

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**February 5, 2020 1:00 p.m.**

**ATTENDANCE:**

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

Lei Ann Durant  
Maria Calderon  
Melissa Wennihan  
Nathan Takeuchi  
Paul Harleman  
Zuri Aki

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Annie Kauhane, PP  
Gloria Palma, PP  
Jenifer Jenkins, PP  
Jocelyn Doane, PP  
Olan Fisher, PP  
Sterling Wong, PR  
Wayne Tanaka, ADV

**BOT STAFF:**

Alyssa-Marie Kau  
Anuheia Patoc  
Bethann Hihina Ahsing  
Brandon Mitsuda  
Crayn Akina  
Kama Hopkins  
Lehua Itokazu

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 5, 2020 to order at **1:00 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:00 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	

***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**

NONE

## **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:** Hi Trustees, I have a goal today to get out of here by 2:15 p.m. because there is a hearing at 2:45 p.m. that I want to try to attend. We have the OHA Legislative Package (the small matrix) before you.

OHA-1, we have a hearing tomorrow morning.

OHA-2 moved in the Senate which we're excited about, and we already had a meeting with the Judiciary Chair about that. We also had some really, good dialogue with the County Department of Human Resources and the State Department of Human Resources. As we venture into this different area that we haven't done a lot of advocacy on, we noted that people don't understand what we're doing; so they say things that have confused the Committee Chairs. So, I think we've resolved those issues and started creating new relationships with those departments.

OHA-3, which is the Historic Preservation Bill, died in the House; it was deferred. We have not yet gotten a hearing in the Senate – we must have a hearing by next week, for that to move forward. We will reach out to LCA and Water and Land about that in the next few days.

OHA-4 is our resolution in the Senate. It also has a hearing quite early, so we're happy about that.

OHA-5 our Landowner Liability Bill was deferred in the House and moved in the Senate.

OHA-6 both of our CIP bills moved.

So, we're doing pretty, well; better than I thought we would be doing.

**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:** I have a few fixes that we need to make to the matrix.

The first measure is not on the matrix, it is HB2511; it is a Charter School appropriation bill. This is basically identical to Charter School appropriation bills that we've supported in the past. So, we are recommending SUPPORT.

The next one is also not on the matrix yet, it's HB2587. This would establish a Hawaiian Home Lands Outstanding Claims Task Force, and the Hawaiian Homes Commission Chair would be the Chair and we would be a member. Their responsibility would be to review outstanding issues as it relates to Act 14. As a reminder, Act 14 was passed in 1995 to settle claims or issues related to the State's inappropriate, uncompensated use of Hawaiian Home Lands Trust Lands.

In Act 14, it envisions transfer of cash which has already happened and has already been spent and a transfer of lands to make up for uses of other lands. As it relates to the Mauna Kea Access Road because that was such a hot issue - we did some research at the time and found that Department of Hawaiian Home Lands (DHHL) Staff had updated the Commission late last year and there are approximately 1300 acres of lands that were envisioned to be transferred to DHHL; that has not yet been done. So, that would I assume, be the scope of the first kuleana that task force would have.

The second would be investigating things that arose after July 1, 1988 which was the stop date in Act 14. So consistent with the letter that we sent regarding the Mauna Kea Access Road to the Governor, there are definite uses of Trust Lands by the State without compensation, post Act 14, and the Mauna Kea Access Road is just one example.

The last kuleana would be reviewing outstanding things and they specifically mention the Mauna Kea Access Road. So, we are recommending COMMENT and will highlight the things that I mentioned. Right now, as it's written, the Board Chair would be on the Task Force. However, we will recommend that it be the Board Chair, or designee, or the Administrator, or designee.

Those were the two additional measures we wanted to add to the matrix. We also wanted to correct a couple of things, since we've done more research on the related measures.

Page 1, Item 6 – HB1751; this is an Additional Voter Service Center Bill. As you may know, this will be the first election that the State is going to transition to All Mail-In. Currently and however, the law requires establishment of voter service centers (VSC) to meet the Counties' needs. It does not say how many centers to have. The Counties are responsible for establishing these in their jurisdiction and their current plan is to have eight; 2 on Hawai'i Island, 3 in Maui County, 1 on Kaua'i, and 2 in Honolulu County. The thing about the VSC right now, is they must be open 10 business days prior to election, remain open during normal business hours during those ten days, and serve as an Election Day site so that people can take their ballots on the day of.

The problem is that they've already had issues with finding volunteers and workers. They foresee they may run into the same problem of having an insufficient number of support people.

These bills (SB2137 companion) would do two things; it would allow for flexibility for additional VSCs and the Senate bill would require that any County with more than one island to provide at least one on each island because it's currently not required. So, we're recommending a position change from Monitor to SUPPORT in-light of the potential benefits for rural communities.

Page 14, Item 65 – SB2218; we're recommending changing from Oppose to COMMENT. After looking closer at the bill, it looks like a bill we're commenting on. It would allow 99-year leases and it does have the exemption from Act 171. The author and lead on this bill have already taken our recommendations on a very similar bill - incorporating a requirement that HHFDC transfer units to OHA or DHHL and fixed the concerns that we had about Act 171. So, we think that will happen again, if this bill gets a hearing. We're recommending COMMENT on this.

Page 18, Item 83 – SB2578; I'm bringing this to your attention due to the House Bill I need to add manually. HB2203 is not on the matrix. It should be added, and our recommendation is SUPPORT. This bill would require data collection of reporting from the Board of Education, the Legislature and the Superintendent to restrict or reduce school exclusions and suspensions. Apparently, this is very, controversial and the DOE doesn't like it. So, this would require the BOE and the Legislature to annually review data about the number of students who were excluded from school in a previous year including data on exclusion, the duration of the exclusion, the reasons for the exclusions, and the specific schools, age, grades and gender.

It then would also require the superintendent to review the data to determine whether-or-not the discipline imposed had a disproportionate impact on students based on race, ethnicity, gender or disability status. It would also require for grades 6 – 12, if the student seriously endangers the health and safety of another, the principal can preclude the child from attending up to three days. If it is assessed that a longer period-of-time is needed, the Complex Area Superintendent (CAS) would need to be involved and mitigate academic impacts, so they would have to provide some sort of alternative education services. Data the ACLU has analyzed show that Native Hawaiian and Pacific Islanders and Students with disabilities, which we're also disproportionate in, lost more than twice as many school days in Hawai'i as the national average.

Then of course there are disparities as it relates to discipline for Hawaiian children compared to everyone else. Native Hawaiian students make up 39% of Special Education and more than 50% of those suspended. We're particularly interested in this. We're not entirely sure if the things we love are going to move because of the concerns that were brought up by the Department.

Page 20, Item 93 – SB2717; there is an error on the Matrix, it says 'Monitor, Support' – but it should just say SUPPORT. I wanted to point that out to make sure we got it fixed.

Page 41, Item 205 – HB2520; This is related to Aloha Stadium. We're recommending a position of OPPOSE on this and I bring it to your attention because it was previously marked as Comment on the 1/29/20 matrix – so we need to include this in the vote today to get the correct position of OPPOSE. This measure as well as its Senate version would significantly expand the powers of the Stadium Authority, which is a little wild because as you may recall last year the Stadium Authority Bill passed that would transfer jurisdiction over to HCDA which this would now undo. The concerns that we're worried about is that it would now allow the authority to acquire, lease, rent or sell additional State lands for its purposes. Right now, the Stadium is comprised primarily of non-ceded lands, only about 1.5% of the stadium is ceded. So, for the most part we're not particularly concerned about how they lease those lands and if they're going to sell it; although it still creates a pattern that we don't like. This bill is specifically envisioning transfer of other State lands that will likely be Ceded Lands and Public Land Trust Lands, to the authority. It specifically envisions selling development projects; so, of-course we are concerned.

