

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

January 29, 2020 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Kaleihikina Akaka
Trustee Leina'ala Ahu Isa
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee Colette Machado

Lehua Itokazu
Maria Calderon
Melissa Wennihan
Nathan Takeuchi

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana
Lisa Watkins-Victorino, Ka Pou Nui Kūikawā
Annie Kauhane, PP
Everett Ohta, CC
Jenifer Jenkins, PP
Jocelyn Doane, PP
Olan Fisher, PP

EXCUSED:

Trustee Dan Ahuna
Trustee Robert Lindsey

GUESTS:

Kamuela Kala'i

BOT STAFF:

Alyssa-Marie Kau
Anuheia Patoc
Bethann Hihina Ahsing
Brandon Mitsuda
Crayn Akina
Lauren Kaluau-Kealoha

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, January 29, 2020 to order at **10:00 a.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY		Arrived at 10:22 a.m.

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

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
TRUSTEE	DAN	AHUNA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	ROBERT	LINDSEY	MEMO – REQUESTING TO BE EXCUSED

Chair Waihe'e would like the record to show that some materials were received more recently than 72 hours ago, and that deadline per practice has been duly waived.

II. PUBLIC TESTIMONY

NONE

III. APPROVAL OF MINUTES

A. January 22, 2020

Vice-Chair Kaleihikina Akaka moves to approve the minutes of January 22, 2020.

Trustee Machado seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

							10:01 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
VICE-CHAIR KALEIHIKINA	AKAKA	1		X			
	KELI'I			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY						Arrived at 10:22 a.m.
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO		2	X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES**.

IV. UNFINISHED BUSINESS

A. 2020 OHA Legislative Package Updates – Matrix 1†**

Chair Waihe'e turns it over to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey calls on Public Policy Manager Jocelyn Doane to present.

Public Policy Manager Doane: Aloha Trustees, so our package is doing decently; I'm pretty-excited. OHA-1 has not got a hearing yet. As you can see, OHA-1 has a lot of referrals, so by next week we'll start talking about the calendar and as it relates, for our bills moving. As a reminder OHA-1 is the bill that would require that four-out-of-nine and four-out-of-seven DLNR and Land Use Commission members come from names from OHA and then it would also urge those required to attend the Native Hawaiian Law Training course, to do so.

OHA-2 has received a hearing in the Senate which we're super-excited about. That is tomorrow; you should have received a calendar invite for that hearing.

OHA-3, which came out of the Moloka'i meeting, it is related to creating a new violation for violating the Historic Preservation Law if builders or developers don't get the requisite permit from the County in advance. Any permit, but particularly, we are worried about the County permit. This bill did get a hearing in the House, it will be heard this morning.

OHA-4 is our resolutions. We're not worried about them getting a hearing yet, because we have a lot of time.

OHA-5 had a hearing in the Senate yesterday. This is related to providing liability waivers for landowners who voluntarily allow practitioners to access their property to exercise their constitutionally protected traditional and customary rights. This bill moved out of Hawaiian Affairs in the Senate. Thank you, Trustees Lee and Akaka, for coming. I just realized that I didn't acknowledge you guys yesterday, but I'll be sure to do that the next time you're at the hearings. The House version has a hearing today as well, so that's why Keola and Wayne are not with us; they're at that hearing.

Our CIP bills both got hearings as well; they're both on Friday. The House bill will be heard in the morning and then the Senate version will be heard in the afternoon. The House bill 9:00 a.m. Water and Land meeting is quite extensive. You should have a calendar invite for that.

That's the update for our package.

Chair Waihe'e asks if there are any questions on the OHA Legislative Package.

There are none.

V. NEW BUSINESS

A. 2020 OHA Legislative Positioning – Matrix 2†**

Chair Waihe'e turns it back over to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey turns it over to Public Policy Manager Jocelyn Doane to present.

Public Policy Manager Doane: Ok, as is always the case, we have some changes that we need to recommend to the matrix. The first three are bills that are not on the matrix yet, so I will not be referring you to a page number.

HB2011 – It would establish the Governor’s Coordinator on Native Hawaiian Advancement to be appointed by the Governor and confirmed by the Senate. It makes an appropriation as well. Some of the language for the responsibilities of this office or person appear to overlap with some of our *constitutional* and *statutory* responsibilities. We do think that having somebody in the Administration coordinating with the different agencies on things to help the Governor come up with one position might be helpful.

A perfect example of this is on the Public Land Trust bills. We saw different agencies take totally different policy positions; one inconsistent with the practice now, but two different from each other. For an issue like the Public Land Trust revenues and what revenues are going to be subject to OHA’s pro-rata share it would be quite helpful to have some coordination. They’ve been able to accomplish this in the past without a specific Governor coordinator on Native Hawaiian Advancement, but we would recommend a position of COMMENT and let them know that we think it’s great if there’s some coordination amongst the agencies and remind them what our actual responsibilities are.

SB2076 – You’ll see a theme this year, there are a bunch of different bills being proposed to change the way Historic Preservation is reviewed. This is a bill that we’re not Opposing, there are five other ones that we’re recommending Oppose on. We are recommending a position of COMMENT on this bill. It proposes to allow SHPD to delegate its Historic Preservation Review to the County if the County establishes an ordinance to govern the review process. They hire a qualified archaeologist that meets SHPD standards. In short, qualified professional staff do not create a conflict of interest; they provide for notification that’s consistent with SHPD’s standards.

There’s also an MOU between the County and SHPD memorializing that delegation and if the County establishes sufficient-internal organizational controls. In speaking to our compliance staff; I think the thought is that hypothetically, this could work and could ease SHPD’s workload, but it could take years to meet all the criteria.

The good news is, that this is one of those bills that is not just about the delegation and we’ll see those in a minute. This is the bill that clearly contemplates the needs that the County would need to have to adequately do a Historic Preservation review. Our Comments would point that out, but also suggest that perhaps the County should hire a professional archaeology staff first; to help with what really needs to go to SHPD, and what doesn’t.

SB2387 – This measure would appropriate money to DHHL and OHA as mandated by the Constitution and HRS §10-13.5. Of course, we think this is a great idea, so we’re recommending a position of SUPPORT. It’s specifically for both funds. The problem is that there is political will to move this bill. We’re going to be making a recommendation for them to find a different vehicle. Currently, the title probably would not allow them to give an appropriation to OHA. This bill has a hearing this week and it’ll be something that we will bring up at the hearing.

The next two bills are changes in position to what is on the matrix. The first one is on Page 21, Item 113 - SB2249; Related to an Archaeological Violation. It says Support with Amendments but we’re now recommending SUPPORT instead. The bill proposes to create a new Civil and Administrative Violation to any person who either conducts archaeological monitoring prior to approval of an archaeological monitoring plan, fails to carry out the terms of an archaeological monitoring plan approved by SHPD, violates any term of a preservation plan approved by SHPD or carries out data recovery activity without an approved date recovery plan, or fails to carry out mitigation commitments. So again, this would be a violation against an archaeologist who is not conforming with SHPD-approved processes and plans.

We originally thought to make a recommendation of 'Support with Amendments' because we had some thoughts to potentially improve one of the violation points, but then as we were writing the testimony, we decided that we could SUPPORT it as is.

The next one is on Page 24, Item 124 – SB2417; it says Monitor on the matrix, but we're now recommending a position of OPPOSE.

Trustee Lee: This is the companion to the House bill I asked you about yesterday; HB2212.

Public Policy Manager Doane: Yes, maybe I'll reserve my comments for when we get to the companion bill. Basically, this would amend DLNR's hunting chapter to recognize Game Mammals, Game Birds and Hunting and Fishing Industries for food security. It would require all State Departments and Offices to amend their rules and policies to integrate hunting and fishing industries in their food security plans. We contemplated whether-or-not to say anything on this bill, which is why the companion bill says Oppose instead of Monitor.

I would say hunting and obviously fishing is a Traditional and Customary practice, but there's balance with the impacts of hunting to other Traditional and Customary practices. So, to have this broad statement about how hunting should be protected at all costs, runs counter to the necessary balance that the State needs to take when looking at an area holistically. As we know, Game Mammals destroy native habitat, impact watershed functions, and can have substantial impacts on reefs with erosion issues – so of course Hunting and Fishing has a place in Hawai'i when it's appropriate. Therefore, we don't want to undermine other Public Trust responsibilities – which is why we're recommending a position of OPPOSE on that.

Those are the only bills that we needed to add or fix, so we're going to start from the beginning again and I will specifically go over the **bills that name OHA** before we go over the others.

Page 2, Item 9 – HB1763; this is a bill that would prohibit OHA Trustees, the CEO, all Legislators, and all High-Ranking State Officials from serving as a lobbyist or representing a client on legislative action before the legislature or administrative rulemaking actions before any agency. This is in the Ethics Commission Package. It doesn't target OHA specifically. This is something that we're named in, along with a bunch of other different State decision-makers and officials. We're recommending a position of MONITOR.

Page 7, Item 37 – HB2018; this is a Native Hawaiian Law Training Course bill. It's almost exact to the bill that then Chair Ing had introduced; which is very similar to a bill in our package. It would expand the parties that would have to take the training course. We are recommending SUPPORT WITH AMENDMENTS because this bill includes, as it did before, the Judiciary in it. First of all, the Judiciary has a decision-making authority over actions before all of the people who would be in the room. We don't think it's a good idea to have them trained together and then it would be costly if we had to do a whole separate training just for them. So, we're recommending the Judges come out of the bill. It would also require State Legislators to take the course, which I truly think is a good idea, but I think we should let the legislators decide that.

Page 14, Item 75 – HB 2468; this bill would require that 50% of all general funds appropriated annually to OHA be distributed directly to beneficiaries. First, we're not clear that this is appropriate. Our appropriation bills require those funds to be spent in certain ways and we do that. So, binding future legislative bodies for appropriations is generally something that you cannot do.

Secondly, as you know, about half of our general-funds-appropriation go directly to Community Service programs, they don't go to beneficiaries in the form of a check, however. Services are provided through the Native Hawaiian Legal Corporation, Charter School Programs, and different educational and after-school programs. So, we are concerned about the language in here not necessarily allowing us to grant the best applicants. We're recommending COMMENT and will provide those points as comments.

Page 16, Item 83 – HB2585; we are recommending SUPPORT WITH AMENDMENTS on this bill. This measure will be heard on Friday I think; it would do two things. It would require all Grant contracts to be approved by the Board, which the Board already voted to adopt a similar approval process effective as of FY22. We would ask them to remove that because we've already done some of this and we want to make sure our trustees have their authority to determine that these processes are respected. As it relates to the Public Land Trust negotiating committee, this is very similar language to bills that we've either introduced or supported in the past.

Page 17, Item 84 – HB2586; this is one of the bills that we sent over at the request of certain legislators, with regards to Residential Entitlement measures that OHA has supported in the past. The bill as introduced would be exactly like a bill we've supported in the past and technically helped draft. It would allow OHA, and no other entity but OHA, to apply for a project or a proposal to HCDA that includes a residential component.

Trustee Hulu Lindsey: *Who introduced it?*

Public Policy Manager Doane: This was introduced by Representative Holt. So, consistent with our past positions and appreciative of keeping these discussions alive, we are recommending a position of SUPPORT.

Page 23, Item 120 – SB2388; there are a few election bills that were introduced again this session. This bill is related to Public Funding, it's very similar to a measure that was introduced last year. It would increase by a blank amount funding assistance for OHA candidates to be on par with legislators, councilmembers, and prosecuting attorneys. If this bill gets a hearing, we would testify to recognize that an increase in the Public Funding amount is a good policy, but also note as we've done in the past the discrepancy between this Statewide election and other Statewide elections. Again, the amount is blank, so we do not know what the amount would be. So, our recommendation is COMMENT.

Page 23, Item 122 – SB2410; this is very similar to a bill we had in our package last year or the year before, it would codify the Public Land Trust reporting requirements. We're recommending a position of SUPPORT on that.

Page 23, Item 123 – SB2414; this is the OHA Election Randomization bill. It would randomize names within each seat and apparently, would be different in different precincts. Consistent with our past positions, we're recommending a position of MONITOR.

Page 32, Item 170 – SB3178; this would allow the Board to remove the Administrator by a 50% vote rather than a 2/3 vote. If the trustees wanted to do this, they could change their own by-laws and other governing policies to do that. If this gets a hearing, we recommend a position of COMMENT. We would say that this is not something the Board is asking the Legislature to do and note that if the Trustees wanted to do that, they certainly could.

Trustee Hulu Lindsey: Just curious, *who introduced this bill?*

Trustee Lee: Kidani. There were a bunch of introducers.

Public Policy Manager Doane: I don't know that this is something that the Board has asked for, which is what we would say if it got a hearing.

If there are no more questions, we're going back through the matrix to discuss **the other high profile and/or opposed bills and/or bills that we think you would be particularly interested in.**

Page 3, Item 11 – HB1778; this is another delegation of the Historic Preservation bill. There are about five of these bills in your matrix and they're all very similar. It would delegate Historic Preservation review to a qualified archaeologist to the County if the County or Applicant requests it; or if SHPD and the County come to an agreement. You'll note that all the conditions that are in place in that other measure, and in which we are not opposing, are not here. So, we are recommending a position of OPPOSE because of that and because it would provide automatic approvals if SHPD doesn't review the project within 30 days.

Page 4, Item 18 – HB1875; this is the other Governor's coordinator bill. This bill would create the Governor's Coordinator and we're recommending a position of SUPPORT for reasons I brought up earlier. It doesn't give them extensive responsibilities, but I think one of the things that I want to reiterate is if the Governor wants to create a person to do this, they don't need legislation. One; we've seen it done in the past when Governor Waihe'e was in office. Then two; the Governor's Coordinator on Homelessness is not in a statute either. They just did it because they thought it was a priority.

Page 4, Item 22 – HB1901; as the trustees may recall last year, in part because of the amazing advocacy by our staff and our colleagues - the Oversight Commission was passed. We were able to name one of the members who ascended and became the Chair - who is a tireless advocate for reforming the Criminal Justice System. There was a clerical area in the bill last year in terms of what some of the commission's responsibilities are. What this bill would do is clarify the mandate of the Commission to work with PSD to ensure that inmates are provided the programming that's assigned to them by the reentry system. Then they can be ready for release hopefully by the minimum term, when appropriate. We are recommending SUPPORT.

Page 5, Item 25 – HB1921; this bill also has a Senate Companion, SB2373. This bill should look familiar, it's a bill that we basically Opposed the last two years. It would require hunters, both hunting guides and individual hunters, to obtain written permission from landowners or be subject to criminal trespass liability. We know that large landowners are not going to give permission in writing. We want to make sure that our hunters are not overly burdened. Of course, there are safety issues that need to be considered. Requiring written permission would have a chilling-effect on hunting.

Page 6, Item 28 - HB1932; it also has a companion bill SB2217. Another trend that you're going to see this session are the attempts to change the jurisdiction and responsibility of the Land Use Commission (LUC). Currently, the LUC has the jurisdiction over district boundary amendments for all conservation lands, all important agricultural lands and all district boundary amendments for agricultural lands and rural lands larger than 15 acres; and everything else goes to the County. This measure would change that 15 acres to 100 acres which is massive when 50% of the Housing units on this project would be for 140% Area Median Income (AMI) or lower – we're recommending a position of OPPOSE.

Page 7, Item 34 – HB1972; this might look like a familiar measure as well. It's related to the release of terminally ill, seriously debilitating conditioned, too ill to participate in rehabilitation or certain diseases for incarcerated folks to get early medical release. The idea is that the jails are experiencing exponential costs, it's inhumane to keep these people in jail where they can't get the kind of treatment that they require. We are recommending a position of SUPPORT. This bill passed last year, but for some reason the Governor vetoed it.

Page 9, Item 48 – HB2191; you're also going to see during this session a lot of long-term lease bills. This is almost identical to a bill we opposed last year, it would side-step current lease restrictions in place by authorizing BLNR to extend commercial, industrial, resort or government leases for another 40 years, which means that we could be talking about a maximum of 105 years. These don't apply to UH leases, which they specifically put in there or leases that have been sold in the last 10 years, or certain DHHL leases. We're recommending a position of OPPOSE.

Page 10, Item 54 – HB2212; this is the Game Mammal measure that we talked about earlier. We are recommending a position of OPPOSE.

Page 10, Item 56 – HB2260; this is a bill that would exempt developments of qualifying affordable housing projects from both County and LUC oversight. This goes even farther than the last bill we talked about. They wouldn't even have to go through the County process which is not as good as the State process for us because the State is thinking about their Public Trust responsibilities. This is regardless of acreage, regardless if the lands are conservation or important agricultural lands. The discussion about what a qualified affordable housing project would be references again the 140% AMI or lower and merely requires a certification from the Counties. There would be no process or opportunity for mitigation or conditions to ensure that things that our beneficiaries care about is addressed and that is why we are recommending OPPOSE.

Page 11, Item 60 – HB2357; this is related to how the BLNR can give out water licenses. So, this is very much related to the issue that came up last year and the long-term lease that A&B and/or Mahi Pono is going to seek for East Maui. We're delightedly surprised at the bill that was introduced, so we're recommending a position of COMMENT. Basically, as you may recall, the issue of issuing long term water licenses or leases which is what they want to start calling it if the bill passes, has been very controversial.

They're trying to address primarily three things; how the evaluation is determined, whether-or-not there's a public auction process or the competitive nature of it and the lease length – they're recommending a lease length of thirty years which is shorter than we thought it would be.

The reason why we're not opposing it - charging fair market value as it's currently written for water can be impractical. Nobody really does water lease evaluation appraisals because it's not really a thing yet. Often times there's only one entity that could apply for it. For East Maui as an example, the only people that would make sense to apply for it would either be the State itself because they have the right to use the systems that are there, A&B or Mahi Pono, and maybe the Counties. In the last couple of years in dealing with these issues, we've also recognized that there are some smaller users that have concerns about the regular auction process because they could be outbid. So, to mitigate some of the remaining concerns about water licenses, we are recommending a position of COMMENT. Our Comments would request licenses be limited for even shorter than thirty years. We've discussed 10-15 years due to climate change models. What's available today and what will be available in thirty years will be dramatically different.

Page 12, Item 61 – HB2358; again, this is a 99-year lease bill that would allow DLNR to amend and extend pasture leases for up to 99 years, and issue new pasture leases by direct negotiation up to 65 years. As we understand to what is happening, the existing and potential lessees for pasture lands are wanting DLNR to transfer all those lands and leases to be managed by the Department of Agriculture (DOA) who has much more flexibility in how they lease their lands. I think because DLNR is concerned about their Public Trust thoughts and analysis that they do when they issue these leases. They want more flexibility to issue their leases so that the DOA doesn't do it where each agency does not necessarily care about the things the other agency cares about. We're recommending a position of OPPOSE. This is consistent with all our previous positions on 99-year leases.

Page 12, Item 63 – HB2386; I am bummed that Trustee Ahuna isn't here. This bill is being pushed by an individual who lives on Kaua'i who has attempted to get an easement over kuleana lands and lo'i lands in Waioli (which is where we visited on Kaua'i), as well as on State property, so that he can build his house on these lands. This bill would explicitly amend HRS §7-1; it's section 7 of the Kuleana Act - which was passed in 1850. So, this law has not been changed for 170 years. We are recommending a position of OPPOSE.

Page 13, Item 71 – HB2440; this is the ALOHA Homes bill that we are recommending a position of COMMENT on. There are a lot of housing bills and most of them are 'Oppose' but this one is COMMENT so I can come back if you want to know why.

Page 15, Item 77 – HB2512; Relating to Archaeological Review, basically the same reason why we're recommending a position of OPPOSE as the last time.

Page 16, Item 80 – HB2542; this is the leadership Housing bill that we're recommending a position of OPPOSE on.

Page 17, Item 85 – HB2606; these are environmental review exemptions for 201H projects. We did have a successful hearing yesterday, where they removed the environmental review exemption from the bill in the Senate. Our position is OPPOSE.

Page 17, Item 88 – HB2646; we're recommending a position of OPPOSE. This would allow water banking supposedly for safety concerns, but we don't think that is necessary and could open the door to other water banking.

Page 17, Item 89 – HB2663; again, SHPD delegation; there are five of them. We OPPOSE.

Page 17, Item 90 – HB2677; this is a water revocable permit bill. This would allow for excessive revocable permits for water. It's our understanding that leadership is not prioritizing this bill, so hopefully it doesn't get a hearing. We would OPPOSE it if it does.

Page 19, Item 98 - SB2043; this is an Affordable Housing bill with 99-year leases. We're recommending COMMENT.

Page 19, Item 99 – SB2053; again, similar environmental review exemptions for 201H projects. We OPPOSE.

Page 21, Item 110 – SB2212; it would prohibit State or County inclusionary zoning requirements which we have supported before. Inclusionary zoning is basically a policy that requires developers to set aside a portion of their housing to be sold out below market rates. We are recommending OPPOSE.

The last two measures are on page 37, Items 194 and 195 – GM506 and GM507; these are the GMs for DHHL. The hearing has already passed as you know, but the decision-making is tomorrow. I'm recommending a position of MONITOR, we thought that if we were going to Monitor one then we needed to Monitor both. The Board has supported William Aila in the past, however there has been substantial community opposition submitted; including by many of the association presidents. Some of it might be personal issues. So, we didn't feel that we were in a place to say that he's been doing the job that he needs to do.

I'm not sure – *Do you as Trustees have differing opinions on this?*

Ok, the last things I wanted to talk about is the different 99-year lease bills for Housing. The ones that I'll point out and that have companions, just so you know, are HB2440/SB2946 – ALOHA Homes Bill, HB2542/SB3104 – the Leadership Housing Bill, and SB2043.

The reason why we're not recommending a position of Oppose for the ALOHA HOMES bill and SB2043 is for a few reasons. We've been successful in the past in getting Senator Chang specifically with the Housing Chair in the Senate to include language that would require transfer of units for partnerships with OHA and/or DHHL to make sure our beneficiaries specifically benefit. His model does not have an income requirement which means that potentially rich people could buy them.

However, there's a couple things that this bill does differently than the other bills; it's leasing 99-year leases to individuals – the leadership bill envisions 99-year leases to developers. The criteria around the purchasers and who can qualify for the units look quite different. There are no income restrictions but the price 80% AMI (Area Median Income) or 300,000 which is the 80% AMI from last year – so the price is going to be more affordable. They cannot own other property. If they own other property and then they want to buy one they would have to get rid of their other property within 60 days. You would have to be an owner-occupant, which means you must live on the property, and you cannot advertise it for rent.

The other thing is the State will retain 75% of the equity when the sale comes, so this is not an equity building purchase program. There are, of course in most of these bills, still issues related to ensuring that any dispositions by HHFDC are handled consistently. So, they've been clearly receptive to our recommendations on that. All these bills would envision significant use of ceded lands. 99-year leases are not usually something OHA likes. We usually oppose them all, but we do have exceptions when they incorporate specific benefits to Hawaiians. So, we are recommending COMMENT and will be including what I mentioned in our comments.

Page 16, Item 80 - HB2542 and its companion SB3104 does a bunch of things that we wanted to make sure we paid attention to; these are the Leadership Housing Bills. This would envision HFDC leasing lands to developers for 99 years as opposed to individual buyers. The developer would only have to reserve half of those units to 140% AMI or below. The other half they could create market rate units on; so, the developers will want to maximize their profits. This is particularly concerning because 140%AMl is not meeting the needs of our beneficiaries and then the other half they could monetize for other things. The model that they're using are reserved housing models and inclusionary zoning models that apply to private lands. Yet, when we're talking about the use of State lands - it must be clear about how we're going to specifically benefit the residence.

This bill doesn't have any other criteria like the ALOHA Homes bill. It doesn't limit who can purchase, or say that only residents can buy. It doesn't say you have to be owner-occupant, or how long the property must maintain its affordability, and who gets the equity. So, if it gets a hearing those are the kinds of suggestions we would make, we wouldn't just OPPOSE the bill, we would offer suggestions for them to consider.

Trustee Akina: Thank you for your presentation. I have not yet read HB1932 which you're recommending Opposition on. That's the bill that would reclassify certain parcels of 1,500 acres for rural, agricultural, or urban. So, they could become residential and 50% would have to be set aside for persons at 140% AMI or below. I'm just trying to do the economics in my head. I would think that there are many parcels out there that are underdeveloped. This would result in an increase in supply of housing which ultimately could be a benefit to our beneficiaries. I was wondering if there are any projections on this and what in-particular is harmful to our beneficiaries on this.

Public Policy Manager Doane: Good question. There's no data to support the assertion that the Land Use Commission processes are holding development of affordable housing. The data suggests otherwise.

Trustee Akina: Right, I acknowledge that. When we're talking about affordable housing, the Land Use Commission may not be holding that up. *Could it be that reclassifying land for development could increase the overall inventory of housing, thus affecting the overall pricing?*

Public Policy Manager Doane: Hypothetically, reclassifying a bunch of land including really, large 100-acre parcels could result in the development of housing which might bring the housing prices down. The data that we have, suggests that the LUC process, which is specifically looking to be changed, is not what is causing the hold up. There are 23,000 units that the LUC has already approved that have not been built by the large landowners. For affordable housing projects there are already expedited processes, including for the scenarios that this bill envisions. So to completely eliminate that process which is the only way that conditions are placed on a project so that they don't just completely annihilate resources that our practitioners rely on or consider the protection of streams and water availability for these projects; that only happens really at the LUC and that's where we see the conditions placed on projects.

Trustee Hulu Lindsey: In a previous life, I implemented the County's codes relative to this very subject matter and I think this opposition is very positive because there's so many loopholes that are created by new laws and the LUC is just another step that we can be assured that we're protecting our lands properly. If you just leave it up to the County anything could happen. It was good that we had a minimum number of acres that were exempted; anything about that is critical because it's going to affect the community. I'm glad to hear that there are so many approvals that aren't built yet, so there's no reason for this bill. Thank you.

Public Policy Manager Doane: That concludes my presentation, Thank you.

Vice-Chair Akaka moves to approve Administration's recommendations on:

NEW BILLS (Items 1 - 195);

ADD bills:

- **HB2011 as COMMENT;**
- **SB2076 as COMMENT;**
- **SB2387 as SUPPORT; and**

CHANGE items:

- **113, SB2249 from Support with Amendments to SUPPORT; and**
- **124, SB2417 from Monitor to OPPOSE;**

on the OHA Legislative Positioning Matrix dated January 29, 2020, as amended

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
ADD	HB2011	RELATING TO THE GOVERNOR'S COORDINATOR ON NATIVE HAWAIIAN ADVANCEMENT.	Establishes the governor's coordinator on Native Hawaiian advancement, who shall be appointed by the governor with the advice and consent of the senate. Makes an appropriation.		COMMENT
ADD	SB2076	RELATING TO HISTORIC PRESERVATION REVIEWS.	Allows the Department of Land and Natural Resources' State Historic Preservation Division to delegate to the impacted counties the responsibility for historic preservation project reviews, provided that certain requirements are met.		COMMENT
ADD	SB2387	RELATING TO HAWAIIAN HOME LANDS.	Appropriates funds for the Department of Hawaiian Home Lands and Office of Hawaiian Affairs as mandated by the Constitution of the State of Hawaii and Hawaii Revised Statutes.		SUPPORT

1	HB1121	RELATING TO WATER SECURITY.	Requires the Commission on Water Resource Management to conduct an update of the statewide framework for the Hawaii water plan to provide guidance for Hawaii's future water plan. Makes an appropriation. Takes effect 12/31/2050. (SD1)	MONITOR	
2	HB1611	RELATING TO SHORELINES.	Authorizes the Board of Land and Natural Resources to provide shoreline encroachment easements that do not exceed 10 years to landowners having structures that encroach on the shoreline. Requires the Board of Land and Natural Resources to adopt rules that establish a policy and procedure for the granting or renewal of shoreline encroachment easements. Requires the adopted policy to consider the impact of expected sea level rise on the encroaching structures. Prohibits the granting of any new shoreline encroachment easements until the new policy is adopted.	SUPPORT WITH AMENDMENTS	
3	HB1681	RELATING TO SENTENCING.	Enhances the term of imprisonment for habitual violent felons. Defines "habitual violent felon."	MONITOR	
4	HB1688	RELATING TO THE ALA WAI BOAT HARBOR.	Requires the Board of Land and Natural Resources to offer to sell leasehold condominium boat slips at the Ala Wai boat harbor to certain tenants of the harbor and allocate the proceeds of these sales for deferred maintenance of the harbor. Allows for the establishment of a condominium association at Ala Wai boat harbor to serve as the landlord of all boat slips at the harbor. Exempts owners of leasehold condominium boat slips at the Ala Wai boat harbor from moorage fees.	MONITOR	
5	HB1700	RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.	Specifies that each EUTF trustee, in addition to the EUTF board, shall administer health and other benefit plans for the sole and exclusive benefit of EUTF beneficiaries. Repeals provisions requiring health and other benefit plans to be provided at an affordable cost to both public employers and public employees.	MONITOR	
6	HB1716	RELATING TO HOUSING DEVELOPMENT.	Provides to each county legislative body the ability to review and approve land use district boundary amendments for affordable housing projects on 15 acres or less.	HIGH MONITOR	
7	HB1717	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Amends the allocation of transient accommodations tax revenues based upon the recommendations of the State-County Functions Working Group established by Act 174, Session Laws of Hawaii 2014, to consider the distribution of duties and responsibilities for public services between the State and the counties and to recommend a model for the allocation of transient accommodations tax revenues.	MONITOR	
8	HB1748	RELATING TO WILDLIFE OFFENSES.	Provides that all firearms, animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State.	MONITOR	
9	HB1763	RELATING TO THE STATE ETHICS CODE.	Prohibits certain former State employees from representing any person or business in a legislative or administrative action before the State for twelve months after the termination of their employment.	HIGH MONITOR	
10	HB1769	RELATING TO HOUSING.	Extends to ninety days a legislative body's deadline to approve, approve with modification, or disapprove an affordable housing project.	MONITOR	
11	HB1778	RELATING TO HISTORIC PRESERVATION.	Authorizes the counties to employ qualified archaeologists to perform necessary reviews under Chapter 6E, Hawaii Revised Statutes. Provides for automatic approval of a project if the necessary archaeological review was not completed within 30 days.	OPPOSE	
12	HB1794	RELATING TO DISASTER RELIEF.	Extends the lapse date of the appropriation for Kauai flooding disaster relief made by Act 12, Session Laws of Hawaii 2018, to June 30, 2021.	MONITOR	
13	HB1820	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Amends the nominating authority of the representatives of the He'eia community development district, Kalaeloa community development district, and Kaka'ako community development district on the Hawaii community development authority.	MONITOR	
14	HB1821	RELATING TO DECLARATORY JUDGMENTS.	Prohibits declaratory judgments when there is a cause of action and in other certain instances. Requires a plaintiff to show a personal stake in the actual controversy beyond a general disagreement or complaint by requiring a showing of an injury-in-fact.	HIGH MONITOR	

15	HB1848	RELATING TO THE ENVIRONMENT.	Requires new developments to plan for the impacts of projected sea level rise and restricts development in areas significantly affected by projected sea level rise. Amends policies and objectives related to coastal zone management to reduce residential exposure to coastal hazards and protect state beaches and public shoreline access. Defines "beach" and "coastal hazards." Increases the minimum shoreline setback.	HIGH MONITOR	
16	HB1860	RELATING TO WATER POLLUTION.	Adds the chemicals homosalate, octocrylene, and octisalate to the sale and distribution sunscreen ban beginning on 1/1/2021. Allows the Department of Health to adopt rules to add additional harmful chemicals to the sale and distribution ban.	MONITOR	
17	HB1862	RELATING TO ENVIRONMENTAL PROTECTION.	Prohibits DLNR from establishing or implementing bag limits for game mammals in public hunting areas.	MONITOR	
18	HB1875	RELATING TO NATIVE HAWAIIAN AFFAIRS.	Requires the governor to appoint the governor's coordinator on Native Hawaiian affairs to coordinate responses to issues that impact Native Hawaiians and Native Hawaiian culture across state departments and agencies.	SUPPORT	
19	HB1876	RELATING TO AQUATIC BIOSECURITY.	Requires DLNR to take specified actions to combat invasive and alien aquatic organisms. Appropriates funds for staffing and operating expenditures for aquatic biosecurity.	MONITOR	
20	HB1880	RELATING TO THE KAHOO LAWE ISLAND RESERVE COMMISSION.	Appropriates funds to the Department of Land and Natural Resources for the operations of the Kahoolawe Island Reserve Commission and for 2 full-time equivalent positions on the Commission.	MONITOR	
21	HB1890	RELATING TO AGRICULTURE.	Expands the permitted activities and uses within the state land use agricultural district to include livestock production.	MONITOR	
22	HB1901	RELATING TO PUBLIC SAFETY.	Clarifies that the comprehensive offender reentry system provides programs and services that result in the timely release of inmates on parole when the minimum term, rather than the maximum term, has been served by the inmate.	SUPPORT	
23	HB1906	RELATING TO WIND POWER.	Establishes a two-year moratorium on the issuance of new permits or approvals for wind turbines capable of producing one megawatt or more of energy. Creates a task force to make recommendations on wind energy policies and permitting. Makes an appropriation. Repeals 6/30/2022.	MONITOR	
24	HB1908	RELATING TO WATER AND SEWER INFRASTRUCTURE.	Establishes a state water and sewer surcharge for all water utility customers. Requires the Commission on Water Resource Management to establish the surcharge rate. Requires the Hawaii Community Development Authority to expend the revenues of the surcharge to award grants to the counties to assist in funding repair, maintenance, and construction of water and sewer infrastructure.	MONITOR	
25	HB1921	RELATING TO HUNTING.	Requires any hunting guide or hunter to obtain and submit to the Department of Land and Natural Resources written permission from any private landowner upon which the hunting guide or hunter is engaged in guide or hunting activities. Requires the Division of Forestry and Wildlife of the Department of Land and Natural Resources to create and make available to the public a written permission form to be completed and filed by any hunting guide or hunter engaged in guide activities or hunting on private lands.	OPPOSE	
26	HB1922	RELATING TO INVASIVE SPECIES.	Appropriates funds to the Department of Land and Natural Resources for efforts to substantially reduce and eradicate certain invasive species in the county of Maui.	MONITOR	
27	HB1925	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Requires the Auditor to conduct a financial and performance audit of the Department of Hawaiian Home Lands.	MONITOR	
28	HB1932	RELATING TO HOUSING.	Authorizes the counties to reclassify lands 15 to 100 acres in certain rural, urban, and agricultural districts in which at least 50 percent of the housing units on the land sought to be reclassified are set aside for persons and families with incomes at or below 140 percent of the area median income.	OPPOSE	
29	HB1935	RELATING TO THE MILITARY.	Establishes a task force to evaluate the economic impact of the military's presence in Hawaii.	MONITOR	
30	HB1944	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Allocates funds from TAT revenue to the Hawaii Tourism Authority, rather than the Special Land and Development Fund, to improve certain state resources and services. Requires DLNR to submit an annual list to HTA of proposed projects for the HTA Strategic Plan.	MONITOR	
31	HB1945	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Allocates TAT revenues into the tourism special fund and appropriates funds for the Hawaii tourism authority (HTA) and Hawaii Lodging and Tourism Association to address homelessness in tourist and resort areas, subject to private matching funds. Requires HTA to report to the 2021 legislature.	MONITOR	

32	HB1946	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Amends the amount of transient accommodations tax revenues allocated to the counties from a specified sum to capped reimbursements to the county for expenditures related to specified county public services.	MONITOR	
33	HB1952	RELATING TO WILDLIFE PRESERVATION.	Designates all currently undeveloped watercourses and lands unsuitable for development as wildlife reserve sanctuaries for which development is prohibited so that those lands may serve as a permanent refuge to wildlife. Establishes procedures to obtain a variance to construct a structure within a wildlife reserve sanctuary. Prohibits the construction of wind turbines on mountain slopes or hillsides if the location of the wind turbine is within 1,000 feet of the center of a wildlife reserve sanctuary.	MONITOR	
34	HB1972	RELATING TO MEDICAL RELEASE.	Creates a medical release program within the Department of Public Safety for certain ill, disabled, or impaired inmates who pose a low risk to public safety.	SUPPORT	
35	HB2013	RELATING TO NATIVE HAWAIIAN ART.	Requires that a certain percentage of the works of art acquired using the works of art special fund include native Hawaiian subject matter.	MONITOR	
36	HB2015	RELATING TO INVASIVE SPECIES.	Establishes a pilot program within the 'Āina Mauna legacy program of DHHL to remove and harvest gorse from Mauna Kea and develop it as a marketable product to expand economic opportunities for native Hawaiians. Requires reports to the legislature. Appropriates funds.	MONITOR	
37	HB2018	RELATING TO TRAINING.	Mandates OHA training for additional public officials, including certain state and county officials, state judges, and state legislators on native Hawaiian history, culture, and rights. Sets 12-month deadline for completion of training from time of enactment, or time of hire or appointment.	SUPPORT WITH AMENDMENTS	
38	HB2028	RELATING TO THE CONVEYANCE TAX.	Adjusts conveyance tax rates for non-residents who are not active military members.	MONITOR	
39	HB2036	RELATING TO CORAL RESTORATION.	Establishes a pilot project to plan and design an expansion of the Hawaii Coral Restoration Nursery, including improvements to the sea urchin hatchery. Requires a report to the Legislature. Appropriates funds.	MONITOR	
40	HB2037	RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION.	Establishes the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission and the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission Trust Fund.	MONITOR	
41	HB2042	RELATING TO BAG LIMITS.	Prohibits the Department of Land and Natural Resources from imposing bag limits on deer, goats, and pigs.	MONITOR	
42	HB2081	RELATING TO PUBLIC WORKS ON HAWAIIAN HOME LANDS.	Exempts DHHL projects from the Davis Bacon Act.	MONITOR	
43	HB2151	RELATING TO CESSPOOL CONVERSION.	Establishes a cesspool conversion pilot grant project to assist low- and moderate-income property owners with the costs of upgrading or converting a cesspool. Applies to cesspools identified as failing by the Department of Health. Appropriates funds.	MONITOR	
44	HB2154	RELATING TO ENVIRONMENTAL PROTECTION.	Prohibits all harvesting of aquatic life for commercial aquarium purposes, regardless of the method of collection.	COMMENT	
45	HB2182	RELATING TO AFFORDABLE HOUSING.	Allows the HHFDC to enter into public private partnerships with private sector entities to build affordable housing and reserves a portion of the housing units for the exclusive use of the employees of the private sector entity partner.	MONITOR	
46	HB2184	RELATING TO HISTORIC PRESERVATION.	Amends the threshold for when a building, structure, object, district, area, or site, including heiau and underwater site, is considered historic property from over fifty years old to seventy-five years or older.	MONITOR	
47	HB2190	RELATING TO AGRICULTURAL ENTERPRISES.	Authorizes the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the jurisdiction of the department, to support and promote agriculture. Establishes the agricultural enterprise program. Establishes the Agricultural Enterprise Special Fund. Makes an appropriation. Effective 7/1/2020.	MONITOR	
48	HB2191	RELATING TO LEASE EXTENSIONS ON PUBLIC LAND.	Authorizes the Board of Land and Natural Resources to extend certain leases of public lands for commercial, industrial, resort, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. Sunsets on 6/30/2025.	OPPOSE	
49	HB2194	RELATING TO COASTAL ZONE MANAGEMENT.	Defines "coastal hazards" and "beaches" and includes specific references to "coastal dunes" to clarify CZM policies in chapter 205A, HRS, including special management areas, shoreline setbacks, and variances.	MONITOR	

