



GOV. MSG. NO. **928**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 12, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth 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 12, 2007, the following bill was signed into law:

HB1200 HD1 SD2 CD1

A BILL FOR AN ACT RELATING TO THE BUDGET
OF THE OFFICE OF HAWAIIAN AFFAIRS.
(ACT 170)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written in a cursive style.

JAMES R. AIONA, JR.
Acting Governor

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. The purpose of this Act is to appropriate funds
3 for the biennial budget of the office of Hawaiian affairs and
4 this Act shall be known and may be cited as the "Office of
5 Hawaiian Affairs Appropriations Act of 2007."

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

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

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

15 Letter symbols following appropriations have the following
16 meanings:

17 A: General Funds

18 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, 2007, and
9 ending June 30, 2009. 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.

PROGRAM APPROPRIATIONS

| ITEM NO. | PROG. ID | PROGRAM | EXPENDING AGENCY | APPROPRIATIONS | | | |
|----------|----------|---------------------------------|------------------|-----------------------|-------|-----------------------|-------|
| | | | | FISCAL YEAR 2007-2008 | M O F | FISCAL YEAR 2008-2009 | M O F |
| 1 | | Hawaiian Affairs | | | | | |
| 2 | 1. | OHA150 - OFFICE OF THE TRUSTEES | | | | | |
| 3 | | | | .65* | | .60* | |
| 4 | | OPERATING | OHA | 31,149A | | 31,149A | |
| 5 | | | | 4.35* | | 4.40* | |
| 6 | | | OHA | 272,193T | | 284,608T | |
| 7 | | | | | | | |
| 8 | 2. | OHA160 - ADMINISTRATION | | | | | |
| 9 | | | | 7.60* | | 7.22* | |
| 10 | | OPERATING | OHA | 936,263A | | 936,263A | |
| 11 | | | | 30.40* | | 30.78* | |
| 12 | | | OHA | 2,837,087T | | 2,952,722T | |
| 13 | | INVESTMENT CAPITAL | OHA | 3,050,000T | | 52,990,000T | |
| 14 | | | | | | | |
| 15 | 3. | OHA175 - BENEFICIARY ADVOCACY | | | | | |
| 16 | | | | 3.23* | | 3.23* | |
| 17 | | OPERATING | OHA | 2,085,696A | | 2,119,663A | |
| 18 | | | | 15.77* | | 15.77* | |
| 19 | | | OHA | 3,098,206T | | 3,190,167T | |

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 \$415,000 in general
6 funds and \$415,000 in trust funds for fiscal year 2007-2008 and
7 the sum of \$415,000 in general funds and \$415,000 in trust funds
8 for fiscal year 2008-2009 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 \$490,433 in general
22 funds and \$490,433 in trust funds for fiscal year 2007-2008 and

1 the sum of \$524,400 in general funds and \$524,400 in trust funds
2 for fiscal year 2008-2009 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 may
9 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 \$592,302 in general
15 funds and \$592,302 in trust funds for fiscal year 2007-2008 and
16 the sum of \$592,302 in general funds and \$592,302 in trust funds
17 for fiscal year 2008-2009 shall provide legal services and legal
18 representation to office of Hawaiian affairs beneficiaries for:
19 the assertion and defense of quiet title actions; assistance
20 with ahupua`a and kuleana tenant rights, including rights of
21 access and rights to water, land title assistance, including
22 review of title and genealogy, preservation of traditional and

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

7 SECTION 8. Provided that whenever the need arises, the
8 board of trustees of the office of Hawaiian affairs or their
9 designee is authorized to transfer sufficient funds and
10 positions between programs for operating purposes; provided
11 further that these transfers shall not be inconsistent with
12 legislative intent; and provided further that a report of these
13 fund transfers shall be made to the legislature no later than
14 thirty days prior to the convening of the 2008 and 2009 regular
15 sessions.

16 **PART II. CAPITAL IMPROVEMENT PROJECT**

17 SECTION 9. The sum of \$56,040,000 appropriated or
18 authorized in part I of this Act for a capital improvement
19 project shall be expended by the office of Hawaiian affairs for
20 the project listed below. The amount after each cost element
21 and the total funding for the project are in thousands of
22 dollars.

CAPITAL IMPROVEMENT PROJECTS

| ITEM NO. | CAPITAL PROJECT NO. | TITLE | EXPENDING AGENCY | APPROPRIATIONS (IN 000'S) | | | |
|-------------|---------------------------|---|---------------------|-----------------------------|-------------|-----------------------------|-------------|
| | | | | FISCAL YEAR 2007-2008 | M O F | FISCAL YEAR 2008-2009 | M O F |
| 1 | | Hawaiian Affairs | | | | | |
| 2 | | OHA160 - ADMINISTRATION | | | | | |
| 3 | | | | | | | |
| 4 | 1. | CULTURAL CENTER AND OFFICE BUILDING, OAHU | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW CULTURE CENTER AND OFFICE BUILDING ON OAHU. | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | DESIGN | | 3,050 | | | |
| 11 | | CONSTRUCTION | | | | 49,490 | |
| 12 | | EQUIPMENT | | | | 3,500 | |
| 13 | | TOTAL FUNDING | OHA | 3,050 T | | 52,990 T | |

1 **PART III. SPECIAL PROVISIONS**

2 SECTION 10. Any law or any provision of this Act to the
3 contrary notwithstanding, the appropriations made for capital
4 improvement projects authorized in part I and listed in part II
5 of this Act shall not lapse at the end of the fiscal year for
6 which the appropriations are made; provided that all
7 appropriations made for fiscal year 2007-2008 and fiscal year
8 2008-2009 which are unencumbered as of June 30, 2010, shall
9 lapse as of that date.

10 SECTION 11. The office of Hawaiian affairs is authorized
11 to delegate to other state or county agencies the planning,
12 acquisition of land, design, construction, and equipment of any
13 capital improvement project when it is determined by the office
14 of Hawaiian affairs to be advantageous to do so.

15 SECTION 12. The board of trustees of the office of
16 Hawaiian affairs or their designee shall determine when and the
17 manner in which the authorized capital improvement project shall
18 be initiated.

19 SECTION 13. Any law or any provision to the contrary
20 notwithstanding, the board of trustees of the office of Hawaiian
21 affairs or their designee may supplement funds for any cost
22 element for a capital improvement project authorized under this

1 Act by transferring such sums as may be needed from the funds
2 appropriated for other cost elements of the same project by this
3 Act.

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

5 SECTION 14. If any portion of this Act or its application
6 to any person or circumstances is held to be invalid for any
7 reason, the remainder of the Act and any provision thereof shall
8 not be affected. If any portion of a specific appropriation is
9 held to be invalid for any reason, the remaining portion shall
10 be independent of the invalid portion and shall be expended to
11 fulfill the objective and intent of the appropriation to the
12 extent possible.

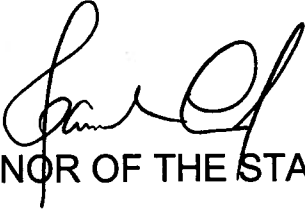
13 SECTION 15. In the event manifest clerical, typographical,
14 or other mechanical errors are found in this Act, the board of
15 trustees of the office of Hawaiian affairs is hereby authorized
16 to correct such errors. All changes made pursuant to this
17 section shall be reported to the legislature at its next
18 session.

19 SECTION 16. This Act shall take effect on July 1, 2007.

H.B. NO.

1200
H.D. 1
S.D. 2
C.D. 1

APPROVED this 12 day of JUN , 2007



JAMES R. AIONA JR.

ACTING GOVERNOR OF THE STATE OF HAWAII