

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

February 12, 2020 10:00 a.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

Laurene Kaluau-Kealoha
Lehua Itokazu
Lei-Ann Durant
Maria Calderon
Melissa Wennihan
Nathan Takeuchi
Paul Harleman

EXCUSED:

Trustee Robert Lindsey
Trustee Colette Machado

ADMINISTRATION STAFF:

Lisa Watkins-Victorino, Ka Pou Nui Kūikawā
Annie Kauhane, PP
Daniel Santos, IT
Jenifer Jenkins, PP
Jocelyn Doane, PP
Keola Lindsey, ADV
Olan Fisher, PP
Wayne Tanaka, ADV

BOT STAFF:

Alyssa-Marie Kau
Bethann Hihina Ahsing
Brandon Mitsuda
Crayn Akina
Kauikeaolani Wailehua

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 12, 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	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	

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

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
TRUSTEE	ROBERT	LINDSEY	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	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

None

IV. UNFINISHED BUSINESS

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

Chair Waihe'e turns it over to Ka Pou Nui Kūikawā Lisa Watkins-Victorino.

Ka Pou Nui Kūikawā Watkins-Victorino calls on Public Policy Manager Jocelyn Doane to present.

Public Policy Manager Doane: Aloha, I wanted to go over the calendar quickly. Friday the 14th is the Lateral Deadline which means that any bill that has two or more referrals must get through its second to the last one. So, we should see a flurry of hearings this week, and then the next deadline will be two weeks from Friday – which will be the Decking Deadline which means all the bills will have needed to get through its last committee in its originating house. So how that relates to our package; OHA-1, the Senate version will make its deadline and will need to be heard by Judiciary in the next two weeks.

OHA-2, we're excited to note that both the House and the Senate versions are moving. The House bill unfortunately blanked out the years. I think that the State DHRD has started saying that the industry standard for how many years an employer can look back is seven years. They've identified eleven other states that have adopted that amount, so we will work with the Judiciary Chairs to try to put the number back in to the bill. If someone was to steal something nominal and paid their debt to society, for seven years not being able to get a job because of biases doesn't make sense. We want them to have the opportunity to get good work so that they don't steal again. Also, as a reminder, this doesn't even affect State DHRD. The law we're attempting to change will not affect the processes that State hiring offices go through – we've tried to reach out to them with no response, but unfortunately their testimony is what changed the bill yesterday.

Trustee Lee: I know it's not in our testimony now, but maybe when we go give testimony at Judiciary, we can remind the Senators that although they're recommending seven, this doesn't affect them.

Public Policy Manager Doane: Right, that will be included in our testimony and, also remind them that Hawai'i was the trendsetter for this practice in the first place anyway. So, it only makes sense that we continue to lead the nation towards creating opportunities where people can clearly contribute and support themselves, and potentially to reduce recidivism overall. The original language was being changed from ten to three for misdemeanors, and ten to five for felonies in our bill. So, right now the House wanted to provide more opportunity for discussion, so they blanked out the years. Although the Chair of the committee did give us a gold star for our testimony and data.

OHA-3, this is the Historic Preservation Bill – this bill will unfortunately die; we knew that going in. What's happening is - there is a lot of discussion about: SHPD's backlog and how to fix SHPD. Technically, in the leadership package, which we'll talk a little more in detail later, there are some changes to SHPD as well and we've made some suggested amendments on that.

OHA-4, our resolution is moving nicely and as you know, the deadline for Resolutions is much later. So, we should be good on that.

OHA-5, this is our Land Liability bill - the Senate version is moving. It just needs to get a hearing in the House in the next two weeks.

OHA-6, the water storage for Wahiawā, also needs to get a hearing in the money committee within the next two weeks.

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 Pou Nui Kūikawā Lisa Watkins-Victorino.

Ka Pou Nui Kūikawā Watkins-Victorino turns it back over Public Policy Manager Jocelyn Doane to present.

Public Policy Manager Doane: Ok, the first item that we will need to make a change on at the table is Page 14, Item 76 – HCR12; so consistent with our position on the bill, I'm now recommending that we change this from ~~Monitor~~ to COMMENT. This is the establishment of an outstanding DHHL Task Force. As we've talked about in the past, there are a lot of issues related to inappropriate, ongoing, past State uses. Act 14 would've addressed some of those old uses that have not been implemented, but additionally Act 14 only covered uses up to 1988. So, we think this is a good opportunity for the State to talk about that.

The next one is on Page 27, Item 149 – HB2119; this is the Automatic Voter Registration Bill. Our Community Outreach Staff is monitoring our Voter Engagement Bill and we had a little chat about this late last night. We'd now like to recommend a position of SUPPORT instead of ~~Monitor~~. What this would do is whenever you got a new or updated driver's license, permit or ID card you would be automatically registered to vote, if you were not previously registered. Then there's an opt-out provision, which you would have to say you do not want to be registered. We think that's cool because it's consistent with the steps that the State has taken with regards to trying to increase voter registration.

In 2015, the State implemented an online voter registration system. In 2016, we started phasing in same day voter registration, and as you know this year it will be an all-mail-in election. There are 16 other States that have already adopted it. We're thinking if all our beneficiaries are registered to vote and there's something happening that makes them think that they should vote - then they don't have to worry about anything, they're already registered.

Moving in to the **New Significant Bills**. Page 4, Item 16 – HB2429; this is a bill that is related to Human Trafficking. I thought it would be a good opportunity for the trustees to take a position on a couple of trafficking bills because we've gotten some recent data about how high the disproportionate trafficked individuals amount happens to be Hawaiian. We are recommending a position of SUPPORT on this even though the bill was just deferred in the House yesterday when we sat in the really, long hearing.

We wanted to talk about it anyway, so this would require hotels to provide Human Trafficking Awareness to their employees, and they would be fined if they did not meet that requirement. Apparently, a really, high percentage of trafficking occurs in hotels. There was just a new report out from Hawai'i's Women's Commission that shows that 64% of Sex Trafficking, which is a part of Human Trafficking; victims were identified as being Hawaiian, so we're particularly interested in this issue. We are going to have a meeting with the Women's Commission next week, so we will learn a little more about it at that time.

Page 9, Item 42 – SB2309; this may look familiar to the Trustees. We've supported a State Income Tax Credit for years now, they practically did establish one but it was temporary so this bill would do two things. It would make it permanent and it would modify the credit to be refundable; which would look like the Federal Earned Income Tax Credit to make folks eligible for a refundable credit. Our recommendation is SUPPORT.

Page 9, Item 44 – SB2386; I wanted to bring this to the Trustees' attention; it's consistent with our position in the past. This would prohibit landfills in Conservation Lands with some exigent circumstance exemptions, but also it was amended this year to require a half-a-mile buffer zone. We are waiting for the new draft to come out to find out what that half-a-mile buffer zone will look like and will update you when we get that, but we are recommending a position of SUPPORT at this time.

Page 10, Item 49 – SB2475; this is the other bill trafficking bill I wanted to bring to the trustees' attention. This would authorize the DOE to provide trafficking prevention training to staff and make them aware of certain protocols and opportunities to refer potential students; we are recommending SUPPORT.

Page 14 Item 77 – HCR37; this is a Blue-Ribbon Commission Resolution. We didn't have a position on this last week because I guess they introduced a second resolution. The resolution that we had on our matrix was HCR34, but they're basically the identical – the only thing I noted as a difference is that there was an incorrect year on the first one. Administration struggled with what to say, if anything, even though we had discussed with the trustees the week before that we were going to provide COMMENT.

After seeing some information on social media, we thought it might be good for us to assess what folks are saying, including the Committee. I went to the hearing to listen, and the thing that I heard the most was that there are a lot of tools that the State could implement that they're not currently implementing. OHA's PLT share came up, funding DHHL appropriately came up, and there was a lot of discussion about trust.

Page 15, Item 84 – HB2443; this is a **BILL POSITION CHANGE**. This was an error. The Board already approved a position of SUPPORT rather than ~~Support With Amendments~~ for the companion bill.

I'm going to have Keola take over the next portion to go over the DHHL Bills.

Chief Advocate Keola Lindsey: Currently, we're are recommending MONITOR on all the DHHL bills and talking to stakeholders including the Department and active Homestead Associations. The bills run a broad range of topics - everything from the operations of the Department, composition of the Commission, also specific activities for the Homesteaders themselves. If there are any specific bills or topics that the trustees would like further information on or for me to go over, I'd be happy to do that.

Public Policy Manager Doane: There are bills that Trustee Hulu Lindsey specifically asked about last week, I think the first one was on Page 6, Item 27 – HB2732.

Chief Advocate Keola Lindsey: I believe that one was referred but hasn't had a hearing yet. In brief, it will increase the ability for lessees to gain access to money to refinance or finance their leases. Right now, it's based on the improvements on the lease-only and that obviously caps out based on what the improvement is. They would add to the appraised value by adding in the term of the lease as something that could be appraised.

Trustee Hulu Lindsey: I think in actuality the value of the property is based on improvements, but for the land to be included for the appraisal would give the owners of the properties the ability to use the evaluation of the lease as sort of like a down payment for the improvement. Right now, our people don't have the money for a down payment, and that's why the list is so big because people aren't qualifying. There are hundreds of people on the list that have been approached but cannot qualify for financing. This will make it better if the value of the lease can be included in the evaluation of the property, because that part can be like their down payment.

Trustee Akina: *What are the concerns that we have, that prevent us from supporting this bill in present form?*

Public Policy Manager Doane: I think the concerns are that we are not experts on the topic. To support a bill to allow for mortgaging on a lease that we don't have in-house expertise on is what's holding us back. Also, we are learning and listening when there is testimony that may bring up things that we're not thinking about that could have adverse impacts on this.

Chief Advocate Keola Lindsey: Yes, while we are not experts, if this is something that OHA should take a position on then we will mobilize and research the issue and at minimum come up with comments on it. Overall, our strategy with all these bills being MONITORED is that we feel discussions are playing out amongst the experts and we can research and build up our understanding on any given bill if that's the direction we get.

Trustee Akina: I would support that the research would be helpful. There are developers and realtors who have been looking into this.

Trustee Hulu Lindsey: As a licensed broker, I have been involved in transactions where the purchasers have been really hurt; there was no value on the lease or the lands. We've been encouraged to bring this forward to the legislature to make this correction; so that can happen for the lessors and lessees.

Chief Advocate Keola Lindsey: As far as the status of the two bills relating to this topic - the House version hasn't had a hearing scheduled yet and there is a Senate version that talks about a similar issue and that was deferred in committee a couple of weeks ago. So, we will watch them closely.

Public Policy Manager Doane: If there are no other DHHL bills that the trustees would like to discuss then I will go over some **highlighted bills** that are still moving.

Page 40, Item 211 – HB2585; this is the bill that has a version of the Public Land Trust Negotiating Committee in it, as well as information about requiring all grants to be approved by the Board. As you may recall, the PLT Negotiating Committee language was taken directly from one of our other bills, but it has clearly been amended. There is one major concern in the bill - it would not change the annual reporting requirements. It would ask that the Negotiating Committee and The Office of Planning (who would be helping the Negotiating Committee) create a financial review similar to OHA's, but it would take out the Airport revenue from that report, which would mean 14-16 million of the 35 million dollars that we're asking for. So, if it moves in that way it really wouldn't be useful.

Page 54, Item 281 – SB2387; this is the bill that would appropriate a blank amount of funds to OHA and DHHL. The bill moved, and it's still blank – it complicates appropriations to OHA because of the title. So, we will watch this closely and are obviously grateful for any additional funds that they are willing to give us.

Page 73, Item 370 – SB3104; this is the Leadership Housing bill. Yesterday the Housing and Water-Land Committees in the Senate heard this bill. We made a ton of suggestions on this bill; consistent with our position.

The first issue that we made suggestions on is related to the amendments to 6E which is the Historic Preservation Section. We held numerous stakeholder conversations and a very similar bill was heard last week Friday and we made suggested amendments to that section to address concerns about bypassing burial council processes and other important processes that SHPD plays if burials are discovered. We made those suggestions to make sure OHA was not only consulted, but also would be a party to the MOU which would define the scope of delegation to the Counties.

The next issue is use of ceded lands and/or 99-year leases without specific benefits to Native Hawaiians. The committee actually adopted the amendments that we had suggested for this bill and the ALOHA Homes bill and any other Housing Bills with 99-year leases to require the HHFDC to adopt Administrative Rules to determine transfers of units or percentages of units to OHA or DHHL; so that's exciting.

The other related issue about benefiting Native Hawaiians was we had made a recommendation for there to be a preference for 80% AMI and they did take that recommendation and went all the way to the right and made that a requirement. Now in the bill, the developer could lease lands and develop half of the lands as Market Rate and half of the lands up to 140% AMI, which as we talked about in our last meeting is quite high. I looked through the Administrative Rules extensively to understand HHFDC's processes and then made a recommendation which I think wouldn't completely alter how they do things.

The other thing that we had commented on was making sure that any future sales go through the same process as any other attempted sale of ceded lands.

Then finally in the LUC section, the Board has taken a position for years making sure that the LUC authorities are not diluted, particularly as it relates to Conservation lands. They took our recommendations, so it would not transfer jurisdiction of Conservation lands and important Agriculture lands to the Counties that would stay with the LUC. We'll have to wait and see what the bill looks like when the new draft comes out and of course we will bring it to your attention so that we can review our position at that time.

Page 75, Item 378 – SB3164; I'm bringing this up for Trustee Lee's benefit – I think we just got the draft of the Surfing Commission Bill and they're housing it in HTA instead DBEDT now. So, our position is not SUPPORT and I think Trustee Lee may have a position otherwise.

Trustee Lee: We don't want it in HTA, so I would say SUPPORT WITH AMENDMENTS.

Public Policy Manager Doane: I don't mind changing to SUPPORT WITH AMENDMENTS. It would be good to get guidance from the trustees as to what the amendments would be and if we're agreeable to it being housed at OHA, instead of HTA. I would like the trustees to make that call and if I don't hear otherwise, I'll make a recommendation for it to be put back in DBEDT.

Trustee Lee: If we recommend it to go back to DBEDT, then we're essentially saying that we don't support the bill, because that's the reason the Governor vetoed it last year.

Public Policy Manager Doane: I think the rationale would be if we're talking about surfing being culturally significant, then I don't know if putting it in a tourism organization makes sense. We can get creative. We generally do not advocate for big commissions like this to be put into OHA because it costs a lot of money. So, I'm assuming that's not what we specifically want to do. We don't want to shift our priorities from elsewhere to here, unless I'm hearing otherwise. Wayne will have a lot of fun writing that testimony.

Page 75, Item 380 – SB3178; I just wanted to go over this bill one more time with the trustees. This is the bill that would allow for removal of the Administrator by ‘a majority of those present’ rather than ‘a super-majority of the Board’. It has been referred to the Judiciary Committee, I’m planning to reach out to the Chair to ask him if he plans to move this and to make two suggested amendments. First, to make sure it’s the ‘majority of the whole board’, because it would be crazy to go from like six votes to three. The second thing is to make sure it’s discretionary, so that the trustees possess the ability to change your bylaws, if you so desire.

That’s the last bill I have, to review for today. Thank you.

Chair Waihe’e: Thank you Jocelyn.

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

NEW BILLS (Items 1 – 83) and BILL POSITIONS FOR RECONSIDERATION (Item 84), along with the following revisions:

CHANGE items:

- 76, HCR12, from ~~Monitor~~ to **COMMENT**;
- 149, HB2119, from ~~Monitor~~ to **SUPPORT**; and
- 378, SB3164, from ~~Support~~ to **SUPPORT WITH AMENDMENTS**

on the OHA Legislative Positioning Matrix dated February 12, 2020, as amended.

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
New Bills					
1	HB442	RELATING TO HAWAIIAN AFFAIRS.	Appropriates funds to establish two part-time project-based research archivist positions in the Hawai’i state archives to provide research services and digitization of records. (HD1)	MONITOR	
2	HB933	RELATING TO CRISIS INTERVENTION.	Creates a crisis intervention and diversion program in the department of health to divert those in need to appropriate health care and away from the criminal justice system. Sunsets on 6/30/2023. Effective 7/1/2050. (HD1)	MONITOR	
3	HB1075	RELATING TO BAG LIMITS.	Repeals the statutory prohibition of taking or killing female spiny lobsters, Kona crabs, and Samoan crabs.	MONITOR	
4	HB1616	RELATING TO PAROLE OFFICERS.	Gives parole officers, within the scope of their duty, the powers of a police officers. Provides parole officers with the authority to arrest paroled prisoners without a warrant when there is probable cause of a violation of parole. Authorizes parole officers to use electric guns and subjects parole officers to the authority of the law enforcement standards board.	MONITOR	

5	HB1773	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to enact and enforce ordinances regulating the operation of hosting platforms that provide booking services for transient accommodation operators located within that county. Defines "booking service" and "hosting platform."	MONITOR	
6	HB1847	RELATING TO ENVIRONMENTAL PROTECTION.	Requires the Department of Land and Natural Resources to adopt rules to protect herbivorous fish in all state waters.	MONITOR	
7	HB1949	RELATING TO HOUSING.	Establishes an affordable homeownership revolving fund within HHFDC to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects. Makes an appropriation into and out of the affordable homeownership revolving fund. Effective 7/1/2025. (HD1)	MONITOR	
8	HB2014	RELATING TO HOUSING.	Establishes the affordable homeownership revolving fund to be administered by HHFDC to provide loans to qualified nonprofit community development financial institutions, qualified nonprofit housing trusts, and nonprofit housing development organizations for the development of affordable homeownership housing projects. Appropriates funds for the purposes of the affordable homeownership revolving fund.	MONITOR	
9	HB2017	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Allows the Hawaiian homes commission or the department of Hawaiian home lands to retain independent legal counsel as needed. Authorizes the Hawaiian homes commission and the department of Hawaiian home lands to use the services of the attorney general as needed and when the interests of the State, Hawaiian homes commission, and department of Hawaiian home lands are aligned. Provides that funds paid to independent legal counsel shall be paid by the State.	MONITOR	
10	HB2062	RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.	Establishes a statewide coordinator and program within DHS to address the needs of sexually exploited children. Establishes the commercial sexual exploitation of children steering committee. Requires the steering committees to submit reports to the legislature by July 1, 2021, and July 1, 2022. Appropriates funds. Takes effect 12/31/2059. (HD1)	MONITOR	
11	HB2183	RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM.	Increases the Hula Mae Multifamily Revenue Bond authorization ceiling amount to continue financing affordable rental housing statewide. Effective 7/1/2025. (HD1)	MONITOR	
12	HB2208	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Appropriates funds to DHHL for the acquisition of land to be developed by DHHL for affordable housing units.	MONITOR	
13	HB2241	RELATING TO GENERAL EXCISE TAX EXEMPTIONS.	Exempts certain foods, medical services, and feminine hygiene products from the general excise tax.	MONITOR	

14	HB2259	RELATING TO AFFORDABLE HOUSING.	Exempts workforce development projects from paying school impact fees for the development of workforce housing if at least 90% of the residential units that are set aside for purchase or rent for residents in the low-income or moderate-income ranges are set aside specifically for public school teachers.	MONITOR
15	HB2296	RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM.	Increases the Hula Mae Multifamily Revenue Bond authorization ceiling amount to continue financing affordable rental housing statewide.	MONITOR
16	HB2429	RELATING TO HUMAN TRAFFICKING.	Establishes training requirements for employees of transient accommodations in human trafficking awareness and response. Requires operators of transient accommodations to display National Human Trafficking Resource Center hotline information to employees, establish written human trafficking prevention policies, and implement procedures for reporting known or suspected human trafficking. Requires the Hawaii Tourism Authority to monitor compliance with this Act.	SUPPORT
17	HB2430	RELATING TO FEMININE HYGIENE PRODUCTS.	Promotes menstrual equity by providing an exemption from the GET, beginning October 1, 2020, for the sale of feminine hygiene products in the State. Appropriates funds to the DOE to make feminine hygiene products available to students for free on public secondary school campuses.	MONITOR
18	HB2449	RELATING TO AFFORDABLE HOUSING.	Requires that when developers make cash payments in lieu of providing the required reserved housing units in the development of residential projects for the Hawai'i Community Development Authority, the cash payments shall be deposited into the rental housing revolving fund.	MONITOR
19	HB2454	RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.	Establishes the offense of criminal trespass on critical electrical infrastructure. Takes effect on 7/1/2050. (HD1)	MONITOR
20	HB2469	RELATING TO EMPLOYMENT.	Clarifies that Hawai'i's anti-discrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer or from discharging an individual for reasons unrelated to unlawful discriminatory practices.	MONITOR
21	HB2473	RELATING TO COUNTIES.	Makes explicit the counties' authority to enact ordinances to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification. Includes swapping, bartering, or exchange of a residential dwelling, or portion thereof, in definition of "short-term rental" for this purpose.	MONITOR
22	HB2516	RELATING TO AFFORDABLE HOUSING.	Requires that projects under chapter 201H, HRS, in a county having a population of more than 100,000 but less than 1,000,000 be consistent with the county general plan or require that all units of the project shall be affordable housing in perpetuity.	MONITOR

23	HB2588	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Prohibits lessees who sell or transfer land from obtaining subsequent leases of the same class of land unless the subsequent lease is acquired pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, or the prior lease interest held by the lessee was a partial interest held with another lessee or lessees. Effective 7/1/2050. (HD1)	MONITOR	
24	HB2651	RELATING TO SHORT-TERM RENTALS.	Prohibits bans on dwelling unit rentals having a term between 1 and 5 months for inter-island relocations and visiting workers. Authorizes county councils to adopt any ordinances necessary to implement the prohibition by 6/30/2021.	MONITOR	
25	HB2658	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.	MONITOR	
26	HB2731	RELATING TO THE DISTRIBUTION OF LEASES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	Requires Hawaiian Homes Commission to distribute leases to all beneficiaries within 10 years. Removes financial consideration in obtaining a lease. Requires the construction of pu'uhonuas or communal living arrangements by the department.	MONITOR	
27	HB2732	RELATING TO FINANCING HOMES ON HAWAIIAN HOME LANDS.	Provides that the value of the remaining term of a Hawaiian Home Lands lease can be used as an asset to help a lessee obtain a loan to build, repair, or renovate a structure on the leased lot. Clarifies that this does not constitute alienation of the land and requires strict compliance with all mortgage conditions contained in the Act.	MONITOR	
28	SB70	RELATING TO THE ENVIRONMENT.	Short form bill.	MONITOR	
29	SB2032	RELATING TO RENTAL DISCRIMINATION.	Prohibits discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.	COMMENT	
30	SB2036	RELATING TO PUBLIC LANDS.	Clarifies that lands set aside to the HHFDC by the governor or leased to the corporation by other state departments and agencies are excluded from the definition of "public lands" and require approval from the legislature upon disposition. Requires that lands set aside by the governor or leased to the HHFDC be returned to the public trust or to the leasing agency if the HHFDC is no longer needed by the HHFDC. (SD1)	COMMENT	
31	SB2040	RELATING TO TAXATION.	Establishes a surcharge equal to twenty-five per cent of the net proceeds from the sale of certain residential property within a period of five years after the date of purchase if the owner is ineligible for a county homeowner's exemption on property tax.	MONITOR	

32	SB2041	RELATING TO HUMAN TRAFFICKING.	Includes transient accommodations operators among the employers required to post National Human Trafficking Hotline information. Increases penalties for violations of posting requirement and requires deposit of penalties and interest into the human trafficking victim services fund. Allows DLIR to contract with state or county departments or agencies for enforcement.	SUPPORT	
33	SB2043	RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND.	Authorizes the Hawai'i housing finance and development corporation, Hawai'i community development authority, and Hawai'i public housing authority to sell leasehold units in residential condominiums located on state lands. (SD1)	COMMENT	
34	SB2087	RELATING TO THE CONVEYANCE TAX.	Raises the conveyance tax rates for residential investment properties with a value of at least \$2,000,000. Exempts affordable housing qualified by the Hawai'i Housing Finance and Development Corporation from the conveyance tax.	SUPPORT WITH AMENDMENTS	
35	SB2113	RELATING TO HAWAIIAN HOME LANDS.	Requires the department of Hawaiian home lands to negotiate with native Hawaiians before offering Hawaiian home lands for lease to the public by auction. Requires annual report regarding negotiations.	MONITOR	
36	SB2156	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	
37	SB2164	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to enact and enforce ordinances regulating the operation of hosting platforms that provide booking services for transient accommodation operators located within that county. Defines "booking service" and "hosting platform."	MONITOR	
38	SB2216	RELATING TO TAXATION.	Establishes an empty homes conveyance tax against certain residential property owners who own a vacant residential unit in the State. (SD1)	MONITOR	
39	SB2223	RELATING TO RENT CONTROL.	Prohibits landlords from increasing rent above a certain percentage over any twelve-month period. Establishes provisions for rent control. Excludes certain properties from rent control. Requires a report regarding the effectiveness of rent control in the State. Repeals on 12/31/2030.	MONITOR	
40	SB2265	RELATING TO HAWAIIAN HOMELANDS.	Establishes the micro enterprise assistance program on Hawaiian home lands revolving fund to provide grants and loans through the implementation of the micro enterprise assistance program to qualified native Hawaiians, native Hawaiian-controlled homestead associations, homestead association community development corporations, and Native Hawaiian community organizations with a demonstrated ability and history of making and administering loans and providing support to qualified native Hawaiians. Appropriates funds. Takes effect on 7/1/2050. (SD1)	MONITOR	

41	SB2308	RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.	Establishes within the Department of Human Services a sexually exploited children statewide coordinator and program and a commercial sexual exploitation of children steering committee to address the needs of sexually exploited children in the State. Requires the sexually exploited children statewide program and the commercial sexual exploitation of children steering committee to provide annual reports to the Legislature. Establishes within each county a commercial sexual exploitation of children multidisciplinary team to facilitate the sharing of information and to immediately respond to cases of sexually exploited children. Appropriates funds.	MONITOR	
42	SB2309	RELATING TO TAXATION.	Makes the state earned income tax credit refundable and permanent. Effective 7/1/2050. (SD1)	SUPPORT	
43	SB2349	RELATING TO CRIMINAL JUSTICE.	Requires all state correctional facilities to allow family members to engage in contact visitation with inmates at any state correctional facility during official visiting hours. Provides that the correctional facility shall provide each inmate with the opportunity for a minimum of two in-person, contact visits per week, with each visit lasting at least one hour.	MONITOR	
44	SB2386	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	
45	SB2396	RELATING TO HOUSING.	Requires inclusion of an unspecified minimum percentage of affordable housing units in state agencies' development and redevelopment plans along the rail transit corridor. Allows the Office of Planning to make exceptions to the affordable housing requirement.	SUPPORT	
46	SB2400	RELATING TO AFFORDABLE HOUSING.	Appropriates funds into and out of the rental housing revolving fund and dwelling unit revolving fund.	MONITOR	
47	SB2403	RELATING TO RENT TO BUILD EQUITY.	Requires developers of housing projects that are exempt from certain laws to enter into profit-sharing agreements with the tenants of those properties.	MONITOR	
48	SB2409	RELATING TO DOWN PAYMENTS.	Encourages qualified former Hawai'i residents to move back to Hawai'i by establishing the returning resident down payment program to provide matching funds for the down payment on a residence. Appropriates funds. (SD1)	MONITOR	
49	SB2475	RELATING TO SEX TRAFFICKING AND SEXUAL ABUSE PREVENTION TRAINING.	Authorizes DOE to provide sexual abuse and sex trafficking prevention training to certain staff. Requires DOE to make available to certain staff explanatory information about protocols that DOE has approved for providing services to victims of sexual abuse and sex trafficking.	SUPPORT	

50	SB2520	RELATING TO CORRECTIONAL FACILITIES.	Establishes procedures for the use of administrative and disciplinary segregation in correctional facilities.	COMMENT	
51	SB2523	RELATING TO PUBLIC SAFETY.	Authorizes the Director of Public Safety to withhold certain information regarding deaths at correctional facilities or community correctional centers. Requires the director to include in the report regarding the death that is submitted to the governor a description of the circumstances and cause of death of the individual and ensure that the description does not contain any details that could identify the deceased individual.	MONITOR	
52	SB2524	RELATING TO SENTENCING.	Repeals mandatory minimum periods of imprisonment for certain offenses or under certain circumstances.	MONITOR	
53	SB2525	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Defines "beneficiary consultation". Prohibits the department of Hawaiian home lands from disposing or extending a general lease to non-beneficiaries, unless there are no applicants seeking to enter into a general lease to the use and occupancy of a tract of Hawaiian home lands. Requires the department to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands. Allocates the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions. Requires the department to submit a quarterly report to the legislature and beneficiaries. Authorizes the department to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions.	MONITOR	
54	SB2526	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Amends the Hawaiian Homes Commission Act to require appraisals of improvements to identify the replacement cost or the leasehold market value. Grants authority to DHHL to authorize second position loans on homestead leases by approved lenders. Requires DHHL to develop and implement a loan servicing manual, subject to commission approval, to standardize loan loss mitigation policies, procedures, and methods. Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual.	MONITOR	
55	SB2551	RELATING TO HUMAN TRAFFICKING.	Requires transient accommodations operators to provide training, signage, and reporting policies to employees regarding human trafficking awareness.	SUPPORT	
56	SB2601	RELATING TO LAW ENFORCEMENT.	Authorizes any county, under certain conditions, to collect up to fifty per cent of costs associated with providing law enforcement services for the construction of a project from the developer of the project.	MONITOR	
57	SB2616	RELATING TO HOUSING DEVELOPMENT.	Exempts affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawai'i Public Housing Authority from fifty per cent of school impact fee requirements.	COMMENT	

58	SB2625	RELATING TO HOUSING.	Establishes an Affordable Homeownership Revolving Fund within the Hawai'i Housing Finance and Development Corporation to provide loans to nonprofit housing development organizations, and community development financial institutions for the development of affordable homeownership housing projects. Makes an appropriation into and out of the Affordable Homeownership Revolving Fund. Effective 1/1/2021. (SD1)	MONITOR	
59	SB2640	RELATING TO HOUSING.	Adds a section to the Hawai'i Revised Statutes which promotes the construction of high density housing within a one-half mile radius of a rail station along the Honolulu rail transit system.	MONITOR	
60	SB2643	RELATING TO SEX TRAFFICKING.	Removes the criminal statute of limitations for sex trafficking and promoting prostitution. Specifies that sex trafficking of a minor is a strict liability offense. Repeals the offense of solicitation of a minor for prostitution.	MONITOR	
61	SB2644	RELATING TO CORRECTIONAL FACILITIES.	Repeals the authorization for the governor to negotiate with any person for the development or expansion of private correctional facilities. Prohibits the establishment of private correctional facilities in the State.	MONITOR	
62	SB2646	RELATING TO THE LANDLORD-TENANT CODE.	Prohibits landlords from recovering possession of a dwelling unit from tenants if habitability of the premises is significantly impaired. Sets a tenant's liability for rent if habitability of the premises is significantly impaired. Provides remedies for retaliatory evictions.	MONITOR	
63	SB2647	RELATING TO THE HAWAI'I PUBLIC HOUSING AUTHORITY.	Establishes the landlord incentive program special fund to reimburse land owners who participate in the section 8 housing choice voucher program for repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposit. Makes an appropriation. (SD1)	MONITOR	
64	SB2650	RELATING TO REAL PROPERTY.	Specifies that only government buildings and buildings that are on the Hawai'i or national register of historic places shall be subject to historic review. Specifies that private property shall not be subject to historic review. Exempts revenues received from buildings on the national register of historic places from state income tax.	MONITOR	
65	SB2651	RELATING TO CORRECTIONS.	Requires that a committed person and committed youth be paid no less than the federal minimum wage when working in the State.	MONITOR	
66	SB2653	RELATING TO THE STATE HISTORIC PRESERVATION DIVISION.	Requires the state historic preservation division to use a program comment approach in its duties. Appropriates funds for the state historic preservation division to conduct a study on buildings built between 1945 and 1970 that would be exempted from a program comment process.	MONITOR	
67	SB2674	RELATING TO THE TRANSIENT ACCOMMODATIONS TAX.	Authorizes counties to levy a county surcharge on transient accommodations tax in their respective counties pursuant to certain conditions. Sunsets on 12/31/2036.	MONITOR	

68	SB2684	RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS.	Authorizes the counties to adopt an ordinance regulating the operation of hosting platforms that provide booking services for transient accommodation operators.	MONITOR	
69	SB2785	RELATING TO EMPLOYMENT.	Clarifies that Hawai'i's anti-discrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer or from discharging an individual for reasons unrelated to unlawful discriminatory practices.	MONITOR	
70	SB2826	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual. Requires DHHL to develop and implement a loan servicing manual.	MONITOR	
71	SB2918	RELATING TO PUBLIC SAFETY.	Appropriates funds to purchase the Honolulu Federal Detention Center.	MONITOR	
72	SB2933	RELATING TO CRIMINAL HISTORY RECORD CHECKS.	Adds the University of Hawai'i to the list of agencies that are authorized to conduct criminal history record checks on current or prospective employees, including student employees and contractors and their employees, whose positions or duties are related to public safety.	MONITOR	
73	SB3126	RELATING TO PRISONS.	Establishes a four-year pilot program to reduce recidivism through educational programs and initiatives. Appropriates funds.	MONITOR	
74	SB3152	RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.	Defines "cultural assessment" and "cultural impact assessment". Requires cultural assessments to be available for public review and comment in connection with draft environmental assessments. Requires a cultural impact assessment if an agency determines a proposed action may have a significant effect on the environment.	MONITOR	
75	HCR6		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
76	HCR12		REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ASSESS THE OUTSTANDING CLAIMS RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	MONITOR	Monitor >>> COMMENT
77	HCR37		REQUESTING THE GOVERNOR TO CONVENE A BLUE RIBBON RECONCILIATION COMMISSION TO EXAMINE AND FORMULATE A RECONCILIATION PROCESS RELATING TO ISSUES OF PAST, PRESENT, AND FUTURE IMPORTANCE TO THE NATIVE HAWAIIAN PEOPLE, THE STATE OF HAWAI'I, AND THE UNITED STATES OF AMERICA.	COMMENT	

78	SCR2		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
79	HR4		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
80	HR10		REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ASSESS THE OUTSTANDING CLAIMS RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	COMMENT	
81	SR2		STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO ALLOW HAWAIIAN HOMESTEADS TO BE DIRECT RECIPIENTS OF FEDERAL NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT.	MONITOR	
82	GM511		Letter dated 01-17-2020, correcting the title on GM507, Gubernatorial Nominee Tyler I. Gomes as the Deputy to the Chairperson of the Department of Hawaiian Home Lands, 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.	MONITOR	
83	GM548		Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, DAN GIOVANNI, for a term to expire 06-30-2021.	MONITOR	
Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
Bill Positions for Reconsideration					
84	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.	SWA > SUPPORT	

Bills that were discussed					
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
2020 Legislative Session (All positions previously approved)					
149	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. Allows an applicant to affirmatively decline to have any of the applicant's information electronically transmitted. 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 7/1/2050. (HD1)	MONITOR	Monitor >>> SUPPORT
378	SB3164	RELATING TO THE STATE SURFING COMMISSION.	Establishes the state commission on surfing.	SUPPORT	Support >>> SUPPORT WITH AMENDMENTS

Trustee Ahuna seconds the motion.

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

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

							11:14 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA		2	X			
VICE-CHAIR KALEIHIKINA	AKAKA	1		X			
KELI'I	AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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

VI. COMMUNITY CONCERNS*

None

VII. ANNOUNCEMENTS

Trustee Akina: Pursuant to HRS §92-2.5(e) I wish to inform you that on February 10, 2020, I attended a Legislative Hearing of the House Committee on Water, Land and Hawaiian Affairs – the Committee discussed HCR37 requesting the Governor to convene a Blue-Ribbon reconciliation commission. I offered no testimony and I did not participate in discussion. Thank you.

VIII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the BAE meeting.

Trustee Ahuna 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.

							11:15 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA		2	X			
VICE-CHAIR KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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

Chair Waihe'e adjourns the BAE meeting at 11:15 a.m.

Respectfully submitted,

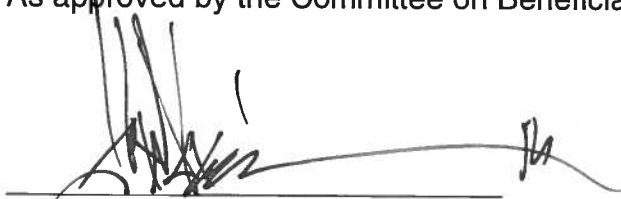


Melissa Wennihan

Trustee Aide

Committee on Beneficiary Advocacy and Empowerment

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



Trustee John Waihe'e, IV

Chair

Committee on Beneficiary Advocacy and Empowerment