

ACT 140

H.B. NO. 900

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 2009.”

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, 2009 and ending June 30, 2011. 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 M	FISCAL M
				YEAR O	YEAR O
				2009-2010 F	2010-2011 F
Hawaiian Affairs					
1.	OHA150 - OFFICE OF THE TRUSTEES				
	OPERATING		OHA	.63 * 29,935 A	.63 * 29,935 A
			OHA	4.37 * 277,187 T	4.37 * 277,187 T
2.	OHA160 - ADMINISTRATION				
	OPERATING		OHA	7.60 * 808,657 A	7.60 * 808,657 A
			OHA	32.40 * 2,945,528 T	32.40 * 2,945,528 T
3.	OHA175 - BENEFICIARY ADVOCACY				
	OPERATING		OHA	2.86 * 1,631,067 A	2.86 * 1,631,067 A
			OHA	14.14 * 2,588,132 T	14.14 * 2,588,132 T

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 \$381,020 in general funds and \$381,020 in trust funds for fiscal year 2009-2010 and the sum of \$381,020 in general funds and \$381,020 in trust funds for fiscal year 2010-2011 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 6. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$596,668 in general funds and \$596,668 in trust funds for fiscal year 2009-2010 and the sum of \$615,570 in general funds and \$615,570 in trust funds for fiscal year 2010-2011 shall provide for educational enrichment programs for native Hawaiian children in grades K through 12 throughout the State. 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 not have 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 7. Provided that of the funds appropriated for beneficiary advocacy (OHA 175), the sum of \$491,981 in general funds and \$491,981 in trust funds for fiscal year 2009-2010 and the sum of \$473,080 in general funds and \$473,080 in trust funds for fiscal year 2010-2011 shall provide legal services and legal representation to office of Hawaiian affairs beneficiaries for: the assertion and defense of quiet title action assistance with ahupua'a and kuleana tenant rights, including rights of access and rights to water; land title assistance, including review of title and genealogy; preservation of 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 8. Provided that of the general fund appropriation for the office of Hawaiian affairs (OHA 175), the sum of \$87,768 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$87,768 or so much thereof as may be necessary for fiscal year 2010-2011 shall be expended to establish the Achieving the Dream Initiative for Native Hawaiian students located at the Hawaii Community College; provided further that the funds in fiscal year 2009-2010 and fiscal year 2010-2011 shall be expended to fund three (3.00 FTE) positions; provided further that these funds shall not be expended for any other purpose; provided further that no funds shall be expended unless matched on a 1:1 basis by a trust fund expenditure by the office of Hawaiian affairs; and provided further that any unexpended funds shall lapse to the general fund.

SECTION 9. Provided that of the general fund appropriation for the office of Hawaiian affairs (OHA 175), the sum of \$70,000 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$70,000 or so much thereof as may be necessary for fiscal year 2010-2011 shall be expended to establish a research and training program for native Hawaiian students of the Hawaii Institute of Marine Biology; provided further that these funds shall not be expended for any other purpose; provided further that no funds shall be expended unless matched on a 1:1 basis by a trust fund expenditure by the office

of Hawaiian affairs; and provided further that any unexpended funds shall lapse to the general fund.

SECTION 10. Provided that whenever the need arises, the board of trustees of the office of Hawaiian affairs or their designee 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 2010 and 2011 regular sessions.

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

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, 2009.

(Approved June 22, 2009.)