
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 2021.

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

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. The letter symbols, where used,
11 shall have the following meanings:

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 the abbreviation for the office of
5 Hawaiian affairs (OHA) followed by the organization number for
6 the 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 hereby appropriated or
11 authorized from the means of financing specified to the office
12 of Hawaiian affairs for the fiscal biennium beginning July 1,
13 2021, and ending June 30, 2023. The total expenditures and the
14 number of positions in each fiscal year of the biennium shall
15 not exceed the sums and the numbers indicated for each fiscal
16 year, except as provided elsewhere in this Act, or as provided
17 by general law.



PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2021-2022	M O F	FISCAL YEAR 2022-2023	M O F
Hawaiian Affairs							
1.	OHA150	OFFICE OF THE TRUSTEES		0.47*		0.47*	
				0.00#		0.00#	
	OPERATING		OHA	0A		0A	
				4.53*		4.53*	
				0.00#		0.00#	
			OHA	275,687T		275,687T	
2.	OHA160	ADMINISTRATION		5.03*		5.03*	
				0.00#		0.00#	
	OPERATING		OHA	0A		0A	
				31.97*		31.97*	
				0.00#		0.00#	
			OHA	2,861,727T		2,861,727T	
3.	OHA175	BENEFICIARY ADVOCACY		1.47*		1.47*	
				0.00#		0.00#	
	OPERATING		OHA	2,254,000A		2,254,000A	
				18.53*		18.53*	
				0.00#		0.00#	
			OHA	3,292,290T		3,292,290T	



1 **PART III. PROGRAM PROVISIONS**

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

5 SECTION 5. Provided that, of the funds appropriated for
6 beneficiary advocacy (OHA175), the sum of \$500,000 in general
7 funds and \$500,000 in trust funds for fiscal year 2021-2022 and
8 the same sums for fiscal year 2022-2023 shall be expended for
9 office of Hawaiian affairs beneficiaries for occupancy ready
10 housing needs.

11 SECTION 6. Provided that, of the funds appropriated for
12 beneficiary advocacy (OHA175), the sum of \$415,000 in general
13 funds and \$415,000 in trust funds for fiscal year 2021-2022 and
14 the same sums for fiscal year 2022-2023 shall be expended to
15 provide for social services, including referral services and
16 case management, to at-risk office of Hawaiian affairs
17 beneficiaries to immediately address unexpected crises; provided
18 further that program activities shall be designed with an
19 overall objective to provide financial assistance to improve
20 stability during emergency situations; and provided further
21 that, notwithstanding section 10-17(e), Hawaii Revised Statutes,



1 any funds expended for the purposes of this section shall be in
2 accordance with chapter 103D or 103F, Hawaii Revised Statutes,
3 or a competitive grants process, as appropriate.

4 SECTION 7. Provided that, of the funds appropriated for
5 beneficiary advocacy (OHA175), the sum of \$615,000 in general
6 funds and \$615,000 in trust funds for fiscal year 2021-2022 and
7 the same sums for fiscal year 2022-2023 shall be expended to
8 provide for educational improvement programs for native Hawaiian
9 students; provided further that program activities shall be
10 designed to help native Hawaiian students succeed academically;
11 and provided further that, notwithstanding section 10-17(e),
12 Hawaii Revised Statutes, any expenditures for the purposes of
13 this section shall be in accordance with chapter 103D or 103F,
14 Hawaii Revised Statutes, or a competitive grants process, as
15 appropriate.

16 SECTION 8. Provided that, of the funds appropriated for
17 beneficiary advocacy (OHA175), the sum of \$524,400 in general
18 funds and \$524,400 in trust funds for fiscal year 2021-2022 and
19 the same sums for fiscal year 2022-2023 shall be expended to
20 provide for legal services and legal representation to office of
21 Hawaiian affairs beneficiaries for:



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

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

14 **PART IV. RELEASE OF PRIOR FUNDS**

15 SECTION 9. Act 37, Session Laws of Hawaii 2019, is amended
16 by amending section 8 to read as follows:

17 "SECTION 8. ~~[(a) Provided that of the trust funds~~
18 ~~appropriated in part II of this Act, the sum of \$500,000 for~~
19 ~~fiscal year 2019-2020 shall be expended for the costs for the~~
20 ~~auditor to conduct or contract for a financial and management~~
21 ~~audit of the Office of Hawaiian Affairs.~~



1 ~~The auditor shall submit a report of the findings and~~
2 ~~recommendations of the audit to the legislature, governor, and~~
3 ~~the chairperson of the board of trustees of the office of~~
4 ~~Hawaiian affairs no later than twenty days prior to the~~
5 ~~convening of the regular session of 2020.~~

6 (b)] Provided that the general funds appropriated for
7 fiscal year 2020-2021 pursuant to part II of this Act shall not
8 be released to the Office of Hawaiian Affairs until after the
9 ~~[audit report required by subsection (a)]~~ CLA - OHA & LLCs
10 Contract and Disbursement Review - Report, dated December 4,
11 2019, is received by the legislature."

12 SECTION 10. The general funds appropriated for fiscal year
13 2020-2021 pursuant to part II of Act 37, Session Laws of Hawaii
14 2019, shall not lapse at the end of the fiscal year for which
15 the appropriation is made; provided that all moneys from the
16 appropriation that are unencumbered as of June 30, 2022, shall
17 lapse as of that date.

18 SECTION 11. Provided that of the general funds
19 appropriated for beneficiary advocacy (OHA175), the sum of
20 \$200,000 for fiscal year 2021-2022 shall be expended to conduct
21 or contract for a follow-up contract to and disbursement review



1 of the CLA - OHA & LLCs Contract and Disbursement Review -
2 Report, dated December 4, 2019.

3 **PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

4 SECTION 12. Provided that, whenever necessary, the board
5 of trustees of the office of Hawaiian affairs or the board's
6 designee may transfer sufficient funds and positions between
7 programs for operating purposes; provided further that these
8 transfers shall be consistent with legislative intent; and
9 provided further that the office of Hawaiian affairs shall
10 submit a report to the legislature of all uses of this authority
11 for the previous twelve-month period from December 1 to
12 November 30, no later than twenty days prior to the regular
13 sessions of 2022 and 2023.

14 SECTION 13. If any portion of this Act or its application
15 to any person, entity, or circumstance is held to be invalid for
16 any reason, the legislature declares that the remainder of the
17 Act and each and every other provision thereof shall not be
18 affected thereby. If any portion of a specific appropriation is
19 held to be invalid for any reason, the remaining portion shall
20 be expended to fulfill the objective of the appropriation to the
21 extent possible.



1 SECTION 14. In the event manifest clerical, typographical,
2 or other mechanical errors are found in this Act, the board of
3 trustees of the office of Hawaiian affairs is authorized to
4 correct these errors. All changes made pursuant to this section
5 shall be reported to the legislature at its next session.

6 SECTION 15. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 16. This Act shall take effect on July 1, 2021;
9 provided that sections 9 and 10 of this Act shall take effect
10 retroactive to June 30, 2021.



H.B. NO. 204 S.D. 2

Report Title:

Office of Hawaiian Affairs Package; OHA Budget; Operating Costs; Program Appropriations

Description:

Appropriates funds for Fiscal Biennium 2021-2023 beginning on 7/1/2021, and ending on 6/30/2023 for the Office of Hawaiian Affairs Office of the Trustees (OHA150), Administration (OHA160), and Beneficiary Advocacy (OHA175). Amends Act 37, SLH 2019. (SD2)

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

