

**Chief Advocate Reelitz:** Mahalo, Trustees, the remainder of Matrix 2 are carry over bills. We are recommending that we continue with the positions that we had from last legislative session where we were able to or where there were changes in positions, we tried to note that for folks, for our Trustees. So I can take questions on it. But at this point we're just monitoring most of those and continuing if we see them move to be able to take action in accordance with the recommendations the Board approved last legislative session.

**Chair Akaka:** I'm sorry, can you repeat that one more time?

**Chief Advocate Reelitz:** So items 5 through 13 are measures that were carried over from last legislative session and so our recommendations, you'll see all of those positions were recommended positions that were approved by the Board in the last legislative session. We did also try for the Board's reference. We did try to highlight where positions may have changed throughout the legislative session.

**Chair Akaka:** Are are you finished up with Matrix 2 in general?

**Chief Advocate Reelitz:** Yes

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Well, you don't have the matrix up, but according to my memory, item number 5 where they're asking to abolish the Native Hawaiian Rights Fund of the Office of Hawaiian Affairs pursuant to the recommendation contained in Auditor's report #2202. I want to know what is the Native Hawaiian Rights Fund?

**Chief Advocate Reelitz:** So my understanding and I would have to dig into this a little bit more to make sure that my understanding is correct. My understanding was that it's essentially an inactive fund that the Board approved closing. In my notes it says March 23rd, 2021.

**Board Chair Hulu Lindsey:** So it's not the fund that's holding our Public Land Trust monies in excess of the annual payout to us?

**Chief Advocate Reelitz:** That is my understanding from our previous testimony.

**COO Brown:** No, this is not the fund that holds the excess payments from the PLT which is the CAFTA, the Carry Forward Trust Holding Account, which was another account that was taken away when we were awarded the increase in the PLT amounts two sessions ago.

**Board Chair Hulu Lindsey:** So where is this fund sitting? I was not aware there was any other fund out of the Office of Hawaiian Affairs.

**COO Brown:** My recollection is light on this. I do recommend we consult with CFO and we can look at the records. I think there was recommendations out of a previous audit that recommended the closure of some of these funds. I would want to confirm that and see if we can look into that for us and come back.

**Board Chair Hulu Lindsey:** Yeah, I think we should look into it, Casey, because it's obviously going to get passed this year because if you look at the status of the history, it was approved all the way through last year except at the very end they carried it over so actually it passed second.

**COO Brown:** We'll look into it for you Trustees, I do think we did close this fund down though, but we'll come back to you with that information.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, just for some input. When I looked at this measure, what I thought it was, was the old. You know, was the old fund that we had started many years ago because we knew that there were Hawaiian beneficiaries that needed legal help. But my recollection was is that after that was done, we decided to fund NHLC. The Native Hawaiian Legal Corporation so that they could be the ones and you know, that's what I think happened here.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just wanted to suggest that we kind of move on faster because the time is getting by and there's a lot more pages in front of us.

I'd like to move to approve **Administration's recommendations on: NEW BILLS (Items 1 - 13) as listed on Matrix 2 -- 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA-- January 31, 2024, along with the following revisions:**

**ADD BILL HB2762 to Matrix 2 with the bill position of COMMENT**

**BILL POSITION CHANGES:**

- **Item 1, SB2021 from OPPOSE to COMMENT**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved by our Board Chair Hulu Lindsey and seconded by our RM Chair Waihe'e. Are there any questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							11:23 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED EXCUSED
DAN	AHUNA						
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK					X	
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	1	1

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

### C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

#### ONE TESTIFIER ON THIS ITEM

**Makalani Kupau:** Mahalo, Chair Akaka and Trustees for having me again. I have concerns for IDD bill tracking, especially as it relates to Native Hawaiians. In 2023, OHA was tracking a number of IDD bills, some of which have been carried over into the 2024 session. Yet none of these are on the matrix. There are no IDD bills being tracked on the matrix, why? We all know that Native Hawaiians face significant and detrimental health disparities and these disparities are compounded further for Native Hawaiian individuals and families living with IDD. For example, SB2051 companion Bill HB2160 is not on the matrix and it should be. It's relating to health disparities, specifically focused on individuals with intellectual developmental disabilities. OHA should take an interest in this bill as a means to collect data for Native Hawaiians with IDD, as we have none at this point, this is a major gap area. The Senate bill was introduced by Senator Kanuha, a Native Hawaiian Senator, with support from other Legislators. Looking at the matrix and seeing zero IDD bills being tracked, there appears to be a disconnect between OHA, Native Hawaiian Legislators and the OHA established policy priority for IDD. As a Native Hawaiian serving nonprofit and an OHA grant recipient, it was 'Āpuakea's expectation and kuleana to work with OHA to identify, address and then rally our networks in support of these policy priorities. As I mentioned in my testimony for Action Item A, we have had no updates on OHA-3 specifically. I reached out to the Director of Advocacy 10 days ago and she has been non responsive. She only briefly mentioned in this meeting that resolutions are due in March, but that information is inadequate. It is my understanding that the director has allocated time to be here today to provide clarification on OHA's actions and positions for this legislative session. I would like to hear from her in response to my inquiry and what is being perceived as a dismissal of OHA's established policy priority for IDD. To reiterate, my questions are one, why are the IDD bills not being tracked? Two, when will OHA-3 be introduced and by whom? And finally three, which Legislators have you spoken with, especially in regard to the support for OHA-3? Chair Akaka and Trustees, I appreciate again you taking the time to listen to our concerns. 'Āpuakea, together with the Native Hawaiian IDD Community is eager to see the betterment of conditions for Native Hawaiians living with IDD. Legislation is

critical to achieving this goal, we need it and we would appreciate you supporting us in gathering an adequate response from the new Director of Advocacy. Mahalo nui for your support. Aloha and have a wonderful day.

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair Akaka, as Chair Lindsey was mentioning I do know that this Matrix 3 is very long. What we would like to do is follow in the footsteps of my predecessor, Capsun and give a high level sort of overview of some of the bills that we think would garner the most, or would be the best use of time for our Trustees discussion. So I do want to sort of highlight a few of the bills but before I go sort of dive into it, one of the things I wanted to mention with the exception of the first two bills which we wanted to be sure the Trustees have time to discuss. The remaining about 20ish bills were bills that I'll sort of go over high level that we wanted to highlight for our Trustees. You'll note in this year's matrix or matrices that we try to have the OHA direction or strategy or foundation identified, you know, in carrying out the Mana i Maui Ola Strategic Plan and the outcomes that are associated with it. We think that one of the most impactful ways that we can have bold movement in those outcomes is through OHA's legislative advocacy and supporting policies and proposals and and state investments in solutions that can really move the needle in each of those outcomes. So we identified those for Trustees and we're continuing to build out that so that there's a line of sight for Trustees to see how each of the items relate to the Mana i Maui Ola Strategic Plan and then sort of the as we were thinking of what were sort of the higher priority bills that we wanted to put in front of the Trustees and have your discussion on or consideration on it was looking at what could make the biggest impact. As well as, what has the highest likelihood of success. So there are some measures on here that we know we'll probably see their end in the next week by the time we meet next week for the BAE. But the ones that we tried to highlight were ones that either are some version of the bill that looks like it has pretty significant likelihood of success as well as significant impact to the Native Hawaiian Community as it aligns with Mana i Maui Ola. I just wanted to sort of give folks that overview as we we're trying to figure out what we're going to put our effort behind this legislative session. So with that, I can jump in if you would like, Chair Akaka to the bills that we wanted to highlight and then we'll leave time for questions on any of the items because there are, I think 130 to 150 items on the Matrix 3.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you. Ke'ōpū, thank you for your work. Before we do dive into this list. I just want to ensure the previous speaker that she's been heard. Okay, now for whatever reason we're not addressing the special needs community in this or any other matrix. There's got to be a good reason for it and I'm not calling anybody out, but special needs is non discriminatory and it's an area that we need to address as a lāhui, as an agency and as a parent of someone with special needs. I do not want to be hearing concerns and we're not addressing them. To the previous speaker, I would like to, you know, take some time to talk story with her and I will end with this Board, people with IDD vote. Okay, that's a very significant voting bloc and if we gotta go there as an IDD community. Sorry to say, but just like every other community, they're gonna be taking names and numbers. So I would just from a politically realistic perspective. Let us take a look at how we can support the IDD community, okay, and that's all I'm going to say for now. Thank you for the time Chair I appreciate it.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Aloha, I feel like Trustee Galuteria and I want to say having served in OHA for 11 years that the IDD community is an utmost importance to the Board. And I think I'll just repeat what was repeated earlier by Ke'ōpū is that we have not gone through the resolutions yet and that the resolution that our beneficiary is talking about is in that group. So it's coming forth to the Board, it just hasn't been done yet because of all the bills that has been taken, their time to prepare for us in summary, so that it does not indicate that we are unresponsive at all, Trustee Galuteria and I'm not on this committee, but I can see that this was something that has always been, our disability community is of utmost importance to us and I'm not gonna small talk it because it's very important to us and I know that our advocacy group is going to come forward

when the resolutions and probably by next week and pass it on to us and make their recommendations. So I just want to come in defense of them because I have been hearing them work, work, work and I want to back them up on this. There's just absolutely nobody that's ignoring any part of our lāhui, thank you.

**Trustee Galuteria:** I appreciate that. Thank you, Chair.

**Chair Akaka:** And and we have spoken to advocate at various legislative meetings and so forth. So I do want to confirm confirm that.

**Chief Advocate Reelitz:** Great, thank you, Chair Akaka. So the first two bills that we wanted to flag for you are related to Mauna Kea. So the first actually has a hearing today. It is SB2297. It essentially clarifies that the Board of Land and Natural Resources does not, their authority shall supersede that of the Mauna Kea Stewardship and Oversight Authority, and so the bill essentially clarifies some of the things that we have risen, have sort of come to the forefront with the lawsuit that was filed and I know Chair Lindsey spoke that it will be on the agenda for tomorrow. So I'll leave it at that. But our recommendation is to support with comments. Because it is consistent with our position in the lawsuit, we support making clear that the the Board of Land and Natural Resources retains authority over Mauna Kea regardless of any transition for the Mauna Kea Stewardship and Oversight Authority. Our comment is that we are recommending making comment on making that obligation affirmative and non transferable. You know, again, consistent with the complaint for the lawsuit, we want to ensure that the BLNR continues to have this right and that no matter, you know, here into perpetuity that the state cannot relinquish that fiduciary duty and environmental duty to Mauna Kea and to the land and all of the public uses being as inclusive as possible. That is our recommendation on that.

And then I do sort of want to dovetail into the second one item number 2, which is SB2761. This we are recommending a position of a oppose. So essentially what this measure does is authorizes two or more members of the Mauna Kea Stewardship and Oversight Authority to meet without abiding by sunshine law. So you know, again consistent with the positions taken in the complaint that was recently filed, we opposed the the continued existence of the authority as unconstitutional and more so, you know, this bill talks about the need for ho'oponopono and having those kinds of conversations. Completely in sunshine, allowing folks to be more, there's references to ho'oponopono and those kinds of conversations, but one of the things you know, in addition to opposing just the existence and the Constitutionality of the authority, is also that, you know, in its existence we need more transparency, not less transparency. So those reasons together formed our recommendation of oppose on this second measure. So I'll stop there since after that it sort of takes a turn away from Mauna Kea.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to say good job on both of these measures. I totally agree, we should be supporting the first. We should be opposing the second, good job.

**Chair Akaka:** Are there any other items that you wanted to share on Matrix 3?

**Chief Advocate Reelitz:** Yes, so very quickly we wanted to go through a couple of the items on Matrix 3. So the first handful items 3 through 6 are related to learning. These are looking at and I will say that for the most part, these are supports. The only one having comments being the one related to early learning strictly to remind the State Legislature the obligation to retain ceded lands and Crown and Government lands in state control, ensuring that we get the pro rata share that we are entitled to from the proceeds. Sort of taken together, these measures support Hawaiian language immersion with the kaiapuni bills as well as a bill that is related to requiring two credits of Hawaiian language as a graduation requirement brought by one of our Native Hawaiian Legislators. And then the early learning Bill is a bill that essentially aims to increase access of state funded or state and federal funded early childhood care and education which you know, we listed as an educational outcome but is actually the the intersection of educational economic stability given that keiki and

kūpuna care was one of the top needs that was heard from our community when we did the Mana i Maui Ola. So those are the education bills.

Additionally and sort of going from there, one of the other items that we wanted to bring to the Board's attention is HB1768, and we do have a couple of other bills similar to these. There's a number of family leave bills this session, but we wanted to recommend support from our Trustees of this measure, again, this is really honing in on the need that our community expressed from Mana i Maui Ola and that being able to provide for keiki and kūpuna care was generally seen as one of the biggest needs from our community and just to add on to that, just so folks are aware the bills that have come forward that I've been doing analysis on are really looking at providing coverage for financial coverage for care for both keiki and kūpuna and for families both legal and hānai. So at this point we would recommend support on this measure and I can pause there because we'll sort of move a little bit in a different direction and I see that Trustee Akina has a question.

**Trustee Akina:** Madam Chair, thank you and Ke'ōpū, I want to go back to the education bills, I'd like to speak to item number 5, which is HB1794. And along with that, my comments will apply to item 69 and 129, HB2540. You mentioned these brief, Ke'ōpū and they have to do with adding requirements to all students in school for graduation in order to learn 'Ōlelo Hawai'i. I'm really torn on this because I absolutely support the learning of 'Ōlelo Hawai'i and I think we need to do everything we possibly can to get our kids learning it and using it as well in public space. We are recommending right now, your office is recommending that we support this particular bill. I'd like to suggest that we merely comment that we definitely express our strong approval of more 'Ōlelo Hawai'i learning in the schools, but this one is a little problematic, it may hurt some of our Native Hawaiians. First of all, it will require more graduation requirements and as all parents who are trying to help their kids get into competitive colleges we know that those requirements are fairly high and it's hard to fill a schedule with the requirements to make you competitive to get into good colleges and to get scholarships. And in addition to that, to fill your calendar, your schedule with advanced placement courses. Right now, Native Hawaiians have a lower graduation rate than other students and as a parent I know with my four children who went on to University of Hawai'i and to mainland colleges how hard it was to get the requirements in to be competitive, so I wouldn't want to hurt us. The other issue is that the people who really should be looking at this from a logistic point of view, the Department of Education and the University of Hawai'i are are not, as far as I can read from the media right now, because I haven't seen their testimony. They're not in favor of it because of the cost. Finding 1000 Hawaiian language kumu and those who are qualified to teach is an extraordinary feat at this stage. I would love to find them and I would love to put them into the schools, but the Department of Education is saying that'll take away from other resources that are helping students. I'm strongly urging us to support the teaching and learning of 'Ōlelo Hawai'i, but not this particular bill at this time, but instead simply comment on it and I don't think we should oppose it because we don't want to send the wrong message either.

**Chair Akaka:** Mahalo, we are planning to meet soon with one of the authors, Representative Darius Kila and we can talk story with him on this bill.

**Trustee Akina:** Very good, then what I'll do later on is move to bifurcate so that we can move from a position to comment if that's agreeable.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I saw this measure and wanted to find out a little bit more and what I got back was that this is Hawai'i and many, many people are using the U of H, but in Hawai'i things our Hawaiian and when I talked with one of the introducers, he told me two things. He said that the reason why he was supporting it was so that people that are not Hawaiian can understand things like the street signs and public information and then he told me that there are services that are for health and other things and housing, but they all have Hawaiian names and the example he gave me was Papa Ola Lōkahi. That is the foundational program for our health. We fought for it 30 years ago. It is now an important program. We're working with our kūpuna and others. It's

specifically designed for things like diabetes and that. But I think that we're losing something here if we don't take a look at the historic development of our own programs. Why did we call the first major health initiative, Papa Ola Lōkahi? It was because we were looking at tragic deaths relating to diabetes and other things and we needed to expand the program that would attract Hawaiian kūpuna rather than intimidating them. That's why these things were given Hawaiian names. This is Hawai'i. Language here is not just English, but it's important we do it so that people graduating can at least understand the street signs and more importantly, so that the programs we have for our people, our people, will understand that our kūpuna will understand, thank you.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just want to express my comments on those bills. I really feel strongly that every school in Hawai'i should offer Hawaiian language, but I do not feel that two credits in Hawaiian language should be a requirement for graduation because I don't want to hurt our own people. We have a tough enough time getting our kids graduated and qualifying for a college education, so I want to be able to advocate for the Hawaiian language in every public school because not every public school offers it. But I don't want it to be two credits requirement for graduation, so I just share that as my input, thank you.

**Chair Akaka:** Trustee Akina did you have any further comment or question?

**Trustee Akina:** No, I certainly agree with Chair and also the sentiments of Trustee Trask. 'Ōlelo Hawai'i is so important, but we're not talking here about the language, we're talking about whether we saddle our young people with two more credits and that's a hard thing for them now. So what I just would put before you is we need to make a decision as to whether we comment on or oppose. I wasn't clear where Chair wanted to go with that.

**Chair Akaka:** Chair did you want to provide clarity?

**Board Chair Hulu Lindsey:** I would say comment with requests for amendment, take out that two credits for graduation.

**Chair Akaka:** So yeah, I don't think we need to bifurcate if that's the general consensus to comment. Trustee Galuteria.

**Trustee Galuteria:** Thank you very much and thank you everybody for their comments. I tend to lean towards Trustee Trask's perspective. You know, I find it hard to understand why the mother language becomes an obstacle to anything. And so I would also advocate for comment and let those in the Legislature deliberate and not stop it from being talked on to its fullest measure, because it could end, you know, it'll move through amendments or whatever it might bring it down to one credit or whatever. But we need to continue this conversation because it is the motherland's language. So the more we can advocate for it, the better in whatever way shape or form.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Right now the recommendation says support, right? I would want to support it. If the rest of the Board wants to change it how are we going to proceed with that? If they want to change it to comment instead of support. Is it just getting a consensus of that now?

**Chair Akaka:** We could do that now or bifurcate it.

**Trustee Waihe'e:** If that's the case, then if we're just getting a consensus and we'll change it to comment based on that I just want to say now that I would rather just support it, thank you.

**Chair Akaka:** Okay, we can bifurcate that item, mahalo.

**Chief Advocate Reelitz:** So as we move forward, I wanted to take the next batch of bills. So items 8, 9 and 10 are related to essentially access, bulking them together, access to healthy food and to some extent for item 9, regular food for our keiki. So one measure looks to build a collaborative approach to chart the future together for sustainable and resilient local food community. Another strengthens the school food program and there is also another bill similar but slightly different, lower on the matrix and the final one is to exempt the food and medical services from the general excise tax, particularly items 9 and 10 really seek to both ensure folks have access to food while bringing down, so it has numerous components of hitting the outcomes from Mana i Maui Ola. In the first respect you know, obviously it's the access to food and its impact on health, but in other respects, it's the ability to bring down the out of pocket costs for families. Food tends to be, depending on what age, as a mom of three boys, I'm learning that it tends to be a growing expense for families and so wherever we can strengthen the states investment in ensuring that families have access while lowering the cost of those. We wanted to make that recommendation because it has sort of that double or triple bottom line for its impact on Mana i Maui Ola.

The next couple of bills are looking at, one is addressing sex trafficking, so as the Board knows, having taken action in the past, sex trafficking and sexual exploitation is something that disproportionately impacts young women and girls in a way that is devastating not just to families but to whole communities and so the HB1574 would essentially add that enhanced sentencing, which there is already sort of a system for enhanced sentencing, but it would add enhanced sentencing for when a sex trafficking victim is a minor in Native Hawaiian or transported between islands or across state lines, and so we really want to make sure that we're strengthening our families and our communities in this way. And then the final sort of bill of these that we were looking to highlight for you folks is that you know underlying a lot of the success of the four directions of the strategic plan is Hawaiians ability to have ea, to have sovereign, to be able to voice our leadership in political arenas and so we did take a look and add to the matrix this session a couple of bills that we think will strengthen or strengthen the ability for Hawaiians to get involved in governance or advocacy in their local communities, and so that is item 12 on the matrix. I will say because this will sort of wrap up that the high level, top level bills that we wanted to highlight for you folks.

The next several bills, all of those relating to burial sites are actually and there are a few more down the line that we weren't able to move up in time for the matrix to go out in the Board Packet. But there are a number of bills, these being among the priority that came out of recommendations from the Burial Sites Working Group. So we just wanted to highlight for you folks that the work that has been underwritten by the office for years at this point, in addition to the work that our compliance program has done has resulted in some pretty productive recommendations and legislations and so we want to ask for your support on all of these measures. I will stop there. It is a long matrix. I'm happy to take questions on any of the additional items, as well as the ones that I've highlighted for you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, by that does Ke'ōpū mean we make comment on any of the items left in the matrix?

**Chair Akaka:** That is correct.

**Trustee Akina:** Before I do that, I do want to just make one clarification. When we were talking about the bills for increasing the requirements for 'Ōlelo Hawai'i, we discussed HB1794, which would require two credits. We also were discussing HB2540, which requires two years. I just want to point out that both of these would need to be by bifurcated. I would like to go on if I may, Madam Chair, to comment. Thank you, I'm looking at Item 84, which is SB2773, that's item 84, SB2773. It's relating to the prohibition of mining, extracting and removal of minerals from Hawai'i seabed and the recommendation is that we support this particular measure. As I read it,



it's a full prohibition of those activities and I was wondering if there was anyone on the Board who had any thoughts about this, because I remember when I first served as a legislative intern in Robert Kimura's Office, who was the majority lead back in the late 1970s, a measure came to the Legislature regarding the mining of manganese nodules, and there was a lot of testimony back then about how Hawaiian rights to ownership could be asserted in terms of mineral rights. And so I saw that at the beginning as a possibility of increasing the wealth that comes to Native Hawaiians. But this measure here talks about a prohibition of mining that type of material in the ocean and I understand the environmental concerns and I support them, but I was wondering if there was any thought to the benefit that possibly could come to Hawaiians if we could assert ownership rights.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, when I look at this measure, you know, Trustees, I think that it's critical that we do something more than what Trustee Akina is saying, which is we could get 20%. There is significant data available from this state and other states that demonstrate that deep sea mining has a significant detrimental impact on shores, reefs, atolls, on industries that rely on things such as tourism. Snorkeling, diving, on fishing as well. When you look at seabed mining the only thing that we really have are some, there's at least one temporary license for research off the southwest coast of my island. But when we take a look at it, we need to take a look at the negative impact on it. When I looked at this bill I did a little bit of research and I learned that one of our Congressional Representatives in Washington is currently looking at legislation that would prohibit this and it's for all of these reasons. There's several states already folks that have come online on this measure in Washington, D.C. and I'm raising this because it's a very good example of mistakes, potential mistakes that OHA has made in the past. When I looked at this bill, I was happy because it showed me that our team here in Hawai'i is tracking what our Congressional team is doing and there's been a lot of comment from my island about the potential damage because we rely on the fishing, we rely on tourism, on snorkeling and other things. But when you do deep sea mining it is not as simple as vacuuming manganese nodules off the surface. What they propose now is something that looks like a giant bulldozer that goes down 6 feet so that they can get three or four types of minerals. We cannot allow this. We need to protect our corals, our limus and the fishes as well and preserve the environment that we're counting on having for our tourism and snorkeling as well as fishing. You know, I found it interesting that OHA filmed Trustee Ahuna's protest recently on O'ahu. OHA had supported some of this I think. I think that we need to support it until we can show our people and demonstrate to ourselves that this kind of mining is not going to be a detriment to our submerged lands resources. And I really respect and work with our Senate, with our Senators, he's helped us. This is his measure in Washington and we supported it. You know, we asked him in the past, protect our shores and reefs from mining and now we have our Congressmen doing this in Congress. We need to support his actions.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Just briefly, I very much appreciate what Trustee Trask has said and actually agree with her on much of that. For me, I'm looking for room to avoid total prohibition and ways to ensure environmental and other safety, but I will not stand against this and oppose it. I just would appreciate the opportunity to bifurcate it so I could kanalua it personally.

**Chief Advocate Reelitz:** Mahalo, Trustees as we move forward, I do want to let you know that we presented to you the issues and the bills that we have looked through and felt comfortable presenting a position including high monitor to make sure you folks know which ones are on the sort of the highest prioritization. Before we move to a motion, one of the things I wanted to reassure Trustees on is that if you if you look through the matrix, there are a couple of measures that either have high monitor or support on. Proposals that will support families that have or children that have special needs or who have in particular intellectual or developmental disabilities. So I want to assure Trustees that we have not stopped any work on that. We are continuing that work and that we are making sure that we are responding to beneficiary concerns, so I just want to make sure folks are sort of are aware of that and that as we continue to move through this session, where it makes sense

to raise to high monitor support or have comments or amendments, we will be sure to continue to add that to the matrix and let you folks know where those are being added. But I did want to take the opportunity to ensure folks that we are moving forward on the resolution. We have, as Chair Akaka mentioned, we have pretty much every Legislator that we've had conversations with, we have presented the entire OHA Board of Trustees approved package and we will continue to make sure that all of our keiki and families are taken care of and I assure you that this is a personal issue for me as a mom with children who have their own special needs and need those kinds of services. So I did want to make sure that I take the time to address that now that we've sort of gone through the bulk of matrix three and have enough time to spare and share that with you folks.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I had just one more item on the list, Item number 155 which is HB2041. Related to a State Constitutional amendment to construct the telescope on Mauna Kea. And I understand that we are recommending currently, oppose. I would like to bifurcate this so that we could consider recommending comment on it. We all agree that Mauna Kea has been mismanaged for decades and I believe we're taking aggressive and strong, appropriate action to oppose that now and in the future and also to get the state to take responsibility. But I don't think that we all agree that there should no longer be any construction of Mauna Kea telescopes. These two issues are not necessarily opposed to each other. I have believed that we can mālama the Mauna as well as pursue astronomy and that has been part of the Hawaiian tradition. I just want to give us the opportunity to leave that door open. Currently, we have not changed our position of not taking a position on citing the telescopes, so I stand with my colleagues in opposing any further damage to Mauna Kea and will want to work toward its true care. But I also believe that we need to leave room for the continued use of Mauna Kea for astronomy. So I would like to see this bifurcated so that we could consider voting on commenting as opposed to oppose.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, one comment I had on this bill is that there were measures that were proposing a different oversight of Mauna Kea rather than sticking with the Mauna Kea Stewardship and Oversight Authority. In the previous measure we looked at, it seemed that these two were not in conformity. I just wanted to ask Ke'ōpū if she could look at this and the other thing is is that what we have been saying in past testimony is that the rent on Mauna Kea should be following state law. It's ceded lands, so you get an appraisal at the highest and best use. Is there a reason why we're not doing this? And instead, we're looking at the cost, the rents charged in other countries. The reason why astronomy research is moving to places like South America and Africa is because it's cheaper there. But I think that when we look at the rents they're supposed to pay and let me give you a real example we did up here in my office, Advocate Kealoha Pisciotta went and did some research. One, I think it was 9 day contract on Mauna Kea was \$10 million, one and they operate 24/7 every day of the year. Now we have a statute saying you're going to use ceded lands you get an appraisal. Every single one of the 13 telescopes up there needs to get an appraisal for the highest and best use. It's not based on what they're paying for their cheaper telescope in South Africa. This isn't South Africa, this is Hawai'i. How much do we get now, Trustees. How long have we tried to get it? We tried to get our fair rent based on what they were collecting. They kicked us in the 'ōkole in the Legislature, created a fake management group and said, well, we're gonna just charge \$1.00 a year. So OHA, we'll get \$0.20 a year and when I was on the PLT working and the reason why I stepped off is I'm not going to continue a process with the DLNR for \$0.20 a year when we know they are making billions. I consider what we're doing taking \$0.20 to be a breach of trust and I'm thankful that our attorney, Judge Klein, went in and refiled Mauna Kea. We should have done it, he was right. That's my comment on this. Let's consider in a redraft that Mauna Kea rent should be paid according to state law by appraisal. You know, and I'm not sure given our last testimony, you know, it seemed that we had voted that we wanted a change from the Mauna Kea Stewardship and Oversight Authority. Did we do that or not, Ke'ōpū? Do we need to compare these two things?

**Chief Advocate Reelitz:** So one of the reasons that we are recommending oppose for HB2332 is based on our position for the complaint in which we challenge the constitutionality of the authority in and of itself. So that is sort of the baseline for that is that to support or to ask for amendments would potentially sort of go contrary to the arguments we're making in our complaint in that the existence of the authority in and of itself and its ability to collect rents is unconstitutional. So that is the basis for our oppose.

**Trustee Trask:** Yeah, you know, I totally agree with you on that Ke'ōpū and one thing I would like to suggest given the fact that we got them in court now, much to their shock. When we put our testimony out on this one, let's remind them about our case that we just filed with Judge Klein and let's put a note there, so that every Legislator can click on it and go to our brief. Because half of the Legislators not are not even capable of using the computer to look at the legal case involving this. But we're on track in terms of this one.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Even aside from our complaints and even if you're, or someone may be like a strong supporter of the telescope, amending Chapter 11 of the Constitution to me seems very inappropriate because when you read it, it's just general and philosophical issues dealing with the conservation and development of resources. So it's going to be weird to all of a sudden in the midst of that have something proposing an immediate expedition of the construction of a specific project within the Constitution, that's just general policy and philosophy on conservation and development of resources. It's going to stand out like a sore thumb and make us look, make Hawai'i look kind of foolish to have such a thing in that part of our Constitution. Thank you.

**Chief Advocate Reelitz:** Chair Akaka, if I can add just quickly, I just want to echo that was part of our analysis, you know, the comments that RM Chair Waihe'e shared. So in addition to sort of the issues that we've already sort of gone over in other measures we are concerned about enshrining the construction of a single building in the State Constitution, completely in any place but in particular in Article 11, given that it has to do with conservation and whatnot, and that when we talk about that part of the Constitution, it is looking at the public rights in its entirety and to have it to sort of put one public right above the other, again as identified in the complaint, we also have concerns about the precedent it sets to put it into the Constitution. So I just wanted to share that with you folks as you discuss.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I will withdraw my request to bifurcate this item. I have been persuaded by the argument from Trustee Waihe'e regarding the inappropriateness of trying to modify the Constitution. Thank you.

Madam Chair, I believe we wanted to bifurcate the 'Olelo Hawai'i items HB1794 and 2540 in order to comment on that, I could be mistaken on what our consensus was, but that's what I thought that we wanted to comment on that.

**BAE Staff - Mark:** So we have the excluding items 5, 69, that's what you were talking about and also the 84 that you wanted to take out. So I have the motions down here.

**Trustee Akina:** Okay, so that's both the Hawaiian language bills, right?

**BAE Staff - Mark:** Correct, 5 and 69.

**Trustee Akina:** And then the 84 is the mining extracting bill?

**BAE Staff - Mark:** Correct, SB2773

**Trustee Akina:** Thank you

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve Administration's recommendations on: NEW BILLS (Items 1 – 156, Excluding Items 5, 69 and 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians– January 31, 2024.**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** Mahalo, it's been moved by our RM Chair Waihe'e and seconded by our Board Chair Lindsey. Members, are there any other questions or comments regarding this motion? Seeing none, Nathan can I please have a **roll call vote**.

							12:21 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			EXCUSED
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve Administration's recommendations on: NEW BILLS (Item 5 and 69) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians– January 31, 2024.**

**BILL POSITION:**

- Item 5, HB1794 as SUPPORT
- Item 69, HB2540 as SUPPORT

**Trustee Alapa:** Second

**Chair Akaka:** Mahalo, it's been moved and seconded and for clarification, just so everybody stays on top of where we're at, can you please, Mark read out HB1794, which bills these are and HB2540? A quick description or what it's relating to.

**BAE Staff - Mark:** Okay, so Item 5, HB1794 as support requires that each Department of Education public school student earn 2 credits in Hawaiian language as a graduation requirement and the second Item 69,

HB2540 requires each public high school in the state to require students to complete and pass two full years of Hawaiian language courses as a condition of graduation and that one as support too.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Forgive me if my recollection is wrong, I thought we were going to comment on these two items?

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Generally, we bring the Administration's recommendations and if you want to change it, you have to amend it to change it from support to comment, unless there was consensus, that's why I was asking earlier, unless there was already consensus made earlier that we all wanted to change it then we would change it, but if you don't want to support it then you you have to change it from support to comment. You make that amendment.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I do have a comment because the bill position support, support is actually correct based on our discussion. It does not require that all Trustees agree because we don't take a vote based on 100%. But I wanted to point out that if eight out of nine support, there's nothing that stops Keli'i Akina from going in and saying he disagrees with it. If the Board opposes something as a Board, colleagues, it doesn't prevent you from going in and saying my Board supported this, but I didn't vote for it because of this. Or my Board opposes this measure, but I supported it and I'm telling you why. The fact that we have some disagreement on this Board does not mean that you changed support for critical pieces, because Akina doesn't like it. No, sir, this Board votes, we move, we support it. You disagree, put your testimony in under your individual name. But no single Trustees disagreement should invalidate the support that the majority of these Trustees, myself included, have given to these members. You know, it's not that you have to do it as a group of nine at all and it's never been that, never.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair, I agree with Trustee Trask and what she's saying, but I think we bifurcated initially just to clarify so that we can see who supports and who doesn't and that's the stance that we're gonna take as a Board and yes, individually we can always support something different. But I think that's why it was bifurcated initially. Correct me if I'm wrong.

**Trustee Akina:** If I may respond, Madam Chair, just to Trustee Souza, I believe there was diversity of thought on this bill and that we wanted to comment on it, so I would **amend it to say comment rather than support**.

**Trustee Akina:** Yes, you can make a motion to amend it, but it also does seem like the consensus is as is.

**Trustee Waihe'e:** I'll second his amendment just to get it on the table to and the reason why, let me clarify. Even though I support it the way it is, is that if the majority wants to comment instead of support, I would rather have that prevail than to have this just fail and then we have nothing. We're doing nothing at all. So I would like to share the discussion from this Committee on whether they want to change the positions from support to comment.

**Chair Akaka:** Everett, would you like to speak on this?

**Interim General Counsel Ohta:** Yes, thank you, Chair. Just to make sure we're procedurally okay and maybe Mark or Nathan can correct me if there was a second on the main motion, the original motion.

**Chair Akaka:** There was.

**Interim General Counsel Ohta:** Okay, then yes, I would say that we're currently looking at a motion to amend the motion and I think it was to a position of comment and then to Trustee Waihe'e's point it can be voted on whether or not that amendment is approved or fails. Thank you.

**Chair Akaka:** Mahalo. I want to make sure I have this correct. it was moved then it was seconded, the amendment?

**BAE Staff - Nathan:** Yes, Trustee Akina moved and Trustee Waihe'e seconded to amend the motion. For Items 5 and 69 to be moved from support to comment.

							12:29 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA	1		X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK				X		
JOHN	WAIHE'E, IV		2		X		
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				5	2	0	2

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

**BAE Staff - Mark:** Chair, so just to clarify that vote to amend passed, so now it is comment. So now we would go back to the original motion now that it's comment and take another vote on that.

**Chair Akaka:** Thank you, I am awaiting somebody to entertain reading that motion as it is now.

**Board Chair Hulu Lindsey:** It was moved and seconded so now we vote on it.

**Chair Akaka:** Yes, so that was the amendment to amend.

**Board Chair Hulu Lindsey:** No, it was moved before that. That's why it was amended because it was moved already.

**BAE Staff - Nathan:** Yes, it was moved by Trustee Waihe'e and seconded by Trustee Alapa.

**Interim General Counsel Ohta:** Yes, so we can take the motion. It's already gone through the process, so it can be taken on a roll call vote now.

**Chair Akaka:** Thank you so much, **roll call vote.**

**Trustee Akina:** To clarify, we are voting in the amended form to comment?

**Chair Akaka:** Yes

**Move to approve Administration's recommendations on: NEW BILLS (Item 5 and 69) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- January 31, 2024.**

**BILL POSITION:**

- Item 5, HB1794 as **SUPPORT COMMENT**
- Item 69, HB2540 as **SUPPORT COMMENT**

**Trustee Trask:** I'm voting no and I want a comment in the minutes that say I voted no because I think we should have voted to support it.

							12:31 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK				X		
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				6	1	0	2

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

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve Administration's recommendations on: NEW BILLS (Item 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- January 31, 2024.**

**BILL POSITION:**

- Item 84 , SB2773 as **SUPPORT**

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Mark, can you please read what this bill is really quick, so everybody is aware of what we're voting on.

**BAE Staff - Mark:** Okay, Item 84, SB2773 relating to seabed mining, prohibits the mining, extraction and removal of materials from the seabed in all state marine waters, prohibits the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction or removal of minerals from the seabed within state marine waters and current position is support.

**Board Chair Hulu Lindsey:** I just want to correct the reading in that it's removal of minerals, not materials.

**BAE Staff - Mark:** Minerals, sorry, Chair. Thank you.

**Chair Akaka:** So currently, the Administration's recommendation is support but it was asked that we relook at the positioning on this bill. Is there any amendments?

**BAE Staff - Mark:** Chair, I believe, I don't know if Trustee Akina wanted to change the position or if he just wanted it separated so that he can vote differently from the other bills.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** All I need to do is vote abstain on this.

**Chair Akaka:** Thank you. Alright, it's been moved and seconded. Can I please have a **roll call vote**.

							12:35 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA					X	
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	1	2

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

**Trustee Akina:** Madam Chair, is there a House bill, companion to this?

**Chair Akaka:** Ke'ōpū, can you refresh our memory on this one? Is it Senator Lee that had a bill on this?

**Trustee Akina:** 2201

**Chief Advocate Reelitz:** Yes, it is 2201. Thank you, Trustee Akina. Technically, it's not listed as a companion, but it is essentially a companion, Trustee Akina. You're right, thank you for finding that.



**Trustee Akina:** Is the easiest thing just to repeat and replace that number?

**Board Chair Hulu Lindsey:** You have to bifurcate.

**Chair Akaka:** We would have had to have done that previously.

**Board Chair Hulu Lindsey:** We didn't, though.

**Chair Akaka:** Yeah and that wasn't included in the number items that we bifurcated. However, we can discuss this in a future BAE meeting.

### **III. ANNOUNCEMENTS**

**Chair Akaka:** We have at 1:30 today our RM meeting and tomorrow our BOT meeting at 10:00 AM.

### **IV. ADJOURNMENT**

**Board Chair Hulu Lindsey:** Madam Chair, I move for adjournment.

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Nathan, can I please have a **roll call vote** to adjourn.

							12:37 p.m.
<b>Trustee</b>		<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
DAN	<b>AHUNA</b>						<b>EXCUSED</b>
KELI'I	<b>AKINA</b>			<b>X</b>			
LUANA	<b>ALAPA</b>		<b>2</b>	<b>X</b>			
BRICKWOOD	<b>GALUTERIA</b>			<b>X</b>			<b>EXCUSED</b>
CARMEN HULU	<b>LINDSEY</b>	<b>1</b>		<b>X</b>			
KEONI	<b>SOUZA</b>			<b>X</b>			
MILILANI	<b>TRASK</b>			<b>X</b>			
JOHN	<b>WAIHE'E, IV</b>			<b>X</b>			
CHAIR KALEIHIKINA	<b>AKAKA</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>0</b>	<b>0</b>	<b>2</b>

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **12:38 p.m.**

DRAFT

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



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

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

**DATE:** Wednesday, October 30, 2024

**TIME:** 1:30 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology and in-person at OHA Maui Ola Boardroom  
560 N. Nimitz Hwy., Honolulu, HI 96817  
Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR  
Listen by phone: (213) 338-8477,  
Webinar ID: 865 8258 1862

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 865 8258 1862. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

**AGENDA**

I. Call to Order

II. Approval of Minutes

- A. October 25, 2022\*
- B. December 12, 2022\*
- C. January 25, 2023\*
- D. February 1, 2023\*
- E. February 8, 2023\*
- F. February 22, 2023\*
- G. March 1, 2023\*
- H. March 8, 2023\*
- I. March 15, 2023\*
- J. March 22, 2023\*
- K. March 29, 2023\*
- L. April 5, 2023\*
- M. April 26, 2023\*
- N. May 3, 2023\*
- O. November 8, 2023\*
- P. December 6, 2023\*
- Q. January 31, 2024\*
- R. February 7, 2024\*

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**  
**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**February 7, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Ke'öpū, Reelitz / Advocacy Division Director  
Chantelle, Belay / Public Policy Manager  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 7, 2024 to order at **10:04 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:04 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:08 a.m.
Trustee	KELI'I	AKINA	EXCUSED	10:08 a.m.
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **ONE TESTIFIER ON THIS ITEM**

**Zuri Aki:** Aloha, Chair Akaka, Chair Lindsey, Members of the Board. My name is Zuri Aki and I'm testifying on Matrix 1 as a OHA beneficiary, taking the position of comment. I'm also testifying as a professional advocate specializing in Native Hawaiian conditions. I will be testifying on each agenda item concerning the matrices and my comments here extend throughout. Native Hawaiians, we face greater challenges and disparities, so I want to emphasize that when it comes to advocacy on behalf of Native Hawaiians you kind of need people. You definitely need people with intimate knowledge of these challenges and there's another layer to that, right. You need people who care enough to put in that extra fight. In my experience as a professional advocate, there's a tendency to kind of just go through motions when you are disconnected from the mission, from the issue that you're supposed to be championing and it becomes very evident in the work produced by a professional advocate, whether or not they cared. Whether or not it was really that important for them to do that job, to take on that task, to be the champion. As I'm reviewing these matrices, there's a sloppiness to it, right. I'm concerned because there should be continuity. You have great advocates on staff Grant Nakaya, Keli'i Nixon and I'm hoping that their knowledge is being tapped into, but just looking at the matrices here. Seems that they are being disconnected from this work and it's convoluted. It's a little sloppy and there are a lot of positions that are very problematic as both a Native Hawaiian and a professional advocate for Native Hawaiians. There's a lot of these monitoring where there should be at least a comment and I want to use this opportunity right now to kind of say that you know every opportunity here is an opportunity to impart the principles, the foundational principles that ultimately the state will govern itself on. Right, that's policy and that's policy making and when you're not injecting Native Hawaiian principles in every single nook and cranny, every opportunity you got. You're just kind of going through the motions. The lāhui deserves the best advocacy possible. 110% beyond right and so my concern is that there is again a degree of incompetence that's prevailing here that really is an injustice to the betterment and conditions of Native Hawaiians and the Native Hawaiian people. So I would urge this Board to take a hard look at its staff to see who cares, who doesn't, who's going through the motions. Because in the end, you know someone's collecting a paycheck while the rest of the lāhui we're still struggling out there. So mahalo nui loa for your time.

**Chair Akaka:** Alright and just some mana'o as well, I would like to share that when it comes to our matrices and our positions is that some are currently as high monitor as we await the ano and decisions of our sister agencies and so forth to see and how they would like to pursue and if we are in alignment in that and if we can support or not, or provide amendments or kōkua and comments. So I just wanted to share that for everyone to know.

**Trustee Akina:** Madam Chair, sorry to interrupt. I just want to make you aware that I am here. I had trouble logging in this morning.

**Chair Akaka:** Okay, aloha. I saw you join. Mahalo and I see Trustee Ahuna on as well.

**Chair Akaka** yields the floor to Ka Pouhana Ferriera

**Ka Pouhana Ferriera:** Mahalo, Chair. I'm going to pass this over to our Director of Advocacy Ke'ōpū Reelitz, mahalo.

**Chief Advocate Reelitz:** Aloha Kakahiaka, we wanted to first start out and thank you, Trustee Galuteria for helping me to remember to put up the right calendar this time. So we've got the right calendar. We wanted to start you folks off with to let you know where we are in the Legislative Session. So we are currently at February 7th, which is the triple referral filing for the House side, tomorrow is the Senate side. So there are actually a couple of bills or more than a couple of bills that are on the matrix that are already considered, we would consider dead or no longer moving forward because they were triple referrals that did not get a hearing notice by Monday or Tuesday, depending on the the Chamber. But we are moving fast and furious, so the next time we meet, we will have quite a number of bills that have not progressed. I do want to let you know before I jump into Matrix 1 that we are about a little over a week away from first lateral, which is the essentially the double referral deadline, which means that some of the things that we sort of collectively, folks who are following the Legislature, have sort of thought might be safe. That's where things are, it's sort of starting to get to be crunch time. So I did want to let you folks know about that. I'll go into a little bit more in depth what that means for some of the measures as we go through each of the matrices, but I'll stop there and stop for any questions before I jump into Matrix 1 and the components of it.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I just wanted to make sure when we go through Matrix 1, which we're starting to do now, I just wanted to ask if there are companion bills. If they can let us know, you know what I'm saying. Because when I looked at SB1215 and HB1305, if you could just let me know as we go through rather than one by one, we can look at the companion bills together, thanks.

**Chair Akaka:** In the updated matrices here there are the companion bills listed in the column next to the bill number.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. I know I missed the first part, I think that was Zuri talking but you know Matrix 1, what we're talking about is the OHA package. Is that what we're talking about?

**Chair Akaka:** Yes, so the Matrix 1 is our OHA package, Matrix 2 are the bills that name OHA and Matrix 3 are bills affecting Native Hawaiians.

**Trustee Ahuna:** When I'm looking at the OHA package. I know that the OHA package is OHA-1 is SB2447 and HB2145 and also the three resos right. So what is the rest of that on that OHA package? What is that?

**Chair Akaka** recognizes COO Brown

**COO Brown:** Trustee Ahuna, mahalo. So the way that Matrix 1 is laid out is we have Item 1 and Item 2 are related to the BOA measure and then there's resolutions that we plan to add to this matrix. The resolutions have not hit their introductory dates yet and when they do, you'll see them be populated on this matrix. The rest of the bills, the group thought it would be good to put some of the carryover bills, bills that you know died last session, that are being automatically reintroduced and the thinking was to put it on this first matrix but to clearly delineate that they're carry over. So you can see that the categories are listed there and that's just us taking a shot at a way to organize this, try to focus the discussion a certain way. If you guys feel that it doesn't work, we can move those carry over bills off to somewhere else, but you let us know.

**Trustee Ahuna:** Sorry no, cause it's quite confusing because the OHA package is the OHA package. If it's something else, it's something else and then just real quick. What does support with comments mean? Because I know in Legislature there's just support, comment and oppose.

**Chief Advocate Reelitz:** Yeah, so one of the things we wanted to make sure we do to Trustees this year is ensure that you have full understanding of what we're going into the Legislature with. So for example, we had the Board approve a measure in Matrix 3 last week that would support essentially a state program that expands the Pre Plus Program what's called the Pre Plus Program. So it's an early learning program and it would allow it to be used beyond the DOE campuses. Currently, it's only DOE campuses on other state lands and so we provided. We wanted to make sure you folks knew that we were going to add comments in addition to a full support. We added comments to remind the committee that where Crown and Government lands or ceded lands are involved that we need to make sure that any proceeds are going to OHA, that we are owed. As well as ensuring that no program implementation would lead to the alienation of Native Hawaiian lands and so those are the comments that we provided. So it wasn't, we weren't asking for a specific amendment, but we were providing that context for the committee. But we just wanted, we can switch back to just the three support comment and oppose, but I wanted to give you folks more information because I want to make sure, I know a lot of you have very strong relationships with Legislators and I want to make sure you didn't feel like you were blindsided that you had the full information that you had and that you folks really understood the positions and the comments that we were offering.

**Trustee Ahuna:** Yeah no, because sometimes when we do support, we usually do support with amendments. So it's, you know, I don't know how the others feel, but the OHA matrix package or the OHA package should be the OHA package.

**Chair Akaka:** So is your question also regarding the resolutions? Because with the resolutions we were specifically asked by Legislators to not, they want us to focus on the bills right now, they said to hold off on the resos.

**Trustee Ahuna:** No, it has nothing to do with that. Just OHA package, like put the OHA package on it. You know what I mean? We have other things besides the OHA package on it, that's all.

**Chair Akaka:** Yes, so we're constantly working on that and monitoring the bills and updating it. So you'll see that there are a number of bills that have been added to the matrix.

**Trustee Ahuna:** Yeah, but that's not our OHA package. I mean, the bills. I just was just saying, what is our OHA package? Why is it included in other bills, the OHA package and I just wanted to know why that's all. I mean if you cannot answer the question, it's fine.

**Chair Akaka:** I'm sorry, I'm not sure if I am understanding correct so what is your question?

**Trustee Ahuna:** Can I get help please?

**COO Brown:** Madam Chair, I think what Trustee Ahuna is asking is technically the OHA package that the Board approved is the BOA measure and the three resos, but listed on Matrix 1, which is called our OHA Package, we have all of these Hakuone carryover bills, we have the PLT carryover bills and that's confusing maybe Trustee Ahuna and maybe even other Trustees that they're listed on OHA's package when technically they're not OHA's package. They're just bills that we're tracking on.

**Trustee Ahuna:** But yes, it's on the website too. So it's very confusing for the lāhui, it's for everybody, not just me. I'm just telling you guys, you guys have other things besides the OHA package on it.

**COO Brown:** Yeah, that's a good comment, Trustee Ahuna and I think we'll make an adjustment.

**Chair Akaka:** So maybe on the website that can be made consistent and have it be specifically stated, this is our OHA package and these are also carry over bills. So it's shown as separate.



**COO Brown:** Yes, can do, hiki no.

**Trustee Ahuna:** But it's still not our bills.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** I just want to clarify that the Public Land Trust bill is a this year bill. It's not a carryover.

**Trustee Ahuna:** It's still not our OHA package, sorry.

**Chair Akaka:** Any other questions or comments? All right, seeing none. If you can continue Ke'ōpū, mahalo.

**Chief Advocate Reelitz:** Thank you, Trustee Akaka. So just to start with the live bills, the OHA-1 is the Board of Agriculture, adding OHA Chair of the Board of Trustees to the Board of Agriculture as an ex officio member. You know, I had mentioned the legislative calendar and that we are sort of coming up on a double referral deadline and both of the Senate and the House versions have double referrals. I have been in the offices of either the Chairs or the Vice Chairs of each of the committees in both chambers the last two days and I will be visiting them again today. So pretty much every day of this week, to urge them to hear. We are looking at this point very likely that we would have to wait for next Wednesday for the hearing for the House AG Committee to meet. But I'm continuing to meet or be in contact with the Vice Chair of the Committee, as well as stopping in with the Chair of the AG Committee in the House. So hopefully I'll have some good news for you folks soon on that side. On the Senate side, I have been talking with both the Chair of the AG and Environment Committee as well as the Hawaiian Affairs Committee. So it sounds like that may be heard. There's a little bit, because it's a joint hearing and they can do it on more than just one committee's days, so it could be Monday, Tuesday or Wednesday of next week. So that is what we will keep you posted on if and when it gets heard. But I'm continuing to visit offices and make calls and send text messages so we can get hearings on those. We have not yet seen any of the carryover bills moved at this point. You know, Trustee Trask, you had mentioned the companions, we listed the only ones that were essentially still I guess alive, but we can go back and see if there's any that maybe made it through the first committee and could still technically be revived from the last session.

So these are the ones that made it the farthest along, which means that we can pick them up sort of from a farther point in the field, including SB1235. We could pick up after crossover and then HB1385 could actually be picked up during conference committee. So we're sort of still laying sort of planting the seeds on that one. I would have to look on at where those companions because all of the companions would have been reintroduced as well as a carryover. But in any case, we can check on those and add those to where they are for the next matrix and I'll pause there because I see at least one question.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thanks for that Ke'ōpū. When I look at SB1235 and HB1385. Their House and Senate companions, coming over from last session. The comparison I made on them is that on the Senate bill, we were looking for funding for Kūkaniloko. However, February 1, 2024 our office announces the eight million grant award that we got for Kūkaniloko. I didn't have the time to do a deep dive on this staff, but I'm anticipating that the grant, the eight million grant we have will take care of Kūkaniloko. So that language, my understanding now these two companion bills remain. We're halfway through the process. On the 1<sup>st</sup>, on the House bill, we have one more hearing, but neither of them, neither of them will have language for Kūkaniloko, right. We've taken it out. Is that correct?

**Chief Advocate Reelitz:** So they currently have it as written, they do have the Kūkaniloko, but that is something that I'm sure as we work through with HB1385. So the interesting thing with that was in the very last

hearing that HB1385 had last session, they actually took the contents of SB1235 and dropped them into that House Bill version. And so they are pretty much exactly, for that section of the bill, they are exactly the same. So they currently have Kūkaniloko, but we can certainly work with the Committee Chairs as we move forward to shift that.

**Trustee Trask:** Thank you for giving me that Ke'ōpū. I don't want to, you know, even though we did send out our press release on February 1<sup>st</sup>. The thing is, is that we need to be clear with the Legislature, because we're saying for both of them we support with amendments and what I'm saying is, is that OHA position is we accept all language relating to Hakuone. All others, including Kūkaniloko are deleted and if questions arise in the Legislature because they may not know why. Let them know that we already got, we just got the notice that OHA will receive \$8 million for Kūkaniloko. The Legislature, you know, in your lobbying for us to let them know because they have accused in the past that OHA runs to them with an open hand. But here's a good example where we return to them to say no, don't worry about Kūkaniloko. We took care of it for 8 million, you know, because these are companion bills and they returned this year. Is it correct Ke'ōpū? I've only got a little bit of a way to go with the House Bill. I have one more hearing on the Senate side, and that would be Finance. So this is an important one, but I just wanted to make sure I'm reading it clear. We remove Kūkaniloko, we don't need it.

**Chair Akaka:** Yeah, so I'm going to have a Casey, our COO and our Ka Pouhana speak on this.

**COO Brown:** Mahalo, Madam Chair and Trustee Trask just to kind of add a little bit more to what's involved, what's behind the Kūkaniloko monies. So the REPI Grant, the Readiness and Environmental Protection Integration Grant, that's really aimed at climate resilience and so that would involve activities such as agroforestry and reforestation and so those monies will be used for those kinds of purposes. The monies that were put into the measure last year were aimed more toward the conceptual master plan that's being looked at for Kūkaniloko. So there's many things envisioned for that space that the conceptual plan is identifying and that plan is built with the community members out there as well as other agencies input as well. But OHA is the stewards of those lands. So these monies were earmarked for different kinds of uses. So we're very happy to receive that REPI Grant, but it is earmarked for climate resilient type of initiatives.

**Chair Akaka:** Ka Pouhana, did you want to add?

**Ka Pouhana Ferreira:** Yeah, I kāko'o what Casey just shared. In addition to the Kūkaniloko request, you know, we are looking for agricultural development as well as a cultural center and to support cultural activities out there, which the federal grant does not address. So I do want to ask Trustees to continue to support leaving Kūkaniloko in because it does have a very different focus in this bill, mahalo.

**Chief Advocate Reelitz:** To wrap up with the carryovers, we are continuing to monitor as well as sort of start to have some conversations particularly with the subject matter committee on SB1235. That committee is just about done with a lot of its heavy lifting in the first part of the session. So now I was hoping to plan some meetings with Rep. Ichiyama to sort of talk to her as she would be the first to grant a hearing on SB1235 in the House. The last thing I wanted to mention is we do have some good news on Item number 7, which is the bill that came from the PLT working group.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Before we move on I wanted to go back to the Hakuone and the Kūkaniloko funding. What you just said, Casey is not consistent with the data that has been given to me. The position of OHA for SB1235 and for HB1385 is that we support and request the appropriation for Hakuone and that all remaining language is struck out. I'm reading that to be Kūkaniloko is being struck out. What you just told me is that what is on this graphic for Trustees to rely upon is incorrect. That we're not going to strike out Kūkaniloko because we just posted, we got 8 million grant, but it doesn't cover everything you want to do at Kūkaniloko. So could I get

some clarification, are we going to drop this and put our first priority as Hakuone, which is what I understood we were doing and what you're telling me. On the palapala, you're telling me that. But what Casey just said is so this is why we just gonna leave Kūkaniloko in because we need more money for Kūkaniloko that we cannot get out of the 8 million grant.

**COO Brown:** Mahalo, Trustee. Ke'ōpū, can I ask you first to clarify exactly what was recommended for this particular measure, what to strike and what not to strike. Just can you go over that for us and then I can add.

**Chief Advocate Reelitz:** Sure, so there were appropriations for each of those, and it might be the wording that I wrote, Trustee Trask or Vice Chair Trask, that I wrote that is confusing. So in SB1235, we have a bill that included creation of a working group. Which is the working group we already have moving, so the striking would be of those. But then there's parts two, three and four would have the appropriations and the hope was that I sort of bucketed all those together and so I think that's what's causing the confusion that actually sandwiched in between two Hakuone appropriations is a Kūkaniloko appropriation and so I think my wording is what's causing the confusion and so I'm happy to amend that wording because I was really trying to intend to get at all three of those appropriations batched together. So in SB1235 it would be parts two, three and four and then the part that would be struck would be the working group, since we don't need that at this point, and so that's what I was really hoping that we would go through with Legislators and get stricken.

**Trustee Trask:** Okay, got it.

**Chief Advocate Reelitz:** Sorry about that and we can correct that.

**Chair Akaka:** Mahalo for providing that clarification you want to carry on.

**Chief Advocate Reelitz:** Sure, because it's the good news part. So I'm very happy to say SB3336 passed its first committee, it had just minor amendments. The only amendment was that they were accepting amendments from the State Procurement Office, which is essentially a competitive bid requirement. Otherwise, I do want to alert Trustees that there were some concerns raised by the Department of Land and Natural Resources. Those concerns were simply put into the committee report. No amendments were accepted from DLNR, though I'm not actually sure they offered amendments, but they did offer concerns, but none of those impacted the language. So just for folks quick reference, SB3336 is essentially an appropriations bill that would provide 500,000 to work on essentially building out the actual, you know, doing the work, carrying out the work of the working group to build out an out a true and accurate and complete inventory of the public lands as they are part of the Public Land Trust. It's much longer and it's actually a very interesting read. So if you would like to go through it, please do. But that is essentially what it boils down to and I'm happy to say that it did pass through the first committee, so we are moving on to the next committee. Any questions before we go on from there?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** In SB3336, we don't have the referrals listed on our material. We had a first reading. Was that Hawaiian Affairs?

**Chief Advocate Reelitz:** Yes, so thank you for catching that Vice Chair Trask, so I guess a little bit of color commentary. I was a little bit worried about this bill when we first put together the matrix over the weekend because it did not have referrals and before I knew it and after we had pulled the data, it not only got referrals but it got its first committee hearing. So we will add it moving forward, it passed the Hawaiian Affairs Committee and it is now on to WAM. So the Ways and Means Committee. But I was very happy to see it both got referrals and a hearing very quickly when I was a little worried about it.

**Trustee Trask:** Thanks for that Ke'ōpū, I was really a little worried about it myself. Thank you.

B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

**ONE TESTIFIER ON THIS ITEM**

**Zuri Aki:** Aloha Chairs, Members of the Board, Zuri Ka'apana Aki again testifying on Matrix 2. My position is comment. I first want to kind of reiterate and echo the point that Trustee Ahuna was making which I think it's totally valid, it speaks to again my original point that maybe Item one and two on Matrix 1 really should be there and the rest should be in Matrix 2. We tracked over 800 bills last session, 2023, right this Board took the position on all of them, provided over 200 unique testimonies. There's a whole bunch of carryovers that are coming from 2023 that are just not appearing on this matrices. The alarming thing is that those bills from 2023 will continue from where they left off in 2023, right. So some of them don't have very far to go at all. Many of them have had hearings. This Board has not renewed any positions or to my knowledge OHA has not testified again on any of these prior positions during this session. So I only see a few carryovers actually listed on this matrices, that's a huge problem, because again, that's all these policies benefiting the betterment of conditions of Native Hawaiians that the lāhui really relies on OHA to be that champion for that it's not happening. So matrices 2, I do want to point out some things. Item 10, HB1313 HD1, that's a carryover from last session. OHA was in consultation with kupuna Auntie Mahealani Cypher who was trying to protect these lands for Native Hawaiians in perpetuity. OHA should at the very least use this as an opportunity to comment on the importance of keeping Hawaiian lands in Hawaiian hands. Item 11, HB1434 OHA has a position of support with amendments on its companion, which is HB, SB733, so it makes little sense to monitor this one. Even with substantive changes, there's a foundational element to this that really needs to be spoken to, so this is another missed opportunity to provide comments about the importance of having safe space for Native Hawaiian community and discuss this need as Native Hawaiians are facing erasure from our own homelands. OHA should have extensive testimony that it can use for previous session, so again it doesn't make sense. There's a disconnect there seems to be a confusion going on with OHA's advocacy and that I'm concerned as a beneficiary. Mahalo for your time.

**Chair Akaka** yields the floor to Ka Pouhana Ferriera

**Ka Pouhana Ferriera:** Mahalo, Chair. I'm going to pass this over to our Director of Advocacy Ke'ōpū Reelitz.

**Chief Advocate Reelitz:** Great, thank you. So I'm going to jump right in because I know SB2021 was a bill that garnered a lot of discussion last BAE meeting. It was an interesting hearing, but I would like to report the SB2021 was actually deferred when it got its hearing, so it was scheduled and then deferred and then it was actually deferred in favor of another carryover measure. That measure does not currently name OHA, so I will be covering it on Matrix 3. But I did want to let you know that SB2021 is not moving forward this session.

Beyond that, we have the same bills as last session. I did want to mention that Item 4 is the companion, so where you see the blue is you know we did face quite a steep number of bills and we wanted to make sure before we get any of the bills before the Board of Trustees that we're able to at least take some look at it, do some analysis and in the process we did miss some of the companion bills. So in both Matrix 2 and Matrix 3 where we missed companion bills, we did try to add them in. So this is not different. This is something that we put in front the Board last week with continued the position of monitor.

The big item on the top part of Matrix 2 that I wanted to come down to after that first item is Item 6 related to gaming. So I appreciated the robust and complex and nuanced conversation last week from the BAE and wanted to let you folks know that we did present testimony to the Committee on Friday morning related to gaming, consistent with the position that was discussed and approved by the Board last week, the decision making is occurring right about now. So that decision making was deferred until today. So I'll be able to let you know if that moves forward to the next committee at the next BAE meeting and actually by that point we'll know whether or not it will survive to the money committee, cause it is a triple referral. That will be forthcoming. I will

say that the sense from being in the room last Friday was that Chair Holt seemed to have the votes to move this out of the committee, but we'll just have to see how the committee votes. But it would need to have its second hearing by next week. So we'll probably have some closure on that in the next, or at least some better understanding of how far this will go by the next BAE meeting and I'll pause there in case anyone has questions.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I'd like to get a copy of the OHA testimony that was submitted on HB2762, the gaming appropriation.

**Chief Advocate Reelitz:** Okay

**Trustee Trask:** And on this as it moves, Ke'ōpū, please keep me apprised that I would see the OHA testimony on this matter, thank you.

**Chief Advocate Reelitz:** We can get that to you.

**Chair Akaka:** Members, any other questions or comments? Otherwise, Ke'ōpū, any other things you want to say more on Matrix 2?

**Chief Advocate Reelitz:** The only last thing to cover on Matrix 2 as far as the carryover bills go. I did want to remind folks that for the most part, maybe even completely, we just kept the positions that were approved by the Board last year. So if you folks would like to change any of the positions we are open to that. But at this point given the sound discussion that happened last year, we feel like we should continue with the positions as approved last year and let you know as things change, especially if we're anticipating any amendments to measures moving forward and that's about all that I had to share from Matrix 2, but also happy to take any additional questions.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I have some questions with regard to Item 9, relating to the Public Land Trust, House Bill 1227. You know, I'd like to take a look at this. It recognizes that OHA isn't barred from pursuing and may negotiate with respect to the Public Land Trust claims that aren't addressed in Act 15. What is this Ke'ōpū? We understand what we're doing with regards to the support to proceed to get a complete ceded land inventory. This is saying that we can also pursue and may negotiate. You know, I wanted to see what the bill says on that because there's two ways of pursuing. It started with a Ceded Land Trust in 1978 and it's 2024. We still don't have the inventory. So when I look at this and it says OHA's not barred from pursuing and may negotiate. Is this an endorsement of our expanding and continuing negotiation? Or is this a recognition that we have a right also to go right into the federal court and file a lawsuit at this point to get the state to do an inventory? It's hard to tell when I don't see. You know, we're supporting this measure, but I'd like to see the testimony and I'm just not sure what we're looking at here, given the other bills we looked at with regards to our authority on the Ceded Land Trust. Does this expand what we have in previous bills or I don't know how to see it?

**Chief Advocate Reelitz:** So that was the position that was approved by the Board last year, which we concurred with. I didn't have any change. The unfortunate part with this measure is and I am more than happy to get you this bill is that it was a triple referral in the House and it didn't get any hearings last year and it did not get a hearing scheduled in time to make the measure continue on this year, so it's effectively dead at this at this moment. There are some pro rata stuff on Matrix 3.

**Trustee Trask:** I got it, don't waste your time it's DOA, three referrals, never moved last year, this thing is dead in the water, thank you.

**Chief Advocate Reelitz:** Sure and there are some pro rata bills and Matrix 3 as well, so doesn't really get to your questions.

**Trustee Trask:** It does, it does. It's dead in the water.

**Chief Advocate Reelitz:** And Chair Akaka, I believe that is all I had to share from Matrix 2, but I am happy to take any other questions that folks might have.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Item 4 ) as listed on Matrix 2 -- 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA– February 7, 2024.**

**Chair Akaka:** It's been moved by our RM Chair, is there a second?

**Trustee Trask:** Second

**Chair Akaka:** It's been moved and seconded by our Board Vice Chair. Any other questions or comments, members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK		2	X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

## ONE TESTIFIER ON THIS ITEM

**Zuri Aki:** Aloha Chairs, Members of the Board, Zuri Ka'apana Aki again speaking on Matrix 3 position of comment. General concern here that there is a pattern of repeatedly missed opportunities to impart principles benefiting Native Hawaiians that will shape the policies that govern the state. There is a lot of monitoring again where there should be at the very least comments. I understand having worked a little on this myself, the demands on the team. Also understand that by now probably should have a lot of comments and a lot less monitoring. I'm looking at the matrices and there are over 59 monitors when most of these should have comments to develop Native Hawaiian serving policy. My concern here as an OHA beneficiary is that there's a high degree of incompetence when it comes to OHA advocacy work and my experience as a professional advocate, monitoring when one should be commenting is indicative of laziness and a lack of care that does not benefit the betterment conditions of Native Hawaiians. Again would urge this Board to scrutinize who they have on staff doing the kind of work. Let me help your team out and your advocacy bosses. I'm going to go through a handful of these. Just pulling some of these out Item 1, SB2297, support with comments. It's an unusual position. I don't know if this Board has officially taking this as as one of the positions, but usually when you support you're commenting. So it kind of doesn't make sense there. That one's kind of littered throughout. We got Item 18, SB2002, this measure would provide environmental exemptions. Just as a matter of established policy, wherever such an exemption is proposed, the very least should warrant a comment. This should not be monitor. Item 19, SB2018, where the cascading impacts of climate change OHA is also on the Climate Commission. It's imperative that counties have the ability to down zone, again at the very least, OHA should use this as an opportunity to comment on increased Native Hawaiian vulnerabilities in the face of climate change. Not just watching this bill as it goes through and letting Legislators continue thinking what they're thinking without knowing what Hawaiians need. Item 24, HB2684 and its companion establishing the Institute of Indigenous Education, Science and Outreach within UH Hilo. I mean, this is a bill that's kind of backed by most of the Native Hawaiian Caucus. They're introducing this, this is a given, it's a throwaway. It shouldn't be monitor. Should at least be comment, but I think it should be support. Item 43, HB2537 and its companion imposes penalties for selling invasive plants or plants containing invasive species, we're the endangered species capital of the world. Again, this was a no brainer. Stop watching this, support or at the very least comment. Item 51, HB2682 monitoring a bill to provide further funding for Hawaiian Language Fund. I mean that's another throw away. Stop watching, at least comment should be support. Item 213, SB2175, so this Board has taken this position that DBA's are usually bad. It contributes to Native Hawaiian erasure, the overpricing of our people, pushing them out, over developing the land, using our natural resources, our cultural resources. This Board has held a firm position on opposition when it comes to district boundary amendments. This one's a 100 acre pop DBA, right. Flipping over lands 100 acres at a time. You shouldn't watch this bill. You should oppose this bill, again a no brainer could have just read that in description and figured out that this was a bad one. So these are just some that I have pulled out. You go through with a fine tooth comb and probably find a lot more egregious problems with these positions. But again, as a professional advocate for Native Hawaiians as a Native Hawaiian, OHA beneficiary, these are very concerning issues and I think this team needs to do a whole lot better, mahalo nui loa for your time.

**Chair Akaka** yields the floor to Ka Pouhana Ferriera

**Ka Pouhana Ferriera:** Mahalo, Chair. I'm going to pass this on to our Director of Advocacy Ke'ōpū Reelitz.

**Chief Advocate Reelitz:** Mahalo. Alright, let's get into Matrix 3 and the first thing I did want to start with is SB2297. So I know we spent a great deal of time last week discussing SB2297. We did offer and I know that the Board is aware that we provided testimony on this item last week Wednesday, actually it was just after the BAE meeting that Board Counsel Kirk Klein and I were at the Committee Hearing on Water and Land. I did want to let you know the measure at first got deferred. Senator Inouye asked us to work with her on some amendments to address our comments. We did provide amendments and that version of the bill was passed earlier this week, so I do sort of want to give folks just the full picture of it. The decision making was on Monday and the measure passed with just one aye or one yes, two aye with reservations and two no. And I do

understand from our Public Policy Manager who was there that one of the with reservations has indicated that he may change his vote at a later time, either in a later committee if it comes before him again or on the floor. So I do sort of just want to give folks a full picture of that and an update on what happened with SB2297. I'll pause there in case anyone has any questions specific to that bill.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Ke'ōpū, on this measure, the superseding of the Mauna Kea Stewardship and Oversight Authority. Is the Mauna Kea Stewardship and Oversight Authority still left in place?

**Chief Advocate Reelitz:** My read of this bill is that it would be left in place, but that there are certain kuleana or obligations that would remain with the BLNR, it does not essentially repeal the Stewardship and Oversight Authority, no.

**Trustee Trask:** Thank you

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** My question is so where are we? Are we supporting this bill or are we just commenting, or support with comment? I mean what are we doing? I don't know what support with comments are that's why.

**Chief Advocate Reelitz:** So what we took to the Water and Land Committee is a supportive testimony in support with comments asking that the committee consider either strengthening language or to put into the committee notes that we believe the rights or the kuleana obligations of the Board of Land and Natural Resources is affirmative and shall not be transferred. That could be read into the bill itself as it was, but Chair Inouye felt like she wanted to strengthen it. So we did actually work with her on amendments, so we can switch it to support with amendments, but at this point I would recommend just support because she did accept the amendments that we provided and agreed that we needed to make sure that it was non transferable and affirmative obligation.

**Trustee Ahuna:** Thank you, good answer.

**Chair Akaka:** Ke'ōpū, if you can please continue.

**Chief Advocate Reelitz:** So SB1587 is the bill, so SB2021, which was the one on OHA named last, well I mean, it's still on OHA named, that we discussed, had a lot of lengthy discussion on Matrix 2 last week. As I mentioned earlier, that was deferred for another measure. This is the measure that it was deferred in favor of. So SB1587 as the description says, establishes an affordable housing land inventory task force to update maps, tables inventories. At the same hearing that SB2021 was deferred at, they made the amendments and the amendments are pretty numerous, but it essentially sort of added on a couple of folks and took off a couple of folks as well as focused in the study or the work of the task force on urban lands and set the idea similar to the other measure, 100,000 units that would be designated as important housing lands and moving it to the HCDA. So those are very important amendments that I wanted to make folks aware of. There is no SD1 up yet. I checked last night or actually I checked this morning. But if folks are interested, I can share once the SD1 is available. Our recommendation on this, we did not have it on the Matrix last time because at that point it didn't look the same. So given that it looked different from last week or from our last week's BAE Meeting, our recommendation is that we support with amendments and that our amendment be to add the Office of Hawaiian Affairs on to the task force, given the conversation that occurred during last week's BAE Meeting. So I will pause there.

**Chair Akaka** recognizes Trustee Ahuna



**Trustee Ahuna:** Just one quick follow up question. I don't understand how affordable housing can only be a 10 year plan. So can somebody explain that to me?

**Chief Advocate Reelitz:** I am happy to take comments, I think the point is well made that we're not going to solve the issue in 10 years and we can add those to the amendments that we asked for if the Board supports that as part of the amendments that we would be making.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** This measure because one of the things that we've been trying to do is look for affordable housing for our own beneficiaries. The only thing that we really have in the state is a DHHL waiting list. But we don't really have anything in terms of a capital "N" waiting list. My understanding of this bill and you tell me what your understanding is Ke'ōpū. This bill is coming out from what happened a while ago where the Governor made a big proclamation about affordable housing. It was great, but the thing was is that there was no money and there was no land. The Governor got terribly criticized. He responded back, I am the Governor and I make the choice for my administration affordable housing. But the Legislature is the one that will give the money for it, not the Governor's Office and the other thing was that when the Legislature does this, they need to be aware of where the remaining state ceded lands are, whether it's under the state or the county for affordable house. That's my understanding of this and when I looked at it, you know, I'm not really sure where it's gonna go. But we only have one list in terms of our beneficiaries and that's 29,000. Even the kūpuna housing we're hoping to move in partnership is for small "n's". But I tell you, when I met with my county folks here on Big Island. They said, you know, you're in the same bucket as we are. We need affordable housing. But we need it here in our county and I didn't know how to respond to them, but I just wanted to raise this because when we talk about the state looking at the inventory for affordable housing they're only looking at the ceded lands. They could not be looking at Hawaiian homelands and we have yet to get the inventory of the ceded lands to make sure that there's a percentage left for those who are capital "N's". That's the, you know, that's why I wanted to look at this and I wanted to see what we're saying in the support with amendments. Thank you.

**Chief Advocate Reelitz:** And I will say just before I move on to the next one, I think that was one of the reasons you know, I was very thankful for the robust conversation to get a sense of where the Board was last week. We thought there was given that insightful conversation we thought it was, there's a number of things that can be gained by OHA being a part of that process and hence the recommendation of support with amendments.

The next item on the matrix are two items that are companions. I will say that HB2600 did not get a hearing, so it is effectively dead. SB3335, though, did get a hearing and it is, I believe, the 13th. Yes, it's the 13th, so it got a hearing on the 13th. I wanted to bring this to the Board's attention. It is if folks have not read it a very, very lengthy bill. I believe it was somewhere in the number of 300 pages. More than 300 pages and it creates a program for essentially adult use cannabis or marijuana. And one of the things I wanted to bring to the Board's attention is that, you know, Chair Akaka and I had a meeting with Rep. Tarnis who is the Chair of Judiciary and Hawaiian Affairs and he did bring his plans to introduce this bill to us. In particular, there are a number of things that he's looking at, they do not call specifically, do not specifically call out Native Hawaiians, but do very likely call in Native Hawaiians in a sort of a broader sense. So essentially, you know, in a snapshot the things that I wanted to make sure the Board was aware is that this measure would essentially create a cannabis board and it would be administratively attached to the DCCA and one of the things that the bill does is start to talk about social equity and benefits that would stem from social equity. And so there's a definition that I can point to folks that essentially would provide like 50% off the first five years of licensure for either manufacturing or selling of marijuana to folks who are coming from. I think it was either an ownership in the company from a disproportionately I forget the wording, but it essentially disproportionately disadvantaged community having lived in that community for five out of the last ten years, having staff that were more than 50% from that community, and I think there was one other, but there's sort of this definition that doesn't say Native Hawaiians,

but very likely would apply to a lot of our Native Hawaiian communities, and I will say that in our discussions with Rep. Tarnas that, that was intentional to ensure that he was providing those benefits as part of this program to folks from marginalized communities, which included Native Hawaiians. I did also want to mention that the purpose the bill highlights that the purpose or some of the funds would be going to grant programs between the social equity grants, but also as well as public health and education grants as well as public safety grants. Again, it's not a OHA named, but because given the construction of the bill, the way it's worded as well as our conversations with Chair Tarnas, I did want to make sure that we put it in front of the Board. Our recommendation at this point is to monitor and see where things are going as well as do more research. I'm on a number of different facets of this bill, so I will pause there.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** I like that you're recommending a high monitor. I see what you did there. Thanks.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, colleagues, I just wanted to let you know that I'm supporting this measure. I have had some calls from about three or four kūpuna. They're on the Hilo side, I know them. They have asked me to tell you that they benefit from this, the four kūpuna I talked with have been receiving cannabis prescription from their doctor. They have high blood pressure, they have dietary problems, they don't eat anymore and the other thing is that they have sleep disorder. And they're all kind of up in my neighborhood in Kurtistown. I met with them and I told them, how do you get this and they told me they just go up to J. Hara Store at the corner and everything is there for the kūpuna. They don't make joints up there. They just have little drops. They have other things like that. But I met with them and I didn't realize how many of our kūpuna are depending on this and it's high blood pressure, lack of appetite and sleep. Not being able to sleep and I told them I would support it. They probably listening now. Thank you.

**Chair Akaka:** Members, any other questions or comments regarding these bills? Seeing none, Ke'ōpū, if you could please continue.

**Chief Advocate Reelitz:** Thank you for that mana'o and we'll continue to monitor and keep folks apprised of how this one moves. Kind of keeping with the tradition of last session as well as last week, just a couple of things I wanted to mention for folks. So the blue, as I mentioned before are the new bills. I will say that there are some essentially like repeats from last week because there are a lot of measures that were similar, very similar, but had maybe a few versions out there as well as ensuring we had all the companions. So that's one thing to just note for folks. The other thing is I do want to let folks know that we have quite a bit of bills related to fixes that were essentially, I should say fixes or suggestions that came out of our Burial Sites Working Group. I know I mentioned those last week, but we added as many as we could here. Again, because we kept combing and kept finding more, which is wonderful and we do have a hearing. One of the reasons I wanted to mention that is we do have a hearing tomorrow on a number of the bills that we think are gonna really move the needle if they're passed through the Legislature on protecting our iwi and our historic sites. I'm happy again to take questions on any number of the positions or items that are on the matrix, but I'll stop there and give time for folks who have questions on any specific items.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Chair, I appreciate that. I'd like to draw our attention to Items 94 and 95, Senate Bill 2474 and House Bill 1768. I believe that we are proposing to support and what I'd like to do is suggest that there's a good reason for us just to comment on this. This has to do with paid family leave of 16 weeks and while this is a benefit to our beneficiaries who could use that, it also puts us in a position of bringing harm to beneficiaries, particularly our Native Hawaiian small businesses. Right now the law requires businesses of 100 employees or more to provide 16 weeks of family leave because such businesses at that size presumably can

afford to do so, but the vast majority of Native Hawaiian businesses are small businesses and well under 100. This bill, if passed, would require any business with one employee or more to provide 16 weeks of family leave. And that would be exceedingly harmful to these small businesses. I've talked to a lot of local businesses and Native Hawaiian businesses over the last couple of years and they've been hit by some very heavy expenditures. Some of them have actually left the state. First of all, we had COVID, that was extremely damaging. Secondly, we now have the highest increase in unemployment insurance that businesses have to pay. Third, we have the highest increase in minimum wage, which businesses have to pay and fourth we have the end of COVID subsidies from the federal and state level to help out our small businesses and finally, many businesses have been impacted by the wildfires on Maui and the destruction of Lahaina. We had the privilege, a handful of us Trustees and Ka Pouhana to visit the Native Hawaiian Chamber of Commerce a couple of weeks ago and it was good to fellowship with Native Hawaiian entrepreneurs. I've talked to several and they're not in favor of adding the burden of paid family leave to what they have to provide for their employees. The Native Hawaiian Chamber, I'm not aware, I don't think they have submitted testimony, but the Hawai'i Chambers of Commerce overall have made their public position known that they're not in favor of this. So while I appreciate the fact that this might help some of our beneficiaries, it also puts us in the very difficult position of bringing harm to our beneficiaries who are small businesses trying to make a living themselves, and the consequence could be they're actually not being able to employ Native Hawaiians who need to be employed. So colleagues, I'm recommending that we move this from support to comment.

**Chair Akaka:** Mahalo, Trustee Akina. Ke'ōpū, would you like to address this?

**Chief Advocate Reelitz:** I did want to highlight and I would have to look, I'm trying to find out, there are quite a number of paid family leave bills this session. I highlighted one of them last week, which does have a position of support. So when we were combing through and finding all the different versions there are I think three versions in each chamber, and they're not all companions, so this is one of the ones that we missed in combing through them. And I do believe 1768 might actually be dead. But in any case, we can continue the conversation. One of the things that we do know and one of the reasons we did suggest the support on this was Mana i Maui Ola and the economic stability direction. You know, one of the things that I was struck by having only been here about two months is the ability to provide high quality keiki and kūpuna care was like one of the most specific outcomes in all of the directions, and yet it just stuck out for me of how specific it was and how it just seemed like a clear call and when I talked with, you know, with Carla in Strategy and asked why it was, I found out that it was because when the community surveys were done and the community focus groups and the internal focus groups were done, the ability to provide high quality keiki and kūpuna care became one of the clearest and unanimous needs for our community and so we saw paid family leave as one of the things that would actually address that and be able to allow families to give that care in a way that made sense for them. So that is the reason behind the recommendation. But again happy to hear and take whatever the Board decides on the position.

**Chair Akaka:** I understand that Trustee Ahuna wanted to speak. Trustee Ahuna do you have a comment on this specific bill, otherwise I was going to open it up to questions and comments.

**Trustee Ahuna:** Yes, I'm a Trustee for the Office of Hawaiian Affairs and we should support this. Ke'ōpū is absolutely right. This is a support bill for our people.

**Chair Akaka:** Trustees, any other questions or comments regarding these bills? Seeing none, Trustee Ahuna.

**Trustee Ahuna:** Yes, I wanted to comment. I'm looking at these bills and HB1794, earn two credits to graduate high school and HB2540, two years of Hawaiian language to graduate. I want to change that from comment to support. I can't believe, why are we commenting? This is who we are.

**Chair Akaka:** There was a robust discussion last week on these.

**Trustee Ahuna:** Okay, but who are we? What is the mission? What do we do here? So those two, 1794, from comment to support and HB2540 comment to support.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Thank you. Dan, I just want to share with you if you read the bill very carefully. Our kids cannot graduate if they don't pass these two Hawaiian courses, period. And that's why I did not support it. I support our language very strongly, but when it has to do whether kids can graduate from high school or not, I think that should be left up to the parents of those kids. If it's that important to them because some kids just can't grasp the language.

**Trustee Ahuna:** So this bill is allowing you to have two years of 'Ōlelo Hawai'i language.

**Board Chair Hulu Lindsey:** Yeah

**Trustee Ahuna:** Why not?

**Board Chair Hulu Lindsey:** No, the only thing is it says you have to pass those two years in order to graduate, otherwise you don't graduate. So either it needs to be amended, but it's requirement is too rough on our kids.

**Trustee Ahuna:** Okay, so when you graduate from high school, you going to need two years of foreign language. So would it be okay to take Japanese two years?

**Board Chair Hulu Lindsey:** Well, I don't know, but I don't think we should force a language on them. That's up to them, but every school should provide it, I agree with that.

**Trustee Ahuna:** We're not forcing, it's just allowing them to have these two years, these options to have this.

**Chair Akaka:** It would be forcing to be able to graduate, so the ano is that we do support and we want to provide the opportunity and we do believe that Hawaiian language should be provided and we encourage it. We want that, we want our students to speak this language. However, the current language is challenging in terms of the requirement to graduate. Now, if that wasn't in there. We could be more supportive of this.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. I just wanted to clarify because I did want to support this bill, but I mean if we're just going to comment, I don't mind too much. But I just did want to clarify one thing because it was some misinformation, even in the last meeting. There were people saying that you need two years or two classes. It's actually only two credits. So that's very different, that's like one class and it's like a not even a high, it is just like pretty much one class. Thank you, that's the only thing I want to clarify.

**Trustee Ahuna:** Every 'Ōlelo Hawai'i organization is supporting this. We got to get behind our lāhui too behind all these bills, we gotta know where they stand.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you. Okay, as I recall the robust conversation last week. You know, I would like to see us support this bill. This is the motherland as I shared last week and if we cannot get behind our mother language and on top of that, it's early. Ke'ōpū, what is the vibe over there for this particular bill? Does it stand a chance to succeed with some amendments, or do you think it's going to lose momentum. What's your sense?

**Chief Advocate Reelitz:** You know, we are actually meeting with Representative Kila this week and so we can get a sense from him. Judging from the referrals, it's a maybe, it could go either way with a double, with essentially a triple referral that's in a double, you know, joint conference. I feel like it's hard to tell and I haven't been hearing much about it even in, you know, we have been present in the kaiapuni bills. We made sure that we were down at the Capitol for the kaiapuni positions and I haven't heard anything. I can ask around, but we are going to meet with Rep. Kila this week and we can get a better sense there.

**Trustee Galuteria:** Alright, just let me say that I would like to see it supported and let's let it ride. We'll see how far it goes. But this is not the Office of Japanese or Filipino Affairs, this is the Office of Hawaiian Affairs, and if we cannot get behind our own language, then I think we got ourselves a problem here. So I would like to be in support if it comes to that and secondly, let it ride because it's still early in the session. Thank you, Chair.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I very much agree with the statement that Dan has made and other Trustees. I think we should be supporting this measure. You know, when I looked at this measure, I had a good talk about it with a couple of educators here, including my own sister. And she said, you know, we need to do this because we're the only state in the Union, the only state in the Union, that does not have a majority of street signs in English. If we don't give some background to our own children, they will not understand the way we speak in our state. We don't say things like other states, go north by northwest. We don't say that, we say go mauka, go makai. When our children trying to get to school or what, all of our places are named Hawaiian. 'Iolani Palace, Kapi'olani Park, so there were other reasons to have this, but also I very much agree this is Hawai'i nei. I don't see any reason to not use our language and we had to fight for years in the Congress to get our language. When I looked at this measure, I thought well, right now we have ridiculous requirements that we allow, even at Kamehameha Schools. You know, there wasn't hardly any Hawaiian language up there when I was there, so I had to take Spanish. But I like this idea, I think that concerns that somehow there's a racial implications are BS. This is Hawai'i and if we cannot graduate our own teachers, they don't know what is mauka and makai. So the children can go home. The children go to the beach, we tell them take the ala hele. They will not know where they are going, come on.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I think we're all in agreement on the crucial importance of 'Ōlelo Hawai'i and I would support this if what it was saying is that every school needs to provide and teach at least up to two years of Hawaiian language for every student who wants to take it. Now that would be a great thing if that were happening and we had the teachers to do that and we could satisfy the demand of our students. I think that would be a great thing, but Ke'ōpū, could you check the language here? I'm pretty sure the Senate version of this is a bill to require two years of language that would have to be passed in order to graduate and that two years of language could make it very difficult for some Native Hawaiians to be able to compete to get into the kind of pre law or pre medicine or pre professional programs they want to because they need to fill their schedule with other requirements, chemistry and physics and other languages perhaps, as well as advanced placement courses. As a parent of four who have graduated from our schools here in Hawai'i and gone on to college, I know how hard it is for them to be able to get the credits they need. So a requirement of two years would be onerous. So I'm not opposed to the sentiment, but I think that it's better for us to make the opportunity to learn Native Hawaiian available and to require schools to provide it rather than force a requirement upon our keiki. But Ke'ōpū, if you could check that I'd appreciate it.

**Chief Advocate Reelitz:** Sure, so the versions that are attached to HB1794 and I do want to mention this is another one that had a couple of different versions. It is two credits, so just to clarify it's two credits.

**Trustee Akina:** The Senate version doesn't have two years?

**Chief Advocate Reelitz:** Not the one that's connected to 1794. There may be another one that I'm not seeing, but the one that's the companion to 1794 is two credits.

**Trustee Akina:** Thank you, my concern remains the same though and I'll double check to see which bill we're looking at.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Yes, thank you, Chair. So when you look at curriculum for the Department of Education, you can look it up through educational pathways and each high schools they have certain credits that you have to fulfill. For example, you're going to need four years of English, three years of math, two years of foreign language. Right now, all they're trying to do is 'Ōlelo Hawai'i one of those foreign language credits. It wasn't in the school's, 'Ōlelo Hawai'i was never in the schools. This is a great bill. We have to support this. Whoever made-up like everybody gotta take two years of 'Ōlelo Hawai'i, that's not what it's about. So if you want to go to college, you have to go through clearinghouse. It's a different requirement in order to get into college, different public schools have different requirements, but they all have the same on the educational pathways. How many years of foreign languages, sciences, English and that's what it's about. So for me, we're the Office of Hawaiian Affairs and we need to get behind our people and the language that these people speak. So thank you very much. We need to support this 100,000%. Thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, Trustees, I just wanted to ask you if you're bothered to read the Ka Wai Ola this month. If you take a look at it on page number eight. The whole article is about the pride that we have for our Dartmouth graduating class. Top of the USA in Hawaiian. The proof that we have achieved our goal and that we are making progress is something we're bragging about this month in our paper. Let's stay on the path. Whenever there's anything Hawaiian, whether it's language or otherwise, we always seem to have some bizarre criticism from Trustee Akina. But let's hold the line for our keikis and when you have the time Trustee Akina, maybe you could read the newspaper that you never contribute to. We support this measure. I'm with Dan and Brickwood.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. I just want to ask, I don't know how well we researched this bill, that we're very informed about this position we're taking. Because it appears to me that an average class is three credits so that the fact that they're asking for only two. I'm guessing whatever they're asking for is not really hard to do. Do you guys know what a two credit, I guess accomplishment entails. I'm just guessing it's probably not something that's very hard to accomplish. It might be very easy. It doesn't even seem like it's a full class. I get the impression that it's easily achievable. So again. last week I wanted to support this bill. But it was amended to comment and that was the will of the Board last week, if that's changed then I would be more than happy to support it again. But if the sticking points are those two credits, I just want to make sure we're informed about what that means and maybe if we realize it's not that big of a deal, then we might be able to support this bill. Thank you.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, Chair. I'll conclude my thoughts on this measure by saying that Hawaiian is one of the two official languages of Hawai'i. Okay, so I'll support a change. I'll support, support.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, I just want to make one more comment just so we on the Board understand what is really going on. We are not failing at our language, we are only getting better and better. There's nobody failing in this area. It's just opening up, you know, right now in the DOE you couldn't take Hawaiian language as a foreign language. But now when you look at these private schools, Punahou, they're doing it. So I think the DOE should be doing it too, so it's very important that we support who we are. That's who we are. Thank you. And I wasn't here last week, so I don't know what happened last week.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Chair. You know, I think last week's conversation. I think the reason why and I cannot speak for my colleagues, but the reason why I voted to comment is because we're kind of unclear on the verbiage and you know, after this week's discussion and thank you, Dan for jumping in. I will vote to support this bill. Thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** I'm totally in support with my colleagues of teaching Native Hawaiians and everyone Hawaiian language and making it available. I just think we really need to be careful about these bills. That's the only objection I have. In particular, 2540 this is what it says. I'm reading a quote that my staff have just sent me. Require each public high school in the state to require students to complete and pass two full years of Hawaiian language courses as a condition of graduation and that's why I'm referring this back to Ke'ōpū. (Technical Issues)  
I at least want us to know that's what it says.

**Chief Advocate Reelitz:** If I can jump in just really quickly, I do want to say HB1794 and SB3269 are two credits. HB2540 is 2 years, so Trustee Akina is correct. I will say and I don't want to interrupt this very robust conversation but I do want to mention that HB1794 and SB3269 were, from my understanding, were up for vote in the Native Hawaiian Caucus, and my understanding was I don't think it made the one bill that they were allowed, but my understanding it was very competitive. So it is something that much of the Native Hawaiian Caucuses, at least on the House side was supporting, which is why, just my my personal opinion. Personal professional opinion is that there is the HB2540 which you folks can consider, but I think HB1794 and SB3269 are going to be the preferred routes for the preferred vehicles for these and each of those have double referrals, so that means that they would just need a hearing by next Wednesday or Thursday or yeah, about next Wednesday.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. So my comments are only on 1794 and 3269. I just want to, so I Googled what does a two credit course entail and I don't know, if I'm wrong someone can correct me but what it says is two credits is one hour of classroom learning. So again, if that's what people are getting hung up on. To me, that's not that big a deal. Again, that's all I'm trying to, as long as we realize that.

**Chair Akaka:** Thank you for providing that clarification, Trustee Waihe'e.

**Chair Akaka** recognizes Trustee Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Well, I just want to say that I think last week we also had a heavy discussion on the bill that's not being considered here and that's why we voted the way we did. But I agree with Trustee Waihe'e and all the other Trustees in that you know, we have to support our Hawaiian language. We've worked really hard for it to be the second language of Hawai'i. As long as it doesn't hinder our students, our Hawaiian students, I think it's a plus for Hawaiian language to be in every school in the state because they are in private schools. KS, Punahou, even in Maui in the private schools, so we should get behind this and support it

strongly. Thank you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** It's first language. Sorry, it's not the second, it's our first language. Thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** I believe that two credits in DOE schools is 2 years and I think we need to really research this just a little bit better that, that's all I'll say. Thank you.

**Chair Akaka:** So I'm getting the sense that much of our Board is in support of these bills here.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** A single class is 3 credits. So it wouldn't make any sense that a two credit class would be two years of classes. I think it's one hour of classroom learning per credit. One credit hour, I don't know.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, Madam Chair, we've belabored this point beyond any kind of reasonable time frame. May I please ask that we call this question. Majority of Trustees are saying they support it. But as usual, Trustee Akina, speaking for the Grassroot Institute, is objecting to anything Hawaiian. We have a lot of bills to cover and we have a lot of work this afternoon. Can we please stop going in circles. I think it's time to call this question just from those who have spoken, we want to support.

**Chair Akaka:** Mahalo, any other bills members are interested in asking questions on or comments? Seeing none, if we can please have the motion up on the screen.

**BAE Staff - Mark:** So the motion on the screen, I do need clarification because Trustee Akina did bring up also Items 94 and 95. So maybe some clarification if you wanted to vote on that separately.

**Chair Akaka:** Can you please refresh your memories on those bills.

**BAE Staff - Mark:** Yeah, 94, SB2474 requires the Department of Labor and Industrial Relations to establish and administer a family leave insurance program, and 95 is HB1768. Similar bill relating to family leave.

**Trustee Ahuna:** Don't we want to stay support on this one too?

**Chair Akaka:** Members, trying to get a consensus here.

**BAE Staff - Mark:** Well, this is for Trustee Akina, because he brought up that he wanted to. So I don't know if he wants to vote it separately or if he's okay with voting on the main items 2 to 140 and I can take out the excluding.

**Trustee Akina:** Madam Chair, yes I would like to bifurcate that. The concern I expressed was the added burden on Native Hawaiian businesses of having to pay for 16 weeks of family leave and feel that there are better ways to provide that need through the state rather than burdening small businesses of under 100 employees. Which Native Hawaiian businesses are, so if it can be bifurcated I'd appreciate that.

**Chair Akaka:** So once we reach that, we'll have Mark repeat on what that bill is so that there is no confusion on what we are voting on. Thank you.



**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Yes, I was waiting for a second on that bifurcate, but I guess you guys are gonna do it next, but we cannot just be listening to one person and moving, like there's a process right that we have to follow.

**Chair Akaka:** Yes

**Trustee Ahuna:** Okay, let's follow it.

**Chair Akaka:** And that's exactly what we are doing. Alright, mahalo. Okay, so we have the motion up and once again, Mark, can you please indicate what these bills are that we would be moving from comment to support?

**BAE Staff - Mark:** So Item 142 and Item 203, that's the bills that we were just discussing regarding the credits for Hawaiian language.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. I'm not sure that for 1794 and 2540 that the support for these are going to be unanimous. So what I'll do when I make the motion is I'll exclude these bills from it. Also as well and then we'll take them separately along with 94, 95. You know what I mean. So we'll have three separate motions.

**Chair Akaka:** Sounds good.

**BAE Staff - Mark:** Sorry, Chair, can I make a suggestion? So to make it easier, we can take out this highlighted part. Because this has already been approved and then it can just be a separate motion after that to change bill position for these two.

**Trustee Waihe'e:** That's what I was going to do.

**BAE Staff - Mark:** Okay, sorry, Trustee Waihe'e.

**Trustee Waihe'e:** And I'm going to exclude them along with 94, 95. Mark, understand?

**BAE Staff - Mark:** Yeah, got it. Thank you.

**Trustee Waihe'e:** Thank you, so I'll make the motion and then if people want to discuss it then they can still have discussion.

**Chair Akaka:** Mahalo

**Trustee Waihe'e:** Again, let me reiterate, we are going to take everything up so don't worry that we're forgetting things. We're gonna take those things up after the first main motion. So Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Items 2 -140, Excluding Items 94, 95, 142, 203) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.**

**Chair Akaka:** Is there a second?

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members?

**Trustee Akina:** Just a question, Madam Chair. The maker of the motion ended in the top paragraph, so the motion does not include the bill position changes.

**Board Chair Hulu Lindsey:** He excluded that.

**Trustee Akina:** Okay, thank you very much.

**Chair Akaka:** Alright, can I please have a **roll call vote**.

							11:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

**COO Brown:** Madam Chair, Administration did do a quick search to provide Trustees the most up to date info based on our assessment. When looking at the DOE website for graduation requirements, it does appear that one credit equals the one full course and one full course is equivalent to one year. So I just want Trustees to know that. One credit does equal one year of work.

**Ka Pouhana Ferriera:** A semester is .05 credits. So if you're two semesters in the year, it would equate to one credit. So example, you need four years of English, then you would have for graduation you would need four credits, one credit each year.

**Chair Akaka:** Mahalo for providing that. Trust me, we're here.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, that is my understanding. So the requirement of two years of Hawaiian language is equivalent to two credits in high school. Yes, thank you to the Administration for that clarification.

**BAE Staff - Mark:** So we excluded Items 94 and 95. We can for this motion, to approve that to allow Trustee Akina to vote on those separately.

**Chair Akaka:** And and just to reiterate, 94, 95 are the Hawaiian language bills as well?

**BAE Staff - Mark:** No 94 and 95 is the family leave.

**Chair Akaka:** Right, thank you very much.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve Items 94, SB2474 and 95, HB1768 as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.**

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members?

**Trustee Ahuna:** Yes, I have one. What are we moving for? What is the position?

**BAE Staff - Mark:** We're not making any position changes on 94 and 95.

**Chair Akaka:** And that's regarding family leave?

**BAE Staff - Mark:** Correct

**Trustee Ahuna:** So this is to support. Okay, thank you.

**Chair Akaka:** Can I please have a **roll call vote**.

							11:53 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA					X	
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	1	0

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

**Trustee Waihe'e:** Madam Chair, I'd like to move to approve changes to Items 142, HB1794 and 203, HB2540 from COMMENT to SUPPORT on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.

**Trustee Ahuna:** Second

**Chair Akaka:** It's been seconded and Mark before there's any other questions or comments, can you please reiterate what these bills cover?

**BAE Staff - Mark:** Yes, so these are the bills that we heavily discussed, the Hawaiian language bills, the graduation requirements.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Could you just explain what an aye would mean and what a no would mean on this vote.

**Chair Akaka:** So this would be to support.

**Trustee Akina:** Support the bill? Thank you very much.

**Chair Akaka:** Yes

**Trustee Akina:** Okay, thank you very much.

**Chair Akaka:** Roll call vote.

							11:53 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA					X	
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	1	0

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

### **III. ANNOUNCEMENTS**

**Chair Akaka:** We have a RM Meeting today at 1:30. As well as our BOT meeting at 10:00 AM.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I just wanted to offer up a few comments and the reason why I'm making these comments is it's my first meeting BAE and you know I just want to hold ourselves accountable and I just want to make sure that I support, like however the process works. So you know, I'm learning it as we go and I'm not here to put down that process. It's very good, but for myself and beneficiaries, we have to know how to engage and educate our beneficiaries. So all I'm asking is that on our oha.org, it lists the OHA package as OHA-1, OHA-2, OHA-3, OHA-4 and that's the one bill with the companions plus the three resos. But if you go on to the Capitol website and click on the OHA package, it's only a list of SB205 SD1 and our OHA budget. So I just want to make sure that we're all on the same page because we have to help educate our lāhui too in all of these bills. So we got to stay on the same page as we report and do these reportings. I'm just saying that, but I'm not here to put down how we're doing it, the changes or anything. Thank you, you guys for being for BAE Leadership. I just wanted to make sure that how we report, it has to be the same.

**Chair Akaka:** Thank you, yes, and we need to have consistency as it said on our website and messaging there for our people, mahalo. I will entertain a motion to adjourn the meeting.

### **IV. ADJOURNMENT**

**Chair Akaka:** I will entertain a motion to adjourn the meeting.

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved and seconded. Nathan, can I please have a **roll call vote** to adjourn.

							11:58 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			9	0	0	0
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MOTION:   ☒ UNANIMOUS   ☐ PASSED   ☐ DEFERRED   ☐ FAILED

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:59 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**S. February 21, 2024\***

T. February 28, 2024\*

U. March 20, 2024\*

V. March 27, 2024\*

W. April 17, 2024\*

X. May 1, 2024\*

Y. June 26, 2024\*

III. New Business

A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*

B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*

C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

1. October 13, 2021
2. February 1, 2022
3. February 8, 2022
4. February 15, 2022
5. March 22, 2022
6. March 29, 2022
7. April 12, 2022
8. December 12, 2022
9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID



**STATE OF HAWAII**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**  
**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**  
**February 21, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Ke'öpū, Reelitz / Advocacy Division Director  
Chantelle, Belay / Public Policy Manager  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 21, 2024 to order at **10:01 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	EXCUSED	
Trustee	BRICKWOOD	GALUTERIA	EXCUSED	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Aloha kakahiaka, I will start us off just as we have the last couple of weeks by sharing the calendar so we can all get a sense of where we are in the Legislative Session. We are somewhat, let's call it the halfway point for the Legislative Session. It's halfway sort of in the timing, but we are not yet at crossover. So currently we're at February 21st, which means we are about a week away from the single referral filing deadline and the first decking. So we've got a week left. I will let folks know that we are finally seeing FIN and WAM scheduling their hearings, so hearings and notices are coming out fast and furious, as well as any of the Judiciary Committees that had sort of that second round, similar to WAM or FIN, or who have a single referral.

So I just want to give folks a sense of where we are right now. So about a week out from the deadline for first decking and single referral and about two weeks out from first crossover. So that's where we are now, happy to take any questions before we jump into Matrix 1.

Okay and with no questions, I'm going to ask our Public Policy Manager Chantelle to share Matrix 1 for us. So thanks to the feedback from last week, we did pull down Matrix 1 to honor, as was noted, what is actually voted on as the OHA package. So currently we do only have two measures introduced which are the companions for OHA-1. I'll go over those shortly, but just a quick update on OHA's 2, 3 and 4. We are working with staff to discuss OHA-3 and 4 and are hoping to get OHA-2 and 3 and any remaining resolutions introduced within the next week and a half. We are working with Legislators to get those introduced ahead of the March 8th substantive reso. deadline, so we're still ahead of that deadline and we are working on securing introducers hopefully in both House and Senate for the resos.

As for our OHA-1, so when we last talked, it was just before the double referral deadline and so we were hoping we would get in regular contact with House AG Chair and Vice Chair to see if we could get a hearing scheduled. Unfortunately, our House bill was not scheduled. We did speak with Legislators to sort of get a sense of why it was not scheduled. We did hear that the Department of Agriculture did have some concerns. So I do have a reach out to the department to find out if we can find a common path forward and in the meantime we did actually get a hearing scheduled for SB2447. So SB2447 is the Senate companion for OHA-1. It was originally a double referral. We were not actually able to get, when I spoke with Senators in both the AG Committee and the Hawaiian Affairs Committee, it was a scheduling conflict. So what they did was actually get it re-referred to a single joint committee and so I'm happy to announce that we did get a hearing for this Friday for OHA-1 in the Senate. So we are hoping that it will continue on. If it does pass out of this committee, it will make crossover because it's a single referral. So I think that's about it that I have for Matrix 1, but happy to take any questions.

**Chair Akaka:** Members, are there any questions or comments regarding Matrix 1? Seeing none, we will now move on to our Matrix 2.

### **B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\***

## NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair. So if I could ask Chantelle to put up Matrix 2 for us. So what you'll start seeing in both this matrix, Matrix 2 and Matrix 3 is a lot more grayed out. So just a reminder for folks that grayed out means that they are no longer alive. So that means they won't be moving forward for the remainder of the session. I do want to sort of acknowledge that, especially in Matrix 3, it can get a little bit clunky to look through between the sort of grayed out and not grayed out. So next week we will have it a little better organized. I apologize for that, where the grayed out will be at the bottom, so it'll be a little bit easier to sift through, but I just want to sort of acknowledge that before we jump into Matrix 2.

So the big update for Matrix 2 is SB3336, which is the Public Land Trust Working Group Bill. It did receive its hearing and passed with fairly minor amendments, the only amendment that was really I think substantive was accepting the State Procurement Office's request for amendments, which was essentially asking for a competitive process when bidding for any of the services, which is one of their pretty standard requests for amendments and so now we're awaiting WAM hearings and advocacy staff will be making those hearing requests ongoing, and we'll continue to because we do have again that week, we're still in crunch time, but we still have a lot of time because, again, the WAM and FIN Committees have only just begun scheduling their hearing, so we're starting to make that push now and hope to have by next week an update on a hearing date or perhaps decision making on that so that it can move forward to go to crossover. So that is I think the biggest update at this point for Trustees.

We do have a number of other bills that are still live at this point, but none that we are looking to sort of raise attention on at this point. I do also want to let you know that Item 7, I believe we shared with you last time because it was a triple referral, but HB2762 is no longer a live bill. So that was the gaming bill that was introduced by Representative Holt. So I did want to let folks know that is not moving forward. It did not get the hearing it needed and then the carry over bills, we will hopefully start to see some movement on some of the carryover bills probably in the next two weeks. Yeah, two to three weeks. So hopefully we'll have more updates on those, but that's the main updates that I wanted to provide Trustees for Matrix 2. Happy to take any questions.

**Chair Akaka:** Members, any questions or comments regarding Matrix 2? Seeing none.

## C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

## NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair and so I will wait for Chantelle to put up Matrix 3. As I mentioned previously, there is a significant amount of bills that did not get, that we were watching, that did not get the hearings, the double, the sort of their first hearing basically or second if it was a triple needed, there was a couple I just wanted to highlight for you folks up front and then there were two bills we wanted to bring to your

attention to ask for consideration of changing of positions. But let me give you the highlights first and then I will jump into those changing of positions if that's okay.

So the first, we just wanted to highlight there was one bill that we've been monitoring that we have been monitoring it and then after sort of watching the testimony come in, as well as watching the hearing, Item 1, SB2659, which incorporates a regenerative framework, it's state planning when it comes to tourism essentially and state functions with tourism. We'd like to recommend. That's a new bill. You know, as I had mentioned, we've been monitoring and doing analysis and it was one that we decided we wanted to bring in front of the Board for approval on the position of support. We felt like it is a promising sort of proposal to really start to think through, you know as we either move away from tourism and phase out tourism, or as we start to adapt tourism in any way, shape or form, it needs to change to have any level of sustainability, particularly for Native Hawaiians. And so we thought this was a promising measure that would allow us, you know, basically have the state ensure that they're taking this kind of approach and there are pretty significant measures that require understanding and consideration of impacts to Native Hawaiian culture spaces, cultural sites that are important to us, historic sites that are important to us. So I did want to bring that one to your attention.

Another one I wanted to bring to your attention was Item 2, SB2051. So this was another one that we have been monitoring and it did not make the last matrix, but we did want to let Trustees know that we are recommending support with amendments for this bill, which would require the State Council on Developmental Disabilities to collect data and submit a report on the disparities experienced by individuals with intellectual developmental disabilities. On this one the amendments are really looking for essentially indicators that will help us understand the cultural appropriateness of program services and outcomes and ensuring that the data is collected in a way that is really understanding the breadth and experiences of individuals with intellectual and developmental disabilities.

And then the Items 4 and 5 were the two other ones I wanted to ensure Trustees are aware of. As folks might have remembered, because I don't know that we've talked about this for a little while since the beginning, one of the measures that we had flagged as one of our highest priority education bills for this session were positions relating to, is essentially establishing 13 positions in the Kaiaipuni Schools. So for the genesis of it was that my understanding was they had requested it be included in the Governor's package, but it was not and so they brought the House and Senate companion to try to get these positions established. So we have been supporting these measures, both of these measures, they got hearings very quickly, which is why we haven't brought them up again. But now we're waiting for those money committees to hear them. I did want to let Trustees know we have been working with 'Aha Kauleo to kāko'o them and following their lead, but also providing the support that's needed to see these measures through to the final stretch of the Legislative Session. So these two bills we did, you may have seen, we did have an action alert go out yesterday. Big mahalo to the comms staff who both got the email alert out as well as got social media post up so that we can try to drive some traffic to make hearing requests of the FIN and WAM Committees. So those are the main sort of highlights I wanted to bring forth to folks. So I will pause here before I move on.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you, I wanted to take a look at the comments that we had made with regards to the Senate Bill 2659, Ke'ōpū. I would like to take a look at what was proposed by the tourism functional plan and also I would like to take a look at the testimony that we submitted in support. The reason why is because not too long ago we had the situation that arose in Keaukaha-Pana'ewa, where tourism buses were being sent down to the student education area at the ocean and I wanted to take a look at what we're doing here for the regenerative framework. You know, colleagues, the last time we saw this explored was a few years ago and the plan that emerged at that time was that OHA would give up Kaka'ako and instead take a casino because they were looking at tourism being an income driver, needing the capital. That's why I want to do a deep dive on this.

The other one, though, is the Senate Bill 2069. That's the Ka Papa Kaiapuni funding. Is that safe in your mind, Ke'ōpū? Is it possible that we may lose this funding?

**Chief Advocate Reelitz:** So I'll tackle the regenerative tourism one, we actually did not submit testimony in support of this because I felt like it needed to come in from the board and get the board's discussion and approval. I didn't feel comfortable doing that until we got your folks approval. So I am more than open to take any and all discussion on this and to inform what we do next if it does get another hearing. So I just want to assure you on that one.

**Trustee Trask:** Thank you

**Chief Advocate Reelitz:** And then for the Kaiapuni one, those are actually new positions, establishing new positions with new funding. You know, of the hearings that I've gone to, it has had some of the most significant amounts of testimony. I think one was over 200 pages worth of testimony and I know 'Aha Kauleo has been working very closely with the Department of Education to ensure that you know, everyone is sort of lockstep in these positions, but until we see whether or not it's going to get a FIN and WAM hearing, it's hard for me to tell. I do want to sort of make mention to folks that there was a WAM hearing yesterday and there has been multiple meetings across the state about some budget shortfalls that are coming because of the Maui recovery, so anything related to funding is, I think we're just gonna have to see if they get those hearings. So I couldn't give a good guess at this point.

**Trustee Trask:** You know, colleagues, I just wanted to let you know. On this one, Senate Bill 2069, a big, big effort was made on our island and other islands as well, with our Ka Papa Kaiapuni Schools and that's why we saw all the testimony coming in. But even some of it came from the keikis themselves. But also there was great support for this measure all over the islands and from Big Island too. Good job, I know that you Trustees were working on it too, because I heard about it up here. So good job for our keiki. Thanks for that Ke'ōpū, good job.

**Chief Advocate Reelitz:** Mahalo and I did want to mention if I could really quickly, I didn't have the number in front of me but the WAM info. Briefing showed that and if you had seen the the news today, the headline is that the states expecting to now have the Maui recovery efforts be at \$1 billion, so just for folks. I knew they had been talking about it for the last week, but I was able to get that number. So it is, when I say significant, I mean very significant and so I do think we might see a lot, we may see a lot of bills stop at this point, let's put it that way, because I think the money committees are gonna have to be more frugal with what they have given the downturn of what they thought they had to use for this second year of the biennium.

**Chair Akaka:** Member's any other questions or comments? Seeing none, Ke'ōpū, if you could please continue.

**Chief Advocate Reelitz:** Mahalo, so there are two items we are hoping to have the Trustees or to put a recommendation in front of the Trustees to change position. The first is Item 288 and I will pause before I get into the discussion while Chantelle moves us to Item 288, which is HB1689. So this bill is related to parrot fish or, uhu and in prior matrices, we had recommended and got Board approval for the position of oppose with comments. When we had originally done the analysis and made the recommendation, it was hard to tell I guess where the bill was coming from, just to be sort of straight and direct and so we did see some concerns about, there's essentially two components of this bill. The first is that it would limit commercial spearfishing of parrot fish or uhu and the second is an enforcement provision in which there would be no spear fishing before dawn or after dusk. And so those two combined, we felt pretty confident that we should oppose this measure and provide comments about why and how it might be better if it did move forward. Quite frankly, I thought this bill might not actually make it to this point, but sort of at the last moment it's gotten a hearing and in getting a hearing, it's opened up the doors for us to sort of learn a little bit more about where the bill has come from and the rationale behind it and so what we're really seeing is that particularly the subsistence fisheries, some communities have seen significant overfishing for commercialized sale of uhu, and it is typically with spear fishing and so because of that, we do want to recommend a change to comments only. Because we support

and the Administration supports or recommends supporting a limitation on that commercial spearfishing of uhu, what we have serious concerns about and what we would like to express those serious concerns about is the enforcement provision. We recognized our partners in the community who are lawai'a in subsistence areas that they wanna have this carry forth and they wanna have these commercial catch limits decreased or done away with but what we have the concerns about is the enforcement. First of all enforcement in fisheries generally can be difficult. Let's put it that way. It could be very difficult and so not only is enforcement unlikely to happen consistently, so you know, kind of defeating the purpose of having an enforcement position. On top of it we are concerned that if and when enforcement happens that it could have a disproportionate impact on Native Hawaiians, particularly Native Hawaiians practicing what they consider their culture of fishing. So that is the rationale behind changing from opposed with comments to comments only. We have been in conversations with community groups and we feel like this is a good instance in which we can express our concerns and provide comments while still being supportive of the intent of the measure of basically pulling down the limits and the ability for commercial spear fishermen or spearfishers to be overfishing the uhu population.

**Chair Akaka:** Yes, part of it is simply education.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I'd like to see the testimony on this one Ke'ōpū. I really am not in support of changing this from opposing to comments. What we're seeing in Hawai'i is that the uhu is being fished out on all islands. One of the things that took me to Guam a year ago was that the uhu is fished out in Guam, but also in other areas like Chuuk, Pohnpei, we're losing it. When you take look at what's happening with regard to the parrot fish we can see a good example of it with what is happening now in Miloli'i. Miloli'i is the last Community Based Subsistence Fishing Area, it's called CBSFA. Community Based Subsistence Fishing Area. The one thing we don't have is the definition of what that means. So example is Miloli'i. We have one in Kona. But every other weekend, the aquarium owners, the guys that are in the pet shops come every other weekend with one scoop net, take out all the babies. Because Miloli'i doesn't have any power to stop people that are coming to take aquarium fish. The other thing that happens every, every weekend and all day through the summer is that tourist bus comes and they drop off tourists who then cover themselves with suntan lotion. They have makeup and they go in the water and the people in charge of the Community Based Subsistence Fishing Area cannot tell them please don't enter the water with chemicals. So what we have are Community Based Subsistence Fishing Areas for tourists. But the people that are trying to protect the fish don't have any authority. I'm requesting on this one, staff let me see what you have put together. If they're looking at and there's only two ways we could do it. One is we got to either change the law, too late this year, to redefine CBSFA or work with Dawn Chang and some of the others to put together rules and regs under the DLNR. Those are the two choices I see, but I'm very concerned with this. If we're going to change from oppose to comment then I would like to work on it with you Ke'ōpū, because the comments should be that we don't have the protective measure. That's why I'm kānalua about it, because right now we're at the brink. We're going to lose the uhu you guys if we don't do something soon, you know.

**Chair Akaka:** Trustee Trask, we have been in conversation regarding the different intents of the bill and what we've shared earlier is we do agree and that would be part of our comments in support regarding the commercial fishing, that we do not want that to continue and then the other part of that is a lot of it is educating, educating our malihini, educating our kama'āina on proper protocol and what is appropriate in terms of making sure that we have this sustenance for our people and our cultural practices, and also being mindful of mālamaing i'a and our waters. But regarding Kona, we did get feedback from those specifically on the Kona side and with Shane Palacat-Nelsen regarding this who represents us in the west side office and to do our due diligence on the mana'o of our Hawaiian community to see what makes sense and Ke'ōpū, if you want to elaborate on that more.

**Chief Advocate Reelitz:** Sure, first of all, I very much hear you, Trustee Trask and I think that echoes a lot of the concerns that our advocates have been talking about as well as that we've been talking about with Chair

Akaka that she had shared. And so one of the things I think that surprised us because I think we were pretty pa'a in our opposition, I don't think there's ever been a question, quite frankly, that it would be oppose with comments. That you know, if we took a position and if we testified, it would be oppose with comments, you know what was surprising to me was hearing that it was some of the subsistence based fishers, lawai'a, who were asking, who were sort of proposed this legislation, quite frankly, and so that was where we at that point, you know when we start to think about you know, how do we work with community and how do we work carefully with community. At the legislature, that's where we sort of took the pause. I did have a good conversation with Shane and we are relying heavily on our folks who are the experts in these areas to ensure that we are getting that community input that is, you know, that helps make sure that we're in particular being protective of the subsistence fishers. So at this point, that is why we're coming to the Trustees to recommend a change in position. But do know that In large part, we support and the law or the bill itself would limit commercial fishing, spearfishing of uhu and so we support the limit on commercial fishing because of that overfishing issue. But our concerns come to the enforcement and the way enforcement will likely be inadequate and when it when it does happen, may have some significant impacts on Native Hawaiian lawai'a. And so that's where the concerns are. So it's a two-part bill that is a little interesting, but I do want to reassure Trustees that we have been working with folks who are in the community and who have connections into, in particular, the communities that are doing subsistence fishing.

**Chair Akaka:** Members, any other questions or comments regarding that bill?

**Chief Advocate Reelitz:** Okay, mahalo and then the second one and the only other position change we are requesting the Trustees consider is on Item 324 which is SB2289. This is, I think the shift in position for the last one I think was a little bit more significant than this one. What we would like to put in front of the Trustees for consideration is a change in position from support to support with comments or support with amendments. Our recommendation is support with comments, but if we can also talk through support with amendments if folks want to talk about specific language. But SB2289 is essentially asking the Department of Health to provide detailed reporting on the transfer of Kalaupapa and so this is something that OHA has had and quite frankly many Native Hawaiian organizations have had interest in for quite some time, and we've also had a lot of concerns. I should be frank, a lot of concerns over the transition as it's been happening and the ways in which community broadly, community limited to Kalaupapa and to Moloka'i as well as community with regard to Native Hawaiians have been involved or non involved or consulted in the transfer and so we had supported the more detailed reporting because we feel like that's a way to hold the Department of Health accountable. We have been in consultation with Ka 'Ohana O Kalaupapa, making sure that we're connected to the communities that would be most impacted by this and we wanted to recommend sort of additional comments or amendments. Ka 'Ohana O Kalaupapa expressed concerns that we agree with that even with the detailed reporting, we're concerned about to what extent DOH provides information that is sort of practically useful for Legislators and so we sort of want to just make sure that we're highlighting that for Legislators to ensure that there is sort of a closed loop to make sure that the reporting is very solid so that way any actions that need to be taken in future legislative sessions can be taken and we also share the concerns of the 'Ohana about engagement with the community as I was mentioning previously. And so we'd like to just get the blessing of the Trustees to provide comments on the need to have more encouraged, if not required consultation with Native Hawaiians and coordination with Ka 'Ohana O Kalaupapa. There was a change to the SD1, now says that the report has to include engagement efforts of Ka 'Ohana O Kalaupapa. But our understanding is that it's not just engagement they need to be, like Ka 'Ohana O Kalaupapa needs to be helping with coordination and so we do want to sort of highlight that it needs to be more meaningful than you know a reach out or an email that it needs to be meaningful engagement and so we would like to provide those comments and ensure that we have the blessing and support of our Board of Trustees and adding those additional, somewhat critical comments of the Department of Health.

**Chair Akaka:** Member's any questions or comments regarding this bill? Seeing none, Ke'ōpū if you want to continue.

**Chief Advocate Reelitz:** Sure, so I'm happy to take questions on any of the bills that are on Matrix 3. Those are the highlights that I wanted to bring to Trustee's attentions as well as the recommended position changes that we are recommending to the Board for the Matrix 3 this week.

**Chair Akaka:** Members, any questions or comments regarding any of the bills on Matrix 3? Seeing none, mahalo, Ke'ōpū. Do we have a motion?

**Board Chair Hulu Lindsey:** Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Items 1, 2, 7 – 66, ) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians– February 21, 2024, along with the following revisions:**

**BILL POSITION CHANGES:**

- Item 288, HB1689—from **OPPOSE WITH COMMENTS** to **COMMENTS**
- Item 324, SB2289—from **SUPPORT** to **SUPPORT WITH COMMENTS**

**Trustee Souza:** Second

**Chair Akaka:** Any questions or comments, members? Nathan, can I please have a **roll call vote**.

							10:41 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

**III. ANNOUNCEMENTS**

**Chair Akaka:** Other than us having our RM meeting at 1:30 PM today, do we have any other announcements members? All right, seeing none.

**IV. ADJOURNMENT**



**Chair Akaka:** I will entertain a motion to adjourn the meeting.

**Board Chair Hulu Lindsey:** I move that we adjourn.

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

							10:42 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:42 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

S. February 21, 2024\*

**T. February 28, 2024\***

U. March 20, 2024\*

V. March 27, 2024\*

W. April 17, 2024\*

X. May 1, 2024\*

Y. June 26, 2024\*

III. New Business

A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*

B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*

C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

1. October 13, 2021
2. February 1, 2022
3. February 8, 2022
4. February 15, 2022
5. March 22, 2022
6. March 29, 2022
7. April 12, 2022
8. December 12, 2022
9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**  
**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**February 28, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee C. Hulu Lindsey

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'öpū / Advocacy Division Director  
Belay, Chantelle / Public Policy Manager  
Santos, Dan/ IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 28, 2024 to order at **10:00 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:03 a.m.
Trustee	KELI'I	AKINA	EXCUSED	10:10 a.m.
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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

**II. New Business**

**A. Action Item BAE #24-01: Changes to OHA-3 (related to intellectual and developmental disabilities) and OHA-4 (related to rural resiliency) Resolutions in OHA's 2024 Legislative Package**

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

**TWO TESTIFIERS ON THIS ITEM**

**Zuri Aki:** Aloha, Chair Akaka and members of the Board of Trustees. My name is Zuri Ka'apana Aki. I'm a Native Hawaiian beneficiary and I'm testifying on behalf of myself and my 'ohana, along with the various beneficiary 'ohana and communities who I work with as the former public policy manager to develop OHA-3 and OHA-4. I'm asking you to oppose motions one and two. I am asking for a motion to remove OHA-3 entirely from OHA's package and trusting it instead with Apuakea Native Hawaiian serving nonprofit organizations serving as the subject matter expert in this policy area. I strongly disagree with the statement that the Advocacy Director had difficulty finding interested Legislators to champion the resolution, as a former public policy manager, I had conversations with and commitments from Legislators. I also attended meetings with Legislators and the OHA CEO, where Legislators offered their strong support. One Legislator even wept hearing the proposal. OHA-3 and OHA-4 are catch all seed measures. They're designed to be broad, all-encompassing and to seed an idea, policy that can be continuously watered to grow to something massive with countless fruits with seeds of their own. OHA's advocacy leadership doesn't seem to understand the strategies and is instead proposing to limit the scope by focusing it only on the IEP process, a mere instance of someone's entire life. IEP is already enveloped into the original language of OHA-3. What 'ohana experiencing IDD need goes far beyond the IEP process. It touches every facet of life, from their birth to when they return to be among the ancestors and beyond. The very disconnected short sightedness that OHA's advocacy leadership is experiencing here with this proposal is exactly the reason why the language of OHA-3 is important. It speaks to the intimate struggle that our 'ohana are facing. Trustees, I'm a father and uncle of children experiencing intellectual and developmental disabilities. My subject matter expertise in IDD comes from my intimate knowledge and experiences with IDD. IDD was not a policy priority for OHA until I introduced it here. I made it a focus of OHA advocacy. I put out ads in the Ka Wai Ola and I convened an internal working group of beneficiary subject matter experts on IDD. This BAE meeting package states that the Advocacy Director investigated what improvements could be made to this resolution, yet she did not consult with any of the beneficiary and beneficiary serving organizations that participated in this working group, who contributed their time, energy and resources to developing OHA-3. If the Advocacy Director did, maybe she would understand why this proposal to annihilate that work is so offensive and falls gravely short of addressing the challenges faced by individuals in 'ohana experiencing intellectual and developmental disability. This rewrite does not honor the original intent of OHA-3, it solely undermines it. For these reasons, we ask you to entrust this work with those who began it and understand it as OHA Administration and Advocacy Division have ignored our request for consultation. We have continued this important work with the IDD resolution and secured commitment from the State Council on Developmental Disabilities. Along with Legislators willing to introduce and support the initiative.

Concerning OHA-4, over the 2023 year, OHA Public Policy worked hand in hand with Native Hawaiian rural and remote communities and the elected officials representing them to develop this resolution. The entire team even flew over to these communities to show OHA's responsiveness. OHA has been informed by and committed to this work for over four decades, we have more than enough data to do this work. When the leadership of this advocacy division says that it lacks the time, staff, and budget to develop a report to the Legislature on the greater challenges and disparities faced by rural and remote communities to stab off their immediate erasure, you really need to ask yourself what kind of people you have leading OHA's advocacy, a team of four dedicated advocates were already prepared to deliver a game changing report to the Legislature,

underfunded bare bones and no budget Native Hawaiian serving organizations are doing this work out of a labor of love, 'ohana are doing this work out of survival. If the problem is scope, then be concise. If the problem is budget, OHA's invested staff to do this work since 1978, you also have a handful of executive team members with six figure salaries with exempt status to earn their keep. If the problem is time, then change the amount of time you need to deliver this report, but do not waste any more time because these vanishing communities do not have the time. The real problem, it just seems is that OHA Administration doesn't seem to understand the significance of this resolution and the message it carries. Admin doesn't seem to understand these greater challenges faced by our rural and rural communities and how they interconnect with our overall erasure as Native Hawaiians, despite the glaring fact that for the first time in history of our existence, more Native Hawaiians live outside of our own homeland, not by their own choice.

Trustees, in conclusion, we are asking you to oppose motions one and two and we are also asking for a motion to remove OHA-3 entirely from OHA's package. The State Council on Developmental Disabilities is the more appropriate entity to introduce the resolution language appearing in OHA-3. Mahalo nui loa for your time.

**Makalani Kupau:** Aloha, Chair Akaka and Trustees. My name is Makalani Kupau. I'm a beneficiary, an OHA grant recipient through my Native Hawaiian serving nonprofit Apuakea and a mother of two children with intellectual developmental disabilities. Apuakea has received funding from Next for Autism and other corporations with a vested interest in IDD. As a Native Hawaiian serving organization with a network of individuals and families living with IDD, we give a voice to these 'ohana and to those who cannot speak for themselves. Apuakea answered OHA's call for subject matter experts in the area of IDD. As the Executive Director of the organization who entrusted this resolution to OHA, I can tell you that we crafted the original language of the resolution with the intention to be far reaching in scope of benefits for individuals and families living with IDD and especially for Native Hawaiians. My organization serves on the forefront of issues relating to the Native Hawaiian IDD community and extends our services out to the IDD community statewide. I'm here today to testify in opposition of the changes to OHA-3, the IDD resolution and I also would like to reiterate my request that it be removed from the OHA legislative package entirely. The Director of Advocacy claims to have worked with stakeholders to make changes to the resolution, however, we were not contacted or consulted. Furthermore, every attempt for us to establish contact and to establish a working relationship with public policies new leadership was met with no response. So I looked at the new resolution, as they're proposing it, and the newly proposed language and purpose for resolution is far too narrow in scope and vision. The impacts of IEPs are limited to school aged children and young adults until they age out of the DOE system, and this is a major oversight. Our keiki with IDD grow up to be adults with IDD. As a subject matter expert, navigating the IEP process on behalf of my own two children and in support of others who are, I must impress upon you that the individuals with IDD face challenges for their entire lives and their lives become far more challenging when they age out of their IEPs and lose their associated supports. We need to think bigger. We need to create pathways that will open up opportunities for resources, services and programs that reach into every facet of their lives, which is what the original resolution will accomplish, as we wrote it with that intention. It does not make sense to forego the universal implications of that original resolution for a focus on IEPs in this new resolution. As such, the State Council on Developmental Disabilities will be introducing the resolution in its original language as intended. I am a candidate for appointment to the Council in July. Giving our people a Native Hawaiian voice for IDD and the Council is the most appropriate entity to introduce this resolution. OHA can show its support for the IDD community, including many Native Hawaiians by supporting the resolution proposed by the Council in its original language, as it will be introduced by the State Council on Developmental Disabilities and this would go a long way in garnering support, respect and partnerships with other agencies, the community and OHA's beneficiaries. So Trustees, I urge you to hear us and again ask that you oppose the changes to OHA-3 and remove it from OHA's legislative package. Mahalo for your time and consideration, aloha.

**Chair Akaka** yields the floor to COO Brown

**COO Brown:** Mahalo, Chair Akaka and Trustees, we're going to move into the action item, but before we do

so, I do wanna say a couple of things. One thing that will hopefully address concerns by the testifiers. The first thing is that all OHA material, once it's in the BOT meeting folder is of public domain and so it becomes public material and beneficiaries and community groups are free to use that material. There really is no need for a release of the language or the measure. So the community is free to use the material. The second thing I want to mention Trustees and for the public, is that the testifiers who are of our community and our beneficiaries and for example, those that just testified just now, they bring a wide range of commentary and opinions and I want to stress that these are opinions of the testifiers and I want Trustees and the public to be assured that our advocacy has its attention where it needs to be. The advocacy is rooted in sound reasoning and sound due diligence, and Chief Advocate Ke'ōpū, who is doing an excellent job and has Administrations full backing in the action that's presented to you today.

**Chair Akaka:** Mahalo, Ka Pou Nui.

**COO Brown:** Okay, so let's jump right into the action item and in the particular page, it's going to be on page 6 of the 120 page meeting folder. I want to point your folks attention to roman numeral three of the action item and Ke'ōpū is going to start with the the rewrite of OHA-3, the IDD resolution and then she'll move into the removal of OHA-4. So I'm going to kick it to Chief Advocate Ke'ōpū to walk you through.

**Chief Advocate Reelitz:** Mahalo, Ka Pou Nui. Trustees, today as Ka Pou Nui mentioned, I'll be going through the two components of the first action item and the first one is what we're asking the Board to consider is a rewrite of OHA-3. So, I know there was a lot already documented, but just to sort of give some highlights. This resolution was passed by the Board in early December and as part of the Board package whenever we met with Legislators. We did present the full four measures that were voted on by the Board. We did not ever sort of solidify a specific Legislator that we met with that was willing to introduce it. But what I did at that moment was to take that as an opportunity to say is there a way to make this better or is there a way to make it so that we can get the champions that we need and so in that process I started to have some conversations and I'm not sure how much Trustees are aware, but I've worked in a couple of state agencies that work with in particular kids, but also adults who have special needs and differing abilities, including those with intellectual and developmental disabilities. And so I sort of put some of that hat on and one of the things that often is one of the first questions that would come out of a department when they would get a reso like this is what does that mean? Practically speaking, what do you want us to do if you want us to do more as far as bringing culturally appropriate programs and services and so that specificity is something that even in my conversations, there were questions about the specificity and what does that really mean and how do we move it forward. So from there, I continue to have conversations with Executive Branch Agencies as well as a couple of folks in the community that I know and trust are active advocates for keiki with special needs, including those with intellectual and developmental disabilities, Native Hawaiian children.

And so in the process of having these conversations, one of the ideas that came out of the community was to look at some of the inflection points. And so if you look at the inflection points of individuals with intellectual and developmental disabilities or even inflection points for any child and adult that has special needs or differing abilities, you see a number of different inflection points throughout their lives and as the testifiers say, it is true that it begins very early on. There are early childhood inflection points that also need to be addressed and could use some cultural appropriateness. There are inflection points in the teenage years and into the adult years that are incredibly important. One of the inflection points, however, that came up again and again and again in the conversations I had was the IEP process. The IEP process for folks who don't know, the individualized education plan is the process that a family has to go through if their child three years or older needs state sponsored programs and services for differing abilities or special needs, including those with intellectual and developmental disabilities. And so that IEP process is one of the first hurdles that a family may go through in their lives just to get that access to the services that they need. That process at best can be cold and difficult to navigate, even with the best intentions and the best efforts of school administrators and faculty, it can be a very difficult process to get through for any family. But it can be especially difficult for families who are Native Hawaiian and in the process of the conversations I had, there was sort of this understanding that

perhaps some of the problem, or maybe more importantly some of the solutions needed to be to have a more culturally appropriate and trauma informed process, and so we chose this inflection point because there seemed to be some rallying of folks around this work to collaborate on this one inflection point, which is not to say that there are no other inflection points that matter in someone's life if they have special needs or differing abilities. But it is an important one because it can set a child or a family up for success. It can set them up for unnecessary barriers and at worse it can set them up to fail quite frankly, particularly if they are not feeling supported in a way that supports their identity as Native Hawaiians.

And so the OHA rewrite came from those conversations. I do want to share personally it has been an inspiring process to sort of dig deeper and have some conversations with the very agencies that are in charge of providing these kinds of services. There has been a willingness that has been rare for me in my near decade of Civil Service, a willingness to identify that there is an issue with the IEP process and that it is especially acute for Native Hawaiian families and a willingness to be part of the solution. So you'll note that in the resolution I did get the okay, I did get the express okay from the Department of Education, Office of Student Support Services, which oversees SPED services, and I also got the express permission or agreement to name the Office of Hawaiian Education in DOE as well as the Office of Wellness and Resilience, because we see there's an opportunity to bring collaborative partners together to make some real recommendations. Whether that results in legislation, administrative changes or some other budgetary changes for the Department of Education, they're willing to come to the table and be a part of the solution, while also acknowledging that there is an issue.

The other thing I wanted to mention is that I did have a couple of conversations with folks in the community and they look forward to being part of the solution as well. So as the work sort of moves forward and we did set the report to be due before the 26th Legislature. So we can sort of have that groundwork, lay the groundwork to build trust and collaboration among partners and hopefully have time to include community partners in creating recommendations that everyone feels are actually going to move the needle and make a difference for families at this really important inflection point. So that's sort of your overview, a lot of it was written, but I wanted to give some highlights of sort of how the rewrite came to be and I'm happy to take any questions.

**Chair Akaka:** Mahalo, Ke'ōpū. Members, are there any questions or comments?

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you. You know, in listening to the last 15 minutes of this or maybe 10 or whatever. There's obvious acrimony going on between the parties here and that is one thing that is rather irritating to me. As a parent of, I don't like to call them special needs, I like to call them different ability person. So to the best of your guys' ability, whatever the ability is, I want to encourage you guys, all the parties that are on different sides to get together because the one thing that we don't want to see is nothing happen. Okay, we are at this inflection point where OHA can take a stand and every one of the parties that I'm listening to understands how making policy works. You're not gonna get everything you want. You can maybe get half of the pie, maybe even a quarter, and if you get a quarter of the pie let's be happy about that. But I want to encourage the parties to get together so that we have a consistent message going forward. Okay, if there's something that we can do, you know let's do something, get everybody together. Now Ke'ōpū, how far are we into the session?

**Chief Advocate Reelitz:** At the halfway point.

**Trustee Galuteria:** We're halfway point already.

**Chief Advocate Reelitz:** Just about, we're about to hit crossover. We'll go over the calendar when we go through the matrices.



**Trustee Galuteria:** And so we didn't have anybody carrying these pieces of legislation in for us? Nobody wanted to touch this?

**Chief Advocate Reelitz:** In the meetings that we went to, we did offer and ask if they wanted to introduce any of the resos. We did get a couple of folks who are interested in OHA-2 and OHA-4, but OHA-3 was the harder one to get anyone behind.

**Trustee Galuteria:** And no Native Hawaiian Legislator, none?

**Chief Advocate Reelitz:** Not that we met with, no.

**Trustee Galuteria:** Okay, alright so I did have a question. What is culturally appropriate with regard to IDD? What is culturally appropriate? What does that mean?

**Chief Advocate Reelitz:** So when it comes to the original write of OHA-3, I don't want to put words into the intentions of that, but what I can say in the discussions I've had with rewriting OHA-3, one of the things that we were very careful about in the discussions, in particular with DOE Office of Student Support Services is recognizing that things like even a task force aren't very culturally appropriate and so some of what needs to happen needs to be the foundational sort of information gathering of what does that look like and that would be one of the hopes that comes out of the report and collaborating with folks like, which is one of the reasons why we wanted to include Office of Hawaiian Education because for example, Kaiapuni has a SPED Program and they do the IEPs on site and so what does that look like, I think I don't want to presume and we wanted to bring the folks who are actually doing that work together to inform what that looks like and so that's one of the reasons why we included Office of Hawaiian Education because we wanted to ensure that they had, because they were already doing a lot of this work, why not bring them in and bring their expertise to the table.

**Trustee Galuteria:** One final statement, cultural appropriateness is quite subjective. You know, and my recent work with iwi kūpuna, nobody really had the rule book on that one. So I'm curious as to find out what cultural appropriateness in IDD is, so just bear that in mind because I want to come back with, you know, the same question the next time around and if we could be precise on that, I'd appreciate it. Thank you, Chair.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. I'm a parent of a SPED student as well, so I'm really confused about both sides. My question is have we talked to the Native Hawaiian Charter Schools?

**Chief Advocate Reelitz:** We have not yet, but that was one of the hopes. One of the many conversations we had was a friend of mine that is in the Charter School Commission, that works for the Charter School Commission, and so I did start to ask. So some of the fact fighting was finding out what happens at the Native Hawaiian focused charter schools. So I did not have the time to get their buy in. But my hope is that we would include them because they also some of them have SPED services on campus, some of them, at least in the past had to go elsewhere and that was in part of understanding the inflection point as it relates to Native Hawaiian students is one of the things that sort of came up and kept bubbling up. So I have not gotten the express permission to include charter schools and Native Hawaiian focused charter schools, but I would like to continue that conversation and a friend who is in charter schools did help sort of inform my perspective on all of this.

**Trustee Ahuna:** Okay, so my question about SPED services and are we talking about IDEA?

**Chief Advocate Reelitz:** Yes

**Trustee Ahuna:** Okay, so I want to talk about culturally relevant, what Brickwood brought up and I just want to

say something. As Native Hawaiians, we grew up as people that didn't have a left to right culture, which means we didn't read left to right. We didn't do things left to right. We had ki'i's, you know, and we had different things so it wasn't a left to right culture. A lot of the developmental delays or the things happening to our kids every single day is they think they're dyslexic because they reading the last word before the first word and these are something that we grew up with as people. So for me the charter schools have all that information and what I'm confused is I don't want to be doing any changes. You know, I wanna know what are the changes because I'm thinking right now the charter schools struggle with IEPs and everything and I wanna tell you why. Okay, now it has to do with facilities and everything that they have to do with the per pupil allocation. See the reason why I'm saying this is because they cannot accommodate with all the SPED services on these campuses, they don't have those type of services. So today, we're talking about SPED and I'm lost, I'm totally lost because we need help in this area. I mean IEPs can be good, we can have advocates, we can do all those things. But the thing is are we providing the services even without this reso right now. So I want to know if these resos help our children and a lot of the kids that we're talking about today is in our Nā Lei Na'auao Schools and if we never talk to these kids yet I'm baffled because this is the connection we have to make. So I just need somebody to explain what are we trying to remove from the reso and what are we trying to, I'm just lost. Like when our two beneficiaries started talking I got confused again. So I just want to be clear. Like what is going on with SPED services because it's a federal mandate. I don't know what we're trying to change or anything but if we want to try and help our Native Hawaiian students, I want to know how are we going to do that or what is the approach and when we're going to talk to our charter schools, it's very, very important.

**Chief Advocate Reelitz:** If I may Chair, I think I can provide some background. Thank you, Trustee Ahuna. So I guess the first part of the question, what we are asking the Trustees to consider is essentially to take a similar, I should say take a new reso in the place of OHA-3. So it would be doing away with the original reso as it was written, the original reso was broader as the testifiers talked about as far as looking, it was broad in the scope of looking at the entire lifespan of individuals with intellectual developmental disabilities who are Native Hawaiian. What the new reso does is essentially broaden out that it would be, the hope that it would make an impact for all children with special needs or differing abilities but focus on one of the inflection points and that would just be one of many, the hope is that. So that sort of just so you understand sort of the difference between the two and what we're coming before you today is to focus in on the IEP process. One of the hopes I will say is that we focus on the IEP process. But I think, I 100% hear you that that is some of the issues that I had been hearing at the conversations I had in the community is the fact that how do you provide an IEP, let alone the services that go along with the IEP that if you don't have the facilities, if you don't have the staffing, all of those things are key components that advocates that I have talked to and quite frankly staff, faculty and administration have seen as barriers. But what we want to do is bring that together in a report. Our Public Policy Program does have contact with KALO as a grantee, so I will make a point that our program staff will reach out to our Native Hawaiian focused charter schools in particular. But one of the things as I mentioned earlier that gives me the most hope is that we got DOE to the table to say this is an issue and we're willing to be part of the solution and so my hope is that because there has been such a willingness to bring them to the table that that will actually hopefully move the needle forward on things that folks like you were talking about, Trustee Ahuna, who we've known for awhile and I'm not sure if you were at the meeting, but I did share that I have children who have special needs and who have gone through IEP processes.

And so these are things that they're not secrets. They're things that we know and so how do we get them in a report, while getting the agencies that can draw down the money, that have the federal mandate and that can help be part of the difference at the table and so that's what the rewritten reso is trying to get at and trying to bring those folks to the table in the here and now to make the recommendations and hopefully get the stuff that we need forward and I will make a point of making sure our Program Manager touches base with Taffi and folks over at KALO because in the rush to sort of get this done, I did have some small conversations, but I didn't do the official reach out to KALO, so my apologies on that and we will reach out to them because we want them to be a part of the solution and be at that table with DOE.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. Just a quick question for Ke'ōpū. Since we don't have any legislative backing of the revised resolution, wouldn't it just be more practical to stay with the original?

**Chief Advocate Reelitz:** So I did have some preliminary conversations with a couple of Legislators who were willing to introduce the reworked reso.

**Trustee Akina:** But we don't have that at the table now. What is the time frame you're working with in order to make this effective?

**Chief Advocate Reelitz:** The reso would have to be introduced by next week and my plan was I wanted to wait for Board approval before I made any official asks of Legislators. So I did have some preliminary conversations with Legislators when I was at the Capitol last week, if they would be willing to introduce it. Which is more than at this point the original reso, I would have to do the same thing, cause none of the Legislators we've talked to have sort of asked to introduce or agreed to be champions of the reso.

**Trustee Akina:** So if we don't approve the change today, do we have a window of opportunity to do that in a timely fashion for this Legislative session?

**Chief Advocate Reelitz:** There would be no Board approval. We would have to go with the original reso and we would try. I mean, I wanna assure Trustees that and Chair Akaka has been in most if not all of the meetings with Legislators. So we have presented the full OHA package every time we talked with Legislators. I do want to assure you of that. But it would be the same thing and I would do what I'm doing with the reworked reso. and just sort of continue to have those conversations with Legislators in the next week.

**Trustee Akina:** Well, Ke'ōpū, I don't mean anything offensive by this, because I know how hard you and the whole team are working and I appreciate that very, very deeply. But I think we're at a bit of a disadvantage in terms of decision making on this today and it's hard for me to go forward with full support of the modification, especially because I think it's so very important for us to factor in the input of our beneficiaries, especially stakeholders on an issue that we're going forward with, thank you.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Madam Chair. Ke'ōpū, thank you for everything that you're doing again. You know, this is not an issue that only affects our Native Hawaiian children or adults for that matter. But you know, we are OHA and like Trustee Galuteria said earlier, bringing us together, the more attention we can get on this matter from different perspectives, especially OHA, you know, we're talking about being culturally sensitive, cultural based opportunity to basically move the needle. So I don't disagree with us not supporting it. I agree with us supporting it, supporting the issue, but like also what Trustee Akina is saying, what is the timeline? Do we have time to get other Legislators on board or someone to introduce it on our behalf? If we do that will be my number one priority moving forward as of today. Maybe we can touch base later on who you reached out to and we could talk to our friends down there at the Capitol as well and try to get the support, so thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you. Trustees, you know, I'm kind of concerned about this measure. This measure is one that we are coming now and we are moving in the Legislature. We're a few days away from crossover people. That's the only measure we got in. I notice that the two people that come to testify, one of which was recently discharged, lost his position and his position was given to Ke'ōpū. He keeps coming in with complaints about her. If you're going to come in and tell me that I should drop the only good bill I see moving now for Hawaiian children with disabilities then you give me the other bill in the hopper. This is in the hopper. It's a state bill and it's for our children with disabilities. We haven't made crossover. You don't like language, you

wanna add language, we have the time to do it, because this bill is in the hopper. When crossover occurs, we change houses. We go to the next committee and we fight for the legislation, the language we want to put in. But I don't want to drop our bill for children with disabilities when we don't have another vehicle. If you're a Trustee that doesn't like this, can you give me the number on the bill in the hopper for our children with disabilities this session. I couldn't find one. This is a bill, I agree we could make some better changes. Let's do it after crossover. This is a real vehicle. I hear two people complaining, but I don't see a vehicle to move to work together. You know, Brickwood is right, we could work together. But I don't know how we can do it, Brick, we only got a few days to crossover and the guys coming in to complain to me on this bill which is moving, don't have another bill and I'm not about to kill the only bill I have coming from my office for children with disabilities when I can still amend it and make it stronger. I'm not going to kill it for a bunch of people who don't even have a vehicle in for this session. I'm willing to work with people, but you better come in with your legislation prior to three days before crossover. I don't want to give up the good work we have. It's not about Zuri and his new girlfriend. It's about getting something for our children with disabilities out this session. There's no other vehicle we have, thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I'd like to share a little bit of good news and that is we do have a vehicle. The original resolution is what is in the hopper and it's broader, sufficiently broad to include what we're trying to accomplish in the revised resolution. So we have before us the opportunity simply to go with the original and we can still stand in unison for the needs of our keiki, thank you.

**Trustee Trask:** The original is not on the agenda, people. You don't violate the law that requires the posting of a public agenda that gives full notice to our people. Maybe you do business that way Mr. Grassroot Akina, but we don't do that in this office.

**Chair Akaka:** Okay, alright, so Ke'ōpū.

**Chief Advocate Reelitz:** So I did just want to give some clarification, I think it's probably the best way to capture it. So my understanding is we have the Board approved resolution that was approved in December and we can move forward with that. What I do wanna just sort of share again and again I follow the Board. You folks tell us what to do and you folks set the policy. So if that is the will of the Board, I will carry it forward. That being said, I do want to share that again, the conversations I've had with folks in the executive branch in DOE is again and again, what do we do with this reso? Typically in the past when I've done resos that don't call for a report, there are things like identifying a day or a month. So that way you can pin some level of action accordingly, or it's to identify or commend a person or a community for doing certain things. Again, so you can sort of pin action to it. You can pin getting, you know, Legislators to understand it, to see it and to move forward and because this reso is in part supposed to go to the executive branch to encourage them to do more, to do culturally appropriate programs and services for Native Hawaiian individuals and families with intellectual and developmental disabilities, I do want to share the perspective from the executive branch that they will and have said what does that mean? And so that is why the OHA-3 was rewritten to help us get a little bit more to that what does that mean at a single inflection point, which does not mean that we can't do that same collaborative process in the future for the various other inflection points that are there for individuals with intellectual and developmental disabilities. But at the end of the day, if this motion does not pass, we will move forward with the original as was approved in December, as we have been going through the Legislature talking about and looking for introducers.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, thank you. I just want to clarify something in response to what a Trustee has said previously, I want to correct the misinformation that an agenda item is being forwarded at this time regarding the resolution. That is not the case, there is no new agenda item. We as a Board adopted a

resolution back in December. That still stands. That is a vehicle that can be used to raise awareness of this important issue. Just a clarification, Madam Chair.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Ke'ōpū, To make sure I understand what we're doing by narrowing it down. So are you saying that by narrowing it down to this inflection point that we are now in this reso, we have identified based on a single inflection point what we want to end goal to be so we have that answer in this version?

**Chief Advocate Reelitz:** I think we can get there to have some concrete recommendations on what that means for the Department of Education, for Charter School Commission. At this point, I think this gets us there so that we would have a report, you know, as Trustee Ahuna was saying, like if you've been through the IEP process or you're an Educator, which we do, I always forget that our Public Policy Manager is also a former educator, so she has experience with the IEP process as well. We know where the pain points are. We know what the solutions are, but we need something solid to say this is what needs to move forward and that's been my experience. In other work in the past, I've been part of an agency that brought together collaborative partners. One of the other inflection points just so folks know is the transition from Part C to Part B of IDEA. So that's the move from DOH to DOE as far as jurisdiction goes and what has always been helpful is when we can get folks to the table to say what are you willing to do, what are you willing to push for the ledge? What are you willing to change in your protocols and your budgets to make these things happen and that is what we are proposing for the inflection point that is the IEP process for families.

**Trustee Waihe'e:** And we would not be able to identify what the end result would be if we kept everything in that's in the original reso?

**Chief Advocate Reelitz:** The original reso doesn't call for collaboration or a report, no.

**Trustee Waihe'e:** Could we call for that? I mean, I don't know, maybe this is naive, could we call for that for every inflection point that was in the original reso? You know what I mean? Instead of just focusing on one inflection point and calling for what you're saying, a report and you know, everything that you're saying we're doing with this one. Could we keep everything that was in the original reso and call for the same thing for all of them, or would that be too ambitious?

**Chief Advocate Reelitz:** It would be ambitious, but I do think, so my concern is that the work that would be due by 2026 would be too much for our staff, or actually would be the team cause we'd be working across Paia to handle so just to sort of answer your question very clearly up front. But what my hope is, is that if we have sort of this, if we develop this ability to start to bring folks to the table. So as I mentioned in the write up that you folks have, one of the other state agencies that was very interested but said you know, we'll just hang back and support as needed was Department of Health Children and Adolescent Mental Health Division. So there are other and CAMHD, as well as Early Intervention Services and DOH, those are folks that would be in another inflection point that I think could benefit from this and may actually come to the table and the collaboration. My hope is that in starting this conversation with one of the inflection points that it would hopefully spur, quite frankly we don't need a reso to do that work. We can do that work tomorrow, but my hope is that putting that name in a reso saying, you know, DOE, you said you're coming to the table. Office of Wellness and Resilience, you said you were coming to the table and the Legislature is expecting you to come to the table that we are making sure that we're sort of memorializing that and so moving that forward my hope was to start with one inflection point and then that work would carry forward from there. I hope that's answering your question, but I do see your point. We could do that, I'm concerned about scope at that point.

**Trustee Waihe'e:** Do you feel that by narrowing it to one inflection point, you would have an easier time getting someone to introduce it as well?

**Chief Advocate Reelitz:** Possibly, you know, the couple of Legislators I talked to were open to it. I think for some of the Legislators and the conversations we had with Legislators, the concern was the specificity. So I think to your point, if there was that specificity in there, we would probably get some, a little bit more championing of the measure. But again, I think the concern for me would then be scope.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I'm very concerned about the vehicles. This bill may not be the strongest and the best for an outcome, but we do know that collaboration with the DOE and the Department of Health is a critical point here. That was not in original measure, but because of the discussions going on now in the Legislature, it moves and what it's telling us is that DOH, DOE are looking at this, they're talking with our team. We have the crossover period. Once crossover occurs, we will move the bill again and with the door open with DOH and DOE, we can still add and strengthen this vehicle. If not, we have no vehicle this session and I'm not satisfied with going back to what we had before. The reason why we're doing this is because we know what we had before was too narrow. But this is a real vehicle. It's moving this session. Conversations are moving with Department of Health and Education. Two critical state agencies that deal with our children with disabilities. I don't know why we would let the vehicle go instead of doing the work we're supposed to, which is finish up in the rest of this session and get the best bill out that we can. I don't see anything other than that, I hear complaints. But I don't see another vehicle, only this. So you know, I'm not about ready to throw in the towel. We got work to do this session and strengthen this measure and move it. No other measure comes before us at this time, on this topic. I don't want to give up for our children with disabilities and families. I don't want to give up this session, no.

**Chair Akaka:** Members, are there any other questions or comments on this? Seeing none, Ke'ōpū do you have anything else to share?

**Chief Advocate Reelitz:** We do have the second component of the Action Item which is OHA-4. OHA-4, if folks will remember, well I do sort of wanna recap. We spent a good chunk of time on OHA-3, I want to recap OHA-2 and OHA-4 just for quick jogging of memories. OHA-2 is a reso that would call for OHA to create a report about what is and I think to Trustee Galuteria's early question, what does cultural appropriate look like when it comes to state statutes, administration policies, procedures, protocols, and so that is one. We had two report resos, that's one report reso the other report reso was OHA-4, which is the rural resilience reso. In the conversations that we have with Legislators, I did have more Legislators express interest in this reso. That being said, in December when we voted on the entire OHA package, part of the discussion was Trustees asked us to look at our plans and budget for the resos, particularly the two resos that require the report.

So based on the request by Trustees to make sure that we are doing our due diligence and are able to carry these forward, Administration did look at the project plan and budget and I also started by making sure I fully understood the scope of OHA-4. The scope of OHA-4 would call for a report by the Office of Hawaiian Affairs to bring together folks to provide strategies for rural resilience in Native Hawaiian communities, and that it would have sort of three specific areas, one being innovative solutions on housing that are culturally appropriate. Healthcare solutions as well as traditional and customary rights, as well as cultural resources, and so those are three sort of big buckets of services and needs for individuals, whether they're in rural settings or a more urban setting. So sort of the scope of it would be that we would craft recommendations or report and recommendations that provide those kinds of strategies for that. Now sort of, I put on the hat of, you know, in addition to having worked in executive branch previously, I've also worked in nonprofit world and I've sat on the table to look at bids and proposals from folks who are doing the work that would be required of this reso and I've also been part of teams that have been on resos like this that asked to do these kinds of reports.

So I put that sort of experience hat on and thought about what would this take to do well and to make sure that we are doing justice to the communities that we are trying to kōkua in this measure. And sort of quickly, my

thought is we would need to have solid quality community engagement to ensure that we were, because as Native Hawaiians know, our wahi pana are very unique and so in that matter, what is going to work for housing solutions in Ka'ū is probably not gonna work for Hā'ena and it's not gonna work for Hana and it's not gonna work for Lana'i. They all got to be different because we have such different ecosystems and so to do justice to those communities, I feel like we would need to go into a lot of those communities and make sure that we have solid community engagement work. So we'd have to have a team for that with resources to staff that team and then we'd have to have a team that intakes that and has the specific knowledge when it comes to housing and healthcare, to be able to provide and cultural resources to make sure that we are taking that input and putting it through the expertise that it needs to, to put out solid recommendations, so those are two sort of teams that as I was trying to put on my project manager hat, two sort of teams that we would need. I do not believe that at the Advocacy Division has the staff right now that has both the time and capacity as well as the expertise to fill out those teams. We would have to hire in or contract out to have those teams be bulked up and to be able to move that forward. The additional sort of component is that if this passes in May. We'll have about 6 months time to do it. We'd have to have a Board approved report by early to mid December to make sure we turn it around in time for the Legislative Session.

So all those things combined as I thought through what would this take, like if I were to bid on it, my guess would be for staffing and everything to make sure we could actually get out and be in the communities and not be extractive in the way that we are in communities. It would be a minimum of \$150,000. My guess would probably be closer to \$200,000 to do it well as a bid if we were to contract it out for that limited time frame and so in that case, then we looked at the budget that was proposed, the budget that was proposed was \$200,000 over 2 years for OHA-2 and OHA-4. And so my concern is we don't have enough budget just to do OHA-4, let alone to do OHA-4 and OHA-2. I think that we have enough budget to do OHA-2 and so that is why what we are requesting the Board consider is to remove OHA-4. That is sort of the basic ask, but I do want to sort of reiterate or emphasize that OHA-4 is a very strong framework for what can the work of the Office of Hawaiian Affairs look like to build these kinds of strategies and as you folks know, having built the strategic plan Maui I Maui Ola, you know that these are components that are gonna be needed particularly for our rural communities and the Native Hawaiians in our rural communities. And so we can still use the reso and the framework and the work that went into creating that framework in our work from here into the next few years. But making it so that we have to create a report by essentially early to mid-december. My concern is that we do not have the staff that has the skill set to carry it out or the capacity to carry it out and we do not have the money to contract it out. We don't have the budget currently to contract it out and I would prefer not to come back to the Board to ask for that. Resos do not include appropriations, so it would have to come out of OHA's budget and so that is the rationale behind requesting to remove OHA-4. ■ ■

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Ke'ōpū, why do we need legislative resos to do any of this in the first place?

**Chief Advocate Reelitz:** We don't, it is good, I will say one of the interesting conversations I had with the Legislator who had agreed to introduce OHA-2, we had a good back and forth. Like why do you need OHA to do culturally appropriate? And we said hey, you know, you're a Legislator, you understand, sometimes you put into laws like culturally appropriate or culturally relevant. What do you mean by that? And the Legislators are like oh but, and so we had a really nice back and forth. And at the end of the day, that Legislator was like, oh yeah, I see why you would want the Legislature involved in this. So there are times when it's good to sort of bring the Legislature in and a reso is a good way to do that. So I do think that for that reason, I would say that is the reason, sort of doing a reso to bring them in at the forefront, but very clearly and simply we do not actually need a reso to do any of this work.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** My question is can we change the date on OHA-4, just change the date?

**Chief Advocate Reelitz:** We could change the date. I am still concerned about the the cost. But we could change the date.

**Chair Akaka:** Members, are there any other questions or comments? Ke'ōpū, do you have anything more to share on this? Can we please have the motion language?

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve the rewrite of OHA-3 Resolution related to Native Hawaiian individuals and families experiencing intellectual and developmental disabilities from OHA's 2024 legislative package, as provided in Attachment B.**

**Chair Akaka:** Is there a second? Is there a second for motion one? Okay, how should we move forward then?

**Trustee Galuteria:** Well, there's no second.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** So I think we can bifurcate, right? So we're asking for OHA-3 to edit language and to drop OHA-4 or no? Because we don't want the language change in OHA-3 and we don't want to drop OHA-4. I don't get it because like we never get one second motion, I don't know where this is going and this is killing me right now.

**COO Brown:** Madam Chair, so there's going to be two motions presented to the Board. The first motion will focus on the rewrite of OHA-3, whether or not Trustees want to accept it or not, the second motion will ask for the removal of OHA-4 so those two actions are separated. But I would also invite Everett to maybe speak a little bit to the non seconding of the motion here.

**Interim General Counsel Ohta:** Good morning, Chair Akaka and Trustees. So to the extent that the motion one did not receive a second, it's not before the Board and then the Board can move on to take up subsequent action at this meeting. I think as Casey said, the action item provides a second motion as part of the overall action item. So you know at the Chair and this Committees discretion, they can choose to take up that second motion if they so choose.

**Chair Akaka:** At a later date?

**Interim General Counsel Ohta:** No, I mean the second motion can still be brought. They're separate and they're not relying on or contingent on one another. So if the Committee wants to entertain the second motion, it can do so. Of course, go through the normal process of motion and a second and a vote if it does not want to then it doesn't have to.

**Chair Akaka** recognizes COO Brown

**COO Brown:** So Trustees and Madam Chair. So if we don't second this motion, then this motion, the action related to that motion is no longer in front of the Board, which means we will have OHA-3 as originally written and we will move forward with that measure. You guys can then take up the second motion, which will ask for the removal of OHA-4 and if you don't approve that one then OHA Administration will roll with OHA-4 as written as well.

**Chair Akaka:** Okay, we have motion two up.

**Chair Akaka** recognizes Trustee Waihe'e



**Trustee Waihe'e:** Thank you, Madam Chair. Madam Chair, I'd like to move to **approve the removal of OHA-4 Resolution related to rural resiliency strategies from OHA's 2024 legislative package.**

**Chair Akaka:** It's been moved. Is there a second?

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** You know, I don't think we want to even remove OHA-4. I don't know where this meeting is going. I mean, I'm listening to all the Trustees and it's like we're trying to force feed something and I don't get it, I really don't get it. So somebody needs to start explaining because now you're gonna get another motion that's gonna fail and that that doesn't look good on us.

**Chair Akaka:** Okay, Ke'ōpū, did you want to explain what this motion means again?

**Chief Advocate Reelitz:** Sure, so as Trustees know, I started in December on December 1, when the Trustees approved the package it was my first full week at OHA. So I was still trying to understand what was happening. I also understood that there was already a presentation to the Board to go over the resolutions. The three resolutions as well as the bill that, the bill was introduced and the resos that will be introduced. As somebody who came in from doing a lot of advocacy work in the Legislature, I come to advocacy with a perspective in which I am trying to get things forward and that my goal is to pass good bills and good resos and to stop the ones that aren't so good, but with a focus on passing good bills and good resos and when I mean good bills and good resos, I mean good bills and good resos that are actually going to move the needle and get action and get investments that need to go where they need to go. So I share that perspective with you because as I was moving forward and carrying out the will of the Board and sharing all of the four measures that were approved by the Board, there was some clear instances in which there was a disconnect between what the measures that came in front of the Board and were voted on and what was actually going to move the needle both in the way in which the Legislators would be able to carry it through, but also the way in which it would be affected.

And so in these two resos, both the motion that failed previously and this motion, what we're trying to do is make sure that we are moving the needle. At the same time, we are trying to make sure that we are fiscally responsible and I want to apologize for any promises that were made previous to me, but I can tell you with the experience and I say this with all my heart, as somebody who has had a career in communications and community engagement that we wanna do OHA-4 well and we wanna do what is pono to those communities and I do not think that we are going to do it well if we keep to the budget that we have and the timeline that is in OHA-4 and so I say that with humility, and also with a lot of love in my heart to say I want to do this well and my concern in particular for this motion is that we cannot do this well because we did not plan appropriately for that and I am sorry for that and I apologize for any promises that were made that I do not think we can keep because I don't think the planning came forward with the right amount of expertise to understand what does it mean to go into the community, to honor communities and the way that they that we are showing up for them and being reciprocal and what we're giving and not just being extractive and that we're doing so where we are bringing our best expertise forward and so when they give us their input, that we are able to take it in and crunch out some really solid expertly crafted recommendations, and so that is where this motion is coming from and why it is not to say that we are not going to do it. It is just to say that as it is written, I am concerned about our ability to do it well and do it pono and to do it well by the communities that we are looking to actually help. And so I say that because I do also want to mention that I do think promises were made that we cannot keep. And so that is why I'm coming to you very sort of candidly and asking for your forgiveness in that and promises that were made that I don't know that we can keep.

**Chair Akaka:** All right, is there a second to this motion? Okay, seeing none, let's move forward then.

### **III. Unfinished Business**

#### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

##### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to COO Brown

**COO Brown:** Mahalo, Chair. I'm going to kick it to Ke'ōpū to run through the Matrices but she is going to start with the ledge calendar.

**Chief Advocate Reelitz:** Mahalo, Ka Pou Nui and Chair. So we'll start with the calendar we are currently at February 28th. Which means that we are a day away from single referral filing for Senate bills and two days away from first decking. So we are essentially nearing the, from a decision making standpoint, the halfway point. I do also want to call out that substantive reso deadline is next Friday, so we will get the resos introduced before next Friday but there are sort of a number of items on the Matrices that you see because we did have to complete it over the weekend. We pulled it before the last round of hearings, but for the most part, anything that is going to move forward would have had to have gotten its notice by today. So there are quite a number of bills that I went through yesterday to start to knock off the ones that did not get their hearing notices and probably about 40% of the ones that are still sort of in white have actually not gotten their hearing notice and will not move forward. So we'll have that reflected on our next matrix. But that is where we are in the legislative process. Any questions before we move into Matrix 1?

So Matrix 1, this is our OHA Package. So the items that you have in front of you, was the bill OHA-1. So OHA-1 as I had mentioned in our last BAE meeting did not receive its first hearing. Its subject matter hearing that it needed to get to move forward. So it will not be moving forward. However, I did not realize this but during our last BAE meeting last week, we actually got our hearing notice for SB2447, so it had a single joint hearing with AEN and JDC, Agriculture and Environment as well as Judiciary in the Senate. I am happy to share that it passed unanimously in the Senate in that joint hearing. It will survive crossover so it will be heard in the House, in the House Chamber and I do sort of want to share, at least put up front there that we are going to face an uphill battle in the House. We did have trouble getting, despite numerous visits and talks with Vice Chair as well as visits to Chair's Office in AG, we were not able to get it scheduled with a hearing. My understanding is that the Department of AG despite some of the assurances we were given earlier before session now has concerns. So we are continuing to have conversations and dialoguing with both Director and Deputy Director of AG to see if we can assuage any of those and we already have meetings set up with Chair of AG in the House so that we can hopefully soften that landing after crossover. I'm happy to take any questions, but I am happy to report that OHA-1 will be will be surviving crossover.

#### **B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\***

##### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Thank you, Chair. So on Matrix 2, we do have, so the version I'm looking at is slightly different from yours because I did go in and update things. The main update I want to give for Trustees is that Item 1, SB3336. Which was the appropriations bill for the PLT Working Group, did not receive its WAM

hearing. I've still been getting texts and whatnot from friends that WAM did not give a lot of bills hearings, so this is not out of line with other measures that we've been hearing about, especially ones with appropriations. So it is kind of a bummer news but it is sort of in line with what we're hearing given the fiscal forecast that we discussed last week. So SB3336 will not be moving forward and a good chunk of the remaining, I think there's only one of the OHA named which was Item 3, HB1845 got a hearing to move forward. So those are your updates on that. Any of the still alive carryover bills, now is when they start to get active because now is sort of the crunch time because most of them make crossover or beyond and so there may be some more updates when we next meet on Matrix 2, but those are your updates for today on Matrix 2.

### C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

#### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair. So for Matrix 3 there's a just a handful of bills I wanted to bring to folks attention. So the first is Item 5, HB2074. Item 5 is the Kaiapuni Bill, so this was the original bill as written had 13 positions, 10 teacher positions, 3 curriculum specialist positions for Kaiapuni Schools, and the Office of Hawaiian Education. The Senate version has died. It did not get us a WAM hearing. The House bill did get a FIN hearing. I do want to sort of caution folks, that FIN blanked out the number of positions. You know, so we'll still have to sort of basically fight for it to be put back in for the original 13 positions to be put back in, but I think given the financial outlook, the fact that the House Leadership and Finance Committee had the confidence to move it forward and move it to survive crossover, I think is a good sign. So we'll continue to work with 'Aha Kauleo. I was just texting with one of them this morning as well as the Office of Hawaiian Education to support them in moving this bill forward. I did want to give you that quick update on that one.

The next item that I wanted to update folks on is Item 29 which is HB2692. So HB2692 is a bill that would exempt the Mauna Kea Stewardship and Oversight Authority from sunshine during the transition period and it also clarifies that the authority will have sovereign immunity. There was a hearing last week and we did testify in opposition both in writing and in person. I do want to mention that it had did have a handful of other opposition testimonies from the community. If you're interested in looking in, watching the hearing or looking to see what other written testimonies were submitted, it did end up passing out of JHA, which is Judiciary and Hawaiian Affairs. But I did want to note that three Representatives voted no on this measure, and those Representatives were Representative Holt, Souza and Ganaden. So we'll be moving through crossover and we will continue that opposition. We don't have any recommendations for position change at this point and then the next item I wanted to alert the Board of and to request consideration on a position change is Item 160 and that bill is SB2591. So we originally had support on the measure and it was a bill that we thought had a lot of promise to finally help codify burial access and so we thought it was a very good bill and then between the original bill and SD1, it was essentially gutted. So essentially gutted, it's a totally different bill as far as, I mean it still relates to burial access, but the text of it is just completely different. So that is why we're asking for a position change. What the SD1 does is it replaces the original text with two components, one or two requirements under the penalty of law. Land owners must record with the Bureau of Conveyance, burial or archaeological sites located on the land owners property and that land owners must record property with the Hawai'i Register of Historic Places prior to, or concurrently with a real estate transaction. So what we are asking is for position change to support with amendments. We do think that the component requiring land owners to record with the Bureau of Conveyance is an important provision that can help with burial access. But we are very concerned with the requirement that a land owner must record property with the Hawai'i Register of Historic Places because that can be a really burdensome process for land owners and so we wanna encourage burial access and not make it more onerous for land owners to do the right thing and to put it on

essentially their deed or recording it with the Bureau of Conveyance. So we are asking that Trustees consider changing position on this item, given the fact that it was essentially gutted and replaced with new text, we still support the intent of burial access and one of the provisions, but would like to ask for the second provision to be struck from the language. I will pause here because this is a position change and see if there's any questions.

And the final bill I wanted to bring forth to the Board, just so you folks are aware, it's Item 64, SB3381, we currently have it as high monitor. I do anticipate, it is actually having a hearing right now or did have a hearing. I'm not sure it was a 10:01 agenda, so they may still be in session, but it had a hearing today. This is if you've seen in the news. This is the bill that would create the Lele Community District under the HCDA to help. I think the intent of the bill was to sort of build an authority that would allow for a thoughtful rebuilding. I'm trying to choose my words carefully. But you know, after the Lahaina fires, there's a lot of work to be done and so the intent of the bill is to create, under HCDA authority, a community district that would allow for representation to sort of make some decisions on that. The bill has changed a lot from its original draft and so we're still continuing to go through them and understand what it means and what the changes are. It does have quite a significant amount of appropriations attached, including at one point a \$200 million appropriation for the district into a special fund, and it does have essentially a Board that would have nine members that has once been, I think at the beginning was appointed by the Governor, but now would be elected by folks within the Lele District. So it would only be decided by folks by the district, it has been met with pretty significant opposition by folks in Lahaina, including Lahaina Strong. And so at this point we're still trying to do our due diligence to ensure that we are providing Trustees with adequate analysis that we feel confident in. I do anticipate we are going to change positions at some point once we can get that analysis to the Trustees, that will likely be when we come back for the next BAE meeting. But I did want to flag it for Trustees in case there was any discussion that folks wanted to have today.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair. Ke'ōpū, what's your sense on this new fund that the Governor introduced for Lahaina that will essentially help those who have been impacted with up to 1.5 million in a grant type of package. What's your sense in that? This is sidebar to everything we've been talking about, sorry about that. But you know the Legislature and how they haven't addressed this particular fund. So do you have an idea of how that thing will be proceeding without any type of real funding mechanism within the legislative process?

**Chief Advocate Reelitz:** You know I don't, part of my hope was after this meeting I would go back and watch decision making on this one because I'm hoping that might give some inklings on what's going to happen. I do know that if folks aren't aware, I'm pretty sure we mentioned it last week. I know we mentioned that it was a very negative fiscal outlook for the money committees but executive branch agencies have been asked to reject what would it take to have a 10% cut to their base budgets and so given that, part of that is that there is money freed up to cover what needs to happen in Lahaina and in other parts of Maui after the fires, but at the same time there's also been signaling of the need for more austere measures, and so I don't have a good sense at this point, but my hope is to go back and watch that decision making to see if there's any sort of clues as well as I'm planning on being down as I mentioned, I have a meeting with Chair Gates later this week for OHA-1 and so my hope was to sort of start to listen in and hear what the chatter is on the railings.

**Trustee Galuteria:** I see, so the executive is trying to do it within his purview in his departments by asking everybody to cut their budgets.

**Chief Advocate Reelitz:** No, so it was actually Senator Dela Cruz who asked. There was a letter sent by Senator Dela Cruz to all the departments. So that was my understanding what departments were all getting and I will say one thing to mention as folks are thinking through the SB3381, is one of the concerns that a couple of community members have brought up is there's, and actually the Mayor's Office of Maui is I think

there's some concern about how sort of an additional board or HCDA district might confused jurisdiction because I think to your point, Trustee Galuteria, there's sort of a lot of things moving at the same time and there's a little bit of confusion about how all the puzzle pieces are going to fit together.

**Trustee Galuteria:** Okay, mahalo for that. Thank you, Chair.

**Chair Akaka:** Thank you. All right, if we can have the motion up then. May I please have a motion to approve?

**Move to approve Administration's recommendations on: Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated February 28, 2024, with the following revision:**

**BILL POSITION CHANGE:**

**- Item 160, SB2591 from SUPPORT to SUPPORT with AMENDMENTS**

**Trustee Alapa:** So moved

**Trustee Waihe'e:** Second

**Chair Akaka:** It has been moved and seconded. Any other questions members, comments? Seeing none, Nathan, can I please have a **roll call vote** vote?

							11:31 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA						EXCUSED
LUANA	ALAPA	1		X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				6	0	0	3

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

**IV. ANNOUNCEMENTS**

NONE

**V. ADJOURNMENT**

**Chair Akaka:** I will entertain a motion to adjourn the meeting.

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments, members? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

							11:32 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA						EXCUSED
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:33 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

S. February 21, 2024\*

T. February 28, 2024\*

**U. March 20, 2024\***

V. March 27, 2024\*

W. April 17, 2024\*

X. May 1, 2024\*

Y. June 26, 2024\*

III. New Business

A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*

B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*

C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

1. October 13, 2021
2. February 1, 2022
3. February 8, 2022
4. February 15, 2022
5. March 22, 2022
6. March 29, 2022
7. April 12, 2022
8. December 12, 2022
9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID



**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**March 20, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'öpū / Advocacy Division Director  
Belay, Chantelle / Public Policy Manager  
Santos, Dan / IT  
Kozuki, Dave / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 20, 2024 to order at **10:00 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	10:10 a.m.
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** At this time I'd like to have Ke'ōpū Reelitz, Director of Advocacy provide an update on the OHA Bill Package, mahalo.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana. Before we get started, I wanted to get us grounded as we do with every BAE meeting on where we are in the Legislative session. So if I could ask our Public Policy Manager, Chantelle Belay, to put the calendar up. As you can see, it is currently, the date is March 20<sup>th</sup>, so we are a day away from second lateral filing and so that means anything with a double referral that did not receive a hearing is officially done for. Then we have about two weeks for the single referral and decking. So things have been fast and furious, as it often happens after crossover and they're going to continue to be fast and furious.

We'll start with the harder news. Unfortunately, our bill that would have added the Office of Hawaiian Affairs to the Board of AG, it was a double referral and did not get its hearing. We anticipate. We did anticipate that it would be difficult in the House. Despite my and Ka Pouhana's multiple meetings with the Department of AG, the department had concerns, and in the House often times they defer to the department heads and so our understanding is that there were requests to not have that bill heard and so that is what happened. It is officially dead, but there are lots of lessons learned and we'll continue to take those forward next year, next session as we prepare for the bill package. Namely and ensuring that we have early and frequent communication with departments as we develop our bill package so that everyone sort of, we kind of clear the barriers ahead of time. So that's the tough news, the more positive news.

**Chair Akaka:** Mahalo, Ke'ōpū. I just also wanted to share with the Board as a reminder that this was written alongside Sharon Hurd, Chair Hyrd, so it is a bit confusing as to why there is a change of heart here and that she and the AG are no longer supporting it, mahalo.

**Chief Advocate Reelitz:** Thank you, Chair. The more positive news though, is that after our last BAE meeting, we were able to get OHA 2, 3 and 4 introduced. So those were the three resos. So the first, if you remember, is the cultural appropriate reso. The second was urging the state to commit to culturally appropriate resources and programs for Native Hawaiians with intellectual and developmental disabilities, and the 4th was urging the Office of Hawaiian Affairs to do a rural resilience report. And so those are the three resos, we did get them introduced. One of them is a double referral and that is OHA-3, which is the intellectual and developmental disability reso. That does actually have a hearing tomorrow. So we have prepared and submitted testimony for that hearing. But I do want to take this opportunity to remind our Trustees that at the last BAE meeting, we did get a request from a beneficiary to remove OHA-3, this reso from our package and so that is something we can do and what I would recommend in that case if we do remove it is that we would move it to Matrix 3 because we do still want to support the reso and it does have an impact on Native Hawaiians. So I wanted to put that out there for folks. Again, we have already submitted our testimony in support, so we're ready to go and be present at that hearing tomorrow in support of the reso.

**Chair Akaka** recognizes Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** So Chair, just following up on Ke'ōpū's statement regarding OHA-3 and the request by the beneficiary to remove it. Is there a specific action that's required if the Board so chooses to remove OHA-3 from the package.

**Chair Akaka:** Maybe Everett answer on that.

**Interim General Counsel Ohta:** Good morning, Chair Akaka and Trustees. I think if this Committee were to take an action in that regard that it could follow the same process that the bill package was adopted through, so an action item to remove it from the 2024 Legislative Package from OHA.

**Chair Akaka:** So it'd be as simple as a motion moving from Matrix 1 to 3.

**Interim General Counsel Ohta:** I would recommend it be presented as an action item to again kind of mirror that process that we went through within the packages adoption.

**Chair Akaka:** We'll have that in another meeting then.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Ke'ōpū, you know, I was going through the resos and then some of them are requesting that the state and the appropriate agencies address, or it requested they address the issues in the reso, but then these two, it's requesting that OHA take action on things and I'm wondering because in the past, whenever the ledge would do anything where they would ask OHA to do something. Even if we supported the concept of it, the precedent of them telling us to do stuff, and now we have to do it was very, it was not a can of worms that we wanted to open so we would tend to oppose it unless they had a budget attached to it, in which case we might support it just because it's a way to get money for that issue. What's the thinking behind us asking the ledge to demand us to do something when normally we don't like, I mean in the past we didn't like them doing that and set that kind of precedent.

**Chief Advocate Reelitz:** Yeah, definitely. So my understanding because the bill package was prepared before I came on, my understanding of the rationale is that there is an opportunity to work with the Legislature to have sort of them in partnership. In particular, I think the most sort of salient place that that comes to play is OHA-2, which is the cultural appropriateness reso. In that case, very often the Legislature will put into statute that programs or services be culturally appropriate or culturally relevant, and in that case we would want to actually work hand in hand with them to ensure that, you know, in my mind that reso is really helping put meat to the bones of what does that mean to be culturally relevant or culturally appropriate, and so we would want to work hand in hand with them to have them help to shape it and to ensure that the community that they want included in those conversations are included so that it kind of gives more weight to that. So that was the thinking behind having the resos that way.

**Trustee Waihe'e:** No, OHA-2 is fine. I was talking about the HR49 and 21. It's requesting us to make a report and we have to finish it by a certain date and then basically turn it into all these different agencies and then that's it. Like it doesn't even have anything like they're going to take any action as a result of this report. So just commanding us to do work and submitted by a date and I'm wondering why? Is there a reason why we wanted to do that to ourselves or have it where the State's demanding that we do this. I'm trying to just play devil's advocate. Is the logic that if they're telling us to do it and we do it that they'll take it more seriously because it came from them or why would we want to do it that way, where instead of us just doing it on our own? If that's what we want to do and submitting it on our own at our own leisure or whatever.

**Chief Advocate Reelitz:** So I believe that was the thinking behind it. Again, the package was developed before I arrived at OHA. I do want to remind Trustees that in the last BAE meeting this was one of the action items that came up to remove OHA-4, which is the rural resilience one that you had brought up Trustee Waihe'e. I do have pretty significant concerns about our ability to deliver on those reports given sort of what you've already alluded to with the amount of information and work that is listed in the reso. So I just wanted to remind Trustees that I have voiced concerns specifically about OHA-4 and our ability and capacity to make it happen, but I believe that was the rationale, yes.

**Trustee Waihe'e:** Is that what you're recommending now to remove those two from the ledge package, from our package?

**Chief Advocate Reelitz:** That was my recommendation at the last BAE Meeting and my recommendation does not change, but it is again up to the will of the Board and we carry out the will.

**Trustee Waihe'e:** Thank you.

**Chair Akaka:** So then that would go from Matrix 1 to 2 because it's an OHA named bill.

**Chief Advocate Reelitz:** Yes

**Chair Akaka:** So I'm guessing that would be in the next meeting as well as an action item. Mahalo, RM Chair Waihe'e. Members, any other questions or comments?

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I would support Trustee Waihe'e's suggestion that we remove this. And thank you, Ke'opū for your recommendation.

**Board Chair Hulu Lindsey:** Madam Chair, I support Trustee Waihe'e as well I think it should be removed. In the past, the legislature tends to suggest bills and ask OHA to pay for it and we said that we would not accept those bills because that's having the Legislature telling us how to spend our money. But I see that these are resolutions and resolutions does not have the power of law and to even suggest that we do these reports and strategies is telling us how to spend our money. So I think that we should take these off of our matrix.

**Chair Akaka:** Ke'opū, is there anything else that you wanted to share regarding this.

**Chief Advocate Reelitz:** Regarding the resos, I think not really. The biggest update is that we do have a hearing for the IDD and we'll be moving forward and then if the Board would like us to bring the action items forward, we can be sure to prepare that for the next BAE meeting.

**Board Chair Hulu Lindsey:** Can we just do it today?

**Chair Akaka:** Everett, do you want to explain on how we can move forward on this.

**Board Chair Hulu Lindsey:** Thank you

**Chair Akaka:** Today and the next one.

**Interim General Counsel Ohta:** So as I mentioned, I would recommend that this Committee take action via an action item if it's desire is to remove what has been OHA-3 and 4 from OHA's Legislative Package. We can, to the extent that this Committee wants to take action on this today, that action could be taken through a change in position to these resos perhaps a change from support to comment, noting an intention to, you know,

remove those resolutions or the Board's support of those resolutions as part of the OHA Legislative Package.

**Board Chair Hulu Lindsey:** So can you suggest wording to remove it?

**Interim General Counsel Ohta:** So I would suggest again that maybe those support positions be changed to one of comments and then those comments would then note the Board's planned reconsideration of those two resolutions as part of OHA's 2024 Legislative Package, you know, which would be those actions would be taken at a future BAE & BOT meeting. But that comment effectively kind of signals the Board's maybe change in its support of those two resos.

**BAE Staff - Mark:** Chair, if I may. I'm going to share the motion that we have because the motion that we have was to add the new items 1 through 8 to the Matrix 1. So Everett, maybe if we can do 1 through 6 to not approve that to the Matrix 1, would that be good?

**Chair Akaka:** But we also have the IDD that we're looking to move to Matrix 3 as well. So it would be 1-4.

**Interim General Counsel Ohta:** I guess my thinking is that the inclusion of these measures on Matrix 1, that's more of an internal administrative effort to kind of track these measures or to kind of characterize them as relating to, you know, OHA's package versus, you know, maybe a general measure relating to Native Hawaiians and I think that change would really be, you know, the Board's or the Trustee's support of these measures, where they're already part of the OHA bill package and having them on Matrix 1 versus 3, I don't think is a big change for maybe anyone outside of OHA and I think that the signal might be a change in position from support the comment with the Board anticipating it's reconsideration of these measures as part of the OHA 2024 Legislative Package.

**Chair Akaka:** Okay, so if I have that correct then we'll have the motion from 1 through 6 and then in the next meeting we'll have the action item for 5 and 6 and then also for 7 and 8.

**Interim General Counsel Ohta:** The proposed motion is just to add these to Matrix 1?

**Chair Akaka:** The current proposal is 1 through 6 as support and 7 to 8 as comment.

**Interim General Counsel Ohta:** Yes, that could also work.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** I just want to be clear that this also addresses the IDD reso.

**Chair Akaka:** Yes, the IDD is item 5 and 6 and that is kept as support.

**Trustee Galuteria:** Mahalo, support or comment?

**Chair Akaka:** Support, the comment is regarding rural resiliency.

**Trustee Galuteria:** Where's the IDD one?

**Chair Akaka:** It's 5 and 6.

**Trustee Galuteria:** So 5 and 6, weren't we going to move that off?

**Chair Akaka:** That will be in another meeting as an action item, but since we currently have it in Matrix 1, we're gonna vote as support for that.

**Trustee Galuteria:** Why don't we just move it to comment with this motion as well?

**Board Chair Hulu Lindsey:** You want to support it, right?

**Trustee Galuteria:** We want to comment on the IDD.

**Chair Akaka:** Okay, what is your recommended comment?

**Trustee Galuteria:** Well, I don't have the today, but okay, we're just going to address it next time though, we are going to address it, right? I want to be clear on what that means. Because on that particular one, we're being asked to remove support yeah?

**Chair Akaka:** Not necessarily to remove support, but from our Matrix 1.

**Trustee Galuteria:** Okay, we'll save that for another dialogue, thank you.

**Chair Akaka:** I'll entertain reading of the motion.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW MEASURES (items 1 – 8) as listed on Matrix 1 – 2024 OHA State Legislature Bill Package– dated March 20, 2024, along with the following revisions:**

**Item 7, HR49 from SUPPORT to COMMENT**  
**Item 8, HCR66 from SUPPORT to COMMENT**

**Board Chair Hulu Lindsey:** I second.

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:27 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

## B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair. At this point I'd like to have Ke'ōpū share with us Matrix 2.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana and Chair. So we just have two new items on Matrix 2 and they are two resolutions. They're companions so they're technically just one resolution, but we have both of them on depending on which one moves. I will talk a little bit more in depth about sort of some movements on the Legislature going on regarding the Commission on Water Resource Management, but this reso names OHA as a task force member to recommend changes to the Commission on Water Resource Management. We are recommending support and I can get more into the sort of the nitty gritty of what's going on, but as far as being part of the task force in its most simplest form, our recommendation is to support because we want to be part of the conversation to ensure that the Commission on Water Resource Management, if changed or reestablished or shifted in any way has our input. We have had a fairly long history of trying to ensure that any changes to the Commission are done in a way that respects traditional customary rights, as well as, any of the rights that we work very hard to protect regarding the 'āina and Native Hawaiian use of our 'āina and wai. So that's our recommendation for numbers one and two is to support. I'll stop there in case anyone has any questions.

And then for the remainder of Matrix 2, it is getting to the point in session where the vast majority of bills are going to see their demise, and so we see that in Matrix 2, is that there's only one bill naming OHA that is still alive in this part of the session. As far as the new bills and in the carryover bills additionally, most of the bills have died, though there are a handful that still may be revived, but because many of them had double referrals or triple referrals, they will no longer be alive for the rest of the session. And so that's your update on Matrix 2.

**Board Chair Hulu Lindsey:** Madam Chair, I move to approve Administration's recommendations on: **NEW MEASURES (items 1 – 2) as listed on Matrix 2 – OHA State Legislature Bill Positions Related to Measures Naming OHA– dated March 20, 2024.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:31 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			

KEONI	<b>SOUZA</b>			<b>X</b>			
MILILANI	<b>TRASK</b>			<b>X</b>			
JOHN	<b>WAIHE`E, IV</b>		<b>2</b>	<b>X</b>			
<i>CHAIR KALEIHIKINA</i>	<b>AKAKA</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

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

C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo. Chair and Trustees, I'd like to have Ke'ōpū provide you an update on Matrix 3.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana and Chair. We do have a decent amount of new measures. The majority of them, you'll see are resos. Given our conversation earlier, when it comes to resos because they don't have the force of law, nor do they come with appropriations. My recommendation is essentially to monitor the ones that could have impact to Native Hawaiians or to the Office of Hawaiian Affairs, more specifically. So the vast majority are high monitor, but we wanted to make sure they were on your radar. We do have several, that are either support or support with amendments. Anything that is a support with amendments is asking that the Office of Hawaiian Affairs be added, our amendments are asking that we be added to those task forces or working groups. So just a heads up on that. We do not think the resources would be too consuming to be, we wouldn't be lead on any of those task forces. We would just ask to be added.

I do want to bring your attention to Item 28, there are a handful of bills that we did add that were mostly just housekeeping and because we somehow missed the companion. So my apologies on that and we want to make sure cause a lot of them there is a companion that died and then the one that was still alive, we realized was missing from the Matrix, so we wanted to go back and correct that error, so apologies on that. But there is one actual new bill and position that we wanted to recommend a position on and that is SB2305. So that is establishing a silver alert program which we think is really important for our kūpuna and ensuring that our kūpuna are able to safely navigate this world, just very simply. I do want to note that the departments that would be implementing this are all in strong support of this measure, and so we think this is a good, you know, measure to support alongside both community and the executive branch to take a step forward to protecting and helping our kūpuna live in the ways that they would like to sometimes independently, but in a way that we can make sure that they are safe. So that's the only new bill with a new position that I wanted to put forth before the Board and happy to take any questions or concerns about that before I move on to a couple of other bills.

**Chair Akaka:** I also want to note that we have an upcoming meeting with the group on Alzheimer's as this is an initiative that we want to collaborate on now and going forward. Members, any questions or comments?

**Board Chair Hulu Lindsey:** I'd like to thank Ke'ōpū for bringing it on board cause it is definitely important to our aged beneficiaries, as well as community.

**Chair Akaka:** And for the families who are the ongoing caregivers of our kūpuna. Members, any other



questions or comments? Otherwise, Ke'ōpū, did you have any more that you wanted to share?

**Chief Advocate Reelitz:** There's a couple of change in positions that I wanted to give a little bit more information about. So the next one I wanted to have our Committee look at is Item 122. We'll start at the bottom and then we'll work up. Item 122 is SB2591. You might remember that the last time we had a BAE meeting we actually recommended a change. It was support and then we changed it to support with amendments and now we're recommending a change back to support specifically because we did request those amendments and the amendments were accepted by the committee. So now we would like to support it without asking for amendments at this point. So I want to flag that for folks. But it is actually the measure we asked to change last time, but thankfully the committee heard our concerns and accepted the amendments wholesale.

Item 70 is SB3381, which I mentioned, I believe it was last BAE or the BAE prior to that, was previously high monitor and we'd like to recommend a change from high monitor to comments. If you'll remember this measure would establish the Lele District under the HCDA to help rebuild or to build a new in Lahaina. This measure did have a couple of hearings in the Senate. There was pretty strong community opposition and some opposition I will say from various other government agencies including the, should say maybe not opposition, but concerns raised by the Governor's office as well as the Mayor's Office on Maui. We have been monitoring it and we'd like to now take the position of commenting and provide some comments cause we have some concerns and the concerns are really and we feel like it is imperative that the Office of Hawaiian Affairs weighs in because the concerns are about the Lele Districts and the board's ability to acquire and alienate land. Those are powers that are delineated in this bill and whenever it comes to the ability to sell land or to acquire land, whether by sale or by eminent domain, we do have some concerns and on its impacts to the Public Land Trust or the Crown and Government lands or ceded lands. We feel like it's important because some of those, the details, the bill has changed quite a bit and so we think it's at a point where we feel that we can pretty solidly provide those concerns and ensure that those powers be mindful of the kuleana that the state has to the Public Land Trust and to those ceded lands. We also have some concerns over possible confusion over the regulatory scheme, because it would basically have the state government, the county government and then the Lele District Board sort of in between and there might be some confusion over that, but we did want to say that we appreciate that there has been, through the amendments, has been kind of a narrowing in to ensure that any decisions that, actually I should say leadership by the Lele District Board as well as the decisions of who would comprise that board are locally centered, so there were amendments to ensure that. I believe in one of the drafts there was amendments that required anyone serving on the board to live in the district and then I know that's been holding fast is that there are requirements that anyone, the only people that get to vote about who goes on to the board has to also live in that district. And so we appreciate that it is sort of that local governance, but we do have some pretty significant concerns that I mentioned previously. But I will stop there for any discussion or questions.

**Board Chair Hulu Lindsey:** I have my reservations on that bill, that's for sure having had the experience down at Kaka'ako, I fear for the Lahaina people.

**Chief Advocate Reelitz:** So the next, there's two items, but it's essentially one issue. We'll start with Item 69, which is SB3327. So that we were going to recommend from high monitor to support with comments. Just before I sort of jump into what's going on at the Legislature. This bill is a bill focused on the Commission on Water Resource Management. The aim of the bill is to better insulate the Commission and its leadership in the, you know, now Deputy Director from political influence and so it establishes an Executive Director position, one that would be selected by the Commission rather than appointed by the Governor as the Deputy is now, and the Commission would have the power to both select and evaluate that Executive Director. It also takes the Commission of Water Resource Management out from direct oversight by DLNR and administratively attaches it to DLNR.

Another item, it's a pretty hefty bill. Another thing that was in the bill was that it would increase the fine. So

currently it's from a minimum \$50 for a violation to \$5000 and so it increases that upper limit. One of the drafts actually increased it from 5000 to 60,000, but the current iteration would move it up to 25,000 and it clarifies which I think is an important clarification that those violations are daily rather than in aggregate. So every day there's a violation of water use then it would be a fine, it would be cumulative. That is the overview of the bill. But between when the folder came out actually and today, the bill did not receive the hearing it needed to get. So I will pause and say that my recommendation is not to change the position since it is technically a dead bill, but instead on Item 119 which is HB2690. I would recommend the change from high monitor to support with comments. So this previously, we had on high monitor because the bill, I know this probably sounds a little strange, we have been talking a lot about the CWRM, about Commission on Water Resource Management and now be talking about one that's related to Red Hill. We had it on high monitor, my understanding, the intel I had gotten was that when it passes over to the Senate, it was unlikely to get a hearing, and so we had kept it as high monitor, but it did get a hearing and within the last 24 hours, we were alerted to a proposed SD1 of HB2690, so a proposed Senate draft that keeps the wai, so it keeps the language of the wai coordinator in there related to Red Hill and then adds some of the language from that CWRM bill I was just discussing. So especially the specific points that I bought up in that last bill, so it actually adds a whole part 2. Our recommendation then is to again change from high monitor to support and I should say support with comments and amendments. I did have you know, I'm thankful that as you folks have met our 'Ōiwi Well-Being and 'Āina Momona Director Ku'ike, we had some pretty lengthy discussions about how do we formulate a good position that would move the needle on making important changes to the Commission on Water Resource Management and we believe that we wanted to, we want to support the intent to protect the Commission on Water Resource Management from political influence, but we also wanted to recommend that the Committee consider beefing up the Executive Director qualifications. So right now it's that you have to have experience in water resources, which we think could lead to more sort of political influence because it is such a low sort of minimum qualification and in other director roles, not all but in others throughout the state like it where the board chooses, there are sort of more developed minimum qualifications that the legislature has put in, so there is precedence for that. We also wanted to encourage the committee to remember to include positions and appropriations because once a commission or an agency becomes administratively attached, it needs its own budget and its own, which includes its own positions and then we also wanted to note that we appreciate the increase in fines and the clarification that's a daily violation. We think that will give CWRM a lot more sort of teeth to when they have to enforce because \$5000, especially if it's unclear if it's \$5000 for say a month of violation is not going to amount to much for folks who are violators. The amendment that we would like to recommend is to add OHA to the CWRM Nominating Commission, so the Commission on Water Resource Management has a Nominating Committee and that is who puts together a list of three names for the Governor, and we would like OHA to be on that board. We have advocated, as I mentioned previously in Matrix 2, we have advocated for specific seats like ensuring that there is a seat on the Commission that has knowledge on traditional Hawaiian Water Resource management, watershed management, riparian rights, all of those things, we fought for that. And so we think at this point in the iteration of the Commission, it would be helpful for us to actually just sit on the nominating or to be able to designate or recommend someone to sit on that nominating committee. So I know that's kind of a hefty amount of information, but it's sort of an ever changing landscape down at the Legislature and we do want to ask for the Board's support to change the position from high monitor to support with comments and one amendment. And I'm happy to take any questions that might come about because I know that was a lot of information that I threw at the Board.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair. Ke'ōpū, the amendments for part two were put in on the Senate side?

**Chief Advocate Reelitz:** It's in a proposed draft that is has a hearing today.

**Trustee Galuteria:** Has a hearing today, and so the CWRM is embedded in that part 2?

**Chief Advocate Reelitz:** Yes

**Trustee Galuteria:** Okay and so that's where our amendment comes in, our suggested. Okay, I just needed clarity on that, thank you.

**Chief Advocate Reelitz:** That is all we have, but I am happy to take, those are the highlights I wanted to give to the Trustees, but if there are any other questions on any of the items on the matrix, I'm happy to take any questions or have any discussion.

**Trustee Alapa:** Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW MEASURES (items 1 – 34; 69 – 70; and 122) as listed on Matrix 3 – 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians– dated March 20, 2024, along with the following revisions:**

**Item 119, HB2690 HD2 from HIGH MONITOR to SUPPORT WITH AMENDMENTS**

**Trustee Waihe'e:** Second

**Chair Akaka:** Any other questions or comments members?

**BAE Staff - Mark:** Sorry, Chair. There was a mistake, it's HB2690.

**Chair Akaka:** Mahalo, any other questions or comments? Alright, can I please have a **roll call vote**.

							10:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA	1		X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

### III. ANNOUNCEMENTS

NONE

### IV. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn the meeting.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved by our Board Chair and seconded by our RM Chair. Nathan, can I please have a **roll call vote** to adjourn.

							10:52 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

**Chair Akaka:** I want to make sure our votes are coming in correct for Trustee Trask?

**Board Chair Hulu Lindsey:** Was that her? I didn't think that was her voice.

**Trustee Trask's Aide - Kalista:** She stepped out to use the bathroom and she told me to answer in place for her.

**Chair Akaka:** I don't think it can be done and also for the previous vote as well. Nathan, if you can please make that change.

**BAE Staff - Nathan:** Okay, I'll switch it to excused. So that'll be 7 yes votes.

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:52 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

- S. February 21, 2024\*
- T. February 28, 2024\*
- U. March 20, 2024\*
- V. March 27, 2024\***
- W. April 17, 2024\*
- X. May 1, 2024\*
- Y. June 26, 2024\*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*
- C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**March 27, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'ōpū / Advocacy Division Director  
Santos, Dan / IT  
Kozuki, Dave / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 27, 2024 to order at **10:00 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8) Trustees are PRESENT**, thereby constituting a quorum.

## **II. New Business**

- A. **Action Item BAE #24-02:** Changes to OHA-3 (related to intellectual and developmental disabilities) and OHA-4 (related to rural resiliency) Resolutions in OHA's 2024 Legislative Package

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

### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair, at this time I'd like to ask Chief Advocate Ke'ōpū Reelitz to present to you and the Board Action Item BAE #24-02, mahalo.

**Chief Advocate Reelitz:** Aloha and mahalo, Ka Pouhana and Chair Akaka. To get us started today, we will be going over the action item. I think it would be helpful for us to go over very quickly where we are in the Legislative Session. I know we normally do this with Matrix 1, but I think it's important as we consider the action item to also understand where we are. So we are currently at the first lateral for concurrent resolutions, that is happening today and tomorrow and we're just shy of a month away from final decking which is the end of conference committee and where everything has to be filed if it has any chance of making a floor vote by sign die by the end of session. So I just wanna give folks just a sense of where we are. We are in the final committees for both resolutions and for bills and the conference committee is quick approaching. So I'll stop there and thank you, Mark for sharing the screen, but I will take any questions on the timing before I move into the action item.

**Chair Akaka:** Mahalo, members are there any questions or comments regarding this calendar? Seeing none. Alright seeing none, mahalo, Ke'ōpū.

**Chief Advocate Reelitz:** So for the action item, we have one action item with two motions. This is a continuation of our conversation over the last couple of BAE Meetings. In this action item, we have two motions that we're asking the Board to consider. Both are fairly similar so I'll handle them together, but I'll add a little bit of context for each. Both are asking for the removal of OHA-3 and OHA-4 from the Legislative Package or you know, from a practical standpoint, what we look at on a near weekly basis for the Trustees is the matrices. So moving from Matrix 1 to their respective matrices on either Matrix 2 or Matrix 3.

So for OHA-3, we are asking for its removal. You know, we've had some lengthy discussion and there was a request that went to the Board of Trustees to have another organization essentially take over as lead in lobbying. We feel strongly that organization has the interests of Native Hawaiians with intellectual and developmental disabilities at their heart and core, and that they can take it across the finish line. Our recommendation is that we remove it from the package, but be sure that it is included in Matrix 3 with the position of support.

And then the OHA-4 removal would be a removal from Matrix 1 to Matrix 2, because it does name the Office of Hawaiian Affairs. Again, just to refresh Trustees memory, I had shared about a month ago or nearly a month ago, some pretty grave concerns about our ability to carry this forward, both the fact that I don't feel like given the plans that were put in place prior to me coming on that we have either the people capacity or the fiscal capacity to carry it out in a way that I feel like is going to do justice both to this office and to our beneficiaries in rural communities. And so it's our recommendation that we remove it and that we move it to Matrix 2. It's



currently sitting on Matrix 1 with the position of comment and I would support maintaining that similar position on Matrix 2 given previous conversations with the Board. I'm happy to take any questions on either of the motions or either of the resolutions and provide more context as it makes sense.

**Chair Akaka:** Mahalo, Ke'ōpū. Members, any questions or comments? Seeing one.

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve the removal of OHA-3 Resolution related to Native Hawaiian individuals and families experiencing intellectual and developmental disabilities from OHA's 2024 legislative package and move to Matrix 3.**

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments, members? Seeing none, can I please have a **roll call vote**.

							10:08 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** Mahalo, Nathan. We now have the second motion up on the screen, RM Chair Waihe'e.

**Trustee Waihe'e:** Thank you, Madam Chair, I'd like to also move to **approve the removal of OHA-4 Resolution related to rural resiliency strategies from OHA's 2024 legislative package and move to Matrix 2.**

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments, members? Seeing none, can I please have a **roll call vote**.

							10:09 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED

DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

### III. Unfinished Business

#### A. 2024 OHA State Legislative Bill Package - Matrix 1\*\*

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

#### NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair. So we will jump into Matrix 1. I know we did have those motions to move, but I'll go over where we are with all of these resos. Just so folks are aware, I want to make sure the Trustees know where we are on each of these. For items 1 and 2, which is the OHA-2, the cultural appropriateness reso. I did talk with Representative Tarnas, Chair Tarnas today, so they're looking to schedule that within the next week for its one and only hearing in the House that it needs.

For items 3-6, that is the IDD reso that will be moving to Matrix 3. The House has had its first hearing. That was a double referral, so it's had its first hearing. It passed out of its first hearing and then it will have its Senate hearing, which is a single hearing tomorrow. So we have submitted testimony for both of those in support. We were glad to see it passed last week out of its first committee in the House, and we are hoping that it will also pass in the Senate as well, and if it passes in the Senate, then it will make the reso crossover deadline.

And then the rural resilience have not yet received their hearings in the House Judiciary and Hawaiian Affairs Committee, so if it gets scheduled, we'll be scheduled in the next week because of that deadline we were talking about and that is it for the OHA package, I'm happy to take any questions.

**Chair Akaka:** Mahalo. Members, any questions or comments? Looks like there aren't any. Ke'ōpū, do you have any more to share on this?

**Chief Advocate Reelitz:** Thank you, we are not recommending any changes because it is our OHA package. So we're not recommending any changes to the positions.

B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Thank you, Chair. So again, there's not much change. I will say in between when we prepared the folder and now the items that pretty much all of the new items are no longer alive for the session. We are at the point in session as we discussed last time where a lot of things have perished and so we are moving forward. There are again some of the crossover bills that ended in conference committee. So they still have some opportunity to move. So we'll continue to watch those, but otherwise the only update for Trustees this week is that pretty much all of the new bills that named OHA have died and the task force is, I should say I'm sorry I forgot that one other thing was the items 1 and 2. That task force reso did get deferred by Water and Land. I forgot about that one that happened earlier this week. So we are going to see pretty much everything grayed out the next time we have BAE. Happy to take any questions if anyone has, but no updates aside from letting you know that it's that time of session where the cards are falling and we're finding out which ones are going to move to the final hurdle of conference committee.

**Chair Akaka:** Mahalo. Members, any questions or comments? Okay, we'll move now to Matrix 3.

C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native  
Hawaiians - Matrix 3\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Thank you, Chair. As I've been mentioning already, it is that time of session where things are starting to move and things are starting to sort of fall by the wayside if that's, you know, the ultimate future that it has. But I will say that we have been able to get just a couple of updates on the resolutions. In the House version of the Baby Bonds Working Group. The House Committee did add the Office of Hawaiian Affairs to it. We are awaiting updates on the Sustainable Food Systems Working Group, we did ask for OHA to be added to that as well and it's hearing us later today, so we're hoping to be more involved in some of the planning efforts both around Baby Bonds and the Sustainable Food Systems Working Group. Just sort of higher picture, there's the higher priority items such as the Kaiapuni positions bill. One of the bills on Kalaupapa. These are all sort of heading towards their final committee, either the Judiciary Committee or the Finance, Ways and Means Committees and so we're just continuing to watch and provide the kōkua to community groups that have been the champions of them, to see where we can kōkua moving them forward into that final committee.

The good news is at least a couple of the Burial Sites Working Group bills are also moving and look like they either have gotten hearings in their final committee or they look like they will be getting hearings in their final committee. So that's some good news. The only change of position we'd like to put in front of the Board is item

115, HB2183. So we had previously had this as high monitor. This was among many of the bills that we had identified for possible support that helped essentially address what might be considered an epidemic of exploitation and sex trafficking for native women, in particular Native Hawaiian women and so we saw the Safe Harbors bill as a potential for basically strengthening the system to address and to provide the kōkua and support that is needed to those who are exploited or trafficked. And so we had it on high monitor, this was not the bill we thought was going to get the most support, but we have seen it get a lot of traction this session and we're very excited for that and so we'd like to recommend as we go into conference committee that we change this from high monitor to support so we can provide that support to the community groups and Legislators who are championing this bill, since this is one of the only, I think there's only one or two other sex trafficking prevention bills or support bills that are out there still alive. So we'd like to be able to have that support so we can provide that kōkua moving into conference committee. So that is the only recommendation for change of position. Again, that's item 115, HB2183 and I'm happy to take any questions.

**Chair Akaka:** Mahalo, Ke'ōpū. Members, are there any questions or comments? Okay, seeing none, we have the motion up.

**Board Chair Hulu Lindsey:** I move to approve Administration's revisions on Matrix 3 – 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians– dated March 27, 2024:

**Item 115, HB2183 HD1 SD1 from HIGH MONITOR to SUPPORT**

**Trustee Waihe'e:** Second

**BAE Staff - Mark:** Sorry, Chair. One correction, dated March 27<sup>th</sup>, sorry for the typo.

**Chair Akaka:** Yes, thank you. It's been moved and seconded with the March 27<sup>th</sup>, 2024 date. Any questions or comments, members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:18 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

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

#### **IV. ANNOUNCEMENTS**

**Chair Akaka:** Members, are there any announcements at this time?

**Board Chair Hulu Lindsey:** Stacy, would you explain to the Trustees what the site visits are for. You did send a memo out to them, right?

**Ka Pouhana Ferreira:** Yes, Chair, just a hold the date and then we did post it. What we'd like to do is take an opportunity to go out to Kahana and He'eia. These are identified state lands that are considered unused and we would like to hear from Native Hawaiian communities who are currently really mālamaing those spaces and getting a sense from them what their future plans are, what they see the uses of those community spaces, and how OHA may at some point be able to partner or collaborate with those Native Hawaiian communities on those lands, and so we're going to take some time to go and talk story with those communities.

**Chair Akaka:** Mahalo, any other? Board Chair.

**Board Chair Hulu Lindsey:** No, except that we do have a Press Conference tomorrow at 12 and a BOT Meeting in the morning at 10. And then after the press conference we'll have a short lunch and then we'll go out to the site visits. Now we're not going to meet with the communities tomorrow, we're going to look at the lands because we don't know what it looks like. So if we have ideas then the Board can talk story.

**Chair Akaka** recognizer Trustee Alapa

**Trustee Alapa:** Thank you, Chair. I'd like to know the appropriate dress for tomorrow out there. So after we have our luncheon and everything else, we change, shorts, t-shirt, what are we looking at? Are we going to be walking in the mud or grass? Whatever, I don't know.

**Ka Pouhana Ferreira:** Mahalo for the question, Trustee. No, the attire that you wear to work will be appropriate. We'll be at the park so we won't be doing anything strenuous or in the mud.

**Trustee Alapa:** Okay, thank you.

**Ka Pouhana Ferreira:** You're welcome, mahalo.

**Board Chair Hulu Lindsey:** I did bring jeans in case, I didn't know either. But you can change your footwear and if you feel more comfortable with jeans, you can do that too after the press conference.

**Trustee Alapa:** Can you refresh my memory, what is our Press Conference again for?

**Board Chair Hulu Lindsey:** We're disbursing the \$5 million for the Maui fire victims. We do have guests from Maui. Mayor Bissen will be here, as well as Archie Kalepa and two families that were displaced by the fires.

#### **V. ADJOURNMENT**

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded. Any comments members? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

							10:22 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:23 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

- S. February 21, 2024\*
- T. February 28, 2024\*
- U. March 20, 2024\*
- V. March 27, 2024\*
- W. April 17, 2024\*
- X. May 1, 2024\*
- Y. June 26, 2024\*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*
- C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID



**STATE OF HAWAI'I  
OFFICE OF Hawaiian AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**April 17, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

**Ferreira, Stacy / CEO**  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'öpū / Advocacy Division Director  
Belay, Chantelle / Public Policy Manager  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, April 17, 2024 to order at **10:03 a.m.**

**Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9) Trustees are PRESENT**, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair. At this time I'd like to ask our Chief Advocate Ke'ōpū Reelitz, to provide Trustees with an update on the 2024 OHA State Bill Package, Matrix 1.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana and Chair, so we are in the final, we can finally call it the final stretch of the Legislative Session. We are in conference committee and to get us started what I'd like to do is have Chantelle bring up the calendar so we all can sort of have a visual of what that looks like. So the date is April 17th, so we are smack dab in the middle of the first week of what we call conference committee and so folks just for a quick reminder, conference committee is where anything, any bills that have gotten through all of their subject matter and if they had fiscal or judiciary referrals got through all of those committees and there's still disagreements between the two chambers, so this is where the two chambers come together, identify which members, managers or you know, they're different terms for, but basically members of a committee that will represent both the Senate and the House, and they'll come together on each of the bills. Assuming that conferees are assigned and they do meet and they'll try to find some common ground to see if they can pass a good bill. So that is where we are in the very first week. I will say that this year what we've seen so far in conference committee is the first three days have been really focused on the budget, which is pretty common trying to be pa'a on sort of what the legislature has to sort divvy out for fiscal bills requires that they have already balanced the budget in the budget bill, which is HB1800 this year.

So we've seen quite a number of, we've seen three well, two so far, and then there'll be another convening of that Budget Conference Committee today, I believe this afternoon. So we'll see those continue to come together and find out where Senate and House disagree and we'll hope to have a final budget or something near a final budget by the end of this week. We have started to see conferees be assigned on both the House and Senate sides. But I will say there hasn't been sort of the big flood gates opening. It's just been a sort of a trickling of conferees being assigned. So we're still in somewhat of in the early phases of conference committee and it'll really rev up by the end of this week and then into next week.

All bills will have to have sort of a good draft, a settled draft that's been voted on and agreed upon by members of both of the chambers by next Friday. That's what final decking is. Typically that happens like by 5:00 or 6:00 p.m. is usually the deadline so that they can file it by the evening. So that is where we are in conference committee. I'll pause here in case there's any questions about where we are before we jump into Matrix 1.

**Chair Akaka:** Mahalo Ke'ōpū, members are there any questions or comments?

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Ke'ōpū, you guys in the budget conference now. They're probably just trimming the sails at this particular point, So where are they now? What is it, 14 billion? How much is it?

**Chief Advocate Reelitz:** I'd have to check. I haven't looked at the bottom of the budget. I've just been sort of scrolling through to see what we're interested in and what's getting in. So I'd have to look to see what it is, but they are sort of trimming and deciding what can stay and what can go and it is sort of, it is like really a trickling at this point. I've only seen, I think yesterday's conference committee meeting was like 12 minutes long. So yeah, but I can check on that for you though.

**Trustee Galuteria:** Okay, they're pretty close, but when you do have a chance, go do that and then send it to me, please. Thank you, Chair.

**Chair Akaka:** Members, any other questions or comments regarding the calendar. Alright, seeing none, Ke'ōpū if you can please continue, thank you.

**Chief Advocate Reelitz:** Great, mahalo and we will be sure to get that to you. I just took a note of that, Trustee Galuteria. So on Matrix 1, I am very happy to announce that we have gotten through both in the House and the Senate. We had single referrals for OHA-2, which is the cultural appropriateness reso and that has passed through both the single House and Senate committees, the Senate committee hearing was last week and it passed unamended. I believe it was completely unamended, but it certainly was unamended from the Senate, it should, barring some wild thing happening which I can't imagine happening, it should be passing and being transmitted to the Governor fairly shortly. So OHA-2 has passed all of the major hurdles that it needs to and looks like it'll be enrolled to the Governor soon. I will pause there. Anything else has been sort of dead for a while now, but if anyone has questions on OHA-2, I'm happy to take any questions. That's about all we have for Matrix-1 and the updates for Matrix-1.

#### B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

##### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Mahalo, Chair. So for Matrix 2, if you'll remember the last time we met regarding Matrix 2 we had quite a number of resos that were added that named OHA. Additionally, we had moved what was then OHA-4 over to Matrix 2 from Matrix 1. I will say that pretty much all of the items that were naming OHA in resos have not passed the hurdles that it needed to get through to this point, this stage. So we are looking at the only living item as far as on Matrix 2 is item 12 as well and my plan was to sort of start to ask around to see if there is any interest in this moving forward. This was if folks will remember, was late in the game last year. There was a move to add the Hakuone and Kūkaniloko language from the OHA bill was inserted into this House bill. So it is the only one that survived to conference last session, so it is therefore still alive this session. I haven't heard of any movement, but I was planning on poking around a little bit this week as I head down to the Capitol. But otherwise no other updates but happy to take any questions.

#### C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

##### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Mahalo, so for Matrix 3, I wanted to give some highlights, but before I do it, I wanted

to draw your attention to one item that we would like to recommend a change in position. That is item 61. So this item what we're looking at is SB3202. So we had previously had this flagged as high monitor. I've been and our team have been watching this bill sort of from afar. It has changed pretty dramatically over the course of the Legislative Session. Which is one of the reasons we sort of have held back and we did have some conversations with Rep. Evslin early in the Legislative Session about this specific measure. In its most current draft, it has been largely gutted. A lot of the provisions that advocates were looking for have been taken out, but in the just recent draft before it was gutted, there was essentially two components that we were interested in providing comments on. The first was that it would provide for essentially like a statewide norm for allowances for ADUs to support folks being able to build additional ADUs on their property or accessory dwelling units, excuse me. And then the second was it would allow essentially smaller lots to be subdivided into even smaller lots, legally subdivided, thus being able to alienate or sell them, and so there you know, when we've had discussions about these internally about this bill, you know there is, we appreciate and see alignment in the way in which this bill addresses the need for housing and the way in which housing is one of the largest expenses for families and especially Native Hawaiian families and how that can often drive some of our Native Hawaiian families to leave Hawai'i. So we appreciate sort of that push toward that, but do sort of express some concern about the way in which the further subdivision of land and making it easier to alienate or sell land by or from Native Hawaiian families is concerning absent the insertion or the sort of a complementary effort to provide financial assistance to families. And so we essentially provided a comment, we didn't support or oppose, but just wanted to sort of provide some food for thought for the committee in a previous hearing, we did identify that that the Board had not yet taken a position, but that we were going to recommend this position change. So I just wanted to flag that for folks, answer any questions that folks might have. At this point it is looking like they took out the ADU provision, they took out the subdivision provision or extremely watered down the subdivision provision. So at this point, it's largely gutted and so we would continue to monitor in case any of those provisions came back in during conference. But we are recommending a change from high monitor to comment and I'm happy to take any questions on that item before I proceed to some highlights.

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Does it involve Hawaiian Homelands? Because some of the lots are very large, like one acre and it could be subdivided for family members. I just wondered if there was any inclusion in this bill for that purpose.

**Chair Akaka:** This one is specifically urban areas, I believe. Not pastoral or larger lands in the more countryside, but Ke'ōpū if you would like to further clarify that.

**Chief Advocate Reelitz:** Sure, so that is actually a very good question. My understanding was it would not impact it and one of the reasons I know that is because some of the conversations DHHL was there. I do think there was some interest in sort of supporting the ADU. I'm not sure that it would necessarily apply to DHHL, but DHHL recognizing the need for housing, being that agency. So my understanding was it sort of to the point it did not, but I did want to let you know that DHHL had been in some conversations with the advocates who are lead on this bill. About how it might impact or what might look good or promising for DHHL and their policies moving forward.

**Board Chair Hulu Lindsey:** Thank you.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Yeah, follow up question on what Trustee Lindsey was asking. For the benefit of the Board, give some clarity on what urban development is? What are the boundaries, how far does it go? Does it go past Kapolei? Is it basically the urban core? Give us an idea.

**Chief Advocate Reelitz:** Thank you for that question And that's a really important question that we internally

had conversations, had quite a bit of conversations. I will say, I feel very fortunate to have had quite a bit of conversations with Ku'ike, our Director of 'Ōiwi Well-Being and 'Āina Momona and when you look at urban, what constitutes urban, the vast majority of O'ahu is urban and so if you look all the way up in particular and I think probably close to the heart for myself as a woman born and raised in Ko'olaupoko all the way up, I think all if not most of the way up the windward side is designated urban and so that's one of the concerns right for why Waimānalo, which is one of the highest concentrations or I think actually the highest concentration of Native Hawaiians at this point. And if that would allow for the further subdivision then we did have some concerns about whether or not if you have to subdivide, if you as a family have the ability to subdivide and sort of essentially help yourself financially and then the hope would be that you'd be able to sell it to family or to another Native Hawaiian, but if Native Hawaiians aren't able to afford the down payment then that might end up essentially pricing Hawaiians out of, you know, further subdivided lots and that was the concern we just wanted to raise that, you know, these kinds of policies are really promising. But they have to be matched with the finance, the financial assistance that Native Hawaiians need if it is to support Native Hawaiians being able to achieve homeownership.

**Trustee Galuteria:** Okay, so just to be clear, the entire island or the vast majority of the island of O'ahu is defined as urban and the Legislature recognizes that?

**Chief Advocate Reelitz:** I would say a significant portion, even parts where I thought were going to be rural would be urban and that is one of the reasons why you saw the Honolulu Council, City and County Council actually had a reso to oppose the measure and so that's why you had. But every other county actually supported it. I should say every other County Mayor and their Administration supported it, but not City and County.

**Trustee Galuteria:** I see, mahalo. Thank you, Chair.

**Trustee Ahuna:** Well, real quick, this sounds like a Kaua'i bill. Is that most of Kaua'i all of this?

**Chief Advocate Reelitz:** My understanding, it was the brainchild in part of Rep. Evslin, so it is a Kaua'i bill.

**Trustee Ahuna:** I know why. Okay, thank you.

**Chief Advocate Reelitz:** Yes, thank you for that question. I had forgotten about to mention that so thank you.

**Board Chair Hulu Lindsey:** I just want to add to Trustee Galuteria, that project in Wailuku that we attended for the groundbreaking, that's an urban area. But Waiohuli would be considered a rural area in Maui.

**Chair Akaka:** Mahalo, members any other questions or comments? Okay, seeing none, Ke'ōpū.

**Chief Advocate Reelitz:** Mahalo, so I just wanted to highlight, since I did mention we were in conference committee, we are shifting gears a little and have prioritized a lot of the same bills that I've been giving you updates on over the course of the Legislative Session. But I just wanted to let you know where we are at on a couple of the bills that have been higher priority for us. So I'll start with item 23 which is SB2305. This is the silver alert one. We will be working with the Alzheimer's Association, so they have been essentially the lead advocate on this bill and so we will continue to work with them to ensure that we're getting, you know, helping provide whatever kind of influence would be helpful. Our practice has been that we work with either the department or the lead advocate on any of these bills that we've identified as higher priority and sort of help work with them to be as effective as we can in our advocacy.

At this point for the higher priorities we are planning to do a conference committee memo and so it's similar to testimony, technically there's not like an open portal for testimony. But we will be filing conference committee memos with the conferees once they're assigned for each of the bills. So item 23, the silver alert. We will be

working closely with Alzheimer's Association, who's been a good partner and helping bring us along on this one.

I'll jump to item 28 which is HB2074. So this is that Kaiapuni bill that we've been watching for the whole session and trying to work very closely with 'Aha Kauleo. Right now, I will say that I have met with DOE and their policy shop. Because again, they would be lead on this item. So just for a little bit of background, this was a Board of Education approved budget item that did not make it into the Governor's budget. And so this bill was one way that I think advocates wanted to still get the positions, the staffing that Kaiapuni desperately needs, and so because it's a board approved to measure DOE can actually continue to advocate for it. So that's why I've been in touch with them. One of the things that we are actually hoping for is that we don't need to see this bill move forward, instead that it will get into the base budget. So that's one of the things that we've been monitoring that Budget Conference Committee set of meetings because we want to see if, DOE's provided us which lines we're looking for. So we make sure that we find and get to know whether or not that's going to be in the budget. That would be much more preferable because then it just gets in the budget and we know that it's there year after year after year. We don't have to worry about, it's sunseting or having to go back for more positions later. I will say that at this point folks are feeling like the 10 teaching positions seem like they have the best chance that the three curriculum specialist positions may or may not go anywhere. But we are fighting hard for all 13, but just wanted to sort of manage expectations that we're hearing that the 10 is more likely. We will continue to be in contact with DOE as well as 'Aha Kauleo. I've been in pretty regular contact with both of those, to make sure that we're coordinating our advocacy to be as effective as possible.

And then the next item I wanted to bring to your attention was item 67. Item 67 is HB2690, so this was the measure in which. so it originally started as the WAI Policy Coordinator. The WAI Policy Coordinator was supposed to work to help, you know, essentially lead us as a state through all of the mitigation efforts that need to happen with Red Hill. We had that item as high monitor and then when it crossed over to the Senate, the contents of another bill were inserted into HB2690 and it is related to water. So it was relevant to the description and the title of the bill. And so in this we see that CWRM, if you folks will remember that Commission on Water Resource Management set of provisions that would essentially take the Commission on Water Resource Management out from direct oversight by DLNR and make it an attached agency as well as create an executive director. Which would basically be hired and fired by the Commission rather than a political appointee and the Board had recommended supporting with amendments and just as a quick reminder, we did provide the support as well as requested an amendment for adding OHA to the nominating committee and in its current draft, HB2690 does have OHA being added to the nominating committee for the Commission on Water Resource Management. The other thing that we're hoping to work with conference committee members on is shortening, there's a provision that would allow the Commission to establish or to declare an emergency, and right now it's set as a default of one year and we'd like to see it a little bit shorter, something like 6 months, just to make sure that they're sort of regular check-ins or oversight by the Commission on what's happening in any given area. But at this point it's looking like it's moving forward and we'll continue to keep you apprised in BAE meetings as we move forward.

And then the final set of items I wanted to bring to your attention was item 50 and item 68. So item 50 quickly was SB3154, which strengthens and enforcement abilities for DLNR with regard to archaeological activities and allows them to better enforce failure to adhere to mitigation plans and then SB2591 which is the one you're looking at, item 68. This is the one that had changed quite a bit and in its current form would require property owners to record with the Bureau of Conveyance any known burials on their property, and if they fail to do so, that there would be a fine. When both of these together represent Burial Sites Working Group bills. Or these kinds of strengthening of historic preservation or protections for iwi kūpuna and we are, you know, I've been working closely with our compliance program and I didn't realize this, but this is the farthest some of these bills have come, which is very exciting. So we are very excited to put our efforts and our time behind moving these to the finish line because we feel like these are good first steps to better protecting our iwi kūpuna. We have been in contact with Senator Shimabukuro, who has always been a lead on these bills. Her staff have let me know that it looks like the Senate conferees are gonna be good to go once they're released by leadership. I still

have to check in with, I did have a conversation with Representative Tarnas as well so he knows that these are high on our priority list, but at the time when we met, there hadn't been movement on any conferees at that point. So I did want to flag this for you. Also wanted to let you know that in furtherance of trying to get these two bills past the finish line, Kamakana Ferreira, who is our Lead Compliance Specialist and myself will be meeting with Civil Beat tomorrow for an interview to hopefully get some much needed attention to these two bills in particular, but you know broadly to greater protections for our iwi kūpuna. So I sort of just gave you the highlights of our top five that we're going to spend the most amount of time on in the next week and a half. I'm happy to take questions on those or any other bills, but wanted to pause here and see if there's any questions on those or any of the other bills.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** I got one question, maybe a comment or two, but this is with regard to burial sites, so bear in mind Ke'ōpū that, you know, I sit on one of the Burial Councils and prior to that I was on the other side of the table with Kawaiha'o so I see both sides. I think that when all is said and done, this is a part of tightening up of the statute, the original statute. But when we're done with this stuff I'm hoping that OHA can take a big part in recalibrating the statute itself, because it is subject to a lot of different interpretations. It's not tight enough, so every Burial Council, if the Chair so chooses will interpret the statute a certain way, which will put a lot of people in jeopardy, even though they do comply with everything involved. So what I'm sharing with the Board and what I'm sharing with you Ke'ōpū is when we are pau with this one perhaps we might want to take a look at the statute itself and how we can tighten that up so it's not so subject to personal interpretation. And then secondly, I wanted to just comment on regenerative tourism. I've always felt that OHA should get more involved in the visitor industry. The number one industry in Hawai'i. But do you feel that as if SB2859 going to prevail?

**Chief Advocate Reelitz:** You know, if you asked me earlier in the session, I would probably say no. I actually think there's a chance, this is one of the few that has gotten one chamber's conferees actually assigned publicly and released so you know, at this point I feel like, of some of the other bills that we're following it probably has a better chance. I'm not sure if I would say that it has a good chance, but I do think that it has a better chance given that I know it has a very strong backing by Senate Leadership, essentially, or I should say those who have influence in the Senate.

**Trustee Galuteria:** I see, okay. So let me just conclude by saying if it does prevail, Ka Pouhana, I think what we need to do is clearly identify where OHA is in the visitor industry tourism continuum. Okay and we're not just about raffia skirts and coconut bras. I mean we need to be clearly engaged in the visitor experience, whether that be on the destination management side, whether it be on the marketing side really doesn't matter. We just must be present to win, is what I'm saying. So just kind of bear that in mind cause I'm keeping my eye on that particular one too. Okay, thank you, Chair.

**Ka Pouhana Ferreira:** Ke'ōpū, I'd also like to just add on to Trustee Galuteria's comments that we should look for alignment within Mana i Maui Ola to ensure that we are staying in alignment, mahalo.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I had a question for this maybe Ke'ōpū can answer but when I looked at this measure, it really imposes, we're looking at private land owners and a requirement that they disclose. But right now my understanding Ke'ōpū is that the state itself does not have to do this in terms of ceded lands. Do you have a comment on that?

**Chief Advocate Reelitz:** You know, that's a good question and I do not have the answer, but I will check in with our team and find out cause I don't actually know the answer to that at this moment.

**Trustee Trask:** If you could do that, I'd really appreciate it because I did get some follow up from folks on Big Island on this, they support the bill, but they wanted to know why it is that the state land owners are not required to do the same thing as the private land owners and they pointed out to me that the state itself is the curator of many documents that might be related to historic properties. So I would be interested in following up on this because if we're going to impose it on private land owners we should at least check to see if we're doing it ourselves.

**Chief Advocate Reelitz:** Yes, I'm sure there are other mechanisms, but that is a good question that I don't have the answer for at this moment, so I will be sure that we follow up on that cause I think that's a very important component. And I do just want to mention, Trustee Galuteria, I did take notes on the other feedback you provided. So thank you very much, Trustee Galuteria.

Okay, I believe that is it as far as the specific bills I wanted to highlight, but I do want to let folks know that we'll be keeping, I believe we're supposed to have another a meeting next week. So hopefully we'll have some follow-ups for us on some of these bills. As I had mentioned just a quick reminder that we are in the first week of conference and so that's really focused on the budget. So it'll start to get much faster and more furious in the next few days and so I hope to have some more good updates for you next week.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve Administration's revisions on Matrix 3 – 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians– dated April 17, 2024:**

**Item 61, SB3202 SD2 HD1 from HIGH MONITOR to COMMENT**

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments members? Seeing none, can I please have a **roll call vote**.

							10:27 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

**III. ANNOUNCEMENTS**



**Chair Akaka:** Members, are there any announcements? We do have our Committee on Resource Management meeting today at 1:30 and Ke'ōpū, if you wanted to share on the meeting on violence against women.

**Chief Advocate Reelitz:** Sure, just a quick announcement that Administration, myself and Director of 'Ōiwi Well-Being and 'Āina Momona met with one of the political appointees, so fairly high-ranking member of the Office on Violence Against Women. It was a good meeting. There's lots of sort of exchange. Both I and Ku'ike shared quite a bit about our experiences in working in the community and the ways in which our community accesses or maybe has trouble accessing some funding when it comes to intimate partner violence, violence prevention, work and family safety. So that was good to sort of provide some of that perspective to remind them what is necessary for our people to be able to access that and be able to serve ourselves and help build that network within our own community and in exchange, we did get some information about some funding opportunities that we're hoping either the office might be able to take advantage of in the next year, or that we can help facilitate for some of our beneficiaries and beneficiary communities to be able to sort of build those networks and get the funding that's needed so we can help support our families and our people in violence prevention work, specifically with regard to women. But I think more generally with regard to keiki and families. So we're happy to take questions offline or whatnot. I know this is the announcement time, but we did want to let you know that it was a nice meeting. It was a good meeting, a nice connection and we look forward to continuing that connection moving forward.

**Chair Akaka:** Mahalo, Ke'ōpū.

#### **IV. ADJOURNMENT**

**Chair Akaka:** I will now entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Akina:** Second

**Chair Akaka:** It's been moved and seconded. Nathan, can I please have a **roll call vote**.

							10:41 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA		2	X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			8	0	0	1
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MOTION:   ☒ UNANIMOUS   ☐ PASSED   ☐ DEFERRED   ☐ FAILED

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou.

**Chair Akaka** adjourns the BAE meeting at **10:42 a.m.**

DRAFT

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

- S. February 21, 2024\*
- T. February 28, 2024\*
- U. March 20, 2024\*
- V. March 27, 2024\*
- W. April 17, 2024\*
- X. May 1, 2024\***
- Y. June 26, 2024\*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*
- C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID

**STATE OF HAWAI'I**  
**OFFICE OF Hawaiian AFFAIRS**  
**560 N. NIMITZ HIGHWAY, SUITE 200**  
**(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**  
**MINUTES**

**May 1, 2024 10:00 a.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Ferreira, Stacy / CEO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'öpū / Advocacy Division Director  
Belay, Chantelle / Public Policy Manager  
Aguinaldo, Arlene / IT

**I. CALL TO ORDER**

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, May 1, 2024 to order at **10:00 a.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	EXCUSED	10:01 a.m.

At the Call to Order, **SEVEN(7)** Trustees are PRESENT, thereby constituting a quorum.

## **II. Unfinished Business**

### **A. 2024 OHA State Legislative Bill Package - Matrix 1\*\***

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

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Ka Pouhana Ferreira

**Ka Pouhana Ferreira:** Mahalo, Chair. I'd like to ask our Chief Advocate Ke'ōpū Reelitz to provide an update on our OHA State legislative Bill Package, mahalo.

**Chief Advocate Reelitz:** Mahalo, Ka Pouhana and Chair Akaka. So if you'll see we are on May 1st, so ditto to Ka Pouhana, happy May day to everyone and it is also two days to Sine Die, or the close of the Legislative Session. So we are at the very, very, very final days of the Legislative Session. Today we'll have quite a bunch of floor votes, there might be some fireworks, but as far as the bills that we'll update you on today, I think we're seeing a lot of things move forward for floor votes to ratify and move on to the Governor. So that's where we are in the Legislative Session. I will pause here in case anyone has any questions as far as timing goes.

So we'll move on to our Matrix 1. So our Matrix 1, just as a reminder for our Trustees, the only measure we still had moving since our last legislative update to you folks was HCR32. So this is also known as OHA-2. This is the resolution that would have OHA work with the legislature on building recommendations for cultural appropriateness. I am happy to report that that concurrent resolution has been passed by both Chambers and has already been transmitted to the Office of Hawaiian Affairs, as well as other executive branch agencies. I did get a couple of reach outs from friends and other agencies letting me know that they did receive it and look forward to working with us. So that is your only update for Matrix 1. I'm happy to report that OHA-2 did pass through both Chambers and again has already been transmitted. So we'll move forward into the work ahead for this.

### **B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\***

#### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Mahalo, Chair. So for Matrix 2, pretty much no updates. The last time we met there were because we were still in conference, there were things that were still technically could be heard, but none of them received conference committee meetings or got reassigned conferees. So Matrix 2, all of the measures on here were not passed this Legislative Session and because we are in the second year of the biennium, they are pretty much said and done with. They'll have to be reintroduced a new next session.

### **C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\***

## NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to **Chief Advocate Reelitz**

**Chief Advocate Reelitz:** Mahalo, Chair Akaka. So we are on Matrix 3 and I am happy to report a couple of highlights I wanted to put forward to the Board just for your awareness and to sort of close the loop on a couple of the items that we have been tracking and providing kōkua on over the Legislative Session. So you'll see the items that have not been shaded out are items that were passed in some form or another. I will let you know that what was previously OHA-3, it did not pass as a concurrent resolution, but did pass as a Senate resolution. So that will be transmitted to the appropriate agencies moving forward.

Beyond that though I wanted to move us to item 14, which is SB2305. So this is the Silver Alert Bill. This would provide or establish the Silver Alert Program that would help our kūpuna as well as individuals who may have other cognitive or developmental disabilities that where it would be helpful if something happens that we'd be able to put out an alert so folks are on the lookout for them if they're missing or have not been accounted for. So we are very happy to report that the SB2305 did pass its conference committee with its appropriations intact. We are really happy to celebrate with the Alzheimer's Association as well as the Developmental Disability Council and other community advocates at that final conference committee meeting, so it was a really happy afternoon with some community partners and we were glad to provide a little bit of support and kōkua in the final couple of hearings that they had, so I'm glad to share with you that SB2305 passed.

The other item I wanted to bring to your attention was item 46, which is HB2074. So if you'll remember, this is one of the bills that we had flagged as one of our highest priorities for this Legislative Session. In its original form would provide funding for, I should say established and provided funding for 13 total Kaiapuni positions. It's 3 curriculum specialists and 10 teaching positions. I am happy, I'm over the moon quite frankly to share with you that the conference committee passed out a draft of the bill that established and funded all 13 positions. This bill was one that I thought was a really good opportunity for OHA Advocacy to really reestablish and reconnect with some folks. We worked alongside OHE and PIPE at the DOE, at the Department of Education, making sure that we are always aligning and coordinating with them and we also worked with 'Aha Kauleo and other community advocates to make sure that they were informed and that we could kōkua in getting word out in ways that maybe would be complementary to them, or in times where maybe our channels were a little bit different or more effective. And so I was really proud to be in the room. I should say myself, Chantelle and two other advocates were in the room when the conference committee passed this measure last Friday and we were able to be with a member of Nā Leo Kāko'o, which is the one of the parent organizations for Kula Kaiapuni, and she had with her son, who is a Kaiapuni student. So it was a very joyous, a little bit of happy tears were shed when we heard that all 13 positions were passed. I know that the DOE was fighting in the background to get all 13 positions, we thought we might only get 10, but we did get all 13. So this like SB2305 are awaiting the floor votes.

The next set of bills I want to highlight for you, there's item 29, but I'll ask Chantelle to land on item 47, which is SB2591. There's also SB3154, which is item 29. So these two are items that were part of the Burial Sites Working Group recommendations. Our compliance program worked alongside the public policy program to provide support on these two measures throughout the Legislative Session and I have to say that thanks in large part to the Committee on Hawaiian Affairs in the Senate, Chair Shimabukuro. It was a very good year for historic preservation and iwi kūpuna. These two bills, as well as one other for Burial Councils passed through conference committee last week or the week prior. So SB2591 was one of the ones that came out of the Burial Sites Working Group. It had changed quite a bit during the Legislative Session, but we were able to as advocacy work together to make some recommendations so we could salvage some of the original intent of the bill. And so we were very happy to be in the room as well when this measure passed last week Friday. So like the others, it awaits floor votes.

And the final update, I just wanted to highlight for you folks, because it had sort of spilled into the news a little, item 52, which is HB2690. So if you remember this, HB2690 was the bill that first focused on providing some of the framework and funding for Red Hill remediation. The recommendations that came out of the WAI report which was a collaborative effort led by Legislators and then part way through session, there was a Part 2 added which would support some changes to the Commission on Water Resource Management to insulate it a little bit from a little bit more from political influence. And during that time we were able to get an amendment in that would add OHA to the nominating or as being able to appoint someone to the nominating committee for the Commission on Water Resource Management. This was a high profile bill that we provided comments and support on but in the end, the Chairs from each of the two chambers couldn't come to an agreement, but they did express a willingness to work in the interim to craft a bill that would lead to some more agreement around both. You know, the needs for our wai, both with regard to Red Hill as well as some more effective leadership and work in the Commission on Water Resource Management. I do want to let you know that the appropriations and position for part one of the bill, to my understanding, did get included in the budget, so some of the work in the bill will move forward with or without any bill coming next session. But I have been in contact with a couple of the Legislators, especially on the House side to let them know that OHA is ready and willing to work for some changes for next session and there does seem to be a commitment in both chambers to work on something for next session, but I just wanted to flag that for you because it has been something we had discussed in previous BAE meetings and it did spill a little bit into the news cycle. So those were the top highlights that I wanted to provide to Trustees, but I'm happy to take questions on those or any other of the measures as we wind down this legislative session.

**Chair Akaka:** Mahalo, Ke'ōpū

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Mahalo, Chair. Ke'ōpū, thank you for your work. I got a couple of things, couple of questions but back to the iwi bill. So some clarity on that, the original statute was very broad, so it was subject to interpretation. You know, being a member of the O'ahu Burial Council, we had a lot of problems with a person's interpreting this particular statute. So what exactly, because it made it past the conference, what exactly did it do? Did it tighten up the bill?

**Chief Advocate Reelitz:** So SB3154 provided more of that clarity because there was some stuff in the administrative rules and then that combined with the statute could get a little vague, so SB314 tightened up the statutes, or I should say the admin rules and put it into statute. SB2591 is a pretty simple bill and all it's saying is if you know or should have known that there are iwi on your property that you have to record it with the Bureau of Conveyance or else you will receive a fine. So it attaches the fine. So both further clarifies and strengthens the protection and ensuring that there will be notice. You know, sort of owner over owner if it changes hands moving forward.

**Trustee Galuteria:** Okay, got that and lastly, I know that eventually the Governor will be issuing a veto list, but is there anything that you see that's glaring out there that the Governor will veto that, you know, obviously would affect OHA firstly, but do you see anything that the Governor will be vetoing?

**Chief Advocate Reelitz:** I haven't seen anything yet. I think that is to be told, we are in touch with the Governor's Office and are providing comments and recommendations on bills. There is at least one bill that we are working on internally to do some analysis on to see if we might recommend a veto. I have not heard anything. One of the things that was the concern with HB269 is if it passed, there was concern that it would be vetoed. Beyond that I haven't heard, I haven't been hearing a lot, but I think a lot of us are waiting for these floor votes to go through before we hear more.



Okay, I appreciate that, thank you. Thank you, Chair.

**Chair Akaka:** Mahalo

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you, Ke'ōpū for that. I just wanted to say that there's two bills. I think House Bill 2074, I'm so happy to hear about that outcome. I had heard that we might just get 10 positions. But you're confirming that all 13 were funded, that's a big win. The other one I kind of don't understand, Ke'ōpū is what happened with Senate Bill 2591. It is supposedly a simple bill, but when I was initially looking at it, I didn't understand what some of the concerns were that were in the Legislature.

**Chief Advocate Reelitz:** You know, I'm not sure what happened with the original because it did change quite a bit from the original, but at the end of the day, you know, what was interesting is I had met with Judiciary and Hawaiian Affairs Chair Tarnas on the House side prior to conference committee and I had been in touch with Senator Shimabukuro's Office on the Senate side and everybody was in agreement. So at least what it became, there was agreement among the Chamber Chairs and I think that the big important thing was whether or not, I think the only thing that was a little bit tenuous was it does create a special fund because and I will correct, I misspoke, SB2591 strengthens what's already in admin rules. So Trustee Galuteria, my apologies for misspeaking. So that the needing to record is already in administrative rules. Now it's again like SB3154 is in statute and it adds the penalty which it did not have the penalty previously, but because it had the penalty, they had to put the money for those fines somewhere. So they created a special fund and that was where there was a little bit of hold up because the Legislature generally likes to be cautious when creating special funds.

**Trustee Trask:** Thanks for that Ke'ōpū, thank you.

**Chair Akaka:** Mahalo, Ke'ōpū.

### **III. ANNOUNCEMENTS**

**Chair Akaka:** Members, do we have any announcements? Okay, seeing none. We do have our 1:30 p.m. RM Meeting today. As well as besides it being May Day and Lei Day, I also wanted to share that it's the 2024 National Week of Action for MMIWR, which is the National Week of Action for Missing and Murdered Indigenous Women and Relatives and this is also where maybe wear red to signify the importance of bringing more light to this. So this is something that is an initiative of ours, both State and Federal.

### **IV. ADJOURNMENT**

**Chair Akaka:** I will now entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** So moved, Chair.

**Trustee Souza:** Second

**Chair Akaka:** It's been moved and seconded. Any other comments, members? Okay, seeing none, Nathan, can I please have a **roll call vote**.

							10:21 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Happy May Day and Lei Day everyone. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **10:21 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

- S. February 21, 2024\*
- T. February 28, 2024\*
- U. March 20, 2024\*
- V. March 27, 2024\*
- W. April 17, 2024\*
- X. May 1, 2024\*
- Y. June 26, 2024\*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices\*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau\*
- C. **Action Item BAE #24-05:** Approval of the 2025 OHA Legislative Bill Package\*

IV. Executive Session☸

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID

**STATE OF HAWAI'I  
OFFICE OF Hawaiian AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**June 26, 2024 1:30 p.m.**

**ATTENDANCE:**

Chairperson Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee John Waihe'e, IV

**EXCUSED:**

Trustee Dan Ahuna  
Trustee Keoni Souza  
Trustee Mililani Trask

**BAE STAFF:**

Nathan Takeuchi  
Mark Watanabe

**ADMINISTRATION STAFF:**

Ferreira, Stacy / CEO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Kalima, Aikū'ē / NHRLF Manager  
Wade, Kelcie / IT  
Santos, Dan / IT

**I. CALL TO ORDER**

**Chair Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, June 26, 2024 to order at **1:31 p.m.**

**Chair Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:31 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	EXCUSED	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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

## **II. New Business**

- A. Action Item BAE #24-03: To Approve the First Terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund Board of Directors.

### **NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Native Hawaiian Revolving Loan Fund (NHRLF) Manager Aikū'ē Kalima

**NHRLF Manager Kalima:** Aloha Trustees, Aikū'ē Kalima, Native Hawaiian Revolving Loan Fund Manager. I'm here to provide background information on the Action Item, to request the approval of first terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund. Just to give you some background information, back in September, Moloka'i Board of Director Wilmina English requested to step down due to personal medical reasons and in January, Hawai'i Island Board of Director Kirstin Kahaloa requested to step down due to increased kuleana as she serves as the State Representative for District 6. The NHRLF would like to mahalo both Ms. English and Ms. Kahaloa for there almost three years of service to the NHRLF Program and to the lāhui.

The NHRLF is recommending Ms. Kauka as the Moloka'i Board of Director. Her experience, she is currently the District Manager for Cricket Wireless for the Islands of Kaua'i, Maui and Moloka'i. She also serves as the President on Kalamaula Homestead Association. So she does have business background experience as well as serving on a Board.

And as for Ms. Louisa Lee, she is the Director of Operations for Ka 'Umeke Kā'eo Hawaiian Immersion Public Charter Schools. She also serves on many different community boards as well as the Keaukaha Community Association.

Both of these individuals have shown strong interest in serving on our Board. They might not have financial background experience but they do have community background experience and I feel they will bring a different perspective to our Board right now which our Board Members right now have very heavy financial experience. So at this time I'd be more than happy to answer any questions from any of the Trustees to assist with making your decision.

**Chair Akaka:** Mahalo, Aikū'ē, members are there any questions or comments? Seeing none, I will entertain the reading of the motion.

**Trustee Waihe'e:** Madam Chair, I'd like to **move to approve the first terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund Board of Directors.**

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** Mahalo, it's been moved and seconded. Any other questions or comments members? Seeing none, if I can please have a **roll call vote**, Nathan.

							1:35 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

### III. ANNOUNCEMENTS

**Chair Akaka:** Members, are there any announcements beyond there being a 10 a.m. meeting tomorrow for the Board of Trustees, seeing none.

### IV. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn this meeting.

**Board Chair Hulu Lindsey:** So moved.

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments, members? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

							1:36 p.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK						EXCUSED
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

**Chair Akaka:** Mahalo members, a hui hou kākou, mālama pono, the meeting is now adjourned.

**Chair Akaka** adjourns the BAE meeting at **1:36 p.m.**



Respectfully submitted,

---

Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment



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## Basic information on

# Proposed Legislation 2025

## Relating to Midwife Licensure & Protection of Hānau Practices



### Background:

Hānau (birthing) is the oldest Kanaka Maoli (Indigenous Hawaiian) practice. Traditional hānau practices have been passed between generations for centuries, or more, from time immemorial. Despite criminalization of “midwifery” in the 20th Century, at-home birth was common in Hawai’i until the 1950’s, especially in rural areas.

In **1998**, laws that prohibited traditional birth attendance sunset (expired), making it once again legal for traditional practitioners, extended family, church/spiritual midwives and others to attend births. During the period of legality from **1998 to 2019**, a cultural renaissance in Kanaka Maoli birth work took place, with many new midwives and other birth workers emerging throughout Hawai’i, and in turn teaching these practices to younger generations.

In **2019**, the Hawaii State Legislature passed **SB 1033 SD2** as **Act 32**, despite large protests from Kanaka Maoli cultural practitioners, home birth families, and others. Despite intense calls for a veto, Governor Ige signed Act 32 into law in April 2019.



One of several Hānau Rights protests, State Capitol 2019



Hānau Rights protest flyer, 2019

Act 32 created **HRS 457-J**, licensure for midwives, to regulate “midwifery,” which was essentially defined as anyone providing “**advice or care**” to a person during pregnancy, birth, postpartum, or “interconception” periods. Anyone who did not have a license or specific exemption became subject to penalties that could include **jail time** and fines of **\$1000 per day**.

*“unlicensed midwifery had originally been criminalized in Hawai’i **1921**, when the Territory of Hawaii made it illegal to assist births without a license. Despite this law, a large number of Kanaka Maoli continued to give birth at home, perpetuating cultural birth traditions. In **1998**, the legislature inadvertently legalized midwifery when a related law sunset (expired). During the period of legality from **1998 to 2019**, a renaissance in Kanaka birth practices took place, during which a generation of new hānau practitioners reclaimed ancient traditions.” - Ea Hānau Cultural Council brief, 2024*

# WHY HRS 457-J DISCRIMINATES AGAINST KĀNAKA MAOLI PRACTITIONERS

A license to practice “midwifery” requires graduation from a clinical [MEAC-accredited school](#), all of which are **located outside of Hawai’i** and all of which are **very expensive**. Meanwhile, out-of-state licenses can be transferred to Hawai’i, even from states that don’t require MEAC schooling. As a result:

- ▶ **NO** Kanaka Maoli have been licensed at all.
- ▶ **100%** of non-exempt Kanaka birth work is criminalized including extended ‘ōhana
- ▶ Only **one** of the 41 licensed midwives was born & raised in Hawai’i.
- ▶ **At least 22%** of the 41 licensed midwives do not live in Hawai’i at all.

Upon the passage of Act 32, it became **illegal** for anyone who did not hold a license as a midwife under HRS 457-J to practice “midwifery,” including offering any type of “care” or “advice” about birth. There were certain exemptions in the law, but these did not include extended family, cultural or religious practitioners, or most midwives serving Kanaka Maoli.

## Lawsuit Filed

Native Hawaiian Legal Corporation (NHLC), the Center for Reproductive Rights (CRR) and the law firm Perkins Coie, LLC filed a [lawsuit](#) asserting that the rights of traditional Kanaka Maoli hānau practitioners have been unconstitutionally impacted. A [temporary injunction](#) was partially granted that tentatively halts most criminalization of Hawaiian practitioners while the lawsuit itself (scheduled by the State Circuit Court to be heard in 2026) is pending.

## But what about the Hawaiian Healers?



There is an **apparent exemption** in HRS 457-J for Native Hawaiian healers who are recognized by a Kupuna Council under Papa Ola Lōkahi, but this was later found by the Attorney General and Circuit Court not to have any actual ability to protect any practitioner, unless systems are developed under Papa Ola Lōkahi to do so. This has not happened yet and it is not known how long this would take; no funding was given to Papa Ola Lōkahi to do this work. This would also require such healers to engage in an application process that contradicts the mandates of some traditional Kanaka Maoli practices, including some of those passed down by the master healing practitioners upon whose [1998 Kahuna Statement](#) the Kupuna Council system was originally founded. There are other obstacles, too, that were identified by the Circuit Court in its 2024 [Kaho‘ohanohano vs State of Hawai’i](#) ruling.

Currently, therefore, **100% of all traditional Kanaka Maoli practitioners** who are not MEAC students **are criminalized** under HRS 457-J.

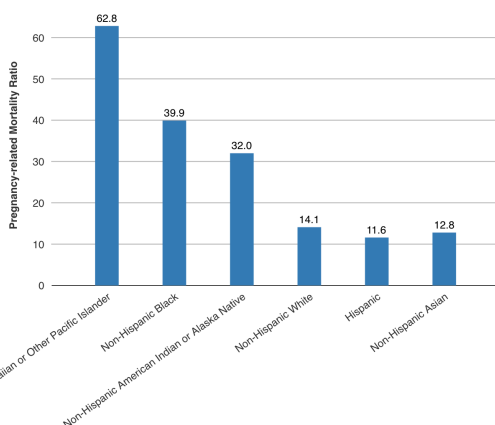
The results of this, in turn, are:

# EFFECTS ON the KĀNAKA MAOLI COMMUNITY

- Kanaka Maoli traditional practitioners are **forced underground**, or the traditional knowledge they carry dies. Knowledge is harder to transmit.
- Kanaka Maoli practices are **displaced** as licensed midwives from other states move to Hawai'i due to the opportunity presented by licensure (including the ease of transfer from other states that may not have the same education requirements) and the criminalization of unlicensed practitioners.
- Kanaka Maoli who are hāpai **have not been able to access *legal* cultural care from any Kānaka Maoli practitioner** of traditional hānau practices at this time, except immediate (i.e. legal parent, spouse/partner, or child) family.
- **Some Kanaka Maoli have been choosing to birth alone**, unassisted, due to lack of access to legal culturally competent care. This is often due to fear of **systemic racism**, such as known [bias in child welfare systems](#) that disproportionately criminalize Kanaka Maoli. While solo or 'ōhana-assisted birth is a legitimate traditional Kanaka Maoli practice, it traditionally involves lifelong immersive cultural understanding, familiarity and preparation that are not always available today; unassisted birth in general is far more statistically dangerous than birth with a knowledgeable midwife. Most importantly, unassisted birth (as well as hospital birth) is **not self-determination if the choice is made due to fear or systemic limitation of options**.
- **Rural Kanaka Maoli** are severely affected, especially as many lack access to any care at all. Areas that have experienced trauma, such as Lahaina, are disproportionately affected. Many mākuā fire survivors, whose need for cultural care is high, rely on the care of traditional midwives who have been at risk of prosecution.



Cultural work at Honokowai Fire Relief Hub, 2023



Source: CDC Pregnancy Mortality Surveillance System 2017-2019 (more recent data does not include NH/PI)

## A Real Safety Risk for Kanaka Maoli: Maternal Death

Kanaka Maoli and other Pacific Islanders have the **single highest rate of maternal mortality in the US** (surpassing even notoriously high Black and Native American rates). These deaths are **not** associated with home birth whatsoever, but death rates in all cultures are strongly correlated to [lack of access to culturally competent care](#). Eliminating access to traditional midwives, rather than supporting access, could actually result in Kanaka mothers dying. **Traditional Practices protect.**





## 2025 SUNSET:

The current Midwife Licensure program under **HRS 457-J sunsets** (expires) on **July 30, 2025**.

This means that to continue licensure at all, the Legislature would need to pass a new bill in 2025 to continue the program.

While expiration of HRS 457-J would definitely be better than continuation of the current midwife restriction law, it would be much better to continue licensure of CPMs and CMs without restricting cultural practitioners and others upon whom Kanaka Maoli birthing people depend for care and safety. Our community needs all types of practitioners and services in order to thrive, and should work on supporting everyone and improving relationships.

Also, there is a strong possibility that a bill to continue licensure will be put forward by those who may not prioritize Kanaka rights. Medical (and non-cultural midwife) industry lobbying, misinformation, bias and longstanding societal fears and indirect condemnation of traditional midwifery as a “kahuna” or “witchcraft” practice have all been factors in previous legislation.

**We need a real legislative solution.**



Traditional midwives held a weeklong encampment in front of the State Capitol in 2023 to demand protection of cultural practices.



Traditional midwives testified at the United Nations in Geneva, Switzerland in 2023, citing the repression of Indigenous birth traditions as a US human rights violation.



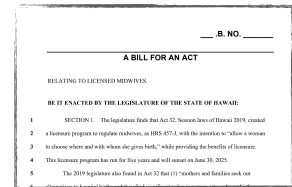
Despite criminalization, Kanaka Maoli midwives got a lot of practice at the relief hubs for fire survivors in West Maui, where the need for cultural birth work and trauma support was very high. Some young fire survivors became student midwives, or leveled up their learning intensively.

“Nationally, Native Hawaiian and other Pacific Islander people have the highest pregnancy related mortality ratio among all women of all races, with 62.8 deaths per 100,000 live births—compared to a rate of 39.9 for non-Hispanic Black women and 14.1 for non-Hispanic white women.

According to the World Health Organization, increasing midwifery interventions could avert 41% of maternal deaths, as well as 39% of neonatal deaths and 26% of stillbirths.” - CRR, 2024

# PROPOSED LEGISLATION

**A new bill is being proposed** that continues licensure for CPMs/CMs (with the addition of an accessible apprenticeship pathway) while also protecting all cultural and religious practitioners and extended family, including hānai family. Read draft bill language [here](#).



**Proposed legislation has been collaboratively developed** by the Hawai'i Home Birth Hui, Pacific Birth Collective, Ea Hānau Cultural Council and others, with input from Native Hawaiian Legal Corporation (NHL), American Civil Liberties Union (ACLU), Center for Reproductive Rights (CRR) and others.

## Elements of the new bill:

- **Continues current licensure** for CPMs/CMs.
- **Adds a Portfolio Evaluation Pathway (PEP)** to CPM status and licensure, which is based on apprenticeship with a licensed midwife rather than on a requirement for schooling that is not realistically attainable for most Hawai'i people.
- **Protects Kanaka Maoli traditional birth** and birth-related healing practices, with no requirement for practitioners to apply for recognition.
- **Protects all traditional cultural and religious birth practices** of all cultures and religions, including traditions of other Indigenous cultures.
- **Creates a task force to address concerns and develop solutions**, including comprehensive community based solutions and possible legislation. Topics could include cultural issues, hospital transfers, data, community safety, insurance questions, public education, and more.

### Why it is important to Kanaka Maoli practices to protect the practices of other cultures:

The revitalization of Kanaka Maoli birthing traditions from the 70's through 90's was assisted by non-native underground midwives who helped Kanaka mothers to rekindle ancestral traditions by standing by as a safety measure as these mothers pieced together knowledge handed down in their families and communities, but broken by one or more generations. Eventually these mothers became midwives themselves. This relationship continues today. Midwives rely heavily on their communities for support, temporary coverage, accountability and continued learning, amongst many other needs. Kanaka mothers need access to anyone they wish to call on (or have access to) to help them revitalize their own practices, especially in rural areas with few midwives. Also, criminalization of anyone creates fear in Kanaka Maoli due to their historic persecution and "guilt by association," and this is harmful to labor itself. To put it simply, the **criminalization of any practice is harmful to Indigenous revitalization.**

## FURTHER CONSIDERATIONS:

- **Hānau is the oldest Kanaka Maoli practice.** It began with the first human birth in Hawai'i, whether this is Hāloa or the first person whose mother arrived by canoe or otherwise. **All Kanaka Maoli are almost certainly descended from that first hānau practitioner.**
- **Genuine safety requires cultural safety.** Concerns about “dangerous” midwifery practices have never been proven to be actually true in Hawai'i. On the other hand, lack of self-determination and lack of culturally safe health care has been proven deadly for Indigenous peoples. Obstetric violence, forced evacuation births and other trauma are actual safety hazards for Kanaka Maoli that **full-spectrum birth empowerment and traditional midwifery help to address and heal.**
- **The person giving birth is the primary practitioner of hānau practices.** While the emphasis in modern cultures is on a doctor or midwife who “delivers” a baby as the main practitioner in a birth, Kanaka Maoli tradition sees it differently. The person giving birth is the primary practitioner of hānau, along with the baby. The partner is also generally a practitioner. All others who are part of the birth are supporting practitioners. **Because a birthing person may choose anyone she wants to attend/assist her, it is important for ALL practitioners to be protected.**
- **The term “midwife” is commonly used** throughout Kanaka Maoli communities to refer to any person skilled in assisting with hānau, particularly when the birth is at home or with the midwife. It is not a medical or proprietary term designating specific clinical standards. **Criminalizing the common use of this term is not acceptable.**
- **The history of repression of Kanaka birthing practices is important.** This is part of the greater story of Indigenous medical repression, which drastically escalated after US invasion in 1893. Licensure was used throughout the early 20th Century to extinguish both midwifery traditions and other healing practices such as lā'au lapa'au (note that the “kahuna” licensure test in the 1920s required names of Hawaiian herbs in *Latin*). No Kanaka Maoli midwives were licensed during the Territory Midwife Licensure program, just as none have been in the current licensure program since 2019. **Requisite dead-end “paths” to legality in the guise of legitimacy are a longstanding tool of colonial cultures to silently exterminate Indigenous practices.**



## REFERENCES & FURTHER READING:

**Kaho'ohanohano vs State of Hawaii (Case Overview with links, CRR 2024)** <https://reproductiverights.org/case/kahoohanohano-v-hawaii/#:~:> Transcript: <https://reproductiverights.org/wp-content/uploads/2024/07/Hawaii-Findings-of-Facts-and-Transcripts-from-June-Hearing.pdf>

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**A BILL FOR AN ACT**

RELATING TO LICENSED MIDWIVES.

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

1           SECTION 1. The legislature finds that Act 32, Session laws of Hawaii 2019, created  
2           a licensure program to regulate midwives, as HRS 457-J, with the intention to “allow a woman  
3           to choose where and with whom she gives birth,” while providing the benefits of licensure.  
4           This licensure program has run for five years and will sunset on June 30, 2025.

5           The 2019 legislature also found in Act 32 that (1) “mothers and families seek out  
6           alternatives to hospital births and they find significant value in community or home birth  
7           services” and that (2) “these services have been provided by individuals identifying themselves  
8           as traditional or cultural practitioners, midwives, certified professional midwives, lay  
9           midwives, direct entry midwives, birth keepers, or birth attendants.”

10          Under HRS 457-J, only certified professional midwives (CPMs) and certified midwives  
11          (CMs) are eligible for licensure. Act 32 (2019) stated that, “by the end of the three-year period  
12          (2022), the legislature intends to enact statutes that will incorporate all birth practitioners and  
13          allow them to practice to the fullest extent under the law.” While significant efforts were made,  
14          this goal has not yet been achieved. A temporary exemption for non-CPM/CM birth attendants  
15          expired in 2023, which in effect has made nearly all unlicensed birth workers, cultural  
16          practitioners and extended family attending births illegal, as intended exemptions were shown  
17          to need further strengthening to be effective.

1           The purpose of this measure is to fulfill the legislature’s intent to allow all birth  
2 practitioners to practice legally, while continuing licensure for CPMs and CMs. The legislature  
3 finds that licensure for CPMs and CMs is beneficial, with the addition of locally-accessible  
4 pathways to these practices, such as the Portfolio Evaluation Process (PEP) certified by the  
5 North American Registry of Midwives (NARM), and certain technical updates, such as  
6 alignment of CM statutory verbiage with established CM professional requirements.

7           The legislature also finds that for many people, decisions about pregnancy and birth are  
8 informed by their personal or community history and culture, and are experiences of great  
9 social, cultural, and spiritual significance, not primarily medical events. As such, there are a  
10 wide range of traditional practitioners – for example, pale keiki, traditional church midwives,  
11 lola, and senba – and birth-related service providers, including doulas, lactation consultants,  
12 birth coaches, chanters, nutrition support people, spiritual practitioners, and others whose care  
13 and advice are important in the well-being of birthing people and their families.

14           The legislature finds that the Midwife Licensing Program established by Act 32 (2019)  
15 and enacted as HRS 457J was an important step toward recognizing the practice of professional  
16 midwifery.

17           The legislature also finds that the implementation of HRS 457J provided valuable  
18 insight into the complexity of community birth settings in Hawai’i. Some of the urgent needs  
19 identified in this process include the following:

20           1. **Safety.** Research evidence highlighted by the Centers for Disease Control and  
21 Prevention (CDC) and in *The White House Blueprint for Addressing the Maternal Health Crisis*  
22 (June, 2022) suggests that legal access to culturally responsive care of the birthing person’s  
23 choosing, including traditional practices of that person’s culture, is strongly correlated with

1 increased safety and well-being. Home birth with a skilled, unlicensed midwife has been found  
2 to be safe and has not been found to be a contributor to the high maternal mortality rate in  
3 Hawaii, or any other harm to health and safety. Effective communication during hospital  
4 transport was also found to be an important factor in safety. Barriers may include, for example,  
5 fear of legal danger that inhibits communication and information sharing, and might cause  
6 parents to delay needed transport. Safety is therefore best served by protecting access to all  
7 types of birthing assistance, and by developing and engaging long-range strategies that  
8 effectively address proven barriers to safety.

9       2. **Access to care.** Maternal mortality was found by the CDC to be higher amongst  
10 Native Hawaiians, Pacific Islanders, Black people, Native Americans, and Alaska Natives; and  
11 recent data indicates that Native Hawaiians and other Pacific Islanders now have the highest  
12 rates of all. Maternal mortality has not been associated with out-of-hospital birthing in any  
13 way, and is strongly correlated to lack of access to culturally appropriate care and support.  
14 There is also a severe lack of access to maternal health care overall in Hawai'i. Due to extreme  
15 physician shortages, particularly in rural neighbor island communities, many neighbor island  
16 pregnant people are forced to fly to Oahu in order to receive conventional prenatal care, and to  
17 give birth, often with no family or other support. All three neighbor island counties (Hawaii,  
18 Kauai, Maui) passed resolutions in 2023 "urging The Hawai'i State Legislature To Enact A  
19 Statute Exempting Birth Attendants From State Licensure Requirements." Access is best  
20 served by keeping all care options legally accessible, while long-term solutions are developed  
21 that address the complex needs of these communities.

22       3. **Culture.** The need for culturally responsive care has been highlighted in new data  
23 and other scholarship within the last two years. This is associated with better maternal/infant

1 outcomes and with trust, which in itself is a significant factor in access to care. Act 32 states  
2 “that practicing midwifery according to this Act does not impede one's ability to incorporate or  
3 provide cultural practices.” However, the judiciary found that constitutionally protected cultural  
4 practices were impeded, due to ambiguous language, administrative complexities and other  
5 factors. The court ruling (July 23, 2024) highlighted the importance of protecting traditions that  
6 might be lost, as well as the emergence of a new generation of local birth-related practitioners  
7 from a variety of cultures and a wide range of practices. Cultural competency is best served by  
8 protecting access to practitioners of all cultures, while long-term solutions are developed that  
9 address the complex needs of our multicultural community.

10 4. ***Integration.*** Healthy relationships between birthing people, their attendants, and  
11 medical personnel are imperative for maternal health, and especially for emergency situations.  
12 Trust, mutual respect and collaborative care are of vital importance. Integration is best served  
13 by ensuring legality of all types of practice that may be engaged in by any family, thereby  
14 eliminating fears and legal dangers that could inhibit effective communication, access, and  
15 information sharing. Mutually respectful integration strategies should be included in long-range  
16 legislative planning.

17 5. ***License Equality.*** There are only eight Midwifery Education Accreditation Council  
18 (MEAC) schools accredited in the United States and none are located in Hawaii. Requiring  
19 certification that is prohibitively difficult for residents of Hawaii to obtain, while allowing  
20 transfer of out-of-state licenses that may not have these requirements, disadvantages and  
21 potentially displaces Hawai'i practitioners and limits patients' access to culturally informed  
22 community-based care. No Kanaka Maoli (Native Hawaiians) have yet been licensed and only  
23 one of 41 total licensed midwives was born and raised in Hawai'i. Over a fourth of the state's

1 licensed midwives do not reside in Hawai'i at all. Equitable balancing and assurance of access  
2 to licensure for Hawai'i residents is important.

3 6. **Justice.** Since licensure began in 2019, new scholarly data clarified that people of  
4 color experience systemic injustice at disproportionate rates. Meaningful choices about where,  
5 how, and with whom to birth are constrained when those who are needed to help enact those  
6 choices face legal penalties for doing so, and the birthing person could also be implicated. Fear  
7 of systemic discrimination has resulted in some birthing people in Hawai'i choosing to give  
8 birth with no assistance, rather than risk potential systemic repercussions from use of an  
9 unlicensed provider. It is therefore urgent that systemic barriers to birth support be removed, to  
10 ensure both safety and increased systemic justice.

11 7. **Diversity.** *The White House Blueprint for Addressing the Maternal Health Crisis*  
12 (June, 2022) is clear that "The lack of diversity in clinical providers and non-clinical workers is  
13 troubling, especially given studies that show how beneficial care from diverse providers can be,  
14 especially for women of color." A diversity of practices are needed in order to address the  
15 current maternal health crisis in Hawai'i and meet the needs of Hawai'i's multicultural and  
16 rural communities. Since licensure began in 2019, it has become clear that there is a very broad  
17 spectrum of cultural, religious, and historically traditional birth practices in Hawai'i, outside of  
18 licensed clinical midwife practice. Diversification of legally available options is urgently  
19 needed to protect cultural practices, ensure reproductive autonomy, increase access to care, and  
20 improve health outcomes and mortality rates.

21 The Hawaii Regulatory Licensing Reform Act, [HRS Chapter 26H](#) requires the State to  
22 regulate professions only "when the health, safety, or welfare of the consumer may be  
23 jeopardized by the nature of the service" based upon "evidence of abuses by providers of the

1 service” and other actual evidence “in determining whether regulation is desirable.” The  
2 Hawaii regulatory licensing reform act also requires that, “Regulation shall not unreasonably  
3 restrict entry into professions and vocations by all qualified persons,” and notes that “the  
4 purpose of regulation shall be the protection of the public welfare and not that of the regulated  
5 profession or vocation,” and that “Professional and vocational regulations shall be eliminated  
6 when the legislature determines that they have no further benefits to consumers.”

7 The Legislature therefore finds that regulation of certified professional midwifery and  
8 certified midwifery, which utilize prescription drugs, modern instrumentation, and techniques  
9 such as intravenous fluid administration, would be reasonable and beneficial to consumers,  
10 with the addition of accessible pathways for qualified local Hawai‘i practitioners to achieve  
11 licensure. Regulation by the State of traditional and non-clinical practitioners and extended or  
12 hānai family is not supported or required by the Hawaii Regulatory Licensing Reform Act.

13 The purpose of this measure is to allow a woman to choose where and with whom she  
14 gives birth, by ensuring the legality of all practices engaged with by any birthing person, while  
15 comprehensive solutions are built that address the complexity of community needs and cultural  
16 considerations in Hawai‘i.

17 SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be  
18 appropriately designated and to read as follows:

19 **Section 1 - Purpose.** To provide for the licensure of the certified midwife and the  
20 certified professional midwife by the Department of Commerce and Consumer Affairs, to  
21 identify the scope of practice for a licensed midwife, to allow a licensed midwife to provide  
22 independent midwifery services in: hospitals, clinics, freestanding birthing facilities, the  
23 community birth setting, and the home; to allow licensed midwives to be eligible for insurance

1 reimbursement; and to prohibit representation as a certified midwife or certified professional  
2 midwife unless licensed.

3 **Section 2 - Definitions.**

4 "Accredited educational program in midwifery" means an academic and practical program of  
5 midwifery accredited by the Accreditation Commission for Midwifery Education (ACME) for  
6 certified midwives (CMs), or the Midwifery Education Accreditation Council (MEAC) for  
7 certified professional midwives (CPMs).

8 "American Midwifery Certification Board (AMCB)" means the national certifying body for  
9 Certified Midwives (CMs) and Certified Nurse-Midwives (CNMs).

10 "American College of Nurse-Midwives (ACNM)" means the professional association that  
11 represents certified midwives (CMs) and certified nurse-midwives (CNMs) in the United  
12 States.

13 "Certified Midwife (CM)" means a person who has graduated from a graduate-level midwifery  
14 education program accredited by the Accreditation of Commission for Midwifery Education  
15 (ACME) or its successor organization and holds a valid certification from the American  
16 Midwifery Certification Board (AMCB) or its successor organization.

17 "Certified Professional Midwife (CPM)" means a person who has obtained a midwifery  
18 education by completing a Midwifery Education Accreditation Council (MEAC) education  
19 program; or by completing a midwifery apprenticeship under a North American Registry of  
20 Midwives (NARM) registered preceptor, the Portfolio Evaluation Process (PEP), successfully  
21 passing the NARM exam, and holds a valid certification from NARM or its successor  
22 organization.

23 "Collaborate" means a process in which a practitioner cooperates and communicates with



1 healthcare professionals from different disciplines, based on the healthcare needs of the patient,  
2 each providing distinct and complementary expertise to improve care.

3 “Department” means the Department of Commerce and Consumer Affairs for the State of  
4 Hawai’i.

5 “Director” means the director of the Department of Commerce and Consumer Affairs.

6 “Expedited partner therapy” means the clinical practice of treating the sexual partners of clients  
7 diagnosed with sexually transmitted infections by relaying prescriptions or providing  
8 medications to the client to take to their partner without the licensed midwife first examining  
9 the partner. (Auth: HRS §453-52)

10 “Licensed Midwife” means a person licensed under this chapter.

11 “Midwife Preceptor” means a licensed midwife, licensed maternal health professional, or  
12 preceptor registered with a Midwifery Education Accreditation Council (MEAC) school, who  
13 participates in the clinical education of individuals who are enrolled in a MEAC education  
14 program, Accreditation Commission for Midwifery Education (ACME) education program or  
15 directly working under a North American Registry of Midwives (NARM) Registered Preceptor  
16 to acquire their Portfolio Evaluation Process requirements (PEP).

17 “Midwifery” means skilled, knowledgeable and compassionate care for childbearing women  
18 [people], newborn infants and families across the continuum from prenatal, pregnancy, birth,  
19 postpartum and the early weeks of life, as defined by the World Health Organization.

20 “Midwifery bridge certificate” is a certificate issued by North American Registry of Midwives  
21 (NARM) to a Certified Professional Midwife who obtained certification through the Portfolio  
22 Evaluation Process, upon the successful completion of additional accredited education  
23 (minimum of 50 hours) in specific subjects as required by NARM. The bridge certificate

- 1 demonstrates a blended training pathway of both apprenticeship and accredited education.
- 2 “Midwifery Education Accreditation Council (MEAC)” means the independent, non-profit
- 3 organization recognized by the United States Department of Education as the accrediting
- 4 agency of the direct-entry midwifery institutions and programs.
- 5 “North American Registry of Midwives (NARM)” means the national certifying body for
- 6 Certified Professional Midwives.
- 7 “Portfolio evaluation process (PEP)” is an apprenticeship model educational process that
- 8 includes verification of knowledge and skills by qualified NARM preceptors. Completion of
- 9 this process qualifies an applicant to sit for the NARM written examination.
- 10 “Practice of certified midwifery” means midwifery as practiced by certified midwives (CMs),
- 11 encompasses the independent provision of care during pregnancy, childbirth, and the
- 12 postpartum period; sexual and reproductive health; gynecologic health; and family planning
- 13 services, including preconception care. Certified Midwives also provide primary care for
- 14 individuals from adolescence throughout the lifespan as well as care for the healthy newborn
- 15 and infant during the first 28 days of life.
- 16 “Practice of certified professional midwifery” means midwifery as practiced by certified
- 17 professional midwives (CPMs), encompasses the independent provision of care during
- 18 pregnancy, childbirth, and the postpartum period; sexual and reproductive health; gynecologic
- 19 health; and family planning services, including preconception care. Certified Professional
- 20 Midwives also provide primary care for the healthy newborn and infant during the first 12
- 21 weeks of life.
- 22 “Student midwife” means a person who is enrolled in an ACME accredited school, MEAC
- 23 midwifery educational program; or directly working under a NARM registered preceptor on

- 1 acquiring their PEP requirements for NARM certification.
- 2 “Traditional birth attendant” means a person who assists birthing people with traditional skills
- 3 and techniques, and is not licensed under this chapter.
- 4 “Unlicensed assistive person” means an individual who is not licensed to practice certified
- 5 midwifery or certified professional midwifery, but who competently provides tasks delegated
- 6 by a licensed midwife.

7 **Section 3 - Application and requirements for license as a midwife.** To obtain a

8 license under this chapter, the applicant shall provide:

9 (1) An application for licensure;

10 (2) The required fees;

11 (3) Proof of current, unencumbered certification as a:

12 (A) Certified midwife; or

13 (B) Certified professional midwife;

14 (4) For certified midwives, for a license to practice certified midwifery under this act, an

15 individual shall establish to the satisfaction of the Department that the individual:

16 A. Holds a valid graduate degree in midwifery from a program accredited by AMCB or

17 its successor;

18 B. Has successfully passed the certification exam from AMCB or its successor

19 organization; and

20 C. Is at least 21 years of age by the date of the licensure application.

21 (5) For certified professional midwives, for a license to practice certified professional

22 midwifery under this act, an individual shall provide proof of:

23 A. Successful completion of midwifery education and training that is either:

1           (i) Certification through an educational program or pathway accredited by the  
2           Midwifery Education Accreditation Council; or

3           (ii) Certification through the North American Registry of Midwives portfolio  
4           evaluation process (PEP) and a midwifery bridge certificate issued by the North  
5           American Registry of Midwives for the certified professional midwife.

6           B. Licensure maintained in a state that does not require accredited education, and a  
7           midwifery bridge certificate issued by NARM;

8           (6) If applicable, evidence of any licenses held or once held in other jurisdictions indicating the  
9           status of the license and documenting any disciplinary proceedings pending or taken by any  
10          jurisdiction;

11          (7) Information regarding any conviction of any crime which has not been annulled or  
12          expunged; and

13          (8) Any other information the department may require to investigate the applicant's  
14          qualifications for licensure.

15          **Section 4 - Powers and duties of the director.** In addition to any other powers and  
16          duties authorized by law, the director shall have the power and duties to:

17          (1) Grant permission to a person to use the title of "licensed midwife" pursuant to this chapter  
18          and the rules adopted pursuant thereto;

19          (2) Adopt, amend, or repeal rules pursuant to chapter 91 to carry out the purposes of this  
20          chapter;

21          (3) Administer, coordinate, and enforce this chapter and rules adopted pursuant thereto;

22          (4) Discipline a licensee for any cause described by this chapter or for any violation of rules or  
23          refuse to license a person for failure to meet the licensing requirements or for any cause that

1 would be grounds for disciplining a licensee;

2 (5) Appoint an advisory committee to assist with the implementation of this chapter and the

3 rules adopted pursuant thereto. The advisory committee shall consist of the following:

4 (A) Three midwives who are certified professional midwives;

5 (B) Two members of the public; and

6 (C) One certified midwife; if none is available, a certified nurse midwife who works in

7 the community birth setting, if none is available a certified professional midwife; and

8 (6) Remove or otherwise modify the authorization to furnish or prescribe prescription drugs and

9 legend devices by rule under chapter 91. [L 2019, c 32, pt of §2]

10 **Section 5 - Scope of practice. Licensed Midwife. Certified Midwife. Certified**

11 **Professional Midwife.** Licensed midwife scope:

12 (1) A licensed midwife may not practice without a current and valid certification and license.

13 (2) A licensed certified midwife (CM) shall at all times practice within the scope of practice

14 and national standards as delineated by ACNM or its successor; a licensed certified

15 professional midwife (CPM) shall at all times practice within the scope of practice and national

16 standards as delineated by NARM or its successor.

17 (3) Clarifications of the scope of practice of a licensed midwife may be established by the

18 Department consistent with national standards of ACNM for the certified midwife, or NARM

19 for the certified professional midwife.

20 (4) The scope of practice of a licensed midwife includes;

21 a. Authorization to order and interpret medical laboratory and diagnostic tests, to

22 perform ultrasound scanning and to obtain equipment and supplies necessary for the

23 safe practice of midwifery;

- 1           b.     Provide initial and ongoing comprehensive assessment, diagnosis, and  
2           treatment;
- 3           c.     Conduct physical examinations;
- 4           d.     Promote individualized wellness education and counseling for health promotion,  
5           disease prevention, risk assessment and management;
- 6           e.     Collaborate in partnership with individuals and families in diverse settings such  
7           as ambulatory care clinics, private offices, telehealth and other methods of remote care  
8           delivery, community and public health systems, homes, hospitals, and birth centers; and
- 9           f.     Order medical devices, durable medical equipment

10   (5) Unless authorized to practice as a licensed midwife under this act, a person shall not use or  
11   imply the use of the words or term “licensed midwife,” or any similar title or description of  
12   services with the intent to represent that the person practices midwifery as a licensed midwife.

13       *Certified midwife scope:* In addition to the scope of a licensed midwife, the certified  
14   midwife (CM) may:

15   (1) Obtain prescriptive authority to independently prescribe medications including but not  
16   limited to controlled substances, treatment of substance use disorder, and expedited partner  
17   therapy;

18   (2) Admit, manage, and discharge patients to and from hospital or freestanding birthing  
19   facilities;

20   (3) Assist in surgery, provided that this subparagraph shall only apply to licensed midwives  
21   practicing as certified midwives; [HAR 89- C 16-89-81 (c 3:A-v)]; and

22   (4) Order home health services.

23       *Certified professional midwife scope:* In addition to the scope of a licensed midwife, the

1 certified professional midwife (CPM) may:

2 (1) Obtain authority to independently furnish medications including but not limited to

3 expedited partner therapy for sexually transmitted infections;

4 (2) Admit, manage, and discharge patients to and from a freestanding birthing facility or

5 birthing home in the community setting; and

6 (3) Obtain medical devices, durable medical equipment and supplies necessary for the safe

7 practice of certified professional midwifery

8 (4) Furnish medications and devices that are used within the practice of midwifery.

