

ACT 109

H.B. NO. 450

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:

SECTION 1. The purpose of this Act is to appropriate funds for the biennial budget of the office of Hawaiian affairs and this Act shall be known and may be cited as the "Office of Hawaiian Affairs Appropriations Act of 2005."

SECTION 2. Unless otherwise clear from the context, as used in this Act: "Program ID" means the unique identifier of the specific program, and consists of the abbreviation for the office of Hawaiian affairs followed by a designated number for the program.

"Means of financing", or "MOF", means the source from which funds are appropriated or authorized, as the case may be, to be expended for the programs and projects specified in this Act. Letter symbols following appropriations have the following meanings:

A: General Funds

T: Trust Funds

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

SECTION 3. The following sums, or so much thereof as may be necessary to accomplish the purposes and programs designated herein, are appropriated or authorized, as the case may be, from the sources of funding specified to the office of Hawaiian affairs for the fiscal biennium beginning July 1, 2005, and ending June 30, 2007. The total general fund expenditures and the number of permanent positions established in each fiscal year of the biennium shall not exceed the sums and the position ceiling indicated for each year, except as provided elsewhere in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2005-06	M O F	FISCAL YEAR 2006-07	M O F
Hawaiian Affairs							
1.	OHA150 - OFFICE OF THE TRUSTEES						
	OPERATING		OHA	.63*		.60*	
				34,206A		34,206A	
			OHA	4.37*		4.40*	
			OHA	222,095T		232,508T	
2.	OHA160 - ADMINISTRATION						
	OPERATING		OHA	7.40*		7.12*	
			OHA	963,488A		963,488A	
				29.60*		29.88*	
			OHA	2,272,648T		2,357,925T	
3.	OHA175 - BENEFICIARY ADVOCACY						
	OPERATING		OHA	2.40*		2.31*	
			OHA	1,868,585A		1,868,585A	
				17.60*		17.69*	
			OHA	2,818,181T		2,869,991T	

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

SECTION 5. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$365,000 in general funds and \$365,000 in trust funds for fiscal year 2005-2006 shall be expended for services contracted to Alu Like, Inc.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$365,000 in general funds and \$365,000 in trust funds for fiscal year 2006-2007 shall provide for social services to office of Hawaiian affairs beneficiaries to include information and referral services, case management and counseling, establishment of individual development accounts, financial literacy, and financial assistance. Referral services include those relating to education assistance, employment and income security, individual and family care, health needs, housing, legal services, genealogy research, business assistance, and general information; 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, as appropriate.

SECTION 7. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$353,604 in general funds and \$353,604 in trust funds for fiscal year 2005-2006 shall be expended for the gifted and talented native Hawaiian children program, Na Pua No'eau.

SECTION 8. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$353,604 in general funds and \$353,604 in trust funds for fiscal year 2006-2007 shall provide for educational enrichment programs for native Hawaiian children in grades K through 12 throughout the State of Hawaii. Program activities are to be designed to optimize learning for Hawaiian students and are intended to develop a stronger interest in learning, connect learning and education to one's Hawaiian identity, and explore possible educational, career and academic goals the students may have not considered; 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, as appropriate.

SECTION 9. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$592,302 in general funds and \$592,302 in trust funds for fiscal year 2005-2006 shall be expended for the native Hawaiian rights and land title projects contractually administered through the native Hawaiian legal corporation.

SECTION 10. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$592,302 in general funds and \$592,302 in trust funds for fiscal year 2006-2007 shall provide legal services and legal representation to office of Hawaiian affairs beneficiaries for: the assertion and defense of quiet title actions; ahupua'a and kuleana tenant rights, including rights of access and rights to water; land title assistance, including review of title, genealogy, and other traditional and customary practices; protection of culturally significant places; and preservation of native Hawaiian land trust entitlements; 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, as appropriate.

SECTION 11. Provided that whenever the need arises, the administrator of the office of Hawaiian affairs is authorized to transfer sufficient funds and positions between programs for operating purposes; provided further that these transfers shall not be inconsistent with legislative intent; and provided further that a report of these fund transfers shall be made to the legislature no later than thirty days prior to the convening of the 2006 and 2007 regular sessions.

SECTION 12. In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the board of trustees of the office of Hawaiian affairs is hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 13. This Act shall take effect on July 1, 2005.

(Approved June 8, 2005.)