

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:

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the office of Hawaiian affairs Appropriations Act of 2023.

PART II. PROGRAM APPROPRIATIONS

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for beneficiary advocacy.

The sums appropriated shall be expended by the office of Hawaiian affairs for the purposes of this Act.

SECTION 3. There is appropriated out of the public land trust fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for beneficiary advocacy.

The sums appropriated shall be expended by the office of Hawaiian affairs for the purposes of this Act.

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for office of Hawaiian affairs beneficiaries for occupancy-ready housing needs.

SECTION 5. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 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; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purpose 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, the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended to provide for educational improvement programs for Native Hawaiian students; provided further that program activities shall be designed to help Native Hawaiian students prepare for post-secondary education and economic stability pursuits to support families and communities; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any

expenditures 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 7. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$600,000 in general funds and \$600,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended to provide for legal services and legal representation to office of Hawaiian affairs beneficiaries for:

- (1) The assertion and defense of quiet title actions;
- (2) Assistance with ahupua`a and kuleana tenant rights, including rights of access and rights to water;
- (3) Land title assistance, including review of title and genealogy;
- (4) Preservation of traditional and customary practices;
- (5) Protection of culturally significant places, including iwi kūpuna protections;
- (6) Preservation of Native Hawaiian land trust entitlements;
- (7) Home ownership retention strategies for Native Hawaiians; and
- (8) Family law-related matters, including adoption, foster care, child welfare, incarcerated individuals, guardianship, elder care, and similar matters;

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

SECTION 8. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for protections of `āina (land and water), including climate change adaptation and mitigation strategies and practices.

SECTION 9. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$370,000 in general funds and \$370,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for `ohana (families and communities) economic stability.

PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 10. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$3,000,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,066,767,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

ACT 71

SECTION 11. Provided that, whenever necessary, the board of trustees of the office of Hawaiian affairs or the board's designee may transfer sufficient funds and positions between programs for operating purposes; provided further that these transfers shall be consistent with legislative intent; provided further that the office of Hawaiian affairs shall submit a report to the legislature of all uses of this authority for the previous twelve-month period from December 1 to November 30, no later than twenty days prior to the regular sessions of 2024 and 2025.

SECTION 12. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 13. 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 authorized to correct these errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 14. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.