

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

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

February 7, 2024 10:00 a.m.

ATTENDANCE:

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

EXCUSED:

Trustee Dan Ahuna

BAE STAFF:

Nathan Takeuchi
Mark Watanabe

ADMINISTRATION STAFF:

Ferreira, Stacy / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Ozawa, Nietzsche / Interim Senior Counsel
Ohta, Everett / Interim General Counsel
Ke'öpū, Reelitz / Advocacy Division Director
Chantelle, Belay / Public Policy Manager
Aguinaldo, Arlene / IT

I. CALL TO ORDER

Chair Akaka calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 7, 2024 to order at **10:04 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:04 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:08 a.m.
Trustee	KELI'I	AKINA	EXCUSED	10:08 a.m.
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	PRESENT	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7) Trustees are PRESENT**, thereby constituting a quorum.

II. Unfinished Business

A. 2024 OHA State Legislative Bill Package - Matrix 1**

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

ONE TESTIFIER ON THIS ITEM

Zuri Aki: Aloha, Chair Akaka, Chair Lindsey, Members of the Board. My name is Zuri Aki and I'm testifying on Matrix 1 as a OHA beneficiary, taking the position of comment. I'm also testifying as a professional advocate specializing in Native Hawaiian conditions. I will be testifying on each agenda item concerning the matrices and my comments here extend throughout. Native Hawaiians, we face greater challenges and disparities, so I want to emphasize that when it comes to advocacy on behalf of Native Hawaiians you kind of need people. You definitely need people with intimate knowledge of these challenges and there's another layer to that, right. You need people who care enough to put in that extra fight. In my experience as a professional advocate, there's a tendency to kind of just go through motions when you are disconnected from the mission, from the issue that you're supposed to be championing and it becomes very evident in the work produced by a professional advocate, whether or not they cared. Whether or not it was really that important for them to do that job, to take on that task, to be the champion. As I'm reviewing these matrices, there's a sloppiness to it, right. I'm concerned because there should be continuity. You have great advocates on staff Grant Nakaya, Keli'i Nixon and I'm hoping that their knowledge is being tapped into, but just looking at the matrices here. Seems that they are being disconnected from this work and it's convoluted. It's a little sloppy and there are a lot of positions that are very problematic as both a Native Hawaiian and a professional advocate for Native Hawaiians. There's a lot of these monitoring where there should be at least a comment and I want to use this opportunity right now to kind of say that you know every opportunity here is an opportunity to impart the principles, the foundational principles that ultimately the state will govern itself on. Right, that's policy and that's policy making and when you're not injecting Native Hawaiian principles in every single nook and cranny, every opportunity you got. You're just kind of going through the motions. The lāhui deserves the best advocacy possible. 110% beyond right and so my concern is that there is again a degree of incompetence that's prevailing here that really is an injustice to the betterment and conditions of Native Hawaiians and the Native Hawaiian people. So I would urge this Board to take a hard look at its staff to see who cares, who doesn't, who's going through the motions. Because in the end, you know someone's collecting a paycheck while the rest of the lāhui we're still struggling out there. So mahalo nui loa for your time.

Chair Akaka: Alright and just some mana'o as well, I would like to share that when it comes to our matrices and our positions is that some are currently as high monitor as we await the ano and decisions of our sister agencies and so forth to see and how they would like to pursue and if we are in alignment in that and if we can support or not, or provide amendments or kōkua and comments. So I just wanted to share that for everyone to know.

Trustee Akina: Madam Chair, sorry to interrupt. I just want to make you aware that I am here. I had trouble logging in this morning.

Chair Akaka: Okay, aloha. I saw you join. Mahalo and I see Trustee Ahuna on as well.

Chair Akaka yields the floor to Ka Pouhana Ferriera

Ka Pouhana Ferriera: Mahalo, Chair. I'm going to pass this over to our Director of Advocacy Ke'ōpū Reelitz, mahalo.

Chief Advocate Reelitz: Aloha Kakahiaka, we wanted to first start out and thank you, Trustee Galuteria for helping me to remember to put up the right calendar this time. So we've got the right calendar. We wanted to start you folks off with to let you know where we are in the Legislative Session. So we are currently at February 7th, which is the triple referral filing for the House side, tomorrow is the Senate side. So there are actually a couple of bills or more than a couple of bills that are on the matrix that are already considered, we would consider dead or no longer moving forward because they were triple referrals that did not get a hearing notice by Monday or Tuesday, depending on the the Chamber. But we are moving fast and furious, so the next time we meet, we will have quite a number of bills that have not progressed. I do want to let you know before I jump into Matrix 1 that we are about a little over a week away from first lateral, which is the essentially the double referral deadline, which means that some of the things that we sort of collectively, folks who are following the Legislature, have sort of thought might be safe. That's where things are, it's sort of starting to get to be crunch time. So I did want to let you folks know about that. I'll go into a little bit more in depth what that means for some of the measures as we go through each of the matrices, but I'll stop there and stop for any questions before I jump into Matrix 1 and the components of it.

Chair Akaka recognizes Trustee Trask

Trustee Trask: I just wanted to make sure when we go through Matrix 1, which we're starting to do now, I just wanted to ask if there are companion bills. If they can let us know, you know what I'm saying. Because when I looked at SB1215 and HB1305, if you could just let me know as we go through rather than one by one, we can look at the companion bills together, thanks.

Chair Akaka: In the updated matrices here there are the companion bills listed in the column next to the bill number.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Thank you, Chair. I know I missed the first part, I think that was Zuri talking but you know Matrix 1, what we're talking about is the OHA package. Is that what we're talking about?

Chair Akaka: Yes, so the Matrix 1 is our OHA package, Matrix 2 are the bills that name OHA and Matrix 3 are bills affecting Native Hawaiians.

Trustee Ahuna: When I'm looking at the OHA package. I know that the OHA package is OHA-1 is SB2447 and HB2145 and also the three resos right. So what is the rest of that on that OHA package? What is that?

Chair Akaka recognizes COO Brown

COO Brown: Trustee Ahuna, mahalo. So the way that Matrix 1 is laid out is we have Item 1 and Item 2 are related to the BOA measure and then there's resolutions that we plan to add to this matrix. The resolutions have not hit their introductory dates yet and when they do, you'll see them be populated on this matrix. The rest of the bills, the group thought it would be good to put some of the carryover bills, bills that you know died last session, that are being automatically reintroduced and the thinking was to put it on this first matrix but to clearly delineate that they're carry over. So you can see that the categories are listed there and that's just us taking a shot at a way to organize this, try to focus the discussion a certain way. If you guys feel that it doesn't work, we can move those carry over bills off to somewhere else, but you let us know.

Trustee Ahuna: Sorry no, cause it's quite confusing because the OHA package is the OHA package. If it's something else, it's something else and then just real quick. What does support with comments mean? Because I know in Legislature there's just support, comment and oppose.

Chief Advocate Reelitz: Yeah, so one of the things we wanted to make sure we do to Trustees this year is ensure that you have full understanding of what we're going into the Legislature with. So for example, we had the Board approve a measure in Matrix 3 last week that would support essentially a state program that expands the Pre Plus Program what's called the Pre Plus Program. So it's an early learning program and it would allow it to be used beyond the DOE campuses. Currently, it's only DOE campuses on other state lands and so we provided. We wanted to make sure you folks knew that we were going to add comments in addition to a full support. We added comments to remind the committee that where Crown and Government lands or ceded lands are involved that we need to make sure that any proceeds are going to OHA, that we are owed. As well as ensuring that no program implementation would lead to the alienation of Native Hawaiian lands and so those are the comments that we provided. So it wasn't, we weren't asking for a specific amendment, but we were providing that context for the committee. But we just wanted, we can switch back to just the three support comment and oppose, but I wanted to give you folks more information because I want to make sure, I know a lot of you have very strong relationships with Legislators and I want to make sure you didn't feel like you were blindsided that you had the full information that you had and that you folks really understood the positions and the comments that we were offering.

Trustee Ahuna: Yeah no, because sometimes when we do support, we usually do support with amendments. So it's, you know, I don't know how the others feel, but the OHA matrix package or the OHA package should be the OHA package.

Chair Akaka: So is your question also regarding the resolutions? Because with the resolutions we were specifically asked by Legislators to not, they want us to focus on the bills right now, they said to hold off on the resos.

Trustee Ahuna: No, it has nothing to do with that. Just OHA package, like put the OHA package on it. You know what I mean? We have other things besides the OHA package on it, that's all.

Chair Akaka: Yes, so we're constantly working on that and monitoring the bills and updating it. So you'll see that there are a number of bills that have been added to the matrix.

Trustee Ahuna: Yeah, but that's not our OHA package. I mean, the bills. I just was just saying, what is our OHA package? Why is it included in other bills, the OHA package and I just wanted to know why that's all. I mean if you cannot answer the question, it's fine.

Chair Akaka: I'm sorry, I'm not sure if I am understanding correct so what is your question?

Trustee Ahuna: Can I get help please?

COO Brown: Madam Chair, I think what Trustee Ahuna is asking is technically the OHA package that the Board approved is the BOA measure and the three resos, but listed on Matrix 1, which is called our OHA Package, we have all of these Hakuone carryover bills, we have the PLT carryover bills and that's confusing maybe Trustee Ahuna and maybe even other Trustees that they're listed on OHA's package when technically they're not OHA's package. They're just bills that we're tracking on.

Trustee Ahuna: But yes, it's on the website too. So it's very confusing for the lāhui, it's for everybody, not just me. I'm just telling you guys, you guys have other things besides the OHA package on it.

COO Brown: Yeah, that's a good comment, Trustee Ahuna and I think we'll make an adjustment.

Chair Akaka: So maybe on the website that can be made consistent and have it be specifically stated, this is our OHA package and these are also carry over bills. So it's shown as separate.

COO Brown: Yes, can do, hiki no.

Trustee Ahuna: But it's still not our bills.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I just want to clarify that the Public Land Trust bill is a this year bill. It's not a carryover.

Trustee Ahuna: It's still not our OHA package, sorry.

Chair Akaka: Any other questions or comments? All right, seeing none. If you can continue Ke'ōpū, mahalo.

Chief Advocate Reelitz: Thank you, Trustee Akaka. So just to start with the live bills, the OHA-1 is the Board of Agriculture, adding OHA Chair of the Board of Trustees to the Board of Agriculture as an ex officio member. You know, I had mentioned the legislative calendar and that we are sort of coming up on a double referral deadline and both of the Senate and the House versions have double referrals. I have been in the offices of either the Chairs or the Vice Chairs of each of the committees in both chambers the last two days and I will be visiting them again today. So pretty much every day of this week, to urge them to hear. We are looking at this point very likely that we would have to wait for next Wednesday for the hearing for the House AG Committee to meet. But I'm continuing to meet or be in contact with the Vice Chair of the Committee, as well as stopping in with the Chair of the AG Committee in the House. So hopefully I'll have some good news for you folks soon on that side. On the Senate side, I have been talking with both the Chair of the AG and Environment Committee as well as the Hawaiian Affairs Committee. So it sounds like that may be heard. There's a little bit, because it's a joint hearing and they can do it on more than just one committee's days, so it could be Monday, Tuesday or Wednesday of next week. So that is what we will keep you posted on if and when it gets heard. But I'm continuing to visit offices and make calls and send text messages so we can get hearings on those. We have not yet seen any of the carryover bills moved at this point. You know, Trustee Trask, you had mentioned the companions, we listed the only ones that were essentially still I guess alive, but we can go back and see if there's any that maybe made it through the first committee and could still technically be revived from the last session.

So these are the ones that made it the farthest along, which means that we can pick them up sort of from a farther point in the field, including SB1235. We could pick up after crossover and then HB1385 could actually be picked up during conference committee. So we're sort of still laying sort of planting the seeds on that one. I would have to look on at where those companions because all of the companions would have been reintroduced as well as a carryover. But in any case, we can check on those and add those to where they are for the next matrix and I'll pause there because I see at least one question.

Chair Akaka recognizes Trustee Trask

Trustee Trask: Thanks for that Ke'ōpū. When I look at SB1235 and HB1385. Their House and Senate companions, coming over from last session. The comparison I made on them is that on the Senate bill, we were looking for funding for Kūkaniloko. However, February 1, 2024 our office announces the eight million grant award that we got for Kūkaniloko. I didn't have the time to do a deep dive on this staff, but I'm anticipating that the grant, the eight million grant we have will take care of Kūkaniloko. So that language, my understanding now these two companion bills remain. We're halfway through the process. On the 1st, on the House bill, we have one more hearing, but neither of them, neither of them will have language for Kūkaniloko, right. We've taken it out. Is that correct?

Chief Advocate Reelitz: So they currently have it as written, they do have the Kūkaniloko, but that is something that I'm sure as we work through with HB1385. So the interesting thing with that was in the very last

hearing that HB1385 had last session, they actually took the contents of SB1235 and dropped them into that House Bill version. And so they are pretty much exactly, for that section of the bill, they are exactly the same. So they currently have Kūkaniloko, but we can certainly work with the Committee Chairs as we move forward to shift that.

Trustee Trask: Thank you for giving me that Ke'ōpū. I don't want to, you know, even though we did send out our press release on February 1st. The thing is, is that we need to be clear with the Legislature, because we're saying for both of them we support with amendments and what I'm saying is, is that OHA position is we accept all language relating to Hakuone. All others, including Kūkaniloko are deleted and if questions arise in the Legislature because they may not know why. Let them know that we already got, we just got the notice that OHA will receive \$8 million for Kūkaniloko. The Legislature, you know, in your lobbying for us to let them know because they have accused in the past that OHA runs to them with an open hand. But here's a good example where we return to them to say no, don't worry about Kūkaniloko. We took care of it for 8 million, you know, because these are companion bills and they returned this year. Is it correct Ke'ōpū? I've only got a little bit of a way to go with the House Bill. I have one more hearing on the Senate side, and that would be Finance. So this is an important one, but I just wanted to make sure I'm reading it clear. We remove Kūkaniloko, we don't need it.

Chair Akaka: Yeah, so I'm going to have a Casey, our COO and our Ka Pouhana speak on this.

COO Brown: Mahalo, Madam Chair and Trustee Trask just to kind of add a little bit more to what's involved, what's behind the Kūkaniloko monies. So the REPI Grant, the Readiness and Environmental Protection Integration Grant, that's really aimed at climate resilience and so that would involve activities such as agroforestry and reforestation and so those monies will be used for those kinds of purposes. The monies that were put into the measure last year were aimed more toward the conceptual master plan that's being looked at for Kūkaniloko. So there's many things envisioned for that space that the conceptual plan is identifying and that plan is built with the community members out there as well as other agencies input as well. But OHA is the stewards of those lands. So these monies were earmarked for different kinds of uses. So we're very happy to receive that REPI Grant, but it is earmarked for climate resilient type of initiatives.

Chair Akaka: Ka Pouhana, did you want to add?

Ka Pouhana Ferreira: Yeah, I kāko'o what Casey just shared. In addition to the Kūkaniloko request, you know, we are looking for agricultural development as well as a cultural center and to support cultural activities out there, which the federal grant does not address. So I do want to ask Trustees to continue to support leaving Kūkaniloko in because it does have a very different focus in this bill, mahalo.

Chief Advocate Reelitz: To wrap up with the carryovers, we are continuing to monitor as well as sort of start to have some conversations particularly with the subject matter committee on SB1235. That committee is just about done with a lot of its heavy lifting in the first part of the session. So now I was hoping to plan some meetings with Rep. Ichiyama to sort of talk to her as she would be the first to grant a hearing on SB1235 in the House. The last thing I wanted to mention is we do have some good news on Item number 7, which is the bill that came from the PLT working group.

Chair Akaka recognizes Trustee Trask

Trustee Trask: Before we move on I wanted to go back to the Hakuone and the Kūkaniloko funding. What you just said, Casey is not consistent with the data that has been given to me. The position of OHA for SB1235 and for HB1385 is that we support and request the appropriation for Hakuone and that all remaining language is struck out. I'm reading that to be Kūkaniloko is being struck out. What you just told me is that what is on this graphic for Trustees to rely upon is incorrect. That we're not going to strike out Kūkaniloko because we just posted, we got 8 million grant, but it doesn't cover everything you want to do at Kūkaniloko. So could I get

some clarification, are we going to drop this and put our first priority as Hakuone, which is what I understood we were doing and what you're telling me. On the palapala, you're telling me that. But what Casey just said is so this is why we just gonna leave Kūkaniloko in because we need more money for Kūkaniloko that we cannot get out of the 8 million grant.

COO Brown: Mahalo, Trustee. Ke'ōpū, can I ask you first to clarify exactly what was recommended for this particular measure, what to strike and what not to strike. Just can you go over that for us and then I can add.

Chief Advocate Reelitz: Sure, so there were appropriations for each of those, and it might be the wording that I wrote, Trustee Trask or Vice Chair Trask, that I wrote that is confusing. So in SB1235, we have a bill that included creation of a working group. Which is the working group we already have moving, so the striking would be of those. But then there's parts two, three and four would have the appropriations and the hope was that I sort of bucketed all those together and so I think that's what's causing the confusion that actually sandwiched in between two Hakuone appropriations is a Kūkaniloko appropriation and so I think my wording is what's causing the confusion and so I'm happy to amend that wording because I was really trying to intend to get at all three of those appropriations batched together. So in SB1235 it would be parts two, three and four and then the part that would be struck would be the working group, since we don't need that at this point, and so that's what I was really hoping that we would go through with Legislators and get stricken.

Trustee Trask: Okay, got it.

Chief Advocate Reelitz: Sorry about that and we can correct that.

Chair Akaka: Mahalo for providing that clarification you want to carry on.

Chief Advocate Reelitz: Sure, because it's the good news part. So I'm very happy to say SB3336 passed its first committee, it had just minor amendments. The only amendment was that they were accepting amendments from the State Procurement Office, which is essentially a competitive bid requirement. Otherwise, I do want to alert Trustees that there were some concerns raised by the Department of Land and Natural Resources. Those concerns were simply put into the committee report. No amendments were accepted from DLNR, though I'm not actually sure they offered amendments, but they did offer concerns, but none of those impacted the language. So just for folks quick reference, SB3336 is essentially an appropriations bill that would provide 500,000 to work on essentially building out the actual, you know, doing the work, carrying out the work of the working group to build out an out a true and accurate and complete inventory of the public lands as they are part of the Public Land Trust. It's much longer and it's actually a very interesting read. So if you would like to go through it, please do. But that is essentially what it boils down to and I'm happy to say that it did pass through the first committee, so we are moving on to the next committee. Any questions before we go on from there?

Chair Akaka recognizes Trustee Trask

Trustee Trask: In SB3336, we don't have the referrals listed on our material. We had a first reading. Was that Hawaiian Affairs?

Chief Advocate Reelitz: Yes, so thank you for catching that Vice Chair Trask, so I guess a little bit of color commentary. I was a little bit worried about this bill when we first put together the matrix over the weekend because it did not have referrals and before I knew it and after we had pulled the data, it not only got referrals but it got its first committee hearing. So we will add it moving forward, it passed the Hawaiian Affairs Committee and it is now on to WAM. So the Ways and Means Committee. But I was very happy to see it both got referrals and a hearing very quickly when I was a little worried about it.

Trustee Trask: Thanks for that Ke'ōpū, I was really a little worried about it myself. Thank you.

B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2**

ONE TESTIFIER ON THIS ITEM

Zuri Aki: Aloha Chairs, Members of the Board, Zuri Ka'apana Aki again testifying on Matrix 2. My position is comment. I first want to kind of reiterate and echo the point that Trustee Ahuna was making which I think it's totally valid, it speaks to again my original point that maybe Item one and two on Matrix 1 really should be there and the rest should be in Matrix 2. We tracked over 800 bills last session, 2023, right this Board took the position on all of them, provided over 200 unique testimonies. There's a whole bunch of carryovers that are coming from 2023 that are just not appearing on this matrices. The alarming thing is that those bills from 2023 will continue from where they left off in 2023, right. So some of them don't have very far to go at all. Many of them have had hearings. This Board has not renewed any positions or to my knowledge OHA has not testified again on any of these prior positions during this session. So I only see a few carryovers actually listed on this matrices, that's a huge problem, because again, that's all these policies benefiting the betterment of conditions of Native Hawaiians that the lāhui really relies on OHA to be that champion for that it's not happening. So matrices 2, I do want to point out some things. Item 10, HB1313 HD1, that's a carryover from last session. OHA was in consultation with kupuna Auntie Mahealani Cypher who was trying to protect these lands for Native Hawaiians in perpetuity. OHA should at the very least use this as an opportunity to comment on the importance of keeping Hawaiian lands in Hawaiian hands. Item 11, HB1434 OHA has a position of support with amendments on its companion, which is HB, SB733, so it makes little sense to monitor this one. Even with substantive changes, there's a foundational element to this that really needs to be spoken to, so this is another missed opportunity to provide comments about the importance of having safe space for Native Hawaiian community and discuss this need as Native Hawaiians are facing erasure from our own homelands. OHA should have extensive testimony that it can use for previous session, so again it doesn't make sense. There's a disconnect there seems to be a confusion going on with OHA's advocacy and that I'm concerned as a beneficiary. Mahalo for your time.

Chair Akaka yields the floor to Ka Pouhana Ferriera

Ka Pouhana Ferriera: Mahalo, Chair. I'm going to pass this over to our Director of Advocacy Ke'ōpū Reelitz.

Chief Advocate Reelitz: Great, thank you. So I'm going to jump right in because I know SB2021 was a bill that garnered a lot of discussion last BAE meeting. It was an interesting hearing, but I would like to report the SB2021 was actually deferred when it got its hearing, so it was scheduled and then deferred and then it was actually deferred in favor of another carryover measure. That measure does not currently name OHA, so I will be covering it on Matrix 3. But I did want to let you know that SB2021 is not moving forward this session.

Beyond that, we have the same bills as last session. I did want to mention that Item 4 is the companion, so where you see the blue is you know we did face quite a steep number of bills and we wanted to make sure before we get any of the bills before the Board of Trustees that we're able to at least take some look at it, do some analysis and in the process we did miss some of the companion bills. So in both Matrix 2 and Matrix 3 where we missed companion bills, we did try to add them in. So this is not different. This is something that we put in front the Board last week with continued the position of monitor.

The big item on the top part of Matrix 2 that I wanted to come down to after that first item is Item 6 related to gaming. So I appreciated the robust and complex and nuanced conversation last week from the BAE and wanted to let you folks know that we did present testimony to the Committee on Friday morning related to gaming, consistent with the position that was discussed and approved by the Board last week, the decision making is occurring right about now. So that decision making was deferred until today. So I'll be able to let you know if that moves forward to the next committee at the next BAE meeting and actually by that point we'll know whether or not it will survive to the money committee, cause it is a triple referral. That will be forthcoming. I will

say that the sense from being in the room last Friday was that Chair Holt seemed to have the votes to move this out of the committee, but we'll just have to see how the committee votes. But it would need to have its second hearing by next week. So we'll probably have some closure on that in the next, or at least some better understanding of how far this will go by the next BAE meeting and I'll pause there in case anyone has questions.

Chair Akaka recognizes Trustee Trask

Trustee Trask: I'd like to get a copy of the OHA testimony that was submitted on HB2762, the gaming appropriation.

Chief Advocate Reelitz: Okay

Trustee Trask: And on this as it moves, Ke'ōpū, please keep me apprised that I would see the OHA testimony on this matter, thank you.

Chief Advocate Reelitz: We can get that to you.

Chair Akaka: Members, any other questions or comments? Otherwise, Ke'ōpū, any other things you want to say more on Matrix 2?

Chief Advocate Reelitz: The only last thing to cover on Matrix 2 as far as the carryover bills go. I did want to remind folks that for the most part, maybe even completely, we just kept the positions that were approved by the Board last year. So if you folks would like to change any of the positions we are open to that. But at this point given the sound discussion that happened last year, we feel like we should continue with the positions as approved last year and let you know as things change, especially if we're anticipating any amendments to measures moving forward and that's about all that I had to share from Matrix 2, but also happy to take any additional questions.

Chair Akaka recognizes Trustee Trask

Trustee Trask: I have some questions with regard to Item 9, relating to the Public Land Trust, House Bill 1227. You know, I'd like to take a look at this. It recognizes that OHA isn't barred from pursuing and may negotiate with respect to the Public Land Trust claims that aren't addressed in Act 15. What is this Ke'ōpū? We understand what we're doing with regards to the support to proceed to get a complete ceded land inventory. This is saying that we can also pursue and may negotiate. You know, I wanted to see what the bill says on that because there's two ways of pursuing. It started with a Ceded Land Trust in 1978 and it's 2024. We still don't have the inventory. So when I look at this and it says OHA's not barred from pursuing and may negotiate. Is this an endorsement of our expanding and continuing negotiation? Or is this a recognition that we have a right also to go right into the federal court and file a lawsuit at this point to get the state to do an inventory? It's hard to tell when I don't see. You know, we're supporting this measure, but I'd like to see the testimony and I'm just not sure what we're looking at here, given the other bills we looked at with regards to our authority on the Ceded Land Trust. Does this expand what we have in previous bills or I don't know how to see it?

Chief Advocate Reelitz: So that was the position that was approved by the Board last year, which we concurred with. I didn't have any change. The unfortunate part with this measure is and I am more than happy to get you this bill is that it was a triple referral in the House and it didn't get any hearings last year and it did not get a hearing scheduled in time to make the measure continue on this year, so it's effectively dead at this at this moment. There are some pro rata stuff on Matrix 3.

Trustee Trask: I got it, don't waste your time it's DOA, three referrals, never moved last year, this thing is dead in the water, thank you.

Chief Advocate Reelitz: Sure and there are some pro rata bills and Matrix 3 as well, so doesn't really get to your questions.

Trustee Trask: It does, it does. It's dead in the water.

Chief Advocate Reelitz: And Chair Akaka, I believe that is all I had to share from Matrix 2, but I am happy to take any other questions that folks might have.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chair. Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Item 4) as listed on Matrix 2 -- 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA– February 7, 2024.**

Chair Akaka: It's been moved by our RM Chair, is there a second?

Trustee Trask: Second

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

							10:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK		2	X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3**

ONE TESTIFIER ON THIS ITEM

Zuri Aki: Aloha Chairs, Members of the Board, Zuri Ka'apana Aki again speaking on Matrix 3 position of comment. General concern here that there is a pattern of repeatedly missed opportunities to impart principles benefiting Native Hawaiians that will shape the policies that govern the state. There is a lot of monitoring again where there should be at the very least comments. I understand having worked a little on this myself, the demands on the team. Also understand that by now probably should have a lot of comments and a lot less monitoring. I'm looking at the matrices and there are over 59 monitors when most of these should have comments to develop Native Hawaiian serving policy. My concern here as an OHA beneficiary is that there's a high degree of incompetence when it comes to OHA advocacy work and my experience as a professional advocate, monitoring when one should be commenting is indicative of laziness and a lack of care that does not benefit the betterment conditions of Native Hawaiians. Again would urge this Board to scrutinize who they have on staff doing the kind of work. Let me help your team out and your advocacy bosses. I'm going to go through a handful of these. Just pulling some of these out Item 1, SB2297, support with comments. It's an unusual position. I don't know if this Board has officially taking this as as one of the positions, but usually when you support you're commenting. So it kind of doesn't make sense there. That one's kind of littered throughout. We got Item 18, SB2002, this measure would provide environmental exemptions. Just as a matter of established policy, wherever such an exemption is proposed, the very least should warrant a comment. This should not be monitor. Item 19, SB2018, where the cascading impacts of climate change OHA is also on the Climate Commission. It's imperative that counties have the ability to down zone, again at the very least, OHA should use this as an opportunity to comment on increased Native Hawaiian vulnerabilities in the face of climate change. Not just watching this bill as it goes through and letting Legislators continue thinking what they're thinking without knowing what Hawaiians need. Item 24, HB2684 and its companion establishing the Institute of Indigenous Education, Science and Outreach within UH Hilo. I mean, this is a bill that's kind of backed by most of the Native Hawaiian Caucus. They're introducing this, this is a given, it's a throwaway. It shouldn't be monitor. Should at least be comment, but I think it should be support. Item 43, HB2537 and its companion imposes penalties for selling invasive plants or plants containing invasive species, we're the endangered species capital of the world. Again, this was a no brainer. Stop watching this, support or at the very least comment. Item 51, HB2682 monitoring a bill to provide further funding for Hawaiian Language Fund. I mean that's another throw away. Stop watching, at least comment should be support. Item 213, SB2175, so this Board has taken this position that DBA's are usually bad. It contributes to Native Hawaiian erasure, the overpricing of our people, pushing them out, over developing the land, using our natural resources, our cultural resources. This Board has held a firm position on opposition when it comes to district boundary amendments. This one's a 100 acre pop DBA, right. Flipping over lands 100 acres at a time. You shouldn't watch this bill. You should oppose this bill, again a no brainer could have just read that in description and figured out that this was a bad one. So these are just some that I have pulled out. You go through with a fine tooth comb and probably find a lot more egregious problems with these positions. But again, as a professional advocate for Native Hawaiians as a Native Hawaiian, OHA beneficiary, these are very concerning issues and I think this team needs to do a whole lot better, mahalo nui loa for your time.

Chair Akaka yields the floor to Ka Pouhana Ferriera

Ka Pouhana Ferriera: Mahalo, Chair. I'm going to pass this on to our Director of Advocacy Ke'opū Reelitz.

Chief Advocate Reelitz: Mahalo. Alright, let's get into Matrix 3 and the first thing I did want to start with is SB2297. So I know we spent a great deal of time last week discussing SB2297. We did offer and I know that the Board is aware that we provided testimony on this item last week Wednesday, actually it was just after the BAE meeting that Board Counsel Kirk Klein and I were at the Committee Hearing on Water and Land. I did want to let you know the measure at first got deferred. Senator Inouye asked us to work with her on some amendments to address our comments. We did provide amendments and that version of the bill was passed earlier this week, so I do sort of want to give folks just the full picture of it. The decision making was on Monday and the measure passed with just one aye or one yes, two aye with reservations and two no. And I do

understand from our Public Policy Manager who was there that one of the with reservations has indicated that he may change his vote at a later time, either in a later committee if it comes before him again or on the floor. So I do sort of just want to give folks a full picture of that and an update on what happened with SB2297. I'll pause there in case anyone has any questions specific to that bill.

Chair Akaka recognizes Trustee Trask

Trustee Trask: Ke'ōpū, on this measure, the superseding of the Mauna Kea Stewardship and Oversight Authority. Is the Mauna Kea Stewardship and Oversight Authority still left in place?

Chief Advocate Reelitz: My read of this bill is that it would be left in place, but that there are certain kuleana or obligations that would remain with the BLNR, it does not essentially repeal the Stewardship and Oversight Authority, no.

Trustee Trask: Thank you

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: My question is so where are we? Are we supporting this bill or are we just commenting, or support with comment? I mean what are we doing? I don't know what support with comments are that's why.

Chief Advocate Reelitz: So what we took to the Water and Land Committee is a supportive testimony in support with comments asking that the committee consider either strengthening language or to put into the committee notes that we believe the rights or the kuleana obligations of the Board o Land and Natural Resources is affirmative and shall not be transferred. That could be read into the bill itself as it was, but Chair Inouye felt like she wanted to strengthen it. So we did actually work with her on amendments, so we can switch it to support with amendments, but at this point I would recommend just support because she did accept the amendments that we provided and agreed that we needed to make sure that it was non transferable and affirmative obligation.

Trustee Ahuna: Thank you, good answer.

Chair Akaka: Ke'ōpū, if you can please continue.

Chief Advocate Reelitz: So SB1587 is the bill, so SB2021, which was the one on OHA named last, well I mean, it's still on OHA named, that we discussed, had a lot of lengthy discussion on Matrix 2 last week. As I mentioned earlier, that was deferred for another measure. This is the measure that it was deferred in favor of. So SB1587 as the description says, establishes an affordable housing land inventory task force to update maps, tables inventories. At the same hearing that SB2021 was deferred at, they made the amendments and the amendments are pretty numerous, but it essentially sort of added on a couple of folks and took off a couple of folks as well as focused in the study or the work of the task force on urban lands and set the idea similar to the other measure, 100,000 units that would be designated as important housing lands and moving it to the HCDA. So those are very important amendments that I wanted to make folks aware of. There is no SD1 up yet. I checked last night or actually I checked this morning. But if folks are interested, I can share once the SD1 is available. Our recommendation on this, we did not have it on the Matrix last time because at that point it didn't look the same. So given that it looked different from last week or from our last week's BAE Meeting, our recommendation is that we support with amendments and that our amendment be to add the Office of Hawaiian Affairs on to the task force, given the conversation that occurred during last week's BAE Meeting. So I will pause there.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Just one quick follow up question. I don't understand how affordable housing can only be a 10 year plan. So can somebody explain that to me?

Chief Advocate Reelitz: I am happy to take comments, I think the point is well made that we're not going to solve the issue in 10 years and we can add those to the amendments that we asked for if the Board supports that as part of the amendments that we would be making.

Chair Akaka recognizes Trustee Trask

Trustee Trask: This measure because one of the things that we've been trying to do is look for affordable housing for our own beneficiaries. The only thing that we really have in the state is a DHHL waiting list. But we don't really have anything in terms of a capital "N" waiting list. My understanding of this bill and you tell me what your understanding is Ke'ōpū. This bill is coming out from what happened a while ago where the Governor made a big proclamation about affordable housing. It was great, but the thing was is that there was no money and there was no land. The Governor got terribly criticized. He responded back, I am the Governor and I make the choice for my administration affordable housing. But the Legislature is the one that will give the money for it, not the Governor's Office and the other thing was that when the Legislature does this, they need to be aware of where the remaining state ceded lands are, whether it's under the state or the county for affordable house. That's my understanding of this and when I looked at it, you know, I'm not really sure where it's gonna go. But we only have one list in terms of our beneficiaries and that's 29,000. Even the kūpuna housing we're hoping to move in partnership is for small "n's". But I tell you, when I met with my county folks here on Big Island. They said, you know, you're in the same bucket as we are. We need affordable housing. But we need it here in our county and I didn't know how to respond to them, but I just wanted to raise this because when we talk about the state looking at the inventory for affordable housing they're only looking at the ceded lands. They could not be looking at Hawaiian homelands and we have yet to get the inventory of the ceded lands to make sure that there's a percentage left for those who are capital "N's". That's the, you know, that's why I wanted to look at this and I wanted to see what we're saying in the support with amendments. Thank you.

Chief Advocate Reelitz: And I will say just before I move on to the next one, I think that was one of the reasons you know, I was very thankful for the robust conversation to get a sense of where the Board was last week. We thought there was given that insightful conversation we thought it was, there's a number of things that can be gained by OHA being a part of that process and hence the recommendation of support with amendments.

The next item on the matrix are two items that are companions. I will say that HB2600 did not get a hearing, so it is effectively dead. SB3335, though, did get a hearing and it is, I believe, the 13th. Yes, it's the 13th, so it got a hearing on the 13th. I wanted to bring this to the Board's attention. It is if folks have not read it a very, very lengthy bill. I believe it was somewhere in the number of 300 pages. More than 300 pages and it creates a program for essentially adult use cannabis or marijuana. And one of the things I wanted to bring to the Board's attention is that, you know, Chair Akaka and I had a meeting with Rep. Tarnis who is the Chair of Judiciary and Hawaiian Affairs and he did bring his plans to introduce this bill to us. In particular, there are a number of things that he's looking at, they do not call specifically, do not specifically call out Native Hawaiians, but do very likely call in Native Hawaiians in a sort of a broader sense. So essentially, you know, in a snapshot the things that I wanted to make sure the Board was aware is that this measure would essentially create a cannabis board and it would be administratively attached to the DCCA and one of the things that the bill does is start to talk about social equity and benefits that would stem from social equity. And so there's a definition that I can point to folks that essentially would provide like 50% off the first five years of licensure for either manufacturing or selling of marijuana to folks who are coming from. I think it was either an ownership in the company from a disproportionately I forget the wording, but it essentially disproportionately disadvantaged community having lived in that community for five out of the last ten years, having staff that were more than 50% from that community, and I think there was one other, but there's sort of this definition that doesn't say Native Hawaiians,

but very likely would apply to a lot of our Native Hawaiian communities, and I will say that in our discussions with Rep. Tarnas that, that was intentional to ensure that he was providing those benefits as part of this program to folks from marginalized communities, which included Native Hawaiians. I did also want to mention that the purpose the bill highlights that the purpose or some of the funds would be going to grant programs between the social equity grants, but also as well as public health and education grants as well as public safety grants. Again, it's not a OHA named, but because given the construction of the bill, the way it's worded as well as our conversations with Chair Tarnas, I did want to make sure that we put it in front of the Board. Our recommendation at this point is to monitor and see where things are going as well as do more research. I'm on a number of different facets of this bill, so I will pause there.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: I like that you're recommending a high monitor. I see what you did there. Thanks.

Chair Akaka recognizes Trustee Trask

Trustee Trask: You know, colleagues, I just wanted to let you know that I'm supporting this measure. I have had some calls from about three or four kūpuna. They're on the Hilo side, I know them. They have asked me to tell you that they benefit from this, the four kūpuna I talked with have been receiving cannabis prescription from their doctor. They have high blood pressure, they have dietary problems, they don't eat anymore and the other thing is that they have sleep disorder. And they're all kind of up in my neighborhood in Kurtistown. I met with them and I told them, how do you get this and they told me they just go up to J. Hara Store at the corner and everything is there for the kūpuna. They don't make joints up there. They just have little drops. They have other things like that. But I met with them and I didn't realize how many of our kūpuna are depending on this and it's high blood pressure, lack of appetite and sleep. Not being able to sleep and I told them I would support it. They probably listening now. Thank you.

Chair Akaka: Members, any other questions or comments regarding these bills? Seeing none, Ke'ōpū, if you could please continue.

Chief Advocate Reelitz: Thank you for that mana'o and we'll continue to monitor and keep folks apprised of how this one moves. Kind of keeping with the tradition of last session as well as last week, just a couple of things I wanted to mention for folks. So the blue, as I mentioned before are the new bills. I will say that there are some essentially like repeats from last week because there are a lot of measures that were similar, very similar, but had maybe a few versions out there as well as ensuring we had all the companions. So that's one thing to just note for folks. The other thing is I do want to let folks know that we have quite a bit of bills related to fixes that were essentially, I should say fixes or suggestions that came out of our Burial Sites Working Group. I know I mentioned those last week, but we added as many as we could here. Again, because we kept combing and kept finding more, which is wonderful and we do have a hearing. One of the reasons I wanted to mention that is we do have a hearing tomorrow on a number of the bills that we think are gonna really move the needle if they're passed through the Legislature on protecting our iwi and our historic sites. I'm happy again to take questions on any number of the positions or items that are on the matrix, but I'll stop there and give time for folks who have questions on any specific items.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Chair, I appreciate that. I'd like to draw our attention to Items 94 and 95, Senate Bill 2474 and House Bill 1768. I believe that we are proposing to support and what I'd like to do is suggest that there's a good reason for us just to comment on this. This has to do with paid family leave of 16 weeks and while this is a benefit to our beneficiaries who could use that, it also puts us in a position of bringing harm to beneficiaries, particularly our Native Hawaiian small businesses. Right now the law requires businesses of 100 employees or more to provide 16 weeks of family leave because such businesses at that size presumably can

afford to do so, but the vast majority of Native Hawaiian businesses are small businesses and well under 100. This bill, if passed, would require any business with one employee or more to provide 16 weeks of family leave. And that would be exceedingly harmful to these small businesses. I've talked to a lot of local businesses and Native Hawaiian businesses over the last couple of years and they've been hit by some very heavy expenditures. Some of them have actually left the state. First of all, we had COVID, that was extremely damaging. Secondly, we now have the highest increase in unemployment insurance that businesses have to pay. Third, we have the highest increase in minimum wage, which businesses have to pay and fourth we have the end of COVID subsidies from the federal and state level to help out our small businesses and finally, many businesses have been impacted by the wildfires on Maui and the destruction of Lahaina. We had the privilege, a handful of us Trustees and Ka Pouhana to visit the Native Hawaiian Chamber of Commerce a couple of weeks ago and it was good to fellowship with Native Hawaiian entrepreneurs. I've talked to several and they're not in favor of adding the burden of paid family leave to what they have to provide for their employees. The Native Hawaiian Chamber, I'm not aware, I don't think they have submitted testimony, but the Hawai'i Chambers of Commerce overall have made their public position known that they're not in favor of this. So while I appreciate the fact that this might help some of our beneficiaries, it also puts us in the very difficult position of bringing harm to our beneficiaries who are small businesses trying to make a living themselves, and the consequence could be they're actually not being able to employ Native Hawaiians who need to be employed. So colleagues, I'm recommending that we move this from support to comment.

Chair Akaka: Mahalo, Trustee Akina. Ke'ōpū, would you like to address this?

Chief Advocate Reelitz: I did want to highlight and I would have to look, I'm trying to find out, there are quite a number of paid family leave bills this session. I highlighted one of them last week, which does have a position of support. So when we were combing through and finding all the different versions there are I think three versions in each chamber, and they're not all companions, so this is one of the ones that we missed in combing through them. And I do believe 1768 might actually be dead. But in any case, we can continue the conversation. One of the things that we do know and one of the reasons we did suggest the support on this was Mana i Maui Ola and the economic stability direction. You know, one of the things that I was struck by having only been here about two months is the ability to provide high quality keiki and kūpuna care was like one of the most specific outcomes in all of the directions, and yet it just stuck out for me of how specific it was and how it just seemed like a clear call and when I talked with, you know, with Carla in Strategy and asked why it was, I found out that it was because when the community surveys were done and the community focus groups and the internal focus groups were done, the ability to provide high quality keiki and kūpuna care became one of the clearest and unanimous needs for our community and so we saw paid family leave as one of the things that would actually address that and be able to allow families to give that care in a way that made sense for them. So that is the reason behind the recommendation. But again happy to hear and take whatever the Board decides on the position.

Chair Akaka: I understand that Trustee Ahuna wanted to speak. Trustee Ahuna do you have a comment on this specific bill, otherwise I was going to open it up to questions and comments.

Trustee Ahuna: Yes, I'm a Trustee for the Office of Hawaiian Affairs and we should support this. Ke'ōpū is absolutely right. This is a support bill for our people.

Chair Akaka: Trustees, any other questions or comments regarding these bills? Seeing none, Trustee Ahuna.

Trustee Ahuna: Yes, I wanted to comment. I'm looking at these bills and HB1794, earn two credits to graduate high school and HB2540, two years of Hawaiian language to graduate. I want to change that from comment to support. I can't believe, why are we commenting? This is who we are.

Chair Akaka: There was a robust discussion last week on these.

Trustee Ahuna: Okay, but who are we? What is the mission? What do we do here? So those two, 1794, from comment to support and HB2540 comment to support.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: Thank you. Dan, I just want to share with you if you read the bill very carefully. Our kids cannot graduate if they don't pass these two Hawaiian courses, period. And that's why I did not support it. I support our language very strongly, but when it has to do whether kids can graduate from high school or not, I think that should be left up to the parents of those kids. If it's that important to them because some kids just can't grasp the language.

Trustee Ahuna: So this bill is allowing you to have two years of 'Ōlelo Hawai'i language.

Board Chair Hulu Lindsey: Yeah

Trustee Ahuna: Why not?

Board Chair Hulu Lindsey: No, the only thing is it says you have to pass those two years in order to graduate, otherwise you don't graduate. So either it needs to be amended, but it's requirement is too rough on our kids.

Trustee Ahuna: Okay, so when you graduate from high school, you going to need two years of foreign language. So would it be okay to take Japanese two years?

Board Chair Hulu Lindsey: Well, I don't know, but I don't think we should force a language on them. That's up to them, but every school should provide it, I agree with that.

Trustee Ahuna: We're not forcing, it's just allowing them to have these two years, these options to have this.

Chair Akaka: It would be forcing to be able to graduate, so the ano is that we do support and we want to provide the opportunity and we do believe that Hawaiian language should be provided and we encourage it. We want that, we want our students to speak this language. However, the current language is challenging in terms of the requirement to graduate. Now, if that wasn't in there. We could be more supportive of this.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chair. I just wanted to clarify because I did want to support this bill, but I mean if we're just going to comment, I don't mind too much. But I just did want to clarify one thing because it was some misinformation, even in the last meeting. There were people saying that you need two years or two classes. It's actually only two credits. So that's very different, that's like one class and it's like a not even a high, it is just like pretty much one class. Thank you, that's the only thing I want to clarify.

Trustee Ahuna: Every 'Ōlelo Hawai'i organization is supporting this. We got to get behind our lāhui too behind all these bills, we gotta know where they stand.

Chair Akaka recognizes Trustee Galuteria

Trustee Galuteria: Thank you. Okay, as I recall the robust conversation last week. You know, I would like to see us support this bill. This is the motherland as I shared last week and if we cannot get behind our mother language and on top of that, it's early. Ke'ōpū, what is the vibe over there for this particular bill? Does it stand a chance to succeed with some amendments, or do you think it's going to lose momentum. What's your sense?

Chief Advocate Reelitz: You know, we are actually meeting with Representative Kila this week and so we can get a sense from him. Judging from the referrals, it's a maybe, it could go either way with a double, with essentially a triple referral that's in a double, you know, joint conference. I feel like it's hard to tell and I haven't been hearing much about it even in, you know, we have been present in the kaiapuni bills. We made sure that we were down at the Capitol for the kaiapuni positions and I haven't heard anything. I can ask around, but we are going to meet with Rep. Kila this week and we can get a better sense there.

Trustee Galuteria: Alright, just let me say that I would like to see it supported and let's let it ride. We'll see how far it goes. But this is not the Office of Japanese or Filipino Affairs, this is the Office of Hawaiian Affairs, and if we cannot get behind our own language, then I think we got ourselves a problem here. So I would like to be in support if it comes to that and secondly, let it ride because it's still early in the session. Thank you, Chair.