9 **Section 6. Practice standards. Licensed Midwife.** Practice standards for licensed

10 midwives shall include, but shall not be limited to the:

11 (1) provision of evidence-informed, client-centered care in collaboration with the client

12 including referrals to other providers and services, as indicated;

13 2) adoption of ethical standards in support of individual rights and self-determination in a

14 context of family, community, and a system of healthcare;

15 (3) documentation of client charts to facilitate interprofessional communication and provide

16 clients with a means to access their healthcare records;

17 (4) participation in quality management such as peer review, continuing education, and data

18 analysis to improve midwifery practice.

19 **Section 7 - Delegation of tasks rules.** (1) Any licensed midwife may delegate any

20 task included in the midwife's licensed scope of practice subject to the requirements of this

21 section. A licensed midwife may delegate midwife tasks to licensed, certified, registered, or

22 unlicensed or unregulated (by the state) assistive personnel. In no event may a licensed midwife

23 delegate the authority to another person to select medications if the person is not, independent

1 of the delegation, authorized by law to select medications;

2 (2) Delegated tasks shall be within the area of responsibility of the delegating licensed midwife

3 and shall not require any delegate to exercise the judgment required of a licensed midwife;

4 (3) No delegation shall be made without the delegating licensed midwife making a

5 determination that, in their professional judgment, the delegated task can be properly and safely

6 performed by the delegate and that the delegation is commensurate with the patient's safety and

7 welfare;

8 (4) The delegating licensed midwife is solely responsible for determining the required degree of

9 supervision the delegate will need, after an evaluation of the appropriate factors, which shall

10 include, but are not to be limited to, the following:

11 (a) The stability of the condition of the patient;

12 (b) the training and ability of the delegate;

13 (c) the nature of the licensed midwife task being delegated;

14 (5) An employer of a licensed midwife may establish policies, procedures, protocols, or

15 standards of care that limit or prohibit delegations by licensed midwives in specified

16 circumstances; and

17 (6) The Department may promulgate rules pursuant to this section, including but not limited to

18 standards on the assessment of the proficiency of the delegate to perform delegated tasks, and

19 standards for accountability of any licensed midwife who delegates licensed midwife tasks.

20 **Section 8 - Prescriptive Authority. Certified Midwives. Limits on prescriptions.**

21 **Rules. Financial benefit for prescribing prohibited.**

22 (1) The Department may authorize the certified midwife who is in good standing without

23 disciplinary sanctions and who has fulfilled the requirements of this section and requirements



1 established by the Department pursuant to this section to prescribe controlled substances or  
2 prescription drugs;

3 (2) A certified midwife may be granted authority to prescribe prescription drugs and controlled  
4 substances to provide treatment to clients within the role and population focus of the certified  
5 midwife, as applicable;

6 (3) A certified midwife who has been granted authority to prescribe prescription drugs and  
7 controlled substances under the Department may advise the certified midwife's patients of their  
8 option to have the symptom or purpose for which a prescription is being issued included on the  
9 prescription order;

10 (4) Upon satisfaction of the requirements set forth by the Department of this section, the  
11 Department may grant provisional prescriptive authority to a certified midwife. The provisional  
12 prescriptive authority that is granted is limited to those patients and medications appropriate to  
13 the certified midwife's role and population focus;

14 (5) The certified midwife shall maintain national certification, as specified in Section 3, unless  
15 the Department grants an exception;

16 (6) A certified midwife who obtains prescriptive authority pursuant to this section shall be  
17 assigned a specific identifier by the Department. This identifier shall be available to the  
18 Hawai'i medical board and the state board of pharmacy. The Department shall establish a  
19 mechanism to assure that the prescriptive authority of a certified midwife may be readily  
20 verified;

21 (7) Prescriptive authority by a certified midwife is limited to those patients appropriate to the  
22 certified midwife's scope of practice. Prescriptive authority may be limited or withdrawn and  
23 the certified midwife may be subject to further disciplinary action if the certified midwife has

1 prescribed outside the certified midwife's scope of practice or for other than a therapeutic  
2 purpose;

3 (8) Nothing in this section shall be construed to require a certified midwife to obtain  
4 prescriptive authority to order anesthesia care;

5 (9) A certified midwife shall not accept any direct or indirect benefit from a pharmaceutical  
6 manufacturer or pharmaceutical representative for prescribing a specific medication to a  
7 patient. For the purposes of this section, a direct or indirect benefit does not include a benefit  
8 offered to a certified midwife regardless of whether the specific medication is being prescribed;  
9 and

10 (10) A pharmacist who dispenses drugs and devices to a midwife as authorized by this section  
11 and in conformity with chapter 461 is not liable for any adverse reactions caused by the  
12 midwife's administration of legend drugs and devices.

13 **Section 9 - Authority to furnish. Certified professional midwives. Financial benefit**  
14 **for furnishing prohibited.**

15 (1) The Department may authorize the certified professional midwife who is in good standing  
16 without disciplinary sanctions and who has fulfilled the requirements of this section and  
17 requirements established by the Department pursuant to this section to furnish prescription  
18 drugs and devices consistent with the practice of midwifery;

19 (2) A certified professional midwife may be granted authority to furnish prescription drugs to  
20 provide treatment to clients within the role and population focus of the certified professional  
21 midwife, as applicable;

22 (3) A certified professional midwife who has been granted authority to furnish prescription  
23 drugs under the Department may advise the certified professional midwife's patients of their

1 option to have the symptom or purpose for which a medication is being issued included on the  
2 order to furnish;

3 (4) A certified professional midwife who obtains authority to furnish prescription drugs  
4 pursuant to this section shall be assigned a specific identifier by the Department. This identifier  
5 shall be available to the Hawai'i medical board and the state board of pharmacy. The  
6 Department shall establish a mechanism to assure that the authority to furnish of a certified  
7 professional midwife may be readily verified;

8 (5) Authority to furnish prescription drugs by a certified professional midwife is limited to  
9 those patients appropriate to the certified professional midwife's scope of practice. Authority to  
10 furnish may be limited or withdrawn and the certified professional midwife may be subject to  
11 further disciplinary action if the certified professional midwife has furnished a medication  
12 outside the certified professional midwife's scope of practice or for other than a therapeutic  
13 purpose;

14 (6) A certified professional midwife shall not accept any direct or indirect benefit from a  
15 pharmaceutical manufacturer or pharmaceutical representative for furnishing a specific  
16 medication to a patient. For the purposes of this section, a direct or indirect benefit does not  
17 include a benefit offered to a certified professional midwife regardless of whether the specific  
18 medication is being furnished; and

19 (7) A pharmacist who dispenses drugs and devices to a midwife as authorized by this section  
20 and in conformity with chapter 461 is not liable for any adverse reactions caused by the  
21 midwife's administration of legend drugs and devices.

22 **Section 10 - License required.**

23 (a) Beginning July 1, 2025, except as provided in this chapter, no person shall use the title

- 1 "licensed midwife," or the abbreviation "L.M.," or any other words, letters, abbreviations, or  
2 insignia indicating or implying that the person is a licensed midwife, without a valid license  
3 issued pursuant to this chapter.
- 4 (b) No person shall use the title "Certified Midwife" or "Certified Professional Midwife"  
5 without a valid certification.
- 6 (c) Nothing in this section shall preclude a person holding a national certification as a midwife  
7 from identifying the person as holding such certification, so long as the person is not professing  
8 to be licensed to practice midwifery in the State unless that person is licensed in accordance  
9 with this chapter.
- 10 (d) Nothing in this chapter shall prohibit traditional [Native Hawaiian] healing practices of  
11 prenatal, maternal, and child care. Nothing in this chapter shall limit, alter, or otherwise  
12 adversely impact any traditional Native Hawaiian customary practice related to pregnancy,  
13 birth, or infancy pursuant to the Constitution of the State of Hawaii.
- 14 (e) This chapter does not require licensure of an individual who is:
- 15 (1) A certified nurse-midwife holding a valid license under chapter 457;  
16 (2) A student midwife;  
17 (3) Licensed and performing work within the scope of practice or duties of the person's  
18 profession that overlaps with the practice of midwifery;  
19 (4) A person providing limited perinatal support services that are not subject to state  
20 licensure requirements, such as childbirth education, lactation support, or doula care;  
21 (5) A person rendering emergency aid;  
22 (6) A person administering care to a person's immediate or extended family, including  
23 hānai family.

1       (7) A person with birth-related practices in connection with or in accordance with the  
2       tenets and practice of any ethnic culture, provided that no person claims to practice as a  
3       certified midwife, certified professional midwife or a licensed midwife;

4       (8) A person with birth-related practices in connection with healing by prayer or  
5       spiritual means in accordance with the tenets and practice of any well recognized church  
6       or religious denomination, provided that no person claims to practice as a certified  
7       midwife, certified professional midwife or a licensed midwife;

8       (9) A person acting as a traditional birth attendant who:

9               (A) Does not use legend drugs or devices, the use of which requires a license  
10              under the laws of the State;

11              (B) Does not advertise that the person is a licensed midwife;

12              (C) Discloses to each client verbally and in writing at the time care is first  
13              initiated;

14                      (i) That the person does not possess a professional license issued by the  
15                      State to provide health or maternity care to women or infants;

16                      (ii) That the person's education and qualifications have not been  
17                      reviewed by the State;

18                      (iii) The person's education and training;

19                      (iv) That the person is not authorized to acquire, carry, administer, or  
20                      direct others to administer legend drugs;

21                      (v) Any judgment, award, disciplinary sanction, order, or other  
22                      determination that adjudges or finds that the person has committed  
23                      misconduct or is criminally or civilly liable for conduct relating to

1                   midwifery by a licensing or regulatory authority, territory, state, or any  
2                   other jurisdiction; and  
3                   (vi) A plan for transporting the client to the nearest hospital if a problem  
4                   arises during the client's care; and  
5                   (D) Maintains a copy of the form required by subparagraph (C) for at least ten  
6                   years and makes the form available for inspection upon request by the  
7                   Department.

8                   **Section 11 - Fees.**

9                   (a) Each applicant shall pay a licensing fee upon application for an initial license or renewal of  
10                  a license. Fees collected pursuant to this section or by rule adopted under this section shall be  
11                  nonrefundable.

12                  (b) Pursuant to section 26-9(l), the director may establish fees to restore a license, penalty fees,  
13                  and any other fees required for the administration of this chapter by rule.

14                  (c) All fees collected pursuant to this chapter shall be deposited by the director to the credit of  
15                  the compliance resolution fund established pursuant to section 26-9(o).

16                  (d) Fees assessed pursuant to this chapter shall be used to defray costs incurred by the  
17                  department in implementing this chapter.

18                  (e) The director may assess fees as provided in this chapter and section 26-9 and,  
19                  notwithstanding any other law to the contrary, may change the amount of the fees required by  
20                  this section at any time without regard to chapter 91, if the director:

21                  (1) Holds at least one public hearing to discuss and take testimony on the proposed fee change;  
22                  and  
23                  (2) Provides public notice at least thirty days prior to the date of the public hearing.

1           **Section 12 - Issuance of License.** The director may issue a license to any person who  
2           meets all licensure requirements and pays the appropriate fees.

3           **Section 13 - Renewals.** Every license issued under this chapter shall be renewed  
4           triennially on or before June 30th. Failure to renew a license shall result in a forfeiture of the  
5           license. Licenses which have been so forfeited may be restored within one year of the  
6           expiration date upon payment of renewal and penalty fees. Failure to restore a forfeited license  
7           within one year of the date of its expiration shall result in the automatic termination of the  
8           license. Relicensure after termination shall require the person to apply as a new applicant and  
9           again satisfy all licensing requirements in place at the time of the new application.

10          **Section 14 - Reimbursement for licensed midwives.** A health benefit plan or health  
11          insurance reimbursement program shall provide coverage for services rendered by a licensed  
12          midwife for services within the scope of practice of certified midwifery or certified professional  
13          midwifery, respectively, regardless of the location where such services are provided.

14          **Section 15 - Grounds for refusal to grant, renew, reinstate, or restore licenses and**  
15          **for revocation, suspension, denial, or condition of licenses.** In addition to any other acts or  
16          conditions provided by law, the director may refuse to grant, renew, reinstate, or restore, or  
17          may deny, revoke, suspend, or condition in any manner, any license for any one or more of the  
18          following acts or conditions on the part of the licensee or the applicant thereof:

19          (1) Failing to meet or maintain the conditions and requirements necessary to qualify for the  
20          granting of a license;

21          (2) Failing to notify the department in writing that the licensee's certification as a certified  
22          midwife or as a certified professional midwife is no longer current or unencumbered within  
23          thirty days of the change in status;

- 1 (3) Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable
- 2 statements;
- 3 (4) Being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine,
- 4 hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;
- 5 (5) Practicing as a licensed midwife while impaired by alcohol, drugs, physical disability, or
- 6 mental instability;
- 7 (6) Procuring a license through fraud, misrepresentation, or deceit;
- 8 (7) Engaging in professional misconduct as defined by the program in accordance with its own
- 9 rules, incompetence, gross negligence, or manifest incapacity in the practice of midwifery;
- 10 (8) Failing to maintain a record or history of competency, trustworthiness, fair dealing, and
- 11 financial integrity;
- 12 (9) Engaging in conduct or practice contrary to recognized standards of ethics for the practice
- 13 of midwifery;
- 14 (10) Violating any condition or limitation upon which a conditional license was issued;
- 15 (11) Engaging in business under a past or present license issued pursuant to this chapter in a
- 16 manner of negligence which results in causing injury to one or more members of the public;
- 17 (12) Failing to comply, observe, or adhere to any law in a manner such that the director deems
- 18 the applicant or licensee to be an unfit or improper person to hold a license;
- 19 (13) Having a revocation, suspension, or other disciplinary action by a territory, or by another
- 20 state or federal agency against a licensee or applicant for any reason provided by the licensing
- 21 laws or this section;
- 22 (14) Having a criminal conviction, whether by nolo contendere or otherwise, of a penal crime
- 23 directly related to the qualifications, functions, or duties of a licensed midwife;



1 (15) Failing to report in writing to the director any disciplinary decision issued against the  
2 licensee or the applicant in another jurisdiction within thirty days of the disciplinary decision;

3 (16) Violating this chapter, any other applicable licensing laws, or any rule or order of the  
4 director; or

5 (17) Using or removing without authorization controlled substances or drugs, including  
6 diverting or attempting to divert drugs or controlled substances for unauthorized use.

7 **Section 16 - Penalties.** Any person who violates this chapter or rules adopted pursuant  
8 thereto shall be subject to a fine of not more than \$1,000 for each separate offense.

9 **Section 17 - Task Force.** There is established a home birth task force under the  
10 Department of Health.

11 (1) The task force shall consist of no more than fourteen members and shall include:

12 A. The director of commerce and consumer affairs, or the director's designee;

13 B. The director of health, or the director's designee;

14 C. A representative from the Hawaii section of the American College of Obstetricians and  
15 Gynecologists or other Hawaii licensed physician;

16 D. A representative of the Department of Human Services Med-QUEST Division or a  
17 designated representative of an insurance provider serving Med-QUEST;

18 E. A representative of Emergency Medical services (EMS);

19 F. A representative of the Hawai'i Hospital Association (HHA); and

20 G. Eight Members recommended by the Hawaii Home Birth Collective that represent the  
21 following stakeholder groups: certified midwife; certified professional midwife; home birth  
22 elder; traditional or cultural birth attendant; and a member of the public that has used home  
23 birth services.

- 1     (2) The task force shall include representation from all counties. The task force may  
2     recommend additional members with appropriate expertise, to be approved by the chairperson.
- 3     (3) The task force shall elect a chairperson from among the members of the task force.
- 4     (4) The task force shall discuss matters relating to home births and make recommendations to  
5     improve coordination of care and information across the maternal health system. The  
6     discussions shall include but not be limited to the following:
- 7     A.     Education and training of birth practitioners;  
8     B.     Public health education and information regarding home birth practices;  
9     C.     Data and information regarding home birth and maternal and infant health;  
10    D.     Transport to medical care;  
11    E.     Proposed action to improve public health and safety.
- 12    (5) The members of the task force shall serve without compensation. No member of the task  
13    force shall be made subject to section 84-17, Hawaii Revised Statutes, solely because of that  
14    member's participation on the task force.
- 15    (6) The Department of Health shall provide administrative and clerical support required by the  
16    task force.
- 17    (7) The home birth task force shall dissolve on June 30, 2026.

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

## Midwifery Licensure Legislation: Comparative Table

2019 Midwifery Licensing Law HRS 457J (sunsets July 2025)	2025 Legislative Session	Comments
<b>Infringes on Reproductive Freedom and Women’s Right to Choose</b> <ul style="list-style-type: none"> <li>Law does not fulfill the bill’s intent which states “this act will allow a woman to choose where and with whom to give birth”</li> </ul> <a href="#">Act 32 (2019) preamble page2 lines 4-5</a>	<b>Fulfills intent of HRS 457j</b> <ul style="list-style-type: none"> <li>Proposed language allows a woman the right to choose where and with whom she gives birth. (page 19-21) (<a href="#">Act 32 (2019) preamble page2 lines 4-5</a>)</li> </ul>	<p>Hawai’i has a proud history of safeguarding and protecting reproductive rights. We passed the first abortion law in 1970. After the overturning of <i>Roe vs. Wade</i>, Hawai’i enacted even greater protections to shield abortion seekers and providers from being targeted and criminalized by states with more restrictive abortion restrictions.</p>
<b>Restricts Access to Licensure</b> <ul style="list-style-type: none"> <li>Only allows for MEAC accredited pathway certification</li> <li>PEP plus Bridge apprenticeship pathway expired on January 1, 2020</li> </ul>	<b>Expands access to Licensure</b> <ul style="list-style-type: none"> <li>Recognizes national certification using the MEAC accredited education pathway</li> <li>Recognizes national certification using the PEP plus bridge pathway</li> </ul>	<p>The Midwifery Model of care recognizes a holistic approach, and views pregnancy and birth as normal life processes.</p> <p><b><i>25 states allow for midwifery licensure through the MEAC and PEP apprenticeship pathway</i></b></p>
<b>Provides Broader Licensure Pathways to Out of State Midwives Who Move to Hawai’i</b> <ul style="list-style-type: none"> <li>Midwives who earn their midwifery license using the PEP apprenticeship pathways in other states are allowed to apply for a midwifery license in Hawai’i</li> <li>However, residents in Hawai’i who pursue a license using the PEP apprenticeship pathway are prohibited from doing so under this law</li> <li>Persons who “maintained licensure in a state that does not require accredited education” may apply for a license (HRS 457J-8)</li> </ul>	<b>Gives Hawai’i residents equal access to Midwifery Licensure</b> <ul style="list-style-type: none"> <li>Provides for residents in Hawaii to have access to the same opportunity to apply for a midwifery license through the PEP apprenticeship pathway that out of state midwives had when applying for a license from 2019-2025.</li> </ul>	<p>According to Dr. Melissa Cheyney, an expert witness in the litigation, there is no evidence that midwives who go through the MEAC process have better clinical outcomes than the ones who go through the PEP process to become a licensed midwife.</p>

<p><b>Discriminates against Hawai'i residents</b></p> <ul style="list-style-type: none"> <li>Hawai'i residents who seek a license using the PEP apprenticeship pathway are required to earn an accredited education.</li> </ul>	<p><b>Does not Discriminate against Hawai'i residents</b></p> <ul style="list-style-type: none"> <li>Hawai'i or out-of-state residents may seek a license using the PEP plus bridge apprenticeship pathway under the proposed licensure system</li> </ul>	<p><b>Limited Access to Licensure</b></p> <ul style="list-style-type: none"> <li>There are only eight MEAC accredited programs in the entire United States. In addition, there are limited preceptors (supervisors) available to train students.</li> <li>Court's ruling: Programs qualified under HRS § 457J to obtain a license were a barrier to Native Hawaiian traditional midwives' reasonable exercise of their customary rights because they either require excessive education, do not exist in the state, or come with unreasonable barriers (pg. 37, ¶ 58).</li> <li>Legislative remedy: voluntarily acknowledge that existing pathways to licensure are too narrow, difficult to access, and that they disadvantage residents of the state, including those who are not Native Hawaiian. The goal is to address these gaps by expanding licensure eligibility options to include the PEP pathway, providing resources to aspiring midwives, and reinstating the birth attendant exemption or similar accommodation.</li> </ul>
<p><b>Contravenes the Legislature's Intent to Incorporate all birth practitioners over a three year period</b></p> <ul style="list-style-type: none"> <li>"By the end of the three year period the legislature intends to enact statutes that will incorporate all birth practitioners and allow them to practice to the fullest extent under the law." (<a href="#">Act 32 (2019) preamble page 3 lines 8-11</a>)</li> </ul>	<p><b>Fulfills intent of HRS 457j</b></p> <ul style="list-style-type: none"> <li>The proposed bill incorporates all birth practitioners (page 20-21)</li> </ul>	

<b>Creates an Exemption for Native Hawaiian Traditional and Customary Birthing Practices that Violates the Hawaii Constitution in Practice</b> <ul style="list-style-type: none"> <li>In July 2024, the lower <a href="#">Court</a> ruled that the exemption was not actual and meaningful</li> </ul>	<b>Fulfills the intent of HRS 457J</b> <ul style="list-style-type: none"> <li>Provides a constitutional exemption for Native Hawaiian traditional and customary practices</li> </ul>	
<b>Does Not Protect Other Religious and Cultural Knowledge and Traditions Around Birthing Practices</b> <ul style="list-style-type: none"> <li>“The legislature also notes that practicing midwifery according to this Act does not impede one's ability to incorporate or provide cultural practices. “</li> <li>Act 32 (2019) preamble page 3 lines 11-13)</li> </ul>	<b>Fulfills Intent of HRS 457J By Providing Religious and Cultural Protections</b> <ul style="list-style-type: none"> <li>The proposed language is similar to the Hawai‘i nursing law exemption in HRS <a href="#">457-13</a> page 13)</li> <li>Exemptions found on page 19-20 (lines 20-Line 3)</li> </ul>	<p>The proposed statutory exemption draws upon language currently codified under our nursing law.</p> <p><a href="#">Hawai‘i nursing exemption says:</a>  “The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination, provided that no person practicing such nursing claims to practice as a registered nurse or a licensed practical nurse”</p>
<b>Criminalizes family members, doulas, lactation consultants, childbirth educators, and other birth professionals</b> <ul style="list-style-type: none"> <li>See Attorney General’s opinion (2024)</li> </ul>	<b>Does Not Criminalize family and other Birth Professionals</b> <ul style="list-style-type: none"> <li>Family and other birth professionals (i.e. doulas, lactation consultants, childbirth educators, etc.)</li> </ul>	<p>Attorney General’s Opinion  See <a href="#">clarification letter</a></p>
<b>Does Not Grant Full Privileges to Licensed Midwives to Supervise and Delegate Tasks</b> <ul style="list-style-type: none"> <li>Only licensed midwives may assist with care</li> </ul>	<b>Grants Full Privileges to Licensed Midwives to Supervise and Delegate Tasks</b>	

### **Endorsements**

- Hawai‘i Home Birth Collective, Pacific Birth Collective, ACLU of Hawai‘i, Hawai‘i County Council, Maui County Council, Kaua‘i County Council, Maui Commission on the Status of Women and more....
- Consultation with Center for Reproductive Rights and Native Hawaiian Legal Corporation

# What is the midwives case about that protects cultural practitioners?

By **Native Hawaiian Legal Corporation** - September 1, 2024



*By Kirsha K.M. Durante, NHLC Litigation Director*

Earlier this year, NHLC, together with a national nonprofit called the Center for Reproductive Rights and a law firm called Perkins Coie, filed a lawsuit challenging the Midwife Licensure Act under Hawai'i Revised Statutes ("HRS") §457J.

NHLC participated to protect Hawaiian birthing practices, including pale keiki, ho'ohānau, and hānau that were being impacted by serious restrictions in the law preventing practitioners from practicing and families from receiving traditional care.

As part of the case, our team filed a Motion for Preliminary Injunction which requested, in part, that the court block the State of Hawai'i from pursuing criminal and civil penalties against cultural practitioners while the case is being litigated, so they can practice while the legality of the law is being decided. In mid-June 2024, the court conducted a four-day hearing on the request for injunction where multiple cultural practitioners testified about the impact the law was having on their ability to engage in traditional birthing practices.

Under Article XII, section 7 of the Hawai'i State Constitution, the State of Hawai'i has an affirmative duty to protect all "rights, customs, and traditions that are traditionally exercised for subsistence, cultural and religious purposes..." This right, however, like all constitutional rights, is not without limits and can be subject to regulation by the state. The question in the case is whether HRS §457J is an allowable state regulation on Native Hawaiian birthing practices.

HRS §457J is a licensing statute, and it generally requires that caregivers for birthing obtain midwifery education and credentials that can only be obtained from training programs for Western healthcare outside of Hawai'i.

However, the law states it does not prohibit traditional Hawaiian healers from engaging in traditional healing practices of prenatal, maternal, and childcare by creating a licensing

exemption for those recognized by any council of kūpuna convened by Papa Ola Lōkahi.



The problem is that for the past year, there was no actual pathway to obtain this recognition and benefit from the exemption. Testimony during the June injunction hearing revealed that our clients exhausted extensive efforts to be recognized as traditional birthing practitioners by existing kūpuna councils recognized by Papa Ola Lōkahi and/or to form a kūpuna council that could be recognized by Papa Ola Lōkahi. These efforts were unsuccessful, leaving these practitioners vulnerable to civil and criminal penalties for engaging in their Native Hawaiian birthing traditions.

On July 23, 2024, the court issued a decision acknowledging the strength of our client's arguments that the regulation of Native Hawaiian birthing traditions and practices under HRS §457J was unreasonable. The court also looked at the licensing pathways under HRS §457J where cultural practitioners might seek to become licensed as a midwife but determined those pathways, for cultural practitioners, also amounted to unreasonable regulation.

Ultimately, the court granted a statewide injunction preventing the state from enforcing, threatening to enforce, or applying penalties to individuals who practice, teach, and learn Native Hawaiian traditional birthing practices. The injunction will remain in effect until a kūpuna council exists that can recognize practitioners of Native Hawaiian birthing practices, or until there is another pathway for recognition of practitioners.

This case is ongoing, and trial in this matter has yet to be set. For updates on this case, you can follow the Native Hawaiian Legal Corporation on Instagram, Facebook and LinkedIn. You may also read more about this case on the NHLC website.

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### **Native Hawaiian Legal Corporation**

*<https://www.nativehawaiianlegalcorp.org/>*

The Native Hawaiian Legal Corporation (NHLC) is a nonprofit law firm dedicated to the advancement and protection of Native Hawaiian identity and culture. Each month, NHLC attorneys will answer questions from readers about legal issues relating to Native Hawaiian rights and protections, including issues regarding housing, land, water, and traditional and cultural practice. You can submit questions at

[NinauNHLC@nhlchi.org](mailto:NinauNHLC@nhlchi.org).

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## Hawaii

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# 'Medical colonialism': midwives sue Hawaii over law regulating Native birth workers

**Exclusive: Native Hawaiian midwives say new law criminalizes Indigenous birthing customs and will deal blow to maternal health**

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📍 Makalani Franco-Francis and Ki'i Kaho'ohanohano. 'We are again on the brink of losing our people's knowledge of sacred birthing traditions.' Photograph: Brendan George Ko/The Guardian

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## Ava Sasani

Tue 27 Feb 2024 14.31 EST

Six midwives, including three midwifery students, and three patients sued the state of **Hawaii** on Tuesday after the government last year prohibited birth workers without a specific midwifery license from providing maternal healthcare.

The **lawsuit**, filed on Tuesday by the Center for Reproductive Rights, claims that state lawmakers have criminalized Indigenous birthing customs and hollowed out medical care for pregnant women and families across Hawaii.

Ki'i Kaho'ohanohano, a Native Hawaiian midwife, was forced to end her two-decade career as a maternal care provider on 1 July 2023. That month, the state required all birth workers, even Native Hawaiian medicine experts like Kaho'ohanohano, to obtain a specific midwifery license.

Now a lead plaintiff in the lawsuit, Kaho'ohanohano is part of a network of Native Hawaiian midwives who risk a \$2,000 fine and up to one year in prison if they are caught offering care - or even advice - to pregnant women and families.

Attorneys for the Center for Reproductive Rights told the Guardian that Hawaii law is startlingly vague on what legally constitutes a midwife, "essentially requiring anyone providing advice, information or care during pregnancy, birth and postpartum to have a specific state license". They say it effectively chills the provision of much-needed support in a state struggling to ensure adequate maternal healthcare.

The lawsuit, one of the first major legal challenges designed to protect Native Hawaiian healing practices, comes amid [renewed calls for Indigenous self-governance](#) following the Maui wildfires of August 2023.

The complaint also says that state lawmakers have created unreasonably steep barriers that block the next generation of Native Hawaiian midwifery students from obtaining legal credentials, shirking their state constitutional duty to “protect all rights customarily and traditionally exercised” by Native Hawaiians.

Nearly every week for the past year, Kaho‘ohanohano says she has been forced to turn away families who ask for her guidance through pregnancy and childbirth.

“I am known to my community as a resource, a person who can help our moms,” she said. “Why can’t I use the knowledge I have to help my own, my *ohana*?” she said, using a Hawaiian word for family.

When it was first passed in 2019, the Hawaii midwifery licensure law offered an exception for “birth attendants”, an umbrella term that included Native Hawaiian midwives who do not have a midwifery license. [The 2019 law](#) stated that, before the birth attendant exemption expired in July 2023, the Hawaii legislature should pass a new statute that would allow “all birth practitioners” to legally offer maternal medicine.

In January 2023, the state representative Natalia Hussey-Burdick [introduced legislation](#) that would have allowed Native Hawaiian midwives to continue to practice after the three-year exemption period had elapsed. The bill also would have allowed apprentice midwives - students who learn about maternal healthcare through hands-on training - to be eligible for licensure.

Despite [overwhelming support](#) from gender equality groups such as the Hawaii State Commission on the Status of Women, the proposal died in committee last year after the house finance committee chair, the representative Kyle Yamashita [refused to schedule](#) a hearing on the bill.



📷 Ki'i Kaho'ohanohano at Giggle Hill, Ha'ikū, Maui, on 10 February 2024. 'We, the people who belong to the *āina*, we take care of each other when institutions don't, when the state and federal government don't.' Photograph: Brendan George Ko/The Guardian

Midwives **camped outside** Yamashita's office last March, waiting to get an audience with the state lawmaker, who represents central Maui. Nearly 100 birth workers, including Kaho'ohanohano, traveled to Honolulu to stage a sit-in protest at the state capitol, hoping to revive Hussey-Burdick's bill. But Yamashita never opened his door.

Without a new law to provide legal cover for the Native Hawaiian midwives, Kaho'ohanohano and her colleagues were left vulnerable to prosecution starting in July 2023.

"We are not against licensure, we have never been against licensure, for those who want to pursue that path," she said. "But the wisdom of our elders defies settler logic, which sees our teachings and rituals as less than."

Kaho'ohanohano wants the state to recognize both her work as a cultural practitioner, and the value of the Native Hawaiian apprenticeship system, an intensive, years-long training process in which a student studies and practices alongside a more seasoned midwife. That's the only way, she believes she will be able to continue teaching the next generation of

midwives, so that Maui's families "can continue to be cared for, like we deserve".

## Maternal care in crisis

Just one month after the state banned unlicensed midwives in July 2023, the deadliest wildfires in US history razed West Maui and created a healthcare crisis in Kaho'ohanohano's beloved *āina kūpuna*, the Hawaiian term for ancestral lands.

The smoke had barely started to clear when Kaho'ohanohano rushed to Lāhainā to join a team of EMTs, nurses and other medical workers at a makeshift mutual aid hub at Honokowai beach. The volunteers distributed emergency supplies and waited for what would ultimately be a [sluggish and piecemeal](#) disaster relief response by the federal government.

"We, the people who belong to the *āina*, we take care of each other when institutions don't, when the state and federal government don't," Kaho'ohanohano said.

In the first week at the Honokowai hub, Kaho'ohanohano says she watched a pregnant woman beg the volunteer medics to listen to her belly and confirm the sound of a fetal heartbeat. Another woman discovered that she had miscarried while fleeing the burn zone. Women who did not know they were pregnant when the fires first swept through West Maui came to the hub doubled over from vomiting.

Kaho'ohanohano did what she could for the people who sought her care. She distributed pregnancy tests and menstrual products, and provided emotional support to the families whose loved ones were still missing.

But despite her two decades of experience offering prenatal and postpartum care to Maui's families, out of fear of prosecution, she did not use herbal medicine to help ease the nausea that was plaguing multiple pregnant women at the hub, or acupuncture to calm the nervous system of panicked parents, many of whom had lost homes in the fires.

Maternal healthcare in Hawaii was in crisis long before the fires. Native Hawaiian and other Pacific Islanders are 4.5 times more likely to experience pregnancy-related deaths than white people, according to recent [data](#) from the Centers for Disease Prevention and Control.

Hawaii's licensure law is in part an effort to address this grim picture, to ensure that midwives are trained in treating complications and identifying when pregnant and birthing women require hospitalization.





📷 The bronze seal of state of Hawaii hangs from ceiling above entrance to state capitol.  
Photograph: Claudine Klodian/Alamy

In a [testimony](#) submitted on behalf of the Hawaii department of health, one senator wrote that state public health officials recognize “that women have the right to choose the location and provider for their births”, but noted that “improved oversight may improve birth outcomes for mother and baby alike”.

But Kaho’ohanohano fears that the licensure policy, even if well-intentioned, will worsen maternal mortality statistics in the state if it does not protect Native Hawaiian midwifery.

Midwives like Kaho’ohanohano, who travel to the homes of their patients, serve remote parts of Hawaii that cannot easily access hospital care. Maui’s sole hospital, for example, is a roughly three-hour drive from the rural homes of east Maui. The long and winding highway that connects east Maui to the hospital is often clogged by tourist traffic.

“The drive there is so bad sometimes, we’re lucky if these moms don’t end up giving birth on the side of the road,” Kaho’ohanohano said.

On smaller islands like Lāna‘i, where there are no hospital labor and delivery services, expecting mothers must fly to O‘ahu for “evacuation births”, an expensive trip that few families can afford. The mothers whose health insurance will cover their airfare often have to travel alone, without family or loved ones to support their births.

It is a profoundly isolating experience that Kaho’ohanohano said is antithetical to Native Hawaiian customs, in which birth is treated as a sacred moment that can bring families closer to each other and their ancestors. Without the option for home visits from midwives like Kaho’ohanohano, more families on Lāna‘i are facing the lonely trek to O‘ahu. The mothers who cannot afford the steep evacuation fees are often forced to have unassisted home births, according to the Center for Reproductive Rights.

For the women who do manage to travel to a hospital labor and delivery ward, “the care they receive may not be appropriate for

their needs”, according to the suit. In 2022, more than 27% of births in Hawaii were via caesarean surgery, despite [state public health officials warning](#) that caesarean deliveries are typically linked to longer hospitalization and increased risks of maternal morbidity, compared to vaginal deliveries.

During an apprenticeship, student midwives are trained to assess health and safety risks before, during, and after the pregnancy. One prenatal visit with a Native Hawaiian midwife can take hours, Kaho‘ohanohano said, during which the pregnant woman’s overall health and wellbeing is closely monitored. The midwives are trained to be careful to notice any changes that might require hospitalization, though those more extreme cases are uncommon.

“This law is taking away trusted providers from people who desperately need their expertise and training,” said Hillary Schneller, senior attorney at the Center for Reproductive Rights, who is representing the plaintiffs.



📷 Makalani Franco-Francis at Giggle Hill, Ha‘ikū, Maui, HI on 10 February 2024. She said the western model of midwifery education was antithetical to Native Hawaiian healing customs. Photograph: Brendan George Ko/The Guardian

Schneller argues that the right to reproductive autonomy, recognized in past rulings from the Hawaii supreme court, includes the ability to determine the contours of one’s own birth experience.

“Supporting reproductive rights has to include supporting pregnant people’s decisions during pregnancy and childbirth, including where, how and with whom to give birth,” Schneller said.

Schneller said that forcing seasoned Native Hawaiian midwives like Kaho‘ohanohano “to essentially be re-educated, against their wishes” in a western accreditation program is “akin to medical colonialism”.

## ‘History is repeating itself’

American midwifery is regulated through a tangled web of credentials. There are Certified Professional Midwives (CPM), Certified Midwives (CM), and Certified Nurse Midwives (CNM). Each credential offers slightly different privileges and responsibilities: a CPM, for example, cannot prescribe medication, but a CM and a CNM can.

Hawaii previously licensed CPMs who completed an apprenticeship and passed an exam, but the state's new law requires midwives to attend a training program credentialed by the Midwifery Education Accreditation Council (MEAC), a national non-profit. There are just eight MEAC-approved programs in the country, all of which are located in the continental US, and are prohibitively expensive for many of Hawaii's prospective midwives.

"If I had been forced to go attend school full-time, I would not be here," said Ezinne Dawson, one of the only Black midwives in Hawaii, who joined the lawsuit even though she holds a state midwifery license. "When I started training, my baby was six months and my oldest was 12. Apprenticeship was the only way I could study and learn."



📷 Ezinne Dawson: 'If I had been forced to go attend school full-time, I would not be here.'  
Photograph: Courtesy Ezinne Dawson

Midwives credentialed through the apprenticeship route before 2020 are able to continue practicing under the new law - but that doesn't help Kaho'ohanohano, who did not go through the CPM training process.

For many Native Hawaiian midwifery students, the inscrutable bureaucracy of professional credentials and state licensure offers little benefit compared with the hands-on, centuries-old training and wisdom available through cultural medicine experts like Kaho'ohanohano. One of Kaho'ohanohano's current apprentices and co-plaintiffs, Makalani Franco-Francis, told the Guardian that "it wouldn't make sense" to uproot her family, leave Maui and shell out thousands of

dollars in tuition at a MEAC program just because state lawmakers deemed one form of education more appropriate.

Franco-Francis had been studying under Kaho'ohanohano since 2017, after Kaho'ohanohano helped deliver Franco-Francis's own babies. Until last year, Franco-Francis joined Kaho'ohanohano on home visits to patients across Maui county, offering care and support to families at all stages of pregnancy.

Franco-Francis says the western model of midwifery education is antithetical to Native Hawaiian healing customs, which emphasize a close connection between the healer, the patient and their shared ancestral lands. Both Franco-Francis and Kaho'ohanohano spoke about a guiding ethos in Native Hawaiian healing tradition: *E Malama 'oe I ka 'Āina, e Malama ka 'Āina ia 'oe.*

The phrase roughly translates to “take care of the land, and it will take care of you.”

Kaho‘ohanohano is one of the few living midwives with the *‘ike*, or extensive knowledge, of Native Hawaiian birthing practices. She fears that, without the legal right to teach and practice Native Hawaiian midwifery, the *‘ike* that she inherited from her elders will die with her.

She says the threat to her practice fits squarely into a longer history of Native Hawaiian cultural suppression.

In 1905, 12 years after a group of US sugar magnates overthrew the queen of the Hawaiian Kingdom in a coup d’état that paved the way for the US annexation, US settlers banned Hawaiian healing practices. Today, Native Hawaiians are the only Indigenous group in the nation that does not have self-governance rights.

It wasn’t until the 1970s, during a period of cultural flourishing known as the Hawaiian Renaissance, that the Hawaiian language was allowed to be spoken in schools. During that resurgence, Native Hawaiian healers were again permitted to practice lawfully with some restrictions. Finally, in 1998, the midwifery licensing requirement was repealed. Kaho‘ohanohano started learning about Native Hawaiian midwifery that same year.

“We were able to reclaim these practices that were stolen from us, we were able to heal some of the trauma of being treated as second-class citizens in our own land,” Kaho‘ohanohano said. “Now, with this new law, history is repeating itself. We are again on the brink of losing our people’s knowledge of sacred birthing traditions.”

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