Also, they envision 99-year leases. We're recommending OPPOSE to recommend shorter lease terms. We want to make sure that any potential sales go through the same process as all other Public Lands, so that we get notice in advance. We can then weigh in, and then, that creates a special fund that would limit where the revenues go. We would suggest that they account for OHA's pro-rata share if appropriate. It wouldn't apply to most of the current Stadium lands, but this bill would create a scenario where they're going to acquire other State Lands.

One last correction, then we should be on track. Page 44, Item 215 – HB2468; this position should be COMMENT. You will not be voting on this measure today, so the inaccuracy will not affect your vote – but it currently reads 'COMMENT > OPPOSE' and it should just be COMMENT. You voted this as COMMENT last week.

So those were all the different changes, I will now go over the **New Significant Bills**.

Page 3, Item 16 – HB2035; This bill and two other bills which are very similar would set a deadline for the DLNR to comply with a 2003 Law to transfer certain non-agricultural park lands to the Department of Agriculture. It would set a deadline of June 30, 2020 or June 30, 2022 in one of the other versions of the bill to automatically transfer them if the parcels were not already transferred.

As we understand, this bill is aimed to appease State Pasture Lessees who want the DOA rather than the DLNR to manage these lands. This is really, relevant to all the conversations we're having about why we're concerned about 99-year leases. We may see longtime lessees who feel like they own a property. These lessees may use their political influence to try to get policies and laws changed so that they can hold on to these lands even longer. This problem provides no opportunity for an assessment on - *if this is the best use of these lands*.

*Are there better uses?*

*Are there uses that would specifically benefit Native Hawaiians, or generate more revenue to protect other lands?*

We did speak to the Chair of the Department about this bill, because she along with we, are concerned about transfers of massive acreage. The reason why we're concerned is because DLNR will be more worried about promoting Native Forests, restoration of watersheds, containing Public Access and protecting biological resources; which is really, consistent with the kinds of management philosophies that we like.

So, we're doing a bunch more research on the DOA's leasing rules, but it seems like they might be interested in getting extensions; also, price adjustments. DLNR has another bill in the matrix that we talked about last week to see if there's some middle ground. So, we're working with them to see if we can be supportive on that. Our recommendation is OPPOSE for this bill, as well as with SB2415 and SB2375.

Page 3, Item 19 – HB2101; this is a bill that would provide special sentencing for minors. We're recommending SUPPORT. It would require the Circuit Courts to apply and consider a special sentencing consideration when sentencing a minor for non-violent offenses. A court could in its discretion, if it found it appropriate, impose a sentence half the length of a mandatory minimum. Consistent with our Criminal Justice Advocacy to try to address mandatory sentencing and sentencing enhancement, we're recommending SUPPORT. Native Hawaiians are much highly represented in the juvenile system than the general population. The last data point is old, but we're talking about half of those in the juvenile system as being Native Hawaiian; which is a high number.

Page 4, Item 20 – HB2109; as a result of some of the more violent crimes that we've been seeing in the news, this bill would increase a bunch of different crimes by a grade up. As we know and as our advocacy reflects, existing punishment models don't work and doubling down on the model is only going to exasperate the problems that we see. That would be the only COMMENT that we will provide on this specific measure.

Page 6, Item 34 – HB2335; we're recommending that we SUPPORT the Hawai'i Youth Correctional Facility's (HYCF) commercial enterprise bill. It would allow HYCF to engage in for-profit commercial enterprise as a part of their vocational program. Because it has an appropriation, it is not something we would normally weigh-in on, but as we know, we are highly represented in the facility. The amazing thing about what Kawika Patterson has done at HYCF is he's basically doing exactly what we would like to see in the adult system; switching from a model of punishment to one of rehabilitation. HYCF also works with youth homeless and foster care kids that age out of the system. So, they have a program on site that does work with previous minors that were in the system. So, we're recommending SUPPORT.

Page 9, Item 45 – HB2673; this would ban the imports of kalo corms unless it's dried, cooked, frozen, or peeled. So not only would this potentially be good for business purposes, but also, I think they're particularly worried about biosecurity issues. So, we're recommending a position of SUPPORT on that.

**Vice Chair Akaka:** *How would this affect the vendors in Chinatown or any store for that matter?*

**Public Policy Manager Doane:** I don't know where the Chinatown kalo comes from, which I assume some of it may be imported. So yes, they wouldn't be able to bring raw kalo over – they would either need to buy it locally or the import would have to be previously cooked, dried, frozen or peeled. This could encourage more kalo growing and less imports.

**Vice Chair Akaka:** On one hand I see how that could be good for our local farmers and on the other hand I'm thinking about our traditional practices of other cultures here in terms of how they prepare their seasonal meals and so forth. I'm hesitant to Support this. *Can we change this to Comment?*

**Public Policy Manager Doane:** I'm not objectionable to that, if the Trustees would like to do so. This is one of the bills that we had Community Outreach help us with. I think the rationale was in the Taro Task Force reports, there were recommendations regarding improving protections for kalo farm biosecurity threats; threats normally from imported kalo.

**Vice Chair Akaka:** I'm just trying to keep in mind that some prefer different varieties.

**Trustee Lee:** We already have non-Hawaiian varieties that grow here. We saw that when we went to Maui last year, the whole second half of the field they said was an Asian variety of Kalo because it made better chips.

**Vice Chair Akaka:** I'm interested to look at the figures on that to see how much we have in terms of the different varieties in the State, non-imported, so we can better decide on this. *Do you folks happen to have those figures on hand?*

**Public Policy Manager Doane:** We can try to see if we can find the importing rights.

**Trustee Ahuna:** *Does importing taro have an effect, on our taro growers?*

**Public Policy Manager Doane:** This was primarily introduced as a biosecurity bill, but of course also positively impacts local growers. The Taro Task Force absolutely raised biosecurity issues from imports in the past. So, we could COMMENT instead of Support if that is the will of committee and we could do additional research before the next meeting.

*The Committee concurs to the change the position on Item 45 – HB2673 to COMMENT.*

**Trustee Machado:** Page 18, Item 82 – SB2568; Relating to Government Accountability - they specifically identify OHA in this report. It requires any report of a study or an audit enacted with legislative appropriation or adopted by concurrent resolution and conducted by an executive department or agency, including the Hawai'i Health Systems Corporation, and by the legislative reference bureau, auditor, judiciary, or Office of Hawaiian Affairs... *you're just recommending MONITOR?*

**Public Policy Manager Doane:** Yes, this is one of those bills that we're in a list of – so it's not an OHA-targeted bill.

**Trustee Machado:** *Are you sure?*

**Public Policy Manager Doane:** Yes.

Page 19, Item 86 – SB2620; this bill would require transfer of kuleana land use decision-making from the LUC to the Counties for projects that are primarily Affordable Housing. This is very similar to a bunch of other bills that we're already opposing. We didn't catch this one last week, so I wanted to bring it to your attention. The LUC, when they do their DDA processes they're specifically looking out for Public Trust interests, including Native Hawaiians, sometimes the only opportunity for conditions. There's no data to suggest that the LUC process is what's holding up Affordable Housing, and we have a ton of data to support that. So, we are recommending OPPOSE.

Page 23, Item 108 – SB3018; this already had its first hearing. We're recommending a position of SUPPORT after we had gotten some information. It would exempt traditional and customary kalo farming on kuleana lands from water use permit requirements and from stream channel alteration permit requirements. We were initially wanting to speak to the water commission to figure out if there might be management concerns; making sure that they are aware of use and able to calculate that, especially in Water management areas like Nā Wai 'Eha. After hearing from the committee, we decided that we would like to recommend SUPPORT because it's such a small and narrow exemption. It would only be on kuleana lands and for traditional and customary kalo farming, specifically.

Page 23, Item 110 – SB3038; this is another measure related to kalo, it would exempt kalo production from State Income Tax. This is specifically related to trying to create stronger economic incentives and relief for kalo farmers, so we're recommending SUPPORT. There's a cap of \$100,000 for an individual, farm or poi mill so if someone was to exceed that they would pay their fair share.

Page 26, Item 123 – SB3164; this is the Surfing Commission measure, it's primarily a promotion and educational commission. We are recommending a position of SUPPORT. Two members of the Commission would be chosen from a list of nominees that OHA would furnish, which is a recommendation that we made last year. You may recall that the bill passed last year and then was vetoed. I think the Governor was concerned about his agencies' complaints that they don't understand the nexus to their kuleana; which is in DBEDT.

**Trustee Lee:** I just looked it up again and they still haven't posted the amendments that were made. What was being reported is that the amendment they added in is that it would now be housed within HTA. If that's the case, then I'm going to argue that we not support this bill or change to SUPPORT WITH AMENDMENTS; and suggest that HTA be taken out.

**Public Policy Manager Doane:** Ok, and then we have one last new measure. Page 27, Item 125 - HCR35 and Item 126 – SCR37. These resolutions would create a Blue-Ribbon Commission, which apparently is *a group of exceptional people appointed to investigate, study, analyze a given issue* (I had my staff Google what that was). It would examine and formulate a reconciliation process related to Native Hawaiians. One of their first tasks would be to establish a reconciliation process specifically related to Mauna Kea and then they're supposed to submit findings to the Legislature and the Commission members would be appointed by the Governor. I think we generally support the idea that reconciliation is necessary. So, we are recommending COMMENT, and were thinking that we would like them to include names from OHA on the Commission, but we also wanted to get feedback from the Trustees.

**Trustee Hulu Lindsey:** It impacts the Native Hawaiian people whom we represent, so we should have a say.

**Ka Pouhana Hussey:** To provide additional context; at the International Level – at the United Nations there is already work codified in International Truth and Reconciliation work that's being done and that has been done with indigenous people. Truth and Reconciliation work has a lot of very deep-rooted kinds of things. So, the intent, if that is the kind of work - is very deep and long, and over many years. You would have to go to communities to identify the truth part of it - what the stories and experiences are and have been. So, if that is the intent of this, then I would support comments in terms of being represented at the table; because truth and reconciliation work is done by the people and by a broad spectrum of the community. It's not generally a government-sanctioned type of thing. So that's something to think about as well.

**Trustee Akaka:** Mahalo for sharing that. Thinking further in terms of having a balanced mana'o on this, like with any entity that is addressing a matter such as this – so heavy, so kaumaha with the multi-generational impact. It would be good to have the balance of groups that are kūpuna-age, but also that middle section and those of a youth-voice. Maybe that's something we could include in the comments. Thank you.

**Public Policy Manager Doane:** Yes.

**Trustee Machado:** The last *whereas*, I'm really kind of taken by that. The highlight is current discord related to Mauna Kea including issues relating to Land Use, Stewardship, Environment, Economy, Culture and Science – it's HUGE.

**Public Policy Manager Doane:** I think that in a vacuum the idea is something that the Trustees would otherwise Support. We've been advocating for a reconciliation process since our existence; it was why OHA was created in the first place. Consultation with us on this measure didn't happen, nor are we specifically named in the measure. I would say the same thing as it relates to management of Mauna Kea; all of our efforts for the last five years to get better management has been met with minimal respect for the recommendations that we've made – even though we've spent a substantial amount of time, energy and money to help create solutions. These are reasons why we don't currently recommend Support as our position.

**Trustee Robert Lindsey:** In my mind we don't need a Blue-Ribbon Commission, if the State wants reconciliation, they should pay us what we're due – our ceded lands revenue. Why should we be going to the legislature with an empty hat in our hand and begging for the money that's due to us. The State of Hawai'i owes it to our children to give them the kind of education that they so rightfully deserve. Look at our prisons and all our people who are incarcerated; *what is the State doing about that?* Our city streets, the homeless, and the houseless – our people who don't have appropriate shelter. That's what the legislature should be doing, we do not need another commission – it's just another stalling tactic to pass the time.



**Public Policy Manager Doane:** Thank you – the next is Item 127 – HB2037; we’re recommending a position change from Monitor to COMMENT. This would create a brand-new LGBTQ Commission which is very similar to the Women’s Commission. As you may know, we have actual rates of LGBTQ in our community, and that our community is vulnerable with the likelihood of being homeless and other social risks, including suicide. We would like to make a recommendation for their obligations to specifically look at our community and issues that we’re particularly concerned about.

**Trustee Machado:** *What about Item 145 – HB1875; Related to Native Hawaiian Affairs?* It 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. You have SUPPORT listed there.

**Public Policy Manager Doane:** Yes, we did vote on this last week. I’ll provide an update for you – there are two bills that would create Governor coordinator positions. This one would just create the coordinator and it seems that the responsibility of that person would be to coordinate amongst different State agencies on Native Hawaiian issues. The reason why we like this is because it would be really, lovely for the State agencies to coordinate on issues including say the Public Land Trust issue; instead of having to fight with five different agencies and their different interpretations. For example, of what kind of revenues should be subject to a pro-rata share.

This is not that different from when Norma Wong worked for Governor Waihe’e in the Office of Planning and was sort of the point person to coordinate all the different State agencies. The reason we are supporting the idea is that it could be beneficial. There is another bill that is similar, but now provides specific responsibilities to the coordinator. That looks kind of like what we’re supposed to be doing. In that case, we’re recommending a position of COMMENT. If it gets a hearing we would say: *“if you’re going to do this, reminder: this is what we do”*. So, this version is much simpler than the other one.

**Trustee Machado:** I just don’t want it to appear that they’re going to be usurping some of our authority under the Governor’s house.

**Public Policy Manager Doane:** Right.

**Trustee Ahuna:** *So, are we leaving this at SUPPORT?*

**Trustee Machado:** Yes, we can leave this at SUPPORT; but be maka’ala.

**Public Policy Manager Doane:** I did want to give the trustees an update on some of the bills that were heard between this week and last week’s BAE meetings. The first one is on Page 49, Item 249 – SB2388. The Hawaiian Affairs Committee passed this out with amendments from Esther Kia’aina which would increase the Public Funding available for the OHA races, but also make sure that the required matching funds are not as high as other Statewide races.

Page 60, Item 299 – SB3178; after talking to Everett yesterday we’re a little more concerned about this bill than we originally thought we were. This bill wouldn’t just allow the Board to remove an Administrator by a majority, it would allow them to remove an Administrator by the majority present, arguably which could be three; which is probably not a good idea. So, we will reach out to the Judiciary Chair once the bill gets out to have a conversation. I don’t know if that was intentional. The other recommendation we had made was that the trustees didn’t ask for this, and we don’t think we need it. So, can they make it clear that this is optional.

Moving on to **non-OHA related bills**. Page 38, Item 187- HB2357; this is the Water license bill which we are recommending COMMENT. I just wanted to give an update that the Chair of the Committee did hold it, but they’re going to hear the Revocable Permit bill in two days which we Oppose.

Page 38, Item 190 – HB2386; this is the bill that would amend the Kuleana Act of 1850 to allow landlords as opposed to kuleana users to have certain Easement Rights and create a new easement in statute as opposed to Common Law. We've been in constant contact with Waioli farmers who all flew over for this hearing to OPPOSE this bill. We think that the Senate will not hear it, so that's where we are on the impacts to our last visages of kalo farmers on the North Shore of Kaua'i.

Page 45, Item 225 – SB2043; this is a 99-year HHFDC bill. It was amended to specifically require a percentage to be transferred to OHA and DHHL – so thank you to the Housing Chair in the Senate. It also fixed the Public Lands language that we wanted. The same Housing Chair is hearing the Housing omnibus bill and the Aloha Homes bill tomorrow and we're making similar recommendations on those bills.

Page 60, Item 297 – SB3104; this is the Leadership Housing bill that does a bunch of things. It allows 99-year leases, changes SHPD a little bit in a way that we don't oppose, but we want to pay attention to. It changes the LUC processes and a couple other things. We just finished our testimony this morning after HOURS of drafting it and we've made substantial recommendations. So, hopefully some of those will be taken tomorrow at the hearing.

That's it for this week, I will bring all the DHHL bills next week to review and update you on them.

**Chair Waihe'e:** Thank you Jocelyn.

Trustee Hulu Lindsey moves to approve Administration's recommendations on:

**NEW BILLS (Items 1 – 126),  
BILL POSITIONS FOR RECONSIDERATION (Item 127), and  
now list Item 205, HB2520, as OPPOSE,  
along with the following revisions:**

**ADD bills:**

- HB2203 as **SUPPORT**
- HB2511 as **SUPPORT**
- HB2587 as **COMMENT**;

**CHANGE items:**

- 6 and 61, HB1751 and SB2137 respectively, from ~~Monitor~~ to **SUPPORT**
- 45, HB2673, from ~~Support~~ to **COMMENT**
- 65, SB2218, from ~~Oppose~~ to **COMMENT**; and

**CORRECT items:**

- 93, SB2717, to read as **SUPPORT**; and
- 215, HB2468 to read as **COMMENT**

on the OHA Legislative Positioning Matrix dated February 5, 2020, as amended.

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
ADD	HB2203	RELATING TO DISCIPLINARY ACTIONS IN PUBLIC SCHOOLS.	Requires the Department of Education to track and publish the use of all exclusionary discipline disaggregated by student subgroup. Restricts the use of out-of-school and in-school suspensions among students in grades 6 through 12. Eliminates the use of out-of-school suspensions for students in prekindergarten through grade 5.		SUPPORT
ADD	HB2511	RELATING TO CHARTER SCHOOLS.	Provides funding for the rental or lease of facilities through legislative appropriations and bond authorizations to the State Public Charter School Commission for the design, planning, construction, repair, and maintenance of public charter school improvements. Appropriates general funds for infrastructure costs, lease or rent assistance, and repair and maintenance of network infrastructure for charter schools.		SUPPORT
ADD	HB2587	RELATING TO HAWAIIAN HOME LANDS.	Establishes within the Department Hawaiian Home Lands, for administrative purposes only, a Hawaiian home lands outstanding claims task force. Requires a report to the Legislature.		COMMENT

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
New Bills					
1	HB35	RELATING TO MENTAL HEALTH.	Restores the categories of "gravely disabled" and "obviously ill" to the criteria for involuntary hospitalization that were deleted by Act 221, SLH 2013. Increases the maximum period of emergency hospitalization from 48 hours to 72 hours.	MONITOR	
2	HB39	RELATING TO HEALTH.	Establishes a three-year pilot program to create a new category of professional licensure for assistant physicians: recent medical school graduates who have passed certain medical exams but have not been placed into a residency program and who work under the supervision of a licensed physician to provide primary care in medically underserved areas.	MONITOR	
3	HB1619	RELATING TO PENAL RESPONSIBILITY.	Authorizes the courts to enter into collaborative agreements to divert into residential, rehabilitative, and other treatment those defendants whose physical or mental disease, disorder, or defect is believed to have become or will become an issue in a judicial case.	MONITOR	
4	HB1738	RELATING TO THEFT IN THE SECOND DEGREE.	Amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.	MONITOR	
5	HB1750	RELATING TO EYEWITNESS IDENTIFICATIONS.	Repeals Act 281, Session Laws of Hawai'i 2019, which codifies law enforcement investigation procedures for eyewitness identifications.	MONITOR	
6	HB1751	RELATING TO ELECTIONS.	Authorizes election officials to establish additional voter service centers.	MONITOR	Monitor >>> SUPPORT
7	HB1752	RELATING TO ELECTIONS.	Reinstates the definition of "precinct" and amends the definition of "district" to facilitate the administration of elections.	MONITOR	
8	HB1842	RELATING TO FITNESS TO PROCEED.	Diverts non-violent petty misdemeanants living with mental illness from the criminal justice system to the appropriate community treatment.	MONITOR	
9	HB1856	RELATING TO SEA LEVEL RISE.	Requires the Hawai'i climate change mitigation and adaptation commission to conduct certain activities to address the impacts of sea level rise and report to the legislature before the 2022 regular session. Appropriates funds for the commission's activities and extends the lapse date to June 30, 2022.	MONITOR	
10	HB1877	RELATING TO LAND RECORDATION.	Clarifies the data requirements for land recordation on land deregistered by the land court other than fee simple time share interests. Effective 7/1/2050. (HD1)	MONITOR	
11	HB1918	RELATING TO THE HAWAI'I COMMUNITY CORRECTIONAL CENTER.	Creates a task force to study and recommend to the legislature a site for a new jail to replace the Hawai'i Community Correctional Center's primary facility on three acres in downtown Hilo, Hawai'i, and to consider alternative governmental uses for the existing site. Appropriates funds.	COMMENT	

12	HB1928	RELATING TO DEVELOPMENT DISTRICTS.	Establishes the Pulehunui community development district on the island of Maui as a community development district within the authority of the Hawai'i Community Development Authority. Authorizes the Hawai'i Community Development Authority to obtain various forms of financial aid from the federal government for projects of the authority.	MONITOR	
13	HB1954	RELATING TO ELECTIONS.	Restores the conducting of elections at polling places operated by precinct officials. Repeals provisions under Act 136, Session Laws of Hawai'i 2019, that made voting by mail the primary and default method of voting. Repeals the establishment of voter service centers.	MONITOR	
14	HB2021	RELATING TO TEACHER HOUSING.	Clarifies that the Department of Education may construct teachers' housing on a public school campus. Requires that teachers' housing units constructed or acquired on a school campus after 6/30/2020, be rented at a low cost or no cost to new teachers employed full-time at that school.	SUPPORT	
15	HB2029	RELATING TO SUSTAINABILITY.	Establishes a statewide sustainability division within the office of planning to ensure long-term planning, coordination, and implementation of Hawai'i's sustainability goals and policies. Appropriates funds.	MONITOR	
16	HB2035	RELATING TO NON-AGRICULTURAL PARK LANDS.	Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.	OPPOSE	
17	HB2082	RELATING TO MARIJUANA OFFENSES.	Reinstates the protection for the public by repealing the decriminalization of the possession of three grams or less of marijuana and re-establishes the classification of a petty misdemeanor to deter the harm marijuana causes.	MONITOR	
18	HB2091	RELATING TO CRIMINAL HISTORY RECORD CHECKS.	Adds the University of Hawai'i to the list of agencies authorized to conduct criminal history record checks on current or prospective employees, and contractors and their employees, whose duties include ensuring security of campus facilities and persons.	MONITOR	
19	HB2101	RELATING TO MINORS.	Requires circuit courts to apply special sentencing considerations when sentencing a minor for a non-violent offense. Allows the courts, in their discretion, to impose a sentence up to 50% shorter than the mandatory minimum or to decline to impose a mandatory enhanced sentence in certain circumstances.	SUPPORT	
20	HB2109	RELATING TO CRIMINAL PENALTIES.	Increases certain penalties for the crimes of assault, burglary, criminal property damage, and theft by one grade.	COMMENT	
21	HB2111	RELATING TO CHILDREN AND FAMILY OF INCARCERATED INDIVIDUALS.	Requires the department of human services to work with the department of public safety to establish a pilot visitation and family resource center at Waiawa correctional facility. Makes an appropriation.	COMMENT	

22	HB2119	RELATING TO VOTING.	Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 1/1/2021.	MONITOR	
23	HB2121	RELATING TO RANKED CHOICE VOTING.	Establishes ranked choice voting for special federal elections and special elections of vacant county council seats.	MONITOR	
24	HB2123	RELATING TO SEXUAL HARASSMENT.	Requires employers that employ 50 or more employees to file regular electronic reports with the Hawai'i Civil Rights Commission (HCRC) on legal settlements regarding sexual harassment. Requires HCRC to publish and make accessible to the public on the commission's website quantitative information about such legal settlements.	MONITOR	
25	HB2125	RELATING TO THE STATE ETHICS CODE.	Makes various amendments to the State Ethics Code. Repeals exemption from certain financial disclosure requirements granted to members of the Hawai'i Correctional System Oversight Commission.	MONITOR	
26	HB2126	RELATING TO VOTER REGISTRATION.	Establishes a process, beginning on January 1, 2021, for preregistering or registering public school- and charter school-enrolled students to vote.	MONITOR	
27	HB2128	RELATING TO ELECTIONS.	Makes housekeeping amendments to Hawai'i's elections laws to clarify and improve the administration of elections by mail.	MONITOR	
28	HB2131	RELATING TO AGRICULTURAL LANDS.	Prohibits community associations from adapting any rule over residential agricultural lands that restricts the use of that land for agricultural purposes.	MONITOR	
29	HB2173	RELATING TO IGNITION INTERLOCK DEVICES.	Requires consecutive terms of imprisonment for anyone convicted as a repeat or habitual offender if arising from same conduct as conviction for operating a vehicle without an ignition interlock device. Requires any person operating a vehicle with an ignition interlock to have government issued identification in their immediate possession. Expands the lookback period under provisions relating to ignition interlock requirements from five to ten years. Expands the offense of circumventing or tampering with an ignition interlock to include obscuring the camera lens.	MONITOR	
30	HB2207	RELATING TO LAND USE.	Authorizes the office of planning to conduct a land use study for Hauula, O'ahu, that assesses the viability and cost of maintaining the transit corridor. Appropriates funds.	MONITOR	
31	HB2244	RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS.	Reactivates the individual development account contribution income tax credit for the five-year period from 2021 through 2025. Amends provisions regarding state-funded individual development accounts. Appropriates funds to the department of human services.	SUPPORT	

32	HB2266	RELATING TO SEA LEVEL RISE.	Directs the Hawai'i Climate Change Mitigation and Adaptation Commission to address areas already impacted by sea level rise, identify vulnerable critical public infrastructure, create a plan for mitigating and adapting to sea level rise, and provide policy direction to the legislature on funding and strategies to address the impacts of climate change on the State. Appropriates funds.	MONITOR	
33	HB2297	RELATING TO PUBLIC LANDS.	Exempts lands set aside by the Governor to the Hawai'i Housing Finance and Development Corporation for the primary purpose of developing affordable housing from classification as public land subject to Department of Land and Natural Resources management. Requires lands set aside by the Governor to the Hawai'i Housing Finance Development Corporation for the primary purpose of developing affordable housing to be subject to legislative approval prior to the sale or gift of those lands.	MONITOR	
34	HB2335	RELATING TO OFFICE OF YOUTH SERVICES.	Permits individual vocational programs within the purview of the Office of Youth Services to engage in commercial enterprises, including the sale of goods and services, for self-sustainability purposes, for young adults only. Establishes the Office of Youth Services Revolving Fund. Appropriates funds.	SUPPORT	
35	HB2362	RELATING TO PUBLIC SAFETY.	Appropriates funds to purchase the Honolulu Federal Detention Center.	MONITOR	
36	HB2402	RELATING TO STATE HOLIDAYS.	Repeals the provision making election days state holidays and provides 8 hours of paid leave during normal business hours on the anniversary of an employee's date of birth on even-numbered years.	MONITOR	
37	HB2403	RELATING TO STATE HOLIDAYS.	Repeals the provision making election days state holidays and provides employees with 8 hours of paid leave every even-numbered year during normal business hours on a day previously agreed upon with their employer.	MONITOR	
38	HB2418	RELATING TO LEGISLATIVE TESTIMONY.	Requires the house and senate to permit remote testimony, via telephone, at public hearings.	MONITOR	
39	HB2470	RELATING TO HOUSING.	Directs the HPHA to convey a specified 15.418-acre parcel in Honoka'a, Hawai'i county, to HHFDC. Requires HHFDC to conduct a feasibility study to determine whether the parcel is suitable for residential development. Appropriates funds for the feasibility study.	MONITOR	
40	HB2544	RELATING TO A SCHOOL FACILITIES AGENCY.	Establishes the School Facilities Agency to be responsible for all public school development, planning, and construction, related to capital improvement projects assigned by the Legislature, Governor, or Board of Education. Transfers statutes pertaining to the Hawai'i 3R's and 3T's programs to a new School Facilities Agency statutory subpart. Places management of school impact fees with the agency. Appropriates funds.	MONITOR	

41	HB2578	RELATING TO PUBLIC LANDS.	Authorizes the designation of areas or regions of public lands classified as commercial, industrial, resort and hotel, and the establishment and implementation of guidelines for the redevelopment of the areas or regions that will: (1) modernize the policies for the management of public lands in the designated area; (2) establish a plan for the designated area, including district-wide improvements, that is coordinated with state and county land use and planning policies; and (3) implement asset and property management concepts that can optimize income from the properties and evolve in response to changing principles of property administration. Designates the public lands on the Waiākea peninsula on the island of Hawai'i as the Waiākea Peninsula Redevelopment District. Allows the Department of Land and Natural Resources to issue a rent reduction or waiver for certain lessee's expenses for demolition or provision of basic infrastructure. Authorizes a local redevelopment agency to contract with a developer for construction of non-residential projects on public land within a redevelopment area. Takes effect upon the County of Hawai'i repealing the Banyan Drive Hawai'i redevelopment agency.	COMMENT	
42	HB2581	RELATING TO CRIME.	Creates a new offense, promoting a dangerous drug in the fourth degree, for possession of any amount of any dangerous drug, as a misdemeanor. Amends promoting a dangerous drug in the third degree to possessing 1/16 ounce of specified dangerous drugs. Makes prior convictions of promoting a dangerous drug in the third degree a misdemeanor.	SUPPORT	
43	HB2602	RELATING TO AGRICULTURAL LANDS.	Amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawai'i 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.	MONITOR	
44	HB2629	RELATING TO HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.	Requires the Hawai'i Housing Finance and Development Corporation to award funds no later than 60 days after the deadline to file a consolidated application or no later than 60 days after the filing of a duly submitted consolidated application if no deadline has been established by the corporation.	MONITOR	
45	HB2673	RELATING TO TARO.	Bans the importation of taro corms unless dried, cooked, frozen, or peeled. Bans the importation of live taro plant material from any point of origin in the United States.	SUPPORT	Support >>> COMMENT
46	HB2747	PROPOSING AN AMENDMENT TO ARTICLE XVI, SECTION 2, OF THE HAWAII STATE CONSTITUTION, TO AUTHORIZE THE LEGISLATURE TO REQUIRE THE FORFEITURE OR REDUCTION OF PENSION BENEFITS OF A MEMBER, OF THE EMPLOYEES' RETIREMENT SYSTEM WHO IS CONVICTED OF A FELONY.	Proposes a constitutional amendment to article XVI, section 2, of the state constitution to authorize the legislature to require the forfeiture or reduction of benefits of any member, former member, or retirant of the employees' retirement system who is convicted of a felony related to the member's, former member's, or retirant's employment with the State or any political subdivision thereof.	MONITOR	
47	SB42	RELATING TO HAWAIIAN AFFAIRS.	Short form bill.	MONITOR	
48	SB1121	RELATING TO THE DEPARTMENT OF HEALTH.	Requires the Department of Health to establish a working group to examine and advise on amendments that can be made to the statutory description of the Department's powers, duties, functions, and responsibilities. Authorizes the working group to evaluate the health impact assessment tool. Appropriates funds to support the activities of the working group. Effective 7/1/2050. (SD2)	MONITOR	



49	SB2005	RELATING TO VOTING.	Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 1/1/2021.	MONITOR	
50	SB2006	RELATING TO RANKED CHOICE VOTING.	Establishes ranked choice voting for special federal elections and special elections of vacant county council seats.	MONITOR	
51	SB2027	RELATING TO VOTING.	Requires that any person who is eligible to vote but is not already registered to vote and applies for a new or renewed motor vehicle driver's license, provisional license, or instruction permit, or a new, renewed, or duplicate civil identification card be automatically registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or civil identification card information to election officials and the statewide voter registration system. Takes effect 1/1/2021.	MONITOR	
52	SB2029	PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO AMEND THE QUALIFYING AGE OF VOTERS FOR ANY STATE OR LOCAL ELECTION.	Proposes a constitutional amendment to lower the qualifying age of voters for any state or local election to sixteen years of age.	MONITOR	
53	SB2030	RELATING TO ELECTIONS.	Requires an elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group they represent and invalidates an elector's vote for failure to vote accordingly. Requires an alternate to vote in place of the original elector if the original elector fails to vote for the proper candidate.	MONITOR	
54	SB2035	RELATING TO PROCUREMENT.	Requires that in evaluating and determining the award for redevelopment of state or county level through competitive sealed bidding or competitive sealed proposals, the number of housing units proposed shall constitute forty per cent of the evaluation score regardless of whether the development of housing is proposed.	MONITOR	
55	SB2037	RELATING TO HOUSING.	Restricts any county from disapproving or imposing certain conditions on a housing development project for housing or an emergency shelter unless the county meets certain requirements.	MONITOR	
56	SB2042	RELATING TO PUBLIC HOUSING.	Requires the Hawai'i public housing authority to establish a rent-to-own pilot program subject to any applicable federal law.	MONITOR	
57	SB2046	PROPOSING AN AMENDMENT TO ARTICLE IX, SECTION 5, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE THE STATE TO PRODUCE ENOUGH HOUSING TO MEET DEMAND.	Amends the constitution to require the State to provide enough housing to meet demand.	MONITOR	

58	SB2047	RELATING TO THE PENAL CODE.	Requires the judicial council to conduct a comprehensive review of the penal code and to recommend proposed changes. Requires judiciary council to appoint an advisory committee to assist in the review, and allows the council to also appoint a reporter and clerical staff as necessary. Requires the advisory committee to report to the legislature. Makes an appropriation.	COMMENT	
59	SB2048	RELATING TO VOTER REGISTRATION.	Extends the voter registration deadline from thirty to fifteen days prior to each election. Authorizes the clerks to sending ballot packages beyond the authorized deadlines if the clerk determines that there is reasonable time for a voter to receive and submit the ballot before the election. Increases the fine for providing false information on a voter application. Makes conforming amendments. (SD1)	MONITOR	
60	SB2115	RELATING TO THE STATE ETHICS CODE.	Amends the state ethics code to require candidates for state elective offices to disclose the name of clients assisted before state agencies. Gives the State Ethics Commission discretion in determining how financial disclosure statements should be filed. Removes the exemption of Hawai'i Correctional System Oversight Commission members from financial disclosure requirements.	MONITOR	
61	SB2137	RELATING TO ELECTIONS.	Authorizes election officials to establish additional voter service centers. (SD1)	MONITOR	Monitor >>> SUPPORT
62	SB2205	RELATING TO IMPORTANT HOUSING LANDS.	Establishes that important housing lands are public lands owned by the State that are located within 0.5 miles of any rail mass transit station and needed to promote the expansion of available housing for the future. Requires the State and counties to identify and designate important housing lands. Appropriates funds.	MONITOR	
63	SB2207	PROPOSING AN AMENDMENT TO ARTICLE IX, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE THE STATE AND ITS POLITICAL SUBDIVISIONS TO PLAN TO PRODUCE ENOUGH HOUSING IN ITS MANAGEMENT OF POPULATION GROWTH.	Amends the constitution to require the State to plan to provide enough housing to meet demand in its management of population growth.	MONITOR	
64	SB2210	RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.	Authorizes the Hawai'i housing finance and development corporation the right of first refusal for the development of property for all development on state lands that are within a one-half mile radius of a rail transit station.	MONITOR	
65	SB2218	RELATING TO AFFORDABLE HOUSING.	Prohibits landlords from evicting tenants where units are not habitable and limits tenants' liability. Exempts certain housing units from school impact fee requirements. Authorizes Hawai'i Housing Finance and Development Corporation (HHFDC) to enter into ninety-nine year leases for condominiums on state lands. Prohibits discrimination based on participation in a housing assistance program. Specifies that certain provisions of the Internal Revenue Code do not apply with respect to claims for the state low-income housing tax credit. Appropriates funds for the State Rent Supplement Program. Amends the Hula Mae Multifamily revenue bond authorization amount.	OPPOSE	Oppose >>> COMMENT

66	SB2222	RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS.	Reactivates the individual development account contribution income tax credit for the five-year period from 2021 through 2025. Amends provisions regarding state-funded individual development accounts. Appropriates funds to the department of human services.	SUPPORT	
67	SB2239	RELATING TO PROSECUTORIAL TRANSPARENCY.	Requires the offices of the prosecuting attorney of the respective counties to collect and publish certain data relating to criminal defendants and prosecutorial decision-making. Requires governor to establish a prosecutorial transparency advisory board.	COMMENT	
68	SB2243	RELATING TO LEGISLATIVE TESTIMONY.	Requires the house and senate to permit remote testimony, via telephone, at public hearings.	MONITOR	
69	SB2255	RELATING TO TEACHER RENTAL HOUSING.	Authorizes the Hawai'i housing finance and development corporation to assist the department of education in developing teacher housing projects and contract or sponsor with any state department or agency. Appropriates funds for deposit into the dwelling unit revolving fund. Requires the department of education to lease land and contract with private entities for the development, management, maintenance, or revitalization of teacher housing. Permits a project owner to lease teacher housing to other eligible tenants if occupancy of teacher housing falls below 95 per cent.	MONITOR	
70	SB2299	RELATING TO LAND EXCHANGE.	Allows the governor to negotiate land exchanges to acquire lands suitable for long-term diversified agricultural production in return for state lands to be developed for affordable, workforce, and other housing. Provides that all land exchanges are subject to legislative approval. Requires a report to the Legislature.	MONITOR	
71	SB2332	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.	MONITOR	
72	SB2345	RELATING TO CHILDREN AND FAMILY OF INCARCERATED INDIVIDUALS.	Requires the department of human services to work with the department of public safety to establish a pilot visitation and family resource center at Waiawa correctional facility. Makes an appropriation.	COMMENT	
73	SB2356	RELATING TO THE LAND CONSERVATION FUND.	Removes the monetary cap for the amount of conveyance taxes collected that can be paid into the land conservation fund.	MONITOR	
74	SB2358	RELATING TO SUICIDE PREVENTION TRAINING.	Requires two hours of annual in-service training in suicide prevention for all teachers, principals, and school counselors.	MONITOR	
75	SB2368	RELATING TO HAWAIIAN LANGUAGE.	Designates the month of February as "'Ōlelo Hawai'i Month" to celebrate and encourage the use of Hawaiian language. Requires all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation. Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. Clarifies that the full text of bills and other official documents are not required to be written in Hawaiian and that misspelled or incorrectly punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.	SUPPORT WITH AMENDMENTS	

77	SB2415	RELATING TO NON-AGRICULTURAL PARK LANDS.	Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.	OPPOSE	
78	SB2416	RELATING TO CONCESSIONS.	Provides state and county governments more flexibility and discretion to address substantial hardship situations that impact concession contracts.	MONITOR	
79	SB2427	RELATING TO THE LAND USE COMMISSION.	Clarifies that when deciding on a petition for the reclassification of a district boundary, the land use commission shall not consider matters outside of its jurisdiction and that are within the jurisdiction of another government agency. Establishes procedures for a petitioner in the event the land use commission approves or disapproves a petition for reclassification of a district boundary for reasons outside its jurisdiction.	COMMENT	
80	SB2529	PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO AMEND THE QUALIFYING AGE OF VOTERS.	Proposes a constitutional amendment to lower the qualifying age of voters for any state or local election to sixteen years of age.	MONITOR	
81	SB2530	RELATING TO VOTING.	Lowers the age of voting in state and local elections from eighteen to sixteen years of age. Lowers the age of preregistration.	MONITOR	
82	SB2568	RELATING TO GOVERNMENT ACCOUNTABILITY.	Requires any report of a study or an audit enacted with a legislative appropriation or adopted by concurrent resolution and conducted by an executive department or agency, including the Hawai'i health systems corporation, and by the legislative reference bureau, auditor, judiciary, or office of Hawaiian affairs, to be submitted to the senate president, speaker of the house, chairs of the appropriate subject matter committee of each house, and the legislative reference bureau library. Requires a public hearing or informational briefing within one year of receipt of report, except if extension granted to the hearing or briefing requirement by the senate president or speaker of the house of representatives or if the requirement is waived by the senate president or speaker of the house of representative. Exempts financial and other regularly occurring audits.	MONITOR	
83	SB2578	RELATING TO DISCIPLINARY ACTIONS IN PUBLIC SCHOOLS.	Requires the Department of Education to track and publish the use of all exclusionary discipline disaggregated by student subgroup. Restricts the use of out-of-school and in-school suspensions among students in grades 6 through 12. Eliminates the use of out-of-school suspensions for students in prekindergarten through grade 5.	SUPPORT	
84	SB2599	RELATING TO AFFORDABLE HOUSING.	Requires the Hawai'i public housing authority to develop and implement a pilot project to establish a boarding house for those transitioning out of homelessness or re-entering the workforce. Requires a report to the legislature. Appropriates funds.	MONITOR	
85	SB2609	RELATING TO ELECTIONS.	Includes agents of candidates listed on ballots among the persons prohibited from providing voting assistance at voter service centers and in the use of absentee ballots.	MONITOR	

86	SB2620	RELATING TO LAND USE.	Authorizes county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than thirty acres in the urban district without consideration of the land use commission if at least sixty per cent of the land is used to develop affordable housing.	OPPOSE	
87	SB2638	RELATING TO DOMESTIC VIOLENCE.	Amends the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties. Allows a deferred acceptance of guilty or no contest plea in misdemeanor and petty misdemeanor abuse penalties. Requires the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases. Sunsets five years after enactment.	MONITOR	
88	SB2642	RELATING TO HOUSING DENSITY.	Authorizes the land use commission to govern housing density increases. Authorizes homeowners located in a block to vote to increase the housing density for their respective block. Upon receiving an affirmative vote of two-thirds of the homeowners in a block, requires the land use commission to increase the housing density for the block.	MONITOR	
89	SB2648	RELATING TO PUBLIC LANDS.	Clarifies that lands set aside to the Hawai'i housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands". Requires the Hawai'i housing finance and development corporation to dispose of public lands pursuant to chapter 171, Hawai'i Revised Statutes. Clarifies that lands set aside by the governor or leased to the Hawai'i housing finance development corporation from other state agencies are subject to legislative approval prior to the sale or gift of those lands.	MONITOR	
90	SB2658	RELATING TO HOUSING.	Creates the position of governor's director of housing who has the duties of gathering information about housing in Hawai'i and collaborating with various state agencies in order to increase the current housing supply at all price points.	MONITOR	
91	SB2676	RELATING TO ELECTIONS.	Addresses various inconsistencies in existing elections law to clarify and improve the administration of elections by mail.	MONITOR	
92	SB2706	RELATING TO AGRICULTURAL LANDS.	Amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawai'i 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.	MONITOR	
93	SB2717	RELATING TO SHARK PROTECTION.	Establishes an offense of knowingly capturing, taking, possessing, abusing, entangling, or killing a shark in state marine waters, along with penalties and fines. Provides certain exemptions.	(Printed copy showed both) <del>MONITOR</del> SUPPORT	SUPPORT
94	SB2735	RELATING TO AGRICULTURAL LANDS.	Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Sets various deadlines for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires reports to the legislature on compliance with the land transfers. Appropriates funds.	OPPOSE	
95	SB2756	RELATING TO WATER QUALITY.	Waives the requirement for section 401 water quality certification for certain small scale beach restoration projects authorized by the Department of Land and Natural Resources.	MONITOR	

96	SB2793	RELATING TO DRUG OFFENSES.	Establishes a new misdemeanor offense of promoting a dangerous drug in the fourth degree, to include possession of dangerous drugs in the smallest amounts. Limits the class C felony offense of promoting a dangerous drug in the third degree to include possession of certain dangerous drugs in an amount or weight equal to one-sixteenth of one ounce or more. Retroactive to 6/1/1972.	SUPPORT	
97	SB2794	RELATING TO ELECTIONS.	Makes housekeeping amendments to elections laws to clarify the administration of elections by mail.	MONITOR	
98	SB2801	RELATING TO ENERGY.	Requires the public utilities commission to establish preferential electricity rates for residential properties located within a five-mile radius of a utility scale wind energy facility.	MONITOR	
99	SB2806	RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES PERMIT FEES.	Prohibits the department of land and natural resources for charging a fee for a permit to use public lands to a non-profit organization if that organization has paid for a permit for the same public land for fifty consecutive years.	MONITOR	
100	SB2812	RELATING TO AGRICULTURAL LANDS.	Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires reports to the Legislature on compliance with the land transfers. Appropriates funds.	MONITOR	
101	SB2830	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	
102	SB2849	RELATING TO LAW ENFORCEMENT STANDARDS BOARD.	Clarifies membership and certain powers and duties of the Law Enforcement Standards Board, establishes new deadlines for the completion of board responsibilities, and provides appropriate funds and resources to enable the board to accomplish its mission.	MONITOR	
103	SB2853	RELATING TO PUBLIC LANDS.	Exempts lands set aside by the Governor to the Hawai'i Housing Finance and Development Corporation for the primary purpose of developing affordable housing from classification as public land subject to Department of Land and Natural Resources management. Requires lands set aside by the Governor to the Hawai'i Housing Finance Development Corporation for the primary purpose of developing affordable housing to be subject to legislative approval prior to the sale or gift of those lands.	MONITOR	
104	SB2891	RELATING TO OFFICE OF YOUTH SERVICES.	Permits individual vocational programs within the purview of the Office of Youth Services to engage in commercial enterprises, including the sale of goods and services, for self-sustainability purposes, for young adults only. Establishes the Office of Youth Services Revolving Fund. Appropriates funds.	SUPPORT	

105	SB2940	RELATING TO THE STADIUM DEVELOPMENT DISTRICT.	Authorizes the Stadium Authority to acquire and hold title to real property. Transfers authority to issue leases of the lands within the Stadium Development District from the Hawai'i Community Development Authority to the Stadium Authority. Exempts development of the Stadium Development District from community development plan requirements, except requirements of the county transit-oriented development plan.	COMMENT	
106	SB2942	RELATING TO HOMELESSNESS.	Requires the Governor's Coordinator on Homelessness to develop and implement separate regional plans for various neighborhoods across the State to coordinate the services and shelter facilities of public agencies and nonprofit organizations to meet the concerns of impacted communities and needs of the homeless population.	MONITOR	
107	SB3004	RELATING TO PARTITION ACTIONS.	Requires commissioners in partition actions to file reports with the court and fully inform all interested parties of any intended applications to be filed with any department, state agency, or county to carry out the partition or division of real property, including water meter permits. Requires commissioners to provide interested parties the right to object to the report and be heard at a hearing. Requires commissioners to file a report with the court including proposed language of any deed of partition or of sale.	MONITOR	
108	SB3018	RELATING TO TRADITIONAL HAWAIIAN PRACTICES.	Exempts the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for withdrawal, diversion, impoundment, or consumptive use of water. Exempts the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for construction or alteration of a stream diversion works.	SUPPORT	
109	SB3019	RELATING TO TRADITIONAL HAWAIIAN PRACTICES.	Allows traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale farming on lands designated as conservation districts.	COMMENT	
110	SB3038	RELATING TO TARO.	Exempts taro production from the state income tax.	SUPPORT	
111	SB3063	PROPOSING AN AMENDMENT TO ARTICLE IX, SECTION 5, OF THE CONSTITUTION OF THE STATE OF HAWAII.	Proposes an amendment to article IX, section 5, of the Constitution of the State of Hawai'i, to require the State to assure that each resident has access to housing as provided by law.	MONITOR	
112	SB3066	RELATING TO PUBLIC NOTICE.	Establishes enhanced public notice requirements for change in land use by the Department of Hawaiian Home Lands, Department of Land and Natural Resources, or the University of Hawai'i and boundary changes by the Land Use Commission. Requires approval of the project by the community through a referendum of nearby adult residents except for projects within the Mauna Kea science reserve, which require a referendum by all adult residents of the county in which the Mauna Kea science reserve is located. Appropriates funds.	MONITOR	
113	SB3069	RELATING TO CAMPAIGN SPENDING.	Entitles candidates who meet the minimum qualifying contribution amount for partial public financing of election campaigns to receive payments of \$3 for each \$1 of qualifying contributions of \$5 or less in excess of minimum qualifying contribution amounts.	MONITOR	

114	SB3070	RELATING TO CAMPAIGN FINANCE.	Increases the maximum amount of public funds available to certain state candidates in each election. Increases the amount of voluntary state income tax check-off contributions that may be designated for the Hawai'i election campaign fund beginning on 1/1/2021.	MONITOR	
115	SB3074	RELATING TO CAMPAIGN FINANCE.	Part I: Increases the maximum amount of public funds available in each election to certain state candidates by ten percent annually. Part II: Increases the amount of voluntary state income tax check-off contributions that may be designated for the Hawai'i election campaign fund beginning on January 1, 2021.	MONITOR	
116	SB3103	RELATING TO A SCHOOL FACILITIES AGENCY.	Establishes the School Facilities Agency to be responsible for all public school development, planning, and construction, related to capital improvement projects assigned by the Legislature, Governor, or Board of Education. Transfers statutes pertaining to the Hawai'i 3R's and 3T's programs to a new School Facilities Agency statutory subpart. Places management of school impact fees with the agency. Appropriates funds.	MONITOR	
117	SB3105	RELATING TO HAWAI'I HOUSING FINANCE AND DEVELOPMENT CORPORATION.	Requires the Hawai'i Housing Finance and Development Corporation to award funds no later than 60 days after the deadline to file a consolidated application or no later than 60 days after the filing of a duly submitted consolidated application if no deadline has been established by the corporation.	MONITOR	
118	SB3113	RELATING TO HOUSING.	Directs the HPHA to convey a specified 15.418-acre parcel in Honoka'a, Hawai'i county, to HHFDC. Requires HHFDC to conduct a feasibility study to determine whether the parcel is suitable for residential development. Appropriates funds for the feasibility study.	MONITOR	
119	SB3115	RELATING TO PUBLIC LANDS.	Authorizes the designation of areas or regions of public lands classified as commercial, industrial, resort and hotel, and the establishment and implementation of guidelines for the redevelopment of the areas or regions that will: (1) modernize the policies for the management of public lands in the designated area; (2) establish a plan for the designated area, including district-wide improvements, that is coordinated with state and county land use and planning policies; and (3) implement asset and property management concepts that can optimize income from the properties and evolve in response to changing principles of property administration. Designates the public lands on the Waiākea peninsula on the island of Hawai'i as the Waiākea Peninsula Redevelopment District. Allows the Department of Land and Natural Resources to issue a rent reduction or waiver for certain lessee's expenses for demolition or provision of basic infrastructure. Authorizes a local redevelopment agency to contract with a developer for construction of non-residential projects on public land within a redevelopment area. Takes effect upon the County of Hawai'i repealing the Banyan Drive Hawai'i redevelopment agency.	COMMENT	
120	SB3139	RELATING TO THE STATE BUDGET.	Amends the appropriations and capital improvement projects authorized for fiscal biennium 2019-2021 made by Act 40, Session Laws of Hawai'i 2019. Amends the operating and capital improvement grants authorized by Act 39, Session Laws of Hawai'i 2019.	MONITOR	
121	SB3159	RELATING TO CIVIC EDUCATION.	Appropriates funds to the Department of Education to develop community civic education networks, expand civic education in public schools, and establish one full-time permanent civic education resource position within the department. Requires the Department of Education to submit periodic reports to the Board of Education on the status of the department's efforts to develop community civic education networks.	MONITOR	



122	SB3162	RELATING TO CIVIC EDUCATION.	Appropriates funds for expansion of civic education in public schools, including moneys for a civic education resource teacher and professional development and resources related to the college, career, and civic life framework for social studies state standards.	MONITOR	
123	SB3164	RELATING TO THE STATE SURFING COMMISSION.	Establishes the state commission on surfing.	SUPPORT	
124	SB3167	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.	OPPOSE	
125	HCR35		REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON COMMISSION TO EXAMINE AND FORMULATE A RECONCILIATION PROCESS RELATING TO ISSUES OF PAST, PRESENT, AND FUTURE IMPORTANCE TO THE NATIVE HAWAIIAN PEOPLE, STATE OF HAWAII, AND UNITED STATES OF AMERICA.	COMMENT	
126	SCR37		REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON COMMISSION TO EXAMINE AND FORMULATE A RECONCILIATION PROCESS RELATING TO ISSUES OF PAST, PRESENT, AND FUTURE IMPORTANCE TO THE NATIVE HAWAIIAN PEOPLE, STATE OF HAWAII, AND UNITED STATES OF AMERICA.	COMMENT	
Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
Bill Positions for Reconsideration					
127	HB2037	RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION.	Establishes the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission. Appropriates funds. Effective 12/31/2059. (HD1)	MONITOR > COMMENT	
Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
2020 Legislative Session (All positions previously approved)					
205	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.	<del>(01/29 was Comment)</del> OPPOSE	
215	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 > OPPOSE	COMMENT

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**.

							2:11 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
VICE-CHAIR KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

**VI. COMMUNITY CONCERNS\***

None

**VII. ANNOUNCEMENTS**

None

## VIII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the BAE meeting.

Trustee Machado 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.

							2:12 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
VICE-CHAIR KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

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

Chair Waihe'e adjourns the BAE meeting at 2:12 p.m.

Respectfully submitted,

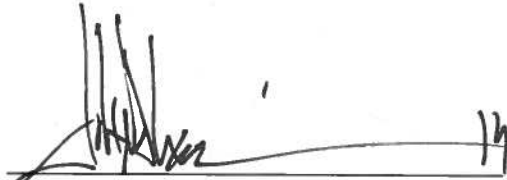
A handwritten signature in dark ink, appearing to read "Melissa Wennihan", written over a horizontal line.

Melissa Wennihan

Trustee Aide

Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on March 4, 2020.

A handwritten signature in dark ink, appearing to read "John Waihe'e, IV", written over a horizontal line.

Trustee John Waihe'e, IV

Chair

Committee on Beneficiary Advocacy and Empowerment