

JAN 22 2007

S.B. NO. 1546

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 C: General Obligation Bond Funds



1 T: Trust Funds

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

5 SECTION 3. The following sums, or so much thereof as may
6 be necessary to accomplish the purposes and programs designated
7 herein, are appropriated or authorized, as the case may be, from
8 the sources of funding specified to the office of Hawaiian
9 affairs for the fiscal biennium beginning July 1, 2007, and
10 ending June 30, 2009. The total general fund expenditures and
11 the number of permanent positions established in each fiscal
12 year of the biennium shall not exceed the sums and the position
13 ceiling indicated for each year, except as provided elsewhere in
14 this Act.

15 PROGRAM APPROPRIATIONS

16
17
18 APPROPRIATIONS

20	21	22	23	24	25	26	27	28	29	30
ITEM	PROG.	EXPENDING	FISCAL	M	FISCAL	M	YEAR	O	YEAR	O
NO.	ID	PROGRAM	AGENCY	2007-08	F	2008-09	F			
Hawaiian Affairs										
1.	OHA 150	OFFICE OF THE TRUSTEES		0.65	*	0.60	*			
	<u>OPERATING</u>		<u>OHA</u>	31,149	A	31,149	A			
				4.35	*	4.40	*			



1		<u>OHA</u>	272,193 T	284,608 T
2				
3	2. <u>OHA 160</u>	<u>ADMINISTRATION</u>		
4			7.60 *	7.22 *
5	<u>OPERATING</u>	<u>OHA</u>	936,263 A	936,263 A
6			30.40 *	30.78 *
7		<u>OHA</u>	2,837,087 T	2,952,722 T
8				
9	<u>INVESTMENT CAPITAL</u>	<u>OHA</u>	1,525,000 C	26,495,000 C
10			1,525,000 T	26,495,000 T
11				
12	3. <u>OHA 175</u>	<u>BENEFICIARY ADVOCACY</u>		
13			3.23 *	3.23 *
14	<u>OPERATING</u>	<u>OHA</u>	2,085,696 A	2,119,663 A
15			15.77 *	15.77 *
16		<u>OHA</u>	3,098,206 T	3,190,167 T
17				

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

21 SECTION 5. Provided that of the funds appropriated for
 22 beneficiary advocacy (OHA 175), the sum of \$415,000 in general
 23 funds and \$415,000 in trust funds for fiscal year 2007-2008 and
 24 the sum of \$415,000 in general funds and \$415,000 in trust funds
 25 for fiscal year 2008-2009 shall provide for social services to
 26 office of Hawaiian affairs beneficiaries to include information
 27 and referral services, case management and counseling,
 28 establishment of individual development accounts, financial
 29 literacy, and financial assistance. Referral services include
 30 those relating to education assistance, employment and income
 31 security, individual and family care, health needs, housing,



1 legal services, genealogy research, business assistance, and
2 general information; provided further that notwithstanding
3 section 10-17(e), Hawaii Revised Statutes, any funds expended
4 for the purposes of this section shall be in accordance with
5 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

6 SECTION 6. Provided that of the funds appropriated for
7 beneficiary advocacy (OHA 175), the sum of \$490,433 in general
8 funds and \$490,433 in trust funds for fiscal year 2007-2008 and
9 the sum of \$524,400 in general funds and \$524,400 in trust funds
10 for fiscal year 2008-2009 shall provide for educational
11 enrichment programs for native Hawaiian children in grades K
12 through 12 throughout the State. Program activities are to be
13 designed to optimize learning for Hawaiian students and are
14 intended to develop a stronger interest in learning, connect
15 learning and education to one's Hawaiian identity, and explore
16 possible educational, career and academic goals the students may
17 not have considered; provided further that notwithstanding
18 section 10-17(e), Hawaii Revised Statutes, any funds expended
19 for the purposes of this section shall be in accordance with
20 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

21 SECTION 7. Provided that of the funds appropriated for
22 beneficiary advocacy (OHA 175), the sum of \$592,302 in general



1 funds and \$592,302 in trust funds for fiscal year 2007-2008 and
2 the sum of \$592,302 in general funds and \$592,302 in trust funds
3 for fiscal year 2008-2009 shall provide legal services and legal
4 representation to office of Hawaiian affairs beneficiaries for:
5 the assertion and defense of quiet title actions; assistance
6 with ahupua`a and kuleana tenant rights, including rights of
7 access and rights to water, land title assistance, including
8 review of title and genealogy, preservation of traditional and
9 customary practices, protection of culturally significant
10 places, and preservation of native Hawaiian land trust
11 entitlements; provided further that notwithstanding section 10-
12 17(e), Hawaii Revised Statutes, any funds expended for the
13 purposes of this section shall be in accordance with chapter
14 103D or 103F, Hawaii Revised Statutes, as appropriate.

15 SECTION 8. Provided that whenever the need arises, the
16 administrator of the office of Hawaiian affairs is authorized to
17 transfer sufficient funds and positions between programs for
18 operating purposes; provided further that these transfers shall
19 not be inconsistent with legislative intent; and provided
20 further that a report of these fund transfers shall be made to
21 the legislature no later than thirty days prior to the convening
22 of the 2008 and 2009 regular sessions.



PART II. CAPITAL IMPROVEMENT PROJECT

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

OHA 160 ADMINISTRATION

- 1. Kakaako culture center and office building. Design, construction, and equipment for a new culture center and office building at Kakaako, Oahu.

Table with 3 columns: Item, 2007-2008, 2008-2009. Rows include Design (\$3,050), Construction (\$49,490), Equipment (\$3,500), Total (\$52,990), and Total Funding OHA (\$26,495 C).

PART III. ISSUANCE OF BONDS

SECTION 10. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to



1 finance projects authorized in part I and listed in part II of
2 this Act; provided that the sum total of the general obligation
3 bonds so issued shall not exceed \$28,020,000.

4 PART IV. SPECIAL PROVISIONS

5 SECTION 11. Any law or any provision of this Act to the
6 contrary notwithstanding, the appropriations made for capital
7 improvement projects authorized in part I and listed in part II
8 of this Act shall not lapse at the end of the fiscal year for
9 which the appropriations are made; provided that all
10 appropriations made for fiscal year 2007-2008 and fiscal year
11 2008-2009 which are unencumbered as of June 30, 2010, shall
12 lapse as of that date.

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

18 SECTION 13. The administrator of the office of Hawaiian
19 affairs shall determine when and the manner in which the
20 authorized capital improvement projects shall be initiated. The
21 administrator shall notify the governor from time to time of the
22 specific amounts required for the projects, and the governor



1 shall provide for those amounts through the issuance of bonds
2 authorized in part III of this Act.

3 SECTION 14. Any law or any provision to the contrary
4 notwithstanding, the administrator of the office of Hawaiian
5 affairs may supplement funds for any cost element for a capital
6 improvement project authorized under this Act by transferring
7 such sums as may be needed from the funds appropriated for other
8 cost elements of the same project by this Act.

9 PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

10 SECTION 15. If any portion of this Act or its application
11 to any person or circumstances is held to be invalid for any
12 reason, the remainder of the Act and any provision thereof shall
13 not be affected. If any portion of a specific appropriation is
14 held to be invalid for any reason, the remaining portion shall
15 be independent of the invalid portion and shall be expended to
16 fulfill the objective and intent of the appropriation to the
17 extent possible.

18 SECTION 16. In the event manifest clerical, typographical,
19 or other mechanical errors are found in this Act, the board of
20 trustees of the office of Hawaiian affairs is hereby authorized
21 to correct such errors. All changes made pursuant to this




1 section shall be reported to the legislature at its next
2 session.

3 SECTION 17. This Act shall take effect on July 1, 2007.

4

INTRODUCED BY:



By Request



Report Title:

OHA Budget

Description:

Appropriates funds for the operating and capital improvement budget of the Office of Hawaiian Affairs for fiscal years 2007-2008 and 2008-2009. Earmarks funds for certain social, educational, and legal services and programs and for OHA's proposed office building and Hawaiian Cultural Center.

