

**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 8, 2022 10:00 a.m.

ATTENDANCE:

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

BAE STAFF:

Brandon Mitsuda  
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Kamali'i, Na'u / Chief Advocate  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Ferreira, Kamakana / Lead Compliance Specialist  
Chak, Kevin, IT  
Santos, Dan, IT

EXCUSED:

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, February 8, 2022 to order at **10:00 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	10:36 a.m.

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

II. PUBLIC TESTIMONY on Items Listed on the Agenda\*

NONE

IV. NEW BUSINESS

**A. 2022 OHA State Legislative Bill Package Updates – SB2122/HB1474, SB2121/HB1473, coordinated advocacy - Matrix 1\*\***

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

**Ka Pouhana Hussey:** Thank you, Chair, before we turn it over to our Chief Advocate, Trustees, this being our first full consideration of all of the measures. Administration just wanted to provide an overview of the process that we wanted to engage the Trustees with. So first, Chief Advocate will walk through the calendar of the legislative calendar session, kind of put us into context where we are and then she will also then continue on into the updates on Matrix 1, which are the package bills. The Matrix 1 does not need to be approved by you because you have already approved these positions. But Chief Advocate will provide an update to everyone on the package and the progress of that, and so with that I'll turn that over and then as we move through the matrices, we'll have a similar context setting and then continue on to the line items of the matrix. So for those in the electronic package, the session calendar is on pages five and six of the electronic package and the Matrix 1 is on electronic page seven. Not being virtually, Administration wants to help Trustees as well as our beneficiaries listening and following along to orient themselves in a package that's over 100 pages. So again, pages five and six for the session calendar, and then matrix seven, and I'll turn it over to Chief Advocate.

**Chief Advocate Kamali'i:** Hey, good morning. Aloha kakahiaka Trustees, Na'u Kamali'i, Chief Advocate Office of Hawaiian Affairs. Thank you for the opportunity to present this morning. As Ka Pouhana mentioned we will walk you, I'll walk you through a little bit of the session calendar to orient as to the dates that we are now looking at, i.e. February 8th. Before I do that though, I just wanted to note that Kamakana is online, he is our subject matter expert who will also be presenting on the iwi kūpuna bills and also to applaud him and Kai Markell for the wonderful work that they are doing to bring home iwi kūpuna, as he is presenting today, he's also getting calls with regard to the iwi who are coming home from Europe. So thank you to Kamakana for your time to be here today. I also wanted to note for the Board, in terms of policy, in the past it's always been just the Chief Advocate or leadership. My view of developing the policy department is that it involves more than just writing a piece of legislation or a letter to an office. Advocates have to be a face and speak in various formats such as before a board, such as yourselves, also to the Legislature, also to the community making presentations, and so the development of the Advocacy team involves all of that, and so you will see more faces before the Board as they gain, you know, familiarity with how to work with you and also with your working with the Advocates as the team grows and develops. The last time I spoke we don't have enough. I will say that people are applying, so to the community who is watching and heard the kāhea, mahalo kākou. Mahalo to those who heard the kāhea and who are applying. We are receiving applications, so thank you to the community. Also mahalo to the community who has also heard the kāhea, to be the eyes that only a few have to watch over 3000 bills. We are receiving a emails from Ka Pae 'Āina, Kaua'i, all the way to Moku o Keawe. On bills that affect their community so that we can read them and give them attention as needed. Thank you to the Trustees who are also sending us little love notes, notes regarding bills and also to Legislators and Senators and their staff who are also sending us texts and emails regarding important measures that affect Native Hawaiians. So I just want to mahalo all of that effort. Which is the which is the movement from an advocate being the priority to advocacy, so thank you.

Moving forward with the time frame that we're working with now, as you see on the screen as the Legislative Session calendar. So take you to today, which is February 8th and note that February 9th and 10th are the triple referral, those are the deadlines. The 9th for the House and the Senate the 10th for the Senate. The following week is the first lateral, filing deadlines on the 17th. This is important because those bills that have not yet received a hearing, some of which did not make the deadline of the 8th are dead. They just didn't get a hearing. The same will occur next week for those that are not triple referrals, but single and double. If they do not get a hearing that they also will die, so you'll see as we report out today, even as to one of our measures, it did not get a hearing in the House. So it is no longer viable despite our efforts to call the chairs, that is their prerogative in deciding whether or not the bill will get a hearing.

I would also want to say that as you look at the handout, you know, even I am somewhat overwhelmed by everything we're looking at and well, what's important is that how to think about it. So we have provided sort of at the end or what looks like a sort of a black list of over with several pages, those are all the bills that we're looking at support, opposed monitor as well as comments, so of the 3000, we've pared it down. Now people are calling about those that have not made that list, and so we are actively updating this list. Your presentation that you're looking at was probably outdated the next day, so I want you to know that it's the point in time and what we're working with as Advocates is ongoing, daily and hourly actually, in the list that we're looking at, so that's the all of it. Within that is a smaller subset, which is sort of like as a green label or green Excel spreadsheet, and those are the measures that are affecting Native Hawaiians. You know, when we look at what affects Native Hawaiians in my training from Kīna'u Boyd Kamali'i, who is an amazing Legislator and former Trustee, my mom, she said everything affects Native Hawaiian because we are a lāhui. So I would agree, the 3000 some way or another affect our people. So not to diminish anything that somebody has eyes on, but this was part of the pairing, initial pairing process. So of those, the measures affecting Native Hawaiians is the so-called shortlist. That's the list that we will be looking to you, Trustees, to consider and consider the positions that are stated there, support, comment or oppose. At the end of the day, that's the list that we would like you to vote on, or so that we can continue to do the work. Clearly measured by manager.

Then finally, what I will be talking about as that list gets paired down, you'll say, well hey Na'u, the ones you've talked about i.e. our bills, our package bills are in the list of measures affecting Native Hawaiians, you're absolutely correct. What we did was break it out so we could have a better discussion of key areas, i.e., as you are familiar with in the past, what is called the OHA package bills what are called the OHA named bills and then what I'm referring to as measures affecting Native Hawaiians, they are inclusive of both of them so that you're able to follow along.

I believe we'll start with the OHA Package Bills. So those are Matrix 1. This is for information, not for action today, but information we'll continue to update you on our important measures. One HB1473, which is the Build Back Pono Bill, as you note and I explained earlier, it has a triple referral. It did not get a hearing, so the House bill is dead. That doesn't mean the measure is dead, but just that particular bill. Alright HB1474, which deals with you know that is our PLT bill, that has not yet received a hearing assignment. So and when we go back to the calendar we have next week, this week and next week to pound the pavement and get the House to give it a hearing. Not to say we haven't been doing that, we've already met with the Chair of the Committee, Nakashima. But that continues to be the work to give that bill hearing.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Na'u, thank you very much for the hard work, but just a very quick question. You mentioned HB1473 is dead, so we have a position of support. Does that change for us? Do we remove it from the matrix because it's dead or do we vote on that?

**Chief Advocate Kamali'i:** I'm not sure how that particular question is to be handled, but there will be no position taken because the bill is dead. So I guess that would be a quick change as of today, so obviously last

week we were watching it and as of today it's not possible for it to get a hearing. I'm not sure how you want to address that.

**Trustee Akina:** Okay thanks.

**Chair Akaka** recognizes COO Brown

**COO Brown:** I would recommend that we keep these bills that have been deemed dead just so it gives us that trail of our efforts and just the context. We could notate that the bill is dead so that if voting, when voting happens that we know that it's not an applicable situation when the bill is dead, but I would recommend leaving it on the table for your guys information.

**Trustee Akina:** Thank you and I recognize that it's already been said that we don't need to vote on Matrix 1 because we've done so already.

**Chief Advocate Kamali'i:** Yes

**Chair Akaka:** Na 'u, if you can please continue, mahalo.

**Chief Advocate Kamali'i:** Alright 1474 I spoke to that in the House. So we have communications with all the communications we're having with Representatives and Senators, but in the House, particularly Representative, we bring up the PLT bill. For example, we had a meeting with Representative Ganaden, who is the champion in the criminal justice reform area and we brought it to his attention and he immediately got on it and said I'm going to give the Chair a call and make sure that moves along. The connection being, if they want OHA to provide support and programs, then there needs to be some funding for that and our source of funds would be the PLT money. Indicating that last year we deployed more than the 15.1 million, I believe it was 16.3. So we're deploying the money, but we need to have more funds to develop these programs that we're speaking of, and he understood that, he made the connection so that's an example of somebody who's trying to get us a hearing on that.

Alright SB2121, it's still going, still alive, so we're tracking that and again, if you look at the Committee referrals, there's only two, so we have more time to continue to push that Build Back Pono forward and then our 2122, which we did testify on. It is moving along to Ways and Means. I did want to bring up if you have time to take a look at it, to look at what is now being posted as the committee report on that bill. What happened with the bill is that the numbers were taken out of the bill, so there is an SD1. However, our position was preserved in the in the committee report and it's a very nice favorable position in that it did retain the facts and your committee finds that the 2015 and 2016 financial review that was initiated by OHA. It captured the minimum amount of the total gross receipts from the sources that OHA had provided, so the committee captured that and stated that there was a historically claimed \$394,322,163 for fiscal year 2015 and 2016. It made the connection in the committee report that 20% of that amount is approximately 78.9 million.

So for those who are looking at our bill and wanting to get information on it, the logical place would be the committee report so it does capture those figures in the committee report which is great because those are the figures that we're moving forward on and also the \$638 million, the figures in the bill were deleted, they are left blank, so what is left for Ways and Means to do is to deliberate, determine and determine what numbers they're going to put in to the bill, or whether they are going to leave it blank with a committee report and cross it over to the House. So these are the things that we are working on now to get a hearing with Ways and Means and to ensure that we have a favorable position to crossover. That is their prerogative, right. That's part of their decision making in terms of what they're going to put into those blanks that are currently in 2122. The related measure that is not on your list, but it is in the and I'll speak to it later, is in the what is the 28 or 48, which is the measures affecting Native Hawaiians. We had reported out earlier to the Trustees, to the Committee that Senate Bill 2021 had moved out of committee as well. So at this point there are two bills that are going forward

to Ways and Means. Senate Bill our bill, which is Senate Bill 2122 and also Senate Bill 2021, and we distinguish it in that Senate Bill 2021, has to deal with, it captures the fiscal quarter amounts that would be paid, it also captures the CFTHA language, and it also captures the establishment of a Public Land Trust Revenues Negotiating Committee. So those are moving forward. We'll see what happens. Our preference obviously, is that 2122 is the bill that crosses over to the House.

The other bill that was related to this that we were successful in addressing and having the committee defer or to kill is Senate Bill 2594. I will talk about this again as we go through the list. This one had to do with mixing and confusing who would be entitled to receive Public Land Trust money. In that bill, we had testimony opposing it and the measure died, but DHHL and OHA were options to receive the Public Land Trust funds and revenues. In the testimony, DHHL and OHA concurred that there are constitutional issues with regard to both with DHHL receiving PLT funds which are due to OHA. So we concurred with DHHL. Their testimony looked very much like our testimony, the result being that it died committee. It was deferred and didn't get out of committee, so those are the bills that are related to, directly related to this our bill, and so that would be my update. If anyone has any questions, I'll be happy to answer them.

## **B. 2022 OHA State Legislature Bill Position Related to Measures Naming OHA – Matrix 2\*\***

**Chief Advocate Kamali'i:** Moving on to the next matrix, which is the OHA named bills. The OHA package bills and the OHA named bills are all inclusive in the measures affecting Native Hawaiians, the 48. So we broke it out so that you could see those bills that name the Office of Hawaiian Affairs. The first bill is relating to Mauna Kea. We have it for comment, again I'll point to the referrals for this particular bill. It's a one referral of three committees. Now at this point, what I'm going to say is that any measures touching Mauna Kea also affects a lawsuit that is pending and in that regard, I'm going to stop and I'm going to defer back to Sylvia or COO to address that.

**Ka Pouhana Hussey:** Thank you, Na'u. Chair Akaka, given that this first measure relates to Mauna Kea, Administration recommends that the Trustees go into executive session to consult with Board Counsel regarding this measure and its impacts.

**Chair Akaka:** Mahalo, Ka Pouhana, Na'u. Is there a motion to go into executive session?

**Trustee Lee:** Point of clarification, Madam Chair.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** There are other bills that I have flagged for executive session, so do you wanna take them up one at a time or do we wanna wait, give Chief Advocate Kamali'i the opportunity to go through or update and flag out what needs executive session and wait until that's done and take them all at one time versus going in and out of executive session.

**Chair Akaka:** Sure, we can do that. Did you want to list the specific bills that you flagged?

**Trustee Lee:** My flags look like this Chair so.

**Chair Akaka:** Oh wow, very full.

**Trustee Lee:** So yeah, it would take a while for me to pull out the individual one, so I have a few of them written down. But that's just my suggestion or my ask, is that we just allow Chief Advocate Kamali'i to continue with her updates because it's a big update, she has a lot to talk to us about.

**Chair Akaka:** So are all the ones that you flagged.

**Trustee Lee:** No, they're not all for executive session, Madam Chair.

**Chair Akaka:** Kala mai, are they all OHA named bills?

**Trustee Lee:** They are not, these are all three matrices. So my ask, Madam Chair, is that instead of going into executive session for this one bill, we wait until Chief Advocate is done with her update because I'm guessing, well, I know that I have more, but I'm guessing other Trustees might have more that want to be discussed in executive session as well so that we just take them all at one time.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** I just want to say that I also have concerns about other bills, but this one I did promise a beneficiary that I would say something. If he's watching, which he probably is, I just wanted to know that I didn't forget about him, that we are going to talk about this and that's why we're going to go into executive session, okay, thank you.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** Administration wants to suggest an approach to the Trustees, addressing both Trustee Lee's efficiency with all of that. May Administration suggests that Chief Advocate go through Matrix 2 and then put through all of that, to Trustee Lee's point, then call for executive session and discuss Matrix 2 so that all of the conversation is focused on the one matrix with that, and then as we go to the next matrix, if there is that desire, then go ahead, go through Matrix 3 and then go into executive session. So Administration just suggests that approach for efficiency of the discussion.

**Chair Akaka:** Alright mahalo, if then Na'u could continue, mahalo.

**Chief Advocate Kamali'i:** For clarity then Trustees, if I am speaking to a bill that may go into executive session, please stop me. So Bill #1 going into executive session. I will move on, Bill #2 relating to Native Hawaiian, a rehabilitation program. It is an OHA named bill. It appropriates funds to public safety to collaborate with the Office of Hawaiian Affairs in the creation of a Native Hawaiian rehabilitation program for prison inmates which puts an emphasis on Native Hawaiian cultural practices, is an OHA named bill. Specifically, it's a very short bill, however, it's within what the Trustees have approved in the past. So the complication of the bill and we have spoken with the House author, I guess the Vice Chair, understand what they have in mind. They want to support effort to address the incarceration of Native Hawaiians through rehabilitation programs. There is a companion bill, but addressing the House side. So the bill directs public safety to collaborate with OHA. The concern is, what does collaboration mean, in the context of native and indigenous people working on this issue, consultation is what is requested and we did raise the issue of consultation because of the nature of the type of program that we're talking about. The concern also is the appropriation. It includes an appropriation to public safety, but there's also concern that if OHA is involved in collaborating, that there would naturally be some expenditure of money. So just cautious on that as it moves along. Pretty soon it could be that there's an amendment, and then OHA is responsible for providing services, so there's a caution on that. However, the bill was supported, drafted by the Women's Prison Project and so it's supported that way, but those are the two concerns that we have that we be consulted and also that we're concerned about the funding aspect of it. The intent of the measure, yes, definitely. A Native Hawaiian rehabilitation program is something that we, OHA has been involved in, is supported, going forward, so that's what we see with that particular bill.



Relating to Federal lands. Is there any concern here about executive session? Okay, there being none. Then I'll move on to that, which is 2327. The related bill to 2311, companion bill is 2770, SB2770. In the end, both of those measures are moving forward. The concerns with both bills are the same. Alright 2327, relating to Federal lands. They're being established within the Department of DLNR for administration purposes a Makua Valley Task Force to prepare for the transfer of management of Makua Military Reservation from the US under a lease, which will expire. Makua Valley Task Force is to consist of a chairperson of DLNR, the chairperson's designee, a member of the Board of Trustees of the Office of Hawaiian Affairs or a designee who shall invite the following person, etc. So we're establishing a task force to negotiate the transfer of lands that are held. The position now is comment. This might be one that the Board may consider a stronger position, but right now that's the position we're holding with regards to 2327. And that matter, however, has a triple referral, so let me go back to the referral. A joint committee, JHA and Finance so that bill would have died today because it didn't get a hearing. So I just checked the website to make sure that nothing happened last night and it appears that as of today it doesn't have a hearing. So again, I guess the issue would be whether or not we preserve the Board's position or we remove that bill from the list. But the Administration was recommending comment.

With regard to SB1411, relating to historic preservation. Kamakana is online. That is one that he had worked on, so what I had hoped to do with Kamakana is have him talk to all the iwi kūpuna bills, but the way this meeting is going, Kamakana if you could get online then you can handle that bill.

**Lead Compliance Specialist Ferreira:** This is an easy one. This one actually came up last session as well, but it didn't make it. There's a lot of good things in the SB1411 measure. You're expanding the definition of these sort of properties to include a lot of specific Hawaiian cultural sites, but more importantly, they're increasing the fines for historic preservation related violations and requiring that OHA be consulted on those violations, so I think it makes sense to support this measure. I mean in many cases OHA is already consulting on a lot of the violations, so to see it in statute, I think would be more reinforcing and allow OHA to perhaps see some violations that we weren't aware of in the past, so yeah, that's it for this measure unless anybody has any questions. Thanks Na'u.

**Chief Advocate Kamali'i:** Okay, there being no questions I'll move on. What is #5, SB2021. I had already spoken of, this is one of those collateral bills that are not in our package but is moving along to WAM so the two bills 2021, which is the Keohokalole introduced measure as well as 2122 which is the OHA agency introduced measure. The status again is that this is moving along. So we do take the position of support, even though we may not agree with the particular language of that bill, the title is important and if there are changes that need to be made or if our bill dies, you know it's a vehicle to move along what are the Public Land Trust revenues that are in our favor, i.e. increasing the payment amount for the Office of Hawaiian Affairs and the pro rata share of the Public Land Trust. So we'll see what happens with that. As I reported earlier, it's moving along to WAM.

With regard to SB2770, again, that is the counterpart to the bill that I had already spoken of, which is HB2311, relating to Native Hawaiian rehabilitation programs. As you note, that bill did receive a hearing so it as well is moving along. And finally, with relating to Government Accountability, that's SB2853. That is OHA named as well and I think the description speaks for itself. Requires any report of a study or audit enacted with a legislative appropriation or adopted by concurrent resolution and conducted by an executive department or agency to be submitted to the Senate President, Speaker of the House, Representative, Chairs of the appropriate subject matter, Committee of each House, and a legislative reference bureau, etc. Requires public hearing or informational briefing within one year of the receipt of the report, etc. That is one that we are monitoring just because of the nature of the reporting and it's a funding measure. So that's it for the OHA named bills.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. Na'u, I did have a question about 2853. When I pulled the bill up, I looked at the language as stated, it implies that it's any audit that is brought forward, but it's not really made that clear. So my question is, do we go with the implication that this is any audit that's brought forward or do we seek clarification, like does this affect our normal audits that the legislature pays for, that we're required by law to be audited? Does this bill affect those as well or is this just audits that are brought forward, as in there's a resolution later calling for an audit of SHPD and they want OHA to conduct the audit? I mean, I'm just pulling stuff off the top of my head. Does that question make sense, Na'u?

**Chief Advocate Kamali'i:** It does and in my wheelhouse I'm trying to understand it and that's why it's still in monitor. So we'll have to see. You know, we're talking about what it really means, but it exempts financial and other regularly occurring audits.

**Trustee Lee:** Okay, then that answers my question. That was my question, if this affected our regular audit. So you're saying, because I didn't see that language. So okay, then it exempts that. Okay, that answers my question, thank you, Na'u.

**Chief Advocate Kamali'i:** However, because the way legislation can move, it can be amended, right, so we'll see but it hasn't been given a hearing yet, referred to the two committees, so we'll see what happens in the next week. Okay, thank you very much. So that would conclude the Matrix 2. Just getting guidance again from

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** I move that we recuse ourselves into executive session.

**Chair Akaka:** Mahalo, is there a second?

**Trustee Ahuna:** Second

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

							10:43 a.m.
<b>TRUSTEE</b>		<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
LEINA'ALA	<b>AHU ISA</b>			X			
DAN	<b>AHUNA</b>		2	X			
KELI'I	<b>AKINA</b>			X			
LUANA	<b>ALAPA</b>			X			
BRENDON KALEI'AINA	<b>LEE</b>	1		X			
CARMEN HULU	<b>LINDSEY</b>			X			
JOHN	<b>WAIHE`E, IV</b>			X			
<i>CHAIR</i> KALEIHIKINA	<b>AKAKA</b>			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

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



**The BAE Committee recuses into executive session at 10:44 a.m.**

**The BAE Committee resumes open session at 11:21 a.m.**

**Chair Akaka:** Is there any other discussion relating to Matrix 2? Otherwise we'll move on to Matrix 3.

### **C. 2022 OHA Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3\*\***

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

**Ka Pouhana Hussey:** Chair Akaka, I just wanted to note Trustee Lee's hand is up.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair, this is a clarifying question for Chief Advocate Kamali'i. As I have a number of questions about this matrix, what would be your pleasure, to wait till you're done? Or as we go through it and you come up on those bills, would you prefer for me to ask my question at that time?

**Chief Advocate Kamali'i:** Thank you for asking that question. I'll note that several bills have already been addressed by way of the OHA named bill process and our OHA bills. If I'm going to be stopping every time, I'll note that they're 48. If you want to group them, I do note that I do have staff to also speak. Efficiency, I would defer to the Chair, if Trustee Lee, you are clear as to the bill numbers.

**Trustee Lee:** I am, Chief Advocate and also it should be noted, you know, a lot of the questions I have when you go over particular bills, you may answer my question and I won't ask one because you've addressed what my question was. I just wanted to do what would prefer, right, it's your presentation, so if you would prefer I wait till the end I'm happy to do that.

**Chief Advocate Kamali'i:** I'm not concerned about the presentation as much as I am mindful of the Board process, so it makes sense in Board process to go into executive session. I would note which ones that you have issue with and then when we come out I can go straight through the matrix.

**Trustee Lee:** I apologize for the misunderstanding. The majority of my questions are not for executive session. The vast majority of them, they're just normal questions in the course of us being updated on our matrixes and I'll give you an example such as why has our position changed from the last legislative session? Why are we opposing something can we get clarification on that? It's questions of that nature, they're not all executive session questions.

**Chief Advocate Kamali'i:** Right, so my understanding is even if there were one bill on this matrix and this is all awkward but anyway, in the event that there is one question on one bill on Matrix 3 which is measures affecting Native Hawaiians, it makes sense to the Chief Advocate to go into executive session now to address those issues that you believe deserve executive session consideration. I defer to the Chair, I defer to Ka Pouhana to address this. That's just my mana'o, thank you.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Would it be better to go over just the general, the descriptions of the matrix, and then we're gonna know what would have to go into executive session. But right now I just don't know where we're at, but

just go generally over this last one and then I think might answer all his questions and I believe it's just the positions that the Trustees are concerned with, thank you.

**Chair Akaka:** Thank you, Trustee Ahuna. I will call upon Ka Pouhana, I believe she wanted to share something.

**Ka Pouhana Hussey:** I was going to affirm Trustee Lee and Trustee Ahuna's approach. Matrix 3 includes line items that have been discussed before. So as Trustee Lee points out, as Chief Advocate goes through each of the lines there will inevitably be lines you know to skip because we've already talked about it and then as Trustee Lee has also pointed out, Chief Advocate's presentation and descriptions may already answer some of the questions that he has. So for efficiency for the Board, we're going to recommend that Chief Advocate walk through the 48 lines and then get through that and then, you know, Trustee Lee, if the questions haven't been answered, then go ahead and have that conversation, including identifying those matters to take up in executive session and then that can be done at the end. So Chair, Administration offers that process for Matrix 3.

**Chair Akaka:** Na'u, if you can please continue.

**Chief Advocate Kamali'i:** Alright, thank you very much, I thank you for the lively discussion. Regarding our bills, I will proceed. This feels like I'm down to the homestretch. Alright, relating to juvenile restitution, number one, what is HB1459. This is sort of interesting, but not having presided over juvenile issues. This is a question of discretion under the current law, the court has discretion to order the child to pay restitution of money or services to any victims who suffered the loss as a result of the child action. What the bill does is it obligates the court to assign restitution in the trial. Public defenders who had testified this, you know, this is punitive in nature, also noting that many juveniles who come to juvenile court come with Aunty, Uncle, Grandmother, who are not a parent who has a constitutional obligation to support the child. So ordering or requiring restitution of that parent who's stepping up to in sometimes, in hānai contracts, to take care is problematic. The main issue is this is coming forward from the prosecution, but from the judicial standpoint it takes away the discretion of the judge to look at the 'ohana and to make the decision in the best interest of the child. Many times in the situation where you have an 'ohana member who steps up, it's best that the child not pay restitution, but in an alternative to that, engage in meaningful community service. So based on that we take the position to oppose.

Moving on, 1473, 1474, those are our bills, our OHA package. We have already talked about it. Relating to regenerative tourism 1508, it establishes a framework for the Hawai'i State Planning Act for the state visitor industry that advances environmental sustainability, ecological sensitivity. It's this word of cultural preservation, so the engaging and finding that culture preservation is also an important factor within the tourism framework, so we support. However, I do note again that this is a three committee lateral. Let me double check. I don't believe it has been given a hearing, so aside from my comments and support, this bill is dead.

Moving on to 1567, eliminates the use of monetary bail and requires defendants to be released on their own recognizance for what might seem more minor offenses. Traffic offenses, violation of petty misdemeanors, etc., Class C felonies, when they are nonviolent offenses. What this would require then of the judge is to release the defendant on his or her own or recognizance. Provided of course, that they showed up at the first hearing, so the first hearing includes arraignment and plea and after the plea is taken, you're allowed to release the dependent on their own recognizance, which means they would have to come back to court and bail would not be a consideration. So this again is along the lines of OHA's criminal justice reform. Also noting that there are certain exceptions depending on the defendant's record, where this would not be allowed, for example, if they were on a felony probation and they committed, you know, a petty misdemeanor. There are certain factors like that where releasing on your own recognizance would not be allowed because it would take in the terms and conditions of probation. So it's a balance there for the first time offender perhaps, where there is a nonviolent offense. With that basic background, we support. It did pass with amendments. So we are wanting to jump in and have some testimony on this measure.

HN1638, thank you, Administration for reminding me the new Chief Advocate with regard to and also I believe Trustee Ahuna, with regard to appropriation and there being a policy that we not support bills, i.e. OHA, not support bills on appropriation. So I would stand corrected in a position taken here to support this for that reason. However, I do note as our Advocate on Hawai'i Island has reminded us that the Kona Hospital and monies that would go to improve that health system will help many Hawaiians in that area who need improvement in the system. So the support would need to change, even though it says support here and acknowledging the Board's policy on supporting bills that are appropriation bills. We did not submit any testimony on this bill.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. So is it then the recommendation of advocacy that we change our position from support to comment? Actually, we didn't take a position on this, correct? We didn't vote last week, so we can just cross it out and change it to comment here at the table, because there was no action taken last week.

**Chief Advocate Kamali'i:** That is correct, Trustee Lee. Yes, this should change. Since last week, I thank you Trustee Ahuna, I did raise that question with Administration and our Counsel and this would fall squarely into the category of bills that we would not support. If the Trustees find that even within that context, we can comment on the need for improved systems of health in Kona to service our people in that area then I would put forth the position of comment so that we can submit testimony.

**Trustee Lee:** I don't see an issue with that. I don't know that other Trustees, I see Trustee Ahuna shaking his head. So we're making a table change, we're just crossing out support and writing in comments. So when we take the motion at the end it's included. We don't have to do all these separate, that's why I'm asking now. So our comments would be in the nature of how important Native Hawaiian health is and how important this facility is to Native Hawaiians. But we're not going to comment at all about money. Or if that's too confusing, then we're changing it to a monitor, I'm asking.

**Chief Advocate Kamali'i:** Sorry, is that a question for Chief Advocate? I couldn't tell if your.

**Trustee Lee:** I am, I am.

**Chief Advocate Kamali'i:** I would like to change the, I'll make it clear, in light of that, this has not been adopted by the Board and the Chief Advocate being informed of the policy of the Board of Trustees, I wish to change that what is written as support to comment and that would be for consideration by the Board.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, do we need to bifurcate and then make a motion to change?

**Chair Akaka:** No, we don't, we didn't vote on this last week.

**Trustee Akina:** Okay, so I'm assuming as with myself, no one else has any verbal objection. No one else has any objection to that. I support it.

**Chief Advocate Kamali'i:** Thank you, Trustee Lee and Trustee Akina for that clarification. Moving on HB1767, relating to regenerative tourism. Again, that's a triple committee, and that bill is dead, although we would have supported it with regard to it's attempt to allow community partnerships to ensure the integrity of Native Hawaiian culture, use of cultural knowledge and stewardship, acknowledging and where appropriate, protecting Hawaiian cultural intellectual property. But at this point, that bill has not survived.

HB1808, relating to geothermal royalties. The position offered is comment. We do note that in this bill it says increasing the percentage of royalties received from the state from geothermal resources that are to be paid to the county in which the geothermal resources are located and requires royalties to be paid to the county to be further used for geothermal resources discovery and development and it has passed out with amendments. In our our position of comment, we do note that the state is asking for an increase from 30 to 60% of the royalties and in our discussions with the community, they are in favor of those monies being used for research and looking into the conditions for the geothermal systems. However, I do have to sort of note and I'm not quite sure of the play here in terms of increasing the royalties for geothermal might indirectly increase the amount of funding for PLT. It's complicated and I'm not sure, so I'll just pull back on that, but because of the subtleties of this measure, we would go with a comment.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. Yeah Na'u, that actually was going to be my question. I don't know to what extent OHA receives PLT funding or if there are any geothermal that are on PLT lands, but if they are and the state passes a law that those money, those royalties would go to the county, is it clear that that would be minus what the state is constitutionally obligated to pay us first and then whatever is leftover goes to the counties? I see what you mean about that because I agree with you, it's a huge gray area. Is that part of our comments that we're asking that question, that state you realize that if you're doing geothermal on the Public Land Trust that you gotta pay OHA so you can't just waive all of those monies to the county. You have to account for you owe OHA money first.

**Chief Advocate Kamali'i:** Yes, that is correct, so the subtlety of addressing that language would be and how we raise it in the comments. So if it's unclear in the measure we can state that or address that, but it is unclear to what extent monies that would otherwise be due to the Office of Hawaiian Affairs under the State Constitutional obligation to pay the ceded land trust, it's unclear what occurs when those monies go to the city. That's my lack of clarity. There still may be more discussion internally with Counsel, more research to be done, but the testimony, however, can address that by raising the concern in a comment.

Moving on to the next bill 1885, relating to government data, establishes a Chief Data Officer and Data Task Force. You know, OHA has been typically involved in all data measures and this would be the Office of Enterprise Technology, Services, etc., as noted in the description. We did not move forward and testify, but the amendments could be offered to the CPC, which is the next committee. Noting that there was a hearing, so even though it's a triple referral, they met the requirement of having a hearing. So when that matter gets set and goes to CPC, internally, we are in communication with Lisa and our data department with regards to what that support with amendments would look like.

Moving on relating to minimum wage, HB1958. That's pretty straightforward, which would be an increase in the minimum wage. So we support more money in the pockets of our people is good for everyone. This is one of those types of bills that wouldn't necessarily rise. So as I spoke earlier, although it's on the list, there are bills that generally reflect the community that we have to look at and think about it to the extent that OHA wants to take a position on it because the circumstance that our community is in. Obviously this one is pretty general, but raising the minimum wage for all of our people who are, you know, line workers, etc is a good thing. So we reached in and want to take a position of support. I was just going to add that the related companion bill is SB2018.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair and thank you, Na'u. Na'u, I am in agreement with you that we have to do something about the low wages of Native Hawaiians, and so I agree with the sentiment of the comments and believe that it would be good for us to comment. I'm going to suggest that rather than support it, that we comment. I have received feedback from Native Hawaiians that are concerned about the particular proposals

for minimum wage that we're looking at over here at HB1958 and SB2018. Most Native Hawaiian businesses are small businesses under 25 and there are two populations of Native Hawaiians that could experience unintended consequences of raising the minimum wage. One would be small business owners who would be impacted by the increased costs, The other would be the employees, Native Hawaiian employees of these businesses that would be impacted if they were let off or if their hours were cut. In fact, there's mixed commentary. There's mixed testimony on this, but one that is worth looking at comes from the Chamber of Commerce that did a survey of 355 businesses of 25 employees or less and here's what they said if the minimum wage did go up to, say \$18.00 per hour. 34% of those businesses said they would have to shut down and 57% of them said that they would have to reduce their staff and lay people off. 28% of them said that they'd have to reduce their staff by half, and many of them were speaking from their experience during the pandemic during some of the lockdowns in which they saw directly how their costs impacted their ability to retain employees. So my concern is for Native Hawaiians who own small businesses as well as Native Hawaiians who work for small businesses. That the bill itself could have unintended consequences if enacted into law. So I agree with the sentiments of your comments, but I want to suggest that we instead produce comments rather than support the bill per se. That's what I would recommend to my colleagues. That we move from support to comment.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** I come from the other side. I also speak to small businesses, but let's get some history back here. Last year, the other year, this always comes up this minimum wage. It was \$10, then last year was 12, didn't pass and then election year now it comes up to, it was ten so it died, then this year comes up to 12 and then 18 eventually. But if this dies, you're going to have small businesses more in a hole, Trustee Akina, because it's not going to be 10, 12, we killed this one at 10. It'll be even more with maybe new people being elected to the House, so I would say support this one and I think it'll go through because now Speaker who killed the last bill at 10 recognizes that hey everybody else is paying 15.20. I mean people are getting like \$1000 bonuses at Amazon. They don't have workers, and all of our entrepreneurs I talked to, they also have side jobs. They waitress, they do their crafts at home, they go to a pop-up m<sup>ā</sup>keke's and they would love to see at least \$12.00. So that's my opinion, mahalo.

**Chief Advocate Kamali'i:** All right, Trustees, just to continue the discussion, to add the particulars of the bill. What it is recommending as changes beginning 2023 at \$11.00 per hour and then a scale that increases \$12.00 per hour, 13, etc. Certainly as Chief Advocate, I'm not opposed to changing that position to comment, and they could be very strong comments which acknowledge the both sides of the discussion. In any event, you know this is something that we all have to look at and it is a balance between the small business owner that wants to bring on one person, but then even at \$11.00 per hour across the nation is \$15.00 per hour, 14, it's not enough, it's not a living wage, so I'll leave that decision to Trustees. I will certainly write testimony either way with the advocates. Thank you for the discussion.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Na'u, I appreciate your openness on this and I do acknowledge Trustee Ahu Isa's position. I think there is much to be said on this issue that can be captured in comments. There may be some diversity here on our Board as to an ultimate philosophy regarding minimum wage and how it's implemented, but I don't know if necessarily our Board is the venue for that debate. As Na'u mentioned earlier, there are great many bills that definitely affect Native Hawaiians that go beyond the usual circle of bills that we weigh in on heavily. Maybe this is one where we can simply gather our comments as we give them Na'u and present that to the legislature, so that the differing views that we have can be reflected. Comment rather than necessarily support or oppose, So what I'd like to do, Madam Chair is ask if you would poll our Members to see whether they're open to changing this from support to comment.

**Chair Akaka** recognizes Trustee Ahuna



**Trustee Ahuna:** Mahalo, Chair, you know in this Board we've been talking a lot about Native Hawaiian disparities and a lot of it has to do with the income that we make. We make the lowest, I'm tired of being in that class. I'm tired of just fighting for low wages. We don't have to fight for being low. If these businesses cannot survive, they need to leverage opportunities so they can because right now, every single day our prices on housing is going up, taxes is going up. Everything is going up and if you don't want us to get more money, we're gonna have to move out somewhere and I don't want our families to move away, this is our home.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. I just want to offer that it's inappropriate to take a poll at this time. At least one Trustee has already spoken in favor of Administration's suggestion. So if Trustee Akina wishes to change that, then that would have to be taken up in an actual vote, not a poll. At least one Trustee has already stated that they are in favor of Administration's recommendation and just for a little bit of context, Chair, this has been OHA's official position for at least the last four years that I've been a Trustee. This is as stated by Trustee Ahu Isa, this issue comes up in every legislative session and OHA has always taken that position of support. Thank you, Madam Chair.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you very much and I appreciate Trustee Lee's direction as to procedure. I'll wait until we're done and seek someone to second a motion to bifurcate so that differing views can be registered on this, but I do appreciate the sentiments that have been expressed. I think we're all in agreement that we want to see the highest earnings possible for Native Hawaiians, thank you.

**Chair Akaka:** Mahalo, I don't think we need to bifurcate as we have not voted on this prior. If we want to change our position on it we can.

**Trustee Akina:** Okay, I'll offer a motion at the appropriate time when we've gone through the matrix.

**Chief Advocate Kamali'i:** Relating to the Board of Education, HB1986. It was scheduled to be heard Thursday and we did submit testimony on this. It did pass with amendments. This falls squarely within our position on education with regard to the what we call the coordinated advocacy with the approval of the OHA package, position of support.

Relating to the University of Hawai'i, HB2015, establishes the criminal Ho'okaulike Justice System Institute for Restoring and Healing University of Hawai'i, William Richardson School of Law and appropriates money. No testimony was submitted. Again, I'm new to looking at the appropriation of money and, you know, working through that position. But the focus of the Institute is to address the disproportionate impact of the criminal justice system on Native Hawaiians and other Pacific Islanders. The appropriation within it is to fund staff. Also, UH currently does not have a program devoted to criminal justice and administration believes more can be done with a comprehensive program for academia. As well as many influential academics in the Hawaiian community did testify in support of this measure, we are offering a position of support.

Mauna Kea we have addressed. With regard to state symbols designates 'Ōhi'a Lehua as the state endemic tree. We did submit testimony as support emphasizing the importance of our endemic 'Ōhi'a. The bill will name 'Ōhi'a as the state endemic tree, as we know in many of our culture practices how important 'Ōhi'a is, and Hawaiians recognize that 'Ōhi'a, being the first sign, well, a sign of life to emerge after lava flow. Although Hi'iaka would probably disagree with that, but anyway there is that play between the sisters. So we have a position of support.



Relating to the Board of Land and Natural Resources, HB2270. Requires at least one member of BLNR who have demonstrated knowledge of and experience with the state boating and fishing communities and note that it is just the two referrals, so this is still alive, but we have to watch it and includes knowledge of ocean conservation, traditional fishing rights, requires the member representing the boating and fishing communities to be recommended by and apologize the matrix didn't pick that up. Anyway, we do support the voices of our boating and fishing activities for subsistence. Last week we did produce a measure, a resolution for the Miloli'i community, but we do watch the commercial boating fishing activities that are overly represented and have a capacity to influence you know politically, what is going on as well as the grassroots issues with regard to boating, which includes subsistence fishermen. We do support this measure.

With regard to HB2284, relating to equitable distribution of our own resources for Hawaiian Immersion teachers, we did submit testimony on this previously approved by the Trustees for coordinated advocacy with approval of the OHA package. So I'll go quickly through this, we support.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** I believe HB, what you just said Na'u, 1986 and HB2284 is part of our OHA's coordinated advocacy, so I don't think that needs to be voted on, right? That's a question for Administration.

**Chief Advocate Kamali'i:** Thank you, it's been a question for me as well, but out of caution, given the last discussion bill by bill, we did holomua on this. We took a position of support and we've already submitted testimony aligned with the Board's past position. For ease of approval, we included it, so if you vote to include, vote to approve everything in this green matrix except for I hear one potential bifurcation, that would just be an easier way to proceed through all the bills. I don't know if that answers your question, but that's why we include it.

**Trustee Ahuna:** Sylvia, do you wanna comment on those two bills because I thought we already voted on it, so like we don't even have to vote on it anymore, right?

**Ka Pouhana Hussey:** Well the Board in the coordinated advocacy, the Board acknowledged that there were a number of coordinated advocacy positions that was going on, but the actual position of the package was decided upon and then this is the actual explicit approval of the position there, so you're correct as well, in the coordinate advocacy it was agreed that this would be one, but now this is the very specific bill for Trustee explicit approval of the position. So you're correct as well, Trustee Ahuna, as well as continuing through the matrix.

**Chief Advocate Kamali'i:** Okay, thank you very much for that discussion. HB2311 relating to Native Hawaiian habilitation programs. I had raised and discussed this in the OHA named bills, so I'm going to move on and the position there was comment. Relating to environmental impact statements, this is a triple referral, so this measure is dead.

Relating to federal lands, HB2327. Again, this is a triple referral, so this measure is dead. It was in OHA named, so I had already previously discussed this bill. Relating to Department of Hawaiian Homelands, 2511. We did testify in support of this. This is otherwise I think generally people know this as the \$600 million appropriation to DHHL. This comes up because it affects our potential funding and there was a provision in there which was vague enough that raised concern that they might be pulling in money from our PLT funds, it establishes that special fund and in the appropriation language in that special fund there was broad language which was somewhat arbitrary, it was broad. It was a concern, but certainly the move forward to provide housing for those who are on the waiting list has been celebrated by all. So we did testify on that measure and we did support. As I look back at this Trustees, kala mai, this was in that gray area for me, I got consultation on this with Administration but kala mai if I reached out wrongfully to support this bill. But we were there with CHNA and others to hold the House to its historic announcement, so to speak.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Chief Advocate Kamali'i, I think what might help for clarity with you as far as appropriation bills is when we talk about appropriation bills that OHA doesn't take a stance on, it's typically about a project, right, like doing improvements on a hospital, building a structure, right. This is appropriating funds to a Native Hawaiian agency that's supposed to be doing more work than they're being allowed to do because they're being cut off by funding, just like the other bill before this, where the issue of the bill was, I don't remember what it was, but the appropriation wasn't the issue of the bill. The bill just happened to say that they're going to appropriate funds for that issue. Does that help with clarity? So this bill is appropriating funds to the Department of Hawaiian Homeland so that they can fulfill their mission. It's not the same as it's an appropriation, the state legislature is appropriating funds to build a new freeway. Does that help with clarification?

**Chief Advocate Kamali'i:** Yes, yes it does help with clarification, as well as clarification that I received from Corporate Counsel. However, any time I see the word appropriation, my red flags go up, particularly if it's appropriations which deals with potentially moving monies from what is a Public Land Trust fund to DHHL. So that's where my flag went up and we were very subtle in raising the issue as to the vagueness of that last section, I think it was Section 5. But we'll see and it to me if there's a special fund, there should be clarity in how that special fund is being appropriated rather than opening it up to any available source. But thank you for that clarity, I'll hold that going forward.

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Na'u, I just had a question. This bill establishes the fund. Is this the fund where they're going to put the 600 million to help the Hawaiians to DHHL, because the fund is in DHHL, it's to establish the fund. So is this just setting up the fund where they put the money in, the 600 million? Do you know?

**Chief Advocate Kamali'i:** I'm pulling up the bill, but yes, yes it does establishes the, specifically the Act will establish a Hawaiian Homelands Special Fund, so the Hawaiian Homelands Special Fund in its establishment, which is to be administered by DHHL shall be deposited appropriations made by the Legislature to the Special Fund grants provided by governmental agencies or any other source, donations and contributions made by private individuals or organizations were deposited into the Special Fund. Interest accrued on all amounts in the special fund, and any other monies made available to the Special Fund from other sources. This subsection 5 is the one that raised a red flag for me. So we just noted in that, that it appeared to be vague as to the source because it's any other money from other sources. So if that answers your question, the monies in this special fund shall be used by the department to fulfill its fiduciary duties to beneficiaries under the Act, including providing funding for beneficiaries to acquire a residence.

**Trustee Ahu Isa:** Because I did have a talk with Sylvia the Finance Chair, she said we are going to get that 600 mil for Hawaiian Home, DHHL, but I was just wondering if this was the vehicle where they put that money in. I just couldn't figure out how they're going to do it. So mahalo for that explanation.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. This might be a terrible question, but when we're talking about appropriations of money, how do we appropriate money if the state is not appropriating us the money? Isn't our appropriations, because we can't take away from our budget anyway. So how do we appropriate money if the state is not appropriating the money to us. So how do we know how much we have to give and stuff like that? That's my only question.

**Chief Advocate Kamali'i:** I'm just saying that's a very good question, it's complex right, appropriations as opposed to what is the ceded land trust revenues which is the share of income and proceeds and there's often

confusion about that as to whether or not it's appropriated or not, ours is not appropriated, we have a share of income and proceeds for our trust money.

**Ka Pouhana Hussey:** The language around appropriation and I'll put my accounting hat on. When appropriations, there are also allocations and release of appropriations. So to get the appropriation is one thing, but to get the release of the appropriation and the triggers that come with that are another set of processes. So appropriations, allocations and then the actual expenditures, and then you get into lapsing and all of those conditions. So the top line is what is being shared, right? The appropriation, but there are still a number of gates regarding the allocation and expenditures that come with with that. So I'll take my accounting hat off and that's my comments about this particular measure.

**Trustee Ahuna:** So the position of comment is what's been recommended, okay thank you, perfect.

**Chief Advocate Kamali'i:** I'm sorry, 1411. This was a OHA named. We had already presented on this position of support. Relating to minimum wage, there's been a lively discussion on this and vote by the Board. SB2021, I've already spoken to this as well. It's an OHA named, but it was tied to the PLT bills and this has gone on to WAM.

Relating to the Office of Health Equity, I believe we've also spoken to this as well. Other than the hearing today in the House hearing on 2/8 which is today for House companion HB2429. We did not submit any testimony on this yet in light of approval. Relating to rental discrimination. This is new, we haven't talked about this yet. Prohibits discrimination including advertisements for real property based participation in a housing assistance program or requirements related to participation in housing assistance programs in real estate transactions and requirements. We do support prohibitions on discrimination. Our people are discriminated against. But that being the position, it has received from the Senate, let me make sure, let me get the update on the status of this SB206 did move through, which is, there was a Senate draft one, we have not submitted testimony on this.

Relating to koa trees. DLNR wishes to identify all private and public lands suitable for the planting of trees. Authorizes the administrator of forestry and wildlife to issue licenses to plant care for or harvest trees, we take a position of support. Relating to burial sites, I believe Kamakana is still online for 2067.

**Lead Compliance Specialist Ferreira:** So yeah, SB2067, we're recommending a position of support with amendments. This will establish an interdivision program with SHPD, OCCL and OHA to evaluate iwi that are eroding out along our coastlines and how to handle that problem. It's been a hot topic at the Island Burial Councils for quite some time now and also consuming some pages within our burial sites working group report that's going to be presented to the legislature, so it's a good thing with what they're trying to do here. The amendment that we're asking them to make, though, is right now they're having OHA front the monies for the iwi relocation and nobody consulted with OHA on it. And there's also questions, I think from an administrative perspective, because the rules currently vest SHPD to be responsible, bring discoveries, they receive funds from the state fund as well as NPS, so we think it's problematic that OHA's just being called out to pay for it. Plus the bill points out that physical study needs to be done so until that study is done, they shouldn't be asking any agency to pay for it other than SHPD as they are responsible.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair, the other thing that's problematic about them calling out OHA to fund is that's against the law. OHA Trustees are duly elected by state general election and we are the sole bodies that dictate how OHA expends its funds. So the state legislature does not get to dictate to OHA how we expend our funds. They're not legally allowed to do that. We are duly elected officials. We're not just a department within the state and that needs to be made clear during our testimony.

**Lead Compliance Specialist Ferreira:** We can emphasize that, Trustee.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** So are we commenting with amendments or support with amendments?

**Lead Compliance Specialist Ferreira:** Right now, the recommendation is support with amendments. Basically removing that part that's calling on OHA to pay and we had suggested language inside of our testimony.

**Trustee Ahuna:** Thank you.

**Board Chair Hulu Lindsey:** It's a good thing, Kamakana.

**Lead Compliance Specialist Ferreira:** Yes, it is a good thing.

**Chief Advocate Kamali'i:** SB2072, relating to court appointed attorneys. This has to deal with court appointing counsel for indigent parents upon filing a petition for custody family supervision and make every effort to do so at the first hearing attended by parents. This is a good thing, it's already constitutionally required, but the bill makes clear that the Family Court shall make an effort at the first hearing, as opposed to when it might get to a point where in the family, in the family court process or the CPS process, it might look like the children may be entering into foster care, so we do support this. There are many families or Hawaiian families that fall into this category and they are unrepresented at the first hearing so we do support this. Also, with regard to court appointed attorneys, court appointed attorneys, they fall under the judiciary budget and they are paid for out of that fund. So hearing today at 1:00 o'clock, we have not submitted testimony because it has not yet been approved. But we are ready to go should it be approved. We'll put that into the written testimony submission.

Relating to juvenile restitution, SB2086. We had already talked about this, removing judicial discretion and requiring that restitution, money restitution be mandated. We opposed this bill. 2021 and 2022, these are our package bills, already talked about it, we'll skip over that. Relating to Public Housing Authority, 2251. This for me, we've had discussion about this and this is opposed. Ka Lāhui also raised the flag on this bill. This was introduced by Senator Chang, the issue there is the way in which it is going to evolve, i.e., combined with a 99 year leasing authority and it is on public land. I'm not explaining it well, but it's very complex when you're giving this authority to HPHA to lease lands that are set aside or leased to it without lease length or restrictions. It's a grand attempt to solve our public housing issue, but it involves our Public Land Trust lands, and it also involves giving this authority to this entity HPHA in a way that is problematic. So combined with a 99 year leasing authority, this would create significant pressure and simply set aside or lease state public lands to HPHA, which could then encumber them for 99 years and that would prevent or foreclose Native Hawaiian claims and not even build housing. There's just too many things in this bill that raise a red flag for us and so we opposed.

Lease hold condominiums land controlled, SB2320. This is another I believe it is a Senator Chang bill. HHFA, Development Corporation to enter into 99 year leases of units in residential condominiums. Located again on state lands. It's a similar issue that rises that lands from state lands, Public Land Trust. It would give authority to the Governor to set aside public lands for leasehold condominiums and that structure again is problematic, as we saw in looking at the language of the bill that we opposed. I'm making this very simple and I apologize to the Trustees, but it raises a red flag so quickly that we're opposing it.

The next one, just another iteration relating to housing, SB2465. On this one we're commenting. It's another Senator Chang bill establishing a 99 year lease to own program on public lands and he mentions, you know, the rail coming through and these being certain corridors that might lend itself to this. When I look at it again

this is still a two referral. This is something that we need to look at further. So right now we're just saying to the Board, give us the authority to comment.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Madam Chair. This is not a new bill and granted it's changed over the last four years, but no matter the changes that have been made to this, we have never supported this measure of Aloha Homes program. OHA has always taken a position in opposition of this.

**Chief Advocate Kamali'i:** In light of that, Chief Advocate would certainly change position. I'm caught in the transition, so in light of that there's no problem to change position.

Moving on, relating to State Native Tree talked about that with regard to 'ōhi'a support relating to Public Land Trust 2594, I talked about that earlier. It was opposed and in our opposition it was deferred and it's dead. Regarding 2663, relating to filing fees. This is a rather interesting bill, I guess because I'm more familiar with family court. We do support it and what this means is, in divorce proceedings when an indigent person files for divorce, they are able to make an affidavit and their fees are waived. In paternity cases most of those actions are initiated by child support enforcement agencies, so there's no cost in child support and custody are established. However, in a paternity case, if you wish to change custody, they have to pay \$100, in a divorce arena if you were to file a motion to change custody, it is at no cost. So the idea here is many of our people come in through paternity actions not necessarily to get married, to have established your 'ohana so we saw it as being punitive for families to come in and have to pay \$100 to change custody or to address increase in child support, so we do support this bill.

With regards to 2770, Native Hawaiian rehab programs. We already talked about that, it's OHA named and comment. Regarding pretrial release, Senate Bill 2778. That establishes a presumption that the person charged with a crime is entitled to unconditional release unless proven otherwise, and it requires consideration of non financial conditions before bail is ordered. This is again within former Advocate Nina Ki flagging all of those bills that amount to criminal justice reform, so the pretrial release conditions and intent to reduce incarceration keep our people out of prison because they are released. Albeit even with conditions they are not in OCCC, so we support this bill.

Senate Bill 2830, relating to mental health licensing and the title speaks for itself, requires psychologist to have at least three hours of continuing education relating to cultural by diversity and cultural competence and or health equity. We support education of those who treat our people, psychologists, so that they are aware of the cultural subtleties, so position of support.

Senate Bill 2861, relating to expungement, requires the court to automatically seal or remove the judiciary publicly accessible database. Any information relative to arrest or case of a person for whom expungement order has been entered. So I'll just say there's an interesting phenomenon when the judiciary moved to the judicial electronic filing system. For those people who did what they were supposed to do, they got their case expunged. It wasn't removed from the electronic system, so when they applied for a job they would not get the job because it showed up in the search by the employer. So this is a way of the proponent, Senator Shimabukuro, of telling the judiciary you need to fix your electronic filing system. So we support that, many of our people get stuck in that situation where they do what they're supposed to do, and then their expungement does not amend the system.

2871, relating to pretrial release. I think I talked about that this again, is a widely supported bill by ACLU, similar to the OHA package bill in 2019, HB175. So without belaboring that, we're supporting that.



Senate Bill 2892, relating to Ke Kula 'O 'Ehunuikaimalino, establishes a working group to address the student enrollment and capacity and expansion very quickly, a charter school movement. We have supported that and supporting Hawaiian immersion schools, so support.

With regard to 2359, relating to expungement of records. Again, expands eligibility for and automates expungement of arrest. Now this is in arrest, so there are different kinds of records. There's the arrest records and then there are records that pertain to a decision by the court, so this is looking at and making sure that the arrest records are also expunged, and so there might be two different houses that deals with that information. And conviction records of certain criteria that are met, including the lack of conviction record for specified time period following the date of I think that was a date, I can't read it on my screen. So the Board approved coordinated advocacies. There were no hearings scheduled yet and we support that position.

SB570, relating to historic preservation. So Kamakana are you still online?

**Lead Compliance Specialist Ferreira:** So this one is another measure from last year. We had the same stance, it failed last year so it's back again. Basically it's amending the definition of historic property so that any historic property also has to be eligible for the Hawai'i registered historic places, and the only problem with this is that the Hawai'i Registry is also modeled after the National Registry and it doesn't include the state significance criteria for sites that are important to Native Hawaiians. So while most Native Hawaiian sites are significant under at least one of the criteria, there could be a situation where there could be a site that's only significant under criteria for importance to Native Hawaiians, and then it would be disqualified from the process. We expressed this concern to Doctor Downer last year, we actually met with him. He didn't even read our testimony and thought we were overreacting, but I think it's better to be overly cautious in this case, rather than just simply passing it through. Any questions?

**Chief Advocate Kamali'i:** Next bill SB872, relating to the Commission on Water Resource Management and adds a chairperson of the Hawaiian Homes Commission or chairperson designee, to serve as ex officio voting member on a Commission on Water Resource Management. That one did pass out with amendments on 24. A voting member of the Commission on Water Resource Management added from DHHL will allow for, you know, we see maybe protection of Native Hawaiian interests, so whenever we have the opportunity to add Native Hawaiians or the Native Hawaiian perspective to these commissions we're very mindful, but in this case we thought it was a good thing, so we support.

Senate Bill 879, relating to the counties, gives counties jurisdiction over the infrastructure of DHHL. Housing developments in their boundaries under specific conditions, it did pass out with amendments on 23 and it does require counties within 60 days to commence maintenance on certain infrastructure. So there was strong support by DHHL. You know, the delay in taking action on infrastructure has been an issue. So this would require the counties to take action within 60 days, we support.

SB899, relating to the composition of the State Council on Mental Health, that is hearing today depending on an approval by the board, it would require at least three members of the State Council on Mental House have demonstrated knowledge or work experience involving Native Hawaiian concepts, well being, culturally grounded mental health methodologies or traditional healing practices. You know, again, in dealing with are people who are engaged in and need mental health support, we do feel that it's good for the state to have us weigh in on the treatment of our people. Ho'oponopono, the understanding of culture, the understanding of maybe what Hawaiians see when they see some of these issues so by providing for the representation from those familiar with the benefits and effectiveness of culturally grounded, mental health programs and interventions, you know the bill would assist and serve as a stepping stone towards reducing Native Hawaiian mental health associated disparities through targeted and systemic relief. I know some of our Hawaiian psychologists have been just grappling with this for years, so we see this as a good thing and hearing is on today at 1:00. So I'm happy to report that we have made it through the first matrix of my tenure as Chief



Advocate. I look forward to doing the work and further discussion with the Trustees, and thank you very much for being polite and engaging in this process.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you very much, Madam Chair and thank you, Na'u, great job. Before we move to the voting on the actual matrixes themselves, I would like to make a motion at this time. I move that we change our position from support to comment on the minimum wage bills in matrix #3, numbers 10 and 22, which are HB1958 and SB2018.

**Trustee Lee:** Point of order, Madam Chair.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:**The Board has taken no such action, so this motion is out of order at this time.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Chair, I'd like to move to accept the positions on the State Legislative Package for 2022 and 2023.

**Chair Akaka:** I will call on our Ka Pouhana at this time.

**Ka Pouhana Hussey:** I just wanted to ask the Chair if she would like to go back to Trustee Lee's, if he had anything that merited executive session and if the Board would, you know, consider going into executive session. But I wanted to offer that follow up with Trustee Lee.

**Trustee Lee:** Thank you, Ka Pouhana, it was my misunderstanding because the matrixes are both numbered matrix 3. It's just that one is affecting Native Hawaiians and one is affecting Native Hawaiians one. So all of my questions have to do with the 87 pages of that matrix. I'm happy to go through them now or if we want to wait till after we take up this matter of that original matrix 3 affecting Native Hawaiian issues.

**Ka Pouhana Hussey:** Chair Akaka, if I could respond to Trustee Lee and provide some context for the black header matrix 3. So the black header matrix 3 represents the results of public policies culling through of the 3000 plus measures, and that it represents about 10 to 15%, and so matrix 3 with the black header is like the population control. It's all of that being considered, and is there for reference for the Trustees, not for decision making. So if that helps for context.

**Trustee Lee:** No, Ka Pouhana, I apologize, it does not. I found discrepancies within that matrix that changes the position that OHA has taken on certain bills in the past and then there are questions that I, as a Trustee have, as those of us that have been around for the last four years know, I have questions about some of the ones that we're monitoring and why are we monitoring and not taking a different position of monitoring versus that and I am happy to speak directly to the bill that I was asking about executive session, it is HB2136, page 28. So it's relating to interim administrative rules of the Department of Hawaiian Homelands. Allows the Department of Hawaiian Homelands after beneficiary consultation, and upon approval of the Hawaiian Homes Commission Act, to issue interim rules that shall be exempt from the public notice, public hearing and gubernatorial approval requirements for chapter 91, Hawai'i revised statutes, the interim rules shall be effective for not more than 18 months. I mean, it's a legal question, which is the only reason why I asked about an executive session. It's a question for our attorneys, as far as the implications this may or may not have one the Office of Hawaiian Affairs.

**Ka Pouhana Hussey:** So Trustee Akaka, sounds like based on Trustee Lee's that the Trustees should consider an executive session for that discussion. That's what it sounds like, but Trustee Lee, please clarify.

**Trustee Lee:** Okay then, Madam Chair, I move that we move into executive session to discuss matters regarding House Bill 2136 and possible legal implications for the Office of Hawaiian Affairs.

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

**Trustee Ahuna:** Second

**Chair Akaka:** It has been moved and seconded. Can I please have a **roll call vote**.

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

12:37 p.m.

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

The BAE Committee recuses into executive session at 12:38 p.m.

The BAE Committee resumes open session at 12:54 p.m.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Does your staff have a motion prepared or do you need a motion to be made? Madam Chair, I move that we **approve OHA Administration's recommendations on new bills listed on the nine-page Matrix 3 (green header), items 1-48 on the OHA Legislative Positioning Matrix dated February 8, 2022.**

with the following revisions:

Add bills:

- HB2136, as COMMENT

Change bill position:

- 6, HB1638, from SUPPORT to COMMENT;
- 34, SB 2465, from COMMENT to OPPOSE

**Board Chair Hulu Lindsey:** Second

**Chair Akaka:** It has been moved and seconded. Is there any other discussion members?

**Trustee Akina:** Yes, Madam Chair. Would this be an appropriate time for me to offer a motion to bifurcate an item?

**Chair Akaka:** Yes

**Trustee Akina:** I would like to move that we bifurcate from the matrix, the following two bills relating to minimum wage, HB1958, SB2018.

**Chair Akaka:** Is there a second? Seeing none, we'll go back to the original motion. Again, it's been moved by Trustee Lee and seconded by our Board Chair Hulu Lindsey and we will now call for a **roll call vote**.

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

12:58 p.m.

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

**Trustee Akina:** As stated, I have reservations but I vote aye.

**Chair Akaka:** Moving on to announcements, members are there any announcements at this time?

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** So am I to understand that Trustees are not going to have the opportunity to speak to the remaining bills in the in the matrix. As this is our only opportunity as Trustees and Members of this Committee to speak to that.

**Chair Akaka:** You may do so, please do so.

**Trustee Lee:** So I will direct my questions, Madam Chair, if it's okay with you directly to our Chief Advocate Na'u Kamali'i. My first one is for HB124, number one on the matrix. Relating to elections, where it's requiring the Chief Election Officer to develop and distribute a voter information guide for all candidates running for state office, including candidates running for any trustee position of the Office of Hawaiian Affairs. Why is the OHA being called out specifically, are we not candidates for state office? Or is this just another way for the state legislator to point out that they think of us as less than?

**Chief Advocate Kamali'i:** In the engaging, I can't speak for the legislators or what they think or why they do what they do.

**Trustee Lee:** I understand that, I wanted that on the record.

**Chief Advocate Kamali'i:** I would just share my, you know, my sentiment that we'll give you how about this. There is a process and opportunity for those bills and measures that are on what is called the matrix 3. The larger representation of bills, there will be a process and opportunity next week to revisit any bills, add it to the 48. If you see that it rises, Trustee Lee, certainly I welcome comment from all Trustees with regard to those measures that are monitored on this list. We are doing the same and like I say it's a pairing process. We miss a few when I've got advocates that listen to the testimony. By the way, I encourage you to as well you can get online. You can go to the hearing notice looking to the right. There's a little icon that says YouTube and listen to it. So I would offer you a process Trustee. With regard to what is on matrix 3, to encourage us or inform us so that we can put it back on what might be a change in Board position with regard to items that don't make the list this year, excuse me this time, so there is process for that.

**Trustee Lee:** So I will so stipulate, Madam Chair and forgo the rest of those with the exception of those that this matrix 3 changes OHA's position from previous years. So all the ones that I just have questions on I will happily reserve for next weeks meeting as suggested by Chief Advocate. But if the Chief advocate will indulge me, there are a few that our position has been changed from previous years and I will pull those out, Madam Chair.

The first one is on page 23, item 94, House Bill 1961 relating to burials. Now, granted it's a triple referral, so it probably died. Nevertheless, we have it listed as monitor and in just the past legislative session alone this was SB1021, in which OHA supported. But I won't belabor that as noted by the Chief Advocate, that bill died because it's a triple referral.

House Bill 2395, item 164 on page 39, authorizing the issuance of general obligation bonds for affordable housing, and it's talking about 820 Isenberg, the Department of Hawaiian Homes. We have it as monitor and actually, Madam Chair, I withdraw that and I believe we did monitor this as well in the past, and what we were monitoring it for was who was going to pay that debt service. But I believe that was monitored before.

The next one is item 167, House Bill 2466, relating to taro. Establishing an exemption for state income tax. We have it as monitor and again, this is a triple referral. Although it has had a hearing and at the last legislative session, this also has a Senate companion but the previous bill that we supported in the past was Senate Bill 3038 and we did support this measure. I believe in the last session, the House Bill died and the Senate Bill was the vehicle. But we did support this measure.

The next one is item 200 on Page 47, Senate Bill 2270, relating to leasehold condominiums on state controlled lands, and we're monitoring this and in the past, this was Senate Bill 2320, which we opposed.

And then item 293, Senate Bill 2983, which is a Senate companion to relating to taro. Which as I stated before we supported in the past and I believe those are the ones that are different than what our position was in the

past and the rest, Madam Chair, I will reserve for Chief Advocate's suggestion of bringing up my questions next week.

**Chief Advocate Kamali'i:** Trustee Lee, I will say with regard to some of those that were opposed in the past. They also died in the past, so the Advocates who are here and experienced that may have had the opinion that it's going to go nowhere, so let's just watch it go there, nowhere, so that might have been for some of those that we change position to monitor.

**Trustee Lee:** I understand that Chief Advocate and I accept that, but I don't know that I would be doing my job without that explanation asking the question right, our positions were changed and I want to know why and that's a perfectly legitimate and acceptable reason why. Trustee Lee, we believe that these bills were not going to go anywhere, they were triple referred so we didn't want to waste our time on it and I completely accept that.

**Chief Advocate Kamali'i:** Okay, I understand you're making your records, so I'm also making my record for the Trustees who are, may not be as akin as you are to review all the bills, but that being a process of discernment when we go to 3000 to 300, to 48, and that clearing down process, we do as you say, why did we switch position. Sometimes the switch in position is to really look to see what kind of traction that bill got in the past and we just monitor it and frankly watch it go. Now the ones that are support. You know, if you're calling out a couple of them, we'll get on it right away and look at what we can do to support our all important, our taro farmers. So to those if they are listening, we apologize if we missed this, thank you.

**Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** And if I can offer to our Chief Advocate, I'm not saying that we're not okay with our positions changing, right. We need to be made aware that a position that the Board has taken in the past is changing, but that's really all it is. Thank you, Madam Chair.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I just need to make a quick clarification for the record to something I said earlier. I cited a study or survey of businesses by the Chamber of Commerce that was 355 businesses. I said that half of them were small. Excuse me, I failed to note that half of them were small businesses under 25. I just want to clarify that. Half of them were small businesses under 25, thank you.

**Chair Akaka:** Any other discussion members?

## V. ANNOUNCEMENTS

**Board Chair Hulu Lindsey:** Madam Chair, there are no announcements, I move that we adjourn.

**Chair Akaka:** Members are there any announcements? Chair, would you like to announce when our next Board meeting will be?

**Board Chair Hulu Lindsey:** This Thursday

## VI. ADJOURNMENT

**Trustee Waihe'e:** I'll second

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

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:11 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

**Chair Akaka** adjourns the BAE meeting at **1:11 p.m.**



Respectfully submitted,

Handwritten signature of Brandon R. Mitsuda in black ink, written over a horizontal line.

Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 10/25/22.

Handwritten signature of Kaleihikina Akaka in blue ink, written over a horizontal line.

Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment