

---

---

# 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 2019.

5           SECTION 2.   DEFINITIONS.   As used in this Act, unless the  
6 context otherwise requires:

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.   These letter symbols, where  
11 used, shall mean the following:

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 OHA, the abbreviation for the office of  
5 Hawaiian affairs, followed by the organization number for the  
6 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 appropriated or authorized from  
11 the means of financing specified to the office of Hawaiian  
12 affairs for the fiscal biennium beginning July 1, 2019, and  
13 ending June 30, 2021. The total expenditures and the number of  
14 positions in each fiscal year of the biennium shall not exceed  
15 the sums and the numbers indicated for each fiscal year, except  
16 as provided elsewhere in this Act, or as provided by general  
17 law.

18



1

## PROGRAM APPROPRIATIONS

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

ITEM NO.	PROG. ID.	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR	M O F	FISCAL YEAR	M O F
		Hawaiian Affairs					
		OHA150 - OFFICE OF THE TRUSTEES		0.47*		0.47*	
				0.00#		0.00#	
		OPERATING	OHA	89,045A		89,045A	
				4.53*		4.53*	
				0.00#		0.00#	
			OHA	275,687T		275,687T	
		OHA160 - ADMINISTRATION		5.03*		5.03*	
				0.00#		0.00#	
		OPERATING	OHA	1,559,749A		1,559,749A	
				31.97*		31.97*	
				0.00#		0.00#	
			OHA	2,861,727T		2,861,727T	
		OHA175 - BENEFICIARY ADVOCACY		1.47*		1.47*	
				0.00#		0.00#	
		OPERATING	OHA	2,331,785A		2,331,785A	
				18.53*		18.53*	
				0.00#		0.00#	
			OHA	3,172,863T		3,172,863T	



PART III. PROGRAM PROVISIONS

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

SECTION 5. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2019-2020 and the same sums for fiscal year 2020-2021 shall be expended to provide for social services, including referral services and case management, to at-risk office of Hawaiian affairs beneficiaries to immediately address unexpected crises; provided further that program activities shall be designed with an overall objective to provide financial assistance to improve stability during emergency situations; and provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy (OHA175), the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2019-2020 and



# H.B. NO. 172

1 the same sums for fiscal year 2020-2021 shall be expended to  
2 provide for educational improvement programs for native Hawaiian  
3 students; provided further that program activities shall be  
4 designed to help native Hawaiian students succeed academically;  
5 and provided further that notwithstanding section 10-17(e),  
6 Hawaii Revised Statutes, any expenditures for the purposes of  
7 this section shall be in accordance with chapter 103D or 103F,  
8 Hawaii Revised Statutes, or a competitive grants process, as  
9 appropriate.

10 SECTION 7. Provided that of the funds appropriated for  
11 beneficiary advocacy (OHA175), the sum of \$524,400 in general  
12 funds and \$524,400 in trust funds for fiscal year 2019-2020 and  
13 the same sums for fiscal year 2020-2021 shall be expended to  
14 provide for legal services and legal representation to office of  
15 Hawaiian affairs beneficiaries for:

- 16 (1) The assertion and defense of quiet title actions;
- 17 (2) Assistance with ahupuaa and kuleana tenant rights,  
18 including rights of access and rights to water;
- 19 (3) Land title assistance, including review of title and  
20 genealogy;
- 21 (4) Preservation of traditional and customary practices;



1 (5) Protection of culturally significant places; and

2 (6) Preservation of native Hawaiian land trust

3 entitlements;

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

8 SECTION 8. Provided that of the funds appropriated for  
9 beneficiary advocacy (OHA 175), the sum of \$500,000 in general  
10 funds and \$500,000 in trust funds for fiscal year 2019-2020 and  
11 the same sums for fiscal year 2020-2021 shall provide for  
12 housing improvement programs to assist native Hawaiians,  
13 including those that are homeless, at-risk of homelessness, in  
14 transitional housing, in unstable or unaffordable rentals, or in  
15 pursuit of homeownership, to increase their capacity to attain  
16 housing stability. Programs shall be designed with an overall  
17 objective to address barriers that hinder native Hawaiians from  
18 obtaining stable housing; provided that notwithstanding section  
19 10-17(e), Hawaii Revised Statutes, any funds expended for the  
20 purposes of this section shall be in accordance with chapter



1 103D or 103F, Hawaii Revised Statutes, or a competitive grants  
2 process, as appropriate.

3 PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

4 SECTION 9. Provided that whenever necessary, the board of  
5 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 convening of  
13 the regular sessions of 2020 and 2021.

14 SECTION 10. If any provision of this Act, or the  
15 application thereto to any person or circumstance, is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application, and to this end the provisions  
19 of this Act are severable. If any portion of a specific  
20 appropriation is held to be invalid for any reason, the



# H.B. NO. 172

1 remaining portion shall be expended to fulfill the objective of  
2 that appropriation to the extent possible.

3 SECTION 11. 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 authorized to  
6 correct these errors. All changes made pursuant to this section  
7 shall be reported to the legislature at its next session.

8 SECTION 12. This Act shall take effect on July 1, 2019.

9

INTRODUCED BY:



By Request

JAN 17 2019





# H.B. NO. 172

**Report Title:**

OHA Package; State Budget; Program Appropriations; Operating Costs; OHA150; OHA160; OHA175

**Description:**

Appropriates funds for Fiscal Biennium 2019-2021 for operations of the Office of Hawaiian Affairs divisions. Includes operating budgets for Office of Trustees - OHA150; Administration - OHA160; and Beneficiary Advocacy - OHA175.

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

