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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           SECTION 1. The purpose of this Act is to appropriate funds  
2 for the biennial budget of the office of Hawaiian affairs and  
3 this Act shall be known and may be cited as the "Office of  
4 Hawaiian Affairs Appropriations Act of 2009."

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

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

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

14 Letter symbols following appropriations have the following  
15 meanings:

16           A: General Funds

17           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, 2009 and  
 9 ending June 30, 2011. 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.

14 P R O G R A M A P P R O P R I A T I O N S

				APPROPRIATIONS	
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2009-10 F	2010-11 F
<b>Hawaiian Affairs</b>					
1.	OHA150	- OFFICE OF THE TRUSTEES		.63*	.63*
	OPERATING		OHA	31,149A	31,149A



1			4.37*	4.37*
2		OHA	278,401T	278,401T
3	2.	OHA160 - ADMINISTRATION		
4			7.60*	7.60*
5		OPERATING OHA	955,391A	955,391A
6			32.40*	32.40*
7		OHA	3,092,262T	3,092,262T
8	3.	OHA175 - BENEFICIARY ADVOCACY		
9			2.86*	2.86*
10		OPERATING OHA	2,100,534A	2,100,534A
11			14.14*	14.14*
12		OHA	3,057,599T	3,057,599T

13 SECTION 4. Provided that the general fund appropriations  
 14 in section 3 of this Act shall be expended by the office of  
 15 Hawaiian affairs.

16 SECTION 5. Provided that of the funds appropriated for  
 17 beneficiary advocacy (OHA 175), the sum of \$505,000 in general  
 18 funds and \$505,000 in trust funds for fiscal year 2009-2010 and  
 19 the sum of \$505,000 in general funds and \$505,000 in trust funds  
 20 for fiscal year 2010-2011 shall provide for social services to  
 21 office of Hawaiian affairs beneficiaries to include information  
 22 and referral services, case management and counseling,



1 establishment of individual development accounts, financial  
2 literacy, and financial assistance. Referral services include  
3 those relating to education assistance, employment and income  
4 security, individual and family care, health needs, housing,  
5 legal services, genealogy research, business assistance, and  
6 general information; provided further that notwithstanding  
7 section 10-17(e), Hawaii Revised Statutes, any funds expended  
8 for the purposes of this section shall be in accordance with  
9 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

10 SECTION 6. Provided that of the funds appropriated for  
11 beneficiary advocacy (OHA 175), the sum of \$790,433 in general  
12 funds and \$790,433 in trust funds for fiscal year 2009-2010 and  
13 the sum of \$809,334 in general funds and \$809,334 in trust funds  
14 for fiscal year 2010-2011 shall provide for educational  
15 enrichment programs for native Hawaiian children in grades K  
16 through 12 throughout the state. Program activities are to be  
17 designed to optimize learning for Hawaiian students and are  
18 intended to develop a stronger interest in learning, connect  
19 learning and education to one's Hawaiian identity, and explore  
20 possible educational, career, and academic goals the students  
21 may not have considered; provided further that notwithstanding  
22 section 10-17(e), Hawaii Revised Statutes, any funds expended



1 for the purposes of this section shall be in accordance with  
2 chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

3 SECTION 7. Provided that of the funds appropriated for  
4 beneficiary advocacy (OHA 175), the sum of \$643,703 in general  
5 funds and \$643,703 in trust funds for fiscal year 2009-2010 and  
6 the sum of \$624,802 in general funds and \$624,802 in trust funds  
7 for fiscal year 2010-2011 shall provide legal services and legal  
8 representation to office of Hawaiian affairs beneficiaries for:  
9 the assertion and defense of quiet title actions; assistance  
10 with ahupua`a and kuleana tenant rights, including rights of  
11 access and rights to water, land title assistance, including  
12 review of title and genealogy, preservation of traditional and  
13 customary practices, protection of culturally significant  
14 places, and preservation of native Hawaiian land trust  
15 entitlements; provided further that notwithstanding section 10-  
16 17(e), Hawaii Revised Statutes, any funds expended for the  
17 purposes of this section shall be in accordance with chapter  
18 103D or 103F, Hawaii Revised Statutes, as appropriate.

19 SECTION 8. Provided that whenever the need arises, the  
20 board of trustees of the office of Hawaiian affairs or their  
21 designee is authorized to transfer sufficient funds and  
22 positions between programs for operating purposes; provided



1 further that these transfers shall not be inconsistent with  
2 legislative intent; and provided further that a report of these  
3 fund transfers shall be made to the legislature no later than  
4 thirty days prior to the convening of the 2010 and 2011 regular  
5 sessions.

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

14 SECTION 10. In the event manifest clerical, typographical,  
15 or other mechanical errors are found in this Act, the board of  
16 trustees of the office of Hawaiian affairs is hereby authorized  
17 to correct such errors. All changes made pursuant to this  
18 section shall be reported to the legislature at its next  
19 session.

20 SECTION 11. This Act shall take effect on July 1, 2009.



**Report Title:**

OHA Budget

**Description:**

Appropriates funds for the operating and capital improvement budget of the Office of Hawaiian Affairs for fiscal years 2009-2010 and 2010-2011. (HB900 HD1)