50	HB2196	RELATING TO WATER QUALITY.	Establishes reporting requirements for onsite sewage disposal system (OSDS) servicers. Appropriates funds for DOH to conduct outreach regarding OSDS. Requires and appropriates funds for the cesspool conversion working group to compile an updated database of OSDS statewide.	MONITOR	
51	HB2198	RELATING TO AGRICULTURAL LANDS.	Allows bed and breakfast accommodations on class C, D, E, or U agricultural lands in a county with an area greater than 4,000 square miles.	COMMENT	
52	HB2199	RELATING TO HIGHWAYS.	Establishes an old government roads commission to address the issue of jurisdiction between the State and the counties over disputed roads. Appropriates funds.	HIGH MONITOR	
53	HB2211	RELATING TO COMMERCIAL MARINE LICENSES.	Requires the DLNR to issue commercial marine licenses. Provides that a commercial marine vessel license satisfies an individual's licensure requirement if aboard a licensed vessel. Requires any person who provides fishing charter services to obtain a commercial marine license.	MONITOR	
54	HB2212	RELATING TO SUSTAINABILITY.	Requires the Department of Land and Natural Resources to: (1) recognize that game mammals and game birds are a sustainable food source and that the State's unique relationship with the ocean provides the opportunity to integrate the local fish and game industry into the State's food security profile; and (2) establish and maintain fish propagating facilities. Requires each department, office, or agency of the state to update its rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that department, office, or agency employs. Requires reports to Legislature.	OPPOSE	
55	HB2216	RELATING TO HAWAIIAN HOME LANDS.	Requires at least 5 Hawaiian Homes Commission members to be native Hawaiian or current Hawaiian homestead lessees; and at least 2 of those 5 to be on the waitlist for Hawaiian home lands. Authorizes commission members to elect a chairperson and vice chairperson. Creates the position of Director of Hawaiian Home Lands and separates the Director's responsibilities from those of the Chairperson of the Commission.	MONITOR	
56	HB2260	RELATING TO AFFORDABLE HOUSING.	Exempts certain low-density affordable housing projects from the State's land use district boundary amendment requirements.	OPPOSE	
57	HB2265	RELATING TO INVASIVE SPECIES.	Establishes the invasive species rapid response special fund. Establishes procedures for emergency declarations and expenditures. Appropriates money.	MONITOR	
58	HB2274	RELATING TO AGRICULTURAL ENTERPRISES.	Establishes a new agricultural enterprise program within the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the jurisdiction of the department, to support and promote agriculture. Creates three new positions to implement the program. Establishes the agricultural enterprise special fund. Makes an appropriation. Effective July 1, 2020.	MONITOR	
59	HB2353	RELATING TO STATE BOATING FACILITIES.	Authorizes the Board of Land and Natural Resources to lease any existing state boating facility in part or in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation. Clarifies that legislative approval is not required to award a lease. Repeals fast lands and submerged lands lease authorization for Ala Wai Boat Harbor under section 200-2.6, Hawaii Revised Statutes.	MONITOR	
60	HB2357	RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND NATURAL RESOURCES.	Clarifies the conditions and manner in which the Board of Land and Natural Resources may dispose water by license.	COMMENT	
61	HB2358	RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE, RECREATIONAL, AND FOOD PRODUCTION PURPOSES.	Authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.	OPPOSE	
62	HB2382	RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT LAW.	Requires a supplemental environmental assessment or supplemental environmental impact statement after the passage of 15 years from the date of the acceptance of the statement or the determination of a finding of no significant impact, if the proposed action is not completed.	MONITOR	

63	HB2386	RELATING TO PROPERTY ACCESS.	Extends the application of gathering rights to lands owned in fee simple and to landlords and landowners. Authorizes an action for easement by necessity for landlocked parcels not previously under a unity of title with the prospective subservient estate.	OPPOSE	
64	HB2390	RELATING TO THE ESTABLISHMENT OF AN ECOSYSTEM RESTORATION COMMISSION.	Establishes an ecosystem restoration commission to identify lands for environmental remediation and return ownership and control of those lands to the State, a county, or other entity.	MONITOR	
65	HB2391	RELATING TO REDUCING PLASTIC PACKAGING WASTE.	Requires all retail food establishments using any food service ware for any food prepared or packaged on premises to use biodegradable, compostable, recyclable, or reusable food service ware.	MONITOR	
66	HB2393	RELATING TO PUBLIC LANDS.	Prohibits the board of land and natural resources from approving the disposition of public land to the United States military that would allow for or facilitate any military training.	MONITOR	
67	HB2414	RELATING TO SHARK PROTECTION.	Prohibits and establishes fines and penalties for knowingly capturing, taking, possessing, abusing, entangling, or killing any shark within state marine waters. Provides certain exemptions.	SUPPORT	
68	HB2416	RELATING TO KĀNE'ŌHE BAY.	Appropriates funds to create a full-time internship coordinator and cultural resource specialist positions with the Hawaii institute of marine biology at the He'eia estuarine research reserve.	MONITOR	
69	HB2436	RELATING TO TAXATION.	Requires a certain percentage of the transient accommodations tax to be allocated to provide funding for the Bishop Museum and 'Iolani Palace.	MONITOR	
70	HB2439	RELATING TO THE ENVIRONMENT.	Appropriates funds to the University of Hawaii Water Resources Research Center to research and develop specialized equipment for the removal of plastic marine debris.	MONITOR	
71	HB2440	RELATING TO HOUSING.	Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii housing finance and development corporation (HHFDC) to qualified residents. Exempts certain land from the definition of public lands. Requires HHFDC to develop an ALOHA homes demonstration project by July 1, 2025.	COMMENT	
72	HB2442	RELATING TO WASTE MANAGEMENT.	Prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. Requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.	SUPPORT	
73	HB2443	RELATING TO HISTORIC PRESERVATION.	Makes it a civil and administrative violation for any person to engage in certain archeological activities without obtaining the required permission or approval from the department of land and natural resources.	SUPPORT WITH AMENDMENTS	
74	HB2446	RELATING TO AFFORDABLE HOUSING.	Requires the State Historic Preservation Division to contract its review of proposed state projects, projects on privately owned historic property, and projects affecting historic properties to third-party consultants if the projects involve the development of affordable housing and the division will not be able to complete its review within 60 days.	HIGH MONITOR	
75	HB2468	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Requires at least 50% of all general funds appropriated to the Office of Hawaiian Affairs each fiscal year to be distributed directly to beneficiaries. Applies to budget preparation and submissions for fiscal year 2021-2022 and subsequent fiscal years.	COMMENT	
76	HB2475	RELATING TO CARGO CARRIERS.	Authorizes the Department of Transportation to expend funds from the harbor special fund to provide subsidies to cargo carriers to offset costs incurred by the cargo carriers as a result of providing cargo carrier services to ports serving counties within the State having a population of less than 500,000 and comprising three or more populated islands. Appropriates moneys.	MONITOR	
77	HB2512	RELATING TO HISTORIC PRESERVATION.	Authorizes DLNR to delegate to qualified archaeologists employed by the counties the authority to perform reviews of proposed projects under the historic preservation program, under certain conditions. Provides that proposed projects under the program are deemed automatically approved if the archaeological review is not completed within 30 calendar days. Provides that challenges to an archaeological review are subject to an expedited hearing before the supreme court.	OPPOSE	

