

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**February 17, 2016 10:00 a.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Vice-Chairperson Peter Apo  
Trustee Dan Ahuna  
Trustee Rowena Akana  
Trustee Haunani Apoliona  
Trustee Hulu Lindsey

**EXCUSED:**

Trustee Lei Ahu Isa  
Trustee Robert Lindsey  
Trustee Colette Machado

**BOT STAFF:**

A. U'ilani Tanigawa  
Claudine Calpito  
Crayn Akina  
Davis Price  
Dayna Pa  
Kauikeaolani Wailehua  
Lady Elizabeth Garrett  
Lehua Itokazu  
Louise Yee Hoy  
Melissa Wennihan  
Reynold Freitas

**ADMINISTRATION STAFF:**

Kamana'opono Crabbe, Ph.D., Pouhana / CEO  
Anuheia Patoc, PUBL  
Deja Ostrowski, PUBL  
Jacob Aki, ADV  
Jessica Freedman, PUBL  
Jim McMahon, ADV  
Jocelyn Doane, PUBL  
Jonathan L. Ching, PUBL  
Kamaile Maldonado, PUBL  
Kawika Riley, ADV  
Monica Morris, ADV  
Sterling Wong, PUBL  
Wayne Tanaka, ADV

**GUESTS:**

Joseph Madela, Jr.  
Krystal Shon

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, February 17, 2016 to order at **10:12 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:12 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	Arrived at 10:28 a.m.

At the Call to Order, **FIVE (5) Trustees** are **PRESENT**, thereby constituting a quorum.

**EXCUSED from the BAE Meeting are:**

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

**Waiver of the OHA 72-hours prior to a meeting materials distribution policy**

**Chair Waihe'e seeks a MOTION:**

**To waive the OHA Board of Trustees Operations Manual practice at which materials will be reviewed, discussed, or acted upon at least 72-hours prior to the meeting regarding items:**

**IV. New Business**

**A. 2016 OHA Legislative Positioning – Matrix1\*\* ; and**

**V. Unfinished Business**

**A. 2016 OHA Legislative Package Updates – Matrix 2\*\***

**Trustee Hulu Lindsey moves.**

**Trustee Apoliona seconds the motion.**

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

**Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.**

							10:13 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						Arrived at 10:28 a.m.
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				5	0	0	4

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

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

## II. APPROVAL OF MINUTES

### A. January 27, 2016

Trustee Hulu Lindsey moves to approve the minutes of January 27, 2016.

Trustee Apoliona seconds the motion.

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

Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.

							10:14 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						Arrived at 10:28 a.m.
ROWENA	AKANA			X			
VICE-CHAIR PETER	APO			X			
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				5	0	0	4

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

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

## III. COMMUNITY CONCERNS\*

None

#### **IV. NEW BUSINESS**

##### **A. 2016 OHA Legislative Positioning – Matrix 1\*\***

**Chair Waihe'e** turns it over to Ka Pouhana Kamana'o pono Crabbe.

**Pouhana Crabbe:** Mahalo iā 'oe Chair Waihe'e and Good Morning Trustees. On behalf of Administration, I'll call upon Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane to present the Positioning Matrix.

**Senior Public Policy Advocate Doane:** Aloha Trustees. Although the matrix is really thick today, we have a deadline tomorrow; so a lot of the bills will be taken off next week. There is one **CHANGE** I wanted to make to the matrix that is in need of a revision. Item #941, SB2944 - we had originally supported this measure which would expand the use of Hawaiian Language programming in the University of Hawai'i (UH) system. Yet, because it has an appropriation, we thought it would be better that we **MONITOR** this bill consistent with what we generally do. So we're changing our position from ~~Support~~ to **MONITOR**, but we have been in communication with some of our beneficiaries that are working on this and our assisting them in other ways.

Moving on to our **BILL POSITIONS FOR RECONSIDERATION**, Item #55, HB1744; Related to Public School Facilities - we would like to change our position from ~~Monitor~~ to **SUPPORT**. This would provide charter schools with priority-status for the use of DOE facilities, within their school complex after-hours.

Item #56, HB1810; Relating to Medicaid Providers - we originally supported this because it would allow hospitals to ask individual patients if they were qualified for SNAP (Supplemental Nutrition Assistance Program a.k.a. "food stamps") which would help the hospital staff determine if they're eligible for Medicaid or free medical, essentially. However, they have raised some privacy concerns, so we want to give them the opportunity to address those concerns. That is not our expertise, so we thought it would be better to change from ~~Support~~ to **MONITOR**, until those issues are resolved.

Item #57, HB1816; Relating to Human Services - this would require the Department of Human Services to disregard housing subsidies as SNAP eligibility, but we found out that they actually already do that and it's more of an outreach issue. We would like to change our position from ~~Support~~ to **MONITOR**.

Item #58, HB2077 and its companion Item #62, SB3088; Relating to Hydroelectric Power - currently Hydroelectric Power up to 500 Kilowatts is allowable on agricultural lands. This would expand that from 500 Kilowatts to 10 Megawatts, which is 20 times larger. We have some concerns about that because most of the instream flow standards across the State have not been updated since the late 1970s – 1980s. So without updating those in-stream flow standards, individually, hydro facilities may divert and put in reservations massive amounts of water without sufficient regard to the uses below. So we would like to change our position from ~~Monitor~~ to **COMMENT**. We suggest that they only allow smaller facilities which are obviously going to use less water and also suggest that there needs to be an updated instream flow standard.

Item #59, HB2617; Relating to Land Use - this is a Land Use Commission (LUC) measure that we originally wanted to oppose. Initially, the measure did all kinds of things that we didn't like, but most of our concerns have been addressed, so we would like to change from ~~Oppose~~ to COMMENT. They've eliminated the provisions that would limit the LUC's discretion to approve District Boundary Amendments. It would allow the LUC to continue having jurisdiction over all Conservation District Boundary Amendments. It removed the provision that would remove the Contested Case processes, etc., but it does continue to contain things that we want to Comment on.

Item #60, HB2717; Relating to Medical Assistance - similarly this bill would require the Department of Human Services to annually increase the asset threshold for Medicaid eligibility. They've already done that, so as we get more information we would like to change our position from ~~Support~~ to MONITOR.

Item #61, SB1191; Relating to the Aha Moku Advisory Committee - this was a carry-over bill we talked about last year. You may recall that this would somehow change the Aha Moku structure and function. However, it's probably going to die and we don't want to get involved in the drama; so we are suggesting changing from ~~Comment~~ to MONITOR.

**Senior Public Policy Advocate Doane:** We have one **NEW BILL** that we would like to share with you. Item #8, HB2214; Relating to Public Charter Schools - this measure would simplify the process to become an authorizer. The measure was amended to remove some provisions, but basically this would make it easier to get an additional authorizer. The reason we are suggesting COMMENT is because it simplifies it too much. We have another measure related to ensuring that there's potential for new authorizers statutorily and we are working with the Charter School Commission to support the rules moving-forward to provide opportunity for additional authorizers to apply.

**Public Policy Manager Wong:** Moving on to **OHA IMPACTED BILLS**. Regarding Item #87, HB665; Relating to Collective Bargaining - as we discussed last week, we currently **OPPOSE** this bill. The bill did move out of the House Committee on Labor & Public Employment (LAB); it looks like it will most likely make it to Conference. We will be meeting with our Community Engagement staff today to strategize on how to stop this bill.

**Trustee Hulu Lindsey:** *Do we know how much the dues will be for our employees?*

**Public Policy Manager Wong:** We can find out what it would be.

**Trustee Hulu Lindsey:** I think that would be critical; they're already paying parking fees. Our employees should be apprised of the information, so if they don't want it they can voice their concerns about it.

**Senior Public Policy Advocate Doane:** We'll also be talking to our HR counsel and Judge Klein to discuss strategy related to the constitutional issues, because OHA would be given a minority-vote for determining wages.

**Trustee Apo:** The bottom line issue is that the intent of the Constitution was to promote Self-Determination; this totally flies in the face of Self-Determination by constitutional standards and constitutional intent. Secondly, when the legislature starts unionizing their own employees, then they can come and talk to us about unionizing ours.

**Senior Public Policy Advocate Doane:** Yes. The next measure is Item #225, HB1844; Relating to Kalo - OHA is measured in the preamble of this bill specifically pointing out that we're authorized to seek Federal, State and County funding to restore kalo and lo'i cultivation. This measure would exempt what they call *kalo marketing sites* from state and county zoning; it would also exempt these sites from income and GET taxes. We are in SUPPORT of this measure.

Item #336, HB2200; Relating to Native Hawaiian Resources - this bill attempts to allow the BLNR Chair to transfer Public Land Trust funds to KIRC. It would amend HRS §10-13.5 which is the statute that specifically says that OHA shall expend 20% for purposes consistent with Chapter 10 and then the amendment says "and KIRC". This seems to suggest that KIRC is more important than all the other issues that our people are dealing with like: Housing, Income and Education. Of course we OPPOSE this measure, but the bill is moving to the Finance Committee; so it has about two weeks to move out of Finance.

**Public Policy Manager Wong:** We're primarily focusing our energy on four bills right now: the union bill (HB665), this bill (HB2200), the water bill (HB2501), and our PLT bill (HB1655 HD 1, SB2124 SD1). Unfortunately, the bad ones are moving and the good ones are getting stalled.

**Trustee Akana:** *Explain more on how this would breakout in terms of visions-of-funds; would KIRC get a portion of the 20%?*

**Senior Public Policy Advocate Doane:** I think the intent is that KIRC would get a portion of the excess. To be clear, the bill doesn't do what they wanted it to do. The bill allows the BLNR Chair to transfer to Kaho'olawe up to 3 million dollars from DLNR's Public Land Trust account. We don't know what that account is because we don't know if the DLNR has a Public Land Trust account as described in the measure. In addition to that, it doesn't necessarily alleviate the BLNR from transferring what they have to transfer in reference to OHA. It also amends HRS §10-13.5 which would require OHA to expend 20% of our Public Land Trust for the purposes of Chapter 10 and Kaho'olawe. So I suppose we could spend one dollar on Kaho'olawe and it would fulfill the requirement. We have spoken to our attorneys regarding this development, and we don't know that it would actually require OHA to spend any money on KIRC/Kaho'olawe, but because that's what the language is trying to do, we suggest OPPOSE for this measure.

**Public Policy Manager Wong:** The fact that they're trying to amend HRS §10-13.5 is really dangerous.

**Senior Public Policy Advocate Doane:** Item #449, HB2750; Relating to Native Hawaiians - this is the one that would place a Native Hawaiian Housing Task Force within OHA. We've been working with Representative Keohokalole who has really good intentions, so we'll continue working with him in trying to craft this into something that makes sense for us. We OPPOSE the measure in its current form as there is an appropriation in there.

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**(OHA immediately OPPOSES: entities legislatively-placed within OHA and/or any money appropriations to any entity that OHA is legislatively-assigned to fund, without prior OHA consent. This is due to an internal OHA Board-approved policy (stated below).**

**From the Office of Hawaiian Affairs  
Board of Trustees  
Executive Policy Manual (Revised February 2012)**

**Series 2000 BENEFICIARY SUPPORT AND SERVICES**

**Series 2010 Advocacy**

***Position on Certain Proposed Legislative Measures***

**2.1.e The Board of Trustees shall take a position of Oppose on any legislative measure that places an entity into OHA, or that requires an OHA funding allocation, without prior consultation with, and approval by, the Board of Trustees.**

**[ language found on page 13 ]**

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**Senior Public Policy Advocate Doane:** Item 200, HB1743; Relating to Offenses against Property Rights - this eliminates the requirement for signage or fences on agricultural lands in order to cite somebody for criminal trespassing. We OPPOSE this measure because it would increase the likelihood of our beneficiaries, who are accessing lands for traditional and customary practices, to be more easily arrested.

**Public Policy Manager Wong:** This brings up a conversation at the legislature about how OHA's *advocacy* and our *land management* work together. There's a constant discussion at the legislature when we testify on certain bills in which we're critical of how other State departments or their land owners are behaving; they also question what we allow on our lands.

Item #243, HB1932; Relating to the Department of Hawaiian Home Lands - this is the 28 million dollar request for their budget. Our position is MONITOR for this bill. We have been in contact with Jobie and she wanted to ask us to Support this measure. However they're having a hearing right now, so she was unable to come here to ask herself. I was frank with her that as a general policy, staff does not recommend supporting appropriation bills because if they can't find the money, they recommend OHA to fund it.

**Senior Public Policy Advocate Doane:** She's asking everyone for support and that makes sense. She appreciates OHA's assistance and we will continue to kāko'o (uphold, support, sponsor).

Item #244, HB1931; Relating to the Hawaiian Homes Commission Act - this is the measure that would allow them to reduce the blood quantum requirement from one-quarter (1/4) to one-thirty-second (1/32) for successors of the leases. We SUPPORT this measure. The House bill actually doesn't look like it's moving, but there is a Senate version that needs a hearing in the next two weeks in order to continue moving.

Item #289, HB2046; Relating to Military Land - this is the measure that attempts to transfer lands of the State that are currently leased to the Army, to the State Department of Defense and as you may recall we continue to OPPOSE this bill.

Item #328, HB2178; Relating to Independent Legal Counsel - we SUPPORT this measure. It did move and is going to Finance.

Item #374, HB2407; Relating to Land Dispositions - this is the Department of Transportation (DOT) bill. This is a measure that we OPPOSE and I wanted to tell the trustees that we were contacted by DOT staff requesting that we not oppose the bill. After further review, we're confident that our position is the one position that we should be taking. Currently, DOT is allowed to not go through auction for airline and maritime related leases to encourage competition and opportunity for small businesses but they still need to get BLNR approval. Now this measure eliminates the need to go in front of the BLNR and we have concerns about that. There needs to be some sort of scrutiny placed on these leases. So even though we support not having to go through the auction process, we don't think the answer is to eliminate BLNR review. So we will suggest that the BLNR and the DOT come up with a standard that they think they can agree on, so that when it goes to the Board (BLNR), they can say they went through the criteria.

Item #392, HB2501; Relating to Water Rights is one of the East Maui Irrigation (EMI) bills. Basically, this was drafted by Alexander and Baldwin to allow them to circumvent a decision that was made by Judge Nishimura. The decision stated that the continuation of the revocable permits from the watershed lands in East Maui is inappropriate and they're not temporary. This measure would allow BLNR to continue to use these holdover statuses for these permits, and we know how long things can take, so we strongly OPPOSE this. This House version hasn't gotten a hearing in the Judiciary committee; the Senate version has a hearing today at 2:45 p.m. for decision-making. We were at the hearing last week and Trustee Hulu Lindsey was there. There were hundreds of pieces of testimony submitted to Oppose the measure and we're hoping that either the bill gets held today or it's amended in a way that doesn't allow A&B to continue to drain all the streams in East Maui.

Item #825, SB2535; Relating to Geothermal - all of the other geothermal bills have died except this one. Board Chair Robert Lindsey's Aide Kama Hopkins did contact me Monday morning, because Senator Inouye had contacted him asking us to Support this bill, but unfortunately we had already submitted our COMMENT testimony. We still need to do a little more research and get a little more information before we can consider supporting this measure. Additionally, there was an amended draft that came out last night that we still need time to go through.

**Senior Public Policy Advocate Doane:** That's all the bills that we wanted to bring to your attention today.



Trustee Ahuna moves to approve Administration's recommendations on **NEW BILLS (Items 1 - 54) and BILL POSITIONS FOR RECONSIDERATION (Items 55 - 62)**, along with the following revision:

**CHANGE:**

- Item 941, SB2944 from **Support** to **MONITOR**

on the OHA Legislative Positioning Matrix dated February 17, 2016, as amended.

Trustee Hulu Lindsey seconds the motion.

Highlight = Bills that were discussed				Peach = In BAE Meeting Change	
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills</b>		
1	HB1958	RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR LOW INCOME RENTAL SUBSIDIES.	Exempts rental subsidy payments for Section 8 and Housing First Programs from the state general excise tax.	MONITOR	
2	HB2000	RELATING TO INCOME TAX.	Increases the maximum state income tax check off amount for certain social-service funds from \$5 to \$10 per individual. Adds the Housing First Special Fund to the list of social service funds to which a taxpayer may designate a portion of the taxpayer's state income tax refund.	MONITOR	
3	HB2073	RELATING TO REAL ESTATE INVESTMENT TRUSTS.	Temporarily disallows the deduction for dividends paid by real estate investment trusts for a period of 15 years, but with an exception for dividends generated from trust-owned housing that is affordable to households with incomes at or below 200% of the median family income.	MONITOR	
4	HB2085	RELATING TO ENERGY.	Aims to reduce Hawaii's dependence on imported fossil fuels for electrical generation and ground transportation by 2045 and creates goals and targets in Hawaii's Clean Energy Initiative and State Planning Act.	MONITOR	
5	HB2086	RELATING TO TRANSPORTATION.	Amends the statewide transportation plan to include bicycle facilities as part of the transportation system components. Requires the Department of Transportation to develop a survey on travel behavior. Requires each county to develop transportation mode sharing plans and to update these plans every five years beginning in 2025.	MONITOR	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
6	HB2175	RELATING TO PARTITION OF HEIRS PROPERTY.	Adopts Uniform Partition of Heirs Property Act. Establishes procedures and remedies for use in actions for partition of real property involving heirs property (real property held in tenancy in common that meets certain requirements). Effective 1/1/17.	MONITOR	
7	HB2202	RELATING TO SCHOOL IMPACT FEE EXEMPTIONS FOR HOUSING PROJECTS.	Clarifies that housing projects claiming an exemption pursuant to chapter 201H, Hawaii Revised Statutes, cannot claim an exemption from the school impact fee.	MONITOR	
8	HB2214	RELATING TO PUBLIC CHARTER SCHOOLS.	Simplifies the process for an entity to become an authorizer (an entity that approves or denies applications to become a charter school). Establishes a shortened timeline for the release of charter school funds. Authorizes charter schools to retain attorneys for charter contract negotiation, charter revocation, and charter nonrenewal processes.	COMMENT	
9	HB2233	RELATING TO HEALTH CARE PROFESSIONALS.	Requires health care professionals to take a continuing medical education course in health issues unique to Hawaii. Requires the DOH to develop the course, in consultation with the Hawaii medical board.	MONITOR	
10	HB2289	RELATING TO THE HAWAII COMMUNITY-BASED ECONOMIC DEVELOPMENT TECHNICAL AND FINANCIAL ASSISTANCE PROGRAM.	Amends the definition of "community-based organization." Amends the qualifications for community-based economic development grants to include technical assistance to community-based organizations. Reduces the number of community-based economic development advisory council members from twelve to nine. Updates non-discrimination language. Appropriates funds to the Hawaii community-based economic development revolving fund.	MONITOR	
11	HB2304	RELATING TO THE LOW-INCOME HOUSING TAX CREDIT.	Increases funding for affordable rental housing development by making the State Low-Income Housing Tax Credit more valuable. Reduces State Tax Credit period from ten to five years.	MONITOR	
12	HB2305	RELATING TO THE DWELLING UNIT REVOLVING FUND.	Authorizes the creation of Regional State Infrastructure Improvement Subaccounts within the Dwelling Unit Revolving Fund and the use of the Dwelling Unit Revolving Fund to provide loans and grants to finance regional state infrastructure improvements in areas of planned growth.	MONITOR	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
13	HB2443	RELATING TO OHANA DWELLINGS.	Allows the building of ohana dwellings on lands within an agricultural district under certain conditions.	COMMENT	
14	HB2453	RELATING TO CHARTER SCHOOLS.	Appropriates moneys for start-up grants for newly approved, pre-opening, public charter schools.	SUPPORT	
15	HB2479	RELATING TO THE HAWAII HEALTH CONNECTOR.	Repeals the Hawaii Health Connector and associated references in the Hawaii Revised Statutes.	MONITOR	
16	HB2498	RELATING TO HOMELESSNESS.	Establishes a homeless care residence program to provide financial assistance to households providing temporary housing and care to a homeless relative. Requires that providers undergo certification and inspection by the department of human services and caps program participation at twelve months.	MONITOR	
17	HB2524	RELATING TO TEACHER INCENTIVES.	Clarifies that funds for bonuses required by statute or collective bargaining shall not be paid out of a charter school's facilities funding or per-pupil funds. Appropriates funds for teacher bonuses for hard-to-fill placement incentives and National Board certified teacher incentives for charter school teachers.	SUPPORT	
18	HB2536	RELATING TO A STATE LOTTERY.	Establishes a state lottery commission to implement a lottery, the proceeds of which would be used to address homelessness. Appropriates funds.	MONITOR	
19	HB2561	RELATING TO THE ADMINISTRATION OF JUSTICE.	Enacts recommendations of the penal code review committee convened pursuant to HCR155, SD1 (2015).	COMMENT	
20	HB2659	RELATING TO HOUSING.	Requires funds in the dwelling unit revolving fund and the rental housing revolving fund to be used to provide rent subsidies, loans, or grants to persons who qualify for social security disability benefits and are diagnosed with life-long, serious mental illnesses.	MONITOR	
21	HB2663	RELATING TO A TRANSITIONAL HOUSING CENTER FOR THE HOMELESS.	Requires the department of land and natural resources, in consultation with the office of the governor and the department of human services, to establish a transitional housing center for the homeless at Sand Island state recreation area. Makes an appropriation.	MONITOR	
22	HB2690	RELATING TO EDUCATION.	Beginning with the 2017-2018 school year, requires all elementary, middle, and intermediate public schools to allocate 20 percent of all student hours to arts and culture education.	MONITOR	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
23	HB2731	RELATING TO TAXATION.	Increases the general excise tax from four per cent to five per cent and requires that additional revenue collected from the general excise tax increase be deposited into a special account in the general fund for department of education operations, including salaries and maintenance costs.	MONITOR	
24	HB2752	RELATING TO HOUSING ON AGRICULTURAL LAND.	Limits dwellings and employee housing on agricultural land to farmers and immediate family members. Establishes standards for dwellings and employee housing on agricultural land.	COMMENT	
25	HB2757	RELATING TO HOUSING.	Allows dwelling units and housing facilities for the elderly on class D or E lands in the agricultural districts.	COMMENT	
26	SB1163	RELATING TO AGRICULTURAL LAND.	Prohibits the creation of a condominium property regime on agricultural land 25 acres or greater. Prohibits the subdivision of agricultural land 25 acres or greater for the purpose of creating a condominium property regime.	COMMENT	
27	SB1298	RELATING TO CONSTITUTIONAL AMENDMENTS.	Appropriates moneys in fiscal year 2016-2017 to the office of elections, senate, and house of representatives for duties needed to be undertaken to enable registered voters to vote at the 2016 general election on state constitutional amendments proposed by the legislature during the 2015 and 2016 regular sessions. Effective 01/07/2059. (SD1)	MONITOR	
28	SB1366	RELATING TO COMMUNITY PLANNING.	Authorizes counties with a population of 500,000 or more to establish planning districts and create a process for developers to apply for residential and commercial qualified projects. Authorizes a county to establish a transit-oriented development program. Authorizes state and county incentives for qualified projects. Establishes a discretionary review process for the transfer of floor area within certain planning districts. Authorizes the office of planning to hire two temporary positions to be funded by the Honolulu authority for rapid transportation, if funds are available.	COMMENT	
29	SB2083	RELATING TO THE STATEWIDE TRAFFIC CODE.	Prohibits smoking in a motor vehicle in which a minor is present.	SUPPORT	
30	SB2084	RELATING TO PLANNED COMMUNITY ASSOCIATIONS.	Provides the regulated industries complaints office with the authority to enforce document production requirements associated with planned community associations.	MONITOR	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
31	SB2089	RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR LOW INCOME RENTAL SUBSIDIES.	Exempts rental subsidy payments for Section 8 and Housing First Programs from the state general excise tax.	MONITOR	
32	SB2179	RELATING TO DRUG PARAPHERNALIA A.	Changes drug paraphernalia possession and delivery offenses from felonies to civil violations.	SUPPORT	
33	SB2231	RELATING TO AFTER-SCHOOL PROGRAMS.	Establishes the R.E.A.C.H (resources for enrichment, athletics, culture, and health) program in the office of youth services to provide a standardized framework and funding for after-school programs in public middle and intermediate schools. Authorizes participating schools to collect fees.	SUPPORT	
34	SB2290	RELATING TO SICK LEAVE.	Establishes a payroll assessment to fund sick leave in the private sector.	MONITOR	
35	SB2350	RELATING TO AGRICULTURE.	Restricts any subdivision, including by condominium property regime, of parcels of agricultural lands one hundred acres or greater in size. Requires the owner to make and implement a farm plan prior to the construction of any homes on the resulting legal lots of record.	COMMENT	
36	SB2351	RELATING TO AGRICULTURAL LAND.	Prohibits the creation of a condominium property regime on agricultural land 25 acres or greater. Prohibits the subdivision of agricultural land 25 acres or greater for the purpose of creating a condominium property regime.	COMMENT	



ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
37	SB2395	RELATING TO TELEHEALTH.	Requires the State's medicaid managed care and fee-for-service programs to cover services provided through telehealth. Specifies medical professional liability insurance policy requirements with regard to telehealth coverage. Clarifies requirements for establishing provider-patient relationships for telehealth for purposes of reimbursement. Specifies reimbursement requirements for distant site and originating site providers. Requires written disclosure of coverages and benefits associated with telehealth services. Ensures telehealth encompasses store and forward technologies, remote monitoring, live consultation, and mobile health. Ensures telehealth is covered when originating in a patient's home and other non-medical environments. Clarifies requirements for physicians and out-of-state physicians to establish a physician-patient relationship via telehealth. Ensures reimbursement requirements for telehealth services apply to all health benefits plans under chapter 87A, Hawaii Revised Statutes. Makes other conforming amendments related to telehealth.	MONITOR	
38	SB2517	RELATING TO COMMUNITY DEVELOPMENT.	Establishes a community contribution program that offers tax incentives to encourage Hawaii businesses to make donations toward community development and housing projects for low-income persons. Repeals 6/30/2020.	MONITOR	
39	SB2587	RELATING TO WHOLE CHILD EDUCATION.	Requires all public schools to allocate a percentage of student hours to instruction in visual arts, music, theatre, dance, Hawaiian and Polynesian studies, Hawaiian language, native Hawaiian culture, native Hawaiian traditional and customary practices, and physical education.	MONITOR	
40	SB2797	RELATING TO CHARTER SCHOOLS.	Appropriates \$200,000 for start-up grants for newly approved pre-opening public charter schools, and requires the state public charter school commission to establish guidelines and criteria for the grants.	SUPPORT	
41	SB2961	RELATING TO FAMILY LEAVE.	Establishes a family leave insurance program, which requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person. Appropriates funds to DLIR to implement the program.	MONITOR	
42	SB2964	RELATING TO THE ADMINISTRATION OF JUSTICE.	Enacts recommendations of the penal code review committee convened pursuant to HCR155, SD1 (2015).	COMMENT	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
43	SB2977	RELATING TO CHARTER SCHOOLS.	Appropriates moneys for start-up grants for newly approved, pre-opening, public charter schools.	SUPPORT	
44	SB2989	RELATING TO AGRICULTURE.	Requires farmers market vendors that direct-market potentially hazardous value added products to obtain a permit from the Department of Health. Exempts non-potentially hazardous value added products from Department of Health permitting or inspection. Establishes labeling requirements for value added products sold at farmers markets.	MONITOR	
45	SB3026	RELATING TO PUBLIC HOUSING.	Establishes a tax donation check-off to fund housing project improvements, facilities improvements, and minor repair and maintenance of public housing.	MONITOR	
46	SB3039	RELATING TO MEDICAID PROVIDERS.	Authorizes health care providers under the state medicaid program to ask about supplemental nutrition assistance program (food stamp) participation on medicaid certification and re-certification forms.	MONITOR	
47	SB3040	RELATING TO HOUSING.	Amends the household income level and unit availability eligibility requirements for the provision of low-income housing and mixed-income rental project loans and grants made from the Rental Housing Revolving Fund.	MONITOR	
48	SB3104	RELATING TO PUBLIC CHARTER SCHOOLS.	Simplifies the process for an entity to become an authorizer (an entity that approves or denies applications to become a charter school). Establishes a shortened timeline for the release of charter school funds. Authorizes charter schools to retain attorneys for charter contract negotiation, charter revocation, and charter nonrenewal processes.	COMMENT	
49	SB3120	RELATING TO THE GENERAL EXCISE TAX.	Exempts the gross proceeds of any qualified small farmer from the general excise tax for a maximum of 5 years.	COMMENT	
50	HCR10		URGING VARIOUS GOVERNMENT ENTITIES WHO MANAGE AND OWN LAND AROUND EACH OF THE PLANNED RAIL TRANSIT STATIONS TO CONSIDER AND INCLUDE IN DEVELOPMENT DISCUSSIONS, TO THE GREATEST EXTENT POSSIBLE, AFFORDABLE HOUSING, CHILD AND FAMILY SERVICES, ELDERLY SERVICES, AND OTHER BENEFICIAL OPPORTUNITIES FOR THE PEOPLE OF HAWAII.	MONITOR	
51	HCR25		REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR NUTRITION AND LIFESTYLE PROGRAMS.	MONITOR	

ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>New Bills (cont'd)</b>		
52	SCR2		URGING VARIOUS GOVERNMENT ENTITIES WHO MANAGE AND OWN LAND AROUND EACH OF THE PLANNED RAIL TRANSIT STATIONS TO CONSIDER AND INCLUDE IN DEVELOPMENT DISCUSSIONS, TO THE GREATEST EXTENT POSSIBLE, AFFORDABLE HOUSING, CHILD AND FAMILY SERVICES, ELDERLY SERVICES, AND OTHER BENEFICIAL OPPORTUNITIES FOR THE PEOPLE OF HAWAII.	MONITOR	
53	SCR3		REQUESTING THE CONVENING OF A WORKING GROUP TO CONDUCT A NEEDS-BASED ASSESSMENT OF FARM WORKER HOUSING THROUGHOUT THE STATE.	MONITOR	
54	SR5		URGING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ESTABLISH MINIMUM, SPECIFIC, AND NUMERICAL LICENSED NURSE-TO-PATIENT RATIOS BY LICENSED NURSE CLASSIFICATION AND BY HOSPITAL TYPE FOR ALL HOSPITALS IN THE STATE.	MONITOR	
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>Bill Positions for Reconsideration</b>		
55	HB1744	RELATING TO PUBLIC SCHOOL FACILITIES.	Provides public charter schools with the right of first refusal for the use of DOE athletic facilities within the school complex area and on available dates. Requires DOE school principals to provide public charter schools with schedules of available dates for the use of athletic facilities.	MONITOR > SUPPORT	
56	HB1810	RELATING TO MEDICAID PROVIDERS.	Authorizes health care providers under the state medicaid program to ask about supplemental nutrition assistance program (food stamp) participation on medicaid certification and re-certification forms.	SUPPORT > MONITOR	
57	HB1816	RELATING TO HUMAN SERVICES.	Requires the department of human services to disregard subsidies received directly by an applicant or recipient or payments made on behalf of or directly to an applicant or recipient of public assistance from the section 8 housing voucher program of the United States Department of Housing and Urban Development for purposes of qualifying for the supplemental nutrition assistance program.	SUPPORT > MONITOR	
58	HB2077	RELATING TO HYDROELECTRIC POWER.	Permits hydroelectric facilities on Agricultural District lands that are considered small hydropower facilities under federal law.	MONITOR > COMMENT	
59	HB2617	RELATING TO LAND USE.	Requires the counties to petition LUC to reclassify lands. Requires LUC to conduct the five year regional boundary change review. (HB2617 HD1)	OPPOSE > COMMENT	



ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>Bill Positions for Reconsideration (cont'd)</b>		
60	HB2717	RELATING TO MEDICAL ASSISTANCE.	Requires the Director of Human Services to apply annual cost of living increases to the income and asset thresholds for medicaid eligibility.	SUPPORT > MONITOR	
61	SB1191	RELATING TO THE AHA MOKU ADVISORY COMMITTEE.	Provides that the aha moku advisory committee shall appoint a chair and vice-chair. Permits the committee to hire an executive assistant in lieu of an executive director. Enumerates duties for the positions established.	COMMENT > MONITOR	
62	SB3088	RELATING TO HYDROELECTRIC POWER.	Permits hydroelectric facilities on Agricultural District lands that are considered small hydropower facilities under federal law.	MONITOR > COMMENT	
ITEM	BILL #	REPORT	DESCRIPTION	POSITION	IN BAE MEETING CHANGE
			<b>2016 Legislative Session (All positions previously approved)</b>		
941	SB2944	RELATING TO HAWAIIAN LANGUAGE EDUCATION.	Directs the president of the University of Hawaii system and the director of the Hawaiian language college to produce an implementation plan for the Hawaiian language report created pursuant to S.R. No. 97 S.D. 1, 2015. Appropriates funds to carry out implementation plan.	Support	Support > MONITOR

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

Chair Waihe'e calls for a Roll Call Vote.

						11:32 a.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA						EXCUSED
DAN AHUNA	1		X			
ROWENA AKANA			X			
VICE-CHAIR PETER APO			X			
HAUNANI APOLIONA			X			
CARMEN HULU LINDSEY		2	X			
ROBERT LINDSEY						EXCUSED
COLETTE MACHADO						EXCUSED
CHAIR JOHN WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>			6	0	0	3

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

## **V. UNFINISHED BUSINESS**

### **A. 2016 OHA Legislative Package Updates – Matrix 2\*\***

**Public Policy Manager Wong:** OHA-8 Relating to the Mauna Kea Lands - as we mentioned last week, Mauna Kea bills will not be heard this session.

OHA-9 Relating to Notice to the Public in the Environmental Review Process - HB1657 was amended to make it a pilot program just for OHA, but it won't make this Friday's lateral deadline. The Senate version SB2126 still has time to move.

OHA-10; Relating to the right of first refusal for the disposition of remnants (remnant bills) - HB1656 did not meet the triple referral deadline so it's dead. SB2125 SD1 is still moving and has to be heard by WAM.

OHA-11, this is our PLT bill - HB1655 had a difficult referral and will not make the lateral deadline. We spoke with Representative Rhoads' staff and they said that he had a lot coming to the Judiciary committee. He would like to see the Senate version, since that one is the version that is still moving. SB2124 SD1 goes to Ways and Means and has to get a hearing and pass out by March 4<sup>th</sup>. So we'll be working with Senator Tokuda as well; to get her the information that she has requested.

## **VI. BENEFICIARY COMMENTS\***

None

## **VII. ANNOUNCEMENTS**

None

## **VIII. ADJOURNMENT**

**Trustee Apoliona moves to adjourn the BAE meeting.**

**Trustee Hulu Lindsey seconds the motion.**

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

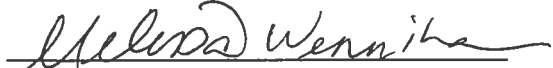
**Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.**

							11:40 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA			X			
ROWENA	AKANA			X			
VICE- CHAIR PETER	APO			X			
HAUNANI	APOLIONA	1		X			
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY						EXCUSED
COLETTE	MACHADO						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	0	0	3

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

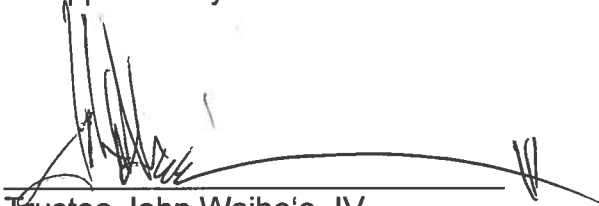
**Chair Waihe'e adjourns the BAE meeting at 11:40 a.m.**

Respectfully submitted,



Melissa Wennihan  
Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on March 16, 2016.



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

ATTACHMENT(s):

- Notice of Excused Absence (3)
- Community Sign-in Sheet dated February 17, 2016 (1 page)