Chair Akaka recognizes Trustee Trask

Trustee Trask: You know, I very much agree with the statement that Dan has made and other Trustees. I think we should be supporting this measure. You know, when I looked at this measure, I had a good talk about it with a couple of educators here, including my own sister. And she said, you know, we need to do this because we're the only state in the Union, the only state in the Union, that does not have a majority of street signs in English. If we don't give some background to our own children, they will not understand the way we speak in our state. We don't say things like other states, go north by northwest. We don't say that, we say go mauka, go makai. When our children trying to get to school or what, all of our places are named Hawaiian. 'Iolani Palace, Kapi'olani Park, so there were other reasons to have this, but also I very much agree this is Hawai'i nei. I don't see any reason to not use our language and we had to fight for years in the Congress to get our language. When I looked at this measure, I thought well, right now we have ridiculous requirements that we allow, even at Kamehameha Schools. You know, there wasn't hardly any Hawaiian language up there when I was there, so I had to take Spanish. But I like this idea, I think that concerns that somehow there's a racial implications are BS. This is Hawai'i and if we cannot graduate our own teachers, they don't know what is mauka and makai. So the children can go home. The children go to the beach, we tell them take the ala hele. They will not know where they are going, come on.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair. I think we're all in agreement on the crucial importance of 'Ōlelo Hawai'i and I would support this if what it was saying is that every school needs to provide and teach at least up to two years of Hawaiian language for every student who wants to take it. Now that would be a great thing if that were happening and we had the teachers to do that and we could satisfy the demand of our students. I think that would be a great thing, but Ke'ōpū, could you check the language here? I'm pretty sure the Senate version of this is a bill to require two years of language that would have to be passed in order to graduate and that two years of language could make it very difficult for some Native Hawaiians to be able to compete to get into the kind of pre law or pre medicine or pre professional programs they want to because they need to fill their schedule with other requirements, chemistry and physics and other languages perhaps, as well as advanced placement courses. As a parent of four who have graduated from our schools here in Hawai'i and gone on to college, I know how hard it is for them to be able to get the credits they need. So a requirement of two years would be onerous. So I'm not opposed to the sentiment, but I think that it's better for us to make the opportunity to learn Native Hawaiian available and to require schools to provide it rather than force a requirement upon our keiki. But Ke'ōpū, if you could check that I'd appreciate it.

Chief Advocate Reelitz: Sure, so the versions that are attached to HB1794 and I do want to mention this is another one that had a couple of different versions. It is two credits, so just to clarify it's two credits.

Trustee Akina: The Senate version doesn't have two years?

Chief Advocate Reelitz: Not the one that's connected to 1794. There may be another one that I'm not seeing, but the one that's the companion to 1794 is two credits.

Trustee Akina: Thank you, my concern remains the same though and I'll double check to see which bill we're looking at.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Yes, thank you, Chair. So when you look at curriculum for the Department of Education, you can look it up through educational pathways and each high schools they have certain credits that you have to fulfill. For example, you're going to need four years of English, three years of math, two years of foreign language. Right now, all they're trying to do is 'Ōlelo Hawai'i one of those foreign language credits. It wasn't in the school's, 'Ōlelo Hawai'i was never in the schools. This is a great bill. We have to support this. Whoever made-up like everybody gotta take two years of 'Ōlelo Hawai'i, that's not what it's about. So if you want to go to college, you have to go through clearinghouse. It's a different requirement in order to get into college, different public schools have different requirements, but they all have the same on the educational pathways. How many years of foreign languages, sciences, English and that's what it's about. So for me, we're the Office of Hawaiian Affairs and we need to get behind our people and the language that these people speak. So thank you very much. We need to support this 100,000%. Thank you.

Chair Akaka recognizes Trustee Trask

Trustee Trask: You know, Trustees, I just wanted to ask you if you're bothered to read the Ka Wai Ola this month. If you take a look at it on page number eight. The whole article is about the pride that we have for our Dartmouth graduating class. Top of the USA in Hawaiian. The proof that we have achieved our goal and that we are making progress is something we're bragging about this month in our paper. Let's stay on the path. Whenever there's anything Hawaiian, whether it's language or otherwise, we always seem to have some bizarre criticism from Trustee Akina. But let's hold the line for our keikis and when you have the time Trustee Akina, maybe you could read the newspaper that you never contribute to. We support this measure. I'm with Dan and Brickwood.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chair. I just want to ask, I don't know how well we researched this bill, that we're very informed about this position we're taking. Because it appears to me that an average class is three credits so that the fact that they're asking for only two. I'm guessing whatever they're asking for is not really hard to do. Do you guys know what a two credit, I guess accomplishment entails. I'm just guessing it's probably not something that's very hard to accomplish. It might be very easy. It doesn't even seem like it's a full class. I get the impression that it's easily achievable. So again. last week I wanted to support this bill. But it was amended to comment and that was the will of the Board last week, if that's changed then I would be more than happy to support it again. But if the sticking points are those two credits, I just want to make sure we're informed about what that means and maybe if we realize it's not that big of a deal, then we might be able to support this bill. Thank you.

Chair Akaka recognizes Trustee Galuteria

Trustee Galuteria: Mahalo, Chair. I'll conclude my thoughts on this measure by saying that Hawaiian is one of the two official languages of Hawai'i. Okay, so I'll support a change. I'll support, support.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Thank you, I just want to make one more comment just so we on the Board understand what is really going on. We are not failing at our language, we are only getting better and better. There's nobody failing in this area. It's just opening up, you know, right now in the DOE you couldn't take Hawaiian language as a foreign language. But now when you look at these private schools, Punahou, they're doing it. So I think the DOE should be doing it too, so it's very important that we support who we are. That's who we are. Thank you. And I wasn't here last week, so I don't know what happened last week.

Chair Akaka recognizes Trustee Souza

Trustee Souza: Mahalo, Chair. You know, I think last week's conversation. I think the reason why and I cannot speak for my colleagues, but the reason why I voted to comment is because we're kind of unclear on the verbiage and you know, after this week's discussion and thank you, Dan for jumping in. I will vote to support this bill. Thank you.

Chair Akaka recognizes Trustee Akina

Trustee Akina: I'm totally in support with my colleagues of teaching Native Hawaiians and everyone Hawaiian language and making it available. I just think we really need to be careful about these bills. That's the only objection I have. In particular, 2540 this is what it says. I'm reading a quote that my staff have just sent me. Require each public high school in the state to require students to complete and pass two full years of Hawaiian language courses as a condition of graduation and that's why I'm referring this back to Ke'ōpū. (Technical Issues)

I at least want us to know that's what it says.

Chief Advocate Reelitz: If I can jump in just really quickly, I do want to say HB1794 and SB3269 are two credits. HB2540 is 2 years, so Trustee Akina is correct. I will say and I don't want to interrupt this very robust conversation but I do want to mention that HB1794 and SB3269 were, from my understanding, were up for vote in the Native Hawaiian Caucus, and my understanding was I don't think it made the one bill that they were allowed, but my understanding it was very competitive. So it is something that much of the Native Hawaiian Caucuses, at least on the House side was supporting, which is why, just my my personal opinion. Personal professional opinion is that there is the HB2540 which you folks can consider, but I think HB1794 and SB3269 are going to be the preferred routes for the preferred vehicles for these and each of those have double referrals, so that means that they would just need a hearing by next Wednesday or Thursday or yeah, about next Wednesday.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chair. So my comments are only on 1794 and 3269. I just want to, so I Googled what does a two credit course entail and I don't know, if I'm wrong someone can correct me but what it says is two credits is one hour of classroom learning. So again, if that's what people are getting hung up on. To me, that's not that big a deal. Again, that's all I'm trying to, as long as we realize that.

Chair Akaka: Thank you for providing that clarification, Trustee Waihe'e.

Chair Akaka recognizes Trustee Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: Well, I just want to say that I think last week we also had a heavy discussion on the bill that's not being considered here and that's why we voted the way we did. But I agree with Trustee Waihe'e and all the other Trustees in that you know, we have to support our Hawaiian language. We've worked really hard for it to be the second language of Hawai'i. As long as it doesn't hinder our students, our Hawaiian students, I think it's a plus for Hawaiian language to be in every school in the state because they are in private schools. KS, Punahou, even in Maui in the private schools, so we should get behind this and support it

strongly. Thank you.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: It's first language. Sorry, it's not the second, it's our first language. Thank you.

Chair Akaka recognizes Trustee Akina

Trustee Akina: I believe that two credits in DOE schools is 2 years and I think we need to really research this just a little bit better than that, that's all I'll say. Thank you.

Chair Akaka: So I'm getting the sense that much of our Board is in support of these bills here.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: A single class is 3 credits. So it wouldn't make any sense that a two credit class would be two years of classes. I think it's one hour of classroom learning per credit. One credit hour, I don't know.

Chair Akaka recognizes Trustee Trask

Trustee Trask: You know, Madam Chair, we've belabored this point beyond any kind of reasonable time frame. May I please ask that we call this question. Majority of Trustees are saying they support it. But as usual, Trustee Akina, speaking for the Grassroot Institute, is objecting to anything Hawaiian. We have a lot of bills to cover and we have a lot of work this afternoon. Can we please stop going in circles. I think it's time to call this question just from those who have spoken, we want to support.

Chair Akaka: Mahalo, any other bills members are interested in asking questions on or comments? Seeing none, if we can please have the motion up on the screen.

BAE Staff - Mark: So the motion on the screen, I do need clarification because Trustee Akina did bring up also Items 94 and 95. So maybe some clarification if you wanted to vote on that separately.

Chair Akaka: Can you please refresh your memories on those bills.

BAE Staff - Mark: Yeah, 94, SB2474 requires the Department of Labor and Industrial Relations to establish and administer a family leave insurance program, and 95 is HB1768. Similar bill relating to family leave.

Trustee Ahuna: Don't we want to stay support on this one too?

Chair Akaka: Members, trying to get a consensus here.

BAE Staff - Mark: Well, this is for Trustee Akina, because he brought up that he wanted to. So I don't know if he wants to vote it separately or if he's okay with voting on the main items 2 to 140 and I can take out the excluding.

Trustee Akina: Madam Chair, yes I would like to bifurcate that. The concern I expressed was the added burden on Native Hawaiian businesses of having to pay for 16 weeks of family leave and feel that there are better ways to provide that need through the state rather than burdening small businesses of under 100 employees. Which Native Hawaiian businesses are, so if it can be bifurcated I'd appreciate that.

Chair Akaka: So once we reach that, we'll have Mark repeat on what that bill is so that there is no confusion on what we are voting on. Thank you.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Yes, I was waiting for a second on that bifurcate, but I guess you guys are gonna do it next, but we cannot just be listening to one person and moving, like there's a process right that we have to follow.

Chair Akaka: Yes

Trustee Ahuna: Okay, let's follow it.

Chair Akaka: And that's exactly what we are doing. Alright, mahalo. Okay, so we have the motion up and once again, Mark, can you please indicate what these bills are that we would be moving from comment to support?

BAE Staff - Mark: So Item 142 and Item 203, that's the bills that we were just discussing regarding the credits for Hawaiian language.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chair. I'm not sure that for 1794 and 2540 that the support for these are going to be unanimous. So what I'll do when I make the motion is I'll exclude these bills from it. Also as well and then we'll take them separately along with 94, 95. You know what I mean. So we'll have three separate motions.

Chair Akaka: Sounds good.

BAE Staff - Mark: Sorry, Chair, can I make a suggestion? So to make it easier, we can take out this highlighted part. Because this has already been approved and then it can just be a separate motion after that to change bill position for these two.

Trustee Waihe'e: That's what I was going to do.

BAE Staff - Mark: Okay, sorry, Trustee Waihe'e.

Trustee Waihe'e: And I'm going to exclude them along with 94, 95. Mark, understand?

BAE Staff - Mark: Yeah, got it. Thank you.

Trustee Waihe'e: Thank you, so I'll make the motion and then if people want to discuss it then they can still have discussion.

Chair Akaka: Mahalo

Trustee Waihe'e: Again, let me reiterate, we are going to take everything up so don't worry that we're forgetting things. We're gonna take those things up after the first main motion. So Madam Chair, I'd like to **move to approve Administration's recommendations on: NEW BILLS (Items 2 -140, Excluding Items 94, 95, 142, 203) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.**

Chair Akaka: Is there a second?

Board Chair Hulu Lindsey: Second

Chair Akaka: It's been moved and seconded. Any other questions or comments members?

Trustee Akina: Just a question, Madam Chair. The maker of the motion ended in the top paragraph, so the motion does not include the bill position changes.

Board Chair Hulu Lindsey: He excluded that.

Trustee Akina: Okay, thank you very much.

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

							11:49 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY		2	X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

COO Brown: Madam Chair, Administration did do a quick search to provide Trustees the most up to date info based on our assessment. When looking at the DOE website for graduation requirements, it does appear that one credit equals the one full course and one full course is equivalent to one year. So I just want Trustees to know that. One credit does equal one year of work.

Ka Pouhana Ferriera: A semester is .05 credits. So if you're two semesters in the year, it would equate to one credit. So example, you need four years of English, then you would have for graduation you would need four credits, one credit each year.

Chair Akaka: Mahalo for providing that. Trust me, we're here.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, that is my understanding. So the requirement of two years of Hawaiian language is equivalent to two credits in high school. Yes, thank you to the Administration for that clarification.

BAE Staff - Mark: So we excluded Items 94 and 95. We can for this motion, to approve that to allow Trustee Akina to vote on those separately.

Chair Akaka: And and just to reiterate, 94, 95 are the Hawaiian language bills as well?

BAE Staff - Mark: No 94 and 95 is the family leave.

Chair Akaka: Right, thank you very much.

Trustee Waihe'e: Madam Chair, I'd like to move to approve Items 94, SB2474 and 95, HB1768 as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.

Trustee Alapa: Second

Chair Akaka: It's been moved and seconded. Any other questions or comments members?

Trustee Ahuna: Yes, I have one. What are we moving for? What is the position?

BAE Staff - Mark: We're not making any position changes on 94 and 95.

Chair Akaka: And that's regarding family leave?

BAE Staff - Mark: Correct

Trustee Ahuna: So this is to support. Okay, thank you.

Chair Akaka: Can I please have a roll call vote.

							11:53 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA					X	
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	1	0

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

Trustee Waihe'e: Madam Chair, I'd like to move to approve changes to Items 142, HB1794 and 203, HB2540 from COMMENT to SUPPORT on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians-- February 7, 2024.

Trustee Ahuna: Second

Chair Akaka: It's been seconded and Mark before there's any other questions or comments, can you please reiterate what these bills cover?

BAE Staff - Mark: Yes, so these are the bills that we heavily discussed, the Hawaiian language bills, the graduation requirements.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Could you just explain what an aye would mean and what a no would mean on this vote.

Chair Akaka: So this would be to support.

Trustee Akina: Support the bill? Thank you very much.

Chair Akaka: Yes

Trustee Akina: Okay, thank you very much.

Chair Akaka: Roll call vote.

							11:53 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA					X	
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	1	0

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

III. ANNOUNCEMENTS

Chair Akaka: We have a RM Meeting today at 1:30. As well as our BOT meeting at 10:00 AM.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: I just wanted to offer up a few comments and the reason why I'm making these comments is it's my first meeting BAE and you know I just want to hold ourselves accountable and I just want to make sure that I support, like however the process works. So you know, I'm learning it as we go and I'm not here to put down that process. It's very good, but for myself and beneficiaries, we have to know how to engage and educate our beneficiaries. So all I'm asking is that on our oha.org, it lists the OHA package as OHA-1, OHA-2, OHA-3, OHA-4 and that's the one bill with the companions plus the three resos. But if you go on to the Capitol website and click on the OHA package, it's only a list of SB205 SD1 and our OHA budget. So I just want to make sure that we're all on the same page because we have to help educate our lāhui too in all of these bills. So we got to stay on the same page as we report and do these reportings. I'm just saying that, but I'm not here to put down how we're doing it, the changes or anything. Thank you, you guys for being for BAE Leadership. I just wanted to make sure that how we report, it has to be the same.

Chair Akaka: Thank you, yes, and we need to have consistency as it said on our website and messaging there for our people, mahalo. I will entertain a motion to adjourn the meeting.

IV. ADJOURNMENT

Chair Akaka: I will entertain a motion to adjourn the meeting.

Trustee Waihe'e: So moved, Madam Chair.

Trustee Ahuna: Second

Chair Akaka: It's been moved and seconded. Nathan, can I please have a **roll call vote** to adjourn.

							11:58 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E, IV	1		X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			9	0	0	0
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MOTION: [] **UNANIMOUS** [] **PASSED** [] **DEFERRED** [] **FAILED**

Chair Akaka: Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

Chair Akaka adjourns the BAE meeting at **11:59 p.m.**

Respectfully submitted,



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