78	HB2518	RELATING TO THE COUNTY OF MAUI.	Authorizes the Director of Finance to issue general obligation bonds to the County of Maui for the upgrade of that county's R-1 water delivery systems and the Department of Land and Natural Resources for the upgrade of certain water reservoirs located in the forest watershed areas on Maui.	MONITOR	
79	HB2520	RELATING TO THE STADIUM DEVELOPMENT DISTRICT.	Repeals and reestablishes the stadium development district under the jurisdiction of the stadium authority. Establishes the stadium development special fund. Expands the powers and duties of the stadium authority. Appropriates funds.	COMMENT	
80	HB2542	RELATING TO LAND DEVELOPMENT.	Authorizes the Hawaii Housing Finance and Development Corporation to lease real property for a period not to exceed 99 years for the development of certain projects that include affordable housing. Requires the Hawaii Housing Finance and Development Corporation to submit a report to the legislature that identifies all state lands that may be developed for multi-unit dwellings. Authorizes a state or county department or agency to petition the appropriate county land use decision-making authority, rather than the Land Use Commission, for a change in the boundary of a district involving land areas between 15 acres and 25 acres where the majority of the development will be for affordable housing. Authorizes the State Historic Preservation Division to delegate the responsibility of historic preservation project reviews to the impacted county. Establishes the Office of the Housing Ombudsman.	OPPOSE	
81	HB2555	RELATING TO THE NĀ WAI 'EHĀ WATERSHED.	Appropriates money out of the land conservation fund for the acquisition of 11,020 acres of the Nā Wai 'Ehā watershed in Wailuku, Maui.	MONITOR	
82	HB2557	RELATING TO COUNTIES.	Makes explicit the counties' authority to regulate hosting platforms providing booking services for short-term rentals. Includes swapping, bartering, or exchange of a residential dwelling, or portion thereof, in definition of "short-term rental" for this purpose.	MONITOR	
83	HB2585	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Requires all grants or contracts awarded by the Office of Hawaiian Affairs to be approved by its board of trustees. Establishes a public land trust revenues negotiating committee to determine the increase to the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually under the state constitution and other state law. Requires the Department of Budget and Finance to conduct a financial review of the amounts of revenue generated from the public land trust. Appropriates funds.	SUPPORT WITH AMENDMENTS	
84	HB2586	RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Authorizes the Office of Hawaiian Affairs to seek residential development of lands in Kaka'ako Community Development District owned by the Office of Hawaiian Affairs. Requires a public hearing prior to submission by the Office of Hawaiian Affairs to the Hawaii Community Development Authority of any plan or proposal for any residential development.	SUPPORT	
85	HB2606	RELATING TO AFFORDABLE HOUSING.	Requires a county agency having jurisdiction over planning and permitting, in any county with a population of 500,000 or more, to determine whether certain affordable housing development projects shall be exempt from the State's environmental impact statement laws pursuant to chapter 11-200.1, subchapter 8, Hawaii Administrative Rules.	OPPOSE	
86	HB2619	RELATING TO AGRICULTURAL VILLAGES.	Authorizes applicable county planning commissions to issue special permits for agricultural villages in the agricultural district, without the approval of the LUC.	MONITOR	
87	HB2620	RELATING TO AGRICULTURAL LAND.	Subject to certain restrictions, allows second dwellings on agricultural lands in a county with an area greater than 4,000 square miles. Takes effect 01/01/2021.	MONITOR	
88	HB2646	RELATING TO WATER.	Specifies that fire safety use is a beneficial use of water. Requires the department of land and natural resources to work with the county governments, Hawaii emergency management agency, and owners to use reservoir water for fire safety.	OPPOSE	
89	HB2663	RELATING TO HISTORIC PRESERVATION.	Authorizes the counties to employ qualified archaeologists to perform necessary reviews under chapter 6E, Hawaii Revised Statutes.	OPPOSE	
90	HB2677	RELATING TO WATER RIGHTS.	Clarifies the disposition of water rights made by lease.	OPPOSE	
91	HB2683	RELATING TO THE OFFICE OF MAUNAKEA MANAGEMENT.	Appropriates funds to add 7 full-time equivalent positions to the Office of Maunakea Management.	MONITOR	

92	HB2688	RELATING TO LAND USE.	Prohibits the commercial operation of a landfill on or within 15 miles of any tract leased pursuant to the Hawaiian Homes Commission Act.	MONITOR	
93	HB2748	RELATING TO GOVERNMENT.	Authorizes forfeiture of certain employees' retirement system benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony. Makes ethics code violations a class A felony if the salary of the employee who commits the offense is subject to the recommendation of the Commission on Salaries. Increases the offense of bribery to a class A felony if the salary of the public servant who commits the offense to recommendation by the Commission on Salaries. Directs the Commission on Salaries to consider the deterrence of corruption and bribery by persons appointed to those positions. Creates a task force to investigate avenues to prevent corruption and bribery issues among public servants in positions of influence.	MONITOR	
94	SB594	RELATING TO EDUCATION.	Establishes and appropriates funds for a school meal subsidy program within the department of education to provide school lunch subsidies to children whose families do not otherwise qualify for free lunch under the free and reduced price lunch program, subject to income eligibility. (SD1)	MONITOR	
95	SB737	RELATING TO RESTORATIVE JUSTICE.	Requires the Judiciary to establish a 5-year pilot program for restorative justice. Requires the judiciary to inform various criminal attorneys of the existence of the pilot program. Appropriates funds.	SUPPORT	
96	SB2017	RELATING TO HAWAIIAN AFFAIRS.	Short form bill.	MONITOR	
97	SB2036	RELATING TO PUBLIC LANDS.	Clarifies that lands set aside to the Hawaii housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are excluded from the definition of "public lands".	COMMENT	
98	SB2043	RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND.	Authorizes the Hawaii housing finance and development corporation and Hawaii community development authority to sell leasehold units in residential condominiums located on state lands.	COMMENT	
99	SB2053	RELATING TO HOUSING.	Requires a county to approve, approve with modification, or disapprove an application for a permit necessary for a housing development project that uses moneys from the rental housing revolving fund. Provides for automatic permit approval if a county does not make a timely decision on an application. Exempts the foregoing projects from environmental impact statement requirements. Sunsets on 6/30/2027.	OPPOSE	
100	SB2059	RELATING TO WELL ABANDONMENT.	Establishes an income tax credit for taxpayers who are required to fill and seal abandoned wells on their real property. Requires sellers of real property to disclose the existence of abandoned wells. Tax credit sunsets on an unspecified date.	MONITOR	
101	SB2075	RELATING TO THE STATE BUDGET.	To adjust and request appropriations for Fiscal Biennium 2019-21 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs and to include appropriations from other departmental budget acts deemed necessary for program operations and capital improvements.	MONITOR	
102	SB2090	RELATING TO JUDICIAL ENFORCEMENT OF THE UNIFORM INFORMATION PRACTICES ACT.	Provides procedural requirements for judicial review of an agency's denial of access to a government record. Provides procedural requirements and standards of review upon appeal.	MONITOR	
103	SB2097	RELATING TO PROPERTY ACCESS.	Extends the application of gathering rights to lands owned in fee simple and to landlords and landowners. Authorizes an action for easement by necessity for landlocked parcels not previously under a unity of title with the prospective subservient estate.	OPPOSE	
104	SB2099	RELATING TO IRRIGATION.	Transfers to the Department of Agriculture operational authority over portions of the East Kauai Irrigation System operated and maintained by the East Kauai Water Users' Cooperative as of 7/1/2020. Provides a conditional extension to acquire required permits. Establishes staffing positions. Authorizes general obligation bonds for a statewide irrigation system capital improvement project. Appropriates funds.	MONITOR	
105	SB2103	RELATING TO SPECIAL LICENSE PLATES.	Authorizes the issuance of special number license plates for the Polynesian Voyaging Society for electric vehicles.	MONITOR	

106	SB2111	RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION.	Adds the chairperson of the Hawaiian Homes Commission or the chairperson's designee to serve as an ex officio, voting member of the Commission on Water Resource Management.	SUPPORT	
107	SB2141	RELATING TO INVASIVE SPECIES.	Appropriates funds to the Department of Land and Natural Resources for the management of the axis deer population in the county of Maui.	MONITOR	
108	SB2160	RELATING TO HOUSING.	Extends to ninety days a legislative body's deadline to approve, approve with modification, or disapprove an affordable housing project.	MONITOR	
109	SB2169	RELATING TO HISTORIC PRESERVATION.	Authorizes the counties to employ qualified archaeologists to perform necessary reviews under Chapter 6E, Hawaii Revised Statutes. Provides for automatic approval of a project if the necessary archaeological review was not completed within 30 days.	OPPOSE	
110	SB2212	RELATING TO INCLUSIONARY ZONING.	Prohibits any law, ordinance, or rule from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to buyers who are residents of the State, are owner-occupants, and do not own any other real property.	OPPOSE	
111	SB2214	RELATING TO HOUSING.	Requires state or county agencies to issue ministerial permits for housing development projects that meet certain requirements within sixty days of receipt of a permit application deemed to be complete by the receiving state or county agency.	MONITOR	
112	SB2217	RELATING TO LAND USE.	Authorizes county land use decision-making authorities to amend district boundaries involving lands greater than fifteen but no more than one hundred acres if a proposed project consists of housing units where 50 per cent of the housing units are priced at or below 140 per cent of the area median income and are occupied by the owner at all times.	OPPOSE	
113	SB2249	RELATING TO HISTORIC PRESERVATION.	Makes it a civil and administrative violation for any person to engage in certain archeological activities without obtaining the required permission or approval from the department of land and natural resources.	SUPPORT WITH AMENDMENTS	Support with Amendments >>> SUPPORT
114	SB2287	RELATING TO CONSERVATION FUNDING.	Amends the distribution of revenues collected from the transient accommodations tax to allocate a greater portion to the special land and development fund.	MONITOR	
115	SB2297	RELATING TO LAND USE.	Establishes neighborhood revitalization boards, administered by the counties, to develop, advocate for, and implement neighborhood revitalization plans. Requires the counties to provide a percentage of matching funds for any revitalization plan or project for which the State provides funds.	MONITOR	
116	SB2313	RELATING TO EMPLOYMENT PRACTICES.	Prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.	MONITOR	
117	SB2321	RELATING TO CIVIL RIGHTS.	Requires every employer to post and keep posted a notice, to be prepared and prescribed by the civil rights commission, of state fair employment laws.	MONITOR	
118	SB2370	RELATING TO KALAUPAPA MONTH.	Designates January as "Kalaupapa month."	MONITOR	
119	SB2373	RELATING TO HUNTING.	Requires any hunting guide or hunter to obtain and submit to the Department of Land and Natural Resources written permission from any private landowner upon which the hunting guide or hunter is engaged in guide or hunting activities. Requires the Division of Forestry and Wildlife of the Department of Land and Natural Resources to create and make available to the public a written permission form to be completed and filed by any hunting guide or hunter engaged in guide activities or hunting on private lands.	OPPOSE	
120	SB2388	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Changes the maximum amount of public funds available to each candidate running for the Office of State Senator, State Representative, County Council, and the Board of Trustees of the Office of Hawaiian Affairs to an unspecified per cent of the expenditure limit established for each election. Amends the amount each Office of Hawaiian Affairs candidate must raise in order to qualify for public funds.	COMMENT	

121	SB2393	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Requires that majority of the member of the Hawaiian homes commission be beneficiaries. Creates a separate director of the department of Hawaiian homes lands position. Allows the State to establish an inter-agency council to address the purposes of the Hawaiian Homes Commission Act. Requires the department to conduct quarterly reports to beneficiaries. Allows the Hawaiian homes commission to retain separate counsel from the attorney general's office to provide service to the commission or beneficiaries. Requires an annual report to the Legislature and beneficiaries that includes a full accounting of the Act 14 Special Session Laws of Hawaii 1995 moneys.	MONITOR	
122	SB2410	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC TRUST LAND.	Requires the Department of Land and Natural Resources to use certain reporting and accountability procedures in implementing the public land trust reporting requirements of Act 178, Session Laws of Hawaii 2006. Requires the Department of Land and Natural Resources to consult with the Office of Hawaiian Affairs to ensure that the accounting and reporting is accurate and inclusive.	SUPPORT	
123	SB2414	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Amends ballot requirements to display candidates for the office of Hawaiian affairs, board of trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.	MONITOR	
124	SB2417	RELATING TO SUSTAINABILITY.	Requires the Department of Land and Natural Resources to: (1) recognize that game mammals and game birds are a sustainable food source and that the State's unique relationship with the ocean provides the opportunity to integrate the local fish and game industry into the State's food security profile; and (2) establish and maintain fish propagating facilities. Requires each department, office, or agency of the state to update its rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that department, office, or agency employs. Requires reports to Legislature.	MONITOR	Monitor >>> OPPOSE
125	SB2453	RELATING TO STATE BUILDINGS.	Requires the comptroller to cause any state building with air conditioning to set the operating temperature at no less than seventy-three degrees Fahrenheit, subject to certain exceptions.	MONITOR	
126	SB2463	RELATING TO PIGS.	Allows any person with a valid hunting license to take wild or feral pigs on Mauna Kea with no bag limitation and with dogs. Appropriates funds to the department of land and natural resources to install one-way pig gates on the fencing surrounding the watershed on Mauna Kea.	MONITOR	
127	SB2464	RELATING TO GAME BIRD HUNTING IN THE MAUNA KEA WATERSHED.	Prohibits the use of firearms other than single shot long guns and rifles for the hunting of game birds in the Mauna Kea watershed and nearby hunting area.	MONITOR	
128	SB2536	RELATING TO LAY NETS.	Prohibits the abandonment of lay nets used for fishing. Authorizes DLNR to issue permits for the use and possession of lay nets. Requires DLNR to establish a comprehensive, statewide lay net education and enforcement program.	MONITOR	
129	SB2537	RELATING TO ACCESS TO PUBLIC PROPERTY.	Amends section 115-9 of the Hawaii Revised Statutes to include beaches in the list of public property to which a person may not obstruct access and creates a one hundred dollar penalty for a first conviction of the section.	MONITOR	
130	SB2550	RELATING TO AFFORDABLE HOUSING.	Allows the HHFDC to enter into public private partnerships with private sector entities to build affordable housing and reserves a portion of the housing units for the exclusive use of the employees of the private sector entity partner.	MONITOR	
131	SB2555	RELATING TO UNDERGROUND STORAGE TANKS.	Requires the fuel tank advisory committee to meet at least twice a year.	MONITOR	
132	SB2573	RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS.	Requires all public meetings of the Board of Regents to be recorded in digital video format, webcast live, and archived and made available to the public.	MONITOR	
133	SB2663	RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT LAW.	Requires a supplemental environmental assessment or supplemental environmental impact statement after the passage of 15 years from the date of the acceptance of the statement or the determination of a finding of no significant impact, if the proposed action is not completed.	MONITOR	
134	SB2667	RELATING TO PUBLIC ACCESS.	Provides that where public access is required as a condition of a subdivision, either the county must accept dedication of and maintain the access or identify an entity to own and maintain the access. Authorizes the county to require the subdivider to establish a stewardship fund for maintenance purposes.	MONITOR	

135	SB2680	RELATING TO HISTORIC PRESERVATION.	Authorizes the counties to employ qualified archaeologists to perform necessary reviews under chapter 6E, Hawaii Revised Statutes.	OPPOSE	
136	SB2692	RELATING TO THE NĀ WAI 'EHĀ WATERSHED.	Appropriates money out of the land conservation fund for the acquisition of 11,020 acres of the Nā Wai 'Ehā watershed in Wailuku, Maui.	MONITOR	
137	SB2745	RELATING TO COMMUNITY DEVELOPMENT.	Establishes the west O'ahu community development authority. Designates the Kalaeloa community development district under the west O'ahu community development authority, rather than the Hawaii community development authority. Makes an appropriation.	MONITOR	
138	SB2755	RELATING TO PUEO RESEARCH.	Appropriates funds to the Department of Land and Natural Resources to conduct, in collaboration with the University of Hawaii College of Tropical Agriculture and Human Resources, a state-wide assessment of pueo conservation status.	MONITOR	
139	SB2774	RELATING TO UNDERGROUND STORAGE TANKS.	Prohibits, beginning 1/1/2028, a person to operate an underground storage system with a capacity of 100,000 gallons or more, mauka of the underground injection control line.	MONITOR	
140	SB2775	RELATING TO THE FUEL TANK ADVISORY COMMITTEE.	Requires the fuel tank advisory committee to meet twice within a same calendar year at least six months apart.	MONITOR	
141	SB2779	RELATING TO THE ESTABLISHMENT OF AN ECOSYSTEM RESTORATION COMMISSION.	Establishes an ecosystem restoration commission to identify lands for environmental remediation and return ownership and control of those lands to the State, a county, or other entity.	MONITOR	
142	SB2788	RELATING TO DISASTER RELIEF.	Extends the lapse date of the appropriation for Kauai flooding disaster relief made by Act 12, Session Laws of Hawaii 2018, to June 30, 2021.	MONITOR	
143	SB2798	RELATING TO AFFORDABLE HOUSING.	Requires the State Historic Preservation Division to contract its review of proposed state projects, projects on privately owned historic property, and projects affecting historic properties to third-party consultants if the projects involve the development of affordable housing and the division will not be able to complete its review within 60 days.	HIGH MONITOR	
144	SB2799	RELATING TO AFFORDABLE HOUSING.	Requires a county agency having jurisdiction over planning and permitting, in any county with a population of 500,000 or more, to determine whether certain affordable housing development projects shall be exempt from the State's environmental impact statement laws pursuant to chapter 11-200.1, subchapter 8, Hawaii Administrative Rules.	OPPOSE	
145	SB2807	RELATING TO LEASE EXTENSIONS ON PUBLIC LAND.	Authorizes the Board of Land and Natural Resources to extend certain leases of public lands for commercial, industrial, resort, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. Sunsets on 6/30/2025.	OPPOSE	
146	SB2810	RELATING TO DECLARATORY JUDGMENTS.	Prohibits declaratory judgments when there is a cause of action and in other certain instances. Requires a plaintiff to show a personal stake in the actual controversy beyond a general disagreement or complaint by requiring a showing of an injury-in-fact.	HIGH MONITOR	
147	SB2828	RELATING TO WATER.	Specifies that fire safety use is a beneficial use of water. Requires the department of land and natural resources to work with the county governments, Hawaii emergency management agency, and owners to use reservoir water for fire safety.	OPPOSE	
148	SB2909	RELATING TO STATE BOATING FACILITIES.	Authorizes the Board of Land and Natural Resources to lease any existing state boating facility in part or in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation. Clarifies that legislative approval is not required to award a lease. Repeals fast lands and submerged lands lease authorization for Ala Wai Boat Harbor under section 200-2.6, Hawaii Revised Statutes.	MONITOR	
149	SB2913	RELATING TO DISPOSITION OF WATER LICENSES BY THE BOARD OF LAND AND NATURAL RESOURCES.	Clarifies the conditions and manner in which the Board of Land and Natural Resources may dispose water by license.	COMMENT	

150	SB2914	RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE, RECREATIONAL, AND FOOD PRODUCTION PURPOSES.	Authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.	OPPOSE	
151	SB2935	RELATING TO AQUATIC BIOSECURITY.	Authorizes the department of land and natural resources management to co-enforce, with the United States Coast Guard, rules, standards, and requirements related to ballast-water, vessel biofouling, vessel hull in-water cleaning, and any other incidental discharges that may pose a risk for the introduction and spread of non-native aquatic organisms. Appropriates funds for staffing and operating expenditures for aquatic biosecurity.	MONITOR	
152	SB2939	RELATING TO CRIMES ON AGRICULTURAL LANDS.	Imposes extended terms of imprisonment for crimes committed on agricultural lands.	MONITOR	
153	SB2946	RELATING TO HOUSING.	Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii housing finance and development corporation (HHFDC) to qualified residents. Exempts certain land from the definition of public lands. Requires HHFDC to develop an ALOHA homes demonstration project by July 1, 2025.	COMMENT	
154	SB2953	RELATING TO VESSELS.	Makes clarifications regarding removal of unauthorized vessels on state property. Makes clarifications regarding the definition of an abandoned vessel. Changes the time limit to claim an unauthorized vessel that is impounded by the department of land and natural resources from thirty days to ten working days. Changes the time limit to claim an abandoned vessel that is impounded by a state or county agency from twenty days to ten working days. Makes abandonment of a vessel on waters of the State or public property a petty misdemeanor. Makes clarifications to auction requirements regarding abandoned vessels. Sets the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels at twenty-four hours. Allows DLNR to charge an impound storage fee.	MONITOR	
155	SB2954	RELATING TO REDUCING PLASTIC PACKAGING WASTE.	Requires all retail food establishments using any food service ware for any food prepared or packaged on premises to use biodegradable, compostable, recyclable, or reusable food service ware.	MONITOR	
156	SB2963	RELATING TO AFFORDABLE HOUSING.	Exempts certain low-density affordable housing projects from the State's land use district boundary amendment requirements.	OPPOSE	
157	SB2971	RELATING TO AFFORDABLE HOUSING.	Requires a county agency having jurisdiction over planning and permitting, in any county with a population of 500,000 or more, to determine whether certain affordable housing development projects shall be exempt from the State's environmental impact statement laws pursuant to chapter 11-200.1, subchapter 8, Hawaii Administrative Rules.	OPPOSE	
158	SB2972	RELATING TO AFFORDABLE HOUSING.	Requires the State Historic Preservation Division to contract its review of proposed state projects, projects on privately owned historic property, and projects affecting historic properties to third-party consultants if the projects involve the development of affordable housing and the division will not be able to complete its review within 60 days.	HIGH MONITOR	
159	SB2976	RELATING TO AGRICULTURAL INSPECTIONS.	Requires the department of agriculture to conduct preclearance quarantine inspections prior to direct travel to or from the State. Appropriates funds to implement a preclearance quarantine inspection.	MONITOR	
160	SB3020	RELATING TO TRADITIONAL HAWAIIAN PRACTICES.	Protects native Hawaiian traditional and customary practices.	COMMENT	
161	SB3023	RELATING TO KĀNE'ŌHE BAY.	Appropriates funds to create a full-time internship coordinator and cultural resource specialist positions with the Hawaii institute of marine biology at the He'eia estuarine research reserve.	MONITOR	
162	SB3049	RELATING TO CONSERVATION.	Requires habitat conservation plans to identify available funding from the applicants in an amount sufficient to transport, treat, rehabilitate, and reintroduce into its original habitat any endangered, threatened, proposed, or candidate species injured as a result of an authorized incidental take.	MONITOR	

163	SB3050	RELATING TO CONSERVATION.	Establishes a habitat conservation program manager position to be funded from fees charged to applicants for assistance provided to habitat conservation plan (HCP) applicants. Requires the habitat conservation program manager to draft rules that implement and clarify the intent of chapter 195D, Hawaii Revised Statutes, work with applicants for incidental take licenses, as part of a HCP, to develop their projects to minimize and mitigate incidental take of threatened and endangered species to the maximum extent practicable, effectively track and monitor funds and expenditures related to habitat conservation plans, conduct follow-up monitoring for development projects, and implement and manage mitigation and other projects that benefit the recovery of threatened and endangered species. Appropriates funds.	MONITOR	
164	SB3052	RELATING TO COMMERCIAL SHARK TOURS.	Prohibits commercial shark tour operations from operating without a permit. Requires the department of land and natural resources to adopt rules to regulate commercial shark tours, including dive cage requirements and adherence to a code of conduct.	MONITOR	
165	SB3061	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Amends the nominating authority of the representatives of the He'eia community development district, Kalaeloa community development district, and Kaka'ako community development district on the Hawaii community development authority.	MONITOR	
166	SB3094	RELATING TO THE KAHOOLOWAE ISLAND RESERVE COMMISSION.	Appropriates funds to the Department of Land and Natural Resources for the operations of the Kahoolawe Island Reserve Commission and for 2 full-time equivalent positions on the Commission.	MONITOR	
167	SB3096	RELATING TO STATE HOLIDAYS.	Reestablishes Lā Kū'oko'a a, Hawaiian Recognition Day, as an official state holiday.	SUPPORT	
168	SB3104	RELATING TO LAND DEVELOPMENT.	Authorizes the Hawaii Housing Finance and Development Corporation to lease real property for a period not to exceed 99 years for the development of certain projects that include affordable housing. Requires the Hawaii Housing Finance and Development Corporation to submit a report to the legislature that identifies all state lands that may be developed for multi-unit dwellings. Authorizes a state or county department or agency to petition the appropriate county land use decision-making authority, rather than the Land Use Commission, for a change in the boundary of a district involving land areas between 15 acres and 25 acres where the majority of the development will be for affordable housing. Authorizes the State Historic Preservation Division to delegate the responsibility of historic preservation project reviews to the impacted county. Establishes the Office of the Housing Ombudsman.	OPPOSE	
169	SB3112	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Allocates funds from TAT revenue to the Hawaii Tourism Authority, rather than the Special Land and Development Fund, to improve certain state resources and services. Requires DLNR to submit an annual list to HTA of proposed projects for the HTA Strategic Plan.	MONITOR	
170	SB3178	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	Specifies that the office of Hawaiian affairs board of trustees may remove the administrator by majority vote, rather than by two-thirds vote.	COMMENT	
171	HCR10		URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS.	MONITOR	
172	HCR24		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KA'ALAWAI, HONOLULU, O'AHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
173	HCR25		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMĀNALO, KO'OLAUPOKO, O'AHU, FOR THE EXISTING PIER, SEAWALL, AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
174	HCR26		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KĀNE'OHE, KO'OLAUPOKO, O'AHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	

175	HCR27		AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
176	HCR28		AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KĀNE'ŌHE, KO'OLAUPOKO, O'AHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
177	HCR29		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT NĀPILI 2 AND 3, LAHAINA, MAUI, FOR AN EXISTING WALKWAY, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
178	HCR30		AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KĒŌKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
179	HCR31		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KĒŌKEA HOMESTEADS, KIHEI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
180	HCR32		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KĒŌKEA HOMESTEADS AND BEACH LOTS, KIHEI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
181	SCR17		URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS.	MONITOR	
182	SCR22		URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO ESTABLISH AN UPDATED SUSTAINABLE YIELD FOR THE KUALAPUU AQUIFER SYSTEM THAT INCORPORATES THE FINDINGS OF THE UNITED STATES GEOLOGICAL SURVEY'S CENTRAL MOLOKAI GROUNDWATER RECHARGE AND AVAILABILITY STUDY TO PROTECT NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES AND THE FUTURE WATER SELF-SUFFICIENCY OF MOLOKAI.	SUPPORT	
183	SCR27		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KA'ALAWAI, HONOLULU, O'AHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
184	SCR28		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMĀNALO, KO'OLAUPOKO, O'AHU, FOR THE EXISTING PIER, SEAWALL, AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
185	SCR29		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KĀNE'ŌHE, KO'OLAUPOKO, O'AHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
186	SCR30		AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	

187	SCR31		AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KĀNEʻOHE, KOʻOLAUPOKO, OʻAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
188	SCR32		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT NĀPILI 2 AND 3, LAHAINA, MAUI, FOR AN EXISTING WALKWAY, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
189	SCR33		AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KĒŌKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
190	SCR34		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KĒŌKEA HOMESTEADS, KIHEI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
191	SCR35		AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KĒŌKEA HOMESTEADS AND BEACH LOTS, KIHEI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.	MONITOR	
192	HR8		URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS.	MONITOR	
193	SR18		URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS.	MONITOR	
194	GM506		Submitting for consideration and confirmation as the Commission Chair of the Department of Hawaiian Home Lands, Gubernatorial Nominee, WILLIAM J. AILA, for a term to expire 12-31-2022 (title amended to Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by GM510).	MONITOR	
195	GM507		Submitting for consideration and confirmation as the Deputy to the Chairperson of the Department of Hawaiian Home Lands, Gubernatorial Nominee, TYLER I. GOMES, for a term to expire at noon on 12-05-2022 (title amended to Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by GM511).	MONITOR	

Trustee Hulu Lindsey seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	11:26 a.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
VICE-CHAIR KALEIHIKINA	AKAKA	1		X			
	AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						Not Present at Vote Departed at 11:00 a.m.
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

VI. COMMUNITY CONCERNS*

KAMUELA KALAI: Aloha Mai, I wanted to update everybody on what's happening at Kawaiaha'o. The most current number that we have of kūpuna who have been removed from their graves is 714; we still suspect that there may be more. We have several families who have come forward to be recognized as lineal descendants including myself and my 'ohana, and we have been meeting as families. Thank you to OHA for providing us with meeting space.

We have created our own burial treatment plan and have submitted it for review. We're waiting for SHPD to accept it and are waiting on a couple of other steps that need to occur. We want to make sure that we mālama the kūpuna and get them ready for reburial. We will be asking for kōkua with this because we are going to need help. After they excavated the kūpuna they removed over 14 million pounds of dirt according to their records and trucked it off-site; we've been asking where it went because it contains our kupuna. We asked where the lepo is and were told they don't know – except when we brought up the fact that one of us followed the truck and it ended up at a Pearl City Base yard - then they admitted that they sold it. That is millions of pounds of dirt that contains our kupuna and we don't know where they are.

In order to rebury our kupuna we are going to have to purchase lepo and we have no idea what that's going to cost. We are going to be gathering hala and are asking for help from people we know that weave so that we can weave baskets and mats for kupuna. We're going to try to get kapa made for them as well and we will need a place to take them to, so we will be looking for a hale. I just wanted to let you know that this is where we're at. We're trying to get the church to comply and are getting a budget together which includes travel for neighbor island families who can't afford to come over themselves. Once the process is complete, we'll be back to ask for help and we would appreciate if someone from OHA could attend an OIBC meeting so you would see first-hand what is happening. Mahalo.

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Vice-Chair Akaka moves to adjourn the BAE meeting.

Trustee Hulu Lindsey seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	11:41 a.m.
LEINA'ALA	AHU ISA			X			EXCUSED
DAN	AHUNA						EXCUSED
VICE-CHAIR KALEIHIKINA	AKAKA	1		X			
	KELI'I AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						Not Present at Vote Departed at 11:00 a.m.
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

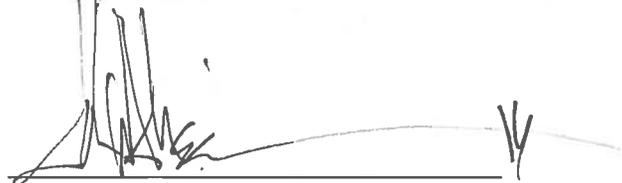
Chair Waihe'e adjourns the BAE meeting at 11:41 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on February 26, 2020.



Trustee John Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment