

JAN 26 2009

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.

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PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2009-10 F	FISCAL M YEAR O 2010-11 F
Hawaiian Affairs					
1.	OHA150	OFFICE OF THE TRUSTEES		.63*	.63*
	OPERATING		OHA	31,149A	31,149A
				4.37*	4.37*
			OHA	278,401T	278,401T
2.	OHA160	ADMINISTRATION		7.60*	7.60*
	OPERATING		OHA	955,391A	955,391A
				32.40*	32.40*
			OHA	3,092,262T	3,092,262T
3.	OHA175	BENEFICIARY ADVOCACY		2.86*	2.86*
	OPERATING		OHA	2,100,534A	2,100,534A
				14.14*	14.14*
			OHA	3,057,599T	3,057,599T



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 \$505,000 in general
6 funds and \$505,000 in trust funds for fiscal year 2009-2010 and
7 the sum of \$505,000 in general funds and \$505,000 in trust funds
8 for fiscal year 2010-2011 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 \$790,433 in general
22 funds and \$790,433 in trust funds for fiscal year 2009-2010 and



1 the sum of \$809,334 in general funds and \$809,334 in trust funds
2 for fiscal year 2010-2011 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
9 may 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 \$643,703 in general
15 funds and \$643,703 in trust funds for fiscal year 2009-2010 and
16 the sum of \$624,802 in general funds and \$624,802 in trust funds
17 for fiscal year 2010-2011 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
4 10-17(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 2010 and 2011 regular
15 sessions.

16 PART III. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

17 SECTION 9. If any portion of this Act or its application
18 to any person or circumstances is held to be invalid for any
19 reason, the remainder of the Act and any provision thereof shall
20 not be affected. If any portion of a specific appropriation is
21 held to be invalid for any reason, the remaining portion shall
22 be independent of the invalid portion and shall be expended to



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1 fulfill the objective and intent of the appropriation to the
2 extent possible.

3 SECTION 10. In the event manifest clerical, typographical,
4 or other mechanical errors are found in this Act, the board of
5 trustees of the office of Hawaiian affairs is hereby authorized
6 to correct such errors. All changes made pursuant to this
7 section shall be reported to the legislature at its next
8 session.

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

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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 2009-2010 and 2010-2011.

