



GOV. MSG. NO. 757

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

June 22, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 22, 2009, the following bill was signed into law:

HB900 HD2 SD1 CD1

A BILL FOR AN ACT
RELATING TO THE BUDGET OF THE OFFICE OF
HAWAIIAN AFFAIRS.

ACT 140 (09)

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to appropriate funds
2 for the biennial budget of the office of Hawaiian affairs and
3 this Act shall be known and may be cited as the "Office of
4 Hawaiian Affairs Appropriations Act of 2009."

5 SECTION 2. Unless otherwise clear from the context, as
6 used in this Act:

7 "Program ID" means the unique identifier of the specific
8 program, and consists of the abbreviation for the office of
9 Hawaiian affairs followed by a designated number for the
10 program.

11 "Means of financing," or "MOF," means the source from which
12 funds are appropriated or authorized, as the case may be, to be
13 expended for the programs and projects specified in this Act.

14 Letter symbols following appropriations have the following
15 meanings:

16 A: General Funds

17 T: Trust Funds



1 "Position ceiling" means the maximum number of permanent
2 positions authorized for a particular program during a specified
3 period or periods, as noted by an asterisk.

4 SECTION 3. The following sums, or so much thereof as may
5 be necessary to accomplish the purposes and programs designated
6 herein, are appropriated or authorized, as the case may be, from
7 the sources of funding specified to the office of Hawaiian
8 affairs for the fiscal biennium beginning July 1, 2009 and
9 ending June 30, 2011. The total general fund expenditures and
10 the number of permanent positions established in each fiscal
11 year of the biennium shall not exceed the sums and the position
12 ceiling indicated for each year, except as provided elsewhere in
13 this Act.

14



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
1		Hawaiian Affairs					
2	1.	OHA150 - OFFICE OF THE TRUSTEES					
3				.63*		.63*	
4		OPERATING	OHA	29,935A		29,935A	
5				4.37*		4.37*	
6			OHA	277,187T		277,187T	
7							
8	2.	OHA160 - ADMINISTRATION					
9				7.60*		7.60*	
10		OPERATING	OHA	808,657A		808,657A	
11				32.40*		32.40*	
12			OHA	2,945,528T		2,945,528T	
13							
14	3.	OHA175 - BENEFICIARY ADVOCACY					
15				2.86*		2.86*	
16		OPERATING	OHA	1,631,067A		1,631,067A	
17				14.14*		14.14*	
18			OHA	2,588,132T		2,588,132T	
19							
20							



1 SECTION 4. Provided that the general fund appropriations
2 in section 3 of this Act shall be expended by the office of
3 Hawaiian affairs.

4 SECTION 5. Provided that of the funds appropriated for
5 beneficiary advocacy (OHA 175), the sum of \$381,020 in general
6 funds and \$381,020 in trust funds for fiscal year 2009-2010 and
7 the sum of \$381,020 in general funds and \$381,020 in trust funds
8 for fiscal year 2010-2011 shall provide for social services to
9 office of Hawaiian affairs beneficiaries to include information
10 and referral services, case management and counseling,
11 establishment of individual development accounts, financial
12 literacy, and financial assistance. Referral services include
13 those relating to education assistance, employment and income
14 security, individual and family care, health needs, housing,
15 legal services, genealogy research, business assistance, and
16 general information; provided further that notwithstanding
17 section 10-17(e), Hawaii Revised Statutes, any funds expended
18 for the purposes of this section shall be in accordance with
19 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

20 SECTION 6. Provided that of the funds appropriated for
21 beneficiary advocacy (OHA 175), the sum of \$596,668 in general
22 funds and \$596,668 in trust funds for fiscal year 2009-2010 and



1 the sum of \$615,570 in general funds and \$615,570 in trust funds
2 for fiscal year 2010-2011 shall provide for educational
3 enrichment programs for native Hawaiian children in grades K
4 through 12 throughout the State. Program activities are to be
5 designed to optimize learning for Hawaiian students and are
6 intended to develop a stronger interest in learning, connect
7 learning and education to one's Hawaiian identity, and explore
8 possible educational, career, and academic goals the students
9 may not have considered; provided further that notwithstanding
10 section 10-17(e), Hawaii Revised Statutes, any funds expended
11 for the purposes of this section shall be in accordance with
12 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

13 SECTION 7. Provided that of the funds appropriated for
14 beneficiary advocacy (OHA 175), the sum of \$491,981 in general
15 funds and \$491,981 in trust funds for fiscal year 2009-2010 and
16 the sum of \$473,080 in general funds and \$473,080 in trust funds
17 for fiscal year 2010-2011 shall provide legal services and legal
18 representation to office of Hawaiian affairs beneficiaries for:
19 the assertion and defense of quiet title action assistance with
20 ahupua`a and kuleana tenant rights, including rights of access
21 and rights to water; land title assistance, including review of
22 title and genealogy; preservation of traditional and customary



1 practices; protection of culturally significant places; and
2 preservation of native Hawaiian land trust entitlements;
3 provided further that notwithstanding section 10-17(e), Hawaii
4 Revised Statutes, any funds expended for the purposes of this
5 section shall be in accordance with chapter 103D or 103F, Hawaii
6 Revised Statutes, as appropriate.

7 SECTION 8. Provided that of the general fund appropriation
8 for the office of Hawaiian affairs (OHA 175), the sum of \$87,768
9 or so much thereof as may be necessary for fiscal year 2009-2010
10 and the sum of \$87,768 or so much thereof as may be necessary
11 for fiscal year 2010-2011 shall be expended to establish the
12 Achieving the Dream Initiative for Native Hawaiian students
13 located at the Hawaii Community College; provided further that
14 the funds in fiscal year 2009-2010 and fiscal year 2010-2011
15 shall be expended to fund three (3.00 FTE) positions; provided
16 further that these funds shall not be expended for any other
17 purpose; provided further that no funds shall be expended unless
18 matched on a 1:1 basis by a trust fund expenditure by the office
19 of Hawaiian affairs; and provided further that any unexpended
20 funds shall lapse to the general fund.

21 SECTION 9. Provided that of the general fund appropriation
22 for the office of Hawaiian affairs (OHA 175), the sum of \$70,000



1 or so much thereof as may be necessary for fiscal year 2009-2010
2 and the sum of \$70,000 or so much thereof as may be necessary
3 for fiscal year 2010-2011 shall be expended to establish a
4 research and training program for native Hawaiian students of
5 the Hawaii Institute of Marine Biology; provided further that
6 these funds shall not be expended for any other purpose;
7 provided further that no funds shall be expended unless matched
8 on a 1:1 basis by a trust fund expenditure by the office of
9 Hawaiian affairs; and provided further that any unexpended funds
10 shall lapse to the general fund.

11 SECTION 10. Provided that whenever the need arises, the
12 board of trustees of the office of Hawaiian affairs or their
13 designee is authorized to transfer sufficient funds and
14 positions between programs for operating purposes; provided
15 further that these transfers shall not be inconsistent with
16 legislative intent; and provided further that a report of these
17 fund transfers shall be made to the legislature no later than
18 thirty days prior to the convening of the 2010 and 2011 regular
19 sessions.

20 SECTION 11. If any portion of this Act or its application
21 to any person or circumstances is held to be invalid for any
22 reason, the remainder of the Act and any provision thereof shall



1 not be affected. If any portion of a specific appropriation is
2 held to be invalid for any reason, the remaining portion shall
3 be independent of the invalid portion and shall be expended to
4 fulfill the objective and intent of the appropriation to the
5 extent possible.

6 SECTION 12. In the event manifest clerical, typographical,
7 or other mechanical errors are found in this Act, the board of
8 trustees of the office of Hawaiian affairs is hereby authorized
9 to correct such errors. All changes made pursuant to this
10 section shall be reported to the legislature at its next
11 session.

12 SECTION 13. This Act shall take effect on July 1, 2009.

APPROVED this 22 day of JUN , 2009



GOVERNOR OF THE STATE OF HAWAII

