

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

August 18, 2021 1:30 p.m.

ATTENDANCE:

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

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Wong, Sterling / Chief Advocate
Tanaka, Wayne / Public Policy Manager
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT

EXCUSED: Trustee Keola Lindsey

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, August 18, 2021 to order at **1:32 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	EXCUSED	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
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	JOHN	WAIHE'E, IV	PRESENT	

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

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

- A. April 7, 2021
- B. April 14, 2021
- C. April 28, 2021
- D. June 9, 2021

Chair Akaka: Is there a motion to approve these minutes members?

Trustee Waihe'e: So moved, Madam Chair.

Board Chair Hulu Lindsey: Second

Chair Akaka: Alright it has been seconded by our Board Chair Hulu Lindsey. Is there any discussion members? Seeing none, can I please have a **roll call** Brandon.

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

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

IV. UNFINISHED BUSINESS

NONE

V. NEW BUSINESS

A. Action Item BAE #21-02: To Approve the Office of Hawaiian Affairs’ 2021 O’ahu Island Burial Council (Skye Razon-Olds, Michelle Makaula-Yee, Kamuela Kala’i, Hinaleimoana Wong-Kalu); Maui/Lāna’i Islands Burial Council (Anthony Pacheco); and Moloka’i Island Burial Council (La’akea Poepoe) Nominations

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I’d like to move that we approve these names.

Trustee Waihe’e: Second

Chair Akaka: Is there any discussion members? Seeing none, can I please have a **roll call** Brandon.

							1:38 p.m.
TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI’ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
<i>VICE CHAIR</i> KEOLA	LINDSEY						EXCUSED
JOHN	WAIHE`E, IV	2		X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

B. Action Item BAE #21-03: To Approve the Office of Hawaiian Affairs’ 2021 Burial Sites Working Group (Kēhaunani Cachola Abad) Nomination

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka. Trustees just for your reference, in the action item in the electronic binder starts on page 90 and I'm going to lateral off to our Compliance and Enforcement Manager Kai as well as our Lead Compliance Specialist Kamakana to go through the overview in support of the action item, Kai.

Compliance and Enforcement Manager Markell: Aloha Sylvia and Chair and Trustees. Thank you for the quick approval of the previous action item, I appreciate the confidence. So Kamakana is going to actually present this. This has to do with the Burial Sites Working Group and we do have a PowerPoint that's slightly modified from the one that we presented at the last BAE, and Sylvia has kindly agreed to advance it for us, so I'll turn it over to Kamakana Ferreira at this point to go through the presentation, thank you.

Lead Compliance Specialist Ferreira: Yeah, I'm probably going to have to jump ahead because we skipped all the IBC stuff. Aloha Chair Akaka and Trustees.

2) Burial Sites Working Group

- BAE #21-03 seeks approval of OHA's Burial Sites Working Nomination
- "A representative of the **Hawaiian community** familiar with and experienced with the burial sites program to be appointed by the Office of Hawaiian Affairs" (SR171)

So prior to getting started with OHA's nominee for the Burial Sites Working Group, we can briefly recap Sterling's presentation from the August 4th meeting unless anybody thinks that's excessive, but I will move quickly and anybody can let me know if I'm moving too quickly. So next slide please.

Burial Sites Working Group

- SR171 and HR113 both adopted, but different
 - Both essentially request OHA convene a Burial Sites Working Group
 - Final report due before 2022 Legislative Session
 - Combined SR171/HR113 scopes of work and compositions

As you are aware, Senate Resolution 171 and House Resolution 113 were both adopted during this year's legislative session to request that OHA convene a burial sites working group to basically assess allegations of mismanagement by SHPD regarding the administration of burial sites program review and recommend improvements regarding the operation of the Island Burial Councils and review and recommend improvements on existing statutes and administrative rules, pertaining to the IBC'S. The findings and recommendations would then be presented in a report before the 2022 legislative session. Next slide, please.

Scope of Work

- "Study and analyze the allegations of mismanagement by DLNR's SHPD" (SR171);
- "Determine a recommended course of action to address and resolve the allegations of mismanagement by DLNR's SHPD" (SR171);
- "Review and recommend improvements to the workings of the IBCs, which are administratively attached to SHPD, and how to implement them" (HR113);
- "Determine ways to strengthen protections and improve resources for Native Hawaiian burials" (HR113);
- "Examine ways to improve the implementation of the IBCs' duties and responsibilities and to better understand and determine their relationship to SHPD and its management" (HR113);
- "Review existing statutes and administrative rules pertaining to the IBCs and ways to develop their implementation" (HR113); "Provide recommendations on the development of a statewide survey and inventory that documents historic properties where burial sites exist or may exist, including properties owned by the State or the counties" (HR113).

As you'll see here there's specific language regarding the scope of work. I just kind of explained it in a nutshell. But OHA basically hybridized the two resos in a way that we thought was most effective for their overall purpose. Next slide, please.

Composition (14 members)

- OHA CEO or CEO's designee
- One individual from **each IBC**, *Total of five members;
- A representative of **Huliapuapa'a**
- Dean or designee of UH **Richardson School of Law**
- **History and Culture Branch Chief** of DLNR's SHPD
- DLNR's **SHPD Burials Specialist**
- One member from **Attorney General's Office**
- One representatives of **large landowners and developers**, appointed by the Governor
- One **Native Hawaiian cultural practitioner**, to be selected by Huliapuapa'a
- A representative of the **Hawaiian community** familiar with and experienced with the burial sites program to be appointed by OHA

Similarly, the resos also had differences in proposed working group composition, but again OHA hybridized the two resos in a way that we thought were most effective. So far we have designees from most of these slots except for responses from the Attorney General's Office and the Governor's Office, but we intend to start the group with or without their participation. Next slide, please.

- o A representative of the **Hawaiian community** familiar with and experienced with the burial sites program to be appointed by OHA

Nomination Process

- o Goal: fair and transparent
- o June 18 announcement on OHA web and social media platforms
 - o OHA requested interested individuals to submit a resume and a letter of intent, detailing:
 - o Why [they] want to serve on the Burial Sites Working Group
 - o What experience or expertise can they to bring to the Burial Sites Working Group
- o By July 2, 2021 deadline: 18 applicants

For the reason we're here today, you will see that part of this 14 person committee includes representative of the Hawaiian community to be selected by OHA. To select this individual we sought to create a fair and transparent process as we've done for IBC nominations in the past. On June 18th an announcement went out to interested individuals who then submitted their resume and letter of intent. We had a pretty good turn out and got a total of 18 applicants I think by July 2nd. We then had a four person committee evaluate the applicants based on application completeness, demonstrated experience in iwi kūpuna issues, demonstrated knowledge in Native Hawaiian burial practices, demonstrated knowledge and understanding legal framework surrounding Burial Councils and experience on Island Burial Councils. The total scores were assigned and then the committee discussed the results. As a result of the process, we are proud to present the nomination of Kēhaunani Abad as the most qualified applicant. Just to highlight some of her experience and expertise. She has served 12 years in the O'ahu Island Burial Council, was an active member of Hui Mālama that focused on repatriation burial efforts, has a PhD in anthropology and has published numerous articles regarding cultural sites and burials, has prepared numerous amounts of testimony and declarations for advocacy efforts to protect iwi kūpuna and has an in depth familiarity with historic preservation and environmental laws. She is also available here for questions and to perhaps share a statement regarding the nominations. But before we get to that real quick, we would like to say that many of the non selected applicants, many of which who were very well qualified and still participate in the working group by providing testimony or informational materials for consideration. With that said, if there's no questions, I can turn it over to Kēhau.

Chair Akaka: Any questions members?

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I'd like to move that we approve the Office of Hawaiian Affairs 2021 Burial Sites Working Group nomination of Kēhaunani Cachola Abad.

Trustee Ahuna: Second

Chair Akaka: It has been moved and seconded, can we please have a **roll call vote**.

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

1:44 p.m.

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

Chair Akaka: I also would like for Kēhau to have an opportunity to speak if she'd like to.

OHA Nominee Kēhaunani Cachola Abad: Mahalo Chair, aloha Trustees, Ka Pouhana, my friends that I missed very much of the OHA Ohana. It's nice to see you folks and it's a big privilege and honor to be able to serve in this role. Thank you for having the faith in me, mahalo nui and as I was talking to some folks, it's something I conveyed that I'm very passionate about and I will be a work horse to get as much done as we can possibly do. And I'm at your service and at the services of our lāhui.

C. 2020 Legislative Session Report† and 2021 Legislative Session Preparation - Advocacy (Public Policy)

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Trustee. Trustees in the electronic packet, the extensive report starts on page 111 of the 317 page binder for the meeting and Wayne our Public Policy Manager will take us through the staff report in summary, Wayne.

Public Policy Manger Tanaka: Thank you Ka Pouhana, good afternoon everyone. It's good to see everyone again. I have a PowerPoint presentation so I will share screen now. So most of you should have seen a version of this before, so every year after the legislative session and after the veto deadline passes, we kind of put together a presentation to kind of summarize the work that we did over the past several months and also to kind of provide a road map for how we will be developing next year's legislative package.

OUTLINE

- 2021 OHA Legislative Package Development and Outcomes
- 2021 Non-OHA Legislative Package Advocacy and Outcomes
- 2022 Package Development and Considerations

So real quick outline I'll go over our 2021 legislative package and the outcomes of that package. And then I'll talk a little bit about our advocacy on all the other thousands of measures that aren't in our package that we reviewed and advocated on and then after that I'll go through looking forward what will be, what our activities will be looking like and what our timeline will look like to develop our package for next legislative session.

OHA 2021 Legislative Package

- OHA Legislative Package
 - Pre-package internal/external outreach (July-September)
 - Vetted proposals (~40)/drafted measures
 - Procured OHA Executive Team, BAE and BOT Approval
 - Oct. 7– BAE legislative concepts workshop (non-action)
 - Oct. 21– 2021 Legislative Package final language approval by BAE
 - Oct 29 – 2021 Legislative Package final language approval by BOT (3 bills, 1 resolution)

So just a quick recap of timeline from last year. So in 2020 starting from July August, we began our internal external outreach to guide our ideas and issues for consideration in our package. We got about 40 proposals and so we vetted through them. We came up with a short list of four that we decided to include in our package, and so first we did a kind of a legislative concept workshop in October with the BAE. It's not an action item, but

it's more for us to kind of get a sense of how the committee feels about the concepts that we're thinking of pursuing and then a couple weeks later we then submitted an action item with draft bills that would comprise our package for the 2021 session and we got final approval last year of our package on October 29th and the timing for last year was such that we could get final approval before the November election. This year there is no election, so we have a little more time.

- Oct.-January: Pre-session outreach (community, legislators)
- Advocacy throughout session
 - Jan. 20 (Opening) – April 29 (Sine die)
 - June 21 – Governor deadline for veto notice (for bills passed on or after April 9)
 - July 6 – Governor deadline for final approval or veto
 - Testifying, meet with lawmakers, executive branch officials, community, and Governor
- Collaborate with other Paia, partners to help guide advocacy
- Update agency, BAE/BOT on progress

So once we had a package set, you know we did pre session outreach to the community, to legislators trying to let them know what our priorities are. And then once session started in the 20th, we began advocating to push our package through the process. Just as a recap, the Governor's deadline to indicate what bills he may veto was June 21st and on July 6th that was his deadline to act on his vetoes. And so throughout this entire time, including up to the veto, we're testifying on our package and meeting with lawmakers, committee chairs other executive branch officials suggesting concerns that have arisen. And also the community and the Governor. And through this we also collaborate within the agency with other paia who have expertise in some of these areas and also to our partners outside of agency to help like guide our advocacy on the package. And as you can recall, you know during session we're meeting almost every week to kind of update you folks on the progress of our package, and so you know I won't go over our bills again because I think we're all quite familiar with them.

OHA-1 OHA Biennium Budget Bill (FY21-22 and FY22-23)

OHA-2 CIP Request for OHA's Wahiawā Lands

OHA-3 Expungement of Houselessness-Related Criminal Records

OHA-4 Data Governance Resolution

Passed

OHA-1 (HB204/Act 29)

- Amendments:
 - No GF for BOT, Admin Operations
 - Maintained historical provisos and appropriations for legal, education, social services (approx. \$1.5M)
 - Included additional funds for beneficiary occupancy-ready housing (\$500K)
 - Included \$200K for follow-up to the CLA contracts and LLC financial review
 - ALSO: Allows access to FY20-21 general funds

OHA-4 (SCR5) adopted unamended

But you know we did a budget bill, we had a CIP request for our Wahiaw'a lands which was a repeat of a bill we introduced last year. We also had a measure to help break the cycle of houselessness and the criminalization of houselessness which kind of exacerbates the problems and the challenges that we face and that Native Hawaiians may disproportionately face with regards to houselessness and criminalization. And then we had a resolution to kind of take steps to improve the way that the state collects, processes, shares and houses data, especially data with regards to Native Hawaiians and specifically disaggregated from other Pacific Islanders. And as you may recall, we did have two of these package measures passed, and the first was our budget bill which had some amendments. So it took out all of our operating and administrative appropriations but it did maintain the historical provisos with regards to social services, legal services and education, and also include an extra half million per year for our beneficiaries' occupancy ready housing needs. Also another 200,000 for a follow up report on the CLA contracts and financial. And as I think was highlighted, you know multiple times. We were also able to get amendments in there to also access the FY2021 funds that were not released due to the failure of the auditor to submit audit to the legislature as required for the release of those funds. In addition to our budget bill, we also had our data governance resolution adopted unamended by both chambers.

OHA 2021 Coordinated Advocacy

- **SB1384/HB546** 'Aha Pūnana Leo representation on the Early Learning Board
- **SB1260, HB1111** Pretrial Reform
- **Passed**
- **SB1384 (Act 173)** – "Hawaiian medium early learning service provider representative" on ELB exempt from standard two-term limit; sunset date



And then also too, we did have a couple of measures that we considered part of our coordinated advocacy, so these are measures that aren't formally included in our package, but because of their importance, we would support them and advocate for them to an extent commensurate with our package so as you recall, one of them was to provide a more consistent and continuous voice for Hawaiian emersion early learning service providers and early learning board and the other was to kind of adopt the recommendations of the HCR137 pre trial reform task force and oversight commission with regards to cash bail and addressing the substantial punitive impacts of cash bail for indigent defendants who have not been convicted but are waiting trial. And so of these two, the measure relating to the early learning board and the representation for Hawaiian early learning service providers did pass. It allows them now to be exempt from the two term limit, which essentially prevents any individual from serving in that seat for more than four consecutive years. It does have a sunset date so we'll have to go back and try to remove that so that you know this exemption can continue to ensure a consistent, continuous voice on the early learning board. But just having this measure on the books will probably make that a lot easier of a lift.

2021 OHA Legislative Package vs. Past OHA Legislative Packages

Year	Package Measures	Enacted	Percent Enacted	Description/Notes
2021	4(+2)	2(+1)	50% (50%)	HB204 OHA Budget SCR5 Data Governance Resolution (SB1326 'Aha Pūnana Leo on the Early Learning Board)
2020	6	1	17%	SB2193 Employment Discrimination
2019	5	2	40%	HB172 OHA Budget SB192 Unsecured Bail
2018	4	0	0%	N/A
2017	3	1	33%	HB335 OHA Budget
2016	5	1	20%	HCR 188 Urging The Convening of a Public Land Trust Revenues Negotiating Committee
2015	7(+1)	4 (+1)	57% (71%)	HB209 OHA Budget HB207 Native Hawaiian Law Training Course SB434 Traditional Hawaiian Farming HB206 Hawaiian Plants in Landscaping (SB913 Incarcerated Parent Data)

And so it was a pretty you know, relatively good year. So this table you have probably seen a version of it from last year, but this just compares the success of our package this most recent session with that of prior sessions. So with two of our package measures enacted and one of our two coordinated advocacy measures enacted. That's a 50% success rate, which is pretty good. We haven't seen that since 2015. Last year, just again it was a little bit unusual because of the pandemic and you know essentially there are very few bills that passed just because the legislature had to focus on bills and measures that would specifically help us deal with the pandemic and navigating through it. But otherwise yeah, it was a pretty successful year looking back.

2021 OHA Legislative Package vs. Past OHA Legislative Packages

Year	Package Measures	Enacted	Percent Enacted	Description/Notes
2014	7 (+1)	2	28% (25%)	HB1616 Social Determinates of Health HB1618 Board of Land and Natural Resources
2013	11 (+2)	6 (+2)	54% (61%)	SB403 OHA Bond Authority SB407 Island Burial Council SB409 'Ōlelo Hawai'i Month HB218 Native Hawaiian Justice Task Force HB222 OHA Budget HCR 20 th Anniversary of Apology Resolution (HB868 TANF Asset Limits) (HB1133 PLDC Repeal)
2012	12 (+1)	0 (+1)	0% (8%)	(SB2783 \$200 Million Kaka'ako Settlement)
2011	10	3	30%	SB400 OHA Budget HB397 Act176 Amendments SB986 Criminal Justice Task Force
2010	14	0	0%	N/A
2009	19	4	21%	HB899 Bond Authority HB900 OHA Budget HB1005 Publicity Rights HCR27 Criminal Justice Study

This is just more historical information on what we've been able to pass over the years. 2013 was pretty exciting. I think we got like 6 out of 11 of our package measures and we had two advocacy bills that we also were able to get past. You'll note that back in 2005-2008 like we had a lot of package a lot of measures in our packages like 29, 28 like I think we've come to realize that that's kind of a relatively unmanageable number of bills, so you know since then we've kind of tapered off to focus more on a shorter list of priorities.

OHA Package vs. Other Packages

Rank	Package	Bills			Resolutions			Total Measures (Bills + Resolutions)		
		# Bills	Bills Passed	Percent Passed	# Resos	Resos Adopted	Percent Adopted	Measures	Measures Passed	Percent Passed
1	Judiciary	6	5	83%	0	0	0%	6	5	83%
2	Honolulu Police Dept.	4	3	75%	0	0	0%	4	3	75%
3	Office of Hawaiian Affairs	3	1	33%	1	1	100%	4	2	50%
4	Campaign Spending Commission	8	4	50%	0	0	0%	8	4	50%
5	County of Hawai'i	0	0	0	2	1	0%	2	1	50%
6	Women's Legislative Caucus	5	2	40%	2	1	0%	7	3	43%
7	Honolulu Prosecuting Attorney	11	4	36%	0	0	0%	11	4	36%
8	Governor	205	56	27%	10	10	100%	215	66	31%
-	C&C of Honolulu	4	1	25%	0	0	0%	4	1	25%
-	Kupuna Caucus	5	1	20%	0	0	0%	5	1	20%
-	Office of Elections	6	1	17%	0	0	0%	6	1	17%
-	County of Kaua'i	6	1	17%	0	0	0%	6	1	17%
-	Deaf and Blind Task Force	7	1	14%	2	0	0%	9	1	11%
-	Keiki Caucus	5	0	0%	5	0	0%	10	0	0%
-	State Fire Council	9	0	0%	0	0	0%	9	0	0%
-	Hawai'i State Assoc. of Counties	8	0	0%	0	0	0%	8	0	0%
-	Legislative Native Hawaiian Affairs Caucus	5	0	0%	0	0	0%	5	0	0%
-	Maui County Council	5	0	0%	0	0	0%	5	0	0%

This is a table comparing the success of our package this year with other entities legislative packages. So again, we did pretty good at 50% passage rate. We came in 3rd I think yeah. Matched with the Campaign Spending Commission which only had one resolution of its two resolutions that were introduced.

Non-OHA Measures

- Pre-session coordinate with subject matter staff
- Pre-session outreach with community stakeholders, agencies, subject matter experts on their priorities
 - Pre-session bill review, comments
- Review all measures introduced
 - 2021: 2,820 bills, 845 resolutions and concurrent resolutions, and 313 Governor's Messages for nominations introduced
 - Key Priorities: Programs and policies directly benefitting OHA beneficiaries including: PLT revenues, "ceded" lands claims, DHHL, historic preservation biocultural resource management and protection, criminal justice, health and COVID-19 response; STOP bad bills
 - SLAMMED from January – early March

So that's pretty much it for a package summary, I'll talk a little bit now about all of the non OHA package measures that we reviewed and recommended positions on and advocated accordingly. And so you know this part of the process involves our pre session outreach, so both within the agency and with outside stakeholders and other agencies and subject matter experts. So now as we you know as we outreach for legislative ideas as we share our approved package with the community, we're able to get a sense of what their priorities may be and what may be coming down the pipes and so that kind of gives us a heads up on some of the bills that we review. But there's a lot of bills so you know in 2021 there are about 2100 bills that were introduced and this is all right at the beginning of session before the bill introduction cut off, so we're pretty busy. New folks had a lot of recommendations to kind of review during that period and throughout session, resolutions and Governor nominations are also introduced at the legislature, so we're always looking out for those and evaluating them as well. We do have some key priority areas that we focus on, so anything that impacts OHA or anything that names OHA we flag right away. Public Land Trust is a huge issue as is protecting the claims of our beneficiaries the ceded lands corpus, you know DHHL had a pretty robust package this year and so we did what we could to support their efforts as well. Historic preservation actually had a lot of activity as you've already seen with the working group that Kamakana just talked about. There's always a number of other measures that seem to come up where they try to streamline laws that protect iwi kūpuna and you know, irreplaceable cultural sites in order to facilitate or fast track development. So we also want to keep an eye out for and play defense on those kinds of proposals. Measures impacting the aina and bio cultural resources that are beneficiaries depend upon are also very, you know, high priority and in recent years too criminal justice has been a big issue, health and of course the COVID-19 response are also things that we look out for.

A big priority for us is also to stop bad bills. Bills that may have such a negative impact on our beneficiaries or our mission that we would take a position of oppose and so that's also another kind of gauge of our successes is the extent to which we can stop all bad bills from becoming into law and unfortunately we had two bills that we opposed that did pass this session and I'll talk about them in a little bit.

Non-OHA Measures

- Procure BAE, BOT approval of recommended positions
 - Matrices
- Update BAE weekly
 - Change positions as necessary
- Advocate on various levels (oral/written testimony; meetings with lawmakers, community, agencies)

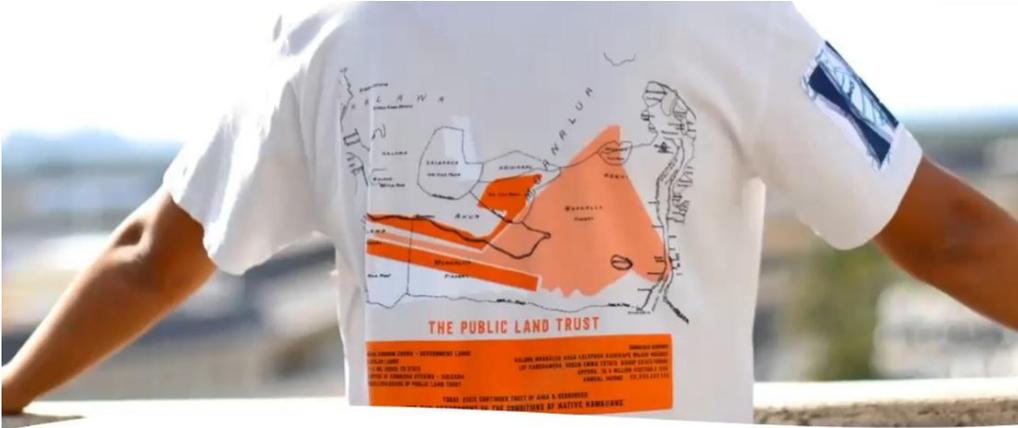
And for these non-OHA measures, as you know we also come to you on an almost weekly basis to give you our recommendations on what positions we think the agency and the Board should take and have BAE and BOT review those recommendations and affirm them or modify them as appropriate. Once we have those positions set then we advocate you know in various ways. So we provide written testimony. We provide oral testimony on high priority measures or package bills. Things that name OHA, anything we oppose we try to show up and testify orally, and of course we're meeting on the side with lawmakers, meeting with other

agencies, stakeholders, experts to kind of help you know coordinate and guide our advocacy throughout session.

Non-OHA Measures

2021 Legislative Session							
	Measures Introduced	Measures Tracked by OHA	OHA Positions				
			Support	Support with Amendments	Monitor	Comment	Oppose* *latest form
Total:	3,978	929	262	12	535	78	42
Bills:	2,820	658	133	8	414	64	39
Resos:	845	233	107	4	105	14	3
GMs:	313	38	22		16		
Total:	793	42	73	3	85	15	2
Bills Passed*:	239	12	15	1	45	9	1
Resos Adopted:	266	7	36	2	27	6	1
GMs Confirmed:	288	23	22		15		

And so this is just kind of a summary table of these non-OHA measures and how they shook out. So we supported about 260-270 measures, bills, resolutions, gms of those about 73-75 passed. We ended up opposing at the end of Session 42 measures of which only two passed, as I mentioned before. It's never great when an oppose bill passes, but that's you know, I think that we're able to successfully defend against the rest of those bad bills and resolutions that was relatively successful and good thing. I do want to note that we opposed more than 42 bills, but every time we oppose the bill, we almost always have recommendations as to how the bill could be amended to address the concerns and to extent that these concerns the bills were amended, and they did adopt recommendations, would stop opposing them, and so our position would change to comment or monitor or even support sometimes, and so that 42 figure you see does not include the bills that we oppose, but we're able to successfully turn into a non opposed measure.



Notable Non-OHA Measures: Public Land Trust

SB321 SD2 (SUPPORT): RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST

- Recognizes 20% of PLT revenues averages approx. \$40M/year over last decade
- Lifts \$15.1M "cap" on Native Hawaiians' pro rata share
- Transfers CFTHA funds to OHA (\$25M)
- Establishes PLT Negotiating Committee

Passed out of Senate; no hearings in House

I'll just go and hit on some examples of non-OHA bills that you know we were paying a lot of attention to during session or that are otherwise notable. So this obviously isn't every important bill that we advocated on. But just in interest of time, I'm just going to highlight a few. So of course we did see a Public Land Trust bill this year that's very similar to our own package measure from 2019. So as you recall, this measure would have lifted the \$15.1 million cap on Native Hawaiian's pro rata share of land trust revenues. Will have transferred all of the monies that we return to this state as exceeding that \$15.1 million cap back to OHA. So that would be about 25 million and would have established a negotiating committee so that we could kind of build an agreement as to what this \$15.1 million cap should be lifted be increased or what that minimum should be increased to and notably the preamble to this measure recognized that looking over the past ten years, 20% of Public Land Trust revenues is that the state historically agreed, should be subject to Native Hawaiian's pro rata share averaged out to about \$40 million a year, which is you know, obviously way higher than \$15.1 million. So that was promising to note. Unfortunately, even though this bill passed out of the Senate, it didn't get any hearings in the House. What's interesting is I think if you can recall HB402 which is the last time a bill like this was introduced. It actually made it out of the House, but then it wasn't successful in the Senate or it made it to conference but then it never passed. So unfortunately the House didn't choose to move this measure this year.



Notable Non-OHA Measures: Public Land Trust

SB1317 SD1 (OPPOSE): RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST

- Diverts PLT revenues to DHHL
- Lifts \$15.1M cap and transfers CFTHA to DHHL
- Establishes PLT Negotiating Committee to Include DHHL
- Conflates independent state obligations under the PLT and to provide sufficient sums to DHHL
- Violates OHA BOT constitutional prerogative over Native Hawaiians' pro rata share of the PLT

Passed out of Senate; no hearings in House

A very similar bill would have also lifted the cap, would have transferred out the funds that we returned as exceeding the cap and established negotiating committee. But the problem with this measure is that instead of OHA receiving those funds, it would have been the Department Hawaiian Homelands and so essentially it would have violated the Board of Trustees Constitutional prerogative to determine how Native Hawaiian share of Public Land Trust should be administered and what it really did was conflate the independent and separate obligations of the state to provide sufficient funds for Department of Hawaiian Homelands, as well as account for Native Hawaiian share of the Public Land Trust and to transfer that share to the Office of Hawaiian Affairs. And so because of those concerns, we vigorously opposed this measure. Unfortunately, while it did pass out of the Senate, it did not have any hearings in the House and died.



Notable Non-OHA Measures: Public Land Trust

SB1334 SD2 (SUPPORT): RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

- Allows residential on six parcels in Kaka'ako Makai
- Raises height limit to 400' on two parcels
- Would allow OHA to realize the revenue potential envisioned in the \$200M settlement of PLT claims up to June 30, 2012

Passed out of Senate; no hearings in House

You're well aware also to that you know in relation to the Public Land Trust we did have a bill that almost the entire agency kind of came together to support the passage of which was our Kaka'ako Makai bill. Quick recap, it would have allowed residential on six of the parcels that we have in Kaka'ako Makai. It would have increased the height limit to 400 feet for two of those parcels, and by doing so would have allowed OHA to realize the revenue generating potential that was envisioned when we received this property as a result to settle the \$200 million back to Public Land Trust amounts that the state acknowledged it owed OHA at the time. Unfortunately, this bill, while it passed out of the Senate, again it did not receive any hearings in the House.



Notable Non-OHA Measures: Public Land Trust

HR111 HD1 (OPPOSE): CONVENING A WORKING GROUP TO DISCUSS THE FUTURE DEVELOPMENT PLANS IN KAKA'AKO MAKAI

- Convenes a Kaka'ako Makai Working Group to discuss future development in Kaka'ako Makai; working group to include legislative appointees (4), BLNR Chair, HCDA Chair, OHA Chair
- Violates trust responsibility of OHA BOT to administer trust corpus solely for the interests of beneficiaries
- Undermines Native Hawaiian self-determination
- Unilaterally seeks to undo historic settlement agreement years in the making
- Possible land exchange would put us back to square 1

Adopted by House; OHA will not participate

And then finally, this is a measure that we also opposed in the past. So this is one of the two that we were not able to kill, and it's a single body resolution, so only the House adopted it, but it's a resolution that urges a convening of a working group to discuss the development of Kaka'ako Makai and as we emphasized to the Legislature, this resolution essentially overrides the Constitutional prerogative again of the Board of Trustees to determine how trust assets are to be administered. It also in a lot of ways represented a unilateral attempt by the Legislature to kind of undo the historic settlement and all of the work that went into it when we agreed to receiving Kaka'ako Makai in 2012. There is a land exchange that was contemplated in the reso as well, and you know our concern is that this essentially just puts us back on square one in terms of you know having to do due diligence, having to figure out what kind of talents are needed, having to fight for those entitlements potentially, so we really were not, the agency was not interested in any kind of exchange as contemplated in this resolution, and so we expressed these concerns and we told them we're not going to participate and they passed it anyways and so my understanding is that we are not going to participate in this working group.



Notable Non-OHA Measures: “Ceded” lands

HB499 HD2 SD2 (Act 236)(OPPOSE): RELATING TO LEASE EXTENSIONS ON PUBLIC LAND

- Authorizes BLNR, Hawaiian Homes Commission to extend 65-year leases (industrial, commercial, resort, mixed-use, government) for 40 years at a time
- 40-year extensions foreclose Native Hawaiian claims from being negotiated for generations at a time
- 100+ year leases of “ceded” lands will lead to their alienation

Passed & became law without the Gov’s signature (Act 236)

See also SB1 SD2 (OPPOSE): RELATING TO HOUSING

- “ALOHA Homes measure” authorizing 99-year leases of “ceded” lands
- Century-long leases effectively alienate “ceded” lands
- No accountability to Native Hawaiian claims

Died in House

Moving on to some bills regarding ceded lands or you know, like Hawaiian Kingdom government crown lands that were taken under threat of bloodshed during the overthrow and then ceded to the United States. So there are a number of bills that contemplated encumbering these stolen ceded lands for you know a century at a time if not longer. So we were able to kill all but one of them, which is HB499. That's now Act 236. It became law without the Governor's signature. So while he did not veto it as we were hoping and asking him to, he did not sign it so it became law and this measure allows for 40 year lease extensions on almost any kind of leases issued by the Board of Land Natural Resources as well as the Hawaiian Homes Commission by extension. And you know our concerns is that these four year lease extensions are going to foreclose the ability of any kind of Native Hawaiian self governing entity to negotiate their claims to these lands for generations at a time, and also too as we've seen, even with 65 year leases, once you give a lessee super long continuous leasehold interest in land even and including public and stolen ceded lands. They're almost always gonna fight very, very hard to convert those lands into like into a fee sale or essentially alienate those lands which we have a policy to oppose. So given that this bill passed and given our existential concerns about the potential erosion and loss of Hawaiian claims to these stolen ceded lands, we will now have to monitor BLNR meeting agendas. Hopefully work with DLNR staff so that any lease extension proposals can at least mitigate any impacts it may have on Native Hawaiian claims to the ceded lands. And if not that then you know try to raise objections before the Board as we're going through the lease approval process or lease extension approval process and you know and then to the extent necessary may have to consider other types of options interventions if there's something bad that we see coming down the pipes. And again, just wanted to remind the Board that we will be seeing these additional proposals for long term leases, 99 year leases which are in effect a fee sale of lands. So 99 year leases of ceded lands, or you know, they'll foreclose Hawaiians from negotiating for those lands for a century at a time. They will also again lead to a sense of entitlement expectation amongst lessees that you know they should own these lands eventually. And so again, we're very concerned. Fortunately we were able to kill all of the proposals that have these 99 year lease provisions. We did have a compromise language that would have allowed for long term leases, but subject to conditions approved by the Board of Trustees. Unfortunately, we were not able to persuade the Legislature that Hawaiians should have a seat at the table when they're you know, disposing of Hawaiian lands for a century at a time. I do think that one of the bright spots of HB499 and its passage was that we saw a tremendous amount of engagement and awareness raising amongst not just you know our beneficiaries, but in the larger community here in Hawai'i about what the ceded

lands even are and the history behind them. I mean even Stanford Carr they wrote in their op ed that they talked about ceded lands. So hopefully that awareness and engagement will continue on and will help us run successful defense in future sessions, including in the next session when, if and when these 99 year lease proposals get introduced.



Notable Non-OHA Measures: DHHL

HB753 HD1 SD2 (Act 197) (SUPPORT): RELATING TO SCHOOL IMPACT FEES

- Exempts DHHL housing developments from school impact fees
- Will allow DHHL's funds to be dedicated more fully to housing beneficiaries, rather than be captured by the state
- May save hundreds of thousands of dollars for certain projects
- DHHL already plans for educational needs, and allows DOE schools to be built or maintained on DHHL lands

Passed and signed into law (Act 197)

So moving on to the Department of Hawaiian Homelands, they had a pretty robust package. Unfortunately, most of those measures died, the one that did pass was signed into law as Act 197. This would exempt DHHL housing developments from school impact fees, which can be up to, you know, hundreds of thousands of dollars per development. So this measure will allow DHHL to more fully dedicate its funds towards fulfilling its mission like building housing, getting our mutual beneficiaries off of the wait list. I just want to note that DHHL does already plan for educational needs as it does its developments. So in a lot of ways school impacts are already accounted for. DHHL also lets DOE maintain schools, public schools on DHHL lands so it's not like DOE is getting shortchange by this measure.



Notable Non-OHA Measures: 'Āina

HB1019 HD2 SD2 CD1 (Act 46) (SUPPORT): RELATING TO OCEAN STEWARDSHIP

- From 2024-2029, requires commercial ocean operators to charge a fee of \$1 (adjusted every 5 years) for each passenger, and deposited into a new Ocean Stewardship Special Fund for marine management and protection activities
- Millions of dollars per year may be generated to protect our aquatic biocultural resources
- 20% of fees collected to be set aside and transferred to OHA as public land trust revenues

Passed and signed into law (Act 46)

With regards to bio cultural resources, there are actually a suite of bills that we supported that passed in this area. I think one that's worth noting is HB1019, which was signed into law as Act 46, and so for a period of five years this bill will require any holder of a commercial ocean operator permit, so basically an ocean tour operator to charge a fee of \$1.00 per passenger and this fee will be deposited into an ocean stewardship special fund to be used for protecting our marine bio cultural resources that are critical for our beneficiaries' Subsistence needs and traditional customary practices. So we're really excited about this. You know there's potential for millions of dollars per year to be raised to protect our aquatic resources, which is not something that gets a lot of funding normally and the other interesting thing of note is that given that all state submerged lands are actually technically considered part of the Public Land Trust Corpus. This bill acknowledges that and it requires that 20% of the fees collected to be set aside and transferred to OHA as part of the Public Land Trust revenues. So that it'll be interesting to see how that plays out.

Notable Non-OHA Measures: Historic Preservation

HB497 HD1 SD1 (OPPOSE): RELATING TO ZONING ORDINANCES

- Prohibits counties from requiring extra-statutory consultation with state agencies (i.e. SHPD and OHA) for residential developments
- Removes important mechanism that has protected iwi kupuna, irreplaceable cultural sites from destruction due to poor project planning and incomplete county or developer data
- Does not address major cause of residential project delays

Died in Senate



As I mentioned historic preservation kind of got a lot of action this year. We did see a number of streamlining proposals that we had to kill. Kamakana actually did a really great job in communicating, conveying, testifying to our concerns on this measure to Legislators. I think that really helped in making sure it didn't pass into law. But this measure, if you can recall would prohibited the counties from requiring residential developers to consult with the state. So basically Historic Preservation Division and OHA unless that requirement was also reflected in statute, and so our concern was that the counties actually do rely on us to review these kinds of projects. Often their datasets aren't complete. We do have a lot of institutional knowledge about you know where iwi kūpuna are, where historic cultural sites are and also where they are likely to be, the kinds of places where historic events happen or there's certain characteristics of the land that indicate that this might be a high likelihood of hosting burials and so forth. And through this consultation we are often able to improve project planning and prevent irreparable impacts to irreplaceable iwi kūpuna and historic cultural sites and so we were able to communicate that concern to the Legislators. They couched these streamlining type measures in by framing it as like we need affordable housing and you know this extra review takes too much time, but you know, in our experience, as we've conveyed to Legislature as well, it's not really this review that jams up these kinds of developments. It's often more a matter of like poor planning or other processes. So unfortunately, while this bill did pass out of the House, it did die in the Senate eventually.

Notable Non-OHA Measures: Historic Preservation

SR171 SD1 and HR113 HD1 (SUPPORT):
REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS
TO ESTABLISH THE BURIAL SITES WORKING
GROUP TO EXAMINE THE BURIAL SITES PROGRAM
UNDER THE DEPARTMENT OF LAND AND
NATURAL RESOURCES' STATE HISTORIC
PRESERVATION DIVISION

- Urge OHA to convene a burial sites working group to address longstanding, systemic failures in the administration of Hawai'i
- Slightly differing asks, working group composition between the two resolutions
- Current working group combines elements of both, seeks to uphold primary intent

Both single body resolutions adopted by their respective chambers



So Kamakana just talked about these dual resolutions that are a little different, and so we hybridized them. And that's the nomination that you just voted on. But again, this all came from press conference I think the day this opening day or the day before where the Island Burial Council leadership came together and just raised numerous concerns about the systemic and ongoing failures of the historic preservation division to properly and appropriately administer the laws and a program that's designed to protect iwi kūpuna and associated sites, and we did follow up with a statement from our CEO in support of the Island Burial Council leadership statements that reflected also our own experience and observations regarding these same systemic and longstanding failures, so hopefully this burial sites working group which was proposed to address those failures, will be able to reconvene and hopefully take steps forward to finally address these systemic issues.

Notable Non-OHA Measures: Criminal Justice

SB386 SD1 HD2 CD1 (Act 61) (SUPPORT): RELATING TO THE
DETENTION OF A MINOR IN AN ADULT JAIL OR LOCKUP

- Requires explicit judicial findings before a minor can be placed in adult correctional facilities
- Addresses documented short-term physical harm/assault and long-term lasting trauma from exposing youth to adult offenders
- Native Hawaiians overrepresented in youth correctional facilities and may be disproportionately impacted by unnecessary detention in adult facilities

Passed and signed into law (Act 61)



In the criminal justice realm there was one bill that we supported that passed into law is Act 61 and so this measure sought to mitigate, prevent the you know, substantial trauma, substantial harm that can occur when you hold a juvenile in an adult correctional facility. It just requires judicial findings before that can even happen and you know Native Hawaiians as you likely know, are overrepresented in, you know, throughout the criminal justice system, including in our youth correctional facilities, and so they may be disproportionately at risk for being housed with in adult correctional facilities, and so this bill by helping to prevent that will hopefully help to prevent a lot of trauma for our juvenile beneficiaries.



Notable Non-OHA Measures: Criminal Justice

SB1260 SD1 HD1 (SUPPORT): RELATING TO CRIMINAL PRETRIAL REFORM

- Implements recommendations of the HCR137 Pretrial Reform Task Force and the Hawai'i State Correctional Facilities Oversight Commission
- Eliminates cash bail for low level nonviolent offenses subject to exceptions
- Seeks to address the harsh, punitive, and unnecessary impact of cash bail on nonconvicted, indigent defendants (who may be disproportionately Native Hawaiian)
- Also seeks to address dangerous, expensive, and inhumane overcrowding of our pretrial detention facilities (i.e. OCCC, MCC, etc.)

Died in conference committee

The other criminal justice measure. This is our court advocacy bill that didn't pass, but it would have implemented the recommendations of the HR137 Pre Trial Reform Task Force which were also adopted by Oversight Commission, which our representative is the chair and it would have tried to prevent the unnecessary and punitive hugely primitive impact that pretrial incarceration can have when you have a cash bail system that keeps poor people locked up and lets not poor people pay bail and then get out of jail and so it would eliminate cash bail for low level nonviolent offenses subject to some exceptions. I think there's a lot of media sensationalizing of the release emergency release of a number of pretrial inmates present the Supreme Court order at the beginning of the pandemic due to the terrible overcrowding and the dangerous conditions that created with respect to COVID. Even though you know people were decrying, like the potential increase in crime and whatnot, you know a subsequent study really verified that this didn't have a significant impact on public safety, and so with that in mind, this measure was introduced and pushed by the Oversight Commission and others and unfortunately it did not, even with that data it did not pass, although it did get very far in the process it went all the way to the conference committee and then the Senate and House just couldn't come to an agreement on their differing versions of the bill. And so it died at the end of session.



Notable Non-OHA Measures: Education/Health

SB811 HD1 CD1 (Act 4) (SUPPORT): RELATING TO THE DEPARTMENT OF EDUCATION

- Requires the DOE to report weekly on schools that have a staff member, student, or other affiliated individual test positive for COVID-19 (name of school, date, and when COVID-19 individual was last on campus)
- Real-time data necessary to evaluate safety of school reopenings and to inform responses that can better protect staff, students, and their 'ohana
- 25% of the DOE student body is Native Hawaiian
- Native Hawaiians more likely to live in crowded and multigenerational households making isolation from vulnerable individuals difficult

Passed, vetoed by Governor, veto overridden by House and Senate (Act 4)

We're able to get a, there is one education bill, there's a few actually, but this is one of the bills that we supported that did pass this Act 4. This requires the Department of Education to release a weekly list of schools that have had a positive COVID case and then also say when the last time that person was on campus. This is consistent with advocacy we've taken on the administrative level about the need for real time data in order to inform responses, inform planning and responses to the COVID-19 pandemic, which can have a disproportionate impact on beneficiaries, especially in the school setting where 25% of the student body is Native Hawaiian. So you know in order to better inform efforts that can protect our keiki or they're ohana and basically everyone that needs public health or not public, everyone that needs health care that maybe like very much reduced if the pandemic gets out of control as we kind of are seeing now. We were supporting this bill. The governor actually vetoed this bill which is interesting. But what's even more interesting is the Legislature reconvened and overrode his veto so it is now law.



Notable Non-OHA Measures: Health

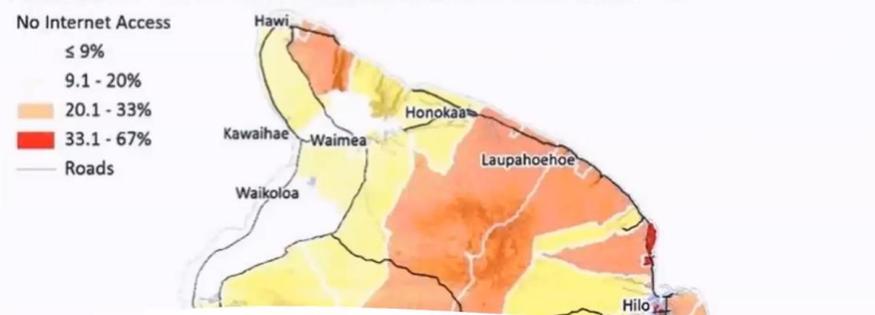
HCR112 SD1 and HR90 (SUPPORT): DECLARING RACISM AS A PUBLIC HEALTH CRISIS

- Resolution acknowledges the lasting impacts of racism and its various manifestations (i.e. systemic legacies of historic racism, institutional and interpersonal) on the health of Native Hawaiian, Pacific Islander, and other marginalized communities
- Legislature recognizes racism as a public health crisis and urges the Governor to do the same
- Also notes connection between racism and the social determinants of health, a comprehensive understanding of health consistent with the concept of maui ola
- Also recognizes need for education, training, collective effort to dismantle racism at all levels

HCR112 adopted by both chambers; single body HR90 adopted by House

Another health related measure HCR112 and HR90. These resolutions declare racism as a public health crisis, and essentially they recognize what the CDC has since also recognized that racism, whether it's interpersonal, systemic, institutional, actually has a huge impact on health outcomes especially for, you know, marginalized communities. So with this resolution, which we support, the Legislature recognizes the public health impacts of racism, including the impacts on all the social determinants of health which are, you know, those things beyond just going to the doctor that influence whether you know how healthy an individual is or how healthy the community is. The House single body version also too focuses more specifically on the historic and ongoing impacts of racism on Native Hawaiians and Pacific Islanders. It's very exciting that the Legislature was able to take a stand and make a statement in this regard. Now it's a matter of seeing you know how we can move, continue to move forward and you know follow through with some of the recommendations and urgings in these resos.

Estimated Percent of Households Without Internet



Notable Non-OHA Measures: Socioeconomic Equity & Justice

HCR161 HD2 and HR137 HD2 (SUPPORT): SUPPORTING AND ADOPTING THE GOALS SET FORTH IN THE DIGITAL EQUITY DECLARATION FOR HAWAII ADOPTED BY THE BROADBAND HUI

- Resolution adopts Digital Equity Declaration and the goal of equitable access to broadband, digital devices necessary to participate fully in society
- Native Hawaiians disproportionately represented in rural communities with limited broadband access; Native Hawaiians may also have less access to digital devices and affordable broadband
- Digital inequity may disproportionately impact Native Hawaiians across all sectors: education, civic engagement, social services, socioeconomic development, etc.

HCR161 adopted by both chambers; single body HR137 adopted by House

And then finally for the last non OHA measure is HCR161 and it's single body counterpart. So these resolutions would support and adopt the goals of the digital equity declaration, which was a declaration made by the Broadband Hui which we are apart of. We supported and essentially you know, number of Native Hawaiians may be disproportionately impacted by digital inequities that prevent them from fully participating in society. So you know rural areas. Rural communities often have substantial of that majority number of its residents who are Native Hawaiian and these are communities that don't have, you know, great access to broadband. You know DOE surveys have shown how Native Hawaiian students and other Pacific Islanders, have you know, also have a greater need for access to affordable broadband as well as the digital devices that you also need to participate in the digital world. And so because of the principles of equity that are embodied in this resolution we supported them and fortunately they were adopted.

(Near)
Successful
Opposition

Only 2 OPPOSE Measures Passed:

HB499 HD2 SD2 CD1 (Act 236)
"Ceded" Lands Lease Extensions

HR111 HD1
Kaka'ako Makai Working Group

And so again reflecting on you know the outcomes of this session. We did have an almost successful opposition rate especially considering the numerous opposed measures that we saw. Only two of them passed. You know the Kaka'ako Makai Working Group it's disappointing that passed but we're not really participating as we made clear so hopefully, I mean, I don't think that will have much more impact. HB499 does starting to have a more concrete significant impact on our beneficiaries' interests. But again, I think the amount of engagement and awareness raising that this bill created does provide the kind of silver lining given with its passage.

Mahalo nui!

- PP Staff and Student Helper: Wayne Tanaka, Nina Ki, Olan Leimomi Fisher, Letani Peltier, Annie Ka'uhane, Michele McCoy, Sharde Freitas, Kamaile Maldonado, Jenifer Jenkins, and Emilia Kini;
- OHA Staff: Everett Ohta, Kai Markell, Kamakana Ferreira, Lauren Morawski, Brad Wong, Kalani Fronda, Lori Walker, Brutus LaBenz, Taylor Asao, Christopher Stanley, Lisa Watkins-Victorino, Pūlama Lima, Carla Hostetter, Gloria Li, Kainoa Kaumeheiwā-Rego, Lee Miller; Holly Yamachika, Laura Kamalani-Paikai, Anita Manzano, Alice Silbanuz, Ed Kalama, Davis Price, Aliantha Lim, Kyle-Lee Ladao, Pua Fernandez-Akamine, Jason Lees, Kaleena Patcho, Jhewel-Georlyn Felipe, Joshua Koh, and the entire Community Outreach team;
- OHA leadership: OHA Chief Executive Officer Sylvia Hussey, Chief Operating Officer Casey Brown, Chief Counsel Raina Gushiken, Chief Financial Officer Ramona Hink, Chief Advocate Sterling Wong;
- OHA Board of Trustees: Board Chair Carmen "Hulu" Lindsey, Board Vice Chair Leina'ala Ahu Isa, Beneficiary Advocacy and Empowerment ("BAE") Committee Chair Kalei Akaka, BAE Committee Vice Chair Keola Lindsey, Asset and Resource Management ("RM") Committee Chair John D. Waihe'e IV, RM Vice Chair Luana Alapa, Dan Ahuna, Brendon Kalei'āina Lee, and Keli'i Akina.
- Beneficiaries and partners outside of the agency

Just real quick, you know this is, you know, not just, you see me but you don't see like all of the hands that are working throughout session to kind of get us through it to uphold our mission in the Capitol. And so I just wanted to, I won't read everyone's name, but just you know, acknowledge that this was almost agency wide effort for the last you know 7-8 months. Yeah including you know our leadership, other staff so mahalo nui for that.

Post Session Follow Up

Approved legislation often requires off session work and follow up, i.e.:

- Legislation creates working groups/task forces (e.g. SCR5 Data Governance Resolution; SR171 SD1 and HR113 HD1 Burial Sites Working Groups; HCR11 HD1 SD1 Missing and Murdered Native Hawaiian Women and Girls Task Force)
- Legislation requires creation of administrative rules or some other agency action (HB204 SD2 CD1 (Act 29) OHA Budget Bill; HB1019 HD2 SD2 CD1 (Act 46) Ocean Stewardship User Fees))
- Legislation requires continued outreach, monitoring of agency actions to mitigate negative impacts (HB499 HD2 SD2 CD1 (Act 236) "Ceded" Lands Lease Extensions)
- Implementation requires training/guidance for implementation

Quick reminder, even though session is pau, that's not the end of the work, it's often the start of the work, so you know bills or resos that will create working groups and task forces which require follow up work. Sometimes a bill will require you know further actions, so our budget bill required us to submit our CLA report in order to access our 2021 funds. You know that ocean stewardship user fee bill may require rule making to be fully implemented. If bad bills passed, that means we have to, you know there's a lot more work that we have to do in terms of monitoring what agencies do with those bills. So HB499 as an example, and then sometimes we also require you know further investments so you know when our Native plants bill passed, we had to contract out for native plant experts to give trainings for landscapers who would be implementing those requirements. And so that's it for this last session.

2022 Legislative Schedule (Proposed)

- **July-Sept.** – Internal/External Outreach
- **Aug. 18** – 2021 Legislative Overview with BAE
- **Sept. 21** – Last day to send leg ideas to PP
- **Oct. 13** - Legislative Package Concepts Workshop with BAE
- **Nov. 17** – Legislative Package Final Language Approval with BAE
- **Nov. 18** – Legislative Package Final Language Approval with BOT
- **Jan. 9** – Deadline to submit OHA Annual Report
- **Jan. _*** – Deadline to submit OHA Legislative Package
- **Jan. 19** – Opening of 2022 Legislative Session

So just want to give a quick preview of what we're looking at going forward. So this is a timeline leading up to the 2022 session with respect to how our package for this upcoming year will be developed. We're doing outreach now, both internally within OHA and externally with our partners, stakeholders, experts outside of the agency. We do want to have our ideas you know, proposals in by the 21st of September, and this will give us time to kind of vet them, do more research, prioritize, figure out priorities and so forth. And by the October 13 day, and these are proposed, it would depend on the meeting schedules and other things that come up for the Board and the Committee but we're thinking about October 13 and us having a concept workshop just to kind of get a feel for, temperature check on and some feedback on the concepts that we think should be part of our package and we're shooting for final approval of our package language itself in November 17-18 and opening day of the 2022 session is going to be the third Wednesday of the year, which is January 19 next year.

Internal Outreach

- Now through September 21
- Please use Google forms
- Public Policy staff meeting with LOBs and programs starting this week

So again we are doing internal outreach now. This is kind of what we we ask staff to do is to provide us with their ideas or issues. We actually have Google Forms this year, so it's a little easier I think to submit their ideas to us. And we'll be meeting with our various programs and paia within OHA starting this week and I just had one actually this morning with the Land Division and you know what we say is, you know all ideas are welcome. Like we record everything, we really want to know because here in public policy, we're not necessarily, we don't know everything right and a lot of times other staff will be the experts on the ground or they will be the one seeing these issues and so we just want to see, we just want to know what kind of issues they're seeing. That's the main thing, and then to the extent they might have legislative solutions, and that's also very helpful, but they you know people, it's just issues themselves that people are encountering are what we're really looking for. And that being said, you know we are mindful that not every issue has a legislative solution, so sometimes there are great laws on the books, but there's no, you know, they just need funding or they're not you know the water codes great, but no one complying or enforcing it you know so that it needs administrative action or executive action rather than a legislative solution. Sometimes bills will also need administrative rules as I mentioned to be fully implemented, and so sometimes that's an issue. That's what's causing issue is the lack of rules or lack of policies or procedures.

Criteria

- Aim for small package
- Funding implications (OHA, state)
- How big of an issue?
 - Does it impact the broader Hawaiian community (broader public)
 - Is it statewide or county specific?
- Will there be community support at the leg to advance proposal?
 - Will organizations commit to submitting written and verbal testimony at leg hearings?
- Is it aligned with our Strat Plan 2020+ strategic foundation and directions?

Some other criteria we look at, we try to again look for a more manageable sized package because it gets too crazy if we're trying to chase 17 bills through various committees. We try to be mindful of funding implications both for OHA and for other state agencies and entities. We don't like it when they try to force us to spend our trust monies in certain ways, so we want to be mindful for suggesting proposing something that's gonna require a financial investment by the state. We do because it's something we want to keep it relatively small and manageable. We want the biggest bang for our buck so we look at how big of an issue it is that we're trying to address. So like if it's impacting you know Hawaiian communities across islands or, you know, is this going to be something that's just you know, like for one colony or one community we try to get, you know, the biggest bang for our buck when we include stuff in our package. We consider whether there's community support that might, that could be a game changer in terms of advocacy at the Legislature next year. So will people be testifying? Will there be helping spread the word and you know, is that already there because that could you know, help with our favorable consideration of an idea and we also want to be thinking about our strategic plan.

Criteria

- Feasibility
 - Likelihood of passing
 - Some measures can have impact without being enacted
 - Make statement (unsecured bail)
 - Start discussion (water appraisals, expungement of houseless offenses)
 - For public awareness ("fair rate of return" for Maunakea subleases, remnant sales)

Feasibility and likelihood of passing is a consideration, but it's not a deal breaker, and often times measures do have an impact even if they aren't enacted into law. So we had an unsecured bail bill which we introduced as a few years ago, and really that was about pointing out that there's like huge, like punitive, we're punishing people before they're even convicted just because they they can't afford bail. You know there's bills that we've introduced that have really started important conversations and discussions about critical policy issues, so our expungement bill this year I think really generated a lot of thoughtful discussion about our response to houselessness and how the criminalization policies that the counties and state in some cases have enacted really just exacerbate the problem. Make it much more harder for houseless people to get off the streets when they are ready to do so, and so unable to do so and so you know, even though that bill didn't pass, I think there's really great conversation that can be continued on to future sessions and sometimes you know a bill would raise public awareness about an issue, like for example the Mauna Kea subleases don't really account and even with the TMT there's no real consistent accounting for the cost of more property managing on allof Manua Kea lands and that's something that you know people weren't I think quite aware of, but you know the movement and also with this bill we're I think there's awareness that was raised in the Capitol building.

Criteria

- Solvability
 - Can it be solved through legislation?
 - Does the best legislation actually solve problem?
 - Does everyone agree on solution?
- Is OHA the appropriate lead
 - Does it address our Strategic Plan?
 - State lead – better chances, especially if impacts broader public
 - Community lead – Too controversial, too radical

Yeah, other criteria and again, is it legislation that's going to solve the problem? Are people who are going to be fighting about the solution, like are there different ideas about what the solution should be? We also think about more strategically is whether or not OHA is the proper, like is it would be best for OHA to have its label attached to a bill or would it be better to have another entity kind of sponsor, move forward with it. So you know the Governor has a whole tons of departments and legislative lobbying staff essentially that can advocate for bills so if they want to take the lead and have that as part of their package that would be great because then they can do a lot of work and we'll support from our end. Also there might be ideas that are really great, but then it could be kind of maybe too controversial or too radical and so in those cases sometimes community is the best place to have these measures advocated from and then we can support in other ways from you know from behind.

Criteria

- SP2020+: <https://www.oha.org/priorities>



Strategic Foundations



Strategic Directions

Just a quick reminder of our new strategic foundations and directions that we also think about when we vet these ideas and that's it. So again, thank you so much. I just want to say thank you so much for you know all the staff that helped us out this year for the leadership that we have for your leadership as a Board, as a BAE committee and as a Board. It's a heavy lift every year and we can't do it without all of these hands. So just want to say thank you. Happy to answer any questions you may have.

Chair Akaka: Mahalo nui, Wayne and mahalo for all those that have put in all the good work in this past legislative session, it's truly appreciated. Are there any questions for Wayne? Any discussion members?

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I just want to thank Wayne too for all his hard work and Wayne you got to share the work because you cannot be staying late at night as you had been during the session. It would be good for you to have help from your department. I know it's really, really hard to deal with everybody and some of our bills are controversial and I really thank you for facing up to them and you folks' testimony so mahalo nui.

Chair Akaka: Yes, the work that you've done Wayne and with Sterling, Ka Pouhana, our Board Chair and last year with our RM Chair Trustee Waihe'e, all that groundbreaking work. It truly is felt and it's appreciated at the Legislature, so mahalo to your team and everyone that has contributed, including our community to include our voices on this, mahalo.

VI. ANNOUNCEMENTS

NONE

VII. ADJOURNMENT

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I move that we adjourn.

Chair Akaka: Alright, mahalo

Trustee Waihe'e: Second

Chair Akaka: Alright, it's been seconded by Trustee Waihe'e. May I please have a **roll call**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED at 2:30 p.m.
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY						EXCUSED
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

2:35 p.m.

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 **2:35 p.m.**

Respectfully submitted,

A handwritten signature in black ink that reads "Brandon R. Mitsuda". The signature is stylized with a large, looped "B" and a long horizontal stroke extending to the right.

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 09/15/21.

A handwritten signature in blue ink that reads "Kaleihikina Akaka". The signature is written in a cursive style with a large, looped "K" and a long horizontal stroke extending to the right.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment