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# 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                                   **PART I. GENERAL PROVISIONS**

2           SECTION 1. SHORT TITLE. This Act shall be known and may  
3 be cited as the Office of Hawaiian Affairs Appropriations Act of  
4 2019.

5           SECTION 2. DEFINITIONS. As used in this Act, unless the  
6 context otherwise requires:

7           "Means of financing" or "MOF" means the source from which  
8 funds are appropriated or authorized to be expended for the  
9 programs and projects specified in this Act. All appropriations  
10 are followed by letter symbols. These letter symbols, where  
11 used, shall mean the following:

12           A    General funds

13           T    Trust funds

14           "Position ceiling" means the maximum number of permanent  
15 and temporary full-time equivalent positions authorized for a  
16 particular program during a specified period or periods, as  
17 denoted by an asterisk (\*) for permanent full-time equivalent



1 positions and a pound sign (#) for temporary full-time  
2 equivalent positions.

3 "Program ID" means the unique identifier for the specific  
4 program and consists of OHA, the abbreviation for the office of  
5 Hawaiian affairs, followed by the organization number for the  
6 program.

7 **PART II. PROGRAM APPROPRIATIONS**

8 SECTION 3. APPROPRIATIONS. The following sums, or so much  
9 thereof as may be sufficient to accomplish the purposes and  
10 programs designated herein, are appropriated or authorized from  
11 the means of financing specified to the office of Hawaiian  
12 affairs for the fiscal biennium beginning July 1, 2019, and  
13 ending June 30, 2021. The total expenditures and the number of  
14 positions in each fiscal year of the biennium shall not exceed  
15 the sums and the numbers indicated for each fiscal year, except  
16 as provided elsewhere in this Act, or as provided by general  
17 law.



PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID.	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2019-2020	M O F	FISCAL YEAR 2020-2021	M O F
Hawaiian Affairs							
	1.	OHA150 - OFFICE OF THE TRUSTEES					
		OPERATING	OHA	0.47*		0.47*	
			OHA	58,323A		58,323A	
			OHA	4.53*		4.53*	
			OHA	275,687T		275,687T	
	2.	OHA160 - ADMINISTRATION					
		OPERATING	OHA	5.03*		5.03*	
			OHA	1,124,042A		1,124,042A	
			OHA	31.97*		31.97*	
			OHA	2,861,727T		2,861,727T	
	3.	OHA175 - BENEFICIARY ADVOCACY					
		OPERATING	OHA	1.47*		1.47*	
			OHA	1,855,514A		1,855,514A	
			OHA	18.53*		18.53*	
			OHA	3,292,290T		3,292,290T	



PART III. PROGRAM PROVISIONS

SECTION 4. Provided that the general fund appropriations in part II of this Act shall be expended by the Office of Hawaiian Affairs.

SECTION 5. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2019-2020 and the same sums for fiscal year 2020-2021 shall be expended to provide for social services, including referral services and case management, to at-risk Office of Hawaiian Affairs beneficiaries to immediately address unexpected crises; provided further that program activities shall be designed with an overall objective to provide financial assistance to improve stability during emergency situations; and provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2019-2020 and

1 the same sums for fiscal year 2020-2021 shall be expended to  
2 provide for educational improvement programs for native Hawaiian  
3 students; provided further that program activities shall be  
4 designed to help native Hawaiian students succeed academically;  
5 and provided further that notwithstanding section 10-17(e),  
6 Hawaii Revised Statutes, any expenditures for the purposes of  
7 this section shall be in accordance with chapter 103D or 103F,  
8 Hawaii Revised Statutes, or a competitive grants process, as  
9 appropriate.

10 SECTION 7. Provided that of the funds appropriated for  
11 beneficiary advocacy (OHA175), the sum of \$524,400 in general  
12 funds and \$524,400 in trust funds for fiscal year 2019-2020 and  
13 the same sums for fiscal year 2020-2021 shall be expended to  
14 provide for legal services and legal representation to Office of  
15 Hawaiian Affairs beneficiaries for:

- 16 (1) The assertion and defense of quiet title actions;  
17 (2) Assistance with ahupuaa and kuleana tenant rights,  
18 including rights of access and rights to water;  
19 (3) Land title assistance, including review of title  
20 and genealogy;



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

10 SECTION 8. (a) Provided that of the trust funds

11 appropriated in part II of this Act, the sum of \$500,000 for

12 fiscal year 2019-2020 shall be expended for the costs for the

13 auditor to conduct or contract for a financial and management

14 audit of the Office of Hawaiian Affairs.

15 The auditor shall submit a report of the findings and

16 recommendations of the audit to the legislature, governor, and

17 the chairperson of the board of trustees of the office of

18 Hawaiian affairs no later than twenty days prior to the

19 convening of the regular session of 2020.

20 (b) Provided that the general funds appropriated for

21 fiscal year 2020-2021 pursuant to part II of this Act shall not



1 be released to the Office of Hawaiian Affairs until after the  
2 audit report required by subsection (a) is received by the  
3 legislature.

4 **PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

5 SECTION 9. Provided that whenever necessary, the board of  
6 trustees of the Office of Hawaiian Affairs or the board's  
7 designee may transfer sufficient funds and positions between  
8 programs for operating purposes; provided further that these  
9 transfers shall be consistent with legislative intent; and  
10 provided further that the Office of Hawaiian Affairs shall  
11 submit a report to the legislature of all uses of this authority  
12 for the previous twelve month period from December 1 to November  
13 30, no later than twenty days prior to the convening of the  
14 regular sessions of 2020 and 2021.

15 SECTION 10. If any provision of this Act, or the  
16 application thereto to any person or circumstance, is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of the Act that can be given effect without the  
19 invalid provision or application, and to this end the provisions  
20 of this Act are severable. If any portion of a specific  
21 appropriation is held to be invalid for any reason, the



1 remaining portion shall be expended to fulfill the objective of  
2 that appropriation to the extent possible.

3 SECTION 11. If manifest clerical, typographical, or other  
4 mechanical errors are found in this Act, the board of trustees  
5 of the Office of Hawaiian Affairs may correct these errors. All  
6 changes made pursuant to this section shall be reported to the  
7 legislature at its next session.

8 SECTION 12. This Act shall take effect on July 1, 2019.





**Report Title:**

OHA Budget; Program Appropriations; Operating Costs

**Description:**

Appropriates funds for Fiscal Biennium 2019-2021 for the Office of the Trustees (OHA150), Office of Hawaiian Affairs Administration (OHA160), and Beneficiary Advocacy (OHA175). Requires an expenditure of general funds to pay for the auditor to conduct or contract for a financial and management audit of limited liability companies created and used by the Office of Hawaiian Affairs. Effective 7/1/2019. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

