

**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 8, 2023 10:00 a.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
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  
Nakama, Erin / I

EXCUSED:

Trustee C. Hulu Lindsey  
Trustee Keoni Souza

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 8, 2023 to order at **10:02 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:05 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	PRESENT	
Trustee	KELI'I	AKINA	PRESENT	
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	
Trustee	KEONI	SOUZA	EXCUSED	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

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

II. Unfinished Business

**A. 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**

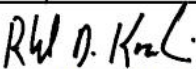
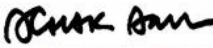
Chair Akaka yields the floor to COO Brown

**COO Brown:** Mahalo, Madam Chair. Trustees we're focused in this meeting on our matrices and our matrices only, and so I'm gonna kick this over to Capsun who will take you through the new positions that we're asking approvals for.

**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	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20 PRESIDENTS' DAY	21	22	23 Mandatory 5-Day Recess Begins	24	25
	26	27	28	29	30		

	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, Casey and thank you for sharing the attachments as always, Aloha kakahiaka Chair and Trustees. Always good to be here with you this morning as today is March 8th. It's the 4th recess as you can see on the calendar there. But that does mean tomorrow will be day 27 of sessions. We're almost at the halfway point. We do have the calendar here for you just to sort of briefly orient yourself. As I mentioned last week, this week is a big week for the legislature because it's crossover, so all the bills that the Senate wants to send over to the House, they need to pass tomorrow and all the bills the House wants to send over to the Senate, they need to pass.

We do have several position changes, but mostly we're expecting to update matrices, not so much adding new items. I did also want to note as far as this week goes for Friday it's the substantive reso. cut off, and that's important to note because often when a bill does not advance at the legislature, the introducer or the supporters will pursue a resolution. Now that doesn't have the effect of law, but resolutions can get some

action. Number one, it can urge an agency to do something. It can request a report from an agency and really when the legislature requests reports via a concurrent resolution that passes both Chambers, most agencies treat that as a requirement, and then the last thing they can do is convene a working group via a resolution.

Next week is crossover for budget bills and you know, as Casey mentioned, you know, Ka Pouhana is there now at the House Finance Committee testifying on our budget bill. Before I get into the matrices Trustees, I did want to just mention because, you know, some may have asked or may have wondered but some of the Governor's Messages or GM's, which are the nominations that are subject to the Senate's advise and consent process, meaning Senate confirmation are being scheduled. There are many that are not being scheduled yet, but of those being scheduled today, this afternoon, there are actually two, one is the Director of the Office of Planning and Sustainable Development, which we expect will probably have more interaction with OHA going forward now that they have sort of new expanded kuleana. So that's Scott Glenn and on that same agenda for DLNR the Deputy has been scheduled, but not the Chair of the DLNR. So the deputy is Laura Ka'akua, and both she and Scott Glenn will be on this afternoon's Senate Water Land hearing. We haven't heard word on when Dawn Chang may be scheduled for DLNR.

The other GM that you may be interested in is for Hawaiian Homes and Kali Watson is scheduled for next week on the 16th, so that'll be next week Thursday, and that will be in the Senate Hawaiian Affairs Committee. So far only one director received the recommendation of the their committee. But that's actually because most haven't been scheduled, so I'll just leave it there and then now jump into the matrices for you.

Matrix one is provided for information only today, this is of course the OHA package and so no action is required and requested, but as Casey shared we do have good news. As we speak, the House Finance Committee is hearing HB133, which is item 1 here on Matrix one and that is our House vehicle for our budget bill. We really like that one because it has all \$3 million that we requested in it whereas the Senate bill actually blanked the appropriation amounts and Trustees I do want you to know that I did communicate to the committee and their staff that they do understand that we are triple booked today with the Senate Committee on Indian Affairs, with this BAE meeting and with Finance so that Ka Pouhana would be present to answer any questions and so that's why we're divided. And so if there are no questions, Chair that was it for matrix.

**Chair Akaka:** Mahalo, Capsun. Trustee Trask, did you have a question?

**Trustee Trask:** I wanted to ask you Capsun, you said so far none but one had been confirmed. Who was the one that was confirmed? What department?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, I was supposed to mention it was Cathy Betts over at Department of Human Services, and she has been approved by her committee, but not by the full Senate yet.

**Trustee Trask:** Okay, got it.

**Interim Advocacy Director/Chief Advocate Poe:** So they're getting started. Just a note on that is the Governor has, so if the Senate were to vote down anyone, the Governor actually has until the end of the month to name anyone else. Generally, the practice would be anyone who may still be voted down after that would probably serve on an interim basis anyway until next year's legislature. Cathy Betts, DHS.

**Trustee Trask:** Got it, thank you.

**Chair Akaka:** Mahalo, Capsun. If you can please continue.

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

**NO TESTIFIERS ON THIS ITEM**

Matrix 2 - 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA							
Item No.	Bill No.	Title	Description	History	Introducer	Referral	Position
1	<a href="#">HB308</a>	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the sustainable food systems working group within the department of agriculture. Requires the working group to submit a plan, any recommendations for implementing the plan, and any proposed legislation to the legislature. Appropriates funds to establish the working group and develop the plan and for an unspecified number of sustainability specialist positions to be employed by the department of agriculture. Effective 6/30/3000. (HD1)	3/3/2023 S Passed First Reading.	GATES, GARRETT, HOLT, HUSSEY-BURDICK, KILA, LAMOSAO, LOWEN, MARTEN, MATAYOSHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	AGR, FIN	SUPPORT
1a	<a href="#">HB308 Notes</a>	Legislature adopted OHA's recommendation to include a representative from OHA on the Sustainable Food Systems Working Group and measure now names OHA in that regard.					
2	<a href="#">SB1235</a>	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Establishes a temporary public land trust working group within the Office of the Governor for administrative purposes only. Provides that the working group's sole purpose shall be to compile a definitive inventory of public land trust lands. Authorizes the working group to hire staff. Appropriates moneys to the Office of Hawaiian Affairs to be used for making repairs to bulkheads and revetments located in certain parcels conveyed to the Office and for certain construction costs for the development of Kukaniloko. Requires and appropriates moneys for the Office of Hawaiian Affairs to conduct a programmatic environmental impact statement for any development projects within the Kakaako Makai area of the public land trust. Effective 7/1/2050. (SD2)	3/3/2023 S 48 Hrs. Notice 03-07-23.	DELA CRUZ, AQUINO, CHANG, INOUE, KEOHOKALOOLE, SHIMABUKURO, Kidani	HWN, WAM	SUPPORT
2a	<a href="#">SB1235 Notes</a>	Measure will be used as new vehicle for Hakuone related policy initiatives.					
3	<a href="#">SB458</a>	RELATING TO GEOTHERMAL ROYALTIES.	Establishes the renewable energy resources development special fund. Requires annual reports to the Legislature. Requires that, for royalties from geothermal resources, ten per cent be paid to the county where the geothermal mining operations are situated, fifty per cent be paid to the Department of Land and Natural Resources, twenty per cent be paid to the Office of Hawaiian Affairs, and twenty per cent be deposited into the renewable energy resources development special fund. Effective 7/1/2050. (SD2)	3/3/2023 S 48 Hrs. Notice 03-07-23.	WAKAI, CHANG, Fukunaga, Kidani, Shimabukuro	EET/PSM/HRE, WAM	SUPPORT
3a	<a href="#">SB458 Notes</a>	Legislature amended measure to determine that 20% of geothermal royalties should be apportioned to OHA.					

**Interim Advocacy Director/Chief Advocate Poe:** Trustees, Administration is requesting action on these three bills that you see here. But I did want to just clarify for you that none of these bills are actually new. It's just we're now putting them on Matrix two. HB308 was previously on Matrix three, as was SB1235. SB1235 is the one I really want to call to your attention. I do want you to know that it does have some of the funding that we requested in SB736, which was our Hakuone Bill. It does have actually about \$84 million in funding, 65 million for bulkhead repair, 6 million for EIS and 13 million for Kukaniloko. I think from some of our discussions we have said that this can, now that SB736 has not passed, that this can now be a potential vehicle for Hakuone as we continue that conversation in the House.

SB1235 was passed by the Senate yesterday and so it is on its way to the House and that's where we will be advocating for it. In addition to the money, I did want to point out though that one of the big things that SB1235 does is it amends the ACT 226 working group that was passed last year. Currently that working group has three appointees from the Governor, three from OHA. In its current version SB1235 changes that, So Governor gets one, President gets one and Speaker gets one.

And then SB458, this was just to be consistent. They had taken some of our, or they didn't quite take all of our recommended amendments, meaning that based on population OHA might be considered for additional, but we did want to at least express our support because it does indicate that 20% of the geothermal royalties should be apportioned to OHA. So this is just a change in position. We were previously comment on SB458.

So those are the three bills, the only three additions in new movement for this BAE meeting and then Chair if you or the Trustees have any questions, we can try and address those.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Madam Chair. Capsun, SB1235, establishing a temporary Public Land Trust Working Group. What does temporary mean?

**Interim Advocacy Director/Chief Advocate Poe:** Our understanding from the way the introducer meant that is that it's not going to be a permanent, you know, like a long term working group. It's meant to convene, address the issues that it's been tasked with, submit its report, and then we can build from there.

**Trustee Galuteria:** So there's an end date to temporary. So what does temporary mean?

**Interim Advocacy Director/Chief Advocate Poe:** Right, I believe now it's still blank in the date.

**Trustee Galuteria:** So for all intents and purposes, that makes it permanent then doesn't it?

**Interim Advocacy Director/Chief Advocate Poe:** True, probably until conference when they do put in a real expiration date.

**Trustee Galuteria:** Who introduced this? Dela Cruz?

**Interim Advocacy Director/Chief Advocate Poe:** Yes, Trustee, this is Senator Donovan Dela Cruz.

**Trustee Galuteria:** Okay, so it's somewhere along the line whether it be in the Senate or the House, temporary will be substituted with the drop dead date then perhaps, right? As we keep our eye on this I think that's gonna be critical to establish some type of end game to that group, thank you.

**Interim Advocacy Director/Chief Advocate Poe:** Yes, agreed Trustee.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Yes, I don't know if you noticed, Chair, I was just knocked off the Zoom and I've just returned but I do have a question on the so-called temporary PLT working group. What's the status of the Governor's original PLT working group? Has there been any meeting or any communication from the Governor? And then my second question is, what's the difference between the temporary PLT group and the original one and what is the same?

**Interim Advocacy Director/Chief Advocate Poe:** Thank you, Trustee for the question there. Let me start with the last part. So the working group established was under Act 226 last year. That was again three appointees from Governor, three appointees from OHA, OHA did name ours, and Governor Ige in the waning days of the administration did appoint three. As of today, the working group has not convened. I think Administration has had conversations with the Governor's office. They are aware and we are trying to get, even regardless of the outcome of SB1235, we have urged them to try and convene sooner rather than later. And if Governor Green wants to change who the appointees are they can. But Trustee, let me tell you that whenever somebody from the Governor's office sees me, they know exactly what I want to ask them for. And they're like, yes, Capsun I

know Act 226 working group, and I don't want to say that it's not important to them, so I do keep putting it on their radar. One of the reasons I mentioned the GM's earlier is I do know a lot of the staff attention. Governor's office staff attention has been on that, perhaps with the result of the Ikaika Anderson nomination. They did want to try and make sure they properly supported their people to get through, but as of today we haven't heard any. We haven't received any sort of communication about that and whether the Governor would either name new people and then can we proceed to convening the working group.

**Trustee Akina:** Thank you and what's the amount that we're seeking in terms of support for administering the group and would we as OHA be putting any funds into that?

**Interim Advocacy Director/Chief Advocate Poe:** Trustee, that's unspecified, but I would also think that is, I mean we're expecting probably minimal because the people serving on the group would bring their expertise to the process and that you know, beyond meeting location and maybe some materials and some staff support. You know, we didn't necessarily see it being cost prohibitive to do this and like I said, actually take perhaps taking just nominal amounts of funding. I think perhaps once the group is formed and convenes, then they might have a better idea of what any the potential costs could be. But as of right now, that's sort of where I see it and maybe that was, I don't know if any other specific financial projections have been generated for this.

**Trustee Akina:** Well, I would imagine that the group might want to do some research as well.

**Chair Akaka:** I also do want to note that when I spoke to the Governor, want to say the week before last, I did put in a friendly reminder about convening our working group for PLT and to which he did oblige and he did sound very interested in doing so. So I don't think it's a lack for wanting to do it, but I did tell him that our office would do a friendly follow up as well to check on that.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, just from listening to the conversations, I just wanted to remind the Trustees where we are on the longer road. For the last several years, OHA goes to the legislature and it's gone on forever. OHA's going in for a budget. They're supposed to be a percentage share of the revenues of the Public Land Trust. The legislature depends on it for 80% of the funding that they use for all public allocations. But year after year there's a disagreement over how much money came in for the ceded lands. OHA began to look at this a few years back before I came to the Board. They determined at that time that there was disagreement not only with OHA and the state agencies, but among the state agencies themselves. Example, Department of Transportation came in with a figure for land that differed from what DLNR said and they were looking at the ceded lands used for the airport. Ceded lands used for the airport. How many acres and where are they and the DLNR figures and the DOT figures were different. What happened at that time was they decided to begin to look at and try to gather an inventory of a comprehensive inventory of the ceded lands with the revenues. This was done by the state legislature colleagues and in 1921 there was a report to the legislature. It's a couple of inches thick. It has very tiny print but purports to list the ceded lands by acreage and parcel as well as the revenues that come from them. That's something that all Trustees can get and should have. Came out in 2021, the inventory of it.

There is not a clear picture when the inventory comes out because there are lands that are ceded lands, but they're not really being used for commercial or other purposes. Because this was such a huge problem the legislature this past year created a working group to look specifically at this problem. Three were to be appointed by OHA. It passed, OHA appointed their three, Ige put on three of his people. They were all people that had a background in state accounting from different areas. Ige steps out, the current Governor steps in but he will not appoint. He will not convene the working group. We're ready to go. The Ige appointees are in. But people in the Green Administration don't like them. The Green Administration isn't sure that they want to go forward with an inventory of the Public Land Trust. Green is hesitating at this time. The OHA bills, one of our bills killed, but they moved it into Senate Bill 1235.

Now Capsun, I'm looking at the January 25th edition of 1235. In the future, when we talk about bills, it would help me if you would just give me the date stamp because I don't know if there's another bill that came out since January 25th, but this is what it is for colleagues. The working group and also our fiduciary obligation. We were working to have the sole purpose of compiling a definitive inventory of the lands that comprise a public trust under Section 4 and 6 of the State Constitution. We pushed for this and so did other agencies of the state because nobody has a definitive inventory of the Public Trust lands and that's why we can't get a definitive figure for how much money is coming in. So this was pretty important, but Green won't convene the working group so here we are. It's hard to get your budget out a percentage of revenues from Public Land Trust when you don't have the inventory of the land trust and we don't have a reliable inventory of the proceeds and revenues of the land trust either.

So when you look at 1235, it only has one purpose and that's to compile a definitive inventory of the lands that comprise the Public Land Trust under Article 12 of the State Constitution. I'm reading it to you now. From Senate Bill 1235, January 25 edition. So the reason why there's no drop dead date on this, Brick, is because they intended to continue this work until we had a definitive inventory of the ceded lands as well as the revenues. Some people were saying you can't do it in one leg. session, but let's start, let's start. Maybe it'll take a couple of years, we don't know. We have what we have. The legislature cranked out the first draft of what they thought was gonna fly came out in 2021 but it did result, not only in us having questions, but several state agencies themselves came up and said things like you're wrong. This parcel is our parcel, not DLNR's. You know, these kinds of things occurred, but I wanted to comment on that because I think that Senate Bill 1235 continues to move that initiative we were trying to move. And for the new Trustees, there's also some other news. When I first came in, we created a ceded land PIG to look at the federal government records of the Public Land Trust they turned over, we met for a few months. We cranked out a report. We sent letters to all the feds saying can we see your maps you turned over to the state, the time of statehood. Didn't get much of a response, Trustees. So you either get your inventory records from the feds or the state. So far, feds very little, state, at least old administration was saying this is a problem for all of us, but I'm not sure where the Green Administration is going. One thing is they haven't appointed anybody to the working group that's for sure. In the meantime, I'm glad to see staff that we are looking to use this measure for our Hakuone funding, it's still a vehicle, but I would like to have more updates, Capsun, I would like to track this a little bit closer cause it's hard for me to do it up in Hilo, yeah. Anyway, thank you for that comment. I don't know if you have questions, but there's a background to this, but I'm very happy to see that our funding initiatives go forward.

In terms of the cost for the Public Land Trust inventory and accounting. You know, I have told them in my preparing we thought the working group was going to move, but I had announced to our colleagues a few months back that you know, it's my inclination to do the best we can to help get the inventory and to help get the inventory of the funds. But I told you, colleagues, if we do not persevere with anything this session I will remove back to the Board the issue of filing in the Federal District Court. I mean, we're Trustees and it's 2023, for god's sake we need to get the inventory of the land and the revenues now and if we cannot do it with the legislature, maybe the federal court can facilitate. But it's not just our house and the state. It's many state agencies contesting who has title to resources and it also includes minerals, the manganese nodules under the sea and it's very complicated, thank you.

**Chair Akaka:** Mahalo and also as a reminder, our Board Chair is currently in the Senate Committee on Indian Affairs and one of the top priorities that she is expressing to that Committee this morning is regarding the Public Land Trusts, our ceded lands and how that needs to be a priority to be addressed.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Millie. Thank you for that explanation, I appreciate it. There's also one more layer that I'd like to just put in front of the Board. When I was in the Senate, I asked a very simple question of the B&F Chair at the time who was Wes Machida. I said Wes, is there any current formula for the revenues, this is over and above when we do get the final inventory whenever that happens. The second



question is, is there a formula by which one is each a very consistent formula that each agency uses right across the board to come up with a number that they come up with or is this an honor system? To which he replied, it's an honor system. I wasn't very pleased at that notion, but it is what it is. So an extension of the working group's job if possible, to put into legislation at the appropriate place, whether it be conference or before that. Would be, if possible, to expand the notion of beyond the inventory. A consistent formula across the board in all agencies so that they can all follow the same thing. Cause I mean there's ways of rolling funding over so that it doesn't look like it should on the books. So if there's a consistent formula, I think that's something we should also be concerned about.

**Chair Akaka:** Yeah, absolutely we do need proper reporting.

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair if I can respond. Mahalo, Chair and Trustees for that context, background and guidance. So we will take note of some of those requests and especially perhaps to Trustee Trask's comment about the bill. Trustee, you are correct with what you read from that version of the bill and we will step up our efforts to make sure you're aware of the most current version. So let me just say and to clarify on that very briefly that for the current version of SB1235, it's an SD2. So Senate Draft 2 and in relooking at that just very recently, you know that the working group does have 24 months from the effective date of the bill, which is currently July 1st 2050. So it does have a defective date that would need to be corrected at some point. It also does going back to the funding, it does have, it doesn't have any money in it but it has a blank amount. So an amount could be inserted into the bill as it goes through over in the House and then the last comment going back all the way to our ACT 226 Working Group that we were talking about. I think Trustee Trask definitely framed a lot of the current situation correctly to us and some of the challenges.

What I would say is Governor Green hasn't convened it yet and it is my goal to get and it is Administration's goal to get the Governor to either confirm the appointees that Governor Ige made or update it with new appointees, and to absolutely convene the working group sooner rather than later and regardless of the result of SB1235, you know, trying to get things started and get the ball moving here. So please know we will continue to advocate for that. In fact, when I wrap up here at the office today, I'll probably be spending my afternoon at the Capitol and I will definitely make sure to speak directly to the policy folks on that if there's any sort of update, and again repeating our, or maybe even imploring and reminding about our request and to get people named and get the group convened so that we can start doing this long overdue and important work.

**Chair Akaka:** Mahalo nui, Capsun.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just wanted to thank you for that comment, Brick and we did get a very clear response. Is this based on the numbers or an honor system and the response was it was based on an honor system, Brick, and that has been what they've been saying for the last several months and as soon as they said that, I advised the Board that we need to move into the federal court, our first obligation as Trustees is to marshal and inventory the trust assets. And it's not just what we have invested in the portfolio, but every parcel of land and this has been the case since 1959. The state keeps asking us to just go on a honor system. Whatever DOT says they're making, just take it. Whatever they say they're getting from the airports, we have to put it in the revolving fund under federal law so they'll give you something else, just accept it. DLNR the same. But our legal fiduciary obligation does not allow us to do that and that's why I'm saying it may be time to go in the federal court.

But thank you for pointing that out, because that's exactly where we are. The idea of trying to do an honor system and that's why we were going to give it the scouts try with both sides, 33, but that's not going anywhere. The other thing about the time stamp, I'm not being critical of the staff, good job on this and the other matrices. But when it comes time for our meetings, I just get nervous and I need to know if we have the current time, date stamp document, you know, I mean I'm just one Trustee that looks for that first, but good job staff. Very

good job and I think Brickwood just nailed it right on the head, honor system or trust accounting and you know, for us it's pretty clear. Mahalo.

**Interim Advocacy Director/Chief Advocate Poe:** Okay, mahalo Chair and Trustees. Again, the Administration does request the committees approval on these three bills. And like I said, these three bills are just new. The first two are new only to this matrix. They used to be a Matrix three and then the third item is just going from comment to support.

**Trustee Ahuna:** Chair, I move to approve Administration’s recommendations on: **NEW BILLS (Items 1 – 3) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 8, 2023.**

**Trustee Waihe’e:** Second

**Chair Akaka:** Mahalo, Trustee Ahuna. It's been moved and seconded by our Trustee Waihe’e. Any questions or comments members? Seeing none, Nathan, can we please have a **roll call vote**.

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

10:43 a.m.

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

**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 COO Brown 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	<a href="#">HB1301</a>	RELATING TO CANCER.	Appropriates funds to the University of Hawaii cancer center to conduct a multi-ethnic cohort study focusing on the social determinants of health, lifestyles, environmental exposures, and resilience factors of Native Hawaiians, Pacific Islanders, and Filipinos. Effective 6/30/3000. (HD1)	3/3/2023 H Reported from FIN (Stand. Com. Rep. No. 1184), recommending passage on Third Reading.	CHUN, AMATO, BELATTI, COCHRAN, GANADEN, HASHIMOTO, HOLT, KAHALOA, KAPELA, KILA, KITAGAWA, KOBAYASHI, MARTEN, MARTINEZ, MATA YOSHI, MIZUNO, MORIKAWA, NAKASHIMA, NISHIMOTO, TAKAYAMA, TAKENOUCI, TAM	HLT, FIN	SUPPORT
2	<a href="#">HCR26</a>	REQUESTING THAT THE DEPARTMENT OF HEALTH CREATE A FORMAL PLAN TO IMPLEMENT CERTAIN RECOMMENDATIONS WITH RESPECT TO ORAL HEALTH CARE FOR NATIVE HAWAIIANS.		3/3/2023 H Referred to HLT, FIN , referral sheet 16	MIZUNO, AMATO, COCHRAN, GANADEN, GARCIA, HASHIMOTO, KAHALOA, LAMOSAO, MARTEN, MORIKAWA, PIERICK, POEPOE, TAM	HLT, FIN	SUPPORT
3	<a href="#">HR28</a>	REQUESTING THAT THE DEPARTMENT OF HEALTH CREATE A FORMAL PLAN TO IMPLEMENT CERTAIN RECOMMENDATIONS WITH RESPECT TO ORAL HEALTH CARE FOR NATIVE HAWAIIANS.		3/3/2023 H Referred to HLT, FIN , referral sheet 16	MIZUNO, AMATO, COCHRAN, GANADEN, GARCIA, HASHIMOTO, KAHALOA, LAMOSAO, MARTEN, MORIKAWA, PIERICK, POEPOE, TAM	HLT, FIN	SUPPORT
4	<a href="#">SB449</a>	RELATING TO THE FESTIVAL OF PACIFIC ARTS.	Appropriates funds to the Department of Business, Economic Development, and Tourism for the Commission on the 13th Festival of Pacific Arts and Culture to plan for the Festival of Pacific Arts and Culture to be held in Honolulu from 6/06 to 6/16/2024. Requires the Department of Business, Economic Development, and Tourism to submit, prior to the release of the funds appropriated by this Act, a report detailing how previous state funds that were appropriated for the festival were expended and, no later than 20 days prior to each Regular Session until the funds appropriated by this Act are fully	3/3/2023 S 48 Hrs. Notice 03-07-23.	KEOHOKALOPE, MCKELVEY, RHOADS, Ihara, Keith-Agaran, Wakai	TCA/EET, WAM	MONITOR

**Interim Advocacy Director/Chief Advocate Poe:** Mahalo, Chair and Trustees, Administration is requesting approval on items 1 through 13 here on Matrix three. The few that are in blue had some changes to them that now we have a position to recommend to the Trustees. More than half are also we're changing to oppose and you'll notice those are maybe the last 2/3 of the bills. That's from item 5 on. I did want to note just generally the reason for the recommendation there is OHA has previously testified on these bills and noted our concerns. Primarily through submitting comments, not taking an official position, but submitting comments. Comments that noted our concerns and even recommended in some cases changes. In many of those cases they were not accepted or they went perhaps in even more in the direction that gives us even more concern, and so now that these bills are crossing over, we are now recommending opposition in our testimony as we continue to advocate for it. And so with that, Chair, you know, we are available to answer any questions or address any concerns.

**Chair Akaka:** Members, any questions, comments?

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Yes, I just had a question about number four at the bottom of page one, the Festival of the Pacific Arts. We do have a representative on that Commission. Do we know anything else about that? Are they seeking funding from OHA? My understanding was that the state legislature was going to pick it up. But is it accurate that we have a representative on the Commission?

COO Brown: Yeah, Trustee Trask, I believe Ka Pouhana is our member, our representative on that and I think in the past OHA has contributed some funding, but I'll have to check up on that to see what makes sense. And of course it's up to you folks with whatever resources you want to contribute.

**Trustee Trask:** That's my understanding as well that it's our CEO Sylvia, who's sitting on this for us. Thanks for confirming it.

**Interim Advocacy Director/Chief Advocate Poe:** And then if I could add to Casey's comment, it's a little misleading because it does say appropriates funds to DBEDT, but the amount is blank so they need to fill in the amount later for that. Sorry, they being the legislature.

**Chair Akaka:** Any other questions or comments members or Capsun if you had any more that you wanted to add regarding Matrix three?

**Interim Advocacy Director/Chief Advocate Poe:** No, Chair that was it and thank you.

**Chair Akaka:** Mahalo, I'll entertain a motion to be read on the screen.

**Trustee Waihe'e:** Madam Chair, I'd like to **Move to approve Administration's recommendations on: NEW BILLS (Items 1 - 13) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated March 8, 2023.**

**Trustee Ahuna:** Second

**Chair Akaka:** It's been moved by Trustee Waihe'e and seconded by Trustee Ahuna. Are there any other questions or comments members? Seeing none, Nathan, can I please have a **roll call vote**.

							10:48 a.m.
Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

IV. ANNOUNCEMENTS

**Chair Akaka:** We do have our RM today as well at 1:30 p.m.

V. ADJOURNMENT

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

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Ahuna:** 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		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA						EXCUSED
MILILANI	TRASK			X			
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

10:49 a.m.

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

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

**Chair Akaka** adjourns the BAE meeting at **10:50 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

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

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT