

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

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

March 1, 2023 10:00 a.m.

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

BAE STAFF:
Nathan Takeuchi
Mark Watanabe

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

EXCUSED:
Trustee Dan Ahuna
Trustee Brickwood Galuteria

I. CALL TO ORDER

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

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

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

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

II. Unfinished Business

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

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

NO TESTIFIERS ON THIS ITEM

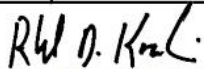
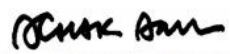
Chair Akaka yields the floor to Ka Pouhana Hussey

Ka Pouhana Hussey: Thank you, Chair. We'll ask Casey Brown, as well as Capsun Poe to take over this part of the agenda.

2023 LEGISLATIVE TIMETABLE

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

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

	
Ronald D. Kouchi President of the Senate	Scott K. Saiki Speaker of the House
12/12/22 Date	12/12/22 Date

Interim Advocacy Director/Chief Advocate Poe: Mahalo, Chair and Ka Pouhana. Thank you, Casey, for always being my helper here when we come to BAE. Aloha kakahiaka, Trustees. You see in front of you the calendar, as you know today is March 1st. This is the last day of the five day recess which you know was actually pretty busy with a lot of committee work going on. That means tomorrow is Day 24 of session and so we're just sort of showing you the sort of map and for wayfinding where we are on the calendar. This Friday is a big deadline. It's called first decking. So a bill has to pass out of all of its committees and also be filed with the clerk's office in order to move to floor votes next week, and so actually because of that next week we're going to be heading toward first cross or crossover. And that's when the House has to pass all their bills and send to the Senate. Senate has to pass their bills and send to the House, and so next week will probably be very busy as far as legislative activity on the floor. But for us, barring any sort of position changes, we're really expecting mostly updates to the matrices. So with that, we can jump into Matrix one. Chair, I did want to point out that you know Matrix one is for information only. We're not requesting any action and we do have our

two bills here. Our House bill and our Senate bill of our budget that requested \$3 million in general funds. Trustees, barring any extraordinary measures that any of the committees might take, it seems that our preferred vehicles for our budget bill do appear dead. But that doesn't mean the advocacy or the push is over. We do have potential avenues and potential options. For example, one option is incorporation, or perhaps include this request in another vehicle or another bill that's still alive, as well as maybe perhaps general appropriation bills. So we'll continue to push for the three million, but the two bills that we were using to push that are not moving. That's not necessarily a bad thing. In fact, it's actually pretty normal because the way WAM and FIN tend to like to do it is to include that in the larger budget bill. So that's the quick summary there of what's going on there on our two bills and of course Administration is available to answer any questions or address any concerns.

Chair Akaka: Members, any questions, comments?

Chair Akaka recognizes Trustee Souza

Trustee Souza: Just to clarify, so we do have the hearing in Judiciary and WAM on Friday? Sorry, they are gonna hear the bill, that is confirmed, right? On the Senate side, Donovan Dela Cruz.

Interim Advocacy Director/Chief Advocate Poe: Trustee, if I could, we can talk about that perhaps when we get to Matrix two because I think you're talking about SB736, but we can definitely give some updates.

Trustee Souza: I am referring to 736.

Interim Advocacy Director/Chief Advocate Poe: Okay, we have some other updates on that as well.

Trustee Souza: Thank you, appreciate it.

Ka Pouhana Hussey: Chair, if there's no other questions by Trustees, Casey and Capsun can continue on Matrix two.

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

ONE TESTIFIER ON THIS ITEM

Mahealani Cypher: Aloha mai kākou, aloha kakahiaka. So nice to see all of your faces again. I'm sorry can't be in person, but that's okay, we'll see each other soon someday in person. But anyway, I'm here to testify about a house Bill 1313 that I'm not sure is on your agenda, but I think it is because I couldn't get a copy of the list of bills under that category. But anyway that was a bill that was originally introduced as part of the OHA package in 2008. It was passed by the Leg. and vetoed by Governor Lingle, but we didn't realize that our Representative was going to reintroduce a similar bill this year, and we apologize for not coming to see you folks before the bill was prepared and introduced. We did send it by your staff to have them work on changes before it was introduced by our Representative, Lisa Kitagawa. The purpose of the bill was to change the ownership of the land in Ha'ikū Valley so that we could move forward on establishment of a cultural preserve. It's a valley that is filled with several heiau that all connect with each other and we think it's an important cultural resource so we've been working on that for quite a long time. This is the Ko'olau Foundation and we've also been working with the federal government and the state because we feel the cultural areas should have been mitigated by the building of H-3 and has never been mitigated, and federal highways insist they don't

have to mitigate. Your staff member have been really helpful with us trying to convince the feds to do the right thing, but anyway, that's where we hope some of the funding will come for work on the culture preserve, but we did not want to create any humbug for OHA with the introduction of this bill. Apparently it was revised by the 1st Committee hearing to have OHA do a lease with Hawaiian Homes and Hawaiian Homes I guess is complaining that they don't want to let go of the land, but they have had the land since 1998 and they have done nothing to mālama this 'āina. So we've been working in there since 1998 with community volunteers and we've been trying to honor and respect our wahi kapu and that's all we want to do is mālama this 'āina.

So it's really sad that all this time has passed. We have been working to get a license or a lease from Hawaiian Homes, we applied over a year ago. They are supposedly working on that lease or license and have not responded yet as to when it's going to be put on their agenda. So that's where we are today and I just wanted to explain to you some of the history behind this bill and we understand that it can carry over into the next session next year. And if it doesn't get all of its three hearings in time, and it probably won't do that. So this, you really don't have to take action right now. We appreciate the concerns and we don't know exactly what your concerns are yet, but hopefully we can talk story sometime soon and address whatever needs to be done.

Aaron wanted to speak this morning also, but Aaron is at a doctor's appointment. He was going to try to log in from his phone because he usually said he has a long wait when he's at the doctor's, but he may be having problems finding the link.

Chair Akaka: Mahalo and I understand we received written testimony from you folks. So we can distribute that after this meeting, mahalo. Capsun, if you'd like to continue with Matrix two.

Interim Advocacy Director/Chief Advocate Poe: Mahalo, Chair. Matrix two is also for information because Administration is not requesting any action. However, if the Trustees would like to change any of the positions, then that would require action. I think we'll just jump right into it and talk about our Hakuone Bill. I think we've known for some time our House vehicle HB270 has has been dead for a while as it missed first lateral.

SB736 and I think this goes back to Trustee Souza's question. That is item 2 here on this list. So let me say a few things about it and to acknowledge, yes, the point that Trustee Souza brought up that there is a hearing notice for this bill that came out last night and we are encouraged to have our Hakuone Bills scheduled for decision making in the Joint WAM and Judiciary Committees, but I do want to note, Chair, for you and the Trustees that Administration is aware that there is some uncertainty on that hearing. So if we hear any changes, we will of course alert the Trustees. That said, I think we know we remain steadfast in our commitment contained in our initial ask and that is of course to maximize benefits to the trust for our beneficiaries and beyond that I think Administration will continue to discuss and push for this bill. Whether this bill is heard or not and whether it's passed or not, you know there are other avenues available to us and that similar to the budget bills I mentioned, you know we can incorporate into another vehicle that is still alive, anything with the title like Housing or Hawaiian Affairs could be used or even incorporation into the overall budget bill. I think it's safe to say there are a lot of unknowns here, but you know, we'll continue to have our advocacy and meet with decision makers to advance this as much as we can.

Chair Akaka recognizes Trustee Souza

Trustee Souza: Mahalo, Chair. Capsun, what does uncertainty mean? What does that mean? Is there a chance it might not get heard?

Interim Advocacy Director/Chief Advocate Poe: There is, we have heard that it may not be heard, even if it is heard sometimes a bill that they didn't really mean to schedule and sometimes oh well because it's scheduled. I'm not saying that's what is going to happen in this case but it's not uncommon to schedule a bill and they're like, oh, I really wasn't wanting to schedule that bill, and so sometimes you'll show up to a hearing and at the very beginning of the hearing, the Chair will say we're going to be deferring this bill so that you know,

and that's why I say, we will remain steadfast in our commitment and try to stick to our initial requests with as much fidelity as possible and you know, but that's the uncertainty that we have heard that the bill may either be removed from the agenda or deferred later.

Trustee Souza: Okay, so I just want to kind of on a side note. We're all hearing feedback and we all kind of know you know, potentially where certain votes are going, right, for our bills. Are there any plans to amend the bill in any way at this time before it ends up being dead, I guess? Or do we kind of wait to see if we're gonna incorporate it into something else, another bill that's still alive and we can kind of get it on another bill package, right? Because the point that I bring up is that for SB736, there's like three different parts if I'm not mistaken, right. One is asking for the monies from the state for the groundwork at Hakuone, and then there's the height limits, so there's different parts to the bill. Once the bill dies that's it, right. Now basically, between now and next week, is it we have an opportunity to amend certain parts of the bill. Is there any plans to amend anything based on the feedback we've been getting?

Interim Advocacy Director/Chief Advocate Poe: Yes, Trustee, let me maybe try and unpack in different phases your question there, let me start perhaps with the easiest and that is as long as it involves something that the money committees might work out, you pretty much have till the end of session to get some sort of movement on it because they have a lot of different vehicles that can be there. Sorry, when I say vehicles, I just mean bills that are available that have the correct title and they could insert and use that. But that I think, Trustee is a matter of mechanics. I think in a more general or global sense what I would advise you and the rest of the Trustees is that in all my years the thing is bills die left and right, legislation dies left and right. It's ideas that endure and I think that's what we're trying to do here. We're trying to advance the idea of our Hakuone requests.

Chair Akaka: Mahalo for eloquently sharing some enlightenment for Trustees on the how this legislative process. Do not give up hope, thank you.

Chair Akaka recognizes Trustee Trask

Trustee Trask: I'd like to hear this conversation conclude and then I'll ask my question because I actually had some, I wanted to hear of a better presentation. Keoni is saying we're all tracking the bill, we hear this and that. My staff is telling me the same thing. I would like to know what we are hearing, where is Fevella? Where is Shimabukuro? What are people hearing? You know it's not just our bill, but who in the Legislature is supporting it and who is not. So if you've heard something Keoni, if you've heard something staffers, I'd like to know who it is. That way I can pick up the phone and call them. Do we need to call Jarrett Keohokalole? Does he have a reservation? Tell me you know, but it's hard for me to respond to Legislators if I don't know what you all are hearing, thanks.

Board Chair Hulu Lindsey: I just want to say that in the first hearing before Senator Inouye and Senator Shimabukuro, all of the people listed on this matrix under that bill, except Aquino and Kidani all voted favorably for our bill in that first hearing, I was there.

Trustee Trask: And the reason for the two Aquino and Kidani?

Board Chair Hulu Lindsey: They were not part of those committees.

Trustee Trask: Okay, so what you're saying Chair, is that all of those who are part of the committees supported the measure?

Board Chair Hulu Lindsey: Yes

Trustee Trask: Got it.

Board Chair Hulu Lindsey: And Senator Kidani as you well know, introduced our bill so she is in favor.

Trustee Trask: Yes, that's why I didn't understand the comments being made by Trustee Souza and the staff. My reading on this was that we had full support. But what I'm hearing today is that we're hearing this and that, but nobody's telling me who you're hearing it from.

COO Brown: I think when when Capsun mentioned that there's an air of uncertainty around the bill from Administration's interactions. What we see is really based on the vehicle. So we do sense that the support is there as Chair Hulu has pointed out and you guys saw in the hearings that the support of this idea is there. But we think that the uncertainty is circling around the vehicle. So maybe SB736 may, if it gets a hearing or not it, it won't be because the idea isn't supported. It will be because that vehicle is not supported. That's Administrations observations. We also know that Trustees are there and hear things as well. But that's just coming from Administration.

Trustee Trask: What is the other vehicle?

COO Brown: Nothing's confirmed yet Trustee. We just hear that there's potentially other vehicles, you know, that are being looked at.

Trustee Trask: Okay, let me make this request of staff and Trustees. I would like to get a memo or something from you in writing. You know, I don't live on this island. I can't just go down so what I have to do at home is I'm tracking it from the Big Island. That's why I'm saying who's supporting and who is not so that I can get on the phone and call those that are not and talk to them. But if there is another vehicle, when I talk with people I need to know what it is. To tell them if we lose this bill, can I count on you Jarrett Keohokalole to support the other bill. But I don't have enough to do that now. You know, I'm just saying for some of us that don't live on this island we can't just talk to people and go down. So I need a little bit more to carry the ball from my island when I'm not here, thank you.

COO Brown: Understood Trustee, makes sense.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Madam Chairman. Capsun, I think what my colleagues are asking, or at least wondering is if our vehicle is not getting support for whatever reason. Okay, are there plans to either amend that vehicle to get something out of it or are there plans to use another vehicle? Are we working on either of those things to at least get something out of this session and if so what is our plan? Or do we not have it and we're working on it or where are we with those kind of things? As you're reporting the current vehicle itself is not being supportive. So how are we pivoting to get something out of the session? I'm asking a question. Would amending the vehicle be a way to do something or would using another vehicle be something we're looking at? Or if we're not right now we can't answer that because we're just working on it, then that's an answer too, but I'm just wondering how would you answer that question?

Chair Akaka recognizes Ka Pouhana

Ka Pouhana Hussey: Could I try to address Trustee Waihe'e's and then of course, Trustee Trask and Sousa. So Trustees, I would say that Administration's approach is to work with what we have. We have right now our budget bills and we track that, what we have for the OHA-2 residential, the most active is the SB736. So as Capsun has indicated we will continue to track that bill. That measure, those ideas, those concepts until we become aware of other vehicles. At this point we are not aware on paper in a committee report or, you know, a version SD, HB1, we are not aware of another vehicle in which concepts are being moved, considered or contemplated. So for now SB736 is the vehicle. We are also watching if tendrils of things come up in other bills. There are other bills that have short form titles that we may track and see oh, there's something going in, this

tendrils is coming in this way, so I will say Trustees, the approach that we are taking is what we know, what's on record, what is there and then as it manifests itself, so even if people are talking to us or reaching out and saying, hey, can we talk to you, until we see it in the actual measure, we're going to continue to track SB736 plus all the tendrils, and then when it becomes, you know, manifest, you know physically. Then we can be able to say that. So that's the approach that we Administration are taking and if there are other suggestions, Trustees certainly for you know other strategies please let us know because right now that's the approach we're taking.

Chair Akaka recognizes Trustee Waihe'e

Trustee Waihe'e: Thank you, Sylvia. I'm not solely just focused on the residential part of it. Like for example, I don't know how HCDA gets the money to fund the things they want to fund, but in the past I know they've been trying to, even before we were trying to do this, they were trying to get funding to fix the bulkhead on the lot. Now, if that's a thing that they're wanting to do also, are we trying to support that so we can get it fixed through that kind of means or are there other things like that we can support our use so we at least get something out of the session. If we don't get our residential or our height restrictions removed.

Chair Akaka recognizes Ka Pouhana

Ka Pouhana Hussey: Trustee Waihe'e, that's a continuing great point and what I would call tracking all the tendrils of things because one of the concerns is as they go in and ask for bulkhead repair or any major maintenance and repair people are gonna conflate the two asks as the same and they're not. And so when we look at legislation that says that we will say, okay, let's be really clear. They're asking for X amount for this portion of the work. We are highlighting that portion of the work and we are monetizing that portion of the work in our effort, but it's separate. It's the same site, but it's separate and that's part of the tendrils of work that Administration does to clarify not only for our beneficiaries and ourselves, but certainly for the legislators because, you know well that legislators will conflate concepts and dollars. And part of our advocacy is be really clear what the ask is.

So let's be really clear, HCDA is asking for this over here and OHA's bills are calling out that over here, they're in the similar area. They have to do with major repair, but they are different. Different sources and different asks of that. So thank you, Trustee Waihe'e for pointing that out because that is part of the advocacy that Administration is working really hard to do, the conflating that occurs.

Chair Akaka recognizes COO Brown

COO Brown: Chair Waihe'e, just want to let you know that Administration is also very aware of the idea that we should come away with something, so we understand that idea. We understand the idea that, you know, we could end up with nothing and so how do we look at the situation, where we can, you know, come away with something that's sensible to us. But even though Administration is very aware of that, that definitely will be a Trustee thing. So you folks as a Trustee body need to give us that direction as well. So you know as a Trustee group, if we're gonna change anything in any bill that's in our package, the Administration is here and ready to do that. If you guys want to be flexible, we'll be flexible. We'll take your guys direction, but I just wanted you to know, Trustee Waihe 'e, that Administration is aware of that concept.

Chair Akaka recognizes Trustee Souza

Trustee Souza: I was trying to say well put Trustee Waihe'e. That's why I had brought up the whole thing about amending our current bill right now because yes, just like other Trustees and other admin, we are having conversations down at the Capitol because we are being encouraged to do so, especially by our consultants Kuilei Consulting. They're telling us to call our friends, encourage them. They're putting it out in the public, call your Legislators. So there are conversations happening, so to say that we don't know what's going on, I think

we all have a pretty good read on what's going on to address Trustee Trask's comment. But so all I want to say is we have an opportunity now and maybe like Casey was saying, we do have an opportunity now based on the feedback we are getting to potentially amend this bill and you know, with the residential restrictions and everything like that, I mean we could take it in pieces and we don't have to go after everything in one time. And I'm just saying we're putting all our eggs in one basket right now and I think it's going to take a while even once we get, say we do get the clearance to develop. It's gonna be years before we can, permitting to even knock down certain buildings, to start this process.

So I think we need to maybe have a conversation as Trustees and try and talk about what we can do to possibly amend the bill and that's how I feel right now because, like Trustee Wahihe'e was saying, what can we get out of this session and that's why we're participating and that's why we go to them every year. Besides the budget bill, when it comes up, you know we're asking for certain stuff for beneficiaries and to get the job done and to get everything all at one time. From what I've been hearing, and I know most of you been hearing the same thing, it may not happen, and because we're asking for everything one time, we may not get our bills heard. And I'm just being straight up and I think it's coming to that point. We're getting closer and closer to certain deadlines and I think for us we need to make smarter decisions at this point. So if we need to call a special meeting or something to have this conversation I'll encourage that, thank you.

Chair Akaka: We wouldn't need to call a special meeting, but we could go into executive session if need be to discuss certain matters.

Trustee Souza: Thank you.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair. I think that all of these comments have been extremely helpful and and they show a certain frustration and a process that we're all committed to and we're certainly on the same side. It's like a playing field in football. There are several things going on. First, there are multiple players, so we have Administration doing lobbying, we have Trustees doing lobbying and we also have hired lobbyists as well. And we also have multiple strategies to choose in order to get the right vehicles to get our basic needs and asks out there and to get them accomplished. But we also have a ticking clock and we meet only once a week or once every two weeks in order to deal with this, so I think we need to clarify who the point person is that we go to and who informs us in real time so that we can stay alert to the information and so that we're all on the same page and that would be very helpful for us to know with whom we talk in Administration or who's really carrying the ball here with whom we talk and who informs us. That would be very helpful.

Board Chair Hulu Lindsey: Chair Akaka, may I suggest that we go into Executive Session to just talk about this subject matter for a short while and then come out and continue. I so move.

Chair Akaka: Is there second?

Trustee Waihe'e: Second

Chair Akaka: It's been moved and seconded. Any other comments members? Nathan, can I please have a **roll call** to go into Executive Session.

Trustee		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI’I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

10:39 a.m.

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

The BAE Committee recuses into Executive Session at 10:40 a.m.

The BAE Committee resumes open session at 11:10 a.m.

Chair Akaka yields the floor to Ka Pouhana Hussey and Capsun Poe

Interim Advocacy Director/Chief Advocate Poe: I know we had some talk about SB736. I do want you to know in Matrix three we'll also be covering a related but different bill. As far as Matrix two goes, the only other thing I wanted to highlight for is that there were three bills that would have altered the elections for Trustees. As of today, all three bills look like they're dead. And by the way it begins on the next page with item 5. And so that was SB32, which was a Constitutional amendment, SB52, which would have just changed the statute and HB66, which is actually item 25 on this list. We were opposed on this and we did do some additional advocacy, pointing out that if there was a perceived issue or problem that the potential solution was actually perhaps more complicated than the problem it sought to solve, and at least for now it seems that the proponents have have taken that. So these bills are dead for now. But we will monitor to see if these issues come up again and maybe to my earlier comment about bills die or legislation dies left and right, but these three bills will be in the exact same place they were when we come back next year for next session so we'll have to continue to monitor there. Otherwise those are the only things I needed to highlight on Matrix two and we are available. Administration is available to answer any questions or address any concerns.

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

NO TESTIFIERS ON THIS ITEM

Chair Akaka yields the floor to Ka Pouhana Hussey and Capsun Poe

Matrix 3 - 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	SB1469	RELATING TO THE FIRST RESPONDERS TECHNOLOGY CAMPUS AND CYBERSECURITY DATA CENTER.	Appropriates funds for the development of the First Responders Technology Campus and Cybersecurity Data Center.	2/23/2023 S The committee(s) on WAM has scheduled a public hearing on 02-27-23 10:35AM; Conference Room 211 & Videoconference.	KOUCHI	WAM	HIGH MONITOR
2	SB1543	RELATING TO PUBLIC FINANCING FOR CANDIDATES TO ELECTED OFFICE.	Establishes a comprehensive system of public financing for all candidates seeking election to state and county public offices in the State of Hawaii, to begin with the 2024 general election year. Requires the Campaign Spending Commission to submit a progress and final report to the Legislature. Appropriates funds. Takes effect 03/22/2075. (SD1)	2/22/2023 S The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 13 Aye(s): Senator(s) Dela Cruz, Keith-Agaran, Aquino, DeCotte, Inouye, Kanuha, Kidani, Kim, Lee, Moriwaki, Shimabukuro, Wakai, Faveila; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	RHOADS, CHANG, FUKUNAGA, KEITH-AGARAN, LEE, MCKELVEY, Ihara, Kidani, San Buenaventura, Shimabukuro	JDC, WAM	HIGH MONITOR
3	SB1264	RELATING TO COMMERCIAL FISHING.	Authorizes the Department of Land and Natural Resources to establish limited entry commercial fisheries where appropriate or necessary to ensure certain commercial fisheries throughout the State remain healthy and sustainable while balancing the important economic role of commercial fisheries in the State. Effective 7/1/2050. (SD1)	2/24/2023 S The committee(s) on CPN/WAM will hold a public decision making on 03-01-23 9:30AM; Conference Room 211 & Videoconference.	INOUYE, AQUINO, CHANG, MCKELVEY, Dela Cruz, Shimabukuro, Wakai	WTL, CPN/WAM	HIGH MONITOR

Interim Advocacy Director/Chief Advocate Poe: Mahalo, Chair and Trustees, Matrix three is a mix of new bills in blue as well as some position changes in orange. These have come about because the contents of the bill have changed, and so now that they've updated some of the guts or some of the language in the bill, we are asking for us to adopt a high monitor position. It's bordering on perhaps we might need to comment in the future, but we just want to make sure we're getting ahead of things to be able to potentially switch to some sort of testimony at some point. So those are the three we're asking for up here on items 1, 2 and 3.

But I also want to bring up, like I said, SB1235 that's item 86 on this list, and so that is a bill that yesterday the Senate Ways and Means Committee amended SB1235 and inserted some things that are very much in our favor. So although at the time this was generated, we were at comment, the Administration would recommend and request that we are support on this. However, I do wanna note that the support is based on what Chair Dela Cruz verbally noted in the hearing yesterday, and that was \$65 million for the bulkhead, by the way, that is language he took directly from SB736. It would also include \$6 million for an EIS and then \$13 million for Kūkaniloko and again we are in support of those, but provided that those are the details that appear in the SD2, the Senate draft two of that bill. That would be the basis of our support so if those did not appear, we would probably just go with comment. But I did want to add then. So in addition to the three that we were asking for and have already highlighted items 1, 2 and 3. We would recommend and request that the Trustees and BAE go from on SB1235 and move from comment to support. And then also as previously mentioned, once we do that now that it does concern OHA, it would be included in Matrix two because it now is naming OHA and appropriating funds.

Chair Akaka recognizes Trustee Trask

Trustee Trask: Thank you. You know, Trustees, I'm really very much thankful for the Admin work on this, I totally agree. I think we need to move this into the second matrix to support. When I took a look at this measure, initially I was looking at it primarily because of the inventory matter. But I'm very, very supportive of the funding that Senator Dela Cruz is putting in for Kūkaniloko, and when you look at this bill you can see that it's part of it is allocating funding to us. I think we're entitled to it when that Kaka'ako deal move. It was supposed to be valued at 400 million then down to 200. Now we know it's less than 50 million. But I think the Legislature knows, and I was thankful in talking with Senator Dela Cruz, that he realizes, that they all recognize that it was a bum deal back then and those Trustees didn't bother to really look at it. When I saw the Kūkaniloko addition, I was wondering what it was doing here, but I took a look at it. Kūkaniloko is in Senator Dela Cruz's district and it was saved because it's a very important historic area, it's birthing stones. In fact, it's one of the best remaining birthing stone areas that we have and it's in the first stage of protection but not much was ever done for it. To preserve it or to open it up for Hawaiian educational uses, tourism or whatever. So

when I saw that, I then understood it, but I think that we should support 13 million. I think we need to fix up and save Kūkaniloko and I don't really see a problem with us using it for cultural purposes and also having tourism there. Those two things are are not diametrically opposed in my mind. But that's why I support this and I'm happy to see the recommendation because it really now belongs in Matrix two.

Interim Advocacy Director/Chief Advocate Poe: Chair, I think we definitely are appreciative of Trustee Trask’s support and comments there and so that would be the recommendation we have. I did want to just sort of add a process note about SB1235. Again, we are trying to separate the discussions between SB736 and SB1235, but SB1235 has, as you can see, has a title of relating to the Office of Hawaiian Affairs. So this does give us enough flexibility, right. We need to send something over. We need to try and get the Senate to send something over to the House and this does allow us to continue our advocacy related to Hakuone as well as some of the related asks there and so that's why we recommend support and we'll continue to see. Going back to a couple of Trustees previous points right, trying to see what else we may be able to be successful at getting from the Legislature this year, mahalo.

Chair Akaka: Mahalo, members any other questions or comments regarding Matrix three? Seeing none, we have a motion up.

Board Chair Hulu Lindsey: Madam Chair, I move to approve Administration’s recommendations on: **NEW BILLS (Items 1 - 3) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians– dated March 1, 2023, along with the following revisions:**

BILL POSITION CHANGES:
Item 86, SB1235 from COMMENT to SUPPORT

Trustee Waihe’e: Second

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

							11:20 a.m.
Trustee		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

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

IV. ANNOUNCEMENTS

NONE

V. ADJOURNMENT

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

Board Chair Hulu Lindsey: Madam Chair, I so move.

Trustee Waihe'e: Second

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

Trustee		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	0	3

11:21 a.m.

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

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

Chair Akaka adjourns the BAE meeting at **11:22 p.m.**

Respectfully submitted,

Mark Watanabe Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

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

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment