

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 22, 2022 9:00 a.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Trustee Luana Alapa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee C. Hulu Lindsey
Trustee Mililani Trask
Trustee John Waihe'e, IV

EXCUSED:

Trustee Brendon Kalei'aina Lee
Trustee Leina'ala Ahu Isa

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
Santos, Dan, IT

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, March 8, 2022 to order at **9:05 a.m.**

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

MEMBERS			AT CALL TO ORDER (9:05 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	EXCUSED	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	EXCUSED	
TRUSTEE	BRENDON KALEI'AINA	LEE	EXCUSED	
TRUSTEE	CARMEN HULU	LINDSEY	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. PUBLIC TESTIMONY on Items Listed on the Agenda*

NONE

V. EXECUTIVE SESSION (AGENDA ITEM TAKEN OUT OF ORDER)

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to the Public Land Trust and associated legislation, pursuant to HRS§92-5(a)(4).

Chair Akaka: We will be moving the Executive Session up to the top of this agenda. Can I please get a motion to recuse ourselves into Executive Session pursuant to HRS§92-5(a)(4).

Board Chair Hulu Lindsey: So moved.

Trustee Waihe’e: Second.

Chair Akaka: It’s been moved and seconded. Any discussion members? Seeing none, can we please have roll call, Brandon.

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA’ALA	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI’ĀINA	LEE						EXCUSED
CARMEN HULU	LINDSEY	1		X			
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

The BAE Committee recuses into executive session at 9:11 a.m.

The BAE Committee resumes open session at 11:04 a.m.

III. UNFINISHED 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: Chief Advocate

Chief Advocate Kamali'i: Thank you very much for that discussion with regard to the Public Land Trust Bill, which is now moving through the Senate, through the House SB2021. For Mililani, I'll just review for you how we proceed through this part of the agenda. There are matrices which are mentioned in unfinished business in the agenda, Matrix one through four. Each of the matrixes address particular area, although all of the bills are reflected in what we call Matrix 4. So Matrix 1 being the OHA Legislative bill package, #2 being the OHA named bills, #3 being those positions and related measures affecting Native Hawaiians. At this point in the legislative session, there were many bills that had died. There were some bills that changed position and there are many that are ongoing that Advocates are actively testifying on and will be testifying on today as well as throughout the week 'cause there's so many. So the way we typically start is to review the calendar, which is before you. The calendar showing that today is March 22nd. The week prior we had on the 17th, triple referral filing bills. That was a filing deadline. We have coming up the second lateral filing and 2nd lateral. This is a critical week. Many bills need to be heard this week or they will not survive. So there are many hearings being held, so that's in review of the calendar.

Going forward, I'd like to propose when we get to Matrix 3. Just think of it, Trustee Akaka, Chair. If we could move very quickly to the new bills, just think about it rather than review the positions which we have gone through and the Trustees can look up the current status of the bills that are on the third matrix, but just consider that when I get there, I'll ask the question again.

Okay, so let's move to Matrix number one, which is the OHA package bills. In matrix number Trustee Ahu Isa had worked to revive what is SB2021, that has to deal with the environmental review. That is the only one you know, it's got a triple referral, but I'll just say we've experienced re referral as a way of keeping these kind of bills alive. So at this point it has not survived the triple referral deadline and as we note, it's companion in the House 1473 has died. We look at our bills as introduced initially and we've discussed that already this morning HB1474 and SB2122. Both of those measures were deferred in the House and the Senate, so they have died. So essentially our OHA package bills did not survive.

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

We can move on to Matrix 2. These are the OHA Bills where OHA is named and we had just talked about Mauna Kea, so that is being heard. It was referred to WAM on the 11th, but that is being heard this afternoon.

Also note for Mililani, there is a delay, so you will see the in the matrix that you receive. These are updated or the status is updated as of the date that we submitted to Trustee Akaka's staff for transmittal in compliance with the Sunshine law, so that's why the dates or what you see are gonna be old and so we try to update it. But basically we know Mauna Kea is being heard this afternoon at 3:00 o'clock and we had some discussion on Mauna Kea.

With regard to HB2311. Now I have to go to another source to get that update. Just give me a second.

Ka Pouhana Hussey: Chair Akaka, may I ask while Chief Advocate is finding her reference point that I just wanted to let the Trustees know that on HB2024, the HD1 version, the comments that OHA has submitted is summarized in a number of points. One is the authority continues to be still placed with DLNR and we have concerns the composition of the working authority has included now the University President as well as recommendations for the observatories, and we are concerned with placements of those physicians in the authority. We also comment on the language in Section 8 of the Public Land Trusts, as well lands transfer of the lands out as well as we have comments on the nomination process of the seating of the authority seats, as well as consultation with the Native Hawaiian organizations. Trustees were provided with the testimony that we have, but we wanted to bring on record those points of comment that we have in our testimony that's filed.

Chair Akaka: Mahalo

Chief Advocate Kamali'i: I just say we continue to show 2311, it really should be removed. It it's dead, but the it's companion, SB27770 that is still alive and having testimony this afternoon as well at 2:00 o'clock. So further in the calendar for this afternoon's hearing will be the companion of 2311 relating to Native Hawaiian rehabilitation programs, so we've really supported that. The House version died. I am not sure why it says name, but the Senate version is still very much moving forward.

So I'll skip over the dead bills, but relating to federal lands that's dead. Relating to historic preservation. That is 2414. Those historic preservation bills is a group of them that have continued to move forward. It was referred to JHA on Monday and it did pass out of committee with amendments. If we want to just keep moving 'cause we spent a lot of time this morning. Otherwise, if Kamakana is still on he can report out on what happened to 1411. Ka Pouhana?

Ka Pouhana Hussey: Maybe we can continue on and I'll go secure Kamakana.

Chief Advocate Kamali'i: Alright, we've also covered fairly extensively SB2021. That's for hearing this afternoon, which is the ceded land trust bill. I mentioned 2770, that's moving along. 2853, that one is dead, next one is dead and finally relating to the Board of Education HB1986, this is the 'Aha Kauleo Bill. I'll just say we've met with them. We've had a presentation with the 'Aha. OHA is prepared to present testimony in accordance with what their wishes are as we work together with regard to providing the name of, or at least requiring that at least one at large member of the Board of Education via Hawaiian immersion expert. It hasn't been given a hearing, so that's the work, so we'll see what happens. However, we understand that in the Senate that will be an uphill battle, but we are still, you know, continuing to work to try to get a hearing on that matter. So those are the OHA named bills so far.

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

Aright moving on to what is Matrix 3. So again, Mililani, the first part of the matrix on the far right there is the word approved. What that means is that the position is approved and at the end of this matrix are those bills which are considered new or don't have approval to be able to go in and submit testimony. I'll ask Ka Pouhana again, or Trustees, in the interest of time do you wish to for us just to get to the new bills? I'll say also that in

terms of the status, Trustee, we've tried to make it very easy for you to simply click on the hyperlink and you can easily find out what the current status is. So I guess I'm asking in the interest of time because there's several of us who need to testify today. If it's okay to just move forward to the new position.

Ka Pouhana Hussey: And then, Na'u, I believe Kamakana is on for updates on that one bill.

Chief Advocate Kamali'i: Okay, Kamakana do you want to just report since you're here?

Lead Compliance Specialist Ferreira: What bill are we discussing at the moment?

Chief Advocate Kamali'i: I believe it was 1411.

Lead Compliance Specialist Ferreira: So yesterday, it looks like actually it passed yesterday. We offered testimony in support. They suggested some non substantive changes. They want to better integrate the concept of pre contact historic property throughout the statute, but it doesn't change any of the other stuff that we're supporting, so actually kind of pleased to see that it made it through.

Chief Advocate Kamali'i: Okay, thank you very much. So as we move forward just to the new positions that will be items #45 we've discussed which is SB2021, and the complexity there. Item number 46, HB1635. At this point the team did take a look at those bills that survived the crossover and also community calling advocates to support measures that survived, but in the past, you know, maybe we've been monitoring and so this is why these these positions rise. Again, the actual status I'll report on but I'm going to go very quickly again through what these bills represent and the request for the position. Mililani the request for position is just that, a position. Then with the position. So for example of support, then the Advocates go back and craft the testimony in support. We don't necessarily share that with the Board because there's just work that goes along with that, and it's ongoing.

So relating to healthcare HB1635 that establishes a rural health task force within the Department of Health to prepare and develop solutions to make recommendations on registered nurse recruitment, retention, rural areas, Maui, Moloka'i, Lāna'i requires several health expert to submit a report and findings. The team wanted to support this because it always a good thing when we have more data to support more nurses and doctors in our neighbor islands and rural areas and that will help to get funding when there is a task force report. That matter was heard yesterday and moved along. The Committee on Health recommended passing with amendments. So the position for support, new position on that bill is support.

HB1754 relating to adult dental Medicaid benefits. Again, our Advocates that have been looking at these smaller bills which provide benefits and services to our people. This one would appropriate funds to restore diagnostic, preventive and restorative dental benefits to adopt Medicaid enrollees. There's always been a problem in health, how to provide funding on dental health. As you know, serious dental health is a medical condition and that's when it gets covered. But you know, restorative diagnostic and preventive typically isn't covered so that matter Committee recommend the measure passed and that was on 3/17, so we're just following the current status. However, for dental health, requesting a position of support.

HB1777 relating to commercial exploitation of children that requires the Department of Attorney General to provide annual reports to the Legislature on available data pertaining to commercial sexual exploitation of children. This has been just a very unfortunate large issue and our local kids are being kidnapped so we had watched this bill. We're now that it's crossed over, requesting a position of support. It did pass out of JDC. It passed with some amendments, however it is moving along, so we're asking for a position of support. Relating to homelessness. HB1797 that establishes DHS three year medical response pilot program. So these pilot programs you know we just see them as a good thing with the data that comes out of it, we're able to look at gain more information about how best to serve the homeless. The report on the Senate side was adopted.

It passed second reading, so it's sitting there, referred to a double committee, so it's still alive. We asked for a position of support.

Relating to student transportation. This has been an issue in our communities, HB1942 requiring the Department of Education to establish a tiered student bus fare system to include free bus passes for students and households that qualify for free and reduced lunch under the free and reduced lunch program. It's appropriating funding. I know there is some caution about, you know, supporting bills that appropriate funding. This one we're looking for a position of support. Our people have a hard time getting kids to school paying for buses, paying for transportation. That's a barrier to education and we know how important it is also to have free lunch programs. But this at least gives a way to evaluate whether or not a student would qualify for a particular tier of bus fare, we thought that would be a good thing to assist our 'ohana and bussing our children to school. So 3/14, Senate Committee on EDU deferred the measure until 3/23, so we're going to see what happens with that. This is 22nd. 23rd is tomorrow. We're asking for a position of support.

Relating to cesspools, HB2195. This you know it does matter in those communities were successful, you know compliance and pilot programs help us to understand the situation. This one establishes a fiscal compliant pilot grant project to assist low and moderate income property owners including lessees of Hawaiian Homelands with the cost of upgrading, converting or connecting cesspools. This has risen in the community. We've heard, gotten calls about this to support this bill. So position of support is requested. Again, this one has been scheduled for public hearing on the 23rd, so we have time to submit testimony, this being the 22nd. I believe somebody has already written testimony with your approval. We're trying to just get that submitted. So position of support requested.

HB2293 relating to health. It establishes the Prevent Suicide Hawai'i Task Force to develop recommendations to the Legislature to reduce suicide by 25%. Again, it's another one of those task force type of bills and we support that getting data information. Committee on Health scheduled that matter for this afternoon at 3:20 p.m. Position of support.

Relating to the women's court. There were a number of bills that came out this year regarding women's prison, women's programs and this a women's court. All of that in recognition that the treatment of women who are incarcerated and dealing with women in the Judicial system have different consideration. So this one establishes a three year women court pilot program within the Judiciary. We support that, but also noting that this is an appropriation type of bill which would assist the Judiciary. Every time you have a specialty court that is established it takes more positions that are tied to that specialty court, such as kids court, girls court, below 3 court, but they were all very effective in treating that particular population. So this committee, JDC amended the measure. It passed and so it's still alive, has a single committee of WAM to go through. We request the position of support.

HB1294 relating to Medicaid benefits. That's another appropriate funds to reinstate a basic package of diagnostic, preventive, and restorative dental health. Again, we keep running up to sort of appropriation type bills, so there's discussion regarding that, but we see that these are good to support. It's not asking OHA to provide any appropriations, rather its appropriations for the particular purpose in this case, basic package of diagnostic, preventive and restorative dental health. So that one is Committee on HHS recommended measure be passed and so it's moving on to Finance, we request the position of support.

Relating to genetic information and privacy, SB2032. Establishes the Genetic Information and Privacy Act. You know, there was a time and we know indigenous peoples where we were tested, our genetic information was sold. I recall working for years with Trustee Trask on this type of genetic information issues. In this case, it's to establish the privacy. Requires direct to consumer genetic testing companies to adhere to certain requirements pertaining to the collection, use, and disclosure of genetic data. There's been abuse in this area just for years. So we support that bill, scheduled to be heard this afternoon at 2. Again, many bills are heard this afternoon because of the deadline that I had referred to earlier in the calendar.

Relating to correctional facilities, SB2269. Authorizing the Governor to negotiate with any person for development expansion of private in state Correctional Facilities. Prohibits the establishment of private correctional facilities within the state. These bills all come under a sort of an effort to address a correctional system, although it does allow the Governor to enter into a contract or private entity construct, correctional facilities, or public or private lands for the benefit state. So it does repeal authorization of the Governor to enter into a contract with the private entity for the lease or purchase of correctional facilities. It's still moving. It looks like it could be deferred. It had a triple referral, but at this point it's probably not gonna survive unless the referral changes. So, however, Advocates were putting forth a position of support.

SB2280 relating to general assistance, a lot of dental bills. Allows dental assistants to perform limited duties under the general supervision of a licensed dentist, this is sort of in the area of where we had nurse practitioners who were allowed to have certain extending to them certain duties, so long as they're under the supervision of a doctor. Now this is the same trend within the dental office. We have a position of support, Committee on CPC recommended that measure be passed and so it's moving along. CPC, next committee as Finance, so that's still potential to move along.

Relating to offender reentry, SB2373, establishing a position, appropriates funds for a program named Project Reset which will help offenders secure post release housing. Again, this effects many of our people. They get released. It's difficult to find housing, so anytime there's a connection to these types of program, it's really helpful when government funding supports the housing so that they're not rendered homeless and then recommit. So we looked at a position of support. Bill was scheduled to be heard this morning, but this is by HHH, so depending on what happens it could move along to Finance. We have a position of support.

Relating to wellness, SB2482. That temporary establishes an Office of Wellness and Resilience within the Office of the Governor. Yeah, these are all the health type bills. Authorizing the Office of Wellness and Resilience to address issues and implement solutions to improve wellness and resilience, we're advocating a position of support. That particular bill moved past CPC unamended, and is moving to Finance.

SB2612 relating to environmental sustainability. Again, this is another pilot project. Establishes a reusable utensil pilot project in the Department of Educational Schools on Moloka'i and it requires the DOE to submit an interim report. We have a position of support for the pilot project. The bill was scheduled to be heard this afternoon at 2.

SB2677 relating to homelessness, reestablishing long term rental assistance pilot program to be administered by HPHA for individuals 62 years of age or older. Again another pilot program to look at how to address homelessness of those who are are aged, position of support. That bill as well is scheduled to be heard this morning. So I don't know what the outcome of that is, but we'll take a look at it. It will move to Finance and so the opportunity to support that if it moves along.

Relating to Family Resource Center SB111. Establishing a Family Resource Center pilot program. Another pilot program within DHS. Establishing a, you know, paying for a person for the pilot program and a resource coordinator. I don't anticipate OHA will be requested to pay for any of these services. But again, this pilot program to solve a problem, Advocates are advocating for a position of support. So again, that bill was heard this morning at 9:30 a.m., however, if it were approved, it would pass along to Finance.

Relating to homelessness. SB3168 extends a sunset date for 'Ohana Zones pilot program. The pilot programs offer study ideas whether or not these programs can sustain themselves and actually assist in adjusting homelessness so we support as well. That matter passed out of the joint committee and is headed to Finance. SB3190 relating to fish hatchery education, establishing a native fish hatchery pilot program at Wai'anae High School. These are great or awesome. Continuing to perpetuate Native Hawaiian practice with fish and hatchery programs and if these things are successful, they tend to adopt and spread to other other schools and

other communities. We took a position of support. It as well was to be heard this afternoon at 2:00 and if it passes it will be moving on to Finance.

And finally, SB341 relating to kalo, establishes an exclusion from the state income tax for an unspecified portion of personal income. We had talked about this bill before. This version is the Senate bill. For this particular bill, there were a number of bills that were floating around that were changed to not to support income tax support, but GE tax. So one of our Advocates is watching these tax bills, but they are all in favor of the kalo grower and so we have a position of support. It's recommended to one committee and then onto Finance, so I have to check if this one actually died, but we'll see. Yes, it died. Measure recommended that be deferred. So this measure did die. What we did see with these kalo income tax bills is that the Legislature did not want to touch it. Instead, they were willing to provide some GE tax relief for the growers. So that would be that for Matrix 3, requests would be to approve the new positions. Just to note that Matrix 4 continues to reflect all the positions that we're watching, including support, oppose and monitor. So that is the larger group, if you wish to change a position on the Matrix 4 that would need to be made by a Trustee, Trustee Trask highlighting a bill that's on Matrix 4 that does not have a position. So that's the fast go through everyone.

Chair Akaka: Mahalo, Na'u, any discussion members? Seeing none. Do we want to put up a motion.

Trustee Waihe'e: Madam Chair, I'd like to **move to approve Administration's recommendations on new bills, items 46-65 as listed on Matrix 3, measures affecting Native Hawaiians dated March 22nd, 2022, along with the following revisions: Bill position changes SB2021 from support to support with amendments.**

Board Chair Hulu Lindsey: Second

Chair Akaka: It's been moved and seconded. Any discussion members? Seeing none, Brandon can we please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE						EXCUSED
CARMEN HULU	LINDSEY		2	X			
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

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

D. 2022 OHA Legislature Bill Positions and Monitored Bills Related to Measures Affecting Native Hawaiians – Matrix 4 **

Chief Advocate Kamali'i: Okay, moving on very quickly. That was Matrix 3, Matrix 4 as I indicated I'm not going to go through the matrix. It does show all the various positions. If a Trustee has a change position this would be the time to raise that otherwise it's you know it's the larger pool of bills that we continue to monitor. As you can see we were monitoring a lot of these bills last time and they have resulted in change positions that you just approved. So Trustee Trask, that's how we look at this Matrix 4. Some Trustees have highlighted bills that we had not highlighted and we did adopt those change positions. So are there any change positions from the Trustees on Matrix 4? Okay, I don't hear any change positions. Thank you, Trustee Akaka, that would I guess conclude Chief Advocate's report for the matrix.

V. ANNOUNCEMENTS

Chair Akaka: Are there any announcements members? I know we have a RM meeting coming up today.

VI. ADJOURNMENT

Chair Akaka: I will entertain a motion to adjourn.

Board Chair Hulu Lindsey: So moved

Trustee Waihe'e: Second

Chair Akaka: It's been moved and seconded. Any discussion members? Seeing none, Brandon can we please have **roll call vote**.

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

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

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

Chair Akaka adjourns the BAE meeting at **11:40 a.m.**

Respectfully submitted,

A handwritten signature in black ink that reads "Brandon R. Mitsuda". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Brandon Mitsuda
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

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

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

Kaleihikina Akaka
Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment