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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

ITEM NO.	PROG. ID.	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2019-2020	M O F	FISCAL YEAR 2020-2021	M O F
1		Hawaiian Affairs					
2	1.	OHA150 - OFFICE OF THE TRUSTEES					
3				0.47*		0.47*	
4		OPERATING	OHA	89,045A		89,045A	
5				4.53*		4.53*	
6			OHA	275,687T		275,687T	
7							
8	2.	OHA160 - ADMINISTRATION					
9				5.03*		5.03*	
10		OPERATING	OHA	1,559,749A		1,559,749A	
11				31.97*		31.97*	
12			OHA	2,861,727T		2,861,727T	
13							
14	3.	OHA175 - BENEFICIARY ADVOCACY					
15				1.47*		1.47*	
16		OPERATING	OHA	2,331,785A		2,331,785A	
17				18.53*		18.53*	
18			OHA	3,172,860T		3,172,860T	
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**PART III. PROGRAM PROVISIONS**

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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 general funds appropriated in part II of this Act, the sum of \$ \_\_\_\_\_ for fiscal year 2019-2020 shall be expended for the costs for the auditor to conduct or contract for a financial and management audit of the limited liability companies created and used by the office of Hawaiian affairs. The auditor shall submit a report of the findings and recommendations of the audit to the legislature, governor, and the trustees of the office of Hawaiian affairs no later than twenty days prior to the convening of the regular session of 2020.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$ \_\_\_\_\_ in general funds and \$ \_\_\_\_\_ 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



1 further that program activities shall be designed with an  
2 overall objective to provide financial assistance to improve  
3 stability during emergency situations; and provided further that  
4 notwithstanding section 10-17(e), Hawaii Revised Statutes, any  
5 funds expended for the purposes of this section shall be in  
6 accordance with chapter 103D or 103F, Hawaii Revised Statutes,  
7 or a competitive grants process, as appropriate.

8 SECTION 7. Provided that of the funds appropriated for  
9 beneficiary advocacy (OHA175), the sum of \$ in general  
10 funds and \$ in trust funds for fiscal year 2019-2020  
11 and the same sums for fiscal year 2020-2021 shall be expended to  
12 provide for educational improvement programs for native Hawaiian  
13 students; provided further that program activities shall be  
14 designed to help native Hawaiian students succeed academically;  
15 and provided further that notwithstanding section 10-17(e),  
16 Hawaii Revised Statutes, any expenditures for the purposes of  
17 this section shall be in accordance with chapter 103D or 103F,  
18 Hawaii Revised Statutes, or a competitive grants process, as  
19 appropriate.

20 SECTION 8. Provided that of the funds appropriated for  
21 beneficiary advocacy (OHA175), the sum of \$ in general



1 funds and \$ in trust funds for fiscal year 2019-2020  
2 and the same sums for fiscal year 2020-2021 shall be expended to  
3 provide for legal services and legal representation to office of  
4 Hawaiian affairs beneficiaries for:

- 5 (1) The assertion and defense of quiet title actions;
- 6 (2) Assistance with ahupuaa and kuleana tenant rights,  
7 including rights of access and rights to water;
- 8 (3) Land title assistance, including review of title and  
9 genealogy;
- 10 (4) Preservation of traditional and customary practices;
- 11 (5) Protection of culturally significant places;
- 12 (6) Preservation of native Hawaiian land trust  
13 entitlements; and
- 14 (7) Assistance with department of Hawaiian home lands  
15 matters;

16 provided further that notwithstanding section 10-17(e), Hawaii  
17 Revised Statutes, any funds expended for the purposes of this  
18 section shall be made in accordance with chapter 103D or 103F,  
19 Hawaii Revised Statutes, as appropriate.

20 SECTION 9. Provided that of the funds appropriated for  
21 beneficiary advocacy (OHA175), the sum of \$ in general



1 funds and \$ in trust funds for fiscal year 2019-2020  
 2 and the same sums for fiscal year 2020-2021 shall be expended to  
 3 provide for housing improvement programs to assist native  
 4 Hawaiians, including those that are homeless, at-risk of  
 5 homelessness, in transitional housing, in unstable or  
 6 unaffordable rentals, or in pursuit of homeownership, to  
 7 increase their capacity to attain housing stability. Programs  
 8 shall be designed with an overall objective to address barriers  
 9 that hinder native Hawaiians from obtaining stable housing;  
 10 provided that notwithstanding section 10-17(e), Hawaii Revised  
 11 Statutes, any funds expended for the purposes of this section  
 12 shall be in accordance with chapter 103D or 103F, Hawaii Revised  
 13 Statutes, or a competitive grants process, as appropriate.

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

15 SECTION 10. Provided that whenever necessary, the board of  
 16 trustees of the office of Hawaiian affairs or the board's  
 17 designee may transfer sufficient funds and positions between  
 18 programs for operating purposes; provided further that these  
 19 transfers shall be consistent with legislative intent; and  
 20 provided further that the office of Hawaiian affairs shall  
 21 submit a report to the legislature of all uses of this authority



1 for the previous twelve month period from December 1 to  
2 November 30, no later than twenty days prior to the convening of  
3 the regular sessions of 2020 and 2021.

4 SECTION 11. If any provision of this Act, or the  
5 application thereto to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable. If any portion of a specific  
10 appropriation is held to be invalid for any reason, the  
11 remaining portion shall be expended to fulfill the objective of  
12 that appropriation to the extent possible.

13 SECTION 12. If manifest clerical, typographical, or other  
14 mechanical errors are found in this Act, the board of trustees  
15 of the office of Hawaiian affairs may correct these errors. All  
16 changes made pursuant to this section shall be reported to the  
17 legislature at its next session.

18 SECTION 13. This Act shall take effect on July 1, 2050.





**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 7/1/2050. (SD2)

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

