

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 Ferriera

Ka Pouhana Ferriera: 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 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 Kahaloha, 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
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				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**.

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

12:21 p.m.

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			
TOTAL VOTE COUNT				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'opū, 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.
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			EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV			X			
<i>CHAIR</i> 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 **12:38 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 10/30/24.



